

**3/09/1878/FP - Extension to existing building to provide café, tea rooms, kitchen, store and porch at Pearces Farm Shop, Standon, Buntingford for A.C. Pearce and Sons**

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**Date of Receipt:** 19.11.2009

**Type:** Full – Major

**Parish:** BRAUGHING, STANDON

**Ward:** BRAUGHING, PUCKERIDGE

**RECOMMENDATION**

That planning permission be **REFUSED** for the following reasons:-

1. Within Rural Area – EHLP (R0312)
2. The proposed extensions by reason of their size, scale, form and design would result in a significant and harmful impact on the rural character and appearance of the building. The effect of those extensions would result in a development appearing prominent within the locality and detrimental to the openness and character of the rural area. The proposal would therefore be contrary to policies GBC3 and ENV1 of the East Herts Local Plan Second Review April 2007.

\_\_\_\_\_ (187809FP.MP)

**1.0 Background**

- 1.1 The application site is located adjacent to the eastern carriageway (south bound) of the A10, approximately 350m north of Puckeridge. Access is gained to the site off the lay-by serving the A10. The site is shown on the attached OS extract.
- 1.2 The existing building is some 356 square metres in area and is of a rural appearance, with a brick plinth and boarded exterior. To the front of the building is an open external goods storage area. To the rear are porta-cabins and a portable toilet.
- 1.3 The Design and Access Statement outlines that the existing business has been built up over the last 30 years or so by the applicants and has become a 'valuable local facility' with a 'community focus'. The current business employs 8 full time staff and 20 part time staff in the farming and sales element of the business.

## **3/09/1878/FP**

- 1.4 The proposal involves the demolition of the front sales area and erection of an extension to the existing building to provide café, tea rooms, kitchen, store and porch.
- 1.5 Members may recall that a previous planning application (LPA reference 3/09/1128/FP) was withdrawn just before the October 2009 Committee meeting. The recommendation of Officers within that proposal was for refusal. The applicant has sought to address the reasons for refusal and the concerns raised by Officers within that Committee report, with a revised proposal which is smaller in scale to that previously recommended for refusal.

## **2.0 Site History**

2.1 The following outlines the planning history pertinent to the site:-

- Planning permission was granted for a new access into the site within LPA reference 3/82/0541/FP.
- In 1983 a farm shop was erected under permitted development rights and later extended under permitted development rights in 1986.
- Within LPA reference 3/89/1417/FP, planning permission was granted for an extension to the shop comprising of storage facilities.
- Planning permission was refused within LPA reference 3/1395-94FP for the extension to the farm shop comprising of an extension increasing the footprint of the building by 116 square metres.
- However, a later planning application (LPA reference 3/95/1430/FP) was granted consent by the Development Control Committee for an extension to the farm shop comprising of a general store and cold store comprising of an additional footprint of 100 square metres. However, it is understood that that permission was not implemented.
- Planning permission has more recently been granted within 3/01/2292/FP for a 100 square metre extension by Committee Members on 29 May 2002, it is understood that that permission was implemented by the applicant.
- More recently, a Certificate of Lawfulness has been granted by the Council which grants a lawful use for the sale of imported goods and home produced products and as specified in an exhibit submitted with the application (LPA reference 3/09/0148/CL).

