Application Number:		P/FUL/2022/07360			
Webpage:		https://planning.dorsetcouncil.gov.uk/			
Site address:		Lower Woodbridge Farm, Peaceful Lane Kings Stag DT10 2BD			
Proposal:		Demolish existing timber barn. Erect new structure to the same footprint to be used as a Micro brewery.			
Applicant name:		Mr Jack Langmead			
Case Officer:		Andrew Amery			
Ward Member(s):		Cllr Legg			
Publicity expiry date:	7 July 2023		Officer site visit date:	Various including 22.09.2023 with new case officer.	
Decision due date:	31 August 2023		Ext(s) of time:	31 August 2023	

1.0 Reason for member referral

1.1 There is a sustained objection from the Parish Council.

2.0 Summary of recommendation

2.1 Grant permission subject to conditions.

3.0 Reason for the recommendation.

3.1 This is a development plan policy compliant proposal that involves the reuse of a redundant agricultural site for an employment use (including the demolition of the existing building and the erection of a new building).

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on character and appearance	The new building and external hardstanding would assimilate into the landscape with negligible harm subject to the implementation of appropriate soft landscaping of native field species.

Impact on residential amenity	The use falls within class B2 (General Industrial) of the amended Use Classes Order 1987. There are dwellings outside of the applicant's control within the locality and, conditions are required in terms of operating hours and times of deliveries. The applicant has agreed to restrictions preventing retail sales from the site and the originally shown tap room has been deleted from the proposals.	
Economic benefits	Employment during construction and operational phases, albeit the latter is a relocation from within Dorset.	
Access and Parking	Acceptable in terms of trip rates generated for this modest scale of development which will be limited by condition to a brewery without ancillary facilities, public visits or retail sales. Conditions are required to secure visibility splays and on-site parking and manoeuvring. The proposals do not include any public facilities or arrangements for visits. Parking on site is for staff only.	
Biodiversity	A Biodiversity Plan has been agreed by the Council's Natural Environment Team. The implementation of the identified mitigation and net gain measures can be secured by condition.	

5.0 <u>Description of Site</u>

- 5.1 The site extends to approximately 0.1 ha of land on the eastern side of Peaceful Lane. Peaceful Lane is a narrow, unlit but surfaced public road in an area of countryside characterised by dispersed clusters of buildings including dwellings, farmsteads and commercial units.
- 5.2 The land is relatively level and is currently occupied by a disused former intensive livestock building (chickens) dating from the mid C20th. It has clearly been vacant for some time and redundant to modern agricultural practices. However, it remains of a permanent construction despite its poor state of repair.

6.0 <u>Description of Development</u>

6.1 The application seeks the demolition of the existing building and the erection of a new building to house a micro-brewery (general industrial use). The building was originally shown to accommodate a small tap-room element, ancillary in function and scale to brewery use. However, in response to local concerns regarding amenity, character and highway safety this element of the proposals have been removed. The proposals are therefore purely for a micro-brewery. There will be no public visits or on-site retail sales. The finished product will be transported away from the site for sale and consumption.

- 6.2 The new building would be rectangular in plan (26m x 9.9m) with a single, steel framed gabled roof spanning the open-plan floorspace. The roof would rise to eaves and ridge heights of 3.74m and 5.5m above ground level respectively. It would be clad in profiled, steel sheeting. In size and appearance it would be similar to the original building.
- 6.3 Externally, 6 parking spaces are proposed, a service bay and a staff seating area as well as soft landscaping.
- 6.4 The existing farm access would be amended and metalled for use by the brewery (with a retained easement through the site to permit farm traffic to gain access to the fields to the east).

7.0 Relevant Planning History

7.1 There is no relevant planning history but the site has been granted a premises licence. It was the existence of this concurrent licencing application that prompted queries about whether a public house was being proposed but it is not the case; Whilst it is common for breweries to have both an on and off-licence to permit occasional consumption of drinks by customers (such as a local CAMRA group visit) or ancillary direct sales to the public for consumption elsewhere, the applicant has amended the original plans to delete these elements from the proposals. The applicant has agreed to the imposition of a condition restricting the use as such.

8.0 <u>List of Constraints</u>

8.1 The application site lies adjacent to the Site of Nature Conservation Interest (SNCI); ST71/031 Peaceful Lane, cited for its road verge & hedgebank with neutral grassland flora.

9.0 Consultations

Councillor Robin Legg

9.1 Councillor Legg has raised queries in relation to the nature of uses proposed as part of the development (similar to the Parish Council's comment below) and the accordance or otherwise with development plan policies.

