

DEVELOPMENT MANAGEMENT COMMITTEE – 18th NOVEMBER 2024

LATE REPRESENTATIONS SUMMARY

3(a) 24/01323/FUL - Proposed change of use of land to residential curtilage and erection of a detached self-build residential annexe at Land North of Abbots House, Priory Gardens, Chesterton.

In relation to points 7.30 and 7.31 of the Officer Report. The agent has now submitted a Tree Protection Plan which has been reviewed by HDC's Arboricultural Officer and which is considered to be acceptable. Compliance with this plan shall be secured by condition but there is no longer a requirement for a future submission prior to commencement of any development in relation to arboricultural matters should permission be granted.

3(b) 24/00694/FUL- Proposed Change of Use of Land to Residential Curtilage and Erection of a Greenhouse Dome (Retrospective) at Land North of Abbots House, Priory Gardens, Chesterton.

Officers note the HDC site plan shown on page 44 of the reports pack does not accord with the submitted site location plan on page 45.

The HDC plan on page 44 of the reports pack is reflective of the location plan initially submitted as part of the application. The initial red line boundary included the entire extent of land within the applicant's ownership.

During the course of the application the extent of the red line boundary was reduced to match that of location plan submitted under application ref 24/01323/FUL (drawing ref JDA/2024/655/location/001 rev B).

Please see appendix 1 for an updated HDC plan.

3(c) 24/00021/FUL- Retrospective conversion of existing warehouse into an ancillary meat packing facility and associated works - 16 Latham Road, Huntingdon, PE29 6YE.

Officers note the late representations from Huntingdon Business Centre (appendix 2). This has been reviewed by the Planning Officer and the Environmental Health Officer. The late representations do not raise anything significantly different from previous representations and does not provide any further compelling evidence to alter the advice from Environmental Health.

