

Stansted Downs **562518 161213** **12 December 2008** **TM/08/03288/FL**

Proposal: Demolition of 1192 msq of floorspace and change of use of four poultry buildings to eight live/work units and associated landscaping

Location: Oakwood Poultry Farm, Land At Oakwood And Oakwood Farm Cottage Vigo Road Fairseat Sevenoaks Kent TN15 7LT

Applicant: Messrs P, K + R Durrant

1. Description:

- 1.1 This proposal seeks permission to demolish 4 existing buildings within this chicken farm, retain 4 of the chicken sheds and convert these to eight no. "live/work" units.
- 1.2 Each unit would contain a living area, kitchen, three bedrooms, bathroom as well as a workshop, office and garage.
- 1.3 The buildings are of timber frame construction, which sits upon dwarf blockwork walls. The walls of the buildings are clad with hard wood which it is proposed to retain and repair where necessary. The existing corrugated metal roof sheeting would be replaced by fibre cement "slate" roof tiles.
- 1.4 The application contains much supporting information regarding the phasing out under European Law of the current cage system of egg production by 2012. This is the system of farming that currently occurs within this site and has done so for the last 50 years. The submitted documents also contain detailed information regarding the viability of the site for alternative forms of agricultural use and the planning merits of the proposed development.
- 1.5 The site would be accessed via the existing access serving this site, although it is proposed to widen a narrow section of the access to 5.5m. A total of 8 car parking spaces, 8 van parking spaces and 8 integral garages would be provided within the site as part of this development proposal (3 spaces per unit). In addition, 24 cycle spaces would also be provided (3 adjacent to each unit).
- 1.6 One of the buildings to be converted (shed 1) is the subject of an extant planning permission for B1 (c) (light industrial) and B8 (storage and distribution) uses (ref. TM/06/00818/FL). The current proposal therefore, includes an alternative use for this particular building, implying that the existing permission would not be implemented concurrently.

2. Reason for reporting to Committee:

- 2.1 The proposal is controversial, and previous proposals on this site have been the subject of Members' consideration.

3. The Site:

- 3.1 The site lies outside the settlement confines of Fairseat, within the Green Belt. The means of access from Vigo Road runs between two residential properties, which are in the ownership of the applicants. The site lies on the south side of Vigo Road, to the rear of a row of residential properties. The vehicular access to the site lies approx 580 metres west of the junction of Vigo Road and the A227 Gravesend Road. Residential properties also adjoin the application site to the west and these front onto Platt House Lane.

4. Planning History (most relevant):

TM/06/00818/FL Grant With Conditions 24 August 2006

Part demolition and change of use of chicken sheds to B1 (light industrial) and B8 (storage and distribution) use.

TM/07/04079/FL Withdrawn

Part demolition and change of use of four chicken sheds and barn to B1(c) light industrial use

5. Consultees:

- 5.1 PC: In principle there are no objections. However the PC has strong concerns regarding the application's current design. This presents an opportunity to have live/work units which would have architectural merit.
- 5.2 KCC (Highways): I refer to the above planning application and have no objections to the proposals in respect of highway matters subject to the following condition(s) being attached to any permission granted:

5.2.1 Parking

The proposal is for 8 live/works units each having 3 bedrooms. KVPS (2006) could attract up to a maximum of 2 off street parking spaces to serve the residential element. It is proposed to provide 2 parking spaces per unit in the form of a single garage and a hardstanding parking space and therefore meets the maximum requirement. The applicant states that the garage is to be used for the storage of cycles. In order to facilitate this and accommodate a vehicle the garage will need to accord with the preferred size of a single garage of 3.6m (width) x 5.5m (length). Car parking bay to be 2.5m (width) x 5.0 (length). Light goods vehicle space to be 3.5m (width) x 7.5m (length). It is inferred that additional to this parking 4 visitor spaces are to be provided but it is unclear where these are located. The applicant is to clarify parking and identify it on the plan.

5.2.2 Traffic Generation

The applicant has used, as a basis for comparison, an existing potential traffic generation of 500 in/out movements per week. This is a figure used in a previous application and was accepted by the highway authority. It is not unusual where alternative data sources do not provide suitable data to accept information submitted by the applicant. The proposed use is not in my experience common and data is not available. The applicant has started from first principles to assess the potential traffic generation from the proposed units that I find acceptable. The assessment shows that the proposal is likely to result in a reduction in traffic generation. More importantly it is also likely to result in the loss of articulated or rigid heavy goods vehicle movements that can only be of benefit to the local highway network. Predominately movements will be car borne with the occasional light goods vehicle delivery movements.

5.2.3 Access

For many years the existing access has served the poultry farm and the heavy goods vehicles associated with that operation. I am therefore satisfied that it is adequate to serve the likely vehicles associated with this proposal.

- 5.3 DHH: Owing to the likelihood of the existing buildings containing or being constructed of asbestos products, a condition should be used requiring the applicant to contact the HSE for advice and submission of a suitable method statement concerning its removal from site.

In addition I would request that during the construction phase, the hours of working are controlled.

