



JOINT AREA COMMITTEES IN SOUTH SOMERSET
Officer Report On Planning Application:
08/05025/FUL

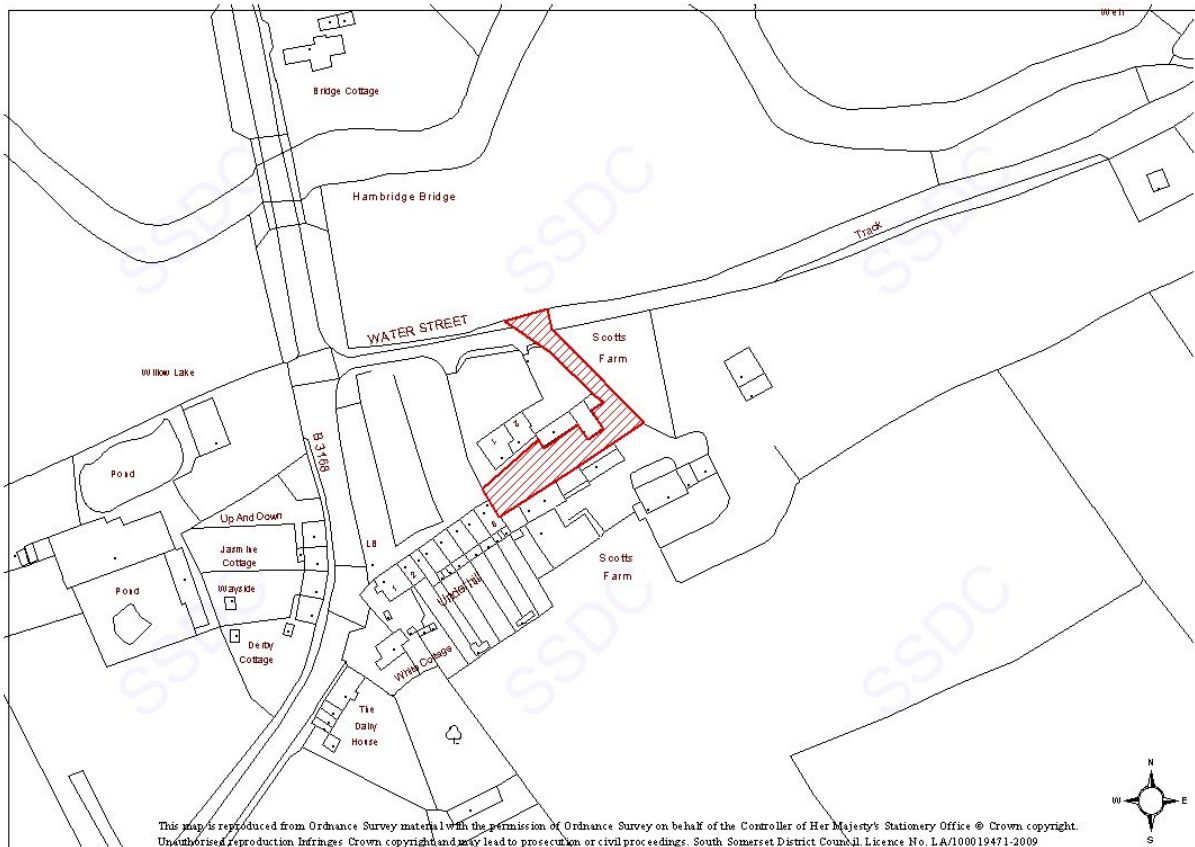


Proposal:	Conversion of modern agricultural building into farm shop and the construction of an access track (GR 339818/121999)
Site Address:	Scotts Farm, Water Street, Hambridge
Parish:	Hambridge/Westport
Ward: (SSDC Member)	ISLEMOOR Mrs S N Steele (Cllr)
Division: (SCC Member)	ISLEMOOR Mr D Nelson (Cllr)
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	2nd February 2009
Applicant:	Mr E Shaquer
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON(S) FOR REFERRAL TO COMMITTEE

This application has been referred to the Area North Joint Area Committee at the request of the Ward Member and with the agreement of the Chairman to allow the issues of highway safety and flooding to be considered further.