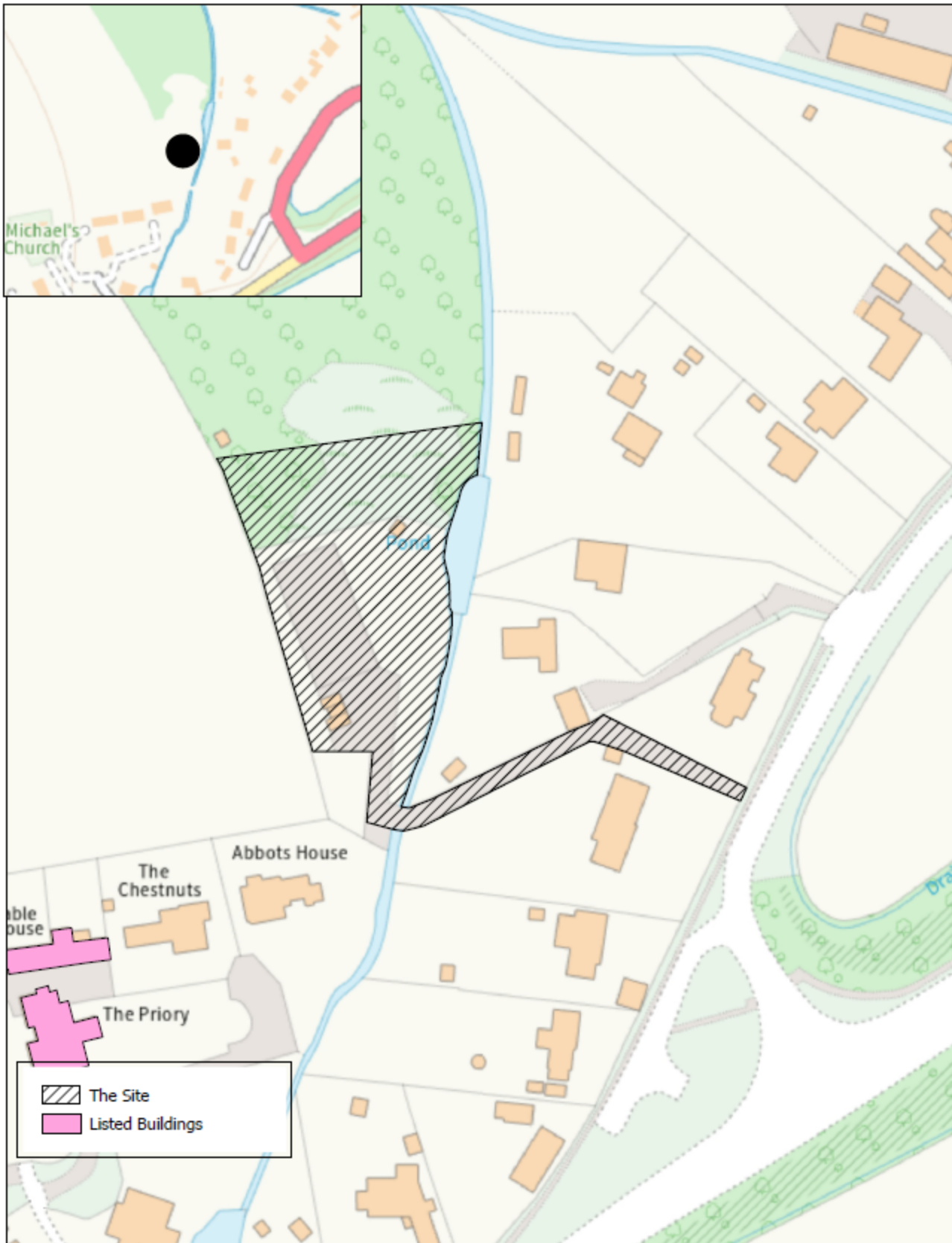
With regard to the concerns raised about conditioning a noise assessment it should be noted that the CIEH Noise Management Guide Technical Guidance Note 1: Example Planning Conditions contain a condition regarding Verification reporting and state: 'Post-completion verification testing offers comfort that the measures identified have been properly implemented. Post-completion testing can relate to any matter subject to planning consent'. Therefore this approach, should it be utilised, is considered appropriate.

The officer recommendation of approval subject to conditions remains the same.

Appendix 1

Development Management Committee Application Ref: 24/00694/FUL

Scale = 1:1,250
Date Created: 13/11/2024



Appendix 2



Our ref: TDK/HBC

Your ref:

13th November 2024

Huntingdonshire District Council
Development Services
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

St Neots Office

The Fairways
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Great North Road
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EMAIL ONLY

Dear Sir/Madam,

Planning Application for Retrospective conversion of existing warehouse into an ancillary meat packing facility and associated works at 16 Latham Road, Huntingdon, PE29 6YE (LPA Ref: 24/00021/FUL)

I am writing on behalf of the Huntingdon Business Centre (HBC) to provide late representations concerning the above-listed application before next week's DMC meeting.

Noise Rebuttal Note (Spectrum Acoustics)

We previously requested additional time for HBC's noise consultant (Spectrum Acoustic) to provide a formal rebuttal to the EHO's comments but were not given a formal window to provide representations. However, with the application now being brought to DMC this has provided our client with a 'small window' for Spectrum to produce a Technical Rebuttal Note. The key points from Spectrum's Technical Note are summarised below:

