

<b>Item No.</b>	<b>Application No. and Parish</b>	<b>Proposal, Location and Applicant</b>
<b>(3)</b>	14/01145/COMIND Hungerford Town Council.	Alterations and extensions to provide soft play space and additional ancillary kitchen, food preparation and storage space. Cobbs Farm Shop, Bath Road, Hungerford Mr T. Newey Country Food And Dining Ltd

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.14/01145/COMIND>

<b>Recommendation Summary:</b>	<b>The Head of Planning and Countryside be authorised to GRANT conditional planning permission, subject to conditions</b>
<b>Ward Member(s):</b>	Cllr P. Hewer and Cllr J. Podger
<b>Reason for Committee Determination:</b>	At the request of Cllr Hewer due to local interest
<b>Committee Site Visit:</b>	17 <sup>th</sup> July 2014.

#### **Contact Officer Details**

<b>Name:</b>	Mrs Isabel Johnson
<b>Job Title:</b>	Senior Planning Officer.
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## **1. Site History**

201/3/128 Agricultural notification. New farm shop 17.03.98

154151 Change of Use from farm building to restricted A1 unit. Refreshment area and parking. (retrospective) CP and S106 19.06.01

01/00651/OUT Agricultural dwelling R.23.3.01 Allowed on appeal (now expired)

01/00686/FUL Creation of external storage compound to include the siting of mobile freezer unit. CP19.06.2001 (now expired)

01/01058/OUT Erection of general purpose agricultural storage building. CP 30.10.01 (expired)

04/02350/RELAX relaxation of item (i) of legal agreement for application 154151 relating to coffee shop floorspace, opening hours and origin of food.

Recommended: S106 29.12.04 Agreement not completed. Refused 27.10.05

06/02446/FULD Construction of single storey dwelling for agricultural worker and family. Demolition of existing structures on site. Refused 05.04.07

06/02448/FUL Extension to shop building and internal rearrangement to provide general purpose agricultural storage and ancillary storage, lavatories, etc. to farm shop. Approved (Committee resolution) 06.03.08

08/01176/FUL Single storey extension/infill to existing farm shop building providing new entrance and exit (Below existing canopy roof). Approved 29.08.08

08/01182/FUL Barked play area and associated gravel path with grassed and paved picnic area. Additional car parking and adjoining hazel fencing. Approved 28.08.08

08/02368/FUL Retrospective - Lean to extension for Wet Fish Retail. Approved 05.03.09

10/02417/FUL New single storey building to house children's soft play area and café. Refused 01.04.11

11/02366/COMIND New single storey building to house children's soft play area and cafe. Refused 01.03.12. Dismissed on appeal 17.09.12

13/02861/COMIND Alterations and extensions to provide soft play space and additional ancillary kitchen, food preparation and storage space. Refused 18.11.13

## **2. Publicity of Application**

Site Notice Expired: 27.06.14

## **3. Consultations and Representations**

**Hungerford Town Council:** No objections. Must be called in.

## Highways:

This planning application follows recently refused and appealed planning application 11/02366/COMIND and refused application 13/02861/COMIND.

Highways and Transport did not recommend refusal of the two above applications and the same stance is being taken for this current application.

The Inspector when dismissing the 2011 appeal cited sustainability grounds.

Since the above 2011 application, a Transport Consultant has been commissioned and prepared a Transport Statement (TS) that accompanies this new application. Items included within the TS include:

- survey data taken from market research undertaken within Hungerford,
- TRICS (Trip Rate Information Computer System) interrogation to determine likely trip rates from comparable sites,

It is proposed that some informal parking will be surfaced and marked out to provide a net increase of 17 spaces to accommodate the additional use. Some bicycle stands are proposed. They are most likely to be used by staff. There are bus stops outside the site.

The survey results identify that for this type of use (soft play area), travel is generally by car. Other sites within and beyond the District are cited by respondents and the distances travelled have been broadly quantified. It has been suggested that this facility in this location could reduce the length of journey times/distances travelled through this local facility. This point is accepted. The main issue is the number of vehicle movements and how this links with sustainability objectives.