### **3.0 Consultation Responses**

- 3.1 Veolia Water comment that the site is within the groundwater source protection zone of Standon pumping station. The construction works and operations of the proposed development should be completed in accordance with the relevant British standards and Best Management Practices, thereby reducing the groundwater pollution risk.
- 3.2 Natural England do not object to the proposed development in respect of legally protected species as they are not aware that any are likely to be adversely effected by the proposed development.
- 3.3 The Historic Environment Unit have commented that the proposed development site is within Area of Archaeological Significance No 94. The site includes evidence of late Iron age and Romano-British occupation, the remains of a Roman villa on the west side of the A10 and the remains of the nationally important town known at Braughing/Puckeridge (Scheduled Ancient Monument No.75). A survey in 2004 survey revealed only unstratified Roman finds, it therefore seems that previous extensive ploughing of the site has reduced the archaeological potential of the site. Nevertheless the position of the proposed development is such that it should be regarded as likely to have an impact on significant archaeological remains. It is therefore requested that a condition is attached to any grant of permission which requires the implementation of a programme of archaeological work.
- 3.4 The Environment Agency have commented that the proposed development will only be acceptable if a planning condition is imposed requiring surface water drainage details to be submitted.
- 3.5 The County Planning Obligations Officer comments that the County Council will not be seeking any financial contributions from the proposal.

### **4.0 Parish Council Representations**

- 4.1 Standon Parish Council have no objection to the proposed development. However, the Parish Council comment that the hours of operation should be restricted to the closing of the premises at 06:00PM Mondays to Saturdays and 1PM on Sundays. Concern has also been expressed in respect of the highways implications of north bound traffic making a U turn onto the south bound carriage to gain access to the site and, in addition of traffic exiting the premises onto the south bound carriageway with inadequate sight lines, and the Parish Council request that a full Traffic Impact Assessment is carried out prior to the determination of the application.

## **5.0 Other Representations**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 One letter of representation has been received. This letter raises a concern with the water pressure levels their property receives, and the impact that the development would have on this.

## **6.0 Policy**

- 6.1 The relevant Local Plan policies in this application include the following:-

SD1	Making Development More Sustainable
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC8	Rural Diversification
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV4	Access for Disabled People
ENV19	Development in Areas Liable to Flood
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH3	Archaeological Conditions and Agreements
TR7	Car Parking Standards
TR13	Cycling Facilities Provision (Non Residential)
STC9	Farm Shops

## **7.0 Considerations**

- 7.1 The determining issues in relation to this application are:
- The principle of development;
  - The impact of the extensions on the character and appearance of the existing building and locality;
  - Parking provision

### **Principle of Development**

- 7.2 The site lies within the Rural Area as defined in the adopted Local Plan. As such, any development proposal must be considered against Rural Area policy. Policy GBC2 states that there is a presumption against

inappropriate development in the Rural Area. Policy GBC3 outlines some exceptions to this, the only criteria which is of relevance to this application is criteria h), which allows for other essential small-scale facilities, services or uses of land which meet a local need; are appropriate to a rural area and which assist rural diversification. It is therefore necessary to consider whether the proposed development is a) essential, b) small scale and c) whether it meets a local need.

- 7.3 The applicant has stated that the existing use of the site involving the sale of farm produce, self picking and associated employment opportunities for the local community is a 'good example of rural diversification which will be further assisted by the provision of on-site café and eating facilities', and they state that the proposals within this application will be in accordance with the requirements of policy GBC3(h).
- 7.4 The applicant has commented that the ability to sell home cooked foods from produce grown on the farm and sourced locally is an important element of the integration with the existing facility and the widening of the range of facilities on the site is in keeping with modern trends, whereby people expect to be able to eat where they shop. The applicant has also stated that the proposal will boost and support the continuation of the farm enterprise and comply with policy GBC8 on farm diversification.
- 7.5 Setting aside, for the moment, the requirements of Policy GBC3 and focusing on Policy GBC8, as referred to above, Members will have noted in Section 2 of this report that a certificate of lawfulness was granted in April 2009 (reference 3/09/0148/CL) in which it had been demonstrated that the Farm Shop had been selling imported goods and home produced products for more than 10 years. This certificate demonstrates that since 1993 the Farm Shop has been selling a significant proportion of goods that are not produced on the farm, and in effect can now be considered more as a general food retail use rather than a Farm Shop solely associated with Pearces Farm. Policy GBC8 although titled, Rural Diversification (which Officers would acknowledge the proposed development in part reflects), is a policy which refers to 'farm diversification'. Officers recognise that a proportion of the goods sold at the premises are from the farm, however, as is demonstrated in the Certificate of Lawfulness, the Farm Shop has assimilated over time to more of a general retail store. As such the proposed development would be supporting the general retail store use, rather than the farm enterprise, as is required in this policy. If however, the view is taken that the proposal reflects farm diversification (not an approach Officers would support), then Members must take into account that there are no

