

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/1728/10 - MELDRETH

**Retrospective extension to warehouse and toilet block at Fieldgate Nurseries,
32 Station Road for Mr Ward**

Recommendation: Approve Conditionally

Date for Determination: 12th January 2011

**Notes: This application is being presented to Planning Committee as requested
by Councillor Surinder Soond**

Site and Proposal

1. The site, Fieldgate Nurseries (FGN) lies between the villages of Meldreth and Melbourn, within the Parish of Meldreth but outside of the village framework. The site is located close to the station in Meldreth and the A10. The site comprises an area of approximately 1.4 hectares. It was originally used for the growing and selling of horticultural produce. The site now comprises a shop area equating to approximately 400m² in floor area and various other storage buildings. Some of these are associated with the FGN use and some are rented out to others for storage purposes. There is a residential listed building on site that is owned and lived in by the applicant.
2. The full application, received 17th November 2010, proposes the retrospective erection of an open fronted warehouse extension and a portable toilet block for staff. The submissions include a Traffic Flow plan showing the proposed route for vehicles using the site and a parking layout. The application was submitted with a Design and Access Statement and Heritage Statement.

Aerial Map

3. For ease of reference I have included an aerial map (2008 appendix A and A1) and marked each building accordingly, indicating the different buildings on site and the uses of them. Units E and F are the relevant units for this application.

Planning History

4. SC/0136/70 - Erection of a green house - Permitted Development
5. S/1666/77/F - Conversion of top level of Barn into Flat for a Farm worker - Approved
6. S/0450/82/F - Sale of 'bought in fruit' and vegetables - Approved. This application allows for the sale of bought in fruit and vegetables on the entire

1.4ha site and is not specific to the shop building. No conditions are attached to the decision notice.

7. S/1124/85/F - Replacement Shop and Store - Approved. Refers specifically to a unit comprising approximately 160m². Conditioned to be used as part of FGN enterprise and not to be sold as a separate unit. Part of the shop is being let to Russells Butchers (also A1 use) but this remains in the ownership of FGN.
8. S/0040/99/F - Storage Buildings - Approved. To be used as storage only and ancillary to FGN
9. S/0055/01/O - Bungalow - Refused
10. S/0555/05/F - Change of Use of Barn No.4 for Fruit Juice and Bottled Water storage and distribution - Approved.
11. S/2418/08/F - Warehouse Extension - Refused
12. S/0182/08/F - Change of Use from Agricultural storage to pet food retail and siting of a porta cabin toilet block (Retrospective Application) - Refused
13. S/1832/08/LB - Alterations - internal changes to 2 dwellings remove & replace partitions & ceiling, install chipboard floor, convert attic space & implement structural works. (Regularisation of unauthorised works). - Approved.
14. S/2054/08/F - Erection of Lean-to Extension to Warehouse, Toilet Block and Change of Use from Agricultural Building to Retail (Equestrian Supplies) (Retrospective Application) - Withdrawn

Enforcement History

15. There have been 2 planning contravention notices (PCN) sent to the owner of Fieldgate Nurseries. These have been to primarily establish the uses of the buildings and the ownership of the site. The warehouse structure that is the subject of this application was one of the reasons a PCN was issued. An application for the erection of the structure (retrospective) was refused under planning reference S/2418/08/F and failure to remove it led to an Enforcement Notice being served. The applicant did not appeal the notice which remains extant.

Planning Policy

16. South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007:
 - DP/1 Sustainable Development
 - DP/2 Design of New Development
 - DP/3 Development Criteria
 - DP/7 Development Frameworks
 - CH/3 Listed Buildings
 - CH/4 Development within the Setting of a Listed Building
 - ET/5 Development for the Expansion of Firms
 - NE/15 Noise Pollution
17. South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Government Circulars:

18. Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
19. Circular 05/2005 - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