Holwell Parish Council, Object:

- 9.2 It appears to councillors that stating that they are reverting to the original application does not remove the potential for the on-site sale and/or consumption elements of this application; this possibility is supported by the licensing approval granted to Woodshedding in April 2023 for use of a tap room on site.
- 9.3 Our key point is that we remain unconvinced that this site on a small rural lane is appropriate for a licensed premises which has retail potential which the associated impact on a rural location.
- 9.4 The West Dorset Local Plan (LP) at SUS2 point (iii) has a list of those developments that are permitted in an area without a defined development boundary such as Holwell and a microbrewery is not one of them. Referring to LP Policy SUS4, it is not

- believed that this application constitutes a substantial planning benefit. Further, on environmental issues the application gets no support from ENV10, ENV 13, ENV15 and ENV 16, the latter in part.
- 9.5 The Holwell Neighbourhood Plan in EB1 states that development should not detract from the rural character of the countryside. There are a number of areas of impact where no plans has been offered by the applicant e.g. lighting, noise and smells, etc.
- 9.6 As such, the Parish Council will not support this application and would request that it is reviewed by the relevant Planning Committee members where a site visit would be strongly recommended.

DC Highways

9.7 No objection on the assumption that the proposal is for the brewery with no trips by visiting members of the public.

DC Natural Environment Team

9.8 A Biodiversity Plan has been approved.

Dorset Wildlife Trust

- 9.9 The submitted Ecological Assessment Report (dated November 2022) outlines measures that are designed to protect the SNCI from indirect harm during the works. If these measures are correctly implemented, DWT consider it unlikely that the development will have any adverse impacts upon the SNCI.
- 9.10 These should be secured through inclusion in the Biodiversity Plan (officer's note they now have been).

Other representations

Total - Objections	Total - No Objections	Total - Comments
1	0	1

9.11 Objection:-

Principle

a) While it is recognised that the derelict building is not fit for any purpose and has a detrimental impact on the local environment and we understand that some form of "improvement" will enhance the location. We do not believe the proposed use is appropriate for this location.

<u>Highways</u>

- b) Peaceful Lane is a quiet country single track lane with "unsuitable for HGV" signs at each end of lane. There is a narrow stone bridge to the south of the proposed site and an aged culvert to the north. See attached photos below looking North along the lane towards the junction with A3030, where unsuitable passing places have already been created and collapsed the verge towards the drainage ditches, damaging the flora and fauna.
- c) The HGV deliveries will be restrictive due to the narrowness of the lane, it will also add to the flow of vehicles on the lane. This in turn causes us a concern for the foundations of Lower Woodbridge House, situated close to Peaceful Lane.

Biodiversity

- d) The site has had an ecological survey completed. There are however, parts of it we would have to question the validity; casual observations over the years, make it clear that the population is far greater than in the report particularly in the late summer evenings (23:00 hours rather than at 20:41 as stated in the survey).
- e) We believe there is a real importance to conserving not only the hedgerow but the woodland to the north of the proposed development. The trees must be protected against damage during development and remain as a screen for light, sight and sound pollution between the proposed development and Lower Woodbridge House.

Flooding

f) The stream to the east of the proposed development has flooded more frequently, which in its self has become a concern. The flow rate within the stream clearly does not have enough capacity for present natural run off without additional input.

Amenity

- g) Have a particular concern that the proposed ridge height of 5500mm which is 1500mm higher than the existing 4000mm ridge height, according to the published drawings.
- h) Concerns in relation to light pollution, flood lighting and security lighting Sound pollution - daily working hours, production and machinery running hours, delivery, shop opening hours, licensing hours and waste disposal and removal.

10.0 Duties

10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant development plan policies

Holwell Neighbourhood Plan – Review Version September 2021

- 11.1 The site is outside of the defined development boundaries. The following policies are therefore considered relevant: -
 - EB1 Locations for employment and business

West Dorset, Weymouth & Portland Local Plan 2015

- 11.2 The site is outside of the defined development boundaries (DDBs). The following policies are therefore considered relevant:-
 - INT1 Presumption in favour of sustainable development.
 - ENV2 Wildlife and Habitats
 - ENV5 Flood risk
 - ENV10 Landscape and townscape setting.
 - ENV12 The design and positioning of buildings.
 - ENV13 Achieving high levels of environmental performance.
 - ENV15 Efficient and appropriate use of land.
 - ENV16 Amenity
 - SUS2 Distribution of development.
 - SUS4 The replacement of buildings outside of defined development boundaries.
 - ECON1 Provision of employment.
 - COM9 Parking standards in new developments.

