

Officer Report On Planning Application: 16/01225/FUL

Proposal :	Erection of food processing and packaging building, with new access and parking area and retention of existing building as offices. (resubmission of 15/04176/FUL)
Site Address:	Easy Bean Fosters Farm Fosters Lane South Barrow
Parish:	South Barrow
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	16th May 2016
Applicant :	Mr N Dauncey
Agent: (no agent if blank)	Greenslade Taylor Hunt 1 High Street Chard Somerset TA20 1QF
Application Type :	Minor Manfr less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Vice Chairman to enable the comments of the Parish Council and Neighbours to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located in the countryside beyond development limits, 3km north of junctions with the A303. The site is accessed through the adjacent settlement, and lays north-east of South Barrow. Easy Bean operates out of four separate units in addition to the office building that will remain and is located alongside the proposed food processing and packing building. The business has grown to include 10 full-time employees. Planning permission ref: 14/04881/FUL exists for three residential barn conversions to sit alongside the existing use although one conversion depends on the reduction and loss of floor space (unit 2) associated with the Easy Bean operation that is proposed to be relocated.

The proposal seeks the erection of a food processing and packaging building measuring 27.4 metres by 17 metres with a ridge 5 metres and eaves 2.8 metres above ground level. External materials are detailed as timber cladding to three elevations and the fourth metal clad, under profiled metal roof cladding. The proposal seeks exchange of the existing floor space, calculated to be 598 square metres spread across the separate buildings by a reduced floor space of 438 square metres in one purpose built building. A new access and parking area is proposed to include an additional 11 parking spaces that makes 22 spaces.

The application is supported by an Access Statement, Landscape Statement, Landscape Schedule and covering letter with production and extraction details.

RELEVANT HISTORY

15/04176/FUL - Change of use to B2 and erection of food processing and packaging building, with new access and parking area - Withdrawn (OFFICER Note: the current application is submitted following the withdrawal of the 2015 application.)

14/04881/FUL - Change of use and conversion of former agricultural buildings to 3 dwellings and new build domestic garages, Approved.

09/00628/COU - The change of use of premises from agricultural to food production (B1) - Approved.

08/02637/FUL - The construction of a new access point and track and change of use of equestrian livery establishment to livery and training establishment - Approved.

06/00548/COU - Change of use from redundant cattle sheds to horse stables and livery yard and formation of an outdoor menage, Approved.

03/01291/COU - Conversion of redundant farm buildings into 5 holiday cottages with games room and relocation of agricultural building, Approved.

94/01995/FUL - Alterations, erection of an extension, installation of processing plant and use of pig house in connection with meat processing (revised application), Approved.

93/01907/FUL - Alterations, erection of an extension, installation of processing plant and use of pig house in connection with meat processing, Approved.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

EP4 - Expansion of Existing Businesses in the Countryside

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General development

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 1 - Building a strong competitive economy

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Cary Moor Parish Council objects for the following reasons:

- a) Change of use to B2. This opens up the possibility of future use of the site for any industrial purpose. The location is in a residential rural area and unsuitable for this type of development. There are several industrial sites nearby which would be appropriate.
- b) B2 use allows for smell, noise, light pollution, heavy vehicle movements, collection/deliveries etc. which all impact on surrounding rural residential properties.
- c) Highway issues. The proposed site is accessed by derestricted roads, restricted visibility and sub-standard junctions. There are no foot paths for pedestrians who regularly use these roads. The site is unsuitable for this type of development.
- d) The proposal shows 21 parking spaces indicating potential scope for possible further expansion of the site.

County Highways - If the applicant accepts a condition that requires the use of the existing building to cease once the new building is brought into use, then I would retract the Highways reason for refusal and require a condition that secures the objective to be attached.

Their original response:

'The proposed development is distant from any significant settlement and beyond the 30mph speed limit in the village, is served by derestricted roads with restricted forward visibility and substandard junctions. With no street lighting, or footways walking and cycling will not be an attractive or safe option for users of the proposed development of existing residents. The consolidation of a business use in this location will result in additional vehicular, and to a lesser extent pedestrian, movements onto a substandard part of the network that is not suitable for the types of traffic associated with a general business/industrial development.