- 5.4 Private Reps (including responses to public notices): 44/2X/9S/13R. 13 letters raise the following objections:

- The proposal will not help farm diversification.
- The local roads are inadequate for the increased volume of traffic that will arise for this proposal. This endangers pedestrians, cyclists and horse riders who all use the local lanes.
- The stretch of Vigo Road between the site and the A227 is too narrow to allow cars to pass each other in some sections.
- There is no evidence that the farm would not be viable if more of the field was used. There is also no evidence that another farmer could not manage a viable farm under the new EU regulations on the present curtilage.
- This development would be the thin end of the wedge as it will allow houses to be built in this village.

- If the site is sold to developers it could extend into the adjacent fields.
- The development could lead to an escalation of use within the site.
- The hours of working have not been stipulated.
- Is there any guarantee if permission is granted what sort of work would be allowed here. Could the units eventually turn into private housing if the live work units do not prove to be viable?
- It would be difficult to police the live/work units once allowed.
- The development is contrary to policy CP 13 of the Core Strategy which only allows for minor developments appropriate to the scale of the settlement.

The 9 letters supporting the development make the following points:

- The proposal demonstrates a determination to continue to provide both employment opportunities and living accommodation in an area of scarce housing and limited village employment.
- It is a good use of existing (soon to be redundant) buildings.
- The application is preferable to an unused site and will create employment opportunities.
- This is the best result that might be obtained for our village.

6. Determining Issues:

- 6.1 The main determining issues with this proposal are the principle of the proposed development, its impact upon highway safety and the character/amenity of the village.
- 6.2 For the purpose of clarification, the existing buildings within this site lie outside the settlement confines of Fairseat, within the Metropolitan Green Belt. The access to the site runs through the settlement confines of Fairseat, which is washed over by the Green Belt designation.
- 6.3 Concerning the principle of the development the following Government guidance and adopted planning policies apply.
- 6.4 Current Government guidance contained within PPG2 states at paragraph 3.7 that the reuse of buildings should not prejudice the openness of the Green Belt, since the buildings are already there and for this reason such proposals are not "inappropriate". It also states that this can help to secure the continuing stewardship of land and the alternative to re-use may be a building that is left vacant and prone to vandalism.

6.5 PPS7 states at paragraph 17 that the Government's policy is to support the use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes would usually be more preferable, but residential conversion may be more appropriate in certain locations.

6.6 Policy SS8 of the KMSP states that within rural areas development will be restricted to *inter alia* the re-use of an existing rural building where the change is acceptable on environmental, traffic and other planning grounds.

6.7 EP7 of the KMSP states

“provision of small scale business development should be made within the built up areas of Rural Service Centres or of larger villages that can provide a sustainable form of development. Development should be appropriate to the scale of the settlement and without detriment to its amenity, character or setting. No provision for business development will be made elsewhere in rural Kent except where:

(i) it involves the re-use, adaptation or redevelopment of an existing building as covered by policy SS8 (ii) ...and good access can be provided to the primary road network and bus or rail services”

This policy goes on to state:

“All development supported within the terms of this policy should have no unacceptably adverse impact on the local transport network, the environment or the Green Belt...”

6.8 Policy CP14 of the TMBCS allows for the conversion of an existing building for residential use.

6.9 The issue of the principle of the development is, therefore, closely linked to issues of sustainability, highway safety and its impact upon the character of the settlement.

6.10 Saved policies P6/14 and P6/15 of the TMBLP are also a material consideration and whilst they accept the broad principle of converting rural buildings to alternative business uses, development proposals still need to comply with a number of detailed requirements, which will be discussed later in this report.

6.11 The provision of a live/work unit is unusual in this area. However, in terms of sustainability, there is a benefit of people living and working in the same location as this would eliminate the need for the occupiers to travel to their place of work.

6.12 The development would still necessitate trips to and from the site (deliveries, trips to school, shops etc). However, Kent Highway Service is satisfied that in terms of traffic generation, the proposed development would generate fewer trips than the

existing agricultural use at the peak of its production. Kent Highway Services also considers that the proposal would reduce the number of HGV or rigid delivery vehicle movements to/from the site, which would be beneficial to the local highway network.

