

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 May 2016

AUTHOR/S: Planning and New Communities Director

Application Number: S/2403/15/FL

Parish(es): Fowlmere

Proposal: Change of use of agricultural building to a farm shop cafe

Site address: Deans Farm, Long Lane, Fowlmere SG8 7TG

Applicant(s): Mr T Deans

Recommendation: Approval

Key material considerations: Principle of development
Residential amenity
Character of the surrounding countryside
Highway Safety and parking

Committee Site Visit: No

Departure Application: No

Presenting Officer: David Thompson, Principal Planning Officer

Application brought to Committee because: The officer recommendation of approval conflicts with the recommendation of Fowlmere Parish Council

Date by which decision due: 02 December 2015

Executive Summary

1. The principle of development is considered to be acceptable as a scheme for farm diversification which has been supported by a Business Plan which demonstrates that the long term viability of the farm requires an alternative income stream. Given that the site is previously developed land, with an existing B1, it is considered that the level of activity generated by the proposed use would not be unsustainable despite the location of the site in the open countryside. It is considered that the proposed use would not have an adverse impact on highway safety or the residential amenity of neighbouring properties. The proposal is therefore considered to meet the definition of sustainable development as set out in the NPPF.

Planning History

2. S/1115/15/PM – change of use of existing agricultural building and lane to a tea shop/cafe (use class A3) – refused and appeal dismissed

S/1966/13/VC – removal of condition 4 of planning permission S/2521/11 restricting retail use to allow unrestricted retail use – refused (allowed at appeal)

S/0866/12/FL – proposed conversion of building to B1 to poultry, pet and equestrian store (A1 use) – refused

S/2521/11 – proposed conversion of building from B1 to poultry, pet and equestrian store – refused (allowed at appeal)

S/0629/10/F – relocation of access (revised design) - refused

S/1712/10 – proposed amendment to access for planning permission S/2268/07/F (below) - approved

S/2268/07/F – change of use of building to B1 industrial and installation of Klargestor and new access - approved

S/0974/03/F – change of use to the preparation of pet hay/straw and shavings including outside storage and 1 metre high earth bund - approved

National Guidance

3. National Planning Policy Framework 2012 (NPPF)
Planning Practice Guidance

Development Plan Policies

4. **South Cambridgeshire LDF Core Strategy DPD, 2007**
ST/6 Group Villages
5. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
ET/9 Farm Diversification
SF/5 Retailing in the countryside
NE/9 Water and Drainage Infrastructure
NE/14 Lighting proposals
NE/15 Noise Pollution
TR/2 Car and Cycle Parking Standards
6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
District Design Guide SPD - Adopted March 2010
7. **South Cambridgeshire Local Plan Submission - March 2014**
S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in favour of sustainable development
E/22 Applications for new retail development
E/23 Retailing in the Countryside
SC/10 Lighting proposals
SC/11 Noise pollution
TI/3 Parking Provision
E/18 Farm Diversification

Consultation

8. **Fowlmere Parish Council** - Recommends refusal of the application and makes the following comments:

'The Parish Council refuse the application because it is contrary to the Emerging Local Plan, in particular E/16 Expansion of Existing Businesses in the Countryside. Especially as the approvals for part of the building that have already been given have not been implemented as we understand officers have been into the building to view this for themselves. Policy E/16 clearly states at (a) the proposal has to have been in operation successfully for a minimum of 2 years before expansion approval could be given. At E/16 (b) states that there has to be a named (user) for the development and this has not been shown. At (d) 'Unacceptable impact on the countryside' again this cannot be demonstrated because the business is not operating and at (f) we have not been shown the amount of traffic that would be generated. At policy E/18 Farm Diversification at (2) applications must include a business plan and the Parish Council has no evidence of such a plan. Lastly, this application would impact on nearby domestic properties by the fact of its 7 day a week approval and the added footfall that is likely to ensue.'

9. **District Council Environmental Health Officer (EHO)** – no objections to the proposals. Food safety and pest control issues will need to be considered at the licensing stage.
10. **Local Highway Authority** – no significant adverse impact on the public highway should result from this proposal should planning permission be granted. Although the proposed change of use is likely to generate more motor vehicle movements to and from the site than the existing use, these are unlikely to be undertaken at peak hours and the numbers are unlikely to be significant.

Representations

11. 1 letter of objection has been received from a neighbouring resident which makes the following observations:

'Deans Farm has had a large number of applications in recent years and several substantial buildings, gradually transforming it from a quiet agricultural/light commercial site. It is not at all clear what the final plan of the owner is for this site as the use of the buildings seems to evolve and the planning requests are at odds with the current use as a packing and distribution site. We are greatly concerned about traffic, hours of operation and the environmental impact of the continued expansion of the use of this site.'

