

## REPORT SUMMARY

**REFERENCE NO - 19/00430/FULL**

### APPLICATION PROPOSAL

Demolition of existing ancillary retail storage buildings, redundant agricultural buildings and mixed ancillary retail storage/retail building. Extensions to and conversion of existing building to provide ancillary retail storage building with ancillary retail offices at first floor, two small complimentary business units (A1) at ground floor and conversion of existing retail area to cafe (A3).

**ADDRESS** Charity Farm Country Store Swattenden Lane Cranbrook Kent TN17 3PS

**RECOMMENDATION** to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation)

### SUMMARY OF REASONS FOR RECOMMENDATION

- There is no objection in principle to the proposed development as whilst the site is outside the Limits to Built Development it is an established A1 retail facility;
- Permitted Development rights exist which would allow the conversion of one of the buildings on site to A1 (retail) or A3 (café) use;
- The proposal would not have a detrimental impact upon highway safety;
- The development can accommodate sufficient parking within the existing site;
- The proposal would create six full-time and four part-time jobs;
- The scale, layout and design of the proposals respect the context of the site and preserves the visual amenities of the locality;
- The development would not be significantly harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance or noise;
- The proposal preserves the setting of the Area of Outstanding Natural Beauty;
- The proposal would preserve the setting of the three Grade II listed buildings to the north east of the site;
- Other environmental impacts have been assessed and there are none that are considered potentially significant and which cannot be addressed through conditions.

### INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

**Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):** N/A

**Net increase in numbers of jobs:** 6 full-time, 4 part time

**Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:** £107,723.00

The following are not considered to be material to the application:

**Estimated annual council tax benefit for Borough:** N/A

**Estimated annual council tax benefit total:** N/A

**Annual New Homes Bonus (for first year):** N/A

**Estimated annual business rates benefits for Borough:** little material change

| <b>REASON FOR REFERRAL TO COMMITTEE</b>   |  |  |             |
|---|--|--|-------------|
| The applicant is a close relative of a current Borough councillor                             |  |  |             |
| <b>WARD</b> Benenden & Cranbrook  | <b>PARISH/TOWN COUNCIL</b><br>Cranbrook & Sissinghurst Parish Council  | <b>APPLICANT</b> Mr D Clarke<br><b>AGENT</b> Mr Patrick Durr |             |
| <b>DECISION DUE DATE</b><br>01/06/20 EOT  | <b>PUBLICITY EXPIRY DATE</b><br>30/03/20   | <b>OFFICER SITE VISIT DATE</b><br>Various                    |             |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> |  |  |             |
| <b>App No</b>   | <b>Proposal</b>  | <b>Decision</b>  | <b>Date</b> |
| 17/02516/LDCEX  | Lawful Development Certificate (Existing)<br>Use of former agricultural building for shop storage use, and use of part of former agricultural building for shop storage use.   | Granted  | 15/09/2017  |
| 14/500992/LDCEX   | Lawful Development Certificate (Existing)<br>- Change of use of storage and agricultural areas to Class A1 retail including the sale of pet and farm animal feed, hay and haylage plus ancillary products (Areas A and B), plants, compost and ancillary garden products, bedding products such as shavings and haylage (Area C) and plants, gardening equipment and novelty wears (Area D). | Granted  | 12/08/2014  |
| 13/03688/FULL   | Change of use of building from retail storage to A1 retail sales area  | Granted (not implemented)                                    | 22/05/2014  |
| 14/00679/LDC  | Certificate of Lawful Development (Existing): Storage of goods for the existing farm shop and secure storage of agricultural equipment for the farm  | Granted  | 07/05/2014  |
| 11/01607/FUL  | Installation of solar photovoltaic panels on the roofs of two existing barns   | Granted  | 25/07/2011  |
| 03/01277/FUL  | Replacement farm shop and office building.   | Permitted  | 10/07/2003  |
| 03/00771/AGRIC  | Article 3 submission - Hay barn  | Prior Approval Not Required                                  | 10/04/2003  |
| 00/01491/AGRIC  | Article 3 Submission - Extension to hay barn   | Prior Approval Not Required                                  | 31/07/2000  |
| 79/01022/FUL  | Renewal - Stationing of caravan for use as farm office for temporary period (until 31/12/1982)   | Granted  | 31/01/1980  |
| 77/00586  | Stationing of caravan for use as farm office for temporary period (until 31/10/1979)   | Granted  | 29/09/1977  |

