

**Stansted
Downs**

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24.03.2006

TM/06/00818/FL

Proposal: Part demolition and change of use of chicken sheds to B1 (light industrial) and B8 (storage and distribution) uses
Location: Oakwood Farm Vigo Road Fairseat Sevenoaks Kent TN15 7LT
Applicant: Mr G Durrant

1. Description:

- 1.1 The proposal seeks permission to demolish half of one of the existing chicken sheds within the existing farm holding and convert the remaining half of this barn and two others next to it, to B1 (light Industrial) and B8 (Storage and Distribution) uses. Presently, the floor space within these buildings amounts to 835 sq. m. The proposed B1/B8 floor space generated by this proposal amounts to 609 sq. m in total with seven small commercial units measuring between 75 -100 sq m being created under this proposal. The remaining barns within the site would be retained in agricultural use (egg production).
- 1.2 The submitted plans show that a total of 17 car parking spaces would be provided for the proposed B1/B8 use (mainly within the area where part of the existing barn would be demolished). Two HGV parking bays are shown to be provided on the submitted plans.
- 1.3 The proposed development appears to be speculative as no details are contained on the application forms regarding the identity of the tenants of the proposed units.
- 1.4 The applicant has submitted a statement in support of the application regarding the background to the proposal and its planning merits. With regard to the background, the statement includes the following information:

"The farm is operated by Fairseat Farm Eggs and uses a cage system for egg production. This has involved using up to 40,000 birds in 6 laying houses..."

"Fairseat Farm Eggs have operated egg production and packing of eggs from this site for a number of years. However, the use of traditional cages is now banned by the EU and in the UK production of eggs by this method must cease by 2011.

Alternative production methods using free range or barn percherys would not be achievable on this site, as the scale of free range production could not be physically accommodated on the land and the expansion of the necessary accommodation for barns to house the current number of birds would be likely to need almost total site coverage which would impact significantly on the amenity of local residents.

Accordingly, the company is seeking to reduce production on site over the next five years and ideally wish to relocate production to a larger site. This is entirely dependent on the economic viability of the farm, supplemented by income generated by the re-use of the existing poultry houses to alternative uses. Production has already ceased in the easternmost laying house (shed 1), which is currently vacant with all plant and machinery stripped out. The adjacent unit (shed 2) is due to finish production in the near future and shed 3 will not be used after 2006. The plant taken from these units will enable the remaining houses (sheds 4-6) to be maintained for the permissible period but in any event, egg production on this site must cease by 2011.”

With regard to the planning merits of the proposal, the statement discusses relevant development plan policies and Government Guidance, which do not need to be reproduced in this part of this report as these will be discussed in section 5 below.

The following extracts of the applicant’s supporting statement relate to the principle of the development and highway safety:

“In the context of adopted policy, the proposal is entirely consistent with sustainable planning principles, as it represents an efficient use of land that is already developed. Furthermore, this proposal does not involve any material impact on the Green Belt in that it represents a reduction of built form on the site, as part of shed 2 is to be demolished.

Parking & Access

The parking and access requirements can all be accommodated within the site thus preserving rural amenity. The proposed floor space of 609 sq m would require a maximum of some 17 cars and 3 lorry spaces for use as light industrial purposes, whilst use for storage would need only 5 cars and 2 lorry spaces to comply with the adopted standards. These combined uses reduce the parking requirement and give flexibility to the individual units.

The existing access has proved to be adequate to serve the farm and has operated safely for many years including levels of traffic greater than now proposed.

Traffic Generation

Under its lawful use, our client confirms that the farm has generated up to 500 vehicle movements per week at full production. At present, with a reduced scale of use the site generates approximately 275 movements per week, including

significant HGV movements. If farm diversification data is used, the introduction of light Industrial/storage uses would represent a significant reduction in the traffic generated by full farm production.

Given the relatively small size of the proposed units, it is anticipated that there is unlikely to be any significant use of HGV's..."

The applicant's agent has submitted a further letter following representations received from local residents regarding the proposed development. In this it is stated that the applicant has monitored the amount of vehicles entering and leaving the site which shows that the figures previously submitted are a fair reflection of actual traffic movements to and from the site. The applicant's agent also states in this letter that the applicant would be happy for a restriction to be placed on the amount of B8 use that would occur under this proposal. The applicant's agent has suggested that no more than 200 sq m be used for B8 (storage/distribution), which equates to one third of the floor space that is the subject of the application.