SITE DESCRIPTION AND PROPOSAL



The application site comprises a group of buildings currently used for storage for the farm. The farm sits within a small group of houses to the north-east of the main part of Hambridge. The site is currently accessed from Water Street.

The application proposes the conversion of the existing barn into a farm shop to sell its own produce predominantly, with some sales of goods from local farms (within a 30 mile radius). It is estimated that

the farm will directly supply 70% of the produce sold within the shop and 30% will come from local suppliers. The existing stables would be used to house the refrigerator units. Also proposed is a new access from the B3168 just to the north of existing Water Street access.

The site is not within a defined settlement boundary. Whilst the farm buildings are not within the flood zone the proposed access is within flood zone 3.

HISTORY

07/03069/AGN - Agricultural notification for the formation of a new access for agricultural vehicles. Determined that planning permission was required July 2007.

08/02954/ADV - The display of a non-illuminated free standing double sided sign. Approved August 2008.

08/02953/FUL - Conversion of modern agricultural building into farm shop and use of stable building to house associated refrigeration units.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents
Regional Spatial Strategy September 2001:
VIS1 Expressing the Vision
VIS2 Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

STR1 - Sustainable Development

STR6 - Development outside towns, rural centres and villages

49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006):

Policies:-

ST3 - Development outside development areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EH6 - Conversion of Buildings in the Countryside

MS4 - Farm Shops

ME5 - Farm Diversification

PPS7 - Sustainable development in Rural Areas

PPS25 - Development and Flood Risk

CONSULTATIONS

Senior Environmental Protection Officer:-

'So long as the refrigeration units to be installed are stand alones, and not dependant of any external cooling units/fans etc than I have no observations.'

Environment Agency:-

No objection subject to an informative.

Area Engineer, Technical Services Department:-

'Contents of flood risk assessment noted and approved.'

Agricultural Development Officer:-

'This application is for the conversion of an agricultural building to a farm shop.'

Planning policy supports the reuse of redundant farm buildings for economic purposes and given the relatively small size of this holding, a diversification opportunity will be an important step towards

securing the long term viability of the enterprise.

Should this application be approved I would strongly recommend that the applicant works closely with the Agricultural Development officer to ensure that the farm shop makes full use of the existing networking opportunities in this sector, to ensure the business maximises its opportunity to develop successfully.'

Hambridge/Westport Parish Council:-

'The Parish Council has the following objections to make in respect of this planning application. It is proposed to put a tarmac track across a virgin meadow which regularly floods and this is bound to exacerbate the problem by causing displacement of water. Adjacent properties have expressed concern over this proposed development because of the flooding that has been experienced in their properties. Strong concern is also felt over the proposed access on to an already dangerous bend on which there have recently been several accidents, despite the addition of rumble strips and white lining following a site visit. Possible traffic generated by suppliers lorries could also add to the problems already being experienced.'

Landscape Officer:-

' I am not particularly enamoured of the prospect of two tracks running side by side, as this disrupts the local landscape pattern. Ideally I would wish to see the present track utilised, but I understand that the required visibility lines cannot be achieved without third party agreement, and that is not forthcoming.

With no other option but to create a new track, I would advise that the design should be suitably low key and as unobtrusive as possible if the proposal is to be acceptable. To that end, I would advise that the track runs at grade, and is surfaced with local stone, no kerb edgings. I would also advise tree planting at the back of the main roadside hedge, primarily to act as a visual foil. Trees should be standard specimens, protected from stock, and run between the current access and the river, utilising local native species.'

County Highway Authority:-

'The proposed development site is located on the outskirts of the built up area of Hambridge remote from any urban area and distant from adequate services and facilities. The public transport services that pass the site are infrequent. It is also noted that the site is not connected by continuous pedestrian or cycling facilities. As a consequence, customers of the new development are likely to be dependant on private vehicles in order to access the site. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000).