Site and Surroundings

12. The application site comprises a warehouse building located to the northwest of the village framework of Fowlmere. The site is accessed to its south-east border from Fowlmere Road, which is set at the national speed limit. The site is surrounded by open countryside with the nearest neighbour, North Farm House, to the east. The central section of the overall building (i.e. the part to which this application relates) is considered to have a B1 use. Whilst the storage and packing of hay could be considered an agricultural use, on this site, this activity is associated with the bulk animal feed/bedding business which operates under the B1 use. This position has been confirmed in a recent appeal statement. The south eastern end bay of the

building has an unrestricted A1 retail use. When this use was first approved on appeal under the 2011 application listed above, a condition was attached limiting the goods to be sold within the unit to those closely related to the pet supplies element of the B1 use. However, this restriction was removed on appeal in 2013.

Proposal

13. The applicant seeks full planning permission for the change of use of agricultural building to a farm shop cafe (use class A3).

Planning Assessment

14. The key issues to consider in the determination of this application are the principle of development, the impact on the residential amenity of neighbouring properties, the character of the surrounding area and highway safety and parking capacity on the site.

Principle of Development

15. Paragraph 28 of the NPPF states that 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.'
16. Policy ET/9 of the LDF relates to farm diversification. This policy states that 'well-conceived farm diversification schemes, where they are directly related to supporting a working farm, will be permitted if:
 - a. They are considered in scale with their rural location;
 - b. Existing buildings are re-used where possible, and if not replaced, in accordance with Et/7 and ET/8
 - c. Any new development is part of the existing group of buildings'
17. The policy also states that 'Applications must include a Farm Business Plan, to demonstrate how the proposal will support a working farm.'
18. Whilst the proposed A3 use is considered to be a 'town centre' use for the purposes of assessing impact on the vitality and viability of town centres. Paragraph 24 of the NPPF requires a sequential test to be undertaken where town centre uses are proposed not in town centre locations, where the proposal is not in accordance with an up to date Local Plan. Policy ET/9 is considered to accord with the principle of supporting sustainable economic growth and therefore officers are satisfied that, if the proposal complies with policy ET/9, a sequential test is considered unnecessary.
19. Following a request by officers and in light of the concerns expressed by the Parish Council, the applicant has provided a Business Plan which includes the profit and loss accounts of the farm enterprise for the last 3 years and also a projected account for the proposed A3 café use. The report states that the proposed café use would complement the existing retail use, to which it would be internally connected, with the A1 unit to operate as a farm shop.
20. For clarification, the Business Plan includes reference to an income stream from 'hay and straw' and the applicant has confirmed that this refers to the revenue from the wholesale pet supplies business. Income from all elements of the farm business have been factored into the figures included in the Business Plan.

21. The report indicates that the net farm profit between the financial years 2012-13 and 2013-14, net profit form (inclusive of subsidies and grants) the farm business reduced by approximately 30% and dropped again in the year 2014-15 by more than 30%. The report also highlights an increase in the costs associated with the operation of the business, which equates to approximately 20% over the past 3 years.
22. These figures are considered to demonstrate that the overall viability of the business has reduced in recent years, with net profits reducing and costs rising relatively substantially. It is considered that there is sufficient evidence to demonstrate that a development which would provide an additional income stream to the farm business would support the overall farming business. Given that it is the applicant's stated intention to run a farm shop from the A1 unit within the building, it is considered that the proposed A3 use would compliment this in enhancing the viability of the overall farm enterprise.
23. The Business Plan includes a reasoning behind the projected turnover from the café use, which is anticipated to exceed the profit levels of the farm business when compared to the last 2 years. The turnover is based on the café being open 6 hours a day, serving 6 customers an hour and an assumption that the average spend would be £5 per customer. Given the size of the floorspace to be converted, it is considered that these estimates are relatively conservative and therefore demonstrate that the income generated would make a substantial contribution to the income of the overall holding.
24. Vitality and viability of existing shops and villages
25. Policy SF/5 states that where goods are to be sold from sources that are not immediate to the site and the surrounding area, there is a need to demonstrate that the proposed development would not have an adverse impact on the viability of current enterprises within villages that provide a similar offer. Whilst it is acknowledged that a café is not a retail use, given the nature of the goods to be sold, it is considered reasonable to ensure that the proposal would be economically sustainable through allowing the facilities within village frameworks to remain viable.
26. The applicant has provided details of the farm and food shops within a radius of just over 5 miles of the site. This survey demonstrates that the only farm shop within that distance of the site is Bury Lane Farm Shop in Meldreth. The other units identified are conventional retail stores which provide a different offer to the café use linked to the farm shop as proposed in this application. As such, it is considered that the proposed development would not result in direct competition with units in the surrounding villages to the extent that there would be demonstrable harm to the vitality and viability of the shops and similar facilities which serve the neighbouring villages.
25. In relation to the overall principle of development, it is considered that the proposed change of use would result in economic benefit for the farm business and would not result in a significant intensification of the use of the site given that it has been operating as a B1 business use. Therefore, despite being located outside of the Fowlmere village framework and in the open countryside, the principal of the proposal is considered to meet the definition of sustainable development as defined within paragraph 7 of the NPPF, subject to an assessment of the residential amenity, landscape and highway safety impacts, which are considered in the following sections of this report.