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is currently occupied by buildings associated with Charity Farm; a mixed livestock and arable farm of approximately 20 hectares. It comprises a complex of buildings and has a long standing use for A1 retail and agricultural purposes although this has moved more towards retail and ancillary retail in recent years.
- 1.02 Charity Farm is a former poultry egg farm which largely ceased commercial activity in the late 1970's. In 1983 Charity Farm began selling produce directly to the public, and in 1988 the Charity Farm Store feed merchants opened. Charity Farm Store continued to grow in the 1990's and in 2003 a new retail building in the centre of the site was granted planning permission. In 2014, Hartley Dyke Farm Shop (now re-named Cranbrook Farm Shop) relocated from the nearby Hartley Business Park and occupies one of the buildings, a portable office and an outdoor sales area on the western side of the site.
- 1.03 Today, Charity Farm includes the following businesses:
- Charity Farm Country Store (CFC) - owned and operated by the owner/applicant
  - Cranbrook Farm Shop - leased to a third party
  - Charity Farm agricultural enterprises - owned and operated by the owner/applicant
- 1.04 The site is occupied broadly on the eastern side by the CFC and on the western side by the Cranbrook Farm Shop and its open retail sales areas. There is a large parking and turning area. Buildings on site are as follows (key relates to existing site plan CLA1/02C);
- **Building A (237sqm):** This benefits from a Lawful Development Certificate (CLD) for mixed use of agriculture and A1 retail storage (14/00679/LDC) although it now appears to be mainly in ancillary A1 storage use (for supplies that are distributed via home delivery). This building was the original farm shop;
  - **Building B (257sqm) and C (143sqm):** this is the main CFC and the ancillary offices/toilets etc. permitted under 03/01277/FULL.
  - **Building D: (approx. 25sqm):** This is the portable office building for the Cranbrook Farm Shop, which does not benefit from express planning permission but may be classed as a mobile structure and not 'development';
  - **Building E (146sqm):** This is the main sales/display area for Cranbrook Farm Shop and was originally permitted as an extension to a hay barn in 2000 (00/01491/AGRIC). It is used pursuant to a CLD for A1 retail use under 14/500992/LDCEX;
  - **Building F (144sqm):** This is further sales / display area for CFC and also benefits from a CLD for A1 retail under 14/500992/LDCEX;
  - **Building G (134sqm):** This is in agricultural storage use;

- **Building H (202sqm):** This benefits from a CLD for A1 retail storage under 17/02516/LDCEX;
- **Building I (227sqm):** This benefits from the same CLD 17/02516/LDCEX for a mixed use of agriculture (47sqm) and A1 retail storage (180sqm);
- **Buildings J & K:** These are agricultural buildings (J was permitted in 2003 by 03/00771/AGRIC) at the southern end of the site and do not form part of this proposal;
- **Building L (35sqm):** This appears to be a small recent extension to the CFC shop which is unlawful as it would not be PD under Part 7, Class A of the GPDO.

1.05 The Charity Farm complex is accessed off the B2086 Swattenden Road. To the south of the site is open countryside. To the east are a private house and a separately occupied mobile home set in large grounds. To the north are a fruit farm and the Hartley Lands fishery. To the west is the Shotcrete/Wealden Concrete depot and store. There are three Grade II listed dwellings to the north east.

*Which permissions/lawful development certificates control the use of the site?*

1.06 The planning history for this site is complex and involves a number of planning permissions and lawful development certificates.

1.07 The first important permission on this site was granted in July 2003 (03/01277/FUL) for a replacement farm shop and office building. This granted permission for the structures now known as Buildings B and C. A number of buildings on site (including Building A at the front, which was the original farm shop) were required to be demolished by condition 8 although Building A was retained in breach of this condition. This permission also required Building F to be used for ancillary retail storage only (condition 6).

1.08 In May 2014, a Certificate of Lawful Existing Use (14/00679/LDC) was granted in respect of Building A for '*Storage of goods for the existing farm shop and secure storage of agricultural equipment for the farm*'. This certified that the retention of Building A in breach of condition 8 of 03/01277/FUL was immune as it had been taking place continuously for over ten years.

