

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 17 October 2012 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice Chairman)

Councillors: WLS Bowen, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, TM James, Brig P Jones CBE, MD Lloyd-Hayes, FM Norman, P Rone and GR Swinford

**In attendance:** Councillors MJK Cooper

**67. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors PA Andrews, JG Lester, G Lucas, RI Matthews and PJ Watts.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors TM James, P Rone, JA Hyde and WLS Bowen attended the meeting as substitute members for Councillors PA Andrews, JG Lester, G Lucas and RI Matthews.

**69. DECLARATIONS OF INTEREST**

7. N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ.  
Councillor DW Greenow, Non-Pecuniary, The Councillor is a Member of the River Lugg Internal Drainage Board.

7. N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ.  
Councillor FM Norman, Non-Pecuniary, The Councillor is a Member of the River Lugg Internal Drainage Board.

7. N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ.  
Councillor J Hardwick, Non-Pecuniary, The Councillor is a Member of the River Lugg Internal Drainage Board.

7. N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ.  
Councillor WLS Bowen, Non-Pecuniary, The Councillor is a Member of the River Lugg Internal Drainage Board.

8. S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ.  
Councillor J Hardwick, Non-Pecuniary, The Councillor knows the applicant and is also a Member of the Wye Valley AONB Joint Advisory Committee.

8. S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ.

Councillor JA Hyde, Non-Pecuniary, The Councillor is a Member of the Wye Valley AONB Joint Advisory Committee.

8. S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ.

Councillor PGH Cutter, Non-Pecuniary, The Councillor is Vice-Chairman of the Wye Valley AONB Joint Advisory Committee.

8. S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ.

M Robinson (Officer), Non-Pecuniary, The Officer knows the applicant in a professional capacity (*The Officer chose to leave the meeting for the duration of the item*)

10. S120972/CD - OUR LADY'S PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN.

Councillor JA Hyde, Non-Pecuniary, The Councillor was previously the Cabinet Member for Children's Services.

10. S120972/CD - OUR LADY'S PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN.

Councillor P Rone, Non-Pecuniary, The Councillor knows the Public Speaker.

## **70. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 19 September 2012 be approved as a correct record and signed by the Chairman.**

## **71. CHAIRMAN'S ANNOUNCEMENTS**

The Head of Neighbourhood Planning advised Members that there was a Planning Enforcement Session planned for the 30 October 2012 and that this session was open to all Members.

He also advised that the next meeting of the Planning Committee, scheduled for 7 November 2012, would be an all-day meeting.

The Chairman notified the Committee that Councillor MD Lloyd-Hayes, a long standing Member of the Planning Committee, was being moved to the newly formed Health Scrutiny Committee and that she would be replaced by Councillor A Powers from the next meeting. He thanked her for her hard work and contribution over the previous years.

## **72. APPEALS**

The Planning Committee noted the report.

## **73. N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE 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.

He advised that there were three separate applications that had been presented to the Committee in one composite report. The first application had been deferred previously by the committee due to further information being required regarding odour and traffic issues. As a result of the deferral the applicant had now agreed to amend the traffic

management plan which was subject of an earlier application to require all HGV's to leave the site in a Northerly direction. In respect of the odour issue related to the production of popcorn, the Principal Planning Officer drew members' attention to the comments of the odour consultant.

He advised Members that the second application was a retrospective application for a water tank and pumphouse for a sprinkler system on the site. He added that the primary concerns in respect of the application appeared to be the visual impact of the water tank, although he was of the opinion that this had been addressed through condition 2 of his recommendation.

The third application was for a 26 metre high chimney stack which had been identified as a consequence of an earlier permission requiring the applicant to reduce odour resulting from the production of potato chips. He advised Members that the three year commencement condition should be replaced with a condition requiring the chimney stack to be completed within a specified period. Upon consultation with the applicant, a period of eight months was considered to be reasonable, and an appropriately worded condition to reflect this was suggested. He also drew Members' attention to the Committee Update Sheet and noted that there had been two letters received regarding odour from the manufacture of popcorn and not one letter as previously stated.