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the retention of the building for re-use and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

In detail, during initial discussions with the applicant the proposed farm shop was seeking to be served via Water Street. However, Water Street was deemed unsuitable to cater for the likely traffic due to its restricted width and excessive gradient. The Highway Authority also had concerns regarding the level of visibility that could be achieved by emerging vehicles. The level of visibility achieved is restricted, especially to the south due to the presence of the boundary fence belonging to the property known as 1 Underhill. The visibility to the north is also restricted due to the vertical alignment of the carriageway at this point concealing oncoming traffic from view from vehicles emerging from Water Street.

As a result of the above limitations, it was felt that a new access would need to be created. This current proposal is seeking to create a new access off the B3168 north of Water Street. The level of visibility achieved from this point to the south will be to the bend in the road and for a significant distance to the north. It should also be noted that given the location of the proposed access, set on a raised embankment emerging vehicles are able to benefit from sufficient visibility in both directions. This raised access also significantly increases oncoming vehicles, especially those approaching from the north level of forward visibility/awareness of the presence of this new access and of any stationary vehicles wishing to emerge on to the B3168 at this point.

It is noted that in order to achieve the necessary visibility splays it is likely that the applicant will need to relocate the existing road sign to the north and the existing telegraph pole to the south.

It should also be noted that at present all vehicular traffic, including larger, slower moving vehicles in connection with the operational farm make use of Water Street. The proposal to introduce the new access could result in a reduction in the number of vehicle movements making use of Water Street. Given the limitations of this means of access as previously stated any reduction in the level of traffic making use of the access would be beneficial to highway safety.

The access proposed is of sufficient width to enable two vehicles to pass and as such the Highway Authority are satisfied that the proposal is unlikely to encourage the manoeuvring of vehicles on the highway. Whilst the Highway Authority is satisfied that the radii shown on the northern side of the access is sufficient, the radii on the southern side is a little tight. The Highway Authority would wish to see this improved slightly so that vehicles emerging from the access wishing to travel in the southern direction do not encroach on to the opposite carriageway.

From the submitted plan the Highway Authority are satisfied that there is sufficient room within the curtilage of the site for the parking and turning of vehicles in connection with the development. As a consequence, it is felt that the proposal is unlikely to promote parking on the highway at this point.

As a result, whilst it is acknowledged that the proposal to introduce a farm shop in this location is likely to result in an increase in the number of traffic movements at this point, given the level of visibility achieved by emerging vehicles, the level of forward visibility/awareness of oncoming vehicles of the presence of the access as well as the likely reduction in the level of traffic making use of Water Street, whilst finely balanced, the Highway Authority would not wish to raise an objection to the proposal.'

In the event of permission being granted they recommend conditions be imposed.

Rights of Way Officer:-

No objection

Wessex Water:-

Advise that the development is located within a foul sewered area. It will therefore be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. They further advise that they normally require a minimum three-metre easement on either side of their apparatus and diversion or protection works may need to be agreed. They recommend that a condition or informative be placed on any consent to require the developer to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. They advise that the Council should be satisfied with any arrangements for the satisfactory disposal of surface water from the proposal.

REPRESENTATIONS

7 letters of objection have been received, their comments are summarised as follows:-

- 1) Due to recent flooding, concerned that any changes to levels will result in extra flooding. The new access will cause additional run-off. The proposed track is proposed at 300mm above present field level and so will be higher than Water Street. This will make it impossible for floodwater to drain from Water Street and more likely that property and cars/garages will be damaged.
- 2) A start has been made on the farm shop without permission
- 3) Concerned about extra traffic on Water Street
- 4) Concerned about highway safety as many drivers take the bend too fast, this potential for accidents can only be exacerbated by proposed access road.
- 5) Concerned that the ramped access will not be sufficient for agricultural vehicles and will damage the ditch further increasing the flooding problems
- 6) Three households don't have any parking provision and are forced to park on the verge by the bridge. The proposed access point will cut off two potential spaces.
- 7) Appears an expensive construction for just a farm shop.
- 8) What is to stop people visiting the farm using Water Street if the new access becomes flooded?
- 9) Wish to know who is responsible for piping the water from the ditch.
- 10) Wish to know details of what is to hold up the track as it goes over the ditch.
- 11) The application states that the road will be drained into adjacent field - this field also floods.