1.09 Planning permission 13/03688/FULL (issued later in May 2014) was then granted for the change of use of building E from retail storage to an A1 retail sales area (to accommodate the Hartley Dyke Farm Shop business which had re-located from the nearby Hartley Dyke Farm complex). This carried a number of conditions, one of which required Building A to be demolished. Officers do not consider this permission to have been implemented (please see below).

1.10 In August 2014 a second Certificate of Lawful Existing Use (14/500992/LDCEX) was granted in respect of buildings E, F and the outdoor sales area on the western side of the site. This certified that those buildings and areas had been used for A1 retail purposes and not just ancillary retail storage, as F was required to be by condition 6 of the 2003 permission. It also certified that a strip of land to the front of the building had been used as a sales display area.

1.11 The premise of the current application is that the planning permission granted under ref. 13/03688/FULL was never implemented. Instead, it works on the basis that the use of Building E by Cranbrook Farm Shop is pursuant to the later CLD

14/500992/LDCEX. Hartley Dyke Farm shop (Building E) and its outdoor sales area were leased separately on a 17-year lease starting 01/09/14 by the freehold owners to the lessees. In other words, the sub-division of the unit (which does not require planning permission) took place after the CLD was granted.

- 1.12 Therefore, following consideration by officers, it is agreed that the 2014 planning permission was never implemented and has now expired. This means that its conditions (one of which requires Building A to be demolished, another which removes PD rights for all alternative uses permitted under the GPDO) have no effect. This is because conditions only take effect once a planning permission is implemented.

## **2.0 PROPOSAL**

- 2.01 The application proposes to: (key relates to proposed site plan CLA1/03 F);

- Demolish Building A and increase the front parking area to include this space;
- Demolish Buildings G, H and I at the rear (south) of the site;
- Construct a new building adjoining Buildings E and F. The new building would be two storey with shop storage use on the ground floor, and some ancillary shop office space above;
- Extend Building E to provide a small, self-contained A1 retail unit;
- Part convert Building C to a small, self-contained A1 retail unit;
- Extend Building F to provide an extension to the existing CFC operation;
- Change the use of part of Building B to a cafe (A3 use class);
- Additional parking to the rear (south) of the site;

- 2.02 Access arrangements would remain the same and the two separate retail entities (Cranbrook Farm Shop and CFC) would continue to operate alongside each other.

- 2.03 Amended plans were received during the course of the application which included the following;

- All parts of the public business areas now shown to be interlinked;
- Attachment of one of the separate complimentary A1 units to the main building rather being presented as a stand alone unit;
- Incorporation of the café area into main shop building's former foyer, with the second complimentary A1 area being formed from the previous offices (east);
- Removal of a proposed separate office unit;
- Additional bay proposed to the existing building area towards the rear;
- Re-location of public access solely to the front of the building (north);

- Amendment to red line within site location plan.

### 3.0 SUMMARY INFORMATION

|                                    | Existing  | Proposed  | Change (+/-)  |
|------------------------------------|---|---|---|
| Site Area                          | 0.72ha  | 0.72ha  | No change   |
| Land use(s)                        | Mixed use of agriculture and A1 retail  | Mixed use of agriculture and A1 retail  | No change   |
| Floor space uses                   | <p><b>A1:</b> 2179 sqm.</p> <p>This includes:<br/>- A1 retail external areas: 870sqm</p> <p>- A1 internal retail areas: 547sqm</p> <p>- A1 ancillary storage, toilets, offices etc 762sqm</p> <p><b>A3:</b> 0 sqm</p> <p><b>Agricultural:</b> 181 sqm</p> | <p><b>A1:</b> 2172 sqm</p> <p>This includes:<br/>- A1 retail external areas: 870sqm</p> <p>- A1 internal retail areas: 653.5sqm</p> <p>- A1 ancillary storage, toilets, offices etc 647sqm</p> <p><b>A3:</b> 89.5 sqm</p> <p><b>Agricultural:</b> 0 sqm</p> | <p><b>A1:</b> Minus 7 sqm overall</p> <p>This includes:<br/>- A1 retail external areas: No change</p> <p>- A1 internal retail areas: Plus 106.5sqm</p> <p>- A1 ancillary storage, toilets, offices etc Minus 115sqm</p> <p><b>A3:</b> Plus 89.5sqm</p> <p><b>Agricultural:</b> Minus 181sqm</p> |
| Number of jobs                     | 12 full-time, 12 part-time  | 18 full time, 16 part time  | +6 Full-time, 4 part time   |
| Car parking spaces (inc. disabled) | 69  | 71  | +2  |
| No. of storeys                     | 1   | 2 for new building, 1 elsewhere   | +1 on part of site  |
| Max height                         | 5.5m (Buildings E/F)  | 5.8m (new office / store)   | +0.3m   |
| Max eaves height                   | 4.5m (Buildings E/F)  | 5m (new office / store)   | +0.5m   |

