

MEETING:	PLANNING COMMITTEE
DATE:	17 OCTOBER 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 TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ</p> <p>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</p> <p>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</p> <p>For: Mr Worrall per Mr Richard Brown, 4 Brindley Place, Birmingham, West Midlands, B1 2HZ</p>
WEBSITE LINK:	<p>http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120896&NoSearch=True</p> <p>http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121877&NoSearch=True</p> <p>http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121981&NoSearch=True</p>

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 is 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 This report deals with three separate applications. However, all three are so closely linked that it has been considered appropriate to bring them before committee under a single report.
- 1.4 The first application **N120896/F**, is for the change of use for one remaining agricultural building on the site (building 1) to a storage use in connection with the manufacturing processes being undertaken on the site, and the use of a second building (building 2) from a mixed use of office and storage to include a new popcorn product manufacturing and packaging use within the rear part of the building. 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 This application has previously been considered by Committee on 18 July 2012, but was deferred with a request for further information regarding traffic movements and the impact of odour arising from the manufacture of popcorn. Further information has now been submitted and the applicants have agreed to an amendment to their Traffic Management Plan that would see all HGV delivery vehicles leaving the site heading in a northerly direction to the junction of the B4457 / A4112 / A44. This includes the installation of an additional directional sign at the junction of the unclassified road leading to the site and the B4457. On the subject of odour arising from the manufacture of popcorn, the submission refers to correspondence dated 10 April 2012 from the applicant's environmental consultant and reads as follows:
- AMEC undertook a site visit on 3 April 2012.....*
- It was noted that Tyrrells are now undertaking popcorn manufacture at the facility. It was considered that this had a significantly lower volume of extraction and lower odour strength when compared to the crisp frying operation. The odours from the popcorn were noticeable on the site itself, but had dissipated by the site perimeter. As such I concluded that this was a low priority source of odour.*
- 1.6 The second application, **N121877/F**, is also a retrospective proposal for the retention of a water tank and pump room building. These are located to the rear of another existing building (building 6). The tank is made from galvanized steel and has a height of 9.6 metres. At present its external surface is untreated, but the application indicates an intention to paint it a dark green colour to match the building. The pump room is a rectangular structure, 3 metres in height with a mono-pitch roof. It is sited immediately adjacent to the tank and is also to be painted a dark green colour.
- 1.7 The third application, **N121981/F**, is for the erection of a 26 metre high and 2.5 metre diameter chimney stack, associated ground level fans and ducting to serve existing fryers contained within building 3. The chimney stack and fans are to be located adjacent to the eastern elevation of the building, whilst the ducting will pass across the roof of the building, replacing a series of roof mounted fans that currently exist but would no longer be required if planning permission is granted for this proposal.
- 1.8 The application has arisen as a consequence of a condition imposed on an earlier planning permission (DCNW/100313/F) that required an assessment of the existing extraction and ventilation systems, together with a schedule for their maintenance, to be completed. If the assessment found a need for further improvements to be made, these were also to be submitted to the local planning authority for their written approval.

- 1.9 The first part of the condition has been complied with and a detailed odour assessment completed. The site was initially monitored for emissions in September 2011, and a series of improvements made including the replacement of ducting, refurbishment of extraction fans and a full clean of extraction hoods. Further monitoring was then conducted in February 2012 to determine the effect of these improvements. Not only did this cover odour emissions from the site, but also modelled the dispersion of odour and considered its effects on receptor locations; primarily private dwellings in the locality.
- 1.10 The report demonstrated that odours emitted from existing flues were approximately halved as a result of the improvement works undertaken between September 2011 and February 2012, but it also recommended that further improvements to mitigate odour were required. Its consequent recommendation was the installation of a chimney stack. The applicant was advised that this could not be dealt with under the discharge of the condition and would require the submission of a further application. This proposal is the result.
- 1.11 For ease of reference throughout the remainder of this report, the applications will be referred to as **popcorn manufacture, water tank and chimney stack**.