- The equipment is extremely close (4m) from the offices, and noise levels are currently 85dB at 1m from the façade of the offices, which Spectrum describes as **"hugely significant."**
- The equipment's sound power level has been significantly underestimated by 12dB(A). Spectrum calculates that noise levels outside the offices would be 64dB, which is very noisy (like standing next to a busy road). However, unlike roads with variations in vehicle flow, the plant operates 24/7.
- The latest mitigation scheme indicates that it can achieve an attenuation factor of 21dB(A). Spectrum outlines that this is unrealistic in practice.
- With the proposed mitigation measures in place, Spectrum calculates noise levels from the plant would exceed the internal noise criteria set out in BS 8233:2014 with closed or open windows.
- The windows need to be open regularly for ventilation and cooling, as the building does not incorporate any form of passive or mechanical ventilation.
- Even though the HBC is not used for residential purposes, Spectrum outline that the excesses indicate that there is still a **"hugely significant"** noise impact present for office workers.
- The proposed plant equipment and mitigation measures will require regular maintenance for it to work efficiently. No details of this have been provided by the applicant or local authority.
- No specific details of the proposed conditions have been provided. It is not the appropriate mechanism to condition a noise impact assessment; this information should be provided upfront, particularly as a

suitable noise mitigation solution is unlikely to be effective given the high levels of noise emitted by the plant equipment and the proximity of the plant to the offices at the HBC.

Legal Advice (Howes Percival)

Separately, as noted in the Committee Report, HBC's Legal Advisors (Howes Percival) wrote to the Planning Officer on 27th September 2024, expressing strong concerns with their recommendation for approval under delegated powers and outlining that any permission granted would be at **"risk of legal challenge."** Although the application will be determined at DMC, Officers are still recommending approval, so Howes Percival's comments remain relevant, and this email is re-attached to this letter for reference.

Howes Percival's response referred to two relevant legal cases, including the Court in Cemex (UK Operations) Ltd v Richmondshire District & Anor [2018], where the mitigation included the closing of windows held that the Council failed to have proper regard to specific text in the Planning Policy Guidance (PPG). In response to this, the Committee Report states that *"Cemex case that is referenced appear to be commercial noise impact on a residential property - not industrial to commercial as is the case here."* The relevant extract from the PPG does not refer to it only being implacable for residential uses; as such, it remains a relevant legal case.

Moreover, Howes Percival's response also raised strong concerns with the EHO recommendation that a noise impact assessment be completed within 3 months of the work being completed, particularly as Spectrum assesses that a mitigation solution is **"unlikely to be effective"** due to noise levels and proximity of the plant equipment.

Huntingdon Business Centre

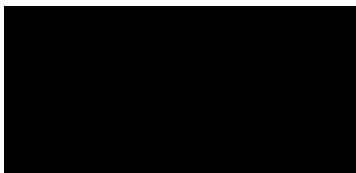
On a separate note, the owner of the HBC, Mrs Marion English, has written to provide further context on the very significant impact that the noise generated from the unauthorised plant equipment has had on the occupancy rates of the office units over the past three years. The HBC cannot attract new tenants to the office units affected by the noise impact. Initially, they raised concerns directly with the Applicant and latterly during the two retrospective planning applications and have submitted numerous representations and instructed planning (Brown&Co), noise (Spectrum) and legal (Howes Percival) professionals to assist them at significant expense.

Summary

In light of the above, we recommend the application be refused and an enforcement notice issued alongside the decision notice to ensure that any appeal is made concurrently, reducing the need for multiple appeals. An enforcement notice should be carefully worded to require the full removal of the harmful plant equipment.

We request that a copy of this letter, Spectrum's Technical Note (dated 12.11.24), Howes Percival's email (dated 27.09.24) and HBC's letter (dated 12.11.24) be added as Late Representations and be distributed to interested parties, including Committee Members in advance of next week's meeting.

Yours sincerely



Associate - Planner

For and on behalf of Brown & Co - Property and Business Consultants LLP

E: [REDACTED]@brown-co.com

Mob: [REDACTED]

DDI: [REDACTED]

To	[REDACTED]
Company	Huntingdon Business Centre
From	[REDACTED]
Date	12 November 2024
Our Ref	RK3802/24185
Your Ref	24/00021/FUL
Page	1/4

**16 LATHAM ROAD, HUNTINGDON
EXTERNAL CHILLERS – NOISE MITIGATION STRATEGY**

Hilton Foods UK installed mechanical services plant comprising of a large chiller unit with twenty fans on the southern aspect of Unit 16, Latham Road, which is just 4 meters from office windows located at Huntingdon Business Centre, 14-16 Blackstone Road, Stukeley Meadows Industrial Estate, Huntingdon, PE29 6EF. The equipment has been operating continuously since approximately 2020/21 and a second retrospective planning application is currently being considered (LPA Ref: 24/00021/FUL).

