

APPLICATION: MA/09/1831 Date: 7 October 2009 Received: 15 December 2009

APPLICANT: Mr J Claydon, The Emporium

LOCATION: UNIT 7 BARRADALE FARM, MAIDSTONE ROAD, HEADCORN, KENT, TN27 9PJ

PARISH: Headcorn

PROPOSAL: Change of use of unit 7 to retail for the sale of horse, pet and agricultural feeds and sundries to include replacement of existing loading door with glass door and security shutter as shown on drawing nos. 29.129.1, HBP/005a, Bpe/04007 and A4 site location plan received on 9th October 2009 and Supplementary Retail Statement received on 17th December 2009.

AGENDA DATE: 25th February 2010

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- it is a departure from the Development Plan

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, R1, R12, T13
The South East Plan: SP3, CC1, CC6, C4, RE3
Government Policy: PPS1, PPS4, PPS7

1. HISTORY

MA/09/1603 Units 1 & 2: Change of use to B2 agricultural machinery and equipment service and repair, ancillary rear storage area including front display area for CLAAS agricultural machinery – APPROVED WITH CONDITIONS

MA/08/2300 Demolition of existing farm buildings and erection of B2/B8 building, associated parking and the change of use of existing poultry buildings and associated parking to B2/B8 – APPROVED WITH CONDITIONS

MA/04/1112 Change of use to B1(c) industrial – APPROVED WITH CONDITIONS

Applications before 2004 relate mainly to agricultural development in connection with the former agricultural use of buildings at Barradale Farm.

2. CONSULTATIONS

- 3.1 **Headcorn Parish Council:** Wishes to see the application APPROVED with a condition that in the event of a change of ownership that it remains only an agricultural retail unit.

"The Parish Council fully supports this move as the existing site in Wheeler Street has caused concern for sometime as the area is unsuitable for large vehicles to park and is not a suitable area for unloading of goods from lorries. We would not wish to see this business move away from Headcorn as it is an asset to our business network and they play an important part in sponsoring key events throughout the year."

- 3.2 **Kent Highway Services:** No objections

3. REPRESENTATIONS

Neighbours: One representation offering support for the application:

- Business performs a valuable and necessary service to the many small-holders, livery yards, horse and pet owners in the vicinity, of which there are a large number.
- The site they presently occupy, although near the village, is far from ideal, as parking is often difficult due to the stores popularity and can, at times, be hazardous.
- It makes ecological sense for 'The Emporium' to be near its customers and not in an industrial estate some distance away.

4. CONSIDERATIONS

5.1 Site & Setting

5.1.1 This is an application for the change of use of Unit 7, Barradale Farm to retail for the sale of horse, pet and agricultural feeds and sundries and operational development involving the replacement of an existing loading door with a glass door and security shutter. The application site is within the open countryside for Development Plan purposes designated as part of the Low Weald Special Landscape Area.

5.1.1 The application site is a former poultry farm (Barradale Farm) that is currently being redeveloped for B2 use (general industrial) and B8 use (storage and

distribution) in accordance with planning permission MA/08/2300 granted in July 2009. It is located off the west side of the A274 Maidstone Road around 700m north of the edge of the village settlement of Headcorn and around 1.6km from its retail centre. The site is served by a wide access point towards the southern end of the built group. The site consists of a range of closely grouped buildings, of utilitarian design, set on an extensive series of hardstandings, internal roadways, parking areas, etc. The site is clearly visible from the road although there is some hedge screening to the roadside and a line of willows to the northern boundary. The buildings and hardstandings are set back around 25m from the road, where there is a grassed area with sporadic trees.

- 5.1.2 The permission for business use approved a redevelopment of the former Barradale Farm poultry buildings, involving the demolition of eight buildings and the retention of seven for these uses. Most of the retained buildings have been re-clad with olive green cladding to walls and grey cladding to roofs.
- 5.1.3 Unit 7 subject to this application comprises one of the retained buildings and provides approximately 450m² of ground floor area, which is below the Local Plan threshold to be regarded as major retail development. This unit is along the east side of the site and is the building nearest the Maidstone Road, being set back around 25m. There is a dwelling around 50m south of the building just to the north of the access to the site. This is outside the application site and I understand this was formerly used directly in association with the egg production plant. Otherwise, the site is well divorced from residential property. There is a large building at the southern end of the built group outside of the application site which is used for commercial purposes pursuant to permission MA/04/1112.