2. The Site:

- 2.1 The application site forms part of Oakwood Farm, which is located at the eastern end of Fairseat village on the south side of Vigo Road. The site lies within the Metropolitan Green Belt and Special Landscape Area. Residential properties adjoin Oakwood Farm to the north and west.

3. Planning History (most relevant):

- 3.1 TM/02/03756/FL Granted 13.02.2003
Creation of new vehicular access.
- 3.2 TM/90/1415 Granted 17.12.1990
New poultry house.

4. Consultees:

- 4.1 PC: The application documentation was returned with the comments "No objection" (4 to 2) in favour. This decision was reached based on the information received with the application and discussion with the applicant during the visit on the 11 April 2006.

New information has now been received by the Parish Council relating to substantial increases in traffic flow that predicted to arise from the proposed change of use, which casts doubt on the accuracy of figures produced with the original planning application. This traffic flow will be detrimental to the environment, placing at risk those currently using the narrow lanes, which provide the only means of access to the site. It has also now become more readily apparent that there is significant local opposition from residents in the village.

4.2 KCC (Highways):

Parking

I am satisfied that an adequate level of off-street car parking is to be provided. Bays to be a minimum of 2.4m x 4.8m with end bays widened to 2.7m. I am not convinced that adequate lorry/van parking is to be provided. The applicant has calculated the lorry provision as if the proposal was for one large single building. With 7 individual units being proposed it is likely that each unit will want its own lorry parking. The 3 central units, of the 5 block, are being serviced by 2 parallel lorry bays that are likely to be adequate to serve the 3 units. However, should all units be in use it is likely that a third vehicle will reverse up to the doors that is likely to inhibit free access to the rear of the site. The other 4 units are accessed at the end of the buildings. With the doors opened and a vehicle parked in front, again, access around the site is likely to be hampered. There is also an issue with access to the south of the 2 unit building where the doors open out over the first parking bay. This arrangement may prevent the use of this bay. The use of these arrangements will require on site management. Although the buildings are set some distance from the public highway and any on site manoeuvring of vehicles and parking is unlikely to be hazardous to users of the public highway, the applicant may wish to reconsider the servicing arrangements of these units.

Access

It is proposed to use the existing access to service these proposals. Bearing in mind the existing use of the site and the large goods vehicles that regularly visit the site, I am satisfied that it will be suitable to cater for the smaller goods vehicles attracted by the small proposed units.

Traffic Generation

The applicant has submitted information regarding the existing and proposed traffic generation. It is stated that when the site was operating at full production it generated in the order of 500 vehicle movements per week, i.e. approximately 71 per day. This I interpret as 250 vehicles per week, 35 per day, although currently there is in general likely to be a reduced level of traffic movements experienced. I would ask the applicant to clarify what these movements encompass and what levels of traffic generation have generally been experienced in more recent years. It may be that these movements cover staff, deliveries and collections (HGV movements).

The applicant has stated that the site is not suitable for the size of egg production required using proposed methods and will be looking for an alternative site. This may also have an impact on traffic generation in the longer term as egg production by the methods employed on this site must cease by 2011.

The size of the proposed units, being small, are unlikely to attract large HGV vehicles. It is more likely that smaller rigid HGVs or the larger Transit van style of vehicle will be used. Using TRICS (Trip Rate Information Computer System) the proposed seven units, if all light industrial use, are likely to generate in the order of a total of 40 two-way (arrival and departure) movements per day resulting in 4 to 5 movements during the peak times with the rest spread throughout the working day (07.00 – 19.00). Although the existing traffic generation needs clarifying I am of the opinion that this level of peak period movements is acceptable bearing in mind that there will be some offset against the existing lawful usage.

Other Matters

It is likely that the vast majority of traffic will arrive and leave by way of the junction with the A227 Gravesend Road to access the wider highway network. I have interrogated the KCC Crash Data base and it shows that in the past 5 years there has been 1 slight personal injury accident at this junction. The data base does not record 'bumps and scrapes' where no personal injury has occurred as this data is not taken into account when assessing a junction. This demonstrates that it does not have an unacceptable accident record.

Before making final comment I will await the submission of the existing traffic generation details.