Clover Acoustics previously assessed the noise impact from the plant and provided a summary in their report of 4 March 2024. The Clover Acoustics report has since been revised in July 2024 to include an appraisal of an acoustic enclosure option and in August 2024 to include a revision to the acoustic layout.

Huntingdonshire District Council's Environmental Protection Officer reviewed the latest report prepared by Clover Acoustics in August 2024, as well as Spectrum's previous submissions. Comments were provided and have been incorporated into the Committee Report which has been prepared ahead of the Development Management Committee meeting which is to be held at The Civic Suite in Huntingdon on Monday 18 November 2024.

This response will focus on the comments provided by the Environmental Protection Officer in the Committee Report.

"Huntingdonshire District Council's Environmental Protection Team (12.09.24) – Following receipt of an updated Noise Mitigation Strategy (dated 22nd August 2024) and amended plans it is considered there are insufficient grounds for refusal. The predicted sound levels from the plant, once mitigated are likely to be acceptable and should not give rise to significant adverse impacts on health and quality of life in a workplace. Request a noise impact assessment be completed within 3 months of the works being completed to demonstrate that the sound levels from the plant meet the internal guideline sound levels. Also recommend a condition to ensure that the works proposed within the Clover Noise Mitigation Strategy, dated 22/08/2024 are completed within a specified timeframe from the date of permission."

The Environmental Protection Officer is uncertain about whether noise levels from the plant are likely to be acceptable, to such an extent that they are proposing the conditioning of a noise impact assessment. It is not the appropriate mechanism to condition a noise impact assessment; this information should be provided upfront, particularly, as a suitable noise mitigation solution is unlikely be effective given the high levels of noise emitted by the plant equipment and the proximity of the plant to the offices at the Huntingdon Business Centre.

Distribution

Name	Company
(see email cover sheet)	

"7.19 Sound power levels of the unit have been provided and these are in line with monitoring completed by WBM and Clover Acoustics on behalf of the applicant. Huntingdon Business Centre, located adjacent to Hilton Foods have also employed an acoustic consultant (Spectrum Acoustics) who attended the site in July 2024 and gained a measurement of 85dB(A) at 1m from the façade of their building. This is 6dB higher than the level modelled and predicted by Clover Acoustics utilising the onsite measurements and the provided sound power levels. The figure of 85dB(A) will include reflections and potential weather impacts, therefore there is a level of uncertainty with the proposed 104dB sound power level modelled by Spectrum (12dB higher than the manufacturers information)."

The equipment sound power levels quoted in the WBM and Clover Acoustics reports have been taken directly from the manufacturer's data sheet. Kelvion supplied the unit and claim in their data sheet an overall sound power level of 92dB(A). Spectrum have measured a number of other Kelvion units in-situ and have found that the sound power levels claimed in their data sheets are often underestimated once the units are operational. In this instance, the unit is very large (around 12 meters long and 2.5 meters wide). For such a large unit, a sound power level of 92dB(A) seems very low. Based on our measurements at 1m from the façade of the Huntingdon Business Centre, some 4m from the acoustic centre of the unit, the measured sound pressure level was 85dB(A). Our calculations indicate that this equates to an overall sound power level of 104dB, which is much more realistic for a unit of this size. The calculations were double checked and do factor in the directivity and reflections from the nearby buildings which was flagged by the Environmental Protection Officer.