5.2 Proposed Development

- 5.2.1 The application proposes a change of use of Unit 7 to retail, to enable the relocation of 'The Emporium', an agricultural, equestrian and pet feed centre currently located off Wheeler Street within the settlement boundary of Headcorn. A sales area of around 300m² would be provided in the southern part of the building and a storage area of around 150m² in the northern part. External alterations proposed are the removal of the existing personnel door and middle loading door on the front, west side of the building and the provision of a new customer door, 4m wide by 2.2m high, which will be a glazed sliding door with an external security shutter. Security shutters would also be provided to the two end fire exit doors.
- 5.2.1 The applicant considers that the specialised and bulky nature of goods sold by 'The Emporium', associated predominantly with agricultural and equestrian merchandising, would be more appropriately located at Barradale Farm where provision can be made for accommodating the necessary delivery and collection vehicles. It is stated that the business has changed from being 'pet orientated' to

'agricultural/equestrian' orientated with more turnover of bulky volumes items associated with equestrian and agricultural requirements. Therefore the business has changed over the past five to six years and as a consequence there have been increases in the size and number of delivery vehicles and volume of deliveries and sales.

5.2.2 'The Emporium' is predominantly surrounded by residential properties. The forecourt of the building is considered small and not sufficient to accommodate the vehicles generated by the operations, which include a predominance of four wheel drive vehicles, horse boxes and vans, in addition to delivery vehicles such as articulated vehicles and small lorries. Unloading is carried out by forklift, which results in conflict with customers. The access is across the front pavement used by pedestrians and vehicles also stop on the A274. It is considered that the current location is no longer satisfactory in terms of highway/pedestrian safety.

5.3 Background Information

5.3.1 'The Emporium' is located at the former Wheeler Street Depot, Wheeler Street, Headcorn for which permanent permission was granted in 1990 under application MA/90/1647 for the sale of horse, pet and garden sundries ancillary to agricultural merchandise. This was not a personal permission but the description limited the goods that could be sold.

5.3.1 It comprises around 420m² ground floor area with a small mezzanine office. The floor area is divided into two sections, with one section used to store bulky feeds and bedding, of which approximately 70% of stock volume is for horses, chickens, sheep and pigs, with 30% of stock for dogs, cats, birds and small pets. The other half of the building is used to display and sell horse and stable sundries, smaller packets of food, ancillary pet items and medicines. Approximately 10% of the space within this half of the building is used for the display of outdoor and riding clothing.

5.3.2 In terms of sales, the bulk feeds and beddings comprise approximately 70% of sales including 10% delivery sales to kennels, riding schools, stables etc. The remaining 30% of sales are from the ancillary goods. I would summarise the business as being predominantly a bulky goods retailer of equestrian, pet and animal feedstuffs and bedding with ancillary goods.

5.4 Principle of Development

5.4.1 The explanatory text to general retail policies R1 and R2 within the Local Plan outline a sequential approach to the location of retail development, aiming to maintain and enhance the existing retail facilities in Maidstone town centre, the local centres and the villages by focussing development here. It outlines that retail uses in the open countryside, aside from farm shops, will generally be

discouraged and not usually permitted because of the need to protect village shops, preserve the countryside and because of the unsustainable nature of such uses in these locations. As such, general retail policy R1 of the Local Plan outlines that retail development will be permitted within the defined urban and village areas.

- 5.4.1 Local Plan policy R2 does not regard this proposal as major retail development being under the 500m² threshold, and therefore it is not subject to more a stringent assessment at a local level.
- 5.4.2 Clearly, the site is located outside any settlement boundary and within the countryside for the purposes of the Development Plan and as such retail development here is discouraged for the reasons outlined above. Therefore in Local Plan terms it needs to be considered whether these proposals would harm other retail centres, the countryside and are unsustainable, and whether there are special circumstances where permission may be granted as a departure from the Development Plan, which is the applicants view.
- 5.4.3 More relevant in my view, due to its recent publication (29th December 2009) is government advice contained within PPS4: Planning for Sustainable Economic Growth. This document sets out the government's policies for economic development, which includes retail development. This document contains policies relevant to this development and so this document and its policies will form the main basis for the assessment of this application.

