

MEETING:	PLANNING COMMITTEE
DATE:	26 JUNE 2013
TITLE OF REPORT:	<p>N123540/F - ADAPTATION AND CHANGE OF USE OF STORAGE BUILDING (BUILDING 7) FOR STORAGE AND MANUFACTURING, ADDITIONAL CAR PARKING, EXTERNAL STORAGE TANKS AND THE ERECTION OF A 26 METRE ODOUR STACK AND ASSOCIATED INFRASTRUCTURE AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HR6 9DQ</p> <p>For: Tyrrells Potato Chips Ltd per Drivers Jonas Deloitte, 4 Brindley Place, Birmingham, West Midlands, B1 2HZ</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123540&NoSearch=True

Date Received: 18 December 2012

Ward: Golden Cross with Weobley

Grid Ref: 343110,255825

Expiry Date: 6 May 2013

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 produces and distributes potato crisps and popcorn 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 and popcorn production and office space.
- 1.3 The application relates specifically to building 7, a large steel framed building currently used for storage purposes. It is proposed to change its use to a combination of storage and manufacture, with the latter involving the installation of eight new fryers, effectively doubling crisp production on the site. Most significantly, the installation of the new fryers would also require the installation of a second chimney stack and its associated infrastructure, to disperse their associated odours. This is in addition to the approved, but as yet uninstalled, permitted under application reference N121981/F. The proposal also includes the creation of a new car park immediately to the north east of building 7 to provide an additional 26 spaces.

1.4 The application is supported by the following documents:

- Transport Assessment
- Noise and Odour Assessment
- Landscape and Visual Impact Assessment
- Planning Statement

2. Policies

2.1 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

2.2 Herefordshire Unitary Development Plan:

DR1	-	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
LA2	-	Landscape Character and Areas Least Resilient to Change
LA6	-	Landscaping Schemes
NC8	-	Habitat Creation, Restoration and Enhancement

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's 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.

3.5 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 – Withdrawn.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

3.6 The following three applications were all considered simultaneously and approved by Planning Committee, subject to conditions, on 17 October 2012 -

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.

N121877/F - Provision of a sprinkler system comprising the erection of a water tank and pump room building.

N121981/F - Erection of a 26 metre high stack together with the provision of ducting and other associated infrastructure, together with the removal of roof mounted fans from production plant (building 3).

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: Raises no objection but comments as follows:

Flood Risk: The storage building (existing and proposed) lies predominantly in Flood Zone 1, the low risk Zone. A portion of the building also lies within Flood Zone 2, the medium risk Zone.

The National Planning Policy Framework (NPPF - paragraph 103) requires that a planning application should be accompanied by a Flood Risk Assessment (FRA). However, due to the scale and nature of the development, we recommend consultation with your Land Drainage team and also the Lugg Internal Drainage Board (IDB), to provide information and review the submitted FRA.

Pollution Prevention: We note that the proposals include a new 26 metre odour stack and that a detailed odour assessment has been submitted with the application. Tyrrells Court currently falls under the threshold for requiring an Environmental Permit (EP) from us. We would therefore recommend you seek the comments of your own Environmental Health colleagues.

4.2 Natural England: Raises no objection and comments as follows:

Development within the catchment of the River Lugg has the potential to contribute to adverse effects on the SAC in terms of poor water quality. We understand that the application proposes that foul discharge will be to cess pit, which will be regularly emptied and disposed of by licensed contractors.

The LPA has undertaken a HRA Screening and has concluded that the proposal has **no likely significant effects** on the River Wye SAC. This is because the site is more than 10 km from the SAC.

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the River Wye SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

4.3 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.

- 4.4 Civil Aviation Authority: No objection.
- 4.5 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

- 4.6 Transportation Manager - I am very uncomfortable about the increase in HGV movements. I have not been able to obtain definitive guidance on appropriate HGV traffic levels on narrow roads, but in my opinion, the level of HGV traffic proposed will compromise highway safety, particularly if HGVs meet head-on and one has to reverse to allow passage.

In traffic situations, all will work smoothly until a 'tipping threshold' is reached, beyond which gridlock occurs. I consider it very likely that the traffic increase proposed will bring the 'tipping point' too close.

It is acknowledged that only 45% of the HGV traffic between "lane 1" and the A44 is generated by Tyrrells, but in the absence of police intervention to reduce the illegal use of the lane, my primary concern must be highway safety.