"7.20 The proposed attenuation is predicted to provide a reduction in sound levels of 21dB. This results in an external level at the nearest receptor of 58dB(A) according to Clover or 70dB(A) according to Spectrum (however this figure appears incorrect as 85dB – 21dB would result in 64dB – this was queried with Spectrum)."

The proposed mitigation scheme claims to have the capability of attenuating noise levels from the plant by 21dB. Spectrum have significant concerns as to whether this is realistic, given the scale and location of the equipment.

"7.23 In line with BS8233 guidance, the target internal sound levels are therefore likely to be met with the windows closed – however, the guideline sound levels may be breached when windows are open. There is a balance between the competing demands of closed windows to mitigate external noise ingress into offices, and of open windows to provide reasonable ventilation / thermal conditions. The points that have been considered in this case are the location and surrounding land use, as well as the direction of the most impacted windows (located on the northern façade, therefore unlikely to have significant solar gains), availability of windows on quieter facades, overall sensitivity of the receptor, and the expectation of being able to open windows and meet internal guidelines."

BS 8233 guidance recommends a target for the lower limit of 35dB(A), but also offers an upper limit of 45dB(A) for staff/meeting rooms and 40dB(A) for an executive office. As the noise from the plant contains a specific character which is different from the noise environment previously experienced at the offices before the plant was operational, Spectrum strongly recommends the lower limit of 35dB(A) be used here.

The sound power level of the Kelvion chiller has been significantly underestimated (12dB). Consequently, even if 21dB attenuation can be achieved by the proposed mitigation scheme, noise levels inside the offices would exceed the internal noise criteria set out in BS 8233:2014 with the windows closed. There are no trickle vents or other methods of ventilation currently in place at the offices. Therefore, even though the office windows face north, they need to be regularly opened in order to ventilate and cool the internal spaces. Consequently, keeping the windows permanently closed is not a realistic option for the Huntingdon Business Centre. Furthermore, the owners of the Huntingdon Business Centre are under no obligation to upgrade the façade of the building in order to improve its sound insulation performance.

“7.24 A relaxation of the guideline levels during periods when windows are open is considered reasonable in the case of naturally ventilated buildings or where the occupants of a commercial building have the option of opening windows for occasional periods, especially on an industrial estate such as this where there is an expectation of noise. Taking these factors into account it is not considered unreasonable in an industrial setting to have periods where workers are exposed to higher levels of noise (above the recommended guidelines) if they wish to have windows open to prevent overheating, as there should be a reasonable expectation of some noise in this location. The point raised by Spectrum Acoustics about the anonymous nature of noise is noted, however in BS8233 this appears to be given more weighting for residential premises.

7.25 Using a -13dB reduction for windows partially open this would result in levels internally in the region of 45dB(A) or 51dB(A) if using the higher level of 64dB(A) externally predicted by Spectrum.”

If the windows are to be opened, noise levels inside the offices would be around 51dB(A), providing the mitigation measures can fulfil the 21dB attenuation claims. Although the area is commercial in nature, it cannot be considered reasonable to expect people to carry out work within an office where noise levels are in excess of 50dB(A) for any period of time. The plant equipment operates 24/7, so there are no opportunities for respite. The impact of noise from the chiller plant equipment on the offices at the Huntingdon Business Centre is hugely significant and is disrupting the current occupiers of the offices. The offices most affected by the noise have been left vacant during this period of time, with prospective tenants citing the noise as the primary reason against moving their businesses' to the Business Centre. The Business Centre has been forced to significantly reduce rates to entice renters, with limited success. Even if noise levels from the plant can be attenuated by 21dB(A), these problems will persist.

“7.27 The adjacent premises has also raised the issue of the impact on an external amenity area. The Council's Environmental Health Team note that there is no relevant noise guidance for commercial external amenity areas. Spectrum Acoustics have referred to BS4142 in the submitted NMS, however within the scope of BS4142 it specifically stipulates that its use is to assess the likely effects of sound on people who might be “inside or outside a dwelling or premises used for residential purposes upon which sound is incident”, therefore it is considered inappropriate for use in this instance.”

