

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 March 2012

AUTHOR/S: Executive Director / Corporate Manager - Planning and
New Communities

S/2521/11 - FOWLMERE

**Proposed Conversion of Building (B1) to Poultry, Pet and Equestrian Store for at
Deans Farm, Shepreth Road, Fowlmere for Mr Deans
Recommendation: Approval**

Date for Determination: 14th February 2012

Notes:

This Application has been reported to the Planning Committee for determination, as the Officer recommendation is contrary to the response of Caldecote Parish Council. Members will visit the site on 6th March 2012.

Site and Proposal

1. The application site comprises an industrial warehouse building located to the northwest of the village framework of Fowlmere. The site is accessed from the southeast 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 surrounding area is predominately rural in character with minimal tree or hedge screening. Another building, in the applicants' ownership is located to the north east of the application building, but is not marked on the plans.

The full planning application dated 16th December 2011 proposes a change of use from B1 to retail, primarily for the sale of poultry, pet and equestrian food goods.

Planning History

2. **S/1712/10/F** Proposed Amendment of Access for pp S/2268/07/F
S/0629/10/F Relocation of Access (refused)
S/0031/10/F Relocation of Access (refused)
S/2268/07/F Change of use of building to B1 industrial & Installation of Klargester and New Access (approved)
S/0974/03/F Change of use to Preparation of Pet Hay / Straw and Shavings Including Outside Storage and 1m High Earth Bank
3. Planning permission was granted on the site for a B1 use and new access sited further to the centre of the front boundary line under planning reference S/2268/07/F. The use has now been implemented on site although the applicant has not created the new access and is instead using the existing access to the southeast corner.
4. The previous applications (S/0031/10/F and S/0629/10/F) were submitted for use of the existing access and were both refused as the applicant failed to demonstrate that the access had sufficient visibility of at least 70m in either direction and that such visibility splays would fall on land under the control of the Highway Authority. The re-submitted application under S/1712/10 addressed this issue and was approved.

Planning Policy

- 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/7: Conversion of Rural Buildings for Employment
ET/9: Farm Diversification
NE/6: Biodiversity
NE/15: Noise Pollution
SF/5: Retailing in the Countryside
TR/1: Planning for More Sustainable Travel
TR/2: Car and Cycle Parking Standards

- 6 South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Landscape in New Developments – Adopted March 2010
District Design Guide – Adopted March 2010

- 7 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.

- 8 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.

Consultations

- 9 ***Fowlmere Parish Council*** – Recommends refusal for the following reasons

The Parish Council considered this application in detail, and a ballot was taken, the result being 3 votes in favour and 5 against the application. The Parish Council therefore recommends refusal of the application.

10. Parish Council is very concerned about setting a precedent for introducing new retail use, which is already provided for in the local vicinity. There are concerns over the building becoming a retail facility, including the proposed 7 day per week opening, and the increased traffic use associated with that - there will inevitably be a much greater effect on traffic movement entering and leaving the site and concerns were expressed at the meeting that these could potentially be dangerous, given the nature of the road and difficulty in seeing the entrance when approaching from the direction of the A10.

11. The application does not appear to comply with policies, which relate to land outside the village envelope. Policies for land outside village envelopes seek to restrain development other than in exceptional circumstances or when there is a proven local unmet need. The PC view is that neither is applicable for this application. Given that this is only part of a much larger area of land the PC is very concerned that any approval at this time will inevitably lead to other similar applications which, given that this will set a precedent, would be very difficult, if not impossible to resist.

12. The goods intended to be sold will need to be brought in to the establishment, rather than selling only goods produced on the associated farm. It is likely that the intended new business will adversely affect the viability of existing local businesses, which are selling very similar goods. If South Cambridgeshire District Council is not in agreement with the recommendation of Fowlmere Parish Council, Fowlmere Parish Council would want the application referred to the Planning Committee for decision, including a site visit.
13. **The Environmental Health Officer** – raises no objections.
14. **The Local Highways Authority** –Although the proposed change of use is likely to generate more motor vehicle movements to and from the site than the existing B1 use, these are unlikely to be undertaken during peak hours and the numbers are unlikely to be significant. Therefore, no significant adverse effect upon the public highway should result from this proposal should it gain the benefit of planning permission.

Representations

15. One letter of representation has been received from the owner of a pet supplies store in the local vicinity. It is concerned that in the current climate another store could promote unhealthy competition and to the detriment of local jobs and businesses.

Planning Comments

16. The building to be used for the retail element is already in place. Another agricultural building on the site is located to the north east of this, but not part of this application. The scheme proposes to introduce a retail use that is ancillary to the farm. This is specifically for the sale of the following:
 - Horse feed
 - Rabbit, hamster and guinea pig food and associated bowls and water bottles
 - Bird seed,
 - Chicken feed, associated water drinkers and feeders
 - Dry bagged dog and cat food (this excludes tins/pouches etc)
 - Vegetables for animal consumption
 - Bedding and feed to include hay, straw shavings and paper bedding
17. The building is to be divided into 3 specific areas with minor alterations to the fenestration on the front of the building to allow for new doors and public access.
18. The areas comprise, packaging, store and retail area with a small cupboard and WC. Various goods are distributed from the site already, specifically hay and straw, this is ancillary to the farm use and functions under the existing B1 use class. This application proposes a specific retail area and the selling of other goods.
19. The farm is said to have 40 acres of the farm down to grass and the applicants are currently using barley straw which was grown on the farm last year. Because the product has to be of a very high standard, they do, when necessary, supplement stocks with locally grown hay and straw, which is of suitable quality.
20. The main concerns with regard to this application are the principle of the development and impact on the countryside and highway safety.