- 4.7 Economic Development Manager - From an economic development perspective we would be generally supportive of the above planning application. Tyrrells are a nationally renowned Herefordshire business and an important local employer, currently employing 160 staff, most of whom are from the local area. The proposals will allow a successful business to continue to grow, safeguarding existing employment and helping to create a further 70 jobs. Whilst we acknowledge there are some constraints facing the existing site, we feel the potential economic benefits achieved are significant enough, especially within the current economic climate, to outweigh these considerations and would advocate that the application be recommended for approval.

- 4.8 Conservation Manager: Landscape - The Landscape Officer objects to the application. In summary she comments as follows:

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. The combined impact of two stacks in this isolated, rural location will intrude upon often familiar and cherished horizons. As stated earlier in the LVA the existing buildings are of a modern agricultural appearance, however both of the chimneys and associated steam plumes, are completely alien to the rural setting, being more suitable to an industrial estate. The lower 10.7m sections 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 stacks are not in keeping with the mixed farming land use, small scale pattern of winding lanes, or the notably domestic character. I consider that there would be a high magnitude of change through the addition of new uncharacteristic features or elements that would lead to a change in the overall landscape quality and character (from agricultural to industrial). This change would have an adverse effect as the stacks are a new element that is not currently found in the landscape. The previously approved stack cannot be considered to be comfortably accommodated within the small scale and rural character of the existing landscape and the introduction of a second stack will compound this negative impact.

Prevention or avoidance of the significant negative landscape and visual effects of this development could not be adequately achieved due to the height and nature of the industrial structure. Alternative methods of odour control should be developed.

If the development is permitted then the proposed mitigation to ensure that the stack is finished in a subtle colour, such as matte blue/grey is suitable. This should be considered as

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reducing the negative visual impact, however, not completely removing it. The fact that this stack will be a narrower column is noted.

Where a 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. For example the boundary hedgerow on the east boundary is well established, but it is clipped low so doesn't provide any screening. If left to grow taller it would filter views of the site as well as improve biodiversity. It does not appear that the area of reed bed / wetlands for treatment of waste water from the site has established successfully. Addressing this large feature at the front of the site could help to change the perception of the site becoming purely industrial. New tree planting and enhancement of Tippet's Brook would enhance the western boundary. 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.

In conclusion, 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.

- 4.9 Conservation Manager: Ecology - A Screening report to assess the impact of the proposal upon the River Wye Special Area of Conservation (SAC) has been completed, and it concludes as follows:

The application proposes a non-mains collection and licensed disposal of foul discharge with unlikely impacts upon adjacent watercourses and ground water in relation to phosphates. The site is over 10 km from the SAC boundary with foul discharges of less than 5 m³. No odour emissions are expected to result in any likely significant effect on qualifying site features. It is therefore concluded that the proposal will have no likely significant effects on water quality within the River Wye SAC.

- 4.10 Environmental Health and Trading Standards Manager - I can confirm that I have had opportunity to consider the proposals and the supporting documentation particularly as regards odour and noise. The assessments provided indicate that whilst there may be some resultant loss in amenity to the closest neighbours that this will be within acceptable levels. I would refer you to my comments on a previous application should you have any concerns about the methodologies employed in the assessments.

5. Representations

- 5.1 Dilwyn Parish Council wishes to object most strongly to the chimney stack and other proposed works in this application and to stress that the on-going problems relating to light pollution, noise, traffic and other issues at this site have still not been addressed.
- 5.2 River Lugg Internal Drainage Board: Do not object to the proposal but comment that no additional surface water run-off is permitted into the viewed watercourse (Tippet's Brook) without written Land Drainage Consent, to be obtained from the Board.
- 5.3 The application has generated some objection amongst people living locally to the site. In summary the points raised are as follows:
- Proposals will contribute materially to the existing and future problems of vehicle use of the narrow local lanes to the site.
 - The immediate road network is inadequate to accommodate the additional traffic movements associated with the development.

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- 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 erection of a second 26 metre high chimney stack will have an unacceptable visual impact in an area of open countryside. Such impacts cannot be mitigated through additional planting.
- The application should be put on hold until the first stack has been erected and its effectiveness analysed.
- The installation of chimney stacks 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 proposals represent a further intensification in the use of the site and should be relocated to a location and premises appropriate for manufacturing.
- The continued industrialisation of the site will have a negative impact on local tourism and businesses that rely on the countryside.
- Further development of this site is not sustainable.