Whilst BS 4142:2014+A1:2019 *Methods for rating and assessing industrial and commercial sound* does not strictly apply here, it is helpful to provide some context. External noise levels outside of the office windows are around 85dB(A). The background $L_{A90,T}$ levels are unknown, but it is expected that the rating level from the plant would be around 40dB(A) above the background $L_{A90,T}$ levels.

Generally, the greater the difference by which the Rating Level exceeds the Background Sound Level, the greater the magnitude of impact. BS 4142 states that ‘a difference of around +10 dB or more is likely to be an indication of a significant adverse impact [...]. A difference of around +5 dB is likely to be an indication of an adverse impact [...]. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact.’

Despite the fact that the Business Centre is not used for residential purposes, the excesses indicate that there is still a hugely significant noise impact present. Even with the proposed mitigation measures in place, this would still be the case.

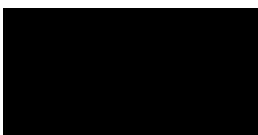
"7.29 Based on the information provided, the Council's Environmental Health Team have therefore concluded that there are insufficient grounds for refusal of planning permission in this instance. The predicted sound levels from the plant, once mitigated via suitably worded conditions, are likely to be acceptable and should not give rise to significant adverse impacts on health and quality of life in a workplace."

Spectrum have a number of concerns relating to this application and we believe that planning permission should be not be granted for the following reasons:

- The equipment is just 4m away from the façade of the offices. This is extremely close.
- Noise levels are currently 85dB at 1m from the façade of the offices. This is hugely significant.
- The equipment Sound Power Level has been significantly underestimated by 12dB(A).
- The latest mitigation scheme indicates that it can achieve an attenuation factor of 21dB(A). This is unrealistic in practice.
- Based on a sound power level of 104dB(A), noise levels outside of the offices would be 64dB, providing the mitigation can achieve what is claimed. This is still very noisy, as is comparable to standing next to a busy road. However, unlike roads where there are natural variations in vehicle flow, the plant operates continuously 24/7.
- Noise from the plant contains a specific character which is very different from the noise environment previously experienced at the offices before the plant was operational.
- With the proposed mitigation measures in place, noise levels from the plant would exceed the internal noise criteria set out in BS 8233:2014 with the windows closed.
- With the proposed mitigation measures in place, noise levels from the plant would significantly exceed the internal noise criteria set out in BS 8233:2014 with the windows open.
- The proposals indicate that the scheme works acoustically if the office windows are permanently closed. Spectrum disagrees with this, and furthermore, the windows need to be open regularly for ventilation and cooling, as the building does not incorporate any form of passive or mechanical ventilation.
- Whilst BS 4142:2014+A1:2019 *Methods for rating and assessing industrial and commercial sound* does not strictly apply here, it is helpful to provide some context. Even though the Business Centre is not used for residential purposes, the excesses indicate that there is still a hugely significant noise impact present. Even with the proposed mitigation measures in place, this would still be the case.
- The offices most affected by the noise have been left vacant since the plant was installed, with prospective tenants citing the noise as the primary reason against moving their businesses' to the Business Centre. The Business Centre has been forced to significantly reduce rates to entice renters, with limited success. Even if noise levels from the plant can be attenuated by 21dB(A), these problems will persist.
- The proposed plant equipment and mitigation measures will require regular maintenance in order for it to work efficiently. No details of this have been provided by the applicant or local authority.
- No specific details of the proposed conditions have been provided. Paragraph 8 states that a suitably worded "Noise Mitigation Strategy" should be conditioned. It is not the appropriate mechanism to condition a noise impact assessment; this information should be provided upfront, particularly, as a suitable noise mitigation solution is unlikely be effective given the high levels of noise emitted by the plant equipment and the proximity of the plant to the offices at the Huntingdon Business Centre.