Principle of the development

21. The new PPS4 'Planning for Sustainable Economic Growth' (adopted end of December 2009) supersedes PPS6 though the main focus of this document is still to promote sustainable development. The overarching objective is sustainable economic growth. Development should deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change. In particular for this site development should raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all.
22. With regard to retail outside of villages the LDF DCP adopted 2007 specifically states that the sale of goods in the countryside will not be granted except for sales from farms and nurseries of produce and/or craft goods, where the majority of goods are produced on the farm or in the locality; or exceptionally, the sale of convenience goods, ancillary to other uses, where proposals, either individually or cumulatively, do not have a significant adverse impact on the viability of surrounding village shops, or the vitality of rural centres or other village centres. Additionally it states that where permission is granted, conditions may be imposed on the type of goods that may be sold.
23. In this instance it is felt that the type of goods proposed to be sold should be closely linked to the existing sales of hay and straw, yet allowing a small increase of retail to provide feed for other animals, such as rabbits, guinea pigs, cats and dogs. It has been indicated that the applicant would like to sell food bowls and water bottles associated with the food supplies. This is considered acceptable providing that the retail element is limited to a specific site area within the building, thus limiting the amount of goods sold from site.
24. The storage area should not be used as display space and the packaging area should also remain specific to its functional use. No external storage is to be permitted and the parking layout should be in place prior to the new use commencing. Additionally, it is considered necessary to ensure that any deliveries to the site are restricted within specific times to ensure there is minimal impact on neighbouring units.

Impact on the character of the area

25. With the above in mind it is considered that the new retail use for this building will not have an adverse impact on the countryside, as the building will remain predominately unchanged.

Highway Safety

26. The new use will see a higher number of visitors, particularly in the car. However, with the types of produce to be sold a vehicle is likely to be required for carriage purposes anyway. It is reasonable to say that many pet owners will travel in the car/van for produce that is bulky and heavy, regardless of how close they may live to the closest shop. Despite the Parish Council concerns, the LHA has raised no objections. Given that the type of goods sold can be restricted, along with the actual amount of retail floor space, officers are satisfied that traffic movements will not prejudice highway safety.

Other Matters

27. Similar sites that sell the same produce are located in neighbouring villages, such as Bury Lane Farm Shop and Phillimore Garden Centre in Melbourn and Country Homes and Gardens in Shepreth though these retail units are much larger and sell a much more diverse level of products. The scale of these uses is not considered comparable to the proposed use at Deans Farm. Deans Farm supplies stock to many stores around the district and it would be unreasonable to restrict the applicant from selling his own produce as part of the wider farm use. There is no evidence to suggest that the proposed use would affect viability of surrounding establishments.

Conclusion

28. Close control over the sale of goods and retail areas will enable an element of control over growth, impact on the countryside and on neighbouring residents. The proposal is therefore considered acceptable.

Recommendation

Approval subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1140/102 franked 19 December 2011.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. The use, hereby permitted, shall not commence until parking and turning space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.
(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
5. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

6. No deliveries shall be taken at or despatched from the site between the hours of 18:00 hours and 07:00 hours nor at any time on Sundays, Bank or Public holidays.

(Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. No materials or equipment shall be stored on the site outside the buildings save that waste materials may be kept in bins for removal periodically. (Reason - In the interests of visual/residential/rural amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

8. The retail use hereby permitted shall be expressly limited to the area marked as 'Retail' on drawing number 1140/102 franked 19 December 2011 unless expressly authorised by planning permission. The area marked as storage shall not be used for any other use other than storage and not as part of any retail display area. The area marked as 'Packaging' shall not be used for any other use than that for the packaging of goods associated with the retail use. (Reason - For the avoidance of doubt and to ensure that the level of use is appropriate to its location and character in accordance with the requirements of Policy DP/3 of the Local Development Framework Policies adopted 2007).

9. The sale of goods shall be strictly limited to the following items: Horse feed, Rabbit, Hamster and guinea pig food and associated bowls and water bottles, Bird seed, bird food, Chicken feed and associated water drinkers and feeders, Dry bagged dog and cat food, Vegetables for animal consumption, Bedding and feed to include hay, straw shavings and paper bedding. (Reason - For the avoidance of doubt and to ensure the scale of development is appropriate to the location and setting of the countryside in accordance with Policy ET/7 of the Local Development Framework Policies adopted 2007).

All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application

South Cambridgeshire Local Development Framework (LDF) 2007

Circular 05/2005 – Planning Obligations

Circular 11/95 – The Use of Conditions in Planning Permissions

Planning application references: S/2521/11

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