5.5 Assessment

- 5.5.1 Relevant to the proposals, at paragraph EC6.2, PPS4 advises that Local Planning Authorities should strictly control economic outside settlements; identify local service centres and locate most new development in or on the edge of existing settlements; support the re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns and villages) for economic development.
- 5.5.1 National Policy EC17 of PPS4 relates to the consideration of applications for development of main town centre uses (both retail and business) not in a centre and not in accordance with an up to date Development Plan. I consider the retail use under consideration here is regarded as a 'main town centre use' as in principle it could be located within a town centre. This policy states that such proposals should be refused where:
 - a) *the applicant has not demonstrated compliance with the requirements of the sequential approach (policy EC15); or*

- a) *there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments*

5.6 Sequential Approach

- 5.6.1 National Policy EC15 of PPS4 outlines the consideration of sequential assessments. This application involves the relocation of an existing business from an 'out-of-centre' location (a location which is not in, or on, the edge of a centre but not necessarily outside the urban area) as defined in PPS4 to an 'out-of-town' location (an out of centre development outside the existing urban area).
- 5.6.1 The applicant does not consider it is appropriate or realistic to consider the town centres of Maidstone or Ashford as it is considered that these locations are neither suitable nor viable for the specialised and predominantly bulk goods sold. The bulk feeds and bedding are retained in the storage area until purchased, when they are then fork-lifted to the customer's vehicle or delivered by the business if too large. I agree that one would not typically expect such a specialised bulky goods retail use to necessarily be located within a 'primary shopping area' such as a 'High Street'. I also consider that the goods sold are relatively low in value and do not have a high turnover say as a typical town centre shop, so such a location is less viable.
- 5.6.2 An 'out of centre' location such as a retail park or trading estate or close to a district or local centre would be the next preferable location in sequential terms. The applicant has searched three alternative sites on the basis of its customer catchment area. The three sites within the current customer catchment area are at Parkwood, Maidstone, Foreman's Walk, Headcorn and Eureka Park, Ashford. The Parkwood site is considered to be too large and expensive (4000m²) and would increase travel distances for customers and does not have retail consent. The site at the Foreman's Walk is considered to be too small (80m²) with access issues for bulk goods deliveries and the Eureka Park retail units are considered to be too small (255m²) and not suitable for bulk equestrian/agricultural sales. The applicant submits that he has been searching for alternative premises for over 5 years due to the growth within the business and the unit at Barradale Farm is the only unit which is suitable, available and viable. Whilst not a comprehensive assessment, this shows that an 'out of centre' location is too expensive and that there are no suitable premises within the Headcorn settlement boundary.
- 5.6.3 In addition, the emphasis of much of the applicant's case is that this particular retail use is not suited to a town centre or an edge of centre location due to the local rural nature of the business and its customer base being mainly located

away from these areas. It is submitted that a re-location to an edge of town location would provide a less sustainable alternative for an essentially rural service. 'The Emporium' serves a mainly rural catchment area as demonstrated by its 'loyalty membership scheme' with some 93% of its members within just over 6 miles of the existing site. This being mainly the villages of Headcorn, Staplehurst, Marden, Sutton Valence, Cranbrook, Biddenden as well as the western fringes of the Ashford Borough and southeast fringes of Maidstone.