Based on the above, Spectrum strongly recommends planning permission is not granted.

Regards



Principal Consultant



14 Blackstone Road
Stukeley Meadows
Industrial Estate
Huntingdon
PE29 6EF
01480 458600
info@huntingdonbusinesscentre.co.uk

Date: 12th November 2024

To Whom It May Concern:

I write to you with significant concern regarding the proposal to approve this second Retrospective Planning Application reference 24/00021/FUL.

Over thirty years ago, my husband and I built Huntingdon Business Centre to create a flexible leasing solution for small businesses to grow their business without the burden of a long-term leasing agreement. Over the years, we have seen over 50 businesses base themselves through Huntingdon Business Centre; some of which have grown and remained with us for over twenty years, others have graduated from the building to larger premises. We are extremely proud to have played our part in growing the business community in Huntingdon. Despite the last three very difficult trading years, we have continued to provide economic flexibility to our business' tenants, significantly to those most affected by the COVID pandemic, rising energy costs and supply chain shortages.

Meanwhile, while we were working to support our tenants during difficult economic times, the applicant decided to proceed to install plant and equipment without planning permission, with the assumption that their business case as a larger company would override the concerns of our smaller business.

The installation of 20 number refrigeration fans a mere four meters from our boundary has resulted in not only a loss in income but has also materially damaged our property value. However, we have been unable to attract new tenants to the office units affected by the noise pollution generated by the 20 chiller units which run 24 hours a day, 365 days a year

I am grateful to [REDACTED] of Spectrum Acoustics and [REDACTED] of Brown & Co who will outline to you why the current proposal continues to fall short in mitigation of the noise generated by the 20 chillers.

Over three years, we have raised our concerns directly with the applicant, registered our objections throughout the two retrospective planning applications submitted by the applicant and have challenged the numerous issues reflected in multiple Noise Mitigation Strategies. No acceptable solution, such as requiring Huntingdon Business Centre to keep its windows closed at all times and installing air conditioning units to be operated at our expense, has been offered to me. Furthermore, while Hilton Foods has consistently been afforded opportunities to resubmit or clarify their application, our business operations have continued to suffer over a three year process.

I recognize that we have presented a great deal of information to you; I appreciate your time to fully review the materials available for this evening's meeting.

I humbly implore the committee to make a decision to reject this latest Retrospective Planning Application, to request that the applicant work with the Planning Authorities, the Environmental Health Authority and ourselves to ensure that a manageable solution can be achieved and that our concerns are fully met.

Sincerely,

[REDACTED]

From: [REDACTED]@howespercival.com>
Sent: 27 September 2024 14:54
To: [REDACTED]@huntingdonshire.gov.uk
Cc: [REDACTED]@huntingdonshire.gov.uk; [REDACTED]
developmentcontrol@huntingdonshire.gov.uk;
environmental.health@huntingdonshire.gov.uk;
[REDACTED]@huntingdonshire.gov.uk; [REDACTED]@huntingdonshire.gov.uk;
[REDACTED]@huntingdonshire.gov.uk; [REDACTED]@huntingdonshire.gov.uk;
[REDACTED]@huntingdonshire.gov.uk; [REDACTED]@huntingdonshire.gov.uk;
[REDACTED]@huntingdonshire.gov.uk; [REDACTED]
Subject: [EXTERNAL] 24/00021/FUL | Retrospective conversion of existing warehouse into an ancillary meat packing facility and associated works | 16 Latham Road Huntingdon PE29 6YE
Importance: High

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear [REDACTED]

Further to our email below, we are now instructed in relation to this matter. It is most concerning that this application is now being recommended for approval under delegated powers and we consider that any permission that is granted would be at risk of legal challenge.

Paragraph 193 of the National Planning Policy Framework is clear:-

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The planning guidance in respect of noise is also clear:-

*Increasing noise exposure will at some point cause the 'significant observed adverse effect' level boundary to be crossed. Above this level the noise causes a material change in behaviour **such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout.** While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused (our emphasis added).*

The EHO acknowledges in his response that the sound levels exceed those that would be considered acceptable and that mitigation measures are required to bring sound levels to a more acceptable level.