detailed submissions or farm management plan (as required in paragraph 4.10.4 of the Local Plan) or financial justification showing how the café use would support the continuation of the farm enterprise. For those reasons, Officers do not consider that the proposal accords with the requirements of Policy GBC8.

- 7.6 Officers recognise that the proposed café element of the development has been reduced from 100 covers to 45 covers, as indicated on the proposed plans. In part therefore, this goes some way to addressing Officers criticism with the previous scheme, as outlined within the previous Committee Report. However, the kitchen space serving a reduced number of covers remains similar, which is difficult to reconcile, given the reduction in the number of covers. Furthermore, the proportion of floor space for 100 covers (approximately 188 square metres) does not appear proportionate to the number of covers now proposed, that being 45 covers, and the floor area proposed for those covers at 150 square metres. It seems therefore that the size and scale of the proposed building within the revised scheme has not been reduced to the extent that Officers had sought. It must also be taken into account that the floor space of the café use and associated kitchen space and toilets for the café is greater, in floor area terms, than the retail element of the Farm Shop use. Rather than the café use being one where people 'expect to be able to eat where they shop', as referred to by the applicant, the café use would appear to represent an equal, if not dominating, part of the use of the Farm Shop building as a whole.
- 7.7 From the submissions made by the applicant it seems therefore that, in terms of the 'essential' test, as set out in policy GBC3 h), the applicant considers that the provision of the café will assist in the diversification of the farm business and that it is essential for that business function of the unit for people to eat where they shop. Officers recognise that the 'need' test goes hand in hand with the needs of the local community facility, however when considering solely the essential test, Members must satisfy themselves that sufficient justification has been submitted.
- 7.8 Officers, however, are not satisfied that the proposals are, as a matter of fact, essential to the diversification of the enterprise or that it is essential for people to eat where they shop. It is recognised that in both situations there may well be some benefit to the business operation of the site for the provision of such a café use and that there may indeed be benefits in providing for some local community use. However, what must be weighed into the balance of considerations is that there is no evidence to suggest that such a use is essential to the existing rural enterprise. As is highlighted above, the Farm Shop already sells a significant proportion of produce not produced by the farm itself and a proportion of goods is locally sourced. Little evidence or justification has been submitted to

support the financial position that the café use is essential to the existing rural enterprise. Furthermore, in respect of whether there is a local need for the café use, Officers can appreciate that the existing shop may attract local people, however, there is no evidence submitted to substantiate the position that there is a local need for a café use in connection with the retail function of the unit.

- 7.9 It is for Members to attach weight to the planning considerations as outlined above and to consider whether the stated benefits of the provision of the café use within this locality and the benefits that this may provide for local communities and the rural enterprise would outweigh any harm to the rural character and appearance of the area. However, in Officers opinion, the lack of information and evidence relating to whether there is an essential local need for the use must also be acknowledged. It is with regard to this issue that Officers consider that greater weight should be attached to the site's location within the Rural Area and the harmful impact that the development would have on the surrounding area.
- 7.10 Taking into account the above considerations, Officers do not consider that the proposal can be considered as an 'essential facility'. The local need for such a café use has not been demonstrated by the applicant and the proposed A3 use would not be appropriate within the rural area and would not represent 'rural diversification'.

