

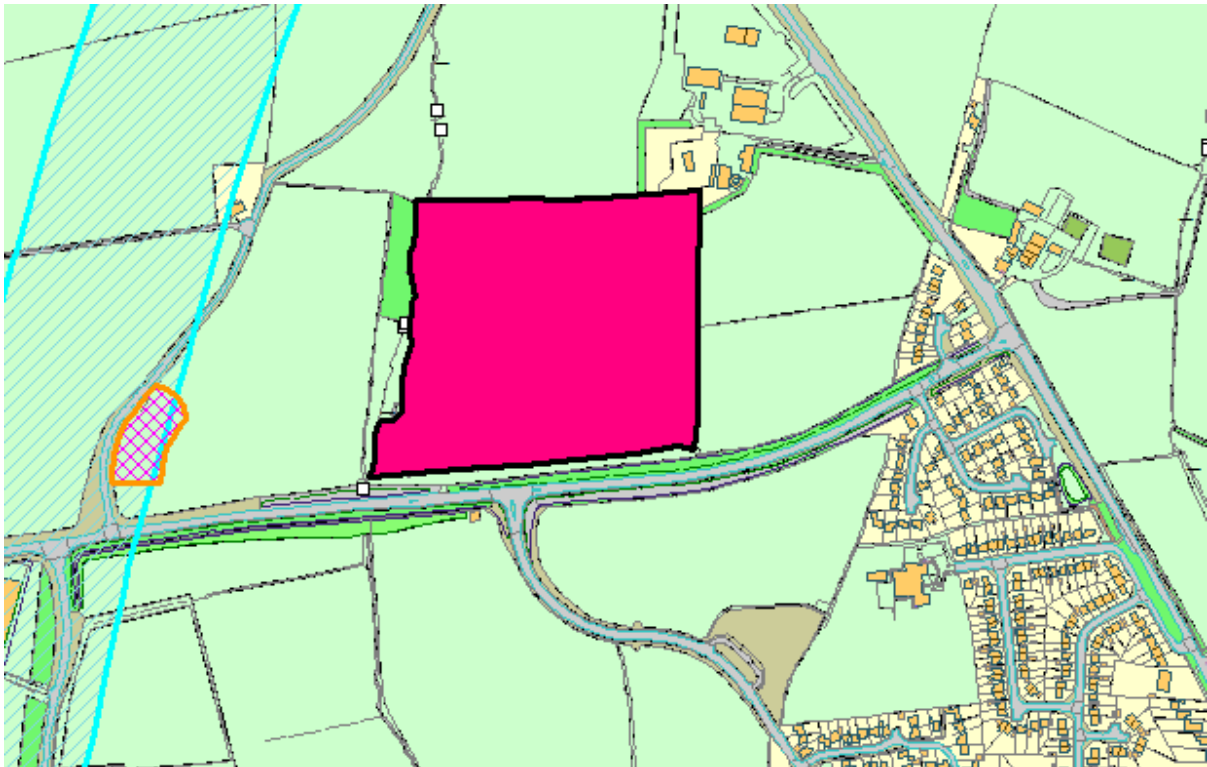
Reference: 17/001320/FUL

Date Submitted: 15 October 2017

Applicant: Mr M Brown

Location: Land at South of Hill Top Farm, St Bartholomews Way, Melton Mowbray

Proposal: Farm shop and associated parking and landscaping



Introduction:

The application seeks full planning permission to erect a farm shop with associated parking and landscaping. It is proposed that the farm shop, which would be a new building located in an area outside the town envelope, would be of single storey with a maximum height of 3.9m. It is proposed that the building will have a length of 13.5m and width of 7.2m, with a projecting element of 1m by 2.7m to form the entrance. It is proposed that the building will be pine clad with a single felt slate roof. The plan and form indicate that there will be a tea room, details of the kitchen area have been requested and will be presented to the committee on the evening of the meeting.

The application is presented to the committee as it proposes a departure to the 1999 Melton Local Plan.

It is considered that the main issues relating to the application are:

- Compliance or otherwise with the Development Plan and the NPPF

- **Impact upon the character of the area**
- **Sustainable development**
- **Traffic and access**

Relevant History: - 16/00891/FUL – Planning application withdrawn for “Proposed farm shop and associated access and parking arrangements”.

Below is relevant planning history for Hilltop Farm (Nottingham Road).

14/00428/VAC - Removal of Condition 4 - Agricultural Occupancy relating to Planning Approval 76/0139/6/900 (Application permitted).

