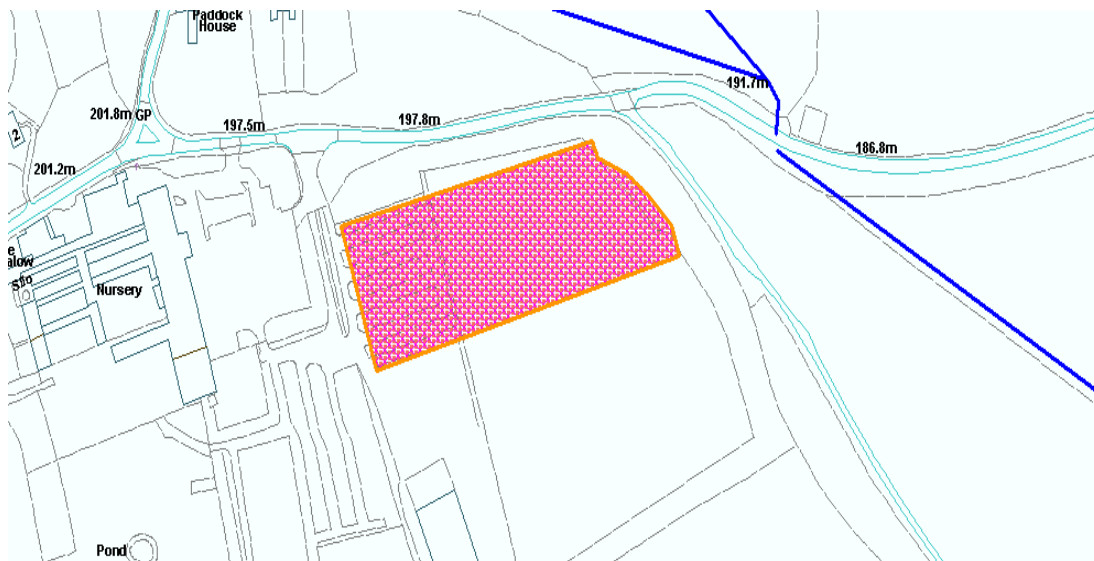


Reference: 15/00183/FUL
Date submitted: 03.03.15
Applicant: Mr N Gates - F A Gates And Son
Location: Gates Nurseries And Garden Centre, Somerby Road, Cold Overton, LE15 7QB
Proposal: Tarmac existing grass parking areas. Change of use to form new tarmac roadways and grass parking areas and associated landscaping.



Proposal :-

This application relates to full planning application for resurfacing of the existing overflow car park with a permanent surface and constructing a new overflow car park, increasing the provisions by 330 additional spaces. The previous extensions to the existing facility have proven more popular than first envisaged and at times the car park is at capacity causing difficulties for customers. Through resurfacing the existing over flow car park with tarmac will allow it to be useable during bad weather. The overflow car parking will be controlled and only opened when there are planned events/promotions taking place at the site or when there is demand.

It is considered that the main issues for consideration of the application are:-

- **Application of Development Policies and NPPF**
- **Impact upon the countryside**

The application is presented to Committee as the recommendation seeks a departure to the development plan policy.

Relevant History:

88/0329/6 – Erection of a dwelling and garage (outline) – approved (agric/horticultural tie)
89/0872/6 – Erection of a dwelling and garage (reserved matters) – approved
F/96/0650/6 – Garage, stables and store room - approved
00/00011/FUL – Extension to tearoom – refused
00/00053/COU – Car park extension – approved
00/00226/FUL – Extension to tearoom – approved
01/00494/FUL – Conversion of existing store to offices and store – approved
02/00358/FUL – Blocking of existing vehicular entrance with new pedestrian access from car park and covering existing display areas – approved
03/00211/FUL – Modifications to existing boundary wall, boards to existing building, extension to overflow car park – approved
04/00772/FUL – Alterations and extension to tearoom to relocate kitchen and entrance – approved
05/00744/FUL – New retail building and surface water lagoon – approved
05/01109/FUL – Retail building to replace existing outbuildings and existing open display area – approved
05/01118/FUL – Demolition of 78.6 square metre of single storey ‘lean to’ outbuildings – approved
06/00538/FUL – Overflow car park with grass surface finish and landscaping – approved
07/00612/FUL – New horticultural store and potting shed – approved
07/01074/OUT - Retail area on site of existing house and outbuildings and relocation of existing house – refused
08/00991/FUL - Provision of new retail area on site of existing house and outbuildings - approved

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 - states that permission will not be granted for development outside town and village envelopes with some exceptions for agriculture, employment, recreation and tourism.

