

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/03635/FULL3

Ward:
Darwin

Address : Yellow Barn Holwood Farm New Road
Hill Keston BR2 6AB

OS Grid Ref: E: 542431 N: 162918

Applicant : Mr Gary Mercer

Objections : YES

Description of Development:

Conversion and enlargement of existing farm building into butchery counter and butcher preparation room; addition of mezzanine floor to existing coffee shop to be converted to Class A3 (Restaurant) Use, conversion of remainder of the building into 3 bedroom dwelling; and associated elevational alterations and provision of extended fire escape staircase.

Key designations:

Biggin Hill Noise Contours
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Smoke Control SCA 24

Proposal

Conversion and enlargement of existing farm building into butchery counter and butcher preparation room; addition of mezzanine floor to existing coffee shop to be converted to Class A3 (Restaurant) Use, conversion of remainder of the building into 3 bedroom dwelling including associated elevational alterations and provision of extended fire escape staircase.

The proposal can be divided into the following main elements:

- i) A full height extension at the western end of Yellow Barn to extend the retail area at ground floor level to provide a butchery counter, and provide additional kitchen space at first floor level. The floorspace of the proposed extension creates approximately 66.5 sqm of additional floorspace in total including the new floorspace created at ground and first floor levels.
- ii) Change of use of the existing ground floor store to expand the green grocery retail floorspace (14 sqm);

iii) The conversion of a small area of the 'Byre' building which is described as an unused 'tool store' (with a floorspace of approximately 39 sqm), to provide a butchery preparation room;

iv) The extension of the existing café by the provision of a mezzanine at first floor level. The proposed mezzanine will have a floor area of approximately 49.5 sq m and provide 14 additional covers.

v) The conversion of some of the existing buildings on the site, known as the 'Byre' (that the plans show are currently used for storage, a workshop, and site office and are currently in a poor state of repair) to provide a 3 bedroom dwelling. It is noted that planning permission has previously been granted for the conversion of this element of the building to residential under permission Ref: 10/1251 and therefore the principle of this element of the scheme has already been established.

vi) Change of use of existing coffee shop to A3 (restaurant) Use. The A3 permission is being sought to allow the existing café to expand its offer and provide hot breakfast and lunch options only.

vii) Addition of a fire escape staircase.

The supporting statement sets out the business case to justify the proposal. There is no change to the business hours.

The application is accompanied by: a Planning, Design and Access Statement; a Condition Survey Report; and a Bat Survey Report.

Location

The application site is located in the Green Belt and occupies a prominent corner plot between Shire Lane and New Hill Road within the curtilage of Holwood House Farm, Downe. Holwood Farm lies to the south east of the junction of Shire Lane and New Road Hill.

Consultations

Comments from Local Residents

Nearby owners/occupiers were notified of the application.

A number of letters of support (22) have been received in respect of this proposal, the content of these is summarised below:

- Well run family business;
- They are a great example of an independent business who support and promote many other producers;
- Increases local amenity;
- Asset to local community and tourists alike;

- The business serves the local community and beyond extremely well. People come from long distances to purchase fresh food. It also serves local farmers;
- Creates jobs;
- Local area lacks an independent butchers and this will be a fantastic addition to a very popular local shop;
- The shop sells wonderful Kent produce;
- The present café is small and often overcrowded;
- The expansion to the eating facilities will also be very welcome;
- Holwood Farm Shop is an asset to the community and should be allowed to expand;
- It is a shame that they can't currently do hot food especially in the winter months;
- Strong support for application. Ambient venue for light refreshments, and local produce, but also as a meeting place for the community;
- Lively community hub in what was a former derelict site;
- Growing in popularity as a place for families and walkers;
- The proposal allows a more effective use of the site providing enhanced facilities for lovers of quality local food.
- The derelict buildings are unsightly and it would be sensible to put them to good use;
- The conversion of the barn has been tastefully done and to expand the shop with a further conversion would be most useful and would enhance the area generally;
- Concerns if the site was being inappropriately developed or would run the risk of being exploited by a future owner, but this proposal works sensitively modifying the existing buildings and with appropriate caveats would ensure future owners would have to show the same sensitivity;
- Good parking facilities.