Comments on further details

The applicant has provided additional information on the historical and more recent traffic movements. It is not easy to assess or verify historical traffic movements particularly if an operation has not been at full production for some years and there is no data to compare with. Quite often reliance is put on figures supplied by the applicant and there is no reason to question them. Therefore, based on stated historical figures, the more recent operational figures and my assessment of the likely traffic generation from the proposed units, I am of the opinion that there is likely to be parity with current movements and certainly less than historical movements experienced.

I would therefore confirm my view that the traffic generation is unlikely to be detrimental to highway safety and that the existing access can accommodate the movements.

Further comments on Traffic Generation

It is not uncommon when assessing historical traffic generation to accept the data supplied by the applicant, particularly if the site, in recent years, has operated at a lower capacity than its full potential and local residents have benefited from an incremental drop in traffic generation.

The applicant has submitted historical information stating that when the poultry farm was at full production it generated some 500 vehicle movements per week resulting on average 71 movements (arrivals and departures) per day. With the loss of sheds 1 and 2 and the consequential reduction in production, the movements drop to some 275 movements per week on average 39 movements per day. This would relate well to other information submitted by the applicant on existing staffing levels. The applicant confirms that currently, on a normal working day, 13 or 14 people work on site arriving in 11 vehicles. They also use 4 vans for business purposes. This would equate to a minimum of $(11 \times 2) + (4 \times 2) = 30$ arrival and departure movements per day. In addition, there are feed and packaging deliveries along with egg collection. This could easily bring the total daily figure up to or possibly exceeding the 39 stated above.

The applicant assesses that the proposed light industrial use is likely to generate approximately 39 movements per day that equate well to my assessment of 40. Based on the applicant's figures, the loss of sheds 1 and 2 will result in a reduction in traffic generation of 225 movements per week ($500 - 275 = 225$) i.e. 32 per day. Therefore, on a worse case scenario, there could be a slight increase in traffic generation. However, this is a worse case scenario and may not be the norm.

It has to be borne in mind that the residual traffic movements associated with the remaining poultry farm production will occur whether this application is approved or not. With the likely parity of traffic movements between the lost poultry production and the proposed light industrial use there is, therefore, unlikely to be any worsening of the existing situation. There is likely to be an overall parity of traffic movements.

With the size of the proposed units being comparatively small, there is likely to be a benefit in the reduction in HGV movements along with the added benefits of the light industrial units not operating on Sundays reducing overall movements on this day and the controlled hours of operation.

4.3 DHH: No comments.

4.4 Private Reps (including Art 8 Site Notice): 19/0X/5S/35R: The reasons for objection are as follows:

- The proposed industrial use is inappropriate in this rural location.
- The proposed uses should be located within towns or adjacent to transport nodes.

- The proposal is contrary to policy P6/14 of the Local Plan because it is unacceptable in terms of highway safety and residential amenity.
- The roads through the village are narrow country lanes with no pavements and as such are unsuitable for the increased number of HGV and other vehicle movements generated by this proposal.
- The junction of Vigo Road and the A227 is dangerous with poor visibility.
- Harm to residential amenity in terms of noise, dust, dirt and light pollution.
- The increased traffic would erode the soft verges on each side of the rural lanes that provide access to the site and as such would detract from the character of the village.
- There is no need for the proposed industrial units.
- The issue of having to cease egg production in 2012 is questionable.
- The development would set a precedent to develop the rest of the site and other farms in the locality at a later date.
- The submitted traffic figures are inaccurate.
- The site would be in multi occupancy which could raise security issues with neighbouring properties.
- The development would harm the beauty of the SLA.

5. Determining Issues:

- 5.1 The main determining issues with this proposal are the principle of the development and its impact upon highway safety.
- 5.2 Current Government Guidance contained within PPG 2 (Green Belts) seeks to restrict development within the Green Belt. However, it does allow, in principle, for the conversion of existing buildings to alternative uses as this form of development should not prejudice the openness of the Green Belt. PPG 2 states further at paragraph 3.7:

“It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprise.”

- 5.3 Current Government advice contained within PPS 7 (Sustainable Development in Rural Areas) also supports the principle of converting rural buildings to alternative uses, particularly for economic development purposes. PPS7 also promotes farm diversification, recognising that diversifying into non-agricultural activities is vital to the continuing viability of many farm enterprises.