According to the information submitted, the capacity of the proposed soft play area would be 30 children at any one time (point 4.1.6 of the TS) with an average of 150 children per week. The opening hours would be the same as for the farm shop. Table 2 at point 4.2.6 summarises data from a comparably sized site. Point 4.2.8 states that, based upon information obtained by an experienced soft play operator, it is anticipated that an average of 21 vehicle movements per day could be generated. However this would be greater if there was a special event e.g. a party taking place. Some of these movements would be linked to the other facilities at this site and this is supported by the survey results. This amount is below the assumptions made on the 2011 application where between 40-60 movements per day were anticipated.

As stated above, the 2011 application was dismissed at appeal on the grounds of sustainability. Highway officers did not recommend refusal of that application given the direct access onto the A4 - one of the main distributor roads through the District - and its ability to accommodate the level of traffic that would be generated.

### **Summary**

The existing access is acceptable for this increase in movements and it is not considered that there will be a detrimental impact on highway safety as a result of this application. Additional car parking provision is to be made plus some cycle stands.

Although this site is not centrally located within Hungerford Town Centre, no highway objection is raised.

#### **Thames Water**

No objections.

#### **Fisher German**

The GPSS may be affected by the proposal. The applicant is advised to seek guidance from OPA Central Services direct.

#### **Tree Officer**

A goat willow will have to be removed on the Western elevation and possibly a maturing birch on the Eastern (subject to requirements of ground works, excavation and parking bays).

I have no objection to the trees removal, but if the birch is retained than an Arb. Method Statement and Tree Protective Fencing will be required, if not it should be replaced in a Landscaping Scheme. Landscaping condition recommended.

#### **Fire and Rescue**

Currently no available public mains in this area to provide a suitable water supply in order to effectively fight a fire. Request any planning consent include the requirement for the applicant to provide suitable private fire hydrant(s) or other suitable emergency water supplies to meet Royal Berkshire F&RS requirements. Any gates should provide a minimum 3.1m clear opening.

#### **Public Protection.**

No objections

#### **Archaeology Officer**

I have reviewed the application using the approach set down in the National Planning Policy Framework and have checked the proposed development against the information we currently hold regarding the heritage assets and historic land uses in this area. This evidence suggests that there will be no major impact on any features of archaeological significance. Therefore, no archaeological assessment or programme of investigation and recording considered necessary in relation to the current proposal.

#### **NWDAONB Management Board**

Following our response to the previous application the North Wessex Downs AONB Unit raise no comments in respect of this proposal subject to suitable planning conditions to control external materials and colours, approval of hard and soft landscaping, and external lighting. (Any additional signage should be carefully controlled through the advertisement consent process and there should be an audit of existing roadside signage within that process).

#### **Planning Policy**

To be included in update

#### **Transport Policy**

To be included in update

#### **Correspondence:**

Letters of support and petition of support received.

#### **4. Policy Considerations**

4.1 The West Berkshire Core Strategy 2006 – 2026 has been adopted by the Council and as such now forms the Local Plan. Therefore the following policies carry significant weight in the decision making process:

- NPPF Policy
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 5: NWDAONB
- CS 5: Infrastructure Requirements and Delivery
- CS 13: Transport
- CS 14: Design Principles
- CS 15: Sustainable Construction and Energy Efficiency
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

4.2 The West Berkshire Core Strategy replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development
- OVS5: Environmental Nuisance and Pollution Control

4.3 Other material considerations for this application which includes government guidance are:

- The National Planning Policy Framework (March 2012) (NPPF).
- Circular 11/95 - The use of conditions in planning permissions.
- Supplementary Planning Document “Quality Design” (adopted June 2006).
- National Planning Practice Guidance (Draft)

#### **5. Description of Development**

5.1 Permission is sought for ground floor extensions, a smaller first floor extension and internal re-organisation of the building at Cobbs Farm Shop, Hungerford. The works are proposed to provide enlarged kitchen facilities, provide more storage and office space, new toilets and staircase and a new soft play area with its own additional café area.