#### Small scale facility

- 7.11 The previous Committee report outlined that the original Farm Shop (constructed under permitted development rights), was of a relatively small-scale, with a footprint of some 60 square metres or so. The last 20 years or so has seen the Farm Shop grow significantly with the benefit of planning permission, in terms of size and footprint. The existing building therefore provides a footprint of some 293 square metres. There are also existing portacabins within the site which Officers understand are used for storage purposes. The footprint of those structures equate to an additional 91 square metres. Cumulatively therefore, the existing development on the site equates to a footprint of some 384 square metres.
- 7.12 The proposed development provides an additional 172 square metres of storage space combined with a floor area of some 261 provided for the new café and associated accommodation (including toilets, entrance and kitchen space). Cumulatively therefore, the proposed extensions within this application equate to an additional 433 square metres of additional floor space over and above the existing cumulative footprint of 384 square metres.

- 7.13 In percentage terms, the proposed development involves a 113% floor area increase in the size of the building from that as existing, and an approximate 721% increase from the original building erected on the site.
- 7.14 There are two considerations in assessing the percentage increases in the size of the building in seeking to establish whether the proposed development is small scale: i) the provision of additional storage space ii) the provision of the new café.

#### Storage space

- 7.15 The proposed floor area increase attributable to the storage space is approximately 58% greater than that of the existing building (including the existing portacabins). This new storage space (172 square metres) is therefore significantly greater in floor area terms than the existing storage space. Officers consider that the increase in the size of the storage area may be attributable to the additional café space that is proposed and the associated storage of goods that are proposed for that element of the development. However, whilst a large increase, the additional storage space proposed would mean that the existing portacabins could be removed from the site, which can be required as a planning condition. Those structures are not, in Officers opinion, of a high quality and are not in keeping with the rural setting of the site. There is therefore some benefit to the storage element of the development and no objections are specifically raised with regards to this facet of the proposal.

#### Café Space

- 7.16 The more significant element of the development relates to the proposed café use. It is noted that the applicant does not consider, within any supporting documents, whether the proposed development is 'small scale'.
- 7.17 Officers have already identified above the size of the café use in comparison to the retail floor space of the Farm Shop. In this respect the floor area of the café use is significant and would appear to compete with the primary use of the building as a Farm Shop. Whilst Officers appreciate that a café use may well require a certain floor area to make any such development 'financially viable' for the applicant, the requirements of Policy GBC3 must be assessed. Taking into account the size of the Café use in relation to the floor space of the retail element, Officers cannot reconcile that the proposed development is, as required



**3/09/1878/FP**

in policy, small scale.

- 7.18 Whilst recognising the potential benefits of the development and the wish to support this rural business Officers however, having regard to the requirements of Policy GBC3 h), do not consider that the proposal would be a small scale facility. It appears to be competing in floor area terms with the retail function of the shop.

### 3/09/1878/FP

- 7.19 Having regard to the above considerations, Officers are not satisfied that there is sufficient justification for the proposed development having regard to the requirements of Policy GBC3 h). The proposed café use is not considered to be an essential small scale facility which meets a local need and therefore represents inappropriate development within the rural area. No other material considerations are identified and Officers therefore recommend that planning permission be refused for reasons relating to the inappropriateness of the development within the rural area.
- 7.20 Whilst Officers have identified above that the proposed development does not meet the requirements of Rural Area Policy and is considered to represent inappropriate development within the rural area in principle, it is also necessary to consider any other harm that might be associated with the proposed development. In this respect the main considerations relate to the following:-

#### The impact of the extensions on the character and appearance of the existing building and locality

- 7.21 Officers agree with the applicant's comments that the existing buildings at the site are of a 'pleasing rural appearance and materials, that sit happily in the landscape'. They are of a modest, simple and uncomplicated form and arrangement. Officers would agree that the rear of the premises is 'somewhat unsightly' as expressed by the applicant.
- 7.22 In terms of the external improvements, it has already been identified above that the removal of the existing portacabins is an important factor which will improve the rear and side aspect of the development within the rural landscape. Furthermore, the applicant has also revised the parking layout and omitted the previously proposed children's play area within the earlier scheme.
- 7.23 However, in Officers opinion, enhancement to the appearance of the rear element of the existing building, including removal of the existing portacabins would not be a significant material consideration outweighing the harm of the proposed extensions to the existing building, as outlined below.
- 7.24 In Officers opinion, the proposed size, scale, form and design of the extension represents a significant departure from the existing simple and uncomplicated form of the existing building. Officers acknowledge that the development has been reduced somewhat in size and scale as is highlighted within the application. Most notably, the access ramps to the side of the building and the rear terrace have been removed and the