20. Meldreth Parish Council - Make no recommendation but include the following comments:
21. Meldreth Parish Council makes no recommendation as it feels it does not have enough information to make any other response.
22. We would like to see Fieldgate Nurseries develop as a successful business serving the local community and living in peace with its neighbours. Parts of the application suggest that if this application was approved in its present form, this would not be the case.
23. Since the application in 2006, including the retrospective request, which was refused, there must have been negotiations or discussions between SCDC planners and Fieldgate on this, the 2008 withdrawn application and the unsuccessful enforcement action. None of this has been recorded on the application forms or supporting documents and we have not been kept up to date by SCDC representatives.
24. We would like the following aspects to be investigated by SCDC planners as part of the decision process.
25. Are the proposed entry points for HGV's acceptable to Highways and can the necessary visibility splays be created? Concerns have been raised by neighbours about Highway Safety for vehicles and people, especially school children. Our speed watch team reports that Station Road is the busiest road in Meldreth during the morning rush hour with high levels of speeding.
26. The size of the retail operations on site, including the space occupied by Fieldgate, the butchers shop and the equestrian shop (refused planning but only recently closed) and the range of goods now sold by Fieldgate. We do not know what retail space has permission and what range of goods can be sold. The reference in a historic planning decision is to sell its own produce and bought in fruit and vegetables.
27. We have raised in the past the amount of unauthorised building (a steel framed clad former greenhouse) to the rear of the site. We have received reports of businesses operating here and elsewhere on the site without permission.

28. There is a continuing problem with parking on the site. Are there enough parking spaces reserved for customers for the authorised retail operations on site? Do unauthorised businesses detract from the number of spaces for customers? The siting of the toilet block discourages customers from driving into the rear parking area leading to congestion on the front parking and overflow on to the highway land. Customers driving to parking spaces frequently find themselves competing with HGV delivery vehicles.
29. The application should show, by appropriately coloured boundaries, the area of land that is the subject of the planning application and any other adjoining land (in blue) owned by the applicant.
30. The 2006 application was rejected because the applicant had not demonstrated a need for the loading bay. The need is now given as to allow deliveries on a 24/7 basis. Does the present planning permission have any restriction on working hours? Deliveries by HGV's on a 24/7 basis will be unacceptable to the neighbours of Fieldgate Nurseries. No reason has been given as to why a business operating shop hours needs its deliveries on a 24/7 basis.
31. The standards of design and construction of the existing (but proposed) buildings are not attractive and do nothing to improve the appearance of the site. Have the buildings been built with the guidance of Building Control.
32. There are no ownership or agricultural certificates with the application form
33. Conservation - comments remain the same as those given for planning application S/2054/08. The work has been carried out without the benefit of consent and is not sympathetic to the adjacent Listed Buildings. The units should be relocated to the rear of the site, as they are not only visually inappropriate but conflict with the residential use of the site. If the units are relocated, or removed, the team are willing to support the application. However, if the units are not capable of being relocated (evidence and justification required) a time limitation of 2 years should be implemented, where the removal of all units are to take place. Non-compliance with this time limit should result in enforcement action. If in two years there are additional circumstances to warrant the retention of the units, a new application can be discussed during a pre-application meeting.
34. Acting Environmental Health Manager - No objections
35. Local Highways Authority - The proposed provision of a new toilet block will have no direct impact on the adopted public highway.

The proposed construction of a new lean to building for loading/unloading and or baling of recyclable cardboard may create differing traffic movement patterns, but is unlikely to significantly increase vehicle movements to and from the site. Therefore, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Representations

36. Cllr Soond - While development at Fieldgate Nurseries (FGN) has an extensive planning history, most of which is very convoluted by aspects of planning enforcement coupled with concerns raised by local residents, without complicating things further, I would be grateful if this particular application could be presented to the Planning Committee for the next meeting with a view for members to remark on a possible course of action (based upon their experience and knowledge in such matters).
37. In summary, we would be grateful if the Planning Committee would consider the points in determining the fate of this application, being mindful of the residents immediately residing around this site with a view to unravelling what can only be described as a 'confusing situation', so that retail industry and residents can co-exist within boundaries defined by SCDC Planning Law. Moreover, we believe that the proper and regulated development of this site would be a real asset to the residents of Meldreth and the surrounding villages.
38. Councillor Soond's full representations are at Appendix B.
39. A letter of objection has been received from the occupiers of 55 Station Road who raise the following concerns:
40. The retrospective application refers to the opening hours of the business commencing at 6am Monday to Friday. We are concerned about noise pollution from HGV's affecting our sleep. The Design and Access Statement contradicts the application stating in section 1 that the premises will be in constant use 24/7. The traffic flow plan shows an exit route for HGV's from the premises close to our property. The planning officer is requested to give due consideration to noise and the affects on neighbouring property in its decision. We would request that HGV access is only permitted during business hours stated in the application.
41. An objection has also been received from the occupiers of St Johns Farm, Station Road (SJF). The full representations are at Appendix C.