- 5.4 In response to the concerns raised by the Council's Transportation Manager, the applicant's consultants have provided an additional statement to clarify the projected increases in traffic movements. This advises that the greatest number of additional staff vehicle movements in any one hour, associated with the change of use application, would be 16 vehicles per hour (vph) two-way (12 arrivals and 4 departures) between 17:00 and 18:00. These movements are associated with the start of the 18:00 to 06:00 production shift (12 arrivals) and office workers finishing at 17:30. Additional car movements during all other one-hour periods of the day will be fewer.
- 5.5 It goes on to summarise that, on average, some 61 no. additional HGV deliveries per week during the working day would be generated, and a maximum of 13 of these would occur between 23:00 and 06:00, relating to dispatch of final product, stating that such movements would be minimised wherever possible by putting finished goods manufactured during the night shift either into Stores 1 & 6 or onto waiting trailers, prior to being shipped later that morning. Other movements would typically take place during the normal working day.
- 5.6 It further suggests that it is not possible to tabulate the HGV movements during specific one-hour periods as these will vary from day-to-day according to when full loads of finished product are complete etc. However, an average increase during the normal working day of some 7 HGV deliveries per day or 14 two-way movements (arrivals + departures) per day can be expected.
- 5.7 The report notes that the uplift in manufacturing capability is not directly reflected in the uplift in HGV movements. This is because the increased manufacturing output will allow for existing regular part-load deliveries to and from the site to become full-loads. For example, in terms of inbound deliveries, part-load deliveries of flat-packed packaging materials (packets and storage boxes) will become full-loads. Similarly, despatch of final product will more frequently comprise a full-load.
- 5.8 The statement analyses existing traffic movements and calculates flows to/from Tyrrells Court to be 402vpd two-way, of which 34vpd are HGV movements (in or out or a combination of the two). It suggests that the development proposal would result in an additional 78vpd (in or out) of which 18vpd would be additional HGV movements. This would result in additional vehicle

flows of an overall percentage uplift on existing traffic flows to and from Tyrrells Court of some 19.4% across the day.

- 5.9 The statement considers possible measures to mitigate the impact of traffic movements along the B4457, particularly ways to reduce the existing unlawful use by HGV drivers of the B4457 as a through-route. It suggests the potential to implement CCTV at either end of the B4457 in addition to improved (advance) signage of the imposed weight restrictions at its northern end. The implementation of these works would need to be a Council-led scheme, which Tyrrells would fund through developer contributions. Once implemented, CCTV footage would be monitored by West Mercia Police.
- 5.10 The statement concludes that the proposal presents additional employment opportunities in the county, whilst the predicted additional vehicle movements would not cause detriment to the existing situation along the B4457. Notwithstanding, appropriate mitigation measures have been suggested which Tyrrells would be prepared to fund via developer contributions.
- 5.11 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 Like the previous applications referred to above, this proposal has raised significant objection locally. These can be summarised as relating to matters of highway safety and intensification of traffic movements, nuisance caused by odour and noise and landscape and visual impact. This part of the report will consider each of these, together with the perceived benefits of allowing the proposal which are based on the promotion of economic activity in the county.

Highway Safety and Increased Traffic Movements

- 6.2 In determining the three most recent applications described in the Planning History section of this report, the Planning Committee has made it clear that it was concerned about the continued growth of the business at this site and an informative note was attached to the decision notice for the new chimney stack which reads as follows:
- "The applicant's attention is drawn to the concern expressed by the Planning Committee about the capacity of the site to accommodate further expansion and the effect that this may have on the amenities of local residents."
- 6.3 A summary of the increases in traffic movements is provided by paragraphs 5.4 to 5.10, including a proposed scheme of mitigation in order that existing weight limit restrictions along the B4457 can be better policed.
- 6.4 Although the proposed installation of new fryers would effectively double production, the anticipated increase in traffic movements is only around 20% above existing. Increased output will not necessarily require a doubling of the workforce and the contention of the applicant's transport consultant that fuller loads on HGVs will limit their additional movements appears appropriate.
- 6.5 The Council's Transportation Manager has expressed concerns about the increased traffic movements to and from the site, suggesting that the additional HGV movements along the narrow B4457 bring highway safety close to its 'tipping point'.