Downe Residents' Association (DRA) - A letter has been received from DRA. The letter confirms that DRA considers that it is reasonable that the applicant should be able to serve hot breakfasts and lunches and they trust the owner's assurances that they will not open in the evening. However, they do have some concerns should the premises be sold in the future, and the potential for new owners to seek an extension to the hours of operation for the A3 Use if permission is granted for the A3 Use. DRA considers that this could be to the detriment of the Village's existing two public houses and the Indian restaurant whose livelihoods should be taken into consideration when considering this application.

'Produced in Kent' - A letter of support has been received from 'Produced in Kent' which is a membership organisation dedicated to supporting local producers and championing and supporting the growing trend amongst the general public to eat more locally produced food. They confirm that they consider that the Farm Shop, Café and Butchery is a sustainable model. They support the fact that the scheme will result in the introduction of a local butcher and create jobs and support the local economy. 'Produced in Kent' indicates that it considers that this is a high quality development which shows respect for the history of the building and the heritage of the site. It highlights that the proposal is entirely within the current site and makes no discernible change to the outlook/openness of the site whilst

restoring buildings that would otherwise be unused. It considers that Holwood provides a choice outside of the major retail chains and has become a valuable community asset.

It is also noted that Holwood Farm Shop has won a number of awards including 2013 Best New Business in Bromley, 2014 Kent Life Customer Service Award, and they have been listed for Food and Travel Magazine 2015 Specialist Retailer of the Year'.

Comments from Consultees

Highways considers that there is sufficient car parking on the site. They did, however, suggest that the applicant submit a revised car parking layout as this would enable the applicant to create more car parking spaces that could serve the expanding business. A revised layout has been submitted by the applicant in accordance with Highways suggestions which they have acknowledged is acceptable subject to standard conditions.

Environmental Health - indicated that an extraction system would be required and that the system including ductwork, kitchen layout and canopy must be shown on plans for their approval. A plan of the ductwork has been provided that Environmental Health has acknowledged is acceptable subject to standard conditions.

Heritage & Design - No objection

Waste Services - No comments received

Town Centre Management (LBB) - Town Centre Management Team has expressed support for the application. It considers that the proposal will enable the continued viability of a sustainable business, and create jobs and training opportunities for local people, which is particularly important in a rural area. As an employment location, Holwood Farm is reasonably accessible, with good road and bus links. The existing business already supports other independent (mainly rural) businesses, both within and outside the Borough. All of these advantages can be delivered through a very modest change to the physical layout of the buildings, including the restoration of a semi-derelict farm building. The hours of operation are also remaining as day time only, thereby reducing the risk of nuisance to local neighbours.

Planning Considerations

The application falls to be considered with regard to the following UDP policies:

- H1 Housing
- H7 Housing Density and Design
- H12 Conversion of non-residential buildings to residential use
- T3 Parking
- BE1 Design of New Development
- BE2 Mixed Use Developments
- BE3 Buildings in Rural Areas

G1 The Green Belt
G10 Development Related to Farm Diversification
EMP5 Development Outside Business Areas
BH8 Noise Sensitive Developments
NE6 Proposed World Heritage Site
BH7 Safety

The National Planning Policy Framework (NPPF) and London Plan also constitute important policy considerations.

Key policies of relevance to this proposal

Policy G1 of the UDP notes, amongst other matters, that the construction of new buildings on land falling within the Green Belt will be inappropriate unless for certain purposes - including essential facilities for outdoor sport and outdoor recreation and open air facilities and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. It also notes that a material change of use of land within the Green Belt will be inappropriate unless it maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

In terms of national policy, the NPPF notes at Paragraph 87 that "as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Paragraph 89 notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to certain exceptions such as the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In addition, NPPF Paragraph 90 states that "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it" and these uses are listed in that section of the NPPF.