- 5.4 Planning policies SS8 of the Kent and Medway Structure Plan and P6/14 of the Tonbridge and Malling Borough Local Plan also support the principle of converting rural buildings for commercial purposes.
- 5.5 The broad principle of the proposed development is, therefore, entirely acceptable.
- 5.6 All of the planning policies and Government guidance referred to above contain criteria that proposals need to comply with in order to be permitted. The buildings concerned are of a form, bulk and design that are in keeping with their surroundings. Indeed, these are the most recent chicken houses to be added to the farm and are of the same form, design and scale as the older hen houses within this site.
- 5.7 The buildings appear to be quite new in age. The easternmost one was permitted under planning permission ref. TM/90/1415. They are constructed of brickwork at their bases with timber clad panels above. They appear to be of permanent and sound construction and could accommodate the proposed commercial uses without major or complete reconstruction. The proposed development entails undertaking very minor changes to the exterior of the buildings, installing a minimal amount of new openings within the each of the proposed new units. The proposed alterations respect the agricultural character of the existing buildings.
- 5.8 I note the comments of the many local residents that the proposed commercial uses are not suitable for this rural village location. In addition to the comments in paragraphs 5.2 to 5.3 of this report concerning the principle of the proposed development, B1 (Light Industrial) uses are, by definition, ones that can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit according to the Town and Country Planning (Use Classes) Order 1987. Notwithstanding that the application site lies close to numerous residential properties, the DHH has not raised objections to this proposal regarding the impact of the development upon the residential amenity of the neighbouring properties. The applicant has specified the proposed hours of operation within the application (07.00 – 19.00 Monday to Saturday). Should permission be granted, a condition could be used to limit the hours of operation in order to protect the residential amenity of the neighbouring properties from undue disturbances arising from the storage/distribution use. In considering the impact of the proposed use upon residential amenity, thought must be given to the fact that the farm use is not limited in terms of hours of operation and that due to the nature of the use, smells arising from the storage and regular transportation of chicken manure from the site will currently impact upon the amenity of local residents.
- 5.9 Much concern has been expressed by the Parish Council and local residents regarding the highway safety aspects of the proposed development, particularly the issue of traffic generation associated with the proposed development and the nature of the local highway network. Some third party comments have been

received that doubt the traffic movement data submitted by the applicant. However, no data has been submitted to corroborate the anecdotal comments of the local residents regarding the traffic movements that currently take place to and from the application site.

- 5.10 In terms of traffic generation, the highway authority (Kent County Council) is satisfied regarding the number of vehicle movement associated with the proposed uses. The proposal is estimated to generate an additional 40 (two way) movements per day from the site, which would result in an additional 4-5 movements during the peak times. The Highway Authority considers that this additional level of traffic generation could be safely accommodated on the local highway network.
- 5.11 The Highway Authority also considers that due to the small size of the units, whilst it cannot be ruled out that articulated HGVs would visit the site, the development is more likely to attract smaller, rigid HGVs or transit style vans.
- 5.12 Many of the local residents have commented that the junction of Vigo Road and the A227 is dangerous, due to poor visibility. However, the Highway Authority has interrogated the KCC crash database, which shows that within the last 5 years, only 1 accident has occurred at this junction that has resulted in slight personal injury. Whilst local residents believe that commercial vehicles would access the site via Platt House Lane either through lack of local knowledge or because of satellite navigation, as Vigo Road is the most direct route from the farm to the A227 (600m), this route is the one that vehicles accessing the site are most likely to take. The Highway Authority is satisfied that the junction of Vigo Road with the A227 does not have an unacceptable accident record.
- 5.13 It is inevitable that vehicles accessing the site of the proposed development will, at some time, meet vehicles coming the opposite way and as such there will need to be manoeuvring to enable vehicles to safely pass each other. However, the highway authority has concluded that in the circumstances of this case, taking into account the nature and size of the proposed development, the local highway network and the existing and historical traffic movements that are associated with this site, the development is acceptable in terms of highway safety.
- 5.14 Turning to other matters, the proposed development would not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit. Indeed, one of the buildings stands vacant at the moment and the egg production in the other building will cease shortly. The proposed development is seeking to diversify the activities within the farm in an attempt to remain viable until the caged egg production has to cease in 2011.
- 5.15 In terms of the impact of the proposed development upon rural amenity and the natural beauty of the locality, the proposal is well contained within the existing farm site. The majority of the car parking would be located to the rear of the building where it would not be readily visible from public vantage points. Whilst local

residents are concerned with having an 'industrial estate' in this very rural locality, I consider that due to the size of the units, the proposed layout of the external areas associated with the proposed change of use and taking into account the condition/character of the existing site, the proposal would not adversely affect the rural amenities of the locality. I am, therefore, also satisfied that the proposed development would not detract from the natural beauty of the locality. Should permission be granted, matters such as external lighting and landscaping can be controlled by condition.