I would recommend that this application be refused on highway grounds for the following reason(s):-

The proposed development will lead to additional vehicle and pedestrian traffic on the network which will lead to increased conflicts between vehicles and vulnerable road users to the detriment of highway safety and therefore the site does not provide a safe and suitable access for all as required by Section of NPPF and Policy TA5 from the South Somerset Local Plan 2006-2028.'

SSDC Landscape Architect: Providing the case for the building is accepted, then I have no landscape issues to raise regarding the principle of construction of a farm-scale building in this location.

Turning to the detail, I see that a landscape statement is offered in support of the application. It notes the close relationship of the building to the farm complex, and the partial containment of the plot's confines, with hedgerows to the west and south. Construction of the new building aside, it considers the main impact to be the formation of a new access to the site.

I agree that there is a credible relationship between the building proposal, and the existing building footprint, and that the new build is not disproportionate to the existing farm buildings. Whilst the proposal extends the built form of the farm toward the village, a comprehensive planting proposal is intended to visually contain the site, and to provide separation. Works to create a new access are localised, and remediated by planting. Reviewing the planting proposal, I agree the intent and form of the planting, and am satisfied with the detail of the planting spec. If minded to approve, please condition implementation of the planting scheme in the season immediately following completion of the structural works.

SSDC Economic Development - From an economic development perspective we would not object to this application.

SSDC Environmental Protection Officer - has no comments to add in respect of this application.

County Archaeologist - No objections

REPRESENTATIVES

There have been 20 householder letters received: Of these 16 households object and 4 support the proposal.

The letters of objection include the following concerns:

- Unsuitable and unsustainable location
- South Barrow does not have public transport links or any facilities such as a shop or post office
- Policy SS2 only permits employment opportunities that are appropriate to the scale of the settlement and increases the sustainability of the settlement.
- A food processing building on a green field site, totally inappropriate to be placed in a rural area.
- Policy EP4 'It is demonstrated that the proposal is needed in this location' - Easy Beans could as easily operate from another location.
- The planned development would be much better sited on an industrial estate.
- Easy Bean is a growing business it needs to relocate to one of the many industrial units nearby.
- 44% increase in production that will result, which is the stated plan for Easy Bean, will bring more articulated lorries and workers vehicles (at present no one from South Barrow works there) to the narrow village road through the village itself.
- The business has obviously expanded further as the new proposal requires a significant increase in floor area. This leads to the assumption that traffic movements will also increase.
- Its increased manufacturing facility will generate a greater number of traffic movements from employees, deliveries, collections, refuse and waste collections
- The question of road safety for pedestrians, cyclists, dog walkers, horse riders is very much placed in jeopardy
- Any amount of tree screening will not disguise the imposition of this industrial structure from neighbour properties
- The height of the natural screening to be placed at the site's western edge would have to be higher than planned as our garden is at the same height to the building
- Visual impact upon a rural scene
- Detrimental impact on the rural character of the area
- Bed and breakfast business with guests attracted to this location enjoy the peace and tranquillity of the rural setting and particularly comment on the open aspect of the landscape, supporting local pubs during their stay. The proposal would have a detrimental effect on my business.
- Poor access to the site via a narrow country road composed of sharp, blind bends, passing directly through the village centre
- No street lighting, footpaths nor passing bays
- Conflict with the National Cycle Network Route
- There are several equestrian establishments in this area and riders are often seen in the village

- This is not an industrial area and nor is the infrastructure of the highway suitable to cater for regular daily movement of increased number of industrial vehicles
- This proposal will have an unacceptable impact on this quiet rural location
- Light, noise and air pollution
- An increase in food processing so close to residential buildings will have a detrimental effect upon air quality for the residents.
- We are already aware of cooking smells from the existing location.

The letters of Support include:

- This application to increase their production facilities can only bring more employment and prosperity to the village
- It would be very sad if the premises had to close and jobs were lost
- With the movement of the equestrian centre away from the site this also will be removing a lot of heavy traffic from our village road
- It is a small little village which has flourished
- The fears of local residents re; increased traffic, noise and smells are understandable and it is to be hoped that the developer can address these issues satisfactorily
- The nature of the current business is such that as sales increase the number of deliveries and collections in and out by our current distribution network will largely remain unchanged

CONSIDERATIONS

Principle of Development

Local Plan Policy EP4 (expansion of existing businesses in the countryside) is applicable in considering matters raised by the application, although in considering its criteria not all should be read literally, so that it is also important to be aware of paragraph 28 of the National Planning Policy Framework (NPPF). Seen in context the approach taken by Policy EP4 might be regarded as too restrictive. Therefore while neighbour objections are right to point out the inconsistencies between the proposed development and the local plan policy; in particular, questioning whether 'It is demonstrated that the proposal is needed in this location': the NPPF (para.28) requires 'taking a positive approach to sustainable new development'. This includes the need to 'support... well designed new buildings' through 'Sustainable growth and expansion of all types of business.'