2. Policies

2.1 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S4 - Employment
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- E8 - Design Standards for Employment Sites
- E11 - Employment in the Smaller Settlements and Open Countryside
- T8 - Road Hierarchy
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA6 - Landscaping Schemes
- NC8 - Habitat Creation, Restoration and Enhancement

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 DCNW2004/2397/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. All but one of these conditions have been discharged. The outstanding condition relates to noise and odour assessment and mitigation and reads as follow:

Within 3 months of the date of this permission an assessment of the existing extraction and ventilation systems used in the production of crisp and potato crisps shall be submitted to and approved in writing by the local planning authority. This assessment shall include:

- Details of the existing systems
- An assessment/review of these systems efficiency during peak operational activity
- Details of program of review/maintenance (eg bi-annually).

Should this process identify/indicate that the improvements should be made to reduce grease emissions or noise pollution then full details of a replacement or upgraded system and a timetable for their replacement or upgrading shall be submitted to and approved in writing by the local planning authority within 6 months of the date of this permission. Works shall be carried out in accordance with the approved details and the equipment shall be retained in perpetuity and maintained on a regular basis. Any replacement equipment shall be submitted to and approved by the local planning authority prior to its installation.

- 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

Statutory Consultation

- 4.1 Environment Agency: Raises no objection in relation to the application for the water tank. It notes that the pump room is within a Flood Zone 2 & 3, but confirms that it is infrastructure that can be defined as 'water compatible development' in line with the Technical Guidance to the National Planning Policy Framework.
- 4.2 The following responses have all been received in relation to the application for the chimney stack and are required due to the height of the stack and its proximity to Shobdon Airfield:
- National Air Traffic Control Service: The proposal has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly no safeguarding objections are raised to this proposal.
- 4.3 Civil Aviation Authority: No objection
- 4.4 Ministry of Defence: The application relates to a site outside of the Ministry of Defence safeguarding areas and therefore no safeguarding objections are raised to this proposal.

Internal Council Advice

- 4.5 Traffic Manager: Raises no objection in respect of the applications for the water tank and chimney stack.
- 4.6 Following the submission of additional information in respect of the application for popcorn manufacture it is noted that the additional information goes some way to addressing concerns previously raised about traffic entering and leaving the site to and from the south. The preference remains for all vehicles to use the northern part of the B4457 but it is acknowledged that the proposal now offers the potential for head-on meetings between HGV's to be avoided at the narrowest part of the road.
- 4.7 Environmental Protection Manager: In relation to the application for popcorn manufacture, confirms that he has visited the site and that popcorn manufacture 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.
- 4.8 In response to the application for the erection of a chimney stack:
- The existence of neighbour concerns in respect to odour has been confirmed by Tyrrells in their own neighbour consultation. The Council is aware of complaints from residents, although to date it has not been able to witness the existence of a statutory nuisance. Should such nuisance be established the local authority would be required by the Environmental Protection Act 1990 to serve an abatement notice on the company to undertake works to prevent further nuisance.
- 4.9 Tyrrells instructed AMEC, an independent consultancy to undertake an odour assessment which has concluded that, in spite of improvements made to the existing extraction systems to the potato crisp fryers, unacceptable levels of odour will still be experienced at neighbouring properties. The AMEC report proposes odour mitigation measures to improve odour dispersion from the site through the erection of a 26 metre high chimney stack. This is the lowest height that the dispersion modelling indicates residential premises will be sufficiently protected from unacceptable levels of odour.
- 4.10 The submitted report clarifies why dispersion by a sufficiently high chimney stack is considered the best technical solution for odour mitigation and is further clarified by additional correspondence from the applicant's agent. In essence the reason why other traditional abatement systems are not recommended is that the fats carried forward from the cooking process will hamper their efficiency. Whilst systems are available to remove these fats from the air stream prior to the odour treatment they have not been tested on a batch cooking process such as is used at Tyrrells. The consultant advises that the only proven solution currently available to Tyrrells is the current proposal.
- 4.11 The assessment uses 'worst case' and although this might result in an increased chimney height, this is good practice in that not to do so would make any proposal more suspect to failure.
- 4.12 In conclusion, the consultants that undertook the assessment and report appear to be well qualified and I have no reason to dispute their findings.
- 4.13 Economic Development Manager: Supports the proposal for the manufacture of popcorn at the site on the basis that it would create 5 jobs and help to safeguard 145 existing ones.