Policy BE1 - Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

Policy EM10 outside settlement boundaries, this Policy encourages extensions to existing industrial or commercial sites where the use cannot be accommodated within the existing unit, there are no suitable alternatives within nearby settlements, the extension is small scale and the appearance is in keeping with its surroundings.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

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

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

where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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

- proactively support sustainable economic development to deliver business and industrial units,
- promoting sustainable transport
- Supporting a prosperous rural economy
- Effective use of brownfield land

On Specific issues relevant to this application it advises:

Building a strong competitive economy

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- The planning system does **everything it can** to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.
- **Significant weight** should be given to the need to support economic growth

Sustainable Transport:

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Prosperous Rural Economy

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objection, subject to conditions requiring an increase in disabled spaces from 4 to 18.</p>	<p>The proposal intends to utilise the existing access to the site and no increase in trading floor space for either the retail area or restaurant is proposed.</p> <p>The application has been submitted as the new improved facility is proving so popular with customers that customers are spending longer on site and they have experienced pressure on the parking provisions, including staff car parking. The existing over flow parking is to be hard surfaced which will allow it to be accessible in bad weather and made available for permanent use. The new overflow car park will be set out in the same manner as the existing overflow car park which is predominantly grass with strips of roadway in hard core. It will be available for staff and opened to customers when demand arises. Additional planting along the south of the field will assist in screening the site from the open countryside.</p> <p>A further 14 designated disabled spaces will be</p>

	<p>provided at the front of the buildings and a condition is required to secure the provision of these spaces.</p> <p>The additional car parking spaces, whilst proposing a 75% increase in parking provision on site, will ensure that no parking along the highway and grass verges occurs. The Highways Authority is not objecting given that it will provide an improvement to the existing situation of inconsiderate parking.</p>
<p>Cold Overton Parish Council –</p> <p>During the application process for the new restaurant a traffic survey and census was required prior to consent being granted for that large facility.</p> <p>At the time, submissions made by the applicant stated that the increases in traffic volumes would be minimal as most new custom would be arriving in coaches. At the time such claims were viewed with a level of scepticism; an approach that appears to have been justified on the basis of this application</p> <p>The original plan to attract the tourist trade by way of coach to the new expanded retail and restaurant facilities has not taken place as planned. The new car parking spaces are indicative of residents of the Melton and Oakham area driving by car to the new facilities. However the facility is constructed and operational. There are, nevertheless, actions required to soften the impact and potential risks resulting from this application</p> <p><u>Traffic danger</u></p> <p>The current egress (exit) from the site is unsatisfactory. Item 9 of the conditions of consent required that this issue was addressed. This has not happened, or if it has then the measures are not satisfactory.</p> <p>There is a need to provide sufficient visibility for the many customers driving standard saloon cars leaving the site to adequately assess approaching traffic before they have partly driven into the main carriageway.</p> <p>The walls on either side should either be removed or set back at least 2 metres to improve the situation; particularly given the increased traffic volumes.</p> <p><u>Noise pollution</u></p> <p>The increase in customer cars inevitably impacts on the traffic noise levels of the villagers that live next to Gates Nurseries. In addition, the additional customers will result in an increase of the open air</p>	<p>Noted</p>

