

MEETING:	PLANNING COMMITTEE
DATE:	18 JULY 2012
TITLE OF REPORT:	<p>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 TYRELLES COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ</p> <p>For: Tyrells Potato Crisps per Drivers Jonas Deloitte, 4 Brindley Place, Birmingham, West Midlands, B1 2HZ</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120896&NoSearch=True

Date Received: 22 March 2012

Ward: Golden Cross with Weobley

Grid Ref: 343073,255836

Expiry Date: 25 May 2012

Local Member: Councillor MJK Cooper

1. Site Description and Proposal

- 1.1 The application site occupies an area of land comprising approximately 4 ha. It is used for commercial purposes and successfully produces and distributes potato crisps nationwide. The site is located to the south of the A4112 and west of the B4457 and is capable of being accessed via two unclassified roads – the U93208 and U93209. Access into the site is gained from two positions. HGV access is via a purpose built access point into the site from the U93208, while access for staff and visitors in via the original access that is sited adjacent to Tyrrells Court at the junction of the two unclassified roads and leads directly into the car parking area.
- 1.2 Much of the site is covered by a series of utilitarian commercial buildings, some of which have been converted from a former agricultural use. They are fairly typical in their appearance, being a dark coloured profiled sheet, and are used to provide storage, areas for crisp production and office space.
- 1.3 There are two elements to the application. The first is to change the use of one remaining agricultural building on the site (building 1) to a storage use in connection with the manufacturing processes being undertaken on the site. The second part would see a second building (building 2) change from a mixed use of office and storage to include a new product manufacturing and packaging use within the rear part of the building.
- 1.4 Specifically, this would allow the further expansion of the company in order to manufacture popcorn. Information submitted in support of the application advises that this new element to the business would lead to the creation of 5-6 new jobs in the short term. The equipment used

for popcorn manufacture has been installed and therefore this element of the application is now effectively retrospective.

- 1.5 The application is accompanied by a planning statement, a flood risk assessment and a transport statement.

2. Policies

2.1 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S4	-	Employment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
E6	-	Expansion of Existing Businesses
E8	-	Design Standards for Employment Sites
E11	-	Employment in the Smaller Settlements and Open Countryside
T8	-	Road Hierarchy

2.2 National Planning Policy Framework:

Paragraph 14 – Sustainable Development

Paragraph 18 to 22 – Building a Strong Competitive Economy

Paragraph 28 – Supporting a Prosperous Rural Economy

Paragraphs 109 and 120 to 123 – Conserving and Enhancing the Natural Environment

- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 There are a number of applications relating to the site. The following are considered to be most relevant to this application.

3.2 NW2001/3173/F Change of use of part of portal frame building to potato packing/storage to potato crisp making. Approved subject to conditions 13 February 2002.

3.3 DCNW/2004/2397/F Change of use of potato store to food room for frying of potato chips. Approved subject to conditions 3 November 2004.

3.4 DMNW/100313/F Retrospective application for change of use from agriculture to a mixed commercial use of B1 and B8, loading bay extension, temporary portacabin and various items of ancillary plant. Approved subject to conditions 24 December 2010.

- 3.5 In addition to the permissions described above, the following application has also been lodged with the local planning authority but as yet remains undetermined.

3.6 DMN/113427/F Change of use of agricultural building to storage (building 1), adaptation of office/storage building (building 2) for mixed use of office, store and popcorn manufacture, and change of use of

storage building (building 7) for additional crisp manufacture, associated infrastructure improvements and additional car parking.

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager: Raises no objection to the proposal provided that the Traffic Management Plan approved under condition 13 of application reference DMNW100313/F is amended so that no traffic movements are permitted along the B4457 between Stretford Bridge (A4110) and U93208.
- 4.2 Environmental Protection Manager: Confirms that he has visited the site and that popcorn making was in progress at the time. Odour from the manufacture of popcorn, along with that from the cooking of crisps was detected on the site, but was not detected beyond the boundaries of the factory. Cooking odours from the popcorn are considered to be minimal and are extracted through a flue without any filtration.
- 4.3 Economic Development Manager: Supports the proposal on the basis that it would create 5 jobs and help to safeguard 145 existing ones.