12.0 Other material considerations

National Planning Policy Framework 2021

- 12.1 The NPPF is a material consideration and following paragraphs are particularly relevant to the application: -
 - Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

- 85. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 218. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made.
- 219. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

13.0 Human Rights

- 13.1 Article 6 Right to a fair trial.
 - Article 8 Right to respect for private and family life and home.
 - The first protocol of Article 1 Protection of property.
- 13.2 This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

14.0 Public Sector Equalities Duty

- 14.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-
 - Removing or minimising disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
 - Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

14.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. There are no know impacts on persons with protected characteristics.

15.0 Planning Assessment

Principle

- 15.1 Policy SUS2 of the Local Plan restricts development outside of the defined development boundaries i.e. in the countryside to specified types of development and requires that regard is had to the "protection of the countryside and environmental constraints."
- 15.2 The specified types of development under Policy SUS2 include new employment development. The policy is consistent with the NPPF, specifically paragraph 84. The development accords in principle with this policy.
- 15.3 Policy SUS4 of the Local Plan advises that the replacement of a building should be permitted where the existing building is of permanent and substantial construction, and its continuing use would otherwise be consistent with other policies in the Plan. The former chicken coop is clearly of a permanent and substantial construction and its use for agriculture would clearly be consistent with the Local Plan's other policies. The principle of its conversion to an employment use would also be consistent with the Local Plan, the issue being that its form and construction are not appropriate for C21st use for such purposes.
- 15.4 Policy SUS4 allows for the demolition and replacement of existing buildings which is rather unusual in its approach, but there is nothing to say that the basic principle of replacing a building in the countryside is inconsistent with the provisions of the NPPF. Again, there is no reason why full weight cannot be afforded to this policy and the case officer considers that the development accords with its provisions.
- 15.5 Policy EB1 of the Neighbourhood Plan advises that new employment premises should either:
 - be well-related to existing buildings and the highway network
 - · be part of a farm diversification scheme, or
 - re-use an existing building and comprise sensitive, small-scale development that would not be intrusive in the landscape or cause harm to protected species or designated wildlife habitats.
- 15.6 The case officer notes there is no use of the word "or" between the first and second bullet-points but there is the explicit use of the word "either" before them. Officers therefore concluded that accordance with just one of the criteria is sufficient to accord with this part of the policy and this is consistent with the supporting text for the policy.

15.7 In this context, it is considered that the development accords with the first bullet-point. As third parties' reference, there are businesses in the immediate vicinity of the site; Woodbridge Bespoke/Jamie Ross cabinet makers and Dorset Blue Vinny cheese makers. Indeed, the cluster of buildings and uses that make up Woodbridge has a sustainable mix of uses and access from Peaceful Lane onto the A3030 offer good visibility (on the outside of a bend) and this main road is within 300m of the site entrance. Therefore, the proposal would comply with the relevant local and neighbourhood plan polices outlined above.

Highway safety and Parking

- 15.8 The Council's Highways Manager has advised that the access arrangements are acceptable, the case officer noting the proximity to the A3030, the acceptable visibility afforded at the point of access as well as the Peaceful Lane/A3030 junction and the ability for delivery vehicles and cars to enter, manoeuvre and park within the site safely.
- 15.9 The Highway Manager's comments are predicated on there being no visiting members of the public. During the course of the application, it was clarified that the proposal is for just a brewery.
- 15.10 There are breweries in the region that operate under a planning permission purely for a brewery use with a layout and appearance that suggests nothing else is happening at the site other than the brewing of beer. However, whilst anecdotally they are the subject of limited visits from members of the public buying products for consumption off the premises or occasional group visits (such as the local CAMRA group) with members consuming beer on the premises, in this case the applicant has agreed that arrangements for such visits will not be made available at this site. There is nothing to suggest from the proposed layout, floor plans and elevations that this site would generate any activity and trips beyond the brewing process itself.
- 15.11 In response to third party comments in relation to the standard of Peaceful Lane (single land width, no formal passing places etc.) it is noted that the modest, scale of the use (minor in planning terms) would not result in any determinative implications in terms of highway safety and the need for widening of provision of formal passing places (or additional reliance on the informal passing places. There would be sufficient parking provide for the intended use. The proposal would comply with policy COM.9 of the local plan.