In accordance with the criteria for public speaking, Ms Ford and Mr Block, two of the neighbouring residents, spoke in objection to the application and Mr Worrall, representing the applicants, 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:

- That he supported Tyrell's as a brand and a company.
- That Tyrell's should not expand its existing site any further due to the impact it would have on the neighbouring residents.
- Any proposal needed to be sustainable.
- He had no objection to the water tank application subject to it being painted a suitable colour.
- He could not support the second application as it was an expansion to the current enterprise.
- He could not support the chimney stack application as there were more sustainable methods of filtration that had not been fully investigated. The stack would also have an unacceptable impact on the landscape.

A member of the Committee opened the debate by speaking in support of the three applications. He did however note that it was a difficult balance between the needs of the applicant and the concerns of the local residents. He gave a brief background to the site and acknowledged that Tyrells farm had always been a large agricultural operation and that prior to potato chip manufacture the farm was a large scale potato farm. He had some concern that the amendment to the Travel Plan resulted in all vehicles passing one of the neighbouring resident's home and requested clarification regarding any time restrictions when heavy goods vehicles could enter or exit the site. In summing up he stated that moving Tyrells was not the answer as the brand was established and marketed as a Herefordshire farm diversification and was a brand that the County could be proud of. If forced to move site they may consider moving outside of the County which would be detrimental to the County as a whole. He added that the applicant had worked with the Council to mitigate the impact of the applications and that the three application should be approved.

In response to a series of questions from the Committee, the Principal Planning Officer confirmed the following:

- That the traffic plan did limit the number of night time HGV movements to and from the site.
- There may be an engineering solution to the highways issue but that would have to go through a traffic regulation order which was a completely separate consultation process and therefore its outcome could not be guaranteed.
- The Traffic Management Plan was the subject of an earlier planning permission which had already been approved. The applicant had volunteered to amend the plan accordingly as a result of discussions with the planning department, however the production of popcorn would result in a minimal addition to vehicle movements to and from the site.
- Any future applications would have to be determined on their merits, it would however not be correct to try to prohibit any further planning applications through a legal agreement as part of any of the three applications being determined today.
- Could an informative note be added to the resolution advising of the Committee's concerns in respect of future development on the site.

Members discussed the report and agreed that they had no real concerns with either application 1, which was for a change of use, or application 2, for the provision of a sprinkler system comprising the erection of a water tank and pump room building, however they did have concerns about the third application which requested a 26 metre chimney stack and other associated infrastructure.

One Member of the Committee felt that the chimney stack, at 26 metres high, was too large and would have a detrimental impact on the rural landscape. She stated that it was contrary to Unitary Development Plan Policies LA2, LA3 and E8 and should therefore be refused.

Other Members of the Committee supported all three of the applications, although they noted the concerns of the neighbouring residents they were of the opinion that their concerns did not outweigh the need for the applications to be approved. It was noted that Tyrells were now an established worldwide brand with their products available around the globe.

Members continued to discuss the applications and were unified in their opinion that Tyrells should, if feasible, remain on their existing site as it was key to their marketing and success. One Member stated that in his opinion the chimney stack was not the key issue but the disturbance to neighbouring residents was. He was concerned that the eight vehicular movements permitted throughout the night could result in neighbouring residents being disturbed every hour. He requested that the Council negotiate a quiet period where no vehicular movements were permitted to or from the site between the hours of 2400 – 0600. Other Members of the Committee also echoed the concerns in respect of traffic issues throughout the night but requested that the quiet period be extended to 2200 - 0600.

The issue of odour was also raised by a Member. He asked for details as to the weather conditions when the survey was undertaken on April 3 2012. he noted that different weather conditions would clearly have an effect on the results of the survey.