#### **4.0 PLANNING CONSTRAINTS**

- Area of Outstanding Natural Beauty (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- Outside the Limits to Built Development (LBD)
- Potentially Contaminated Land
- There are three Grade II listed buildings to the east (Charity Farm Oast, Charity Farmhouse and Charity Farmhouse Barn) *statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*

#### **5.0 POLICY AND OTHER CONSIDERATIONS**

In determining this application, the Local Planning Authority had regard to the following:

##### **The National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG)**

##### **Site Allocations Local Plan Adopted 2016**

- Policy AL/STR 1: Limits to Built Development

##### **Tunbridge Wells Borough Core Strategy 2010**

- Policy 1: Delivery of Development
- Policy 3: Transport Infrastructure
- Policy 4: Environment
- Policy 5: Sustainable Design and Construction
- Policy 7: Employment Provision
- Policy 14: Development in the Villages and Rural Areas

##### **Tunbridge Wells Borough Local Plan 2006**

- Policy LBD1: Development outside the Limits to Built Development
- Policy EN1: Development Control Criteria
- Policy EN25: Development Control Criteria for all Development proposals affecting the rural landscape
- Policy ED5: Conversion of rural buildings to Economic Development Use outside Limits to Built Development
- Policy TP4: Access to the road network
- Policy TP5: Vehicle Parking Standards

##### **Supplementary Planning Guidance – Rural Lanes**

##### **Other documents:**

Kent and Medway Structure Plan 2006 Supplementary Planning Guidance SPG 4:  
Kent Vehicle Parking Standards (July 2006)  
High Weald AONB Management Plan 2014-2019

## 6.0 LOCAL REPRESENTATIONS

6.01 Three site notices were displayed close to the application site on 30 May 2019 and again on 20 November 2019 for a re-consultation. The application was also advertised in the local press.

6.02 No comments have been received in response.

## 7.0 CONSULTATIONS

### **Cranbrook & Sissinghurst Parish Council**

7.01 **(03/12/2019)** - Approve

7.02 **(04/06/2019)** - Approve

### **KCC Highways**

7.03 **(24/04/20)** - Thank you for the additional information which has clarified the proposals. It is evident that the proposals result in a small increase in retail floor space but also the introduction of additional office space to provide 237sqm and also 90sqm of café space, both of which increase parking demand. With respect to SPG4 maximum parking provision would be of the order of 97 spaces, compared with 71 proposed, although a further 14 could also be made available. This would bring the total to 85 spaces and on that basis the Highway Authority would not expect to sustain an objection in these terms alone, particularly as the additional uses are ancillary and won't require allocated spaces.

7.04 I would support your suggested conditions to cover the following:

- Restrict the permitted uses to those they have applied for;
- No future extensions to the buildings;
- Submit a full parking plan showing location of spaces along with TRAC drawings showing circulation/turning spaces, levels, plus details of surfacing and drainage;
- A3 café to only open when A1 use is open;
- Full details of a delivery management plan and waste collection strategy including delivery schedules and times; manoeuvring and waiting areas.

7.05 **(02/04/2020)** - the highway authority has raised objection to the expansion of commercial uses in this location as users will be very heavily car dependent.

7.06 If the LPA is minded to support the proposals I would advise that the TS acknowledges that the proposals would result in an increase in parking demand at the site. Car parking requirements should be calculated with respect to individual land uses and in particular this should include for example B1 office, A3 café, and any split between food and non food retail as well as storage and the outside retail area which was not previously included in Appendix K. Therefore as previously requested the highway authority would recommend that Appendix K be updated to inform any decision.