- 12) Main sewer runs through the field suggest that Wessex Water be asked for their comments.
- 13) If proposal exacerbates flooding at the site then relevant papers will be passed to writer's solicitor.
- 14) Question if there is to be any signage to show people where to go.
- 15) Question if Police have been asked for their comments about the safety of the proposed access.
- 16) Scope of the farm shop keeps changing and the land owned has also changed.
- 17) Plans do not show a lean-to on a neighbouring property that cannot be accessed due to parking and turning area.

A further neighbour has telephoned (to be confirmed in writing) to express her concerns about the possible exacerbation of the flooding situation and the possible noise that would be generated by the refrigeration units.

In response to these objections, the applicant has responded (in summary) as follows:-

- 1) We are applying to create a new track so no traffic passes along Water Street past neighbour's properties.
- 2) The Environment Agency has commented upon the flooding issues.
- 3) Parking of cars at the top of Water Street causes visibility problems and is not a designated parking area.
- 4) Track will be constructed using porous stone etc and tarmac will only be used at the access as it joins the B road as per Highways requirements.
- 5) No heavy vehicles are expected to use the track other than private cars and own agricultural vehicles.

CONSIDERATIONS

There are two major parts to this application; the conversion of the farm buildings into a farm shop; and the formation of the new access and track from the B3168.

Proposed farm shop.

Policy MS4 advises:-

'Proposals for farm shops will be permitted provided that they:-

1. Form part of an agricultural holding;
2. Use existing buildings wherever possible. If a new building is proposed, this shall be contained within or be integrated with a group of existing buildings; and
3. They would not unacceptably harm the viability of any nearby shops.

Where planning permission is granted the district council may impose conditions on the planning permission or seek planning obligations to limit the scale, range and nature of goods to be sold that are not produced on the farm.'

In this case, the site is part of an agricultural holding and will make use of existing buildings. There are no shops within the vicinity to be affected by the proposal. The buildings proposed for conversion are substantive and structurally sound, they are to be used for commercial purposes in connection with the existing farm business, as such, it is considered that they accord with Policy EH6 with regard to the conversion of buildings within the countryside. It is noted that the majority of produce sold is come to from the farm and it is considered that should permission be granted it will be important to ensure that this remains the case.

With regard to the concerns about noise, the Senior Environmental Health Officer has no observations providing the refrigeration units are within the existing buildings and have no external cooling fans. In the circumstances, it is not considered that the application could be refused on the basis that the use would be un-neighbourly in terms of noise. However, an informative could be attached advising that any external units will require planning permission and if an application were submitted it would need to include evidence that the units would not result in unacceptable noise levels.

Formation of new access track

It is understood that due to landownership issues it is not possible to improve visibility at the existing access from Water Street to the B3168. Therefore, an application has been made for a separate access and track to the farm. The proposal has been submitted after discussions with the County Highway Authority and they are now content that the proposed track and access is acceptable subject to conditions.

With regard to the issue of flooding, the Environment Agency has considered the proposal and does not object. The track will be at the same level as the existing field and the flood risk assessment advises that:-

'A survey has confirmed that the land that is proposed to construct the new access track across floods from the eastern boundary, the land will therefore not be at a greater risk of flood, nor flood risk increased by the construction of the track.'

In addition, the only part of the access to be covered in tarmac is that at the immediate site entrance (in order to accord with the requirements of the County Highway Authority), the rest of the track will be constructed using compacted stone/granular material. The water run off from the tarmac section will discharge to the adjacent field.

In the circumstances, it is not considered that the proposal could be refused on the basis that it will increase flood risk at the site.

In response to the outstanding matters of the objectors:-

- 1) With regard to the possible use of Water Street and signage, advertisement consent was granted in August 2008 for a non-illuminated double sided sign that should direct traffic to the correct entrance. Water Street remains a right of way and it would not be possible to restrict the use by condition.
- 2) The ditches at the site are controlled by the Environment Agency, their prior written consent would be required for any works, an informative can be added to this affect. As can one relating to Wessex Water and the main sewer.
- 3) Details of the ramp can be required through a planning condition, details of which can be checked with the Environment Agency, Wessex Water and the County Highway Authority.
- 4) The parking that takes place on the verge is informal and as such it is not possible to require that it be retained on land outside of the applicant's control.