In response to the issue of a restriction on night time vehicular movements, the Development Manager (Hereford and Southern Localities) advised the Committee that Tyrells already had a valid planning permission on the site and that due to the minimal

increase in traffic movements associated with the applications the Committee were currently determining it would not be possible to restrict movements further. It would however be appropriate to consider this matter if a further application was submitted which resulted in an expansion of the site and additional vehicular movements.

The Committee noted that the applicant was present during the debate and had clearly been made aware of the concerns in respect of the issue of vehicular movements at night.

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

- The Committee needed to listen to the real concerns of the neighbouring residents and the Parish Council.
- Tyrells had already stated that they would try alternative filtration technologies; they should be required to do this prior to the chimney stack being built.
- Mrs Ford was not the sole objector to the applications; there were clearly a number of neighbouring residents who share her concerns.

The Committee voted on all three applications separately. All three were approved in line with the separate resolutions as set out below:

## **RESOLVED**

**In respect of application reference N120896:**

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

1. **B01 Development in accordance with the approved plans**
2. **Notwithstanding the provisions of Schedule 2, Part 8, Class B of the Town and Country Planning (General Permitted Development (Amendment) Order 2010, the development hereby approved shall be limited to the installation of two kettles to be used for the manufacture of popcorn.**

**Reason: In order that the local planning authority can consider the implications of any further intensification in the production of popcorn and to comply with Policies DR4 and E8 of the Herefordshire Unitary Development Plan.**

3. **The Transport Management Plan previously approved under condition 13 of planning permission DMNW/100313/F shall be amended to ensure that HGV traffic leaving the site is directed in a northerly direction along the B4457. This shall include the provision of an additional directional sign as shown on drawing number 2893/161. The amended Transport Management Plan shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this permission. The continued traffic movements in and out of the site shall be undertaken in accordance with the approved details.**

**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.**

**Reason for Approval**

The proposal represents a small element of the overall use of the site and it takes place concurrently with the main business of crisp frying. It has been demonstrated that there will be limited traffic movements associated with the proposal and it is not considered that its cumulative impact with the existing use of the site would give rise to a demonstrable increase in the risk to highway safety. The proposal accords with Policies DR3 and T8 of the Herefordshire Unitary Development Plan.

It is considered that the manufacture of popcorn does not, in isolation, give rise to nuisance through odour and consequently is not considered to be detrimental to residential amenity. Production is taking place on a small scale and this can reasonably be limited through the imposition of a condition to limit production to the two kettles that have already been installed. The proposal accords with Policy DR3 of the Herefordshire Unitary Development Plan.

The proposal is an addition to an existing, well established site. It uses existing buildings and is of a small scale in comparison to the use of the site as a whole. The proposal therefore accords with Policy E8 of the Herefordshire Unitary Development Plan.

In respect of application reference N121877/F:

That planning permission be granted subject to the following conditions:

1. C06
2. Within three months of the date of this permission the water tank and associated pump house building shall be painted dark green to match Building 6 and shall be maintained as such in perpetuity.

Reason: In the interests of visual amenity and to comply with Policies LA2 and E8 of the Herefordshire Unitary Development Plan.

Reason for Approval:

The installation of a water tank, pump house building and sprinkler system in relation to the existing operation of the site is considered a minor addition to the built form of the site. Provided that the water tank and its associated pump house building are painted a dark green colour, they will not have a demonstrable detrimental impact on the landscape character or its appearance. The proposal is therefore considered to accord with Policies E8 and LA2 of the Herefordshire Unitary Development Plan.

In respect of application reference N121981/F:

That planning permission be granted subject to the following conditions:

1. C01
2. C06
3. The chimney stack and pump house building 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.

4. **A detailed site-wide landscape and ecological assessment and management plan shall be submitted to and approved in writing by the local planning authority within six months of the development hereby approved being first brought into use. The provisions of the management plan shall be implemented in the first planting season preceding its written approval 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.