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- 6.6 The methodology used to complete the Transport Assessment is accepted and it advises that, over the course of a 24 hour period, an additional 9 HGVs will enter and leave the site (7 during the day and 2 at night). It also advises that 45% of HGV movements along the B4457 can be attributed to Tyrrells, with the remaining 55% being vehicles using the road as a 'rat run' between the A44 and A4110. No particular reference is made to additional movements associated with staff and visitors and therefore a judgement has to be made as to whether these additional movements are so detrimental to highway safety and residential amenity to warrant the refusal of this application.
- 6.7 On the basis of the figures provided, HGV movements along the road in a 24 hour period amount to 75. 34 of these (45%) are attributed to Tyrrells, the remaining 41 (55%) being daily traffic movements. In accordance with previous permissions, Tyrrells have adopted an HGV routing agreement where they are required to enter and leave the site via the A44 to the north, rather than negotiating the narrower part of the B4457 to the south of the site and avoiding the potential of lorries meeting head to head. Correspondence from objectors advises that there are occasions where the routing agreement has been breached by drivers visiting the Tyrrells site.

Landscape and Visual Impact

- 6.8 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.
- 6.9 The assessment considers that the impact of the installation of a second stack should be categorised as medium in terms of its visual impact for a majority of public viewpoints in the surrounding area, and that this can be absorbed by the surrounding landscape because of its topography and the existence of mature trees and hedgrows. In her comments, the Council's Senior Landscape Officer, maintains 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 and therefore it cannot be considered beneficial.
- 6.10 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. Nor does the landscape have any local or national designation. Where views are possible of the site, these are generally through field gateways or while travelling along the winding roads.
- 6.11 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. However, this has to be balanced against the fact that permission has already been granted for one 26 metre high stack and the test to be applied is whether cumulatively the introduction of a second will cause such significant landscape harm so as to warrant refusal. She concludes 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. However, given the surrounding topography, the fact that the site is not visually prominent from public vantage points and that the landscape is not afforded any specific designation, it is concluded that the impact of a second chimney stack would not be so harmful to warrant refusal if it can be demonstrated that there are other benefits to outweigh this impact.
- 6.12 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.

Noise and Odour Nuisance

- 6.13 The odour dispersion model employed by the assessment is one that is widely used throughout the UK and is an adopted industry standard. This has previously been confirmed by the Council's Environmental Health and Trading Standards Manager in his comments on the previous application for the first stack.
- 6.14 The report is based on local meteorological data which shows a consistent pattern of wind direction and speed over a five year period (2006 to 2010), and on odour outputs from the existing extraction and ventilation systems currently installed at the Tyrrells factory.
- 6.15 The assessment model identifies sensitive receptors (dwellings) within the locality of the factory and specifies a maximum odour concentration that would be acceptable at these locations, based on standards set under the Environmental Permitting Regulations (EPR). Tyrrells do not currently have to comply with these regulations due to the size of the business, but have chosen to adopt their standards.
- 6.16 The conclusion of the report is that, even in a worst case scenario of the poorest meteorological conditions in 2007, and based on a maximum odour output at source, the odour annoyance caused at the closest sensitive receptor would be below the levels set by the EPR.
- 6.17 The suggestion that odours will simply be deposited further afield through the installation of chimney stacks is not endorsed by the findings of the assessment. Their purpose is to disperse odourous particles into the atmosphere in order that their impact is reduced closest to the source and dissipated over a wider area.
- 6.18 Although the assessment considers that further testing once the first stack is erected and operational may identify further mitigation measures to be employed, there does not appear to be any evidence to suggest that the installation of a second chimney stack would give rise to unacceptable levels of nuisance caused by odour, and it is therefore concluded that the proposal is compliant with Policy DR4 of the Unitary Development Plan in this regard. It is, however, suggested that if planning permission is forthcoming for a second stack, a condition is imposed to the effect that it should not be installed until the first stack has been erected and is fully operational. This will ensure that existing odour control measures are satisfied before any further development takes place.
- 6.19 It has been 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. A noise assessment submitted as part of the application confirms that these are audible from some of the objector's properties but that the levels recorded are below 35dBA and are not considered to constitute a statutory nuisance. The report concludes that, provided the noise levels do not exceed those existing the proposal should not give rise to significant detriment to the residential amenity of the area.
- 6.20 The noise assessment also comments on noise associated with addition traffic movements, and particularly night time HGV movements to and from the Tyrrells site. It concludes that the noise level from these movements will be within suggested noise impact criterion and should give rise to no more than a minor impact on residential amenity, concluding that this is compatible with the general planning requirement to ensure that there is no significant impact on residential amenity.