Easy Bean has operated from the site since 2009 (ref: 09/00628/COU) although the current operation involves a B2, rather than the B1 Use Class for which permission was originally given. If the current application is permitted the 'unlawful' use that exists currently would have been resolved. The proposal retains the B1 office building, and while the building appears does not have planning history it is evident that the building and its use has stood long enough to have become lawful.

While there is local concern that the proposal does not involve the expansion of an existing business. The site and buildings are locally viewed would be vacated to relocate to this new site beyond the recognised curtilage of the existing built form that arguably is contrary to bullet point 5 of Policy EP4. Notwithstanding, the replacement building is located adjacent to the B1 office building that remains. Importantly the proposed floor area is exchanged in favour of an overall reduction. This is welcomed by County Highways whose response originally considered the location unsustainable to support an expansion of business in this location. On the basis of extinguishing the current commercial use the Highways Officer has not objected to the proposal. On balance, given that the proposal would not involve a greater commercial space, it is considered that there is support 'in principle'. Accordingly there is the need to

consider other material considerations including character and appearance, highway safety, and neighbour amenity.

Character and Appearance

The Landscape Architect is supportive and considers that there is a credible relationship between the proposed building and the existing building footprint and that the new build is not disproportionate to the existing 'farm' buildings. While the landscape planting is welcome and considered to visually contain the site and provides separation from the village, neighbouring occupants have observed that their land is higher than the adjacent lane with views out across to the applicant's site that would largely be unaffected by the proposed plant screening. Having been on site the planning officer would not disagree, and although the building, as is presented, would not be visually much different from any other agricultural type of building, the site's use; the presence of parking and associated comings and goings makes for a potentially marked difference, which the present informality of the existing use perhaps plays down. Notwithstanding the council's Landscape Architect does not choose to raise landscape concerns.

Highway Safety

The Highway Authority's original response was firmly against the proposal, based on its location, the network of rural roads variously described as sub-standard and the access through the village centre. Their interest revolved about the implications of additional traffic and in particular the availability of the vacated buildings to continue in commercial use. On the basis that the commercial use ceased and that this was conditioned the Highways Officer withdrew their initial recommendation to refuse. The applicant is supportive of entering into a legal agreement, as they are supportive of the demolition and removal of the larger roadside commercial building that is considered inappropriately located to support its residential conversion that can be controlled by the same S106.

Turning to the Highway Authority's initial reason for refusal, neighbour objectors have noted the site's planning history and that up to 12 parking spaces are already envisaged for the barn conversions permitted under ref: 14/04481/FUL. Their concerns reflect that the permission might only be undertaken once the extant business use is relocated without which the level of traffic largely remains the same. Local objectors observe that one of the three residential conversions requires the loss of Easy Bean floor space, while having removed the commercial use from the site a fourth barn conversion could come forward leading to yet more traffic. The situation, they suggest, presents a significant increase in traffic in addition to the much greater level of parking proposed up to 21 spaces by the current application that taken together is exactly what the County Highway Authority seeks to avoid.

But having considered the above concerns it also should be noted that the extant barn conversions (2014) permission considered the residential conversions to sit alongside the continuing Easy Bean use. In relocating to its new site the legal agreement avoids a continuing commercial presence at the vacated site. A 'belt and braces' exercise would remove the roadside commercial building in its entirety. The removal of Easy Bean clearly would free up an additional residential unit but the additional traffic this creates is not for the current application to consider. Similarly, on the basis that the conversion permission was viewed to be undertaken alongside the commercial use; that again would have sought minor adjustment to floor space to the Easy Bean operation, this means that the overall traffic movements were accepted at the time. The additional vehicular use should therefore not be used against the current proposal. In summary, the residential conversions are not considered reliant on removal of Easy Bean. On this basis there is no increase in traffic drawn to the site.