7.07 **(07/02/2020)** - The revised layout seems to contain a similar variety of uses previously proposed uses but contained within different buildings and so we do need an updated Appendix K showing car parking and floor area calculation by building across the site.

7.08 **(09/07/19)** - The highway authority has raised objections in the past (TW/13/03688) to the siting of a retail unit in this unsustainable location and this current proposal

would further increase the attractiveness of the site by providing a café, starter offices and complementary business unit.

- 7.09 Whilst no assessment of likely traffic generation associated with these additional uses have been made, the highway authority cannot support further development at a location where users will be solely car dependent and which is likely to result in additional car borne trips.

**Mid Kent Environmental Protection**

- 7.10 **(10/06/2019)** - MAIN POINTS CONSIDERED: Noise, Air quality, Radon & Land Contamination

- 7.11 COMMENTS: have reviewed the application and have the following comments; There is no indication of land contamination based on information from the contaminated land database & historic maps databases. But there could be a contamination risk on site due to the previous use. Demolition/construction activities may have an impact on local residents and so the usual conditions/informative should apply in this respect. Before demolition, building should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

- 7.12 RECOMMENDATIONS:  
No objections

**TWBC Conservation Officer**

- 7.13 **(14/06/2019)** - This site is adjacent to the grade II listed Charity Farm oast, barn and farmhouse.

- 7.14 The contribution of the site towards the significance of Charity Farm lies mainly in the agricultural use, which is well established at its current scale. The addition of a new building of similar appearance would have a neutral impact on the setting as it would blend in with the existing modern agricultural buildings. Can therefore support this proposal.

**8.0 APPLICANT'S SUPPORTING COMMENTS**

N/A

**9.0 BACKGROUND PAPERS AND PLANS**

- 9.01 Amended application form  
Heritage statement  
Amended highways report  
Trip generation report dated 22/01/20  
E-mail from highways consultant 13/03/20  
Letter from agent dated 21/02/20  
E-mail from agent dated 20/04/20 re: job numbers  
Letter from transport consultant dated 20/04/20  
Existing drawings:
- CLA1/ Building G Floorplans
  - CLA1/ Building G Elevations
  - CLA1/ Building H Elevations
  - CLA1/ Building H Floorplans
  - CLA1/ Building I Elevations
  - CLA1/ Building I Floorplans

- CLA1-04 Existing Floor Plans
- CLA1/05A Existing Elevations
- Storage building floorplan dated 28/02/14
- CLA1/02C Existing site plan

## 10.0 APPRAISAL

10.01 The site is outside the LBD and within the AONB countryside. The main issues are therefore considered to be the principle of the development at this site, including the sustainability of the proposal and the impact on the AONB/landscape, design issues, residential amenity, highways/parking, ecology, impact on heritage assets, drainage and other relevant matters.

### **Preliminary issue**

#### *Permitted Development fallback position*

10.02 In balancing the aims of the policy objectives below, it is helpful to take account of the permitted development rights for change of use of agricultural buildings which came into force 30th May 2013. Such rights are referred to by the agent in their supporting correspondence.

10.03 Under the current Class R of Schedule 2, Part 3 of the General Permitted Development Order, a change of use of certain agricultural buildings, and any land within its curtilage, to a flexible use falling within either Class A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), B8 (storage or distribution), C1 (hotels) or D2 (assembly and leisure) is allowed subject to a number of conditions and limitations. An upper limit for change of use under this Class is set at 500 sq. m per original agricultural unit. For buildings below 150sqm the procedure only requires the applicant to inform the Council of the change, with no further assessment required. Building G (134sqm) is wholly in agricultural use and thus its potential for conversion to A3 or A1 uses under the GPDO is a material consideration when considering the merits of the application.

10.04 With regards to the other buildings on site, the legislation is explicit that the permitted change of use from agriculture to the stated range of uses is permissible only if the use of the building since 3rd July 2012 was solely for agricultural purposes. In this case the other buildings have partly or wholly been used for non-agricultural purposes. Thus they do not benefit from the permitted change of use and planning permission is required.

10.05 Under the current Class A of Schedule 2, Part 7 of the General Permitted Development Order extensions to shops are also permitted (albeit restricted to 25% of gross floor space or 50 square metres - whichever is the lesser).