Planning Comments

42. From the above submissions Members will note the sites long history and the number of ongoing concerns and issues that have been or are in the process of being addressed. The planning department has worked with both the applicant and the occupier of SJF with Enforcement, legal representatives, the Local Government Ombudsman and other third parties such as the Local Highway Authority, the Environment Agency, Environmental Health and officers from the local Constabulary to try and overcome these issues. Whilst all issues are relevant to the site, only a few of the above comments are relevant to this specific application. I have attempted to cover these below and for clarification I can confirm the following points:
43. The application submitted has some errors in the content that have been raised by Cllr Soond and in other representations. These have been brought to the attention of the applicant.

44. Question 6 - is answered correctly. No new access is proposed. The access at point B already exists and can be used by anyone using the site. All the land in the application site edged blue is in the ownership of the applicant. The strip of land to the east of the site, including point B is also owned by the applicant.
45. Question 11 - The spaces shown on the Traffic Flow plan (TFP) do not conflict with the temporary refrigeration unit, as Members will note on site. The total spaces equate to 39 including staff provision. All staff parking is to be located at the rear of the site as shown on the TFP.
46. Question 13 has been answered correctly. The drainage issue that is raised by Cllr Soond is a separate legal matter that has been dealt with by the Environment Agency. The requirement for more transparency is not considered relevant to this application or future planning of the site.
47. Question 16 - is correct insofar as there are no trees on the development site. The development site being the area edged red. There are trees on the site as a whole. None of which are affected by the proposals.
48. Question 19 - Cllr Soond is correct. It should read 58m² and the application suggests 4m² less though the dimensions on the drawings are accurate. The 9m² of proposed toilet space has been missed off the application form but again is apparent in the drawings.
49. Question 21 - the opening hours of the shop are indeed as Cllr Soond has stated. The working hours of the staff are as indicated in the application form. Mr Ward is aware of the Sunday trading hours.
50. Question 23 - The site area is 1.5 hectares and not 3.45 hectares. It does however equate to 3.45 acres.
51. The mobile unit is a matter that is being dealt with by the Councils Enforcement team
52. The storage of handbags in Unit A is a matter that is being monitored by Enforcement. The bags are being slowly removed from the site.
53. The office use in the listed barn (adjacent the house) has been used as such for a continuous period of ten years, primarily as part of the FGN enterprise. The current occupiers are a separate company and not associated to FGN. We are informed the current tenants have been using the space for over 4 years.
54. Other building uses have been investigated regularly over the last 18 months and officers have not discovered any unknown uses that are not included in this report.

Key Issues

55. The key issues to consider in this instance are the impact that proposals would have upon highway safety, the setting of the Listed Building, impact on the wider countryside and residential amenity in respect of noise pollution.