Flood risk and drainage

- 15.12 The site is at the lowest risk of flooding from any source and is therefore the sequentially preferred location for development.
- 15.13 Third parties have raised concerns about flooding, specifically in Peaceful Lane. The case officer notes the photographic evidence provided by a third party and noted lying water in the same location when he visited the site following heavy rain. The site itself was not flooded or characterised by lying water. The baseline nature of the site is defined by the existence of the former chicken coop building and some non-

porous areas of hardstanding. However, the proposed layout clearly shows an increase in the area of impermeable surfacing, including the requirement by the Council's Highways Manager for the access onto Peaceful Lane to be metalled. This could give rise to increase in runoff onto Peaceful Lane increasing the risk of flooding further along this highway.

15.14 Given the low risks of flooding identified within the site and its immediate vicinity and that areas of the site will remain undeveloped, it is reasonable to conclude that a surface water drainage scheme can be devised to ensure no increases on and off site (allowing for increases of up to 45% as a result of climate change). It would be unreasonable to require such detail prior to determination and it can be secured by a condition. The proposal would comply with ENV.5 of the local plan.

Residential amenity

- 15.15 Whilst the proposed development is modest in scale, it is nevertheless a general industrial use that could give rise to adverse residential amenity impacts arising from HGV deliveries and operations at the site itself.
- 15.16 The nearest and only dwelling that could be affected is Lower Woodbridge House. The dwelling is 100m to the north and there is currently a clear line of sight between the site and its south facing elevation.
- 15.17 It has been noted that the Jamie Ross site is directly opposite and nearer to Lower Woodbridge House. Permission for the Jamie Ross site was originally granted in 2005 for light industrial use but subsequent permissions, most recently in 2020 (WD/D/20/000334) granted a more open approval for workshops. In the officer's report for that application, the case officer advised the following: -
 - "The officer has considered whether an operating hours condition would be required, however due to the small scale nature of the business, and the limitations of the business to expand or increase due to limitations on the size of the site and number of employees, combined with the distance and separation by the intervening road between the application site and the dwelling opposite, it is not considered necessary in this instance to limit the hours of operation on the site with a planning condition. The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties."
- 15.18 Notably, there is a similar open line of sight between the Jamie Ross site and Lower Woodbridge Farmhouse, a conduit for any noise transmission. The vehicular access is also directly opposite, in contrast to this application site's location 100m to the south.
- 15.19 It would therefore be unreasonable to secure a condition limiting operations or operating hours based on the singular impact from the proposed development given the nearer proximity of the Jamie Ross workshops and access to this nearest sensitive receptor.

- 15.20 It has been suggested that the cumulative impact of Jamie Ross and the brewery could have a significant impact due to the noise and disturbance coming from two different directions to the Farmhouse; there could be a sense of not being able to "escape" the noise.
- 15.21 This sense and impact is difficult to quantify but the proposed acoustic fence and the fact that the brewing, by its very nature, takes place indoors will be sufficient to respond to this consideration rather than the requiring hours of operation or delivery times conditions. Conditions are recommended to require a specification for the acoustic fence and requiring its implementation before first use of the brewery and retention thereafter.
- 15.22 The proposed development is considered to be of sufficiently modest scale (5.5m high and 26m long) not result in any overshadowing impacts given the distance to Lower Woodbridge Farmhouse.
- 15.23 External lighting has the potential to impact this neighbouring dwelling if of certain intensity and angled towards them. It could also, as identified in the applicant's biodiversity plan, result in adverse impacts to bats and other nocturnal species. A condition requiring details of any external lighting to be approved and lighting to be limited to such an approved scheme is, therefore, a reasonable and necessary inclusion. The proposal would comply with policy ENV.16 of the local plan.

Landscape and visual impact

- 15.24 The site sits within a shallow valley in the wider Blackmore Vale. The existing landscape is countryside predominantly in agricultural use characterised by a patchwork of fields and interspersed with buildings and small copses. There are modern buildings within the vicinity that are prominent and of no particular architectural quality or historic value. The existing chicken coop is a particularly prominent and unsightly example. There are structures of much more architectural, aesthetic and historic value amongst these modern examples. There are also some public footpaths in the locality but, overall, this is a landscape of low sensitivity to change.
- 15.25 In this context and, given that the proposal will see the welcome removal of the chicken coop, the proposal will result in low harm to the landscape and visual amenity of the area albeit the implementation of a soft landscaping scheme is necessary to ensure that the parking and servicing area is appropriately screened from the south, east and west. This can be secured by condition. The proposal would comply with policy ENV.10 of the local plan.