<p>transport of goods from the warehouse, across the car park to replenish the store. This is a major problem as the store is a retail unit that rivals in floor space the major supermarkets in Melton and Oakham. The tightness of the delivery area at the store results in multiple manoeuvres of the fork lift truck and continuous noise from the warning reversing unit that can be heard throughout the village and even in Knossington.</p> <p>The current car park lighting uses arc lamps on extremely high lampposts. The existing car park is highly visible in winter from the road between Knossington and Oakham. Any resubmitted plan should address whether further lighting will be installed and whether ground level, less intensive lighting for the entire parking area could be substituted.</p> <p>We have also received comments relating the noise nuisance from the safety hooters on reversing fork lift vehicles. Increased trade, implicit in this application, will increase this nuisance. As a condition of consent we request that the Council require as a condition “quiet periods” when the use of fork lift trucks on the site is prohibited, for example on Saturday and Sunday afternoons or just on Sundays.</p> <p><u>Environmental concerns</u></p> <p>The proposals include the replacing of parking areas with “soft” surfaces which allow water infiltration with those that do not. Whilst the site does have a water bund to slow down storm waters from hard surfaces it is important that the Environment Agency are consulted to ensure that they approve of the plans. This is particularly relevant given recent flooding problems downstream in Langham. There is also a need to meet the requirements of the Water Framework Directive with specific reference to the potential pollutants from the additional cars parked on the hard surfaces. The water will eventually reach Rutland Water.</p> <p>As a Parish Council we have raised a number of relevant matters which we request are addressed before any consent is granted for this significant increase in car parking area.</p>	<p>A surface water drainage scheme has been submitted which advises that the surface water run-off will discharge into a detention basin in the adjacent field. A condition can be imposed to secure this arrangement.</p>
<p>Rutland County Council – No objection</p>	<p>Noted.</p>
<p>LCC Archaeology: -</p> <p>The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological</p>	<p>Noted. Conditions can be imposed to safeguard any potential archaeology interest.</p>

interest, to the south of the medieval and post-medieval historic settlement core of Cold Overton (HER ref.: MLE16233) and to the north of a cluster of recorded prehistoric and Roman finds indicative of the former presence of one or more settlement sites (MLE3908 and 16258). Metal detecting undertaken within the field proposed for the hard-surfaced car parking revealed a fragment of an early Anglo-Saxon brooch, often associated with burials or cemetery sites (MLE6209).

Based upon the available information buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 12, paragraph 128 and Appendix 2), may survive within the development area. If so, taking into account the previous disturbance the site has experienced, there is a likelihood that these remains will be affected by the development proposals. In consequence, the local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 12, paragraph 141).

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.

A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this Department's Archaeology Section. The Archaeology Section will provide a formal Brief for the work at the applicant's request.

The applicant should, if planning permission is granted, also obtain a suitable written Specification and costings for the archaeological recording from an archaeological organisation acceptable to the planning authority. This should be submitted to this

<p>Archaeology Section, as archaeological advisors to your authority, for approval before the start of development.</p> <p>The Specification should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.</p> <p>We therefore recommend that any planning permission be granted subject to conditions, to safeguard any important archaeological remains potentially present:</p>	
<p>Lead Local Flood Authority:</p>	<p>Comments are awaited on the submitted drainage strategy.</p> <p>The report concludes that the sites geology makes it unsuitable for infiltration and it is proposed that surface water from the parking area will discharge to an attenuation basin located to the south of the site. The existing site is contoured sufficiently to naturally convey runoff from the parking area to the south. A 6.5 metre wide surface water swale will be positioned to the south of the car park which will serve to direct flows to the existing ditch, and then to the pond. The pond has been designed to accommodate 520m³ of water and attenuate flows resulting from storm events of up to 1 in 100 + 20% allowance for climate change event. The basin has been calculated based upon the entire parking area being of impermeable construction, thus representing a 'worst case' scenario with regard to potential surface water runoff. The pond is designed to cater for water generated by a 1 in 100+20%cc event in order to retain run off within the development and not increase flood risk off site. Discharge from the pond will be restricted by a Hydrobrake or similar flow control device to 5.0l/s. Attenuated flows will be released from the pond into the existing ditch network located to the south.</p> <p>Conditions can be imposed to ensure that the drainage strategy is in place prior to first use of the overflow car park.</p>

Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 1 letter of objection has been received to date objecting on the following;