12/00799/CM - Non-Material Amendment to Approved Planning Permission 11/00625/CM to change the lower part of the new recycling building from brickwork to metal sheet cladding. (Application permitted)

11/00625/CM - Industrial building to accommodate tyre recycling process. (Application permitted)

10/00002/CM - Change of use from vehicle parking to the recycling of waste tyres (Application permitted)

04/00120/FUL - Conversion of building to holiday accommodation. (Application permitted)

03/00920/FUL - Proposed conversion and extension of building to holiday accommodation (Application permitted);

01/00466/FUL - Proposed new straw storage/cattle housing (Application permitted)

99/00474/VAC - Proposed increase in number of vehicles based on site from 7 to 14 and trailers from 12 to 18 (Application permission).

98/00583/COU - Proposed change of use of part of existing agricultural building to class B1 industrial. (Application permitted).

96/00729/FUL - Proposed change of use of part agricultural building to provide vehicle maintenance bay, office with associated vehicle parking. (Application permitted).

Planning permission has also been granted on land nearby for residential purposes (outline permissions).

Development Plan Policies:-

Melton Local Plan (saved policies):

Policies OS2, BE1 and C2

Policy OS2 states that planning permission will not be granted for development outside the town and village envelopes shown on the proposals map except for:-

- o Development essential to the operational requirements of agriculture and forestry;
- o Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside;
- o Development essential to the operational requirements of a public service authority, statutory undertaker or a licensed telecommunications code system operator;
- o Change of use of rural buildings;

- o Affordable housing in accordance with policy H8

Policy BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provision.

Policy C2 states that planning permission will be granted for farm based diversification proposals provided:

- a. The activities would be ancillary to the main agricultural use and would not prejudice the future operation of the holding;
- b. The proposal should reuse or adapt any suitable farm building that is available. If a new building is necessary it should be sited in or adjacent to an existing group of buildings;
- c. The proposed development is compatible with its rural location in terms of scale, design and layout;
- d. There is no significantly adverse impact on the character and appearance of the rural landscape or conservation of the natural environment;
- e. Access, servicing and parking would be provided at the site without detriment to the rural character of the area; and
- f. The traffic generated by the proposal can be accommodated on the local highway network without reducing road safety.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a 'presumption in favour of sustainable development' meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - o any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - o Specific policies in the Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. .

It establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and businesses that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Deliver sufficient community and cultural facilities and services to meet local needs;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing development in locations which are or can be made sustainable.

On Specific issues relevant to this application it advises:

Supporting a Prosperous Rural Community

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to **sustainable** new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and **which respect the character of the countryside**. This should include supporting the provision and expansion of tourist and visitor facilities in **appropriate locations** where identified needs are not met by existing facilities in rural service centres.

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and Enhancing the Natural Environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).

Consultations:-

Consultation Reply	Assessment of Head of Strategic Planning and Regulatory Services
<p>LCC Highways</p> <p>This application is a resubmission of a previous withdrawn application 16/0891/FUL. Opportunities</p>	<p>Noted.</p> <p>The site is located approximately 965m from Nottingham Road, where the nearest public transport</p>

for travel by sustainable modes are limited due to the proximity of public transport facilities to/from the site; however the LHA are content that the issue of sustainability is for the LPA to consider.

The site would be directly accessed via the existing gated farm access off Top Road which connects with St Bartholomew's Way. The proposed visibility splays from the site access measure 70 metres to the south of the access and 100m to the north subject to the removal of a length (45m) of the roadside hedge which would be required to achieve these splays. While the visibility splays are substandard for a road with a speed limit of 60mph, due to the nature of the road, which is a lightly trafficked cul-de-sac and the proximity of the site access from the junction of Top Road/ St Bartholomew's Way and the scale of development proposed the LHA consider that the proposed splays are acceptable on this occasion.

Internal Layout

The Applicant proposes 16 car parking spaces which is considered adequate for the scale of the development. Notwithstanding this, the layout does show considerably more parking could be achieved within the site.

Conditions

The development shall be constructed in general accordance with the visibility splays and access to the site as shown on the Access Details Drawing uploaded to the LPA's website on 15 October 2017. Following the removal of the roadside hedge shown within the visibility splays, no walls, planting or fences shall be erected or allowed to grown on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

The development hereby permitted shall not be occupied until such time as the access drive (and any

links are. St Bartholomew's Way is a 50mph road which then increases to 60mph after Horseguard's Way. Additionally, shortly after this junction, there is no street lighting on the road. There is no footpath on the application side of St Batholomew's Way nor is there any footpath on either side of the road leading to the proposed farm shop.

Whilst this is not ideal, it is not uncommon for this situation to occur, farms and their associated facilities are by their very nature separate from the built form of towns and villages.