4.14 Conservation Manager – Landscape:

Raises no objection in respect of the applications for the manufacture of popcorn or the water tank.

4.15 The application for this 26m stack to control odour emitted from the site, includes a LVA by AMEC Environment and Infrastructure UK limited, dated 30 May 2012. The document represents the known and published work for assessing landscape character in the area and refines and analyses that work in relation to the proposed development in an objective manner. It is considered that the key view-points have been identified and are representative of the locations. This is a vital assessment, as part of the planning process, to consider the appropriateness of a development in the landscape and the landscape's ability to accept that development without undue harm. Inclusion of this report by the applicants is welcome.

4.16 I agree with the LVA assessment of sensitivity of the landscape resource as being medium (it is not high, not protected at national level or include rare elements). I disagree, however, with the predicted landscape effects, as set out in section 5.1.1. The singularity of the stack and its isolation means that there is no other built development in the surrounding area to provide a suitable context for this, particularly where it intrudes upon often familiar and cherished horizons. As stated earlier in the LVA the existing buildings are of a modern agricultural appearance, however this chimney and associated steam plume, is completely alien to the rural setting, being more suitable to an industrial estate. The lower 10.7m section will be screened by the existing buildings, however 15.3m will be visible above the ridgelines. There would be no loss of hedgerow (the key characteristic), however the stack would not be in keeping with mixed farming land use, small scale pattern of winding lanes, or the notably domestic character.

4.17 The LVA concludes that no visual receptor would sustain in excess of a moderate magnitude of visual effect. Table 2.4 of the LVA describes the medium category as "a moderate change or partial view of a new element within the view which may be readily noticed, directly or obliquely visible, including glimpsed or intermittent views and appearing in the middle ground partly screened or mitigated". My role as Landscape Officer is to consider public viewpoints and public perception of the landscape (not specifically private residential views). Overall I consider that this medium category would be an accurate description of the visual impact of the proposal for a majority of public viewpoints in the surrounding area. I maintain, however, that this moderate change in view will be negative. The visual effect of the stack will be permanent. It will detract from the existing quality and visual amenity of the area (it cannot be considered beneficial).

4.18 On balance this application does not meet the requirements of UDP Policy LA2 as an identifiable significant change in the character of the landscape and visual amenity will occur as a result of the proposal. The LVA professional assessment of the proposal has addressed this issue, however I remain against the principle of an industrial type construction in this domestic scale, rural landscape setting. It is acknowledged that the impact of development on landscape is only one aspect among many that are considered in the planning process and there may be situations where other interests are considered to be of greater importance.

5. Representations

5.1 Dilwyn Parish Council:

In relation to the application for popcorn manufacture: 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.

In relation to the application for the water tank: The Parish Council accepts the application on the grounds of health and safety but they do have concerns about the aesthetic look of the tank and would want it painted and also for there to be staggered planting of 10 year old trees. The parish council also has concerns about the nearby gas tanks.

In relation to the application for the chimney stack: The Parish Council objects in the strongest possible terms to this application on both aesthetic and environmental grounds and, referring back to previous assurances, wants an alternative and proven solution put forward to deal with the odour problem at the site.

5.3 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.

5.4 The applications have generated some objection amongst people living locally to the site and a number of letters have been received in respect of all three of the applications. The matters arising in the letters have been categorised under a number of headings below and the officer appraisal will refer to them in the same order. In summary the points raised are as follows:

5.5 Highway Issues

- Proposals will contribute materially to the existing and 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.

5.6 Visual Impact

- The erection of a 26 metre high chimney stack and a galvanised steel water tank will have an unacceptable visual impact in an area of open countryside.
- There will be increased light pollution from the site as the chimney stack will be lit.
- Has a less visually intrusive solution to odour problems been fully investigated?