Highway Safety

56. Of all the planning applications that have been submitted highway safety implications have not been of a major concern. The site has been used as a nursery for many years and whilst there are no longer goods grown on site, the site has undoubtedly intensified, with more vehicles, which is common with many commercial premises. Previous planning history did not consider it practical nor desirable to control vehicle movements generated by the whole site through the various minor applications that have been submitted and no historic decision notice aims to control vehicle type or numbers through condition.
57. There are two access points to FGN, these are marked A and B on the Traffic Flow Plan (TFP) submitted with the application. These access points have been in place for in excess of 10 years and can be used as such. The main entrance has always been at the front of the shop, however, discussions between the applicant and officers has led to point B being brought into a more productive use. The Local Highway Authority (LHA) was not been overly keen on this access being used, but as it is an existing access considers it acceptable in this instance.
58. The refused application under reference S/0182/08 was considered to be unacceptable to the LHA, as it did not adequately address highway safety or parking facilities. Given its countryside location the LHA requested that the maximum provision of parking spaces be made to ensure accommodation was made clear of the public highway. It was concerned about conflict of vehicles using the site and an intensification of use due the increased number of vehicles additional retail use would bring to the site. The additional retail use that was proposed in that scheme has since been removed from the current application. The applicant has aimed to show a plan of proposed traffic flow and an indication of where parking spaces can be made available on site. These would be demarcated on site if approved.
59. The applicant has tried to separate the customer and staff parking to avoid conflict and shows a route that larger vehicles would take to avoid unnecessary manoeuvres on site. This would in turn aid the reduction of noise from reversing beepers on vehicles (this is covered in more detail under Neighbour Amenity).
60. Officers are of the view that the site could have adequate parking provision and have been working with Mr Ward to overcome some of the parking problems, particularly at the front of the site. This is ongoing but the intention is to create a more desirable area for customer parking to discourage parking in the highway at the front of the site.
61. At present the site has insufficient parking arrangements as set out in the Parking Standards in the South Cambridgeshire Development Framework Development Control Policies adopted July 2007. Parking standards are based on the use class of the buildings and officers have spent considerable time visiting the site to ensure the uses are in accordance with the approved schemes submitted to date.
62. Units H and C have been used for retail for a period of over 10 continuous years, all other buildings are primarily for storage purposes. Following site visits I have included a list of all the buildings uses, unlawful and lawful to

show how many spaces would be required under the current uses on site. Please note that units E and F are the subject of this application.

Uses, sizes of buildings and required parking

Unit	Use class	Size (approx m2)	Parking spaces required (max)
A	Storage B8 (unlawful)	469	5
B	Storage B8	214	2
C	Retail A1 (non food)	223	11
D	Storage B8	211	2
E	Storage B8 (unlawful)	55	½
F	Toilet block (unlawful)	-	-
G	Refrigeration Unit (unlawful)	-	-
H	Retail A1 (food)	163	12
I	Dwelling C3	1 dwelling	1 ½
J	Storage B8 (LB)	79	1
K	Staff Office B2	93	2
L	Storage B8	123	1
M	Storage B8	90	1
Total Spaces			40

7 spaces per 10 employees and 5% required for disabled parking preferably to the front of the site

63. If the unlawful uses were removed adopted standards would require 5.5 less spaces totalling a maximum requirement of 33.5 customer parking spaces. To date Mr Ward has submitted a scheme for 24 customer spaces and approximately 16 staff spaces. The removal of the warehouse building will result in the loss of 0.5 spaces, the toilet block 0 spaces and the removal of the refrigeration unit, which is the subject of another application, although intrinsically linked, 1 space.
64. Ongoing (recent) trials to assess the way in which customers park at FGN and associated access problems for the residents at St Johns Farm have resulted in the loss of 1 customer parking space to the front of the site, thus reducing the overall parking provision for customers down to 23.
65. If spaces are demarcated on site it will visually encourage customers to park in them. Disabled spaces should be located closest to the shop front and marked accordingly, again this should encourage customers to use the spaces properly. Whilst there are signs located at the front of the site to indicate parking provision, old habits die-hard and regular visitors to the site are likely to park in their usual manner regardless of parking layout. Hopefully this will change over time. Having worked with the local police in trying to rectify parking in the highway, it may be appropriate to erect a small sign indicating that parking in the highway and blocking an access is an obstruction and dealt with as a civil matter.
66. Whilst there is a parking shortfall, it is considered that with the traffic flow scheme in place the conflict of vehicles is significantly reduced and the desire to have maximum parking provision no longer required.