- 6.21 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 and the proposal is again considered to accord with Policy DR4 of the Herefordshire Unitary Development Plan.

Economic Benefits

- 6.22 The Planning Statement supporting the application advises that Tyrrells has seen considerable growth in recent years and that this trend is set to continue. It also states that the company are aware of the constraints of the site and that the future growth of the business will be accommodated through strategies other than the continued development of this site, such as the development of an additional site or the acquisition of other businesses. However, due to the speed at which demand is increasing, there is an immediate need to increase manufacturing capacity that cannot be met by these longer term options.

- 6.23 The Planning Statement includes a statement from Tyrrells, the final two paragraphs of which read as follows:

“The development of Store 7 into a second factory will secure the growth of the business for another 5 years in accordance with its existing strategic plan. Therefore The Board warrants that this proposal will be the final major intensification of activity on the farm site whilst the company remains under its control and current ownership.

Any further development would be within the footprint of existing buildings on site; or by way of development of a second site; or the co-manufacture of product by crisp manufacturers in other key markets; and/or the acquisition of another factory.”

- 6.24 The proposal will result in an increase in staffing levels, the Planning Statement suggesting that numbers will increase from the existing 160 staff to approximately 230, offering a range of unskilled, semi-skilled, administrative and management posts.

- 6.25 The National Planning Policy Framework (NPPF) seeks to encourage sustainable economic growth, and paragraph 19 is quite specific in stating that planning should encourage and not act as an impediment to sustainable growth. The paragraph concludes:

“Therefore significant weight should be placed on the need to support economic growth through the planning system.”

- 6.26 Paragraph 28 refers specifically to the support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. In this case the business exists and, although it has previously been acknowledged that the site would not be promoted as a location for a new business of this scale, the fact that it is well established is material to the determination of this proposal.

Conclusion

- 6.27 The determination of this application is finely balanced. The proposal will increase traffic movements, particularly HGVs, within a road network that is not best suited for commercial activity, and the installation of a second chimney stack will have a negative visual impact. However, the NPPF is clear in its support of economic growth that is sustainable. The proposals will create new job opportunities within an existing and established business, using an existing building to do so, and the proposal is considered to be sustainable in this respect.

- 6.28 In light of the fact that permission has already been granted for the installation of one chimney stack, the erection of a second in a location with no specific landscape designation and that

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sits in a natural bowl that is not widely visible from surrounding public vantage points, the proposal is acceptable in landscape impact terms. It is not considered to have a cumulative effect that would cause such harm to make the proposal unacceptable, and the introduction of new car parking within the context of existing development is also considered acceptable and in accordance with Policy LA2 of the Herefordshire Unitary Development Plan.

- 6.29 The proposal will result in an increase in traffic movements along the B4457. Tyrrells have previously undertaken to enforce a routing agreement with HGV drivers and, whilst there have been occasional breaches of this, it has been successful. If this application is to be approved, it is recommended that a condition to ensure that this continues is imposed. It is however evident that a lack of enforcement of the weight restriction along the road is a contributory factor to problems experienced by local residents and Tyrrells have offered to pay for a CCTV system to help to address this. This however, is an existing problem that is not directly relevant to the proposal, and it is your officer's view that it would be unreasonable to seek a financial contribution for this reason.
- 6.30 The issues of noise and odour have been considered in detail by the reports accompanying the application and neither concludes that there will be a significant impact on residential amenity in the local area. The proposal is therefore compliant with Policy DR4 of the Herefordshire Unitary Development Plan.
- 6.31 On balance, it is considered that the additional numbers of traffic movements created by the proposal are not sufficient to justify the refusal of the application on highway safety grounds. In particular the additional HGV movements would represent a modest proportion of all traffic movements along the B4457 and the continued use of a routing agreement by Tyrrells to ensure that all HGV traffic enters and leaves the site via the A44 to the north will serve to minimise traffic conflicts occurring on the narrower part of the B4457 to the south of the site.
- 6.32 The proposal will bring economic benefits, including the creation of a number of new jobs and the continued growth of an established business in the county, and this is compliant with the aims of the NPPF to support economic growth. It is therefore concluded that the proposal is acceptable and the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. The development hereby approved shall not be commenced until the first chimney stack approved on the site to service existing production plant in building 3, as approved under application reference N121981/F, is fully implemented and operational.**