Residential Amenity

27. The objection received from the neighbouring resident raises concerns about the incremental development of the site. It is acknowledged that the activity on the site is greater than one would expect for an agricultural site. However, this is the lawful situation on a site which currently has extant planning permission for a combination of a B1 and an A1 unit. The partitioned building is set within relatively large grounds, within which sufficient parking spaces and areas for delivery vehicles to enter and leave the site can be accommodated.
28. The closest properties are approximately 80 metres to the east and south east of the site. Given this separation distance and that the extant permissions on the site, it is considered that the level of disruption caused by more frequent car journeys to the site would not be sufficient to warrant refusal of the change of use application. It is considered to restrict opening times of the café use and the times that deliveries can be made to the site to those which apply to the extant retail use on the site (0800 - 1800 Monday to Saturday, 1000 – 1600 Sundays and Bank Holidays). This would further reduce the impact of the development on the residential amenity of the neighbouring properties.
29. The EHO has raised no objections to the proposals in terms of noise or odour emissions. It is recommended that details of the location and specification of the extraction system to be installed to serve the café kitchen be secured by condition.
30. The proposal involves minor changes to the external elevations of the building but the scheme would not increase the height or footprint of the existing structure. There would be no unreasonable impact through overshadowing or other harm to the living conditions of adjacent dwellings arising from this proposal therefore.
31. It is considered reasonable to tie the hours of operation of the proposed café use to those of the A1 retail unit. This restriction shall be secured by condition and this would prevent noise associated with customers visiting the site and deliveries been taken and/or dispatched and more noise sensitive an anti-social times of the day. This restriction would further limit the impact of the proposal on the residential amenity of the neighbouring properties.

Surrounding countryside

32. The proposed development involved only minor changes to the exterior of the building, which is set in a large curtilage which has a gravelled surface. A condition is recommended to control external lighting which may be required for the car parking area in particular, to ensure that the amount and level of lighting would not have an adverse impact on the character of the countryside. The proposal would not result in any adverse impact on the character of the surrounding countryside therefore.

Highway safety and parking

33. The floor area of the building to be converted to the café use is 148 square metres. The Development Control Policies DPD requires 1 space for every 5 square metres of floorspace for such a use. This would amount to 30 spaces to serve the proposed development, with 1 cycle parking space per 10 metres squared, equating to 15 in this case. Given that the area to the rear of the building is in excess of 25 metres deep, it is considered that there is sufficient space to accommodate these requirements, alongside the parking requirements associated with the permitted A1 retail use.
34. The Local Highway Authority has raised no objections to the proposal, which would utilise the existing access to the site. It is considered that the type of vehicles

accessing the site in association with the proposed use are likely to be smaller than some of the vehicles associated with the bulk order purchasing operation which currently exists on the site. As such, it is considered that the proposals would not have an adverse impact on highway safety.

Conclusion

35. The proposed change of use is considered to be acceptable in principle given that the site currently accommodates B1 and A1 uses. The proposal has been supported by a Business Plan which demonstrates that the farm would become more viable as an enterprise with the additional income stream generated by the proposed use. The proposals would not result in a detrimental impact on the vitality or viability of the facilities in adjacent villages, the residential amenity of neighbouring properties or highway safety. It is therefore considered that the proposal accords with relevant nation and local planning policies.

Recommendation

36. Officers recommend that the Committee grants planning permission, subject to the following

Conditions

- 37.
- (a) 3 year time limit
 - (b) In accordance with the approved plans
 - (c) Details of materials to be used in external works
 - (d) Details of extraction system to be submitted and approved
 - (e) Details of the location of car and cycle parking spaces
 - (f) Removal of permitted development rights for change of use
 - (g) Restriction on the hours of operation (to be the same as those approved for the retail use on the site – 0800-1800 Monday to Saturday 1000 to 1600 Sundays and Bank Holidays)
 - (h) Details of foul water drainage
 - (i) Details of surface water drainage

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S/2403/15/FL

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