**Reason for Approval:**

The chimney stack has been proposed in order to address acknowledged concerns about odours emanating from existing fryers. It has been concluded that a chimney stack is the most practical solution and that there are no other alternatives that will address this problem in the short term.

The stack will result in the introduction of an industrial feature that is not characteristic of the rural setting of the wider area. However, it is considered that these changes are localised, primarily due to the topography of the land, the fact that the site is located in a natural depression, and as a consequence of the groups of trees and hedgerows that either serve to screen the site or provide a backdrop to it from public vantage points.

The visual impact of the chimney stack will not be completely mitigated either through screening provided by existing vegetation or through the imposition of a landscaping scheme, but it is considered reasonable to seek some landscape and biodiversity enhancement to compensate for this.

On balance, the need to mitigate the odour emanating from the site outweighs the visual impact that the chimney stack will have and therefore the proposal whilst having a localised visual impact contrary to the aims of Policies E8 and LA2 of the Herefordshire Unitary Development Plan is considered to be acceptable.

**74. S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ**

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Dr Allen, the applicant, spoke in support of his application.

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

- The application was sustainable and was therefore in accordance with the National Planning Policy Framework.

- There had been extensive discussions between the planning department and the conservation team.
- The additional 23 bedrooms would also result in additional employment.
- The facility would offer specialist stroke care to NHS patients.
- The methods of nursing adopted would result in less confusion and fear for dementia sufferers.
- The home was nationally recognised and achieved an 'excellent' rating from the CQC.

Members noted that the application had been brought before them as the case officer considered it to be contrary to Unitary Development Plan Policy H7. It was however the officer's opinion that the application was in accordance with the majority of other saved UDP policies as well as the National Planning Policy Framework. The Committee considered that the benefits of approving the application would outweigh the policy issues at stake.

Members noted that there was a growing need for high quality care facilities throughout the County and also noted that applicants experience in this field. They welcomed the applicants approach to multi-staged care and were of the opinion that this would be beneficial to patients and should therefore be encouraged.

The Committee raised the issue of sustainability with some Members of the view that the development should be completed to a high level of energy efficiency. The Principal Planning Officer was unable to advise the Committee as to the level of efficiency that the development would be built to. One Member of the Committee felt that this was an important matter and should be included in future committee reports.

Councillor Durkin was given the opportunity to close the debate. He reiterated his opening remarks and requested that the application be approved.

## **RESOLVED**

**Subject to the completion of a S.106 Agreement, securing control over the future occupation of the sheltered and nurses' accommodation, officers, named in the Scheme of Delegation to Officers, be authorised to grant planning permission and listed building consent subject to the following conditions:**

1. **A01 Time limit for commencement (full permission)**
2. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **F14 Removal of permitted development rights**
5. **H30 Travel plans**
6. **G04 Protection of trees/hedgerows that are to be retained**
7. **G10 Landscaping scheme**
8. **G11 Landscaping scheme - implementation**
9. **The recommendations in the ecologist's report dated 1st November 2011 shall be followed. Prior to the commencement of development a full working method statement based on these recommendations should be**



submitted to and approved in writing by the local planning authority and shall be implemented as approved.

**Reason:**

10. Prior to the commencement of development, a habitat enhancement and management scheme should be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

**Reason:**

11. H30 Travel plans

**Reason for Approval**

1. The proposal has been considered against policies S1, S2, S7, DR1, DR2 DR3, H7, H13, H16, E11, LA1, LA2, LA4, LA5, LA6, NC1, HBA1, HBA4 and CF7 of the UDP and guidance set out in the National Planning Policy Framework. The proposal is considered to accord with the broad thrust of the aforementioned policies. The development proposed represents the sustainable expansion of an existing rural enterprise that will benefit the rural economy in accordance with Chapter 3 of the NPPF. Furthermore the development represents a good standard of design that relates well to the designated landscape, which is both part of the Wye Valley AONB and an unregistered historic park and garden. The development would reinforce the historic character of the landscape and take the opportunity to utilise an existing area within the parkland without undue detriment to the landscape character or its intrinsic natural beauty. The proposed extension to the Grade II listed building is well designed, deferential and does not involve the unnecessary loss of historic fabric. The limited conflict with Policy H7 in relation to the sheltered accommodation is mitigated in this instance by the need for the accommodation proposed, the positive enhancement that the development offers and the sustainable expansion of an existing rural enterprise.