5.7 Noise and Odour

- The manufacture of popcorn has given rise to additional odour problems and its distinct smell can be identified some distance away.
- The installation of a chimney stack will mean that odours are dispersed but not abated at source.
- Concern about the potential for increased noise from fans and other machinery associated with the chimney stack.
- The odour assessment submitted with the application for the chimney stack takes no account of the potential expansion of the site proposed by application N113427/F.

5.8 Water Quality

- Committee should be mindful of the possibility of water pollution as Tippets Brook. It is a tributary to the River Arrow which is failing to meet standards required by the Water Framework Directive for Ecology.

5.9 Potential Re-Location and Sustainability

- 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 proposed chimney stack and water tank will have an unacceptable visual impact and are not appropriate in an area of open countryside.

5.10 Other Issues

- The continued industrialisation of the site will have a negative impact on local tourism.

5.11 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 issues raised in the objections summarised above will be dealt with in turn.

6.2 Highway Issues

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 The application for the manufacture of popcorn 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.

6.4 Following the deferral of the application by Planning Committee on 18 July, the applicant has provided additional information in respect of highway issues. They have agreed to an amendment to the Transport Management Plan that would see all HGVs leaving the site heading in a northerly direction to the junction of the B4457 / A4112 / A44. This includes the installation of an additional directional sign at the junction of the unclassified road leading to the site and the B4457.

6.5 The Transportation Manager has not questioned the accuracy of the Transport Assessment, but does maintain some concern about HGV's approaching the site along the B4457 from a southerly direction. However, he welcomes the additional information submitted that would see HGV's leaving the site being directed to the north.

- 6.6 It is considered that the change of use of the building for storage purposes and the manufacture of popcorn does not give rise to significant increases in traffic movements from the site. On this basis, there is no reasonable justification to insist upon amendments to the previously accepted Transport Management Plan. However, the fact that the applicant is willing to make changes is welcomed. The routing of vehicles leaving the site in a northerly direction will ensure that HGV's associated with Tyrrells do not meet head-on along the most southerly part of the B4457 where the road is at its narrowest, and this is considered to be of benefit to other highway users. It will not however, have any effect on other un-associated vehicles using the road as a cut through between the A4110 and A4112.
- 6.7 The applications for the erection of the chimney stack and water tank will not give rise to any increases in traffic movement and therefore the issue is not material to the outcome of either application.
- 6.8 In conclusion, the proposed amendments to the Transport Management Plan are considered to be a reasonable compromise that, although not entirely necessary as a direct consequence of this proposal, will serve to benefit highway safety in accordance with Policies DR3 and T8 of the Herefordshire Unitary Development Plan.

6.9 Visual Impact

It is accepted that both the proposed water tank and chimney stack will have an impact in terms of their appearance in the landscape. With regard to the former, it is viewed in the context of the substantial existing buildings that surround it. Its height does not exceed that of building 3, behind which it is immediately sited. The site and the surrounding area has been visited by the case officer on more than one occasion since the tank has been installed and it is not readily visible from the public highways or footpaths in the locality, being screened by existing trees and hedgerows. It is therefore concluded that its visual impact is very limited and can be further mitigated through the imposition of a condition requiring it to be painted the dark green colour referred to on the submitted plans within an agreed timescale. On this basis the water tank is considered to accord with Policies LA2 and E8 of the Herefordshire Unitary Development Plan.

- 6.10 The impact of the chimney stack is, however more significant as it will clearly project above the ridge heights of all of the buildings presently on site. The application is accompanied by a Landscape and Visual Impact Assessment that has been carried out in accordance with well-established and accepted industry methodology. It identifies a 1.5 kilometre zone of theoretical visibility, within which all of the objector's properties lie.
- 6.11 With regard to the existing complex of buildings, the assessment correctly identifies the landscape character type within which the application site sits as being one of Principal Settled Farmlands. Such areas are typically characterised by networks of winding lanes within a matrix of hedged fields. Tree cover is limited to scattered hedgerow trees and small groups around dwellings and alongside watercourses. Buildings are grouped as small hamlets and scattered farms. It considers that the existing industrial use of the site is not characteristic of the area. However, it concludes that, due to its location in an undulating landscape, the scale and materials of the existing buildings and the presence of screening close to them, it is not likely to appear as anything other than a group of agricultural buildings to a person unfamiliar with the area. The assessment concludes that the existing complex of buildings are not overly intrusive in visual and landscape terms.
- 6.12 The assessment then goes on to consider the impact of the chimney stack. It acknowledges that it will introduce a structure of vertical emphasis within the rural landscape and identifies those properties potentially most visually sensitive to it. Five photomontages are included in the report from locations that are considered to represent the worst-case scenarios. However, the report concludes that, even from these locations, the stack would only represent a low or