### **Principle of Development**

10.06 Para 83 of the NPPF sets out that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It also encourages the retention and development of accessible local services and community facilities, such as local shops.

10.07 Core Policy 8 of the TW Borough Core Strategy 2010 directs retail uses to sequentially preferable sites starting with town centres, although the CFC site falls largely outside the scope of this policy as it is an established A1 retail use. Core

Policy 7 (3) also seeks to safeguard buildings and sites in existing employment use across the Borough, subject to three criteria relating to their accessibility to main roads/public transport, their ability to provide good quality modern accommodation and their ability to meet a range of employment uses. CP 7(4) allows employment development on sites not specifically identified for that purpose, so long as it is in accordance with CP1 and there are no significant adverse residential amenity, local character or highways impacts. Core Policy 14 also seeks to strengthen the rural economy. LP Policy ED5 would also be given weight here as it supports the conversion of existing rural buildings to economic development purposes.

10.08 The proposal would seek to provide new buildings and to re-develop a site in a long-standing A1 retail use which provides rural employment. Subject to the other matters discussed below, the proposal in this respect would be acceptable in principle. The café can be conditioned so it only operates on an ancillary basis to the main shop area. All of the publically accessible separate areas within the building would be interlinked.

10.09 On sites such as this it is sometimes deemed necessary to restrict the goods sold from the building. This site is akin to many garden centres and other similar sites where a specialist A1 retail use is carried out in an area where such uses are generally contrary to policy as they are outside of main population centres and in unsustainable locations. The part of the building permitted under 03/01277/FULL is not however constrained in this way. Neither is the rest of the current use of the building, as it has become immune from enforcement proceedings due to the passage of time and therefore not subject to conditions.

10.10 Thus it is considered unreasonable to apply a condition which is similarly worded to condition 12 of (unimplemented) 13/03688/FULL, which states;

*No less than 50% of the value of the goods sold from the retail use hereby permitted shall accrue from local produce, where "local" is defined as the counties of Kent, Surrey, Essex, East Sussex and West Sussex and "produced" means grown, manufactured or processed.*

*Reason: To ensure the retail seeks to source and sell locally produced goods and foodstuffs.*

10.11 The reason for this is that overall A1 floorspace levels are largely unchanged. It was uncertain whether the uses in Buildings E, F and the outdoor area were immune or not when the 2014 permission was granted. Since the grant of the 2014 permission a CLD has been granted which allows an unfettered A1 use across a much wider part of the site. As the 2014 permission was never implemented, there are no such controls at present so it is not considered reasonable to start imposing them now.

10.12 Regardless of its lawfulness, it has previously been advised by Officers in reports to Members that Building A is causing a site constraint in terms of parking, manoeuvring and landscaping. It was the former shop before the larger replacement was approved in 2003 and its removal was deemed necessary in the interests of residential and visual amenities. Consequently its removal will be required by condition again.

#### Economic and social benefits

10.13 The proposal would lead to a diversification of uses at the site and sustain an existing rural employer/retail service. Any issues of individual need are of limited relevance in this context as it is considered the above policies at local and national level support this type of development. The proposal would create 6 full time and four part time

jobs at Charity Farm, this being an economic benefit consistent with the objectives of NPPF paragraph 83. This benefit must be weighed against the environmental impacts associated with the proposal.

#### Location and sustainability

10.14 NPPF Para 84 emphasises that;

*“sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

10.15 The Highways Authority is of the opinion that the proposed A1 use is unacceptable in principle on location and sustainability grounds. This view was also expressed in 2013/14 in comments made on application 13/03688/FUL. The NPPF seeks to limit reliance on private vehicle use and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling; plus focusing significant development in locations which are or can be made sustainable. Developments that generate significant movement should be located where the need to travel will be minimised (and the use of sustainable transport modes can be maximised) however NPPF para 84 (as detailed above) recognises that in rural areas this is not always possible. However, the application is not considering a new retail use in the countryside, this is a long-established A1 use; the total level of retail floorspace will be reduced by 7sqm whilst the new A3 use amounts only to 89.5sqm (on a site where there is already 2179sqm of A1 retail use). Total shop floorspace (excluding ancillary storage and offices) increases by 106.5sqm. This increase or the A3 use could also be undertaken elsewhere on the site under PD rights, as detailed earlier in this report.