Planning History

The application site is the site of a former Farm and Dairy business which ceased operation in September 2006. Since then a number of planning permissions have been granted. The most relevant application to the current application proposal is:

10/01251 - planning permission was granted for the conversion of the farm buildings into 1 four-bedroom dwelling with office and 2 three-bedroom dwellings with 6 car parking spaces, together with the conversion of a barn into a farm shop (Class A1) and 20 car parking spaces with associated landscaping and enclosures. The works also involved the demolition of a large Atcost barn and hay barn.

This Planning Permission has been implemented and the farm shop has been in business since 2012.

Other relevant applications are briefly summarised below:

06/00051 - Planning Permission was granted for a replacement light industrial workshop.

00/00620 - Planning Permission was granted for a change of use of poultry building from agricultural use to light industrial workshop.

06/03484 - Planning Permission was granted for the change of use of 3 existing site buildings to Class B1(c) / B8 uses with associated parking.

06/04162 - Planning Permission was granted for alterations to existing building (3) to re-construct walls to eastern and western elevations.

06/02586 - Planning Permission was granted for a conversion of the farmhouse into three bedroom flats/expansion of existing laundry cottage to form two bedroom dwellings plus conversion of former calf sheds to form three bedroom dwelling and stables, grooms quarters and dairy to form four bedroom dwelling with office and 17 car parking spaces with associated landscaping and enclosures. An extension of time for the implementation of this proposal was granted under Ref: 10/0128.

Conclusions

The main issues for consideration this case are the appropriateness of the proposed development in the Green Belt. Relevant considerations include; the impact of the proposal on the openness of the Green Belt and the purpose of including land within it, and whether, if the development is inappropriate in the Green Belt, the harm by reason of inappropriateness or any other harm would be outweighed by other considerations so as to amount to very special circumstances. The impact of the proposal on local character in general, and on neighbouring amenity are also material planning considerations.

Principle of the Development

There are, two main elements to this application: the proposed commercial expansion and the residential conversion.

Residential Conversion

It is noted that Planning Permission has previously been granted for the redevelopment of the 'Byre' building for residential under Ref: 10/0125. This permission was also in respect of a three bedroom unit. Although the internal configuration of the unit was slightly different and there are very minor alterations to the elevational treatment, the differences are not considered to be material. Whilst it is acknowledged that the NPPF has since been introduced, it is considered that there have been no material changes in planning policy that would alter the outcome of the planning application in this regard. It is therefore considered that the principle of the residential use of these buildings has already been established.

The remainder of the report will, therefore, consider the principle of the expansion of the commercial business which includes an extension to the retail floorspace and the provision of a butchery room, and the change of use of the restaurant to Use Class A3.

Expansion of Commercial Operation

Whilst it is noted that the proposed uses would, in their own right, represent inappropriate development in the Green Belt, in this case the proposal is for the extension of an existing facility. The existing farm shop has been operating very successfully from the site since it opened in 2012. The quantum of additional retail floorspace required to extend the butchery counter and provide a butchery preparation room are considered to be relatively modest. The area of the 'Byre' building to be converted to form the butchery preparation room is 39 sq m. The extension to the building to link the two buildings will provide 33.25 sq m of additional retail floorspace at ground floor level (9.5 x 3.5m = 33.25 sq m). The extension required is located in the existing void/passageway between two buildings, and therefore it will have no impact on openness. The additional floorspace required for the retail of greengrocery is created by the reconfiguration of the internal layout and the conversion of an existing storage area, so this will also have no impact on openness. The applicant has submitted a very special circumstances case for the expansion of the butchery element of the business, which indicates that the proposal will enhance the retail offer, provide jobs (1.5 FTE), and contribute to the local economy. The Council's Highways Department considers that the existing car parking provision at the site is sufficient and it has no objection to the scheme.