negligible magnitude of visual change, primarily due to the landscape character referred to above and also due to the fact that views will often be oblique or glimpsed through hedgerow gaps. On this basis the report concludes that the landscape character of the area would not be undermined and it has the capacity to absorb the presence of the proposed chimney stack.

- 6.13 However, the comments received from the Council's Senior Landscape Officer do not concur with this view and consider that the proposal will give rise to a high magnitude of change through the introduction of an uncharacteristic element into the rural landscape, and is concluded that the proposal does not accord with Policy LA2 of the Herefordshire Unitary Development Plan.
- 6.14 The impact of the installation of a chimney stack on views from public vantage points is considered to be moderately detrimental and it is unlikely that additional landscaping within the application site would mitigate this impact. However, the site is located at a low point in the surrounding landscape. The local topography is gently rolling, with many localised changes in level which restrict views towards the site from many directions. There are no public footpaths in close proximity to the site, nor areas of public open space. Where views are possible of the site, these are generally glimpsed through field gateways or while travelling along the winding roads.
- 6.15 It is considered that the proposal does not comply with Policy LA2 and that the visual impact cannot be mitigated through the implementation of a landscaping scheme as required by Policy LA6. Information submitted in support of the application indicates that the stack would be coloured a matt grey/blue colour to provide some mitigation for its impact. It is recommended that the precise colour of the chimney stack is agreed by condition.
- 6.16 It is also considered that where negative landscape or visual effect cannot be avoided, or reduced to an acceptable degree, consideration should be given to any opportunities to offset, or compensate for, such unavoidable residual effects. Provision of a site-wide landscape and ecological assessment, together with a management plan, could be considered as compensation as well as addressing the cumulative impact of development on the site.
- 6.17 To conclude, the key consideration is whether the landscape harm resulting from the erection of a chimney stack is outweighed by other material planning considerations. In this case this is quite simply the need to mitigate odour emanating from the existing premises and this will be considered in the following paragraphs.

6.18 Noise and Odour

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. The same conclusion has also been reached by the applicant's odour consultant.

- 6.19 It is therefore 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 is therefore considered to accord with Policy DR4 of the Herefordshire Unitary Development Plan.
- 6.20 The odour assessment submitted with the application for the chimney stack demonstrates that odours directly attributable to crisp frying have been reduced through the improvement and

maintenance works that have been undertaken over the past 6 – 12 months. Notwithstanding this, the report considers that further mitigation for the impact of odours is necessary to meet the requirements of condition 8 of Planning Permission DCNW/100313/F.

- 6.21 The report advises that the odorous airflow from the cooking area contains an amount of fat that is carried forward from the cooking process. It goes on to say that this is known to hamper more traditional abatement systems such as carbon or bio filters and as such the optimum solution, in terms of being able to deliver in the short term and with certainty as to its effectiveness, is to provide a chimney stack to disperse odour and reduce the impact at the receptor.
- 6.22 Some letters of objection have suggested that the fans associated with the proposed chimney stack will give rise to an increase in noise from the site. The fans are an integral part of the proposed system for odour mitigation and draw fumes into the stack. They will replace a number of older roof mounted units that do give rise to some background noise that may be audible from some of the objector's properties. The new equipment is positioned at ground level and existing buildings will serve to act as a sound barrier. In light of the fact that the equipment is new, and is positioned at a lower level than existing fans, it is not considered that it would cause an increase in noise levels to justify the refusal of the application.
- 6.23 Criticisms that the proposal does not take account of the expansion plans proposed under the as yet undetermined application (N113427/F) for the installation of 8 new fryers in building 7 are not relevant to this proposal. It will be determined on its merits, including any further odour mitigation that might be specifically required if it is considered to be acceptable. The current proposal is intended to meet the requirements of the existing fryers housed within building 3.
- 6.24 In conclusion, the installation of a chimney stack and its associated infrastructure is considered to be the most effective method of dealing with the concerns raised about odour from the site. The findings and recommendations of the assessment are considered to be accurate and, notwithstanding the objections received about a lack of investigation of other alternative mitigation measures, it is considered that there is no reason to doubt that the installation of a chimney stack is the best and most effective way of dealing with odours from the site.
- 6.25 Potential Re-Location and Sustainability