**Listed Building Consent**

1. D01 Time limit for commencement (Listed Building Consent)
2. C01 Samples of external materials
3. D04 Details of window sections, eaves, verges and barge boards
4. D05 Details of external joinery finishes

**Reason for Approval**

1. The proposal has been considered against policies S1, S7, HBA1 and HBA4 of the Unitary Development Plan and guidance set out in the NPPF. The local planning authority considers the proposed extension to the Grade II listed building to comply with the aforementioned UDP policies on the basis that it preserves the features that combine to create the building's special interest; is in keeping with the age, style, materials, detail and character of the building; and is subservient in scale and design and well related to the existing building. There is thus no harm to the significance of

**the heritage asset and the proposal is compliant with guidance set out in Chapter 12 of the National Planning Policy Framework.**

**75. N120761/F - LITTLE WACTON FARM, BREDENBURY, HEREFORDSHIRE, HR7 4TQ**

The 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 Davies, a neighbouring resident, spoke in objection to the application.

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

- The application had been brought before the committee so all of the facts surrounding it could be examined fully.
- The site had a chequered planning history as outlined in the Officer's report.
- The previous planning consent was raised in height with additional windows added and then had to be resubmitted for a retrospective approval which was only allowed on appeal.
- If approved the application would be contrary to the condition imposed by the Planning Inspector at the previous appeal.
- Significant weight should be given to the condition imposed by the Planning Inspector relating to the garage not being used for trade or business.

In response to a question from the Committee, the Planning Officer confirmed that the recently erected poultry unit was 53 metres away from that proposed dwelling. In response to an additional question she advised that the condition imposed by the Planning Inspector related to the usage as a domestic garage and would not be relevant if the change of use was permitted.

Members discussed the application and had concerns in respect of a perceived non-compliance of previous planning conditions. However their primary concern in respect of the application related to the close proximity of the holiday let and the existing poultry unit. For this reason the Committee considered the application to be contrary to Policy RST12 of the Unitary Development Plan.

Members also had concerns in respect of the possibility of a further change of use of the holiday let to enable it to be used as an additional farm dwelling. Although they noted that this was not a material planning consideration. They also had concerns in respect of the sustainability of the proposed holiday let due to its remote rural location.

Members continued to voice their concerns regarding a perceived failure to comply with planning conditions and requested clarification from the case officer as to whether enforcement action had been commenced or whether she could confirm that planning conditions had been complied with. In response she confirmed that she had visited the site and that the landscaping condition referred to by the neighbouring resident had been complied with, she added that as far as she was aware all conditions relating to the poultry unit had also been complied with.

The Development Manager advised Members that the points raised during the debate indicated that in the Committee's opinion the application was contrary to Unitary Development Plan Policies DR2, RST12 and S1 due to the incompatibility of the land uses and the remote location of the proposed holiday let. The Planning Officer added

that the issue of phosphates in the water supply had not yet been addressed and would need to be added as a reason for refusing the application.

**(Note – Councillor Edwards also mentioned H7 at this stage, did we include that in the reasons for refusing the application)**

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

- The local residents did not agree that all conditions regarding the poultry unit had been met.