- 5.6.4 Clearly, the main purpose of a sequential approach is to provide development at the most sustainable locations and reduce the need to travel, especially by car. Therefore, I consider the issue of sustainability is a major consideration. I agree with the applicant that an 'edge of town centre' location (locations which are well connected to the town centre by means of easy pedestrian access) in Maidstone or Ashford is likely to increase most vehicle journeys to this local business due to the location of the majority of customers. However, such a location does provide opportunities for combined journeys for other services or goods in or on the edge of a town. However, due to the specialised bulk goods sold, customers are most likely to 'stock up' with as much of the goods as possible, rather than to combine a visit with journeys for other goods. On this basis, I consider the potential for linked trips for this business are low and it would be unreasonable to force such a use to an edge of town centre location.
- 5.6.5 Notwithstanding this, the new site is not remote and being on the A274, one of the main southern arterial routes into Maidstone, there is still the potential for customers to visit the shop as part of a wider trip either to Maidstone or Headcorn. So in terms of sustainability and therefore the impact upon the environment, I consider this is likely to be worse if this specific business was located in, or on the edge of a town due to the rural customer base.
- 5.6.6 My conclusion is that in the case of this specific business, it would not be reasonable or practicable for it to relocate to a town or edge of town location as this would not be viable or sustainable. Clearly, this is not a new business and therefore one has to also compare the impacts between the existing and proposed site.

5.7 Impacts of Re-location

- 5.7.1 National Policy EC17 of PPS4 then requires clear evidence that the proposal is not likely to lead to significant adverse impacts taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments and issues relating to sustainability and accessibility, design, impact upon the economic and physical regeneration in the area and the impact upon local employment. Other matters relate to impacts upon public and private investment in a centre, town centre vitality and viability, allocated sites

outside town centres, impact on trade/turnover in the wider area and the rural economy.

- 5.7.1 Some issues of sustainability and accessibility have been touched on above. The customer base is mainly vehicle-orientated because of the nature of the bulk goods sold and the location of the customers, with less than 6% of trade currently from people on foot. In terms of deliveries, the origin of the distributors is Ipswich, Chelmsford, Dartford and Aylesford, each comprising a HGV delivery up to three times a week, with one delivery per month from Cranbrook.
- 5.7.2 To my mind, the relocation to Barradale Farm would not significantly affect the number of customer vehicle movements to the business or the distance travelled. At present around 93% of customers drive to the existing premises, due to the nature of the specialised bulk goods and clearly this would be similar if not the same for the new location. The relocation would reduce the ability of some customers to walk to the business, being further outside the village but this represents a small percentage of the customers. Staff could potentially walk, cycle or use the bus service, which runs past Barradale Farm (bus stop within 200m), and the relocation would not have any great impact upon the distance of delivery journeys to the site or delivery journeys carried out by the business to customers. On this basis, I do not consider the Barradale Farm site represents a significantly more unsustainable location for 'The Emporium' in terms of journeys for customers, staff or deliveries. Due to the specialist goods on sale, I consider it unlikely that the site would attract any significant additional 'urban' trade.
- 5.7.3 Overall, I do not consider the Barradale Farm site would be significantly more unsustainable than the existing site for use by 'The Emporium'; the site is not remote and there is a choice of transport to the site; the site is relatively closely related to Headcorn village; and the site would not significantly affect local traffic levels or congestion. To my mind the proposed site, specifically for use by the 'The Emporium' would not lead to any significant adverse impacts in terms of accessibility and sustainability.
- 5.7.4 In terms of design issues, external works to the building are limited and in my view would not result in any harm to the existing building, surrounding site or landscape.
- 5.7.5 Due to the relatively small scale of the retail use I do not consider there would be any significant adverse impacts upon economic and physical regeneration in the area, local employment or public and private investment in town, district or local centres due to the minor difference in location and minor increase in size. The nearest similar shops are 'SCATS' at Marden, 'Charity Farm' at Cranbrook and 'Animal Feed Supplies' at Tenterden, which serve their local catchment areas

and would not be significantly affected. National retailer chains such as 'Pets at Home' in the retail parks at Maidstone and Ashford, are not direct competitors as they cater for the general pet market. The loss of the B2 or B8 use would result in a loss of employment but this would be minimal and the site is not a designated employment site.