5. Representations

- 5.1 Dilwyn Parish Council: The parish council has no objection to the proposals as long as the issues relating to smell, noise, lighting, etc. are dealt with satisfactorily before change of use is granted.
- 5.2 River Lugg Drainage Board: No objection as the proposals will have no direct effect on the Board's operational interests or watercourses under its control subject to there being no increase in impermeable area.
- 5.3 Six letters of objection have been received from local residents. In summary the points raised are as follows:
- The proposal will contribute materially to the existing a future problems of vehicle use of the narrow local lanes to the site.
 - Parts of the Transport Statement do not accurately reflect the actual use of the local road network.
 - Vehicles are not complying with the requirements of the Transport Management Plan and are leaving the site and travelling in a southerly direction along the B4457 to its junction with the A4110.
 - The proposals represent a further intensification in the use of the site and should be relocated to a location and premises appropriate for manufacturing such as Leominster, Rotherwas or Moreton on Lugg.
 - Failure to require re-location will lead to yet further expansion on the site as product ranges are increased.
 - Tyrrells Court is a factory and as such should be on an industrial estate.
 - It would be more sustainable for an expanding factory to move closer to its workforce as few staff come from the Dilwyn area.
 - Further planning permissions should not be granted until all of the conditions of earlier permissions have been satisfied.

- The manufacture of popcorn has given rise to additional odour problems and its distinct smell can be identified some distance away.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The application has generated some objection amongst people living locally to the site. Matters specifically relevant relate to highway safety and the impact of the proposal on the local road network and potential nuisance that might be caused through odours directly attributable to the production of popcorn. Other matters relate more generally to the on-going use of the site but are of relevance. These include the suitability of the location of a manufacturing process in the open countryside in terms of sustainability, a desire amongst local residents to see the factory re-locate, and a perception that the applicants have failed to comply with conditions imposed on earlier planning permissions. Each of these matters will be considered in turn.

Highway Matters

6.2 Following the grant of planning permission under application reference DCNW100313/F, a number of improvements were secured to improve accessibility to and from the site via the U93208 and the B4457. These have included the widening of the junction of the U93208 and the B4457, resurfacing of the carriageway, re-grading of highway verges, refreshing of white lines and new directional signage. All of these have been implemented.

6.3 A condition was also imposed to require the submission of a Transport Management Plan. This has been submitted to and accepted by the local planning authority. It provides that vehicles should enter and leave the site via the U93208 and that HGV's leaving the site should head north towards the A44/A4112 junction (Golden Cross) rather than to the south. Vehicles approaching the site from the south, using the A4110, are however, permitted to use the southern approach of the B4457 on arrival. The basis for this was to avoid all traffic being concentrated along the northern part of the B4457 and passing an objectors dwelling who had raised objections in relation to vehicle movements and highway safety.

6.4 The current application is supported by a Transport Statement and it concludes that the proposal will not give rise to any significant increases in traffic movements. It contends that the 5 car movements (two-way trips) that might be attributed to an increase in staffing levels are negligible, and that the change of use proposals will not lead to a cumulative increase in traffic movements. This is due to the fact that popcorn has previously been manufactured at another premises and brought on to site as a finished product to be redistributed.

6.5 The Transportation Manager has not questioned the accuracy of the Transport Assessment. The objections received in this respect are non-specific, and would appear to relate to a perception of non-compliance with the Transport Management Plan rather than a questioning of the accuracy of the information provided in support of this proposal.

6.6 The Transportation Manager has however, recommended that the Transport Management Plan is amended to affect a change so that traffic movements are not permitted along the B4457 between Stretford Bridge (A4110) and U93208. Given the rationale behind the Transport Management Plan so that movements were not all concentrated to pass a single property, and the fact that the Transport Assessment demonstrates that the traffic movements

associated with this proposal would be limited, it is not considered necessary to amend the Management Plan as recommended. Furthermore, any such amendment would have to apply to the whole of the site, and this would appear unreasonable when its detail has only been recently agreed under the auspices of an earlier planning permission.

- 6.7 The objections tend to relate to non-compliance with the Transport Management Plan and this is a matter to be dealt with separately. It is otherwise concluded that this proposal will have a very limited impact in terms of additional traffic movements to and from the site. In isolation it will not result in any demonstrable detriment to highway safety and the proposal is considered to accord with Policies DR3 and T8 of the Herefordshire Unitary Development Plan.