- 5.16 I note the comments of the local residents that the proposed development should be located in/adjacent to urban areas or close to transport nodes. Whilst the site is located away from any large settlement and would not be readily accessible by employees from modes of transport other than private motor cars, this has to be balanced against the fact that egg production has declined within the site and will decline further over the next 5 years to nothing, with the inevitable result of job losses. The current proposal would generate employment in this rural area, which is promoted by current Government guidance contained within PPS 7. This is a significant material consideration that in my opinion and in the circumstances of this particular case, outweighs the fact that it is not a highly sustainable location.
- 5.17 The applicant has stated that he would be willing to restrict, by way of a planning condition, the amount of B8 floorspace within the site to 200 sq. m. Whilst this is supported by the Fairseat Residents' Association in their second submission regarding this application, as the proposal to use all of the buildings within this site for B8 or B1 (light industrial) purposes is considered to be acceptable in terms of highway safety, residential and rural amenity, I do not consider it necessary to impose a condition upon a grant of planning permission for this development restricting the amount of floorspace that could be used for B8 purposes.
- 5.18 I note the comments of the local residents that the development would, if permitted, set a precedent to develop the rest of the farm for commercial purposes, and indeed other farms in the locality. However, as Members are aware, the current application must be considered on its individual merits. If further applications are submitted at a later date for other development within this farm, or indeed any other local farms, they will also be considered on their merits having regard to the relevant planning policies in force at that time and any other material considerations.
- 5.19 A local resident is also concerned with the issue of security arising from the multiple occupancy of the farm, were the development to be permitted. However, I do not consider that the presence of individuals on site in connection with the proposed commercial uses would necessarily lead to an increase in crime being committed in the locality. Indeed, the proposed uses are likely to increase natural surveillance within the site and the wider farm holding, due to the fact that more people are likely to be on site during the hours when the commercial units would be occupied.

- 5.20 One of the local residents has questioned the necessity of the egg production to cease by 2011. The local resident has stated that DEFRA has confirmed to him that egg production from caged birds has to cease in 2011 but that a number of countries within the EU have applied for an extension of this time. The local resident has not confirmed whether the UK has applied for such an extension. No documentary evidence has been submitted that contradicts the information contained with the application that egg production from caged birds has to cease within this farm by 2011.
- 5.21 The question of need for the proposed commercial use has been raised by local residents. However, as the principle of the proposed development is acceptable under current adopted planning policies and Government guidance, the applicant is not required to demonstrate that there is a need for the proposed commercial units to be provided in this area.
- 5.22 In light of the above, I recommend that planning permission be granted.

6. Recommendation:

- 6.1 **Grant Planning Permission** as detailed in letters dated 08.03.2006, 17.05.2006 and plan nos. DHA/5422/01, 02, 03, 04, 05, 06, subject to the following conditions:

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

3. No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

4. The business shall not be carried on outside the hours of 07.00 to 19.00 Mondays to Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

5. No materials, plant or other equipment of any description shall be kept or stored in the open other than in areas and to such heights as may be approved in writing beforehand by the Local Planning Authority.

Reason: To avoid obstruction of vehicle parking/manoeuvring areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

6. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

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.

8. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority. (I001)

Reason: To enable the Local Planning Authority to assess the impact of such variation of parking and vehicle circulation in the interests of safe and free flow of traffic.

9. The premises shall be used for B8 (storage and distribution) and B1 (light industrial) uses only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order). (T006)

Reason: In the interests of highway safety.

Informative:

- 1 The applicant is recommended to advise vehicle operators accessing the site to do so only from the A227 via Vigo Road and not to direct traffic through Platt House Lane or Stansted Lane.

Contact: Matthew Broome