Impact on the Setting of the Listed Building and Visual Amenity

67. The warehouse extension takes on the form of the existing building to which it is attached and therefore the materials are in keeping with the existing structure. The warehouse extension in this instance is not considered to be harmful to the setting of the listed building.
68. The main problems from the listed building viewpoint are the siting of the toilet block and the temporary refrigeration unit (the refrigeration unit is not part of this application). These structures bring the development closer to the listed building, closing the space between them. Additionally neither structure is aesthetically pleasing and their temporary nature detracts from the wider setting of the listed building. Whilst the Conservation comments suggest that the units conflict with the residential nature of the site, it is fair to say that this has never been obvious or very clear due to its intrinsic link with the business. Both are uses that are owned by the applicant and the dwelling lived in by Mr Ward himself. It has been a long running family business and the built relationship has not changed much over the years. The intensity in which the business is run seems to be more problematic. The comments made by Conservation officers suggest that the temporary units, whilst necessary for the running of the business are visually inappropriate and that they should be relocated to the rear of the site.
69. There seems no reason or evidence as to why the toilets cannot be relocated away from the setting of the listed building. Mr Ward has tried to make the toilet look more aesthetically pleasing, however, it is considered that its relocation would improve the appearance of the site and aid towards better manoeuvrability. The existing siting is not considered to be acceptable by reason of harm to the adjacent listed building but the relocation of the toilet block to the rear of the site would be acceptable from a conservation viewpoint.
70. The same is said for the temporary refrigeration unit, however, this is part of another application that will be determined separately though predominately based on the outcome of this planning application.

Impact on the Countryside

71. The site is located outside of the village framework for Meldreth and therefore in the countryside. Development in the countryside is restricted to that for the purposes of agriculture, horticulture, forestry, outdoor recreation and other uses, which need to be located in the countryside. The site is bound on all boundaries by mature and well-established hedging. Views of the entire site are glimpsed through the trees when driving north along the A10, however, most other views are limited to those seen when approaching the access points from Station Road or from the property at St Johns Farm. The actual impact on the countryside from this site is minimal. Whilst the buildings have changed in appearance the footprints have remained predominately the same. The glass house to the rear (unit C) is now clad in grey metal sheeting and barns (unit B) have been extended, however, it is considered that the increased level of use makes its presence more prominent in the countryside rather than its visual appearance.
72. The shop floor area is of a size that is not permitted to operate outside Sunday trading times and the applicant is aware of this. This suggests that

the retail floor area is at its peak in terms of its location in the countryside and officers would not wish to see the retail area increase in any way. The warehouse building is not for any further retail floor space but in light of the other buildings on the site it is considered there are other locations that the delivery of goods and the cardboard crusher could go, therefore limiting additional built form in the countryside. However, the impact of the warehouse extension is not considered to be detrimental to the listed building and Members should be aware that officers have no control over the use of the existing buildings in terms of deliveries to them.

73. Whilst development in the countryside is restricted, officers are of the view that the level of development on this site could be considered favourably where control over the delivery times and traffic movement could have a positive impact on the existing commercial and residential relationships.

Residential Amenity (Noise)

74. The toilet block and warehouse extension are not considered to be noisy structures in themselves, however, it is suggested that the extension, being an open fronted structure allows for deliveries 24/7. This is stated as part of the application within the Design and Access Statement under sub heading 'Use and Amount'. It clearly states that the proposed extension allows staff to load and unload in better and safer conditions (out of poor weather) and also says it will be in constant use. It is this level of use that is the cause for grave concern, particularly to the residents of St Johns Farm who have regularly complained about large articulated lorries turning up in the early hours of the morning. The reversing beepers, the noise of the unloading forklift and the lights from the vehicles 24/7 is considered highly undesirable, particularly in an area with little background noise at night. There is currently no control over the movement of vehicles on site.
75. Having worked with the applicant to try and resolve this problem the application aims to promote a route for vehicles to take when visiting the site. The arrows on drawing titled Traffic Flow indicate that HGV's (and other vehicles) should be able to enter and exit in forward gear, therefore reducing the need to reverse on site and associated noise. However, this does not aid the reduction in delivery vehicles. Various traffic movements are made throughout the night, this is mainly due to deliveries. These are for goods sold on site, such as flowers, compost, fruit and vegetables. There is currently no control over the hours of working on site or delivery times.
76. The warehouse extension is also used to house a cardboard crusher, which aids the recycling of rubbish on site. This is not a particularly noisy machine and is only used in normal working hours. Whilst this machine could be housed elsewhere on site it is contested that this is the most convenient location for staff to use it as it is linked directly with the shop floor.
77. The proposal to retain the retrospective structures could be positively supported subject to restrictions on delivery hours to the warehouse extension and control over the movement of vehicles on site. This application could help support the reduction of noise and lessen conflict of traffic between customer vehicles and neighbour amenity. This application, however, cannot restrict deliveries to other buildings on this site that are associated with the FGN enterprise.