### 3/09/1878/FP

degree of projection of the café element of the building has also been reduced by some 3.8 metres to 13 metres. Furthermore, the proposed rear projection generally follows the advice offered at pre-application stage, which was to utilise the existing ground levels and set the rear projections lower than was previously proposed in order to provide a more subordinate extension. This has resulted in the rear extension being 0.85 metres lower than that previously proposed. In many respects, the amendments to the scheme have sought to address the previous concerns with the proposed development which were raised by Officers in the previous Committee report. However, Officers are not satisfied that the revisions to the scheme fully address the concerns raised in that Committee report especially with regards to the overall size and scale of the proposal.

- 7.25 From the south elevation, (that visible heading north on the A10), the existing building is 15.5 metres in length with a double valley roof. The proposed extension is almost 13 metres in projection, almost doubling the existing depth of the building. Officers note that the design has altered from the previous scheme to assimilate more successfully with the existing building. However, concerns remain with the size and scale of this element of the proposal which is considered to detract from the massing, volume and height of the existing building.
- 7.26 From the west elevation Officers raised a concern with the previous scheme in terms of how the proposed extension to the side (albeit set back from the frontage) and the removal of the timber framed construction, would result in the building appearing significantly conspicuous and prominent from the road frontage. This application still retains the side extension but includes the provision for the timber element to the front of the building. The inclusion of this timber element is recognised as a benefit by Officers as it does break the horizontal emphasis of the building. In part therefore the previous concerns have been addressed. However, Officers note that the side extension remains and Officers raise concern with how this will impact on the visual massing of the building from the road frontage.
- 7.27 Overall, Officers consider that significant attempts have been made to reduce the degree of impact of the proposed extensions on the character and appearance of the existing building and the relationship of the resultant building on the rural setting. Officers however remain of the view that the extensions, due to their size, would result in a significant and detrimental impact on the openness and character of the rural area for the reasons outlined above.

### Parking provision

- 7.28 The floor area of the existing retail area comprises approximately 240 square metres which, in terms of the requirements of policy TR7 equates to a requirement of 8 parking spaces. The proposed A3 element equates to 150 square metres which requires provision for 30 spaces, including 3 spaces per 4 employees. The proposal including an 80 space car park would therefore significantly exceed the 'maximum' parking standard.
- 7.29 However, taking into account the size of the existing parking space at the site I do not consider that this proposal will result in a significantly harmful impact, on the character and appearance of the site.
- 7.30 The form of this parking space has altered from the previous submission. Whereas the previous proposal offered clearly defined parking spaces with boundaries and landscaping which was considered to create an urban feel to the site which would be out of keeping with the existing, the scheme now before members simply proposes an open gravelled space – similar to the existing situation. In Officers opinion, such a form of parking space is in keeping with the existing open rural characteristics of the site.

## **8.0 Conclusion**

- 8.1 In some respects the proposed development has responded to the criticisms that Officers made within the previously withdrawn application. However, Officers do not consider that there is adequate justification for the scale of café proposed or that any potential benefits from the scheme would outweigh the inappropriateness of such a use within the rural area. The proposed development of the site represents inappropriate development within the rural area and fails to meet the criteria of policies GBC2 and GBC3 of the Local Plan which, in combination with the size, scale, form and design of the extensions would result in a development significantly more prominent and intrusive within the surrounding open rural landscape, contrary to the requirements of policy ENV1. For the reasons outlined above, Officers therefore recommend that planning permission is refused.