<p>turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.</p> <p>Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012</p> <p>Before first use of the development hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.</p> <p>Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.</p>	
<p>National Grid</p> <p>This planning application will not affect the LHP gas pipeline as it is situated over 40m from the site boundary</p>	<p>Noted.</p>
<p>MBC Environmental Health</p> <p>No comments in respect of public health. However we would remind the applicant to register the tea room as a food business with Environmental Health.</p>	<p>Noted.</p>

Representations:-

The application was advertised by way of a site notice at the application and 4 properties were consulted by letter (those who had provided comments on the previously withdrawn application). As a result of the consultation, 10 representations of support have been received.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<ul style="list-style-type: none"> • Can buy meat without travelling into town and having the hassle of parking. • Convenient for shopping N of Melton and supporting local farming at the same time. • With new estates being built this will be good for this side of Melton. • Beneficial to development north of the town. • Welcome location – not many shops nearby and none that would allow people to relax in country environment. • Farm shops are totally sustainable and in most cases very profitable and thoroughly enjoyable experiences. • Easy to walk up instead of using the car. 	<p>Noted.</p> <p>Section 3 of the National Planning Policy Framework sets out the requirement in supporting a prosperous rural economy.</p> <p>Paragraph 28 of the NPPF states Planning Policies should promote a strong rural economy and support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and also promote the development and diversification of agricultural and other land-based rural businesses.</p>

<ul style="list-style-type: none"> Travelling into town centre for lunch can be time consuming and costly. 	This paragraph also promotes the retention and development of local services such as shops.
<ul style="list-style-type: none"> Great idea, great to have on doorstep instead of travelling into the vale. Local produce. Support a local business. Create local jobs. Have enough supermarkets, farm shop would be good. 	<p>Noted.</p> <p>Whilst the Borough Council supports local businesses and job creation, it is not considered that the location of the proposed development is appropriate.</p>
<ul style="list-style-type: none"> Enhance culture and longstanding idealism of market town. Ideal location to entertain clients and suppliers. With growing leisure industry and Council's wish to promote tourism, this facility will provide much needed amenity for cyclists, walkers and those passing through. 	Noted

Other Material Considerations Not Raised In Consultations:-

Other Material Considerations	Assessment of Head of Strategic Planning and Regulatory Services
<p>Unsustainable location</p> <p>The farm shop is located approximately 1200 m from the farm (Hilltop Farm) along the road, and approximately 965m from Nottingham Road.</p>	<p>The location would not be ideal for an independent retail unit due to its severance from public transport links and it is considered that access on foot or cycle would be undesirable due to the highway conditions (lack of street lighting and footpath) , however as set out earlier in the report, farms and their associated businesses are commonly found in what may be considered as unsustainable locations, where the nature of their businesses, i.e. farming and livestock would not be preferable sited next to the built form of villages and towns due to but not limited to potential noise and smell issues.</p> <p>The proposed building would be located a significant distance from the farm and the use would not utilise an existing building or located within a group of buildings. Therefore it is considered that the proposed development would be contrary to Local Plan Policy C2.</p> <p>However the NPPF promotes a wider range of development opportunities than the 199 local plan comprising “growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings” and “the development and diversification of agricultural and other land-based rural businesses”. The NPPF significantly post dates the Local Plan and under the provisions of para 215, should take precedence as the current policy framework.</p>

	<p>It is therefore considered that – provided the proposed shop is genuinely connected to the associated farm – that a justification can be made for the shop which would otherwise be unacceptable in policy terms.</p> <p>In order to achieve this, conditions would be required to limit the range of goods sold and specify their origin, in order to distinguish the proposal from a ‘mainstream’ shop, which policy directs to the town centre.</p> <p>The application proposes a mix of shop and tea room on a scale of 75%-25% additional plans have been requested from the agent to demonstrate this mix and will be displayed to the committee, a condition will also include this plan to ensure the mix is continued should permission be granted.</p>
<p>Existing business at Hilltop Farm</p> <p>The predominant business use at Hilltop Farm is for tyre recycling and haulage. This has been acknowledged through the 2014 variation of condition application where the occupancy condition relating to the dwelling on site was changed from agricultural to haulage.</p> <p>The agent was asked for further clarification in relation to the farming business and proposed produce. <i>“Over 75% of the products sold at the Shop will be from animals reared on the farm. About 25% of products will be brought in from elsewhere will include seasonal vegetables from local producers. The Applicant currently has 55 beef cattle on the holding. Most of his sheep have been sent to market but he still has a few lambs on the farm. He is shortly to acquire an additional 20 lambs to fatten on the holding. 6 to 12 pigs at any one time will be reared on the holding. They will be housed in small moveable pig arcs which do not require planning permission. 200-240 free range, laying hens will be acquired and will be laying in time for the farm shop to open. A hen hut is already on the holding.</i></p> <p><i>Hilltop Farm will also produce some seasonal fruit and vegetables for sale in the Farm Shop. As I have said before a limited amount will be brought in at various times of the year to supplement the offer. Home baked bread, cakes and preservatives made at Hilltop Farm House will also be sold in the Farm Shop.”</i></p>	<p>The Agent has stated in their submission that the farm is “Red Tractor Assured”, however this only covers the production for Beef.</p> <p>The information provided in relation to the holding indicates that many of the animals proposed for the farm shop are not currently kept at the farm.</p> <p>As per earlier discussions within the report, should permission be granted a condition will be added to ensure that at least 75% of the products sold will be produced from the farm.</p> <p>Whilst it is noted that the information provided means that a number of animals will need to be brought on to the site to achieve the 75 percent, the applicant has provided the information and we have no reason to believe that this could not be achieved given the land available and also by the proposed conditions.</p>
<p>Impact on character of the area</p> <p>The proposed development would be located in open countryside and not near any groups of buildings, but as a stand alone building.</p>	<p>It is considered that the proposed location of this building, whilst not within any built form and outside of any village envelope is not usually considered acceptable as per Policies C2 and OS2 of the 1999 Melton Local Plan, but as set out above, the National Planning Policy Framework promotes a wider range of</p>