Other Matters

78. Goods Sold - The goods sold on site are primarily 'bought in' goods. The site no longer creates its own produce, although there is capacity on site for it to take place. The shop sells mostly convenience goods such as bread, fruit, vegetables, flowers, compost and plants. However, it does sell other goods such as giftware, pet produce and seasonal goods. The butcher produces meat and associated goods. The shop (and butchers) are classified as A1 retail and whilst specific consent was that granted for the sale of 'bought in fruit and vegetables' the small area of sale for additional goods outside of this category has never been considered to amount to a material change to warrant the submission of a planning application to sell comparison goods. The site sells produce at a wholesale level to local businesses such as hotels and restaurants. I am informed that the butcher sells at a wholesale level also. There has never been any restriction on the level of sales of produce through a planning application.
79. The site has, as far as can be found, sold at a wholesale level, however, it is apparent that wholesale 20-30 years ago was very different to the wholesale level of today.
80. Other business on site – The operation of other businesses on site at FGN has been brought to the attention of officers. Site visits made by officers recently and regularly over the years has not raised major concern. We have been informed that other businesses use and are using the site for the temporary storage of vehicles, however, officers have yet to find other businesses operating from the site without our knowledge. The barns to the rear are being used for storage and past planning consent (specifically under planning reference S/1124/85/F) states that the site shall not be sold as a separate unit to any other enterprise other than FGN. To date the applicant is not in breach of this condition, although we are aware that the applicant rents out parts of his barns for the purposes of storage, in which the use class is established.
81. The parking plan shows no area for other businesses to utilise parking space on site and therefore this could be addressed via condition, however, the parking of other business vehicles tends to be at the end of the day when the shop is shut and the site predominately clear of customers. To restrict the parking of other vehicles on site whilst there was space to do so would be considered as not meeting the six tests of Circular 11/95. Any condition to do this would have to be relevant and reasonable.
82. Restrictions on working hours – There is no consent to date for this site that has restricted working hours or deliveries. Trading Standards have different allowances for various retail floor areas and this site should be opened in accordance with specifically Sunday opening hours. Working on site and trading hours are different and therefore would not specifically cover the working of employees on site whilst the shop was closed.

Conclusion:

83. Whilst the development has been suggested to add to the potential for overnight deliveries there is currently no control on deliveries to the other buildings on site. However, it would seem that the practicality of the open fronted element and the relationship to the shop floor adds to the

convenience of this warehouse extension remaining in situ, particularly for the applicant and his staff. By allowing the development to remain officers could reasonably restrict the times and number of deliveries to better respect the relationship with the neighbouring residential property. This combined with the traffic flow plan could help improve the existing relationship immensely.

84. The toilet block building, whilst not too problematic with regards to parking provision would be better sited to the rear of the site, say where the existing unlawful mobile home will be removed. This will enhance the appearance of the site and the wider setting of the listed building.
85. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that permission should be approved in this instance, subject to the relocation of the toilet block and to appropriate safeguarding conditions.

Recommendation

88. Delegated approval subject to the relocation of the toilet block and to appropriate conditions (to follow in update report)

Background Papers:

- South Cambridgeshire Local Development Framework 2007
- South Cambridgeshire Local Plan 2004
- Planning applications: SC/0136/70/, S/1666/77/F, S/0450/85/F, S/1124/85/F, S0040/99/F, S/0055/01/O, S/0555/05/F, S2418/08/F, S/0182/08/F, S/1832/08/LB, S/2054/08/F

Contact Officer: Saffron Garner - Senior Planning Officer: 01954 713256