It is considered that very special circumstances has been demonstrated to justify what is considered to be a relatively modest proposal to increase the retail floorspace for the butchery counter and create a butchery preparation room. Whilst this element of the proposal, on its own, is not considered contrary to the objectives of Green Belt policy or likely to have any detrimental impact on the Green Belt, it needs to be considered cumulatively in the context of the overall scheme.

The application also seeks permission for an extension to the existing café. The first floor level of the extension previously described (33.25 sq m) will provide a new kitchen area, and a further extension in the form of a mezzanine will provide an additional 14 covers. The mezzanine is entirely contained within the existing building so will not be visible externally, however, it will result in an intensification of the existing use. The applicant is also seeking a change of use to A3 to enable them to provide hot breakfasts and lunches. It has been confirmed that there is no intention for the premises to open in the evening. It is considered that the increase in the floorspace of the café and number of covers is modest, and that the provision of hot breakfasts and lunches within the existing approved opening hours, is unlikely to result in any detriment to surrounding residential amenities. Highways has raised no objections to this element of the proposal.

Whilst it is recognised that the Downe Residents Association does not consider that the desire of the applicant to be able to offer hot breakfasts and lunches is

unreasonable, it has raised concerns about the possibility that the business could be sold at some time in the future and that a future operator could seek to extend the hours of operation which would be detrimental to the existing public houses and restaurants in the Village. It is noted that the issue of commercial competition should not be a material consideration in the determination of planning applications. In addition, if the application were to be granted a condition could be imposed that would limit the hours of operation of the restaurant. In such circumstances the Council would retain control over the hours of operation of the restaurant as a planning application would be required to seek any amendment to the approved hours. However, it is acknowledged that any extension in the hours of operation into the evening would further intensify the use and have the potential to impact on the residential amenities by increasing the level of activity and disturbance outside of the normal hours of operation of the current business. In summary, it is considered that the hours of operation could be effectively controlled by condition.

The original planning permission (Ref: 10:1251) granted permission for a farm shop. A farm shop, whilst a commercial enterprise, has strong links to the locality and would have a lesser impact on local residential amenities and the Green Belt than a more commercial retail operation. Some concerns have been expressed about the future of the site if it were to be sold, and the risk that if a more intensive commercial operation took over it would have the potential to have a greater impact on local residential amenities and the Green Belt. It is noted that if this situation did arise some changes would be possible under Permitted Development that the Council would have no control over. Whilst it is considered that this application proposal meets the relevant policy tests it is also considered that in order to ensure that the Council maintains sufficient control over the site to protect the interest of local residents and the Green Belt, all Permitted Development rights should be removed from the site.

The applicant has submitted a revised car parking layout, which will allow more cars to be accommodated within the existing area. Additional landscaping details for the car park have also been provided which include; the creation of a boardwalk with planters created over the former slurry pits, the use of water troughs for planters, beds made from railway sleepers, and a rose arch, with traditional planting. The Council's Highways Department also raises no objection to the proposal.

The fire escape staircase, whilst functional in appearance is not considered to materially detract from the visual appearance of the building, subject to appropriate screening, details of which have been provided by the applicant.

Following the example set by the existing development, the design of the proposal is of a high standard and in keeping with the existing and surrounding buildings. It is noted that in addition to the high quality design of the exterior, the applicant is seeking to retain as much of the internal character of the barn as possible, and has provided drawings including sections showing how this is to be achieved.

On balance, in view of the fact that the increase in floorspace of the café/restaurant and the potential for additional covers is relatively modest, and the hours of

operation will remain unchanged, the proposal is not considered likely to result in a significant intensification of the use, or have a detrimental impact on surrounding residential amenities.