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.

- 6.26 In different circumstances, a new enterprise in this location would be resisted; but this is not what the local planning authority is being asked to consider. The proposals are, in the case of the applications for popcorn manufacture and the water tank, 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, considered 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. The water tank, whilst not a specific health and safety requirement, will serve to provide a safer working environment through the reduction in the risk of serious fire. It has been demonstrated that the visual impact of the tank is limited, provided that it is painted a dark green colour to match existing buildings.

6.27 The relevant policy is E8 of the Herefordshire Unitary Development Plan which relates to design standards for employment sites. It has been demonstrated above that the proposals for the manufacture of popcorn and the installation of a water tank are modest in relation to the use of the site as a whole, and that their impacts are limited in terms of additional traffic generation, odour and effect on the wider rural landscape. The proposal can be adequately accommodated within the site and it is considered that it fully accords with Policy E8.

6.28 Other Matters

Some objectors have commented that they consider that the proposal for the chimney stack particularly would be detrimental to tourism in the local area due to its visual impact and a perception of industrialisation of the countryside. This is a point raised previously in a number of other applications that the local planning authority has considered, particularly those for large-scale polytunnel developments across the county. However, there is no tangible evidence to suggest that tourists are dissuaded from visiting Herefordshire as a result of these types of developments and it is not considered to represent an issue of sufficient weight to warrant the refusal of any of the three applications.

6.29 Conclusion

It has been demonstrated that there will be limited traffic movements associated with the proposal for popcorn manufacture and the change of use of building 1. The applicant has agreed to an amendment to their Transport Management Plan that would see all HGV's leaving the site in a northerly direction, thus avoiding a conflict between vehicles approaching from the south. It is also proposed to use an additional directional sign at the junction of the unclassified road U93208 and the B4457. On this basis the concerns previously raised by the planning committee are considered to be addressed and the proposal accords with policies DR3 and T8 of the Herefordshire Unitary Development Plan.

6.30 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. **Application reference N120896/F for the change of use of building 1 and for the manufacture of popcorn in building 2 is therefore recommended for approval.**

6.31 The installation of a sprinkler system and water tank for use in case of fire is considered to represent a beneficial addition, particularly in ensuring appropriate safety for workers, albeit that it is not a specific health and safety requirement. 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. **Application reference N121877/F for the provision of a sprinkler system comprising the erection of a water tank and pump house building is therefore recommended for approval.**

6.32 The chimney stack has been proposed in order to address a concern raised by local residents and acknowledged by the applicant's odour consultant about odours resulting from existing fryers. The odour assessment supporting the application concludes that the chimney stack is the most practical solution. It also advises that there are no other alternatives that will address this problem in the short term, nor is there any evidence to the contrary.

6.33 A considerable amount of work has already been undertaken by the applicant to reduce odours emanating from the site and, if the application for the chimney stack is refused,

consideration would need to be given as to whether these improvements are sufficient for condition 8 of planning permission DMNW/100313/F to be discharged.

- 6.34 The stack will result in the introduction of an industrial feature that is not characteristic of the rural setting of the wider area. However, the landscape and visual impact assessment supporting the application concludes that these changes are localised and the landscape does have the capacity to absorb them, 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.
- 6.35 On balance, and whilst acknowledging the views expressed by the Senior Landscape Officer, Parish Council and residents, it is considered that the need to mitigate the odour emanating from the site outweighs the visual impact that the chimney stack will have. **Application reference N121981/F for the erection of a 26 metre high chimney stack and associated infrastructure is therefore recommended for approval.**

RECOMMENDATION

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.