10.16 Whilst the development contains no specific measures to make the location more sustainable, such measures are not considered proportionate given the scale of development and the nature of the proposal as an extension to the existing facilities.

#### Impact upon the local Highway Network

10.17 Local Plan Policy TP4 requires a safely located access with adequate visibility to exist or be able to be created. In the context of the Local Plan Swattenden Road is classed as an ‘access road’ (Appendix 6). The last application proposed a significant expansion of the A1 facilities (average 194% increase in vehicle movements, estimated at 406 per day in total). KCC Highways did not object to the last application on the basis of increased use of the access and consequently there was no conflict with Local Plan Policy TP4.

10.18 An additional 28 trips per day is estimated by the highways consultant for this application. KCC Highways do not object to the additional trip numbers and thus the same conclusion is reached on this application as in 2014.

#### Parking

10.19 The main concerns raised by KCC Highways relate to the ability to provide sufficient on-site parking. The key issues here are whether (by reference to KCC guidance) sufficient parking can be provided on site so as to prevent road-side parking (which

would be unacceptable in this location) and secondly to ensure that there is sufficient turning space for delivery vehicles within the site so that vehicles do not deliver from the roadside, block customer parking and can enter/exit the site in forward gear.

- 10.20 Further clarification from the applicant has been sought on this issue. The applicant's highways consultant calculates that 70 spaces are required for the proposed development. KCC Highways consider the correct figure to be 97. 71 spaces are proposed; these are shown to be accommodated through 51 spaces to the front of the complex, 14 spaces to the rear and 6 on the eastern side of the site. These are shown to be accommodated in a way that does not block delivery vehicle routes through to the rear of the site. This area is also used for farm access including tractors and forklifts. The applicant also advises that a further 14 can be provided to the rear (by 'doubling up' the 14 spaces already shown) which takes the provision to 85 – 12 short of the number KCC consider as a maximum amount.
- 10.21 This is a long established A1 use and there is a large amount of space around the site which can be used for parking, given that four of the buildings on site are proposed to be demolished. Officers are confident that 85 spaces can be accommodated on site in a satisfactory way which balances the need for parking provision with the rural AONB setting. On this basis it is considered necessary to restrict the manner in which the offices and café are used to ancillary only, as if used separately they are likely to want their own defined parking areas and the number of necessary spaces would increase. A final detailed plan which shows landscaping, parking areas (with individual spaces confirming to KCC standards), tracking routes and areas of hard surfacing including material types and levels can be secured by condition.

#### **Design and impact on AONB**

- 10.22 Protection of the AONB is addressed in Core Policy 4 (1) of the CS which seeks to conserve and enhance the landscape in accordance with national policy (see below). Core Policy 14 (6) stresses that a policy of restraint will operate in order to maintain the landscape character and quality of the countryside.
- 10.23 LP Policy EN25 sets out the criteria that development outside the LBD is required to satisfy; including that the proposal has a minimal impact on the landscape character of the area. Para 172 of the NPPF states that 'Great weight' should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 10.24 The proposal would result in a building that is of a similar height to the existing building at the front of the site and would result in the removal of three buildings to the rear which are in poor condition, have reached the end of their useful life and contribute little to the wider landscape. In addition the building to the front (A) would also be removed. The scheme would also create a better-defined turning area to the rear and there is scope for enhanced landscaping. The building itself appears little different to a standard agricultural structure and the external materials reflect this character.
- 10.25 The large tree to the NE of the buildings is not protected by a Tree Preservation Order, however it should be protected during the course of the construction work in accordance with the relevant British Standard.
- 10.26 Consequently there would be limited harm to the protected landscape and the proposal would accord with, contrary to Section 15 of the NPPF, Core Strategy Policy 4 and Local Plan Policies EN1 and EN25.

**Impact on heritage assets**

- 10.27 The proposed new building is agricultural in appearance, the site is dominated by modern agricultural buildings and forms a low-significance part of the setting of the three Grade II listed buildings. The addition of a new building of similar appearance would have a neutral impact on their setting and consequently there would be no harmful impact.