In summary, it is considered that very special circumstances have been demonstrated to justify what is considered to represent a relatively modest expansion of the existing retail and café offer at the site. The proposals are considered likely to enhance the retail offer at the existing farm shop, generate local jobs and contribute to the local economy. The principle of the residential element of the scheme has already been established, but this element of the scheme will create an additional residential unit and bring the building back into useful occupation, enhancing the visual appearance of this part of the site.

The proposals, as a whole, will have no impact on the Green Belt as the majority of the proposed alterations are internal and will therefore not be visible from the surrounding area. The proposed extension to the building is modest and within the existing built envelope.

The proposal is considered likely to make a positive contribution to local facilities and amenities and enhance the appearance of the immediate locality. The proposals will not have any adverse impact on the Green Belt in terms of openness and are not contrary to the objectives of Green Belt policy or the purpose of including land within it as set out in Policy G1 or the NPPF.

as amended by documents received on 23.02.2016, 09.02.2016, 04.05.2016

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending revoking and re-enacting this Order) all permitted development rights are hereby removed from the site. The proposed development shall be completed as set out in the approved drawings**

and no changes to the scheme shall be undertaken without the approval in writing of the Local Planning Authority.

In order to ensure that the impact of any further development at the site can be properly assessed by the Council to ensure that the interests of the Green Belt and local residents can continue to be protected and to comply with policies BE1 and G1 of the Unitary Development Plan and the National Planning Policy Framework.

- 4 The use shall not operate before 09.00 and after 18.30 Monday to Friday, and before 10.00 and after 16.00 on Saturdays and Sundays.**

In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the area.

- 5 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 6 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.**

In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 7 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other

road users and would be detrimental to amenities and prejudicial to road safety.

- 8 The curtilage of the dwelling hereby permitted shall be implemented as shown on the drawing (Ref: SITE-01 Rev 4) and shall not be altered at any time without prior approval in writing by, or on behalf of the Local Planning Authority.

In order to comply with policies T15 and G1 of the Unitary Development Plan and to ensure that no encroachment of the Green Belt occurs.

- 9 Detailed plans of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate fumes and odours (and incorporating activated carbon filters where necessary) shall be submitted to the Local Planning Authority for approval; after the system has been approved in writing by the Authority, it shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.

In order to comply with Policies S9 and ER9 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 10 The A3 use hereby granted planning permission shall be carried out only by Mr Gary Mercer and/or Ms Sarah Clout of Holwood Farm Shop Limited and by no other person without the agreement in writing by the Local Planning Authority.

The acceptability of the A3 use in this location is linked to its association with Holwood Farm Shop and therefore a personal permission has been imposed to ensure that should the circumstances change, the impact of a more intensive commercial operation on the Green Belt and surrounding residential amenities can be properly assessed, and in order to accord with policies BE1 and G1 of the Unitary Development Plan.

- 11 Prior to the commencement of the development hereby permitted, the applicant will submit a written proposal to the Council setting out targets for the proportion of the shop produce that is to be locally, regionally and nationally sourced and sold on the premises. This is to be agreed in writing by the Council prior to the commencement of the development, and the targets agreed will be adhered to in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

The intensification of the commercial retail use on the site was granted on the basis that the operation is a Farm Shop and is intrinsically linked to the local area and local rural businesses. The

proposed intensification of the use on the site was considered acceptable on this basis, and this condition has been imposed to ensure that should the nature of the business change, any proposal and its impact on the sensitive rural location and the Green Belt can be properly assessed by the Council, and in order to comply with policies BE1 and G1 of the Unitary Development Plan.

You are further informed that :

- 1 As an indicative guide in respect of Condition 11 the applicant is referred to Government Guidance on Farm Shops and Markets which highlights that FARMA (The National Farmers' Retail and Markets Association) is supportive of planning applications for Farm shops that meet the following threshold:
 - 40% of goods are own produce plus local foods;**
 - 40% are regional;**
 - 20% are from elsewhere.****