Odour

- 6.8 Popcorn production represents a small element of manufacturing on the site and it takes place concurrently with the main business of crisp frying. The site has been visited separately by the case officer and the Environmental Health Officer, both with the specific intention of observing the manufacturing process of the popcorn. In each case both officers have concluded that they have been unable to detect the smell of popcorn beyond the boundaries of Tyrrells Court.
- 6.9 Although not directly related to this particular application, it is also considered by officers that odours directly attributable to crisp frying have been reduced through a series of improvement and maintenance works that have been undertaken over the past 6 – 12 months. Notwithstanding this, the requirements of a condition relating to mitigation required for odour associated specifically with the cooking of crisps does currently remain outstanding. However, any odour associated to this is a separate matter.
- 6.10 It is concluded 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 matters raised by the parish council are not considered to relate directly to this proposal, but to other on-going issues associated with crisp manufacture and the condition referred to above. The proposal is therefore considered to accord with Policy DR4 of the Herefordshire Unitary Development Plan.

Sustainability and Re-location

- 6.11 It is acknowledged that there will come a point where there is a degree of conflict between policies that encourage farm diversification and the re-use of existing buildings; which is itself considered to be a sustainable approach to the re-use of existing buildings, if an enterprise becomes successful. Tyrrells is very much an exceptional case and the business has grown from what was originally a farm diversification project into a brand that is recognised world-wide.
- 6.12 In different circumstances, a new enterprise in this location would not comply with policy and would most likely be refused; but this is not what the local planning authority is being asked to consider. This proposal is considered to be an adjunct to the existing, established and lawful use of the site for the production of crisps. The product expansion to allow the manufacture of popcorn is, as described above, to be small-scale in comparison to the use of the site as a whole. This is reflected in the number of people who are employed specifically in this aspect of the business. It relies on existing and established facilities and in this respect is considered to be sustainable.
- 6.13 The refusal of this application would not see the re-location of the business and it is not the role of the local planning authority to seek to bring this about in this way when a business is

legitimately established. If the company expresses a desire to re-locate, officers from all disciplines within the authority would provide assistance to help to find an appropriate site within the county, but this is not material to the determination of this application.

- 6.14 The relevant policy is E6 of the Herefordshire Unitary Development Plan which relates to the expansion of existing businesses. It has been demonstrated above that this proposal is modest in relation to the use of the site as a whole and that its impacts are limited in terms of additional traffic generation and odour. The proposal can be adequately accommodated within the site and it is considered that it fully accords with Policy E6.

Other Matters

- 6.15 Planning permission granted under reference DCNW100313/F included a range of conditions in relation to crisp manufacture. All of the conditions, with one exception, have been complied with. As referred to earlier in this report, the outstanding issue relates to odour mitigation and the applicants have been working with your officers to resolve this. However, this is not material to the determination of this application and should not form a basis for the refusal of this application.
- 6.16 The proposal relates primarily to the use of existing buildings and requires little alteration to their exteriors. They are seen in the context of the site as a whole and their use as proposed will not have any demonstrable detrimental visual impact. The scheme therefore accords with Policy LA2 of the Herefordshire Unitary Development Plan.

Conclusion

- 6.17 The application demonstrates 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 condition proposed by the Transportation Manager could not be reasonably imposed to apply across the whole of the site. The Transport Management Plan previously agreed under the conditions to the earlier permission for the whole of the site gives some relief from traffic to one of the objectors as it permits some traffic approach from the south. If this ability were to be removed it would exacerbate concerns by increasing traffic movements past this property. The proposal accords with policies DR3 and T8 of the Herefordshire Unitary Development Plan.
- 6.18 The potential odour associated with this proposal has been carefully considered but it cannot be concluded that it would cumulatively add to any nuisance that might already exist. Issues relating to crisp manufacture are being dealt with separately but this proposal is not considered to be detrimental to residential amenity. The proposal accords with Policy DR3 of the Herefordshire Unitary Development Plan.
- 6.19 Finally, the proposal is an addition to an existing, well established site. Whilst its location may not be the most sustainable, this proposal would benefit from being incorporated within the existing 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 E6 of the Herefordshire Unitary Development Plan.
- 6.20 Consideration has been given to all other matters, but none of these give rise to any issues that give rise to such concerns to warrant the refusal of this application. The scale of production can be limited through the imposition of a condition to limit the number of kettles for popcorn production to two. This would allow the local planning authority to consider the impact of further intensification should it arise.
- 6.21 It is therefore concluded that it accords with The Herefordshire Unitary Development Plan and the National Planning Policy Framework and is accordingly recommended for approval.