## **RESOLVED**

**That planning permission be refused for the following reasons:**

- 1. The application is contrary to policies DR2, S1, RST12 and HBA12 of the Herefordshire Unitary Development Plan.**
- 2. The application fails to assure the Authority through a lack of information and appropriate mitigation that the Habitat Regulations and policy DR4 of the Herefordshire Unitary Development Plan are complied with.**

### **76. S120972/CD - OUR LADY'S PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN**

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.

Councillor P Rone, one of the local ward members, advised the Committee that he knew the public speaker. He declared a non-pecuniary interest in the application which was recorded by the Democratic Services Officer accordingly.

In accordance with the criteria for public speaking, Mrs Coultas, speaking on behalf of the applicant, spoke in support of the application.

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

- The recommendation for a 12 month permission was welcomed and a sensible compromise.
- The nursery staff needed to communicate concerns related to vehicles turning in neighbouring residents' driveways.

The Committee discussed the application and were of the opinion that a 12 month permission would be appropriate to give the nursery staff sufficient time to address the current concerns in respect of dropping off and picking up of children.

One Member of the Committee was of the opinion that the concerns raised in the report could also relate to a number of schools throughout the County and requested that a letter be sent to Children's Services to raise the issue and ensure that other schools with a similar problem at drop off and pick up times addressed the problem in a responsible manner.

The Committee noted that the Transport Manager had 'significant concerns' in respect of the application, Members also had concerns regarding child safety at busy times due to vehicles reversing on pavements to turn in the road. The Committee suggested that closer working between the school, the nursery and the Church could result in a more appropriate long term solution.

In response to comments raised throughout the debate, the Principal Planning Officer advised Members that the school had an existing school travel plan; that the site was in shared ownership between the Church and the Council and that the recent traffic monitoring had shown an improvement at peak times.

Councillor Rone was given the opportunity to close the debate but chose to make no further statement.

## **RECOMMENDATION**

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

- 1. F20 Temporary permission, for one year, and reinstatement of land (one year).**
- 2. Within one month of the date of this permission a traffic management plan relating to the parking of vehicles and access to the pre-school / nursery shall be submitted to and approved in writing by the local planning authority. Travel management shall be carried out in accordance with the approved details and a detailed written record shall be kept of the measures undertaken to prevent parking in Boycott Road / promote parking within the Church car park. Documentation shall be made available for inspection upon reasonable request by the local planning authority.**

**In the interests of highway safety having regard to Policy DR3 of the Herefordshire Unitary Development Plan and having regard to the amenities of local residents in accordance with Policies DR2 and CF5 of the Herefordshire Unitary Development Plan.**

### **Reason for Approval:**

- 1. There are significant concerns about the continued use of the pre-school nursery in this location, in relation to highway and pedestrian safety, and impact upon the amenities of neighbouring properties. This concern may be overcome with the provision of parking at Our Lady's Church, and in order to consider this fully a one year temporary permission is granted as a trial period to ensure that this is sufficient to overcome concerns to a level that would ensure accordance with Policies DR2, DR3 and CF5 of the Herefordshire Unitary Development Plan.**

## **77. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

## **APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 1.10 pm

**CHAIRMAN**

# PLANNING COMMITTEE

17 October 2012

## 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.

### SCHEDULE OF COMMITTEE UPDATES

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| <p><b>7 N120896/F - CHANGE OF USE OF BUILDING 1 FROM AGRICULTURAL BUILDING TO STORAGE; CHANGE OF USE AND ADAPTATION OF OLD FACTORY BUILDING (BUILDING 2) FROM OFFICES AND STORAGE TO OFFICES, STORAGE AND MANUFACTURING AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ</b></p> <p><b>N121877/F - PROVISION OF A SPRINKLER SYSTEM COMPRISING THE ERECTION OF A WATER TANK AND PUMP ROOM BUILDING AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE, HR6 9DQ</b></p> <p><b>N121981/F - ERECTION OF A 26 METRE STACK TOGETHER WITH THE PROVISION OF DUCTING AND OTHER ASSOCIATED INFRASTRUCTURE, TOGETHER WITH THE REMOVAL OF ROOF MOUNTED FANS FROM PRODUCTION PLANT (BUILDING 3) AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ</b></p> |
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### ADDITIONAL REPRESENTATIONS

Further correspondence has been received from Mrs Ford, The Barr, Stretfordbury. In summary the points raised are as follows:

N120896/F Change of use to include Popcorn frying.