5.1.1 The proposal site lies outside any defined settlement boundary and falls within the North Wessex Downs AONB. It is 1km from the edge of Hungerford and 1.9km walking distance from the town centre. The site accommodates a pick your own facility, vineyard, Christmas tree plantation and retail farm shop stocking a large variety of locally produced goods. The building occupying the farm shop also includes a café with kitchen, preparation and food storage areas, and ancillary storage and office space.

5.1.2 Permission was previously sought for a separate building for similar uses as described above at Cobbs Farm (10/02417 and 11/02366) and an attached building and extensions (13/02861/COMIND). These were refused under delegated authority for reasons including the impact on the NWDAONB and principle of development in the open countryside.

## **6. Consideration of the Proposal**

The main issues to consider are:-

- 6.1 The principle of the development
- 6.2 The impact on the North Wessex Downs Area of Outstanding Natural Beauty
- 6.3 Highway Matters
- 6.4 Other Matters

### **6.1 Principle of Development**

- 6.1.1 There is considerable planning history on this site and the business has clearly grown and flourished over the previous few years. The original consents contained conditions limiting the amount of café area and the percentage of food sold which was produced locally. To date, these restrictions have not been lifted and it is considered that the original reasoning behind the imposition of the conditions which were to maintain a modest, rural enterprise within the NWDAONB are still applicable.
- 6.1.2 It is considered that the site has reached a critical point in terms of the amount of built form on the site. The floor area of the previous scheme (10/02417/FUL) was proposed for 244 sq metres. The next scheme (11/02366) stated a total floor area of 265.2 square metres. The last proposal (13/02861/COMIND) was approximately 213 square metres. The current application seeks to utilise existing excavated areas around the buildings with new ground floor development calculated at 196 m<sup>2</sup> and new first floor space with a total of 48 square metres. The main part of the first floor is not classed as new space as it is currently utilised.
- 6.1.3 The applicants have calculated the new ground floor space at 160 square metres. There is a proposed area of undercover loading/unloading bays proposed on the south west new kitchen area which has not been included. This undercover floor space has been included by the case officer as part of the assessment of this scheme.
- 6.1.4 Previously the scale of the scheme, including the introduction of a new, separate use: the soft play facilities, and the expansion of the original kitchen into a commercial kitchen, meat store and storage areas was considered to go beyond the original intentions for a rural business on this site.
- 6.1.5 The scheme has been reduced in scale and the soft play facilities incorporated into the first floor of the building, including the new first floor element.
- 6.1.6 There remains a concern that the nature of the soft play business in a rural location does not necessarily require a rural location and that the overall impact of the use could have a negative impact on the vitality and viability of Hungerford as a Market Town and other centres within the District. However, the proposed new use of the area has been significantly reduced and could be considered a smaller, ancillary use against the main local farm shop.
- 6.1.7 The expansion of the commercial kitchen may also indicate that the facilities are no longer in compliance with the original legal agreements relating to the limitations of food production on the site. This would be a separate matter, to be investigated outside the current planning application.

### **6.2 The Impact on the North Wessex Downs Area of Outstanding Natural Beauty**

- 6.2.1 The previous application was accompanied by a landscape and visual assessment and is referred to in the current planning statement as Hankinson Duckett drawing 555.1/04A. The

applicants planning statement considers that the assessment is still relevant and could form the basis for an appropriate landscaping condition.