- 6.13 The site is located several miles away from the nearest local service centre within the Borough (Borough Green). However, an hourly bus service does run along the A227 (approximately 600m away from the site) serving Borough Green with its shops, services and mainline railway station to the south and Bluewater and Gravesend to the north.
- 6.14 Whilst the site is not located immediately next to a rural service centre, the nature of the proposed use and the availability of a bus service relatively close to the site gives the proposal merit in terms of sustainability. It must also be considered that in many cases, agricultural buildings are not conveniently located close to existing rural service centres.
- 6.15 Turning the matter of impact upon the local environment, the proposed use is likely to generate less traffic and certainly fewer large delivery vehicle trips to and from the site than the historic use of this site. Even at its current levels of production, which are substantially lower than in previous years, large vehicles still travel to and from the site (delivering birds, egg boxes, eggs and removing manure from the site). Whilst all of these movements are ones associated and expected to take place to an agricultural unit, the proposed development would generate a wholly different level and character of vehicle movements, which is likely to be more low-key than those generated by the lawful use of this site.
- 6.16 In light of the above, the likely level and nature of traffic that would be generated by this proposal is such that it would not cause any further detriment to the rural amenity of the locality, in my opinion.
- 6.17 Concern has been expressed regarding the nature of the use of the “work” element of the units. There is no definitive list of what the business element of a live/work unit could be. However, these units are typically used as the next step up from home working where more space is required, but companies are still quite small in size. They could include office uses, light industrial uses or creative uses (artist’s studio for example). The size of the proposed units is quite small and the nature of the use is such that it is likely to be self policing in terms of noise/general disturbance as people will live and work within the same unit. I consider it unlikely that the proposed use would generate such noise, smell and general disturbance such as to cause demonstrable harm to the amenity of local residents or the rural amenity of the locality. A condition could be used to limit the extent of business uses that could occur with the units (to B1 and A2 for example).
- 6.18 In concluding on the principle of the development, the re-use of agricultural buildings is acceptable under current Government guidance and adopted planning policies. The proposal, subject to the use of conditions, is considered not to cause

significant harm to highway safety or the rural/residential amenity of the locality and indeed has merit in terms of meeting sustainable development objectives. I therefore consider the principle of the proposed use to be acceptable.

- 6.19 Turning to other policy requirements, the buildings the subject of this application are chicken sheds which are of a design that befits their agricultural function and are of a form and design that is in keeping with their surroundings. They are of concrete block construction, clad externally with horizontal hardwood timber boarding. They appear to be of sound construction and do not appear to require complete or major reconstruction to accommodate the proposed use.
- 6.20 In terms of the proposed changes to the external appearance of the buildings, it is proposed to leave the outward face of the buildings very much as they are at the moment and install the majority of the new openings (windows and doors) on the “inside” facing elevation. The PC raised concerns with the initial design of the buildings and this has been the subject of discussion with the applicants’ agent. It is now proposed to install full height glazing with a strong vertical emphasis, as well as a pair of vertical timber panelled garage doors to serve the garage and workshop. The proposed alterations are now considered to be respectful of the character of the building, whilst providing a reasonable level of light to the live/work accommodation. Details of materials, colour finishes and joinery can be required by conditions.
- 6.21 The proposal would result in the severance of an agricultural holding creating a non viable agricultural unit. However, detailed information has been submitted by the applicant concerning why it is not considered viable to remain in egg production within this site. An objection has been submitted on the basis that no financial information has been put forward clarifying why the site could not change to the enriched system of egg production. However, detailed information concerning this very point is contained in the applicants supporting statement. New buildings would have to be built on site to cater for the enriched system, and these would have to be considerably larger than the existing buildings. This would have its own planning consequences. Indeed it has been submitted that in order to comply with the enriched system’s requirements, the new barns would need to cover virtually the whole of the site. Even though a financial appraisal of the cost of converting the site to the enriched system does not form part of this application, there can be no doubt that this would be a very costly venture and one that could cause more detriment to the openness of the Green Belt and rural/residential amenity of the locality than the current proposal.
- 6.22 The site the subject of this application is not visually prominent in the wider locality. The site is well screened by other buildings and hedges/trees. It is proposed to retain much of the existing soft landscaping around the site. In light of this and that the sensitive location of the parking bays, I am satisfied that the proposed development would not harm the rural character of the locality.

6.23 Concerns have been expressed that once permitted, the units would revert to residential dwellings. Conditions can be imposed to require the proposed live/work unit to be occupied on that basis (a dual use unit). If, in the future, applications were submitted to change the use of the units to purely residential, these would have to be assessed on their individual merits at that time. The current application has to be assessed on the basis on what is being applied for.

6.24 In light of all the above, I am satisfied that the current proposal is acceptable in planning terms and, therefore, recommend that permission be granted.

7. Recommendation:

7.1 **Grant Planning Permission** 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. (Z013)

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

2 No development shall take place until details and samples of all 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. (D001)

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

3 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 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 parking space. (P004)

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

4 No building shall be occupied until the area shown on the submitted plan as a 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. (P011)

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

- 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. (I006)

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 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate. (L003)

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.

- 7 The workspace and office element within each unit shall be used for purposes falling with Classes B1 or A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

Reason: In order to protect the residential amenity of the properties within and adjacent to the application site.

- 8 Each unit hereby permitted shall be used solely as a mixed-use premises providing Live/Work space and for no other purpose including a use for solely residential or solely employment use.

Reason: It is the very nature of the live/work unit that is considered to be compatible with established policies concerning sustainable development within rural areas and the rural/residential amenity of the locality.

- 9 The residential element of each Live/Work development shall not be used or occupied other than in connection with the use of the approved work space element of the development.

Reason: It is the very nature of the live/work unit that is considered to be compatible with established policies concerning sustainable development within rural areas and the rural/residential amenity of the locality.

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