There remains a concern that as purpose built premises there would be efficiencies and that these would lead to a growth in business on site. A neighbour letter - an employee of the site -

suggests that sales would increase but that the number of deliveries and collections in and out by the current distribution network would likely remain unchanged although the real difference would be that fully loaded lorries depart the site. Clearly there are local concerns that the development is designed to increase the site's use that goes beyond mere efficiencies with a consequential increase in the site's use that would bring about conflict with the original comments of the Highway Authority. Paragraph 7.2 of the Access Statement in support of the proposed 21 parking spaces for the new B2 building states that this Use Class 'would result in the provision of just 12 car spaces based on the Somerset Parking Standards optimum standards. Such level of car parking would be considered insufficient in this location'. The parking layout clearly provides an over provision. The applicant advises that this accords with a B1 use for the same location that was initially anticipated for the site. An oversupply in this location is probably for the best to avoid conflict with highway users, but it does suggest greater pressures for parking that arises from the proposal. The site is grown from the 2 to 3 employees referred to in 2009 to the current 10. The purpose built accommodation evidently gives rise to greater flexibility that results from efficiencies, so there also must be the potential for further growth in the numbers employed by the site, but whether this would be a significant increase is another matter. Having explored the pros and cons we are left with the Highway Authority's support seeking to control loss of the existing commercial use and on this basis their remarks attract great weight in terms of the proposal would not have a detrimental impact on highway safety. .

Neighbour Amenity

The presence of a B2 use is considered by the application. The Environmental Protection Officer's response has not sought to object to the B2 Use and its location and proximity to adjacent residential occupants. The application is submitted with extraction details that would have been considered by the council's Environmental Protection office.

As it stands a condition seeks to limit the use within the scope of the B2 Use Class. The specific proposal is not considered to have any significantly detrimental effect for neighbour amenity.

Neighbour and parish Council concerns

These are generally considered as part of the above considerations. Concerns relate to the scale of development in this location and the B2 change of use.

The applicant's business is clearly grown from the original farm diversification exercise undertaken on site, and later the establishment of what was thought a B1 use. The current operation that involves a B2 use is viewed locally to have outgrown its location. Local opinion is concerned that having invested in the site that reflects a growing business the applicant/ owner would want to further develop and invest in the site that is very clearly an inappropriate location to do so.

Other Matters

Easy Bean is an employer with jobs potentially at risk should the current application be refused. This said, for all appearance it is a successful and growing local business, as is witnessed by its supply contracts to national stores as well as the existence of the current application. There comes a time when a use also outgrows its location that otherwise is supportive of a local start-up.

S.106 Agreement

Should the application be approved a Section 106 agreement will be necessary to: secure the loss of a commercial use for the vacated buildings, and the demolition and removal of the roadside commercial building.

RECOMMENDATION

That application reference 16/01225/FUL be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-
1. Any potential commercial use is removed from the buildings vacated and identified as 2, 3 and 4 on drawing no. 2093-PL-108 received 21 March 2016.
 2. Demolition and removal of building 1 identified on drawing 2093-PL-108 received 21 March 2016.

and

- b) the following conditions

01. The proposal by reason of its location, scale and use of materials respects the character of the area, and causes no demonstrable harm to highway safety, or residential amenity in accordance with the aims and objectives of Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 2093-PL-106; -105; and -107, received 21 March 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The Landscape Schedule and Specification (August 2015) shall be fully implemented as part of the approved development. All planting, seeding, turfing or earth moulding comprised in the schedule and specification shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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 the interests of character and appearance further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

04. Any external light source within the site shall be shielded and directed to avoid off site light pollution.

Reason: In the interests of character and appearance further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

05. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety further to Policy TA5 and TA6 of the South Somerset Local Plan 2006- 2028.

06. The use hereby permitted shall not take place; no plant/ machinery shall be operated and no deliveries shall be taken at, or dispatched from the site outside the hours of 06:00 hours and 17:00 hours Monday to Friday nor at any time on Saturdays, Sundays or Bank holidays.

Reason: To enable the Local Planning Authority to retain adequate control over such hours of use in the interests of residential amenity further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

07. The building hereby permitted shall only be used for food processing and packaging associated with the Easy Bean operation and for no other purpose, including any use otherwise permitted within Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted.

Reason: To enable the Local Planning Authority to retain adequate control over such uses, in the interests of neighbour amenity and given the rural location further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.