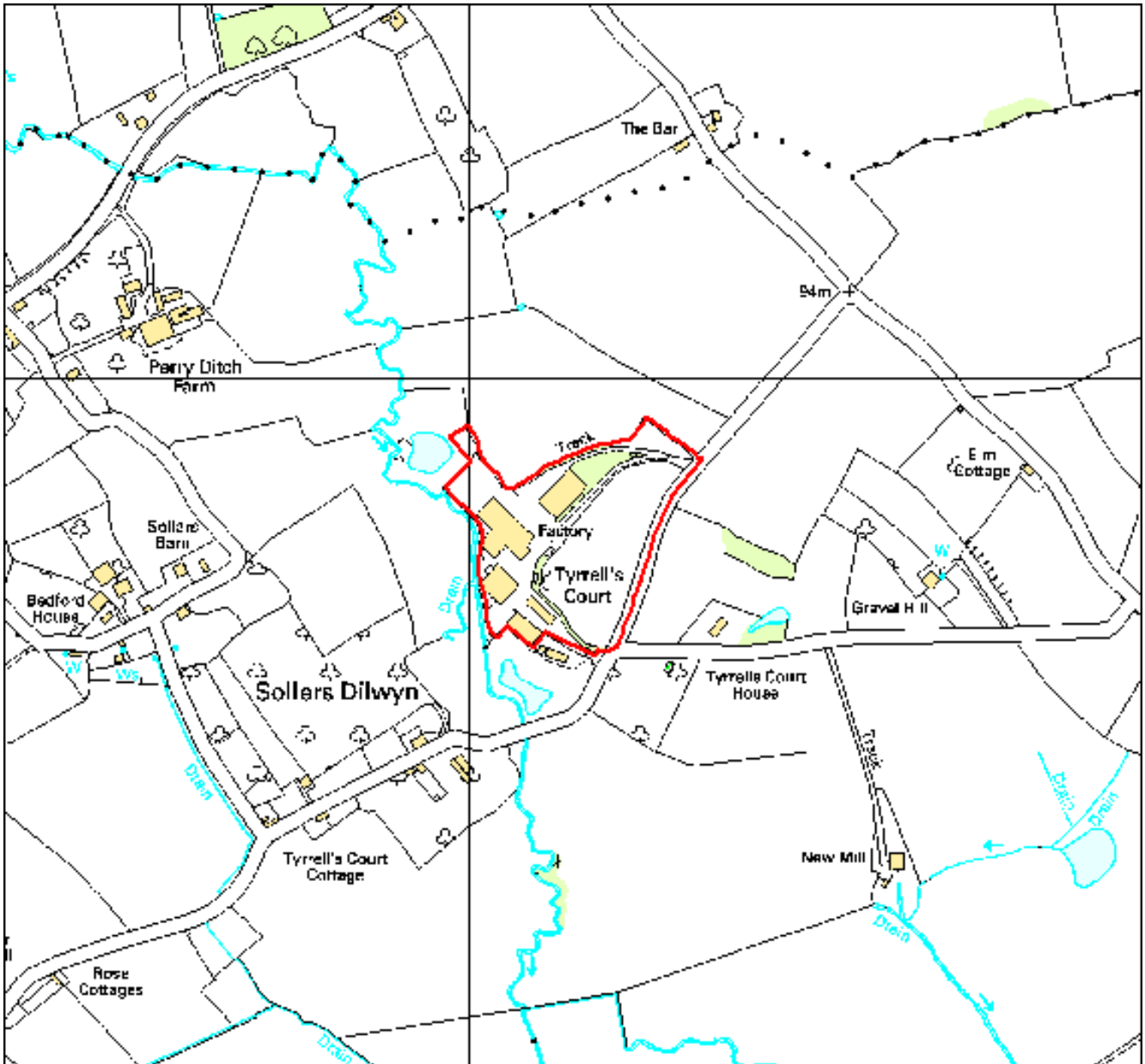
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/120896/F

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