Odour – Remains concerned that permission is to be granted without any form of filtration system in place. There does not appear to be any recommendations within the report to address this issue.

There are a total of 30 representations made by residents who live close to the site regarding the above applications, many of which state that the odour from the popcorn facility can be smelt some distance from the site boundary.

The report does not provide details of how the traffic management condition will be policed and as I see HGV's regularly turning right towards Stretford Bridge I question how this condition will be enforced. There is a 7.5 tonne restriction on this lane which is not adhered to.

If this action were to be implemented all HGV's & LGV's would pass our property (The Barr) and would severely affect our amenity.

#### N121981/F Chimney Stack

The report does not provide conclusive evidence that the chimney will solve the issue of odours emanating from existing fryers and we suggest that the significant detrimental visual impact of the chimney is not acceptable on the grounds that 'it might work'.

With regard to mitigating the visual impact the report states that 'as a consequence of the groups of trees and hedgerows that either serve to screen or provide a backdrop to it from public vantage points' – many of these trees and hedgerows are not situated within the Tyrrells site, therefore cannot be relied upon to screen the factory as they could be removed or cut back by their owners.

Taking into account the following UDP guidelines and the aim of the planning service to help protect the amenity and environment of Herefordshire, we believe that if granted approval these applications would have an adverse impact on the local area and neighbours to the site and are unsustainable.

#### **OFFICER COMMENTS**

#### N120896/F

With regard to odour, this matter is addressed at paragraph 6.18 of the main report. This aspect of the proposal has been considered by the applicant's odour consultant and by the Council's Environmental Health Officer. They have both visited the site since popcorn has been produced and neither has concluded that any further filtration systems are required to mitigate odour.

It should also be highlighted that, of the representations submitted in relation to this application, only Mrs Ford has commented about unacceptable levels of odour emanating from the manufacture of popcorn.

The report comments in detail about traffic movements and it is simply reiterated here that there will be a marginal increase in traffic movements associated with this proposal. The applicants` have agreed to amend their traffic management plan following the concerns originally expressed when the matter was first reported to planning committee.

#### N121981/F

An odour assessment has been produced by a consultant specialising in odour mitigation. The report has been completed in accordance with industry standards and concludes that the chimney stack is the most efficient way of dealing with the identified odours associated with crisp frying. The content of the report has been accepted by the Council's Environmental Health Officer and no evidence has been provided by any of the objectors to substantiate claims that the chimney stack either will not work, or will simply cause a nuisance further afield.

It is accepted in the report that the installation of a chimney stack will have a visual impact and that this has to be balanced against the concerns raised about odour.

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

**9 N120761/F- CONVERSION OF GARAGE/WORKSHOP/OFFICE TO HOLIDAY LET. AT LITTLE WACTON FARM, BREDENBURY, HEREFORDSHIRE, HR7 4TQ**

**For: Mr Sayce per Mr Michael Kelly, 24 Rumsam Gardens, Barnstaple, Devon, EX32 9EY**

At the request of Councillor Swinford condition 1 attached to the appeal decision is identified for members below;

1) *The building hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.*

## **OFFICER COMMENTS**

The appeal application (DCNC2008/2482/F) proposed a 'domestic garage' and was therefore determined in accordance with the relevant policy H18 in the UDP. This proposal for holiday accommodation falls to be considered against other policies within the UDP such as RST 12 and RST13. The condition was attached to the decision to control the use of the building and to ensure that should circumstances change and there was a proposal to change the use of the building, then full consideration could be given by the Council to the relevant planning policies relating to such a proposal.