In conclusion, the proposed conversion of the existing farm buildings complies with policies MS4 and EH6 and the use will not result in an unacceptable impact upon neighbouring amenity. Whilst the proposed new access is not ideal the lack of visibility at the existing entrance has meant that an alternative has had to be found. The County Highway Authority is content with the proposal and as are the Environment Agency as such approval is recommended.

RECOMMENDATION

Approve

Justification

01. The buildings proposed for conversion are of permanent and substantial construction and the proposed farm shop use is appropriate within this location. As such, the proposal complies with Policies ST3, ST5, ST6, EH6, ME5 and MS4 of the South Somerset Local Plan adopted 2006.
02. The proposed access track is acceptable in highways terms and will remove traffic from an existing unsatisfactory access. The proposal therefore accords with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

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 external surfaces of the development hereby permitted shall be of materials as shown on the submitted application form and plans hereby approved and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

03. The development hereby permitted shall not be operated at any time other than for purposes ancillary to the agricultural use of the farm known as Scotts Farm, Hambridge, Langport, TA10 0AT.

Reason: To support true farm diversification in accordance with policies MS4 and ME5 of the South Somerset Local Plan (Adopted April 2006).

04. The retail premises hereby approved, shall be used for the sale of produce grown and produced on Scotts Farm, Hambridge or within the County of Somerset with no more than 30% of the floor area used for the sale, storage and display of goods imported (from the County of Somerset) and not grown or produced on the farm, and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To determine the scale and scope of this farm diversification proposal, in the interests of countryside amenity and to accord with policies ST3, ST5, ST6 EH7, MS4 and ME5 of the South Somerset Local Plan (Adopted April 2006).

05. In connection with Condition 03, the retail premises hereby approved shall be limited to the sale, storage and display of foodstuffs only.

Reason: To determine the scale and scope of this farm diversification proposal, in the interests of countryside amenity and to accord with policies ST3, ST5, ST6, EH7, MS4 and ME5 of the South Somerset Local Plan (Adopted April 2006).

06. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 10.0m from the carriageway edge.

Reason:- In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

07. The proposed access over the first 10.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority.

Reason:- In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

08. The access over the first 10.0m of its length as measured back from the nearside carriageway edge shall not be steeper than 1 in 10.

Reason:- In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

09. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason:- In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

10. Details of the access radii shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being first brought into use.

Reason:- In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

11. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development (including the access), shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the buildings and access are properly drained.

12. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping 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. The scheme of landscaping shall include details for the screening of the access road.

Reason: To safeguard the character and appearance of the area and to accord with policies ST5 and ST6 of the South Somerset Local Plan adopted 2006.

13. Prior to the commencement of any works on site details of the proposed ramp from the B3168 over the highway drain will be submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To ensure that the ramp does not interfere with the flow of water in the drain.

Informatives:

01. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highways Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

02. Having regard to the powers of the Highway Authority under the Highway Act 1980 the applicant is advised that a section 184 Permit must be obtained from the Highway Service Manager at least four weeks before access works are intended to commence.
03. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.
04. The applicant is advised that if external cooling units/fans etc are proposed for the refrigerator units then a separate planning application will be required. Should such units be proposed the applicant would need to show that there would not be unacceptable levels of noise.
05. Under the Section 23 of the Land Drainage Act 1991, the prior written consent of the Environment Agency is required for any proposed works or culverting affecting the flow of any ordinary watercourse. The applicant should contact the Environment Agency on 01278 484654 regarding this permission as we believe that the revised access will go over a highway drain. The applicant may also wish to discuss any provisions with the Highways Authority and the South Somerset

Drainage Engineer.

06. The applicant is advised that there is a main sewer (owned by Wessex Water) that runs across the site of the access track. Any works that affect Wessex Water infrastructure will require consent from Wessex Water and the applicant must contact them prior to the commencement of any works. Written permission to carry out such works will have to be agreed in writing by Wessex Water prior to the commencement of works on site.
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