- 5.7.6 I consider the businesses relocation just north of Headcorn would not result in any significant adverse impacts upon the vitality and viability of town, district or local centres, or trade/turnover in the wider area and rural economy. Clearly, the business currently operates within Headcorn and a move just to the north of the village would not alter the viability or vitality of other centres. I consider it unlikely that the Barradale Farm site would draw customers away from the urban or rural centres above the existing site. Due to the relocation, some passing trade may be lost from customers to the north of Headcorn but it would be gained from customers to the south so this is not a major issue. The relocation would only increase the existing floorspace by 30m² and still be only 300m² of trading space, which does not represent a significant increase or major retail proposal.
- 5.7.7 National Policy EC17 then says that where there are no significant adverse impacts, planning applications should be determined by taking account of the positive and negative impacts of the proposal, and any other material considerations and the likely cumulative effect of recent permission, developments under construction and completed developments.
- 5.7.8 The positive impacts of the proposed re-location would allow the business to modestly expand and remain as a local business to Headcorn, and to remove vehicle and pedestrian conflicts, noise and disturbance at the existing site on Wheeler Street. The negative impacts would be the potential loss of some customers on foot and passing trade from the village but as outlined above, this would be minimal. PPS4 offers support for the re-use of appropriately located existing buildings in the countryside (particularly those adjacent or closely related to towns and villages) for economic development where the benefits outweigh the harm. I cannot identify any significant harm from the relocation and therefore consider the proposal to be acceptable.

5.8 Other Matters

- 5.8.1 The use of the Unit 7 for retail is likely to represent an increase in vehicle movements above the permitted use for B2 or B8 use but this would not be significant in the context of movements associated with the entire site's use for B2 and B8 use. As such, I do not consider there would be any unacceptable implications for the dwelling adjacent to the access through noise or disturbance. A total of 16 parking spaces have been approved for the building for its B2 or B8 use, which would be allocated for the retail use. There are no locally adopted

standards and PPS4 recommends that maximum standards are set in order to encourage alternatives to the car. In this case many customers require their cars to transport the more bulky goods so I do not consider this provision of parking is unacceptable. I consider cycle parking provision should be provided to encourage staff or other customers to cycle to the site.

5.9 Conclusion

5.9.1 Ultimately this application seeks the relocation of an existing business and the decision is whether the business should be directed to a town centre, edge of town or another rural centre. To my mind, such relocation would not be the most sustainable option for this business in terms of cost and the environment, due to the specialist bulky goods sold and the subsequent customer base for these goods, which is predominantly in the rural areas. The proposed site would not result in any significant additional harm to the environment than the existing site. The relocation would not have any significant adverse impact upon the vitality or viability of town or rural centres and on this basis I consider that an approval of the development is acceptable. Clearly, this assessment relates specifically to the nature of 'The Emporium' business, due to the goods sold and its customer base and as such a condition restricting the goods sold must be attached to any grant of permission.

5. RECOMMENDATION

Subject to the expiry of the site notice and advert publicising the application as a Departure from the Development Plan and the receipt of no representations raising new issues, I be given DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the following conditions:

1. The premises shall be used for the sale of equestrian, pet and animal feedstuffs, bedding and ancillary goods only and for no other retail purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking and re-enacting those Orders with or without modification). The amount of ancillary non-bulky goods sold at the application site, as a percentage of total annual sales turnover (i.e. volume of sales multiplied by unit price for the business year 1st April to 31st March), shall be limited to no more than 30%, and a financial log of the annual sales turnover shall be kept and made available for inspection by the Local Planning Authority;.

Reason: The use hereby permitted would not normally be allowed and permission has been granted only because of the exceptional circumstances of this retail

business. In addition, the unrestricted use of the building or land would result in an unsustainable form of development that would threaten the vitality and viability of local centres contrary to policy R1 of the Maidstone Borough-Wide Local Plan 2000 and PPS4: Planning for Sustainable Economic Growth.

2. No open storage of materials, products, goods for sale or hire or waste shall take place on the application site;

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

3. No activity in connection with the use hereby permitted including deliveries shall be carried out, and no customers shall be permitted to be on the premises outside of the hours of 0800-1800 Mondays to Saturdays and between 1000 and 1600 on Sundays, Bank or Public Holidays;

Reason: In the interest of residential amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan and PPS1.

4. Prior to the commencement of the development hereby permitted, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority;

Reason: To safeguard visual and residential amenity in accordance with Policy ENV28 of the Maidstone Borough Wide-Local Plan 2000.

5. Prior to the commencement of the development hereby permitted, details of new secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to the first occupation of the buildings or land and thereafter kept available for such use;

Reason: In the interests of sustainable transport promotion in accordance with PPS1 and PPG13.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.