RECOMMENDATION

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 E6 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 E6 of the Herefordshire Unitary Development Plan.

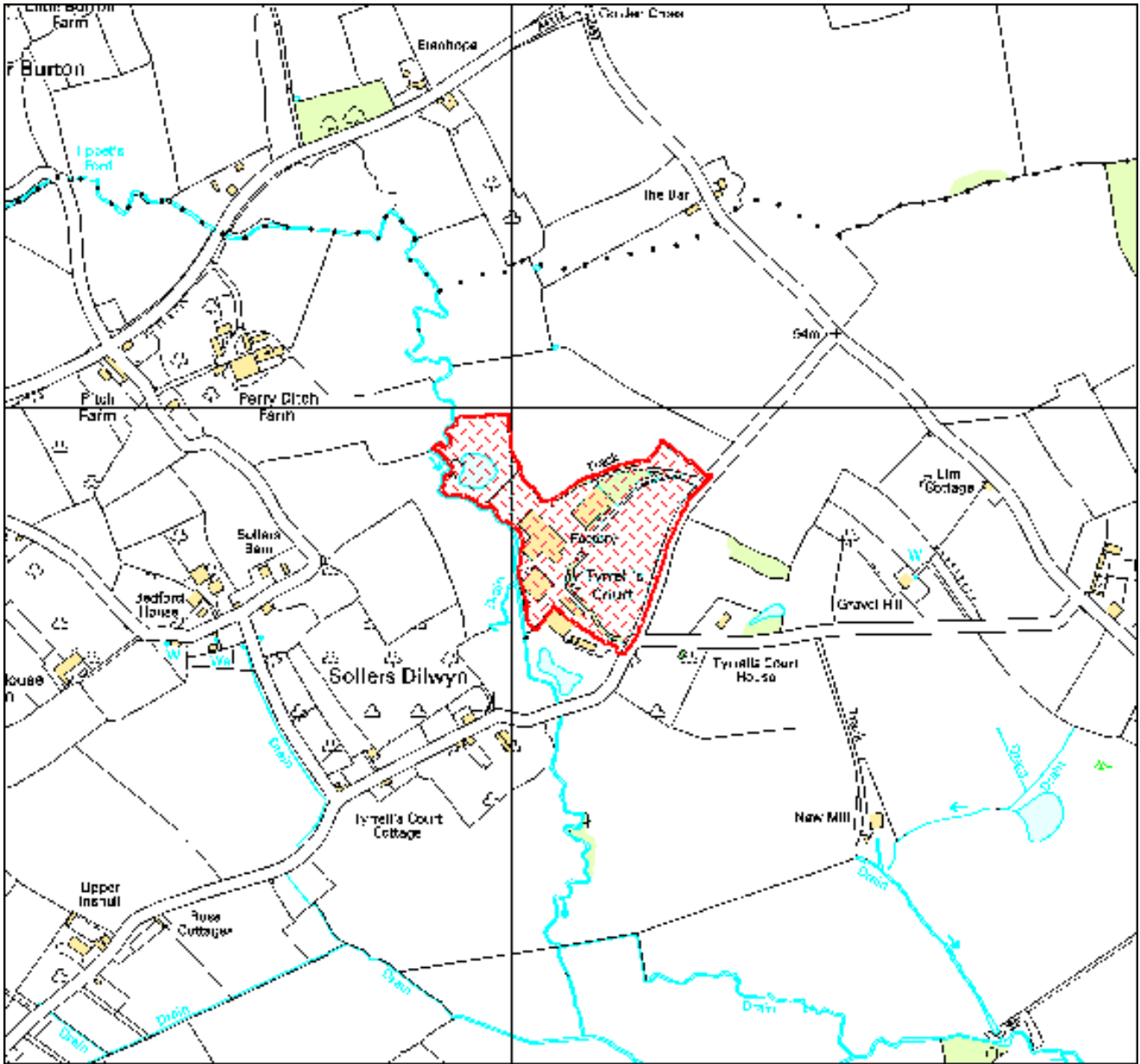
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/120896/F

SITE ADDRESS : TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE, HR6 9DQ

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