**Neighbour amenity**

- 10.28 The only dwelling which the development would have a significant impact upon in terms of overlooking etc. would be Charity Farm House (owned by the applicants). There are windows/doors in the eastern elevation of the building which would potentially overlook the neighbouring land, with a gap of 21-23m to the boundary. However the part of the land belonging to Charity Farm House would be wider garden and not residential curtilage (as defined by case law) owing to its distance from the house. Therefore in this case the proposal is not considered to cause a loss of privacy or light, not be overbearing towards neighbouring occupiers.
- 10.29 The increase in vehicle movements is limited and as such is not considered to cause material harm to residential amenity by way of noise and disturbance.

**11.0 RECOMMENDATION – GRANT** Subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

CLA1/01 C, CLA1/02 C (included for identification purposes in relation to condition 7 only), CLA1/03 F, CLA1/06 G, CLA1/07 G, CLA1/08 F, CLA1/09 F, CLA1/10 E

Reason: To clarify which plans are approved.

- 3) Written details including source/ manufacturer, and photographic samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before any above ground development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

- 4) No above-ground development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include;

- Proposed finished levels or contours for the parking and turning area to the side and rear of the application site;
- Means of enclosure (including details of retaining wall locations and height);
- Car parking layout;

- Other vehicle and pedestrian access and circulation areas (including tracking details for delivery vehicles to the rear of the site);
- Hard surfacing materials.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within 12 months of the first occupation of any part of the development hereby approved; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to protect and enhance the amenity of the area

- 5) The development hereby permitted shall not be occupied until full details of a delivery management plan and waste collection strategy have been submitted to and approved in writing. Such details shall show delivery schedules and times; manoeuvring and waiting areas. The development hereby permitted shall thereafter be operated in compliance with the approved details.

Reason: To ensure the site can adequately cater for and manage delivery and service vehicles and in the interests of neighbour amenity and highway safety

- 6) The development hereby permitted shall not be occupied until details of a parking and turning plan for the site have been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of surfacing of the parking and vehicle circulation areas, plus measures for surface water drainage.

The parking layout shall be completed in accordance with the approved details and be made ready for use prior to the first use of the development hereby permitted. The parking and turning area shall be retained in accordance with the approved details and kept fully available for the approved use thereafter. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking and vehicle circulation space.

Reason: To ensure adequate provision is made for the traffic generated by the uses on the site and in the interests of amenity and highway safety

- 7) The development hereby permitted shall not be occupied until all four of the buildings marked as Buildings A, G, H and I on the submitted drawing CLA1/02 C (Site Plan – existing) have been completely demolished and all materials removed from the site.

Reason: In the interests of visual amenity and to provide sufficient parking, turning and vehicle circulation space for the proposed development.

- 8) The A3 cafe use hereby permitted shall operate only when the A1 retail areas are open for trading.

Reason: In the interests of the residential amenities and the character of the area, to the need for sufficient on-site parking and associate highway safety and with regard to viability of nearby village and town centres.

- 9) The development hereby approved shall not be used other than for the purposes

specified in the approved drawing CLA1/03 F; and not for any other purpose without the express written planning permission of the Local Planning Authority, whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order.

Reason: In the interests of protecting the character and amenities of the locality; in the interests of highway safety and managing on-site parking demand; and with regard to viability of the farm enterprise and nearby village and town centres.

10) The areas shown as offices and storage on the approved drawing CLA1/03 F shall only be used on;

- An ancillary basis to the uses within the application site area (as defined by CLA1/01 C), or
- An ancillary basis to agriculture (as defined in Section 336 of the Town and Country Planning Act 1990, as amended) taking place at Charity Farm;

and not for any other purpose without the express written planning permission of the Local Planning Authority, whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order.

Reason: In the interests of protecting the character and amenities of the locality; in the interests of highway safety and managing on-site parking demand; and with regard to viability of the farm enterprise and nearby village and town centres.

11) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order no extensions shall be constructed to any of the buildings on the site without prior planning permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority can regulate the level of retail activity on the site in the interests of visual and residential amenity, highway safety and with regard to viability of the farm enterprise and nearby village and town centres.

12) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the current edition of BS 5837. Such tree protection measures shall remain throughout the period of construction
- (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other

- engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
  - (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality

### **INFORMATIVES**

N/A

Case Officer: Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.