**10 S120972/CD - CONTINUED USE OF MOBILE BUILDING TO HOUSE PRE-SCHOOL - NEW 5 YEAR LEASE TO BE AGREED, SO PERMISSION REQUIRED TO 2017 AT OUR LADYS PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN**

**For: Ms Davidson, Children & Young Peoples Directorate per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ**

## **ADDITIONAL REPRESENTATIONS**

Para 5.2 – One letter was also received from an L Nunney, 13 Boycott Road (as well as a T Nunney)

Our Ladys School have commented as follows:

*I have viewed "The Traffic Management Plan" and Our Lady's School supports the recommendation of one year planning permission, with a view to extending this based on the on-going success of the travel plan.*

*The school will also assist in reminding parents who park on Boycott Road.*

In response to the committee report recommendations a Traffic Management Plan has been received from the applicants that states as follows:

1. From September 2012, Merry go Round parents who drive to nursery are using the gates connecting to Our Lady's Church Car Park. Permission was sought during August through Father Cenydd from the Cardiff Diocese. This is manned at key times (11.30am / 12.30pm) by Merry go Round staff.
2. A letter is issued to parents (see below) who sign to promise they will not use Boycott Road for parking, and should they continue to do so they would lose their nursery place as our planning permission would depend on it. This letter has been added to our Registration Forms for future parents.
3. Continued verbal reminders to parents regarding parking facilities and access to the nursery through Our Lady's Church Car Park.

4. We display signs within the nursery to remind parents not to park in Boycott Road, and a condensed version of the parking letter will be included in our termly newsletters – October, February & June.
5. Liaison with school to include parking restrictions for both nursery and school parents on Boycott Road, and reporting car number plates to them in the event of school parents parking there.

A copy of the letter that will be sent to parents for signing / agreement has also been received. This reads as follows:

Following our recent planning permission application for our building, we have been granted a one year temporary permission. To allow for further permission, we must address the parking situation on Boycott Road. Residents were unhappy that parents were parking in the street at key times and sent objections to the planning department. To rectify this, we have provisionally asked the diocese for use of the Our Lady's Church car park on Belmont Road.

Parking is now available in the church car park for all parents with children attending the nursery. The gates will be open at the following times:

8am – 9.10am (for all nursery and school children)  
11.25am – 11.35am (for nursery children)  
12.25pm – 12.35pm (for nursery children)  
3pm – 4pm (for all nursery and school children)

Please ensure you arrive within the designated times. If you suspect you may be late arriving, please telephone in advance to allow the Supervisor to arrange for the gate to be open for you.

The church will inform us of any events, such as funerals, which may hinder parking and we request at this time that you find alternative parking arrangements.

There is no parking on Boycott Road whatsoever as this will reflect badly on our planning permission, which would result in refusal from the local authority and our nursery would be forced to close.

Should any parent/carer continue to park in Boycott Road, the nursery will be forced to give notice to the child and their nursery place would be lost. Please sign the declaration below to confirm you have understood the points of this letter.

Please note: Only pedestrian access will be permitted through Boycott Road.

We are sure you will support us by using the church car park and not parking on Boycott Road.

## **OFFICER COMMENTS**

Officers are satisfied that the submission detailed above will be sufficient to address the recommended conditions and as such the recommendation is varied as follows below.

## **CHANGE TO RECOMMENDATION**

Substitute condition 2 of recommendation for the following:

The proposed use shall be implemented and operated in accordance with the details contained within the Traffic Management Plan. A detailed written record shall be kept of the measures undertaken to prevent parking in Boycott Road / promote parking within the Church car park. Documentation shall be made available for inspection upon reasonable request by the local planning authority.

In the interests of highway safety having regard to Policy DR3 of the Herefordshire Unitary Development Plan and having regard to the amenities of local residents in accordance with Policies DR2 and CF5 of the Herefordshire Unitary Development Plan.