	<p>development opportunities than the 1999 Local Plan and according to para 215, should take precedence as the current policy framework.</p> <p>Conditions can be attached to a permission that would ensure further details are submitted to the LPA with regards to submission of material samples etc, to ensure the building is able to harmonise into the open rural setting.</p>
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4th October 2017.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>Paragraph 6.9.7 of the New Melton Local Plan sets out that Local planning policies are also required to support farm diversification into agricultural and other land-based rural business such as farm shops, holiday accommodation and farm based processing and packaging, as these can help maintain working farms.</p> <p>Policy EC2 – Employment Growth in Rural Area (Outside Melton Mowbray) states that the following types of rural employment development are acceptable (amongst others) The re-use of existing farm buildings and well-designed new buildings for employment. And schemes for farm diversification involving small-scale business and commercial development that help to support the viability and retention of the farm holding.</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> • Examination for its ‘soundness’ under the NPPF • Examination results to be published and any ‘modifications’ to be the subject of consultation • Further examination to take place into Modifications • Final Inspectors Report and recommendations • Adoption by MBC <p>There are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution and contention in respect of site allocations. It can only be reasonably concluded that vey many relevant objections remain unresolved</p> <p>Whilst it is the Council’s view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties. As with the NP above, this will be the subject of consideration by the Examination process.</p> <p>It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) which it is considered adds to the issues that add limited weight in support of the proposal.</p>

Conclusion:-

This proposed development would result in the erection of a building with associated car parking in a location that whilst not ideal for retail, is acceptable for the purpose of farm diversification, Farms and their associated ancillary elements are purposely not located close to the built form of towns and villages.

Information supplied by the agent demonstrates that whilst not currently on site, the agent is shortly to acquire additional livestock to ensure that 75% of the products sold by the farm shop will be reared at the applicants farm, with the remaining 25% of products will be brought in from elsewhere which will include seasonal vegetables from local producers.

There is also a small tea room element proposed which will supply home baked bread, cakes and preservatives.

As stated within the recently submitted New Melton Local Plan, Melton Mowbray is England's "Rural Capital of Food" and whilst Melton's food and drink specialism provides bespoke opportunities and a degree of local resilience, farm businesses are under pressure to respond to pricing volatility and to adapt to environmental challenges which adversely impact productivity and farm income.

In conclusion it is considered that, on the balance of the issues, there are therefore significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of boosting the rural economy. Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits. Taking into account the proposed farm shop would be an ancillary use to the existing farm and provide income to support and increase the current level of farming activity at Hilltop Farm, it is considered that permission should be approved.

Recommendation: APPROVE, 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.
2. The proposed development shall be carried out strictly in accordance with plan drawing numbers
 - Site Plan
 - Drawing number 16/43/001

received by the Authority on 15th October 2017

3. No development shall start on site until representative samples of the materials to be used in construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking or re-enacting that Order, goods displayed for sale at the hereby permitted farm shop shall be limited to food stuffs produced within 25miles of the premises with at least 75% of the retail floorspace used for the display of foodstuffs produced at the host farm (Hilltop Farm).
5. The development shall be constructed in general accordance with the visibility splays and access to the site as shown on the Access Details Drawing uploaded to the LPA's website on 15 October 2017. Following the removal of the roadside hedge shown within the visibility splays, no walls, planting or fences shall be erected or allowed to grown on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.
6. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.
7. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose

aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

8. Before first use of the development hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

Officer to Contact: Mrs J Lunn

Date: 21.12.2017