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

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

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

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

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

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

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

7. **The Traffic Management Plan submitted in accordance with the approved and implemented development under application reference N120896/F shall be applied, without modification, to the development hereby approved.**

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

Informative:

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

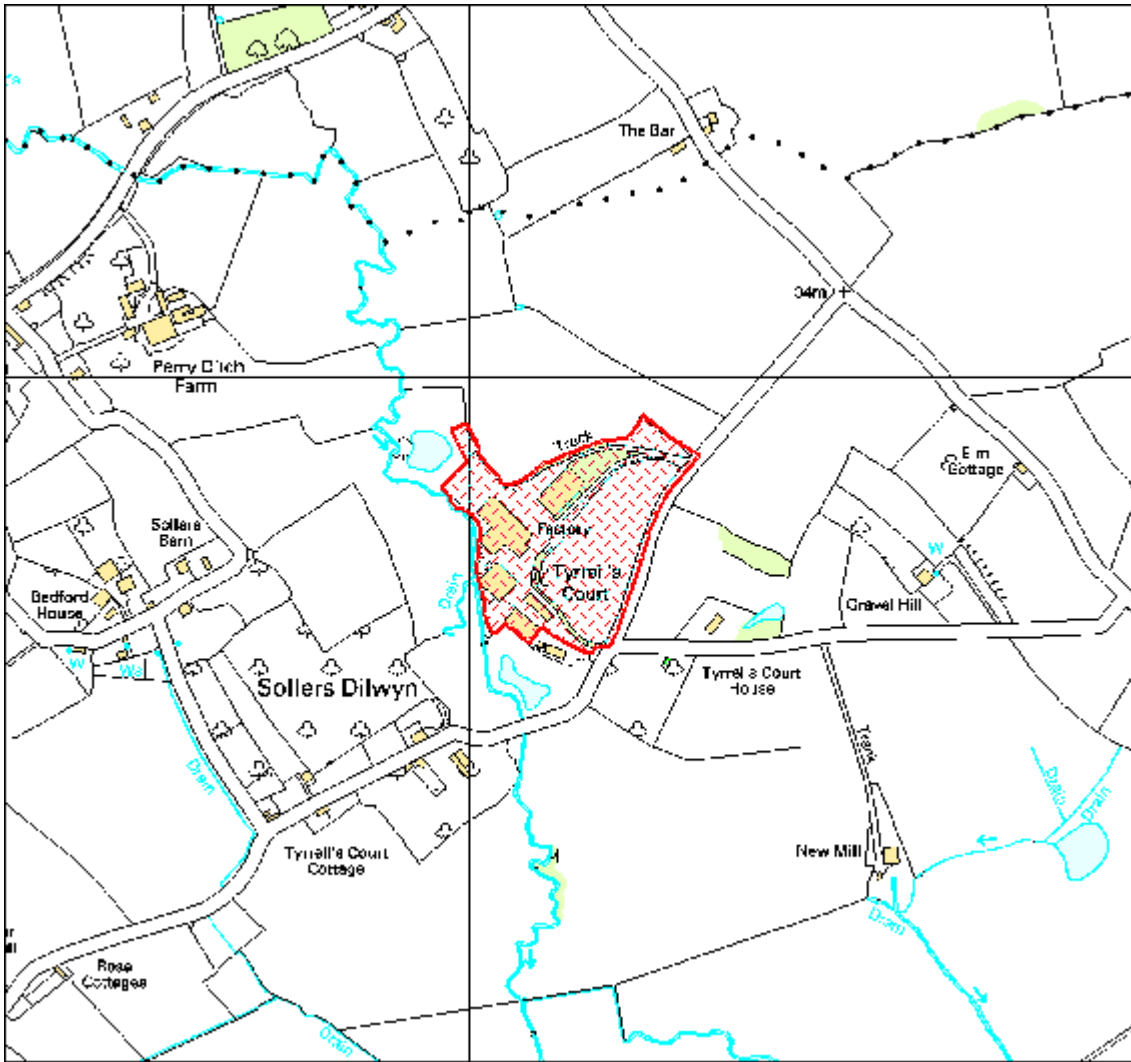
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/123540/F

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

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