Biodiversity

- 15.26 A third party, based on their own sightings, questions the robustness of the applicant's ecologist's finding in relation to bats.
- 15.27 The applicant's ecologist concludes that, based on a low number of bat droppings, and the lack of bat evidence from their static monitoring device, the existing chicken coop is considered to support a historical day roost for an individual/low numbers of

brown long eared bat, but is not active at this present time. Therefore, they opine, it is considered highly unlikely that a bat would be using the roost at the time of the proposed works. They recommend some precautionary measures be undertaken prior to commencing development and during the development phase. They also suggest some compensatory and biodiversity measures. These are included with their submitted Biodiversity Plan.

15.28 This Plan has been approved by the Council's Natural Environment Team. The precautionary mitigation, compensatory and net gain measures can be secured by condition. The proposal would comply with policy ENV.2 of the local plan.

16.0 Conclusion

- 16.1 The development proposed, subject to the imposition of conditions, is considered to be development plan compliant when considered against the plan as a whole. Of note is that the development is considered to accord with the locational policies of both the Neighbourhood Plan and Local Plan. With the imposition of conditions, the proposal is not contrary to any of the subject specific criteria within the locational policies or the other development management policies which address matters such as amenity, landscape etc.
- 16.2 There are no material considerations relevant which affect the weight afforded to the development plan policies to the extent that a decision should me made contrary to the plan's provisions (the plan comprising of the made Neighbourhood Plan and adopted Local Plan).

Recommendation: Grant, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The use hereby approved shall be limited to that of a brewery. No additional ancillary facilities or activities including tap room, bar, public visits and retail sales shall take place from the site.

Reason: In the interests of the character of the area, to protect the amenity of nearby residential occupiers and in recognition of the narrow width of the access track and the limited area available for on-site parking.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

1201-6 The location plan

1201-6 A The location plan

1201-7 A Block plan of the site

1201-7 Block plan of the site

1201-3 D Proposed ground floor and roof plan 1201-4 B Proposed elevations 1201-5 B Proposed Section A-A 1201-8 A Proposed external layout

Reason: For the avoidance of doubt and in the interests of proper planning.

4. The pre-development, development and post development precautionary and mitigation measures set out within sections D and F the approved Biodiversity Plan (ref DBAP22462NH) certified by the Dorset Council Natural Environment Team on 30th November 2022 must be implemented in full and accordance the specified timetable specified in the Plan.

Reason: There is a low risk that bats may be present on site and such measures are necessary in the interests of biodiversity.

5. Prior to first use of the building hereby approved, one Improved Cavity Bat Box as detailed in the approved Biodiversity Plan, shall be installed on its southwest upper gable within 1m of the gable's apex. The said bat box shall remain in place for the lifetime of the development.

Reason: This is a necessary biodiversity compensatory measure.

 One Eco Sparrow Tower as detailed in the approved Biodiversity Plan, shall be installed on the northeast gable apex of the building hereby approved prior to the building's first use and thereafter retained for the lifetime of the development.

Reason: This is necessary biodiversity net gain.

7. Within 6 months from the date of the first use of the development hereby approved soft landscaping shall have been planted in accordance with a scheme and schedule to include two fruit trees as required by the approved Biodiversity Plan. The scheme shall be submitted to the local planning authority for approval in writing prior to first use of the development. The approved landscaping shall be retained and maintained for a period of not less than 10 years from the date of the first use of the building and, if either of the trees die, are removed or become seriously damaged or diseased within that 10 year time period, they shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: This is necessary for biodiversity net gain and to maintain an appropriate balance between the natural and built environment in this countryside location given that the impact of the parking and serving areas would not be acceptable without this landscaping.

8. Prior to the first use of the development hereby approved an acoustic fence shall be erected on the northern boundary as shown on the approved drawing

1201-8 A Proposed external layout in accordance with details first submitted to and approved in writing by the local planning authority. The approved fence shall be retained thereafter for the lifetime of the development.

Reason: In the interests of the residential amenity of the dwelling to the north of the site.

 Upon and following the first use of the building hereby approved external lighting within the site shall be restricted to that included within a lighting scheme first submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity.

10. Prior to the first use of the building hereby permitted the parking, manoeuvring and vehicular access routes within the site and the visibility splays, shall have been completed, including the carriageway top surface, in accordance with the details provided on the approved drawing 1201-8 A. The parking, manoeuvring, access routes and visibility splays shall be retained thereafter for the lifetime of the development.

Reason: In the interests of highway safety.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.