There are serious doubts over whether any reasonable mitigation between the parties could be effective in securing an acceptable standard of environment. The Applicant's noise mitigation solution relies on our client's windows being closed at all times to achieve a suitable solution. The Court in *Cemex (UK Operations) Ltd v Richmondshire District & Anor [2018]* where the mitigation included the closing of windows held that the Council failed to have proper regard to the PPG.

We would also refer you to *R (oao Ornuu Ingredients Ltd) v. Herefordshire Council [2018]*. Where even though the outline planning permission was subject to a pre-commencement condition requiring noise mitigation be submitted and approved before commencement of development, the court quashed the approval of reserved matters on the basis that there were serious concerns that any mitigation measures were likely to be inadequate, given the layout proposed.

The position here is exacerbated by the fact that the application is retrospective as there is no scope to impose any pre-commencement or pre-occupation conditions. A suitable noise mitigation solution is unlikely feasible given the proximity of the plant equipment to the office unit as confirmed by our client's noise consultant. In fact, our client's noise consultant considers it physically impossible to achieve acceptable noise levels due to the close proximity of the plant equipment and the extremely high noise levels it generates.

The recommendation by the EHO that a noise impact assessment be completed within 3 months of the works being completed to demonstrate that the sound levels from the plant meet the internal guideline sound levels adds to these concerns. These are serious concerns and the impact that this will have for our client's property are significant and as concluded by our client's noise consultant this development is **"hugely significant and is disrupting the current occupiers of the office"**.

The issue in respect of noise is very much a live issue and any local planning authority acting reasonably should not be granting planning permission (particularly retrospectively) when it is still clear that the sound levels exceed those that could be considered acceptable and it is unclear (although we consider doubtful and potentially impossible based on our expert evidence) whether the mitigation measures are feasible and could in any event obviate these concerns given the proximity of the plant equipment to our client's unit.

If the council is not prepared to refuse the application at this stage then it is imperative that additional time is provided to afford our client the opportunity to instruct its noise consultant to provide a full rebuttal to the EHO's latest correspondence in so far as this has not already been provided. If the council proceeds to grant this application then it is likely that we will be instructed by our client to consider a judicial review.

Regards

██████████
██████████
Milton Keynes
Howes Percival LLP
Direct Dial: 0116 2473530
Mobile: 07974 288678

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This communication is sent for and on behalf of Howes Percival LLP.

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From: [REDACTED]

Sent: Friday, September 20, 2024 12:34 PM

To: [REDACTED]

Cc: [REDACTED]
[REDACTED]

Subject: 24/00021/FUL | Retrospective conversion of existing warehouse into an ancillary meat packing facility and associated works | 16 Latham Road Huntingdon PE29 6YE

Dear [REDACTED]

We have been contacted today by [REDACTED] of Brown & Co (copied in) who has been in correspondence with you in connection with this application on behalf of his client Huntingdon Business Centre who owns the office unit adjacent to the Hilton Foods meat processing unit in Huntingdon.

Serious concerns have been raised in respect to this application, particularly in relation to noise (and the potential imposition of conditions which would not obviate those concerns and questions have also been raised in regard to the legitimacy of those conditions in any event) which remains unresolved and we are now in the process of opening a file so we can take instructions and respond properly on this matter. We can see from the portal that this application has been with the council for several months (since the beginning of the year) and the issues are very much live issues which are not resolved. In the circumstances, we would request that you hold off determining this application until we have opened our file, taken instructions and have had the opportunity to respond on this matter. We expect to be in a position to provide a response within the next 10 working days. In any event, in view of the objections and how contentious this matter has become determination of this application by planning officers under Delegated Powers is unlikely to be appropriate.

Regards