- 6.2.2 The AONB Management board raises no comment on the current scheme but suggests a number of conditions. The Tree officer has also provided comments to be taken into account regarding proposed conditions.
- 6.2.3 The level of new development has been reduced from the previous schemes and the visible alterations are not considered to be of a sufficient cumulative impact to justify a separate reason for refusal. However, the introduction of the new balcony area and any area requiring extensive excavation around the car park are of concern.
- 6.2.4 The proposed new solar panels on the southern elevation facing the A4 are also of concern with the potential to be highly prominent in the landscape. However, it is understood that there are a wide range of designs of panels that could be considered on the roof and details of the specific design of the panels could be accommodated through an appropriate condition.
- 6.2.5 Overall, the bulk and scale of the new developments on this building remain a concern and are considered would further alter the rural character of the complex. However, on balance, the works are not considered sufficient to recommend refusal on this basis alone.

### **6.3 Highway Matters**

- 6.3.1 Highways have considered the application in comparison to the previous schemes. Their assessment arises from the parking facilities on site, the visibility splays at the entrance, the potential increase in visitors and the suitability of the A4 to accommodate extra traffic. On this basis, no objections are raised subject to recommended conditions.
- 6.3.2 Transport Policy comments should be available by the update sheet. The previous comments were concerned over the location of the new part of the business in sustainability terms outside the settlement of Hungerford.

### **6.4 Other Matters**

#### **Gas Pipeline**

- 6.4.1 There is a Government Gas Pipeline running through the site. Consultation with the appropriate body has been undertaken and permission would be sought under separate legislation. A formal objection has not been raised within this planning application.

### **National Planning Policy Framework**

- 6.4.2 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed scheme is not considered to be in a sustainable location but is considered that it would not adversely impact upon the environmental sustainability for the reasons detailed above. The economic and social aspect of the proposal has been promoted as actively supportive. As these have been found acceptable the development is considered overall to constitute sustainable development in accordance with the NPPF.

## **7. Conclusion**

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, on balance, the development proposed is considered to be acceptable and a conditional approval is justifiable for the following reasons.
- 7.2 The business on site shows evidence of a continuing and developing enterprise, contributing to the local and rural economy. The minimal further development within the site is now considered to be ancillary to the main uses on site and would not result in an unacceptable level of impact within the NWDAONB and has a more integrated relationship with the main building, within the site and its setting.
- 7.3 As such the application is considered to accord with National and Local Planning Policies and with regard to the Supplementary Planning Document "Quality Design", the aims of the NWDAONB Management Board and the Hungerford 2010+ Town Plan.

## **8. Full Recommendation**

- 8.1 **DELEGATE** to the Head of Planning and Countryside to **GRANT** planning permission subject to the following conditions and informatives:

### **8.2 Schedule of conditions**

#### **Time limit**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

#### **Approved plans**

2. The development hereby approved shall be carried out in accordance with drawing title numbers P/B01A, L/001B, P/S02A, P/004G, P/001H, P/002K, P/003K, P/S01G dated 27/05/14.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

#### **Samples of materials**

3. No development shall commence on site until samples/schedule of the external materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.



### **Schedule of solar voltaic panels**

4. No solar panels shall be erected on site until samples/schedule of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of panels, fittings and specifications. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Hard surfaces**

5. No development shall commence on site until a scheme confirming any upgrade for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No new part of the development shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Parking/turning in accord with plans**

6. The new use shall not commence until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **External Lighting**

7. No new development shall be occupied until details of a scheme of any additional external lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interest of safety and visual . This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13, ADPP5 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **Cycle storage**

8. No development shall take place until full details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Landscaping**

9. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;
  - a) Completion of the approved landscape scheme within the first planting season following completion of development.
  - b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **Tree protection scheme**

10. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **Arboricultural Method Statement**

11. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### 8.3 **Informatives**

1. The attention of the applicant is drawn to the request of the Royal Berkshire Fire and Rescue Service to provide private fire hydrant(s) or other suitable emergency water supplies at this site. Please note, any works which would involve access onto the Highway will require notifying the Highways Manager.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree any construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants' behalf.
3. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. Any temporary signing required as part of this development is to be agreed in writing with the Highway Authority, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD.
5. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of nearby dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
6. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
7. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

DC