Representation	Assessment of Head of Regulatory Services
<p>Impact upon the Character of the Area:-</p> <p>It creates a further unnecessary industrial incursion in to the open, rolling countryside on the Rutland/Leicestershire border, and being on a high ridge, is particularly visible from the Knossington-Oakham Rd: A succession of more than 15 applications within the last 15 years has led to the inappropriate expansion of this site, such that it dwarfs the small, historic and attractive conservation area village of Cold Overton which it adjoins.</p> <p>Cold Overton and its surrounds, has retained its character and integrity and is a jewel in the crown of Melton Borough Council. Should we not all try and protect the wonderful landscape for future generations? The impact that complexes like this cause cannot be reversed.</p>	<p>The application seeks consent for additional car parking spaces to accommodate customers of the rural business. The over flow car park will be used by staff members and by customers when demand arises. The field is well screened from the east and north by a tree belt and it is proposed to plant additional trees along the southern boundary, which in time will limit the impact upon the open countryside. From the west the site will not be viewed due to the existing business.</p> <p>The site will mainly have the appearance of grass and it is not considered that the impact will be significant or demonstrable upon the countryside for reasons stated above.</p>
<p>Economy</p> <p>The rural population needs help with many services, none of which this site provides. On the contrary, it removes trade and custom from the very centres (Oakham and Melton) whose viability we rely on.</p>	<p>The rural commercial site has grown over recent years and provides employment for 80 people, in catering, gardening and sales. The rural business has been very successful and has benefitted from growth over the years. It attracts many visitors to the area and aids the rural economy which the NPPF seeks to support stating that “the planning system shall do all that it can to support rural business”. The proposal does not seek to increase the floor space of the business but to secure additional parking to ensure that vehicles are accommodated within the site to prevent inconsiderate parking outside of the site.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Compliance (or otherwise) with Planning Policy</p>	<p>The proposal is not considered to be small scale and represents a departure to the development plan policy OS2 being sited in the open countryside. As the proposal lies outside of an existing commercial site policy EM10 is also applicable. Policy EM10 allows for small scale expansion of existing rural commercial sites subject to certain criteria’s having been met.</p> <p>The local plan is considerably out of date and the weight attributed to it is weakened. Paragraph 215 of the NPPF advises that due weight should be given to existing local plan policies according to their degree of consistency with the NPPF. Policy OS2 seeks to restrict development outside of the village envelope unless it is of small scale</p>

	<p>commercial and this is supported by policy EM10 for a commercial development of this nature. It is not considered that the proposal is small scale and therefore it does not comply with the local plan policies and is therefore considered to be a departure from the local plan.</p> <p>The NPPF is a material consideration which postdates the local plan and is supportive of economic development. In terms of its promotion of economic growth, the NPPF requires that planning should do “everything it can” to encourage economic development and advises that “significant weight” should be assigned and as such it is considered to weigh substantially in favour of the proposal.</p> <p>The overflow car park would be sited to east of the existing rural business and situated on former arable land. It is considered that, subject to the additional tree planting along the southern boundary, the development of the site would not have an unduly detrimental impact upon the character of the area and due to separation distances will not have an adverse impact upon residential neighbours at Cold Overton. The proposal would be read as an extension to the existing garden centre and therefore it cannot be demonstrated that significant harm to the countryside would be had should the proposal be allowed.</p> <p>The proposal has not generated an objection from the Highways Authority given that no additional commercial floor space will be created. The additional parking will ensure that parking remains available within the site and that no obstruction occurs within the highway.</p> <p>It is considered that the facilities the proposal will provide will be of assistance to the rural site and support economic growth in the Borough and this commands significant benefit when weighed against the limited harm to the countryside location.</p>
Impact on neighbours	<p>Due to the location of the proposed car park which utilises the existing access it is not considered that the development would have a detrimental impact on any neighbouring properties.</p>

Conclusion

The application seeks consent for an extension of car parking areas to an existing rural economic business situated within the open countryside. Recent expansion of the site has proven to be popular with an increase in visitors to the site and that they are stopping longer on site to make full use of the facilities. This has led to problems with parking and this proposal seeks to meet that demand through sensitively expanding the car parking into the neighbouring field. The proposal is considered to represent a departure from the local plan policies in that it cannot be described as 'small scale' however supporting economic growth is in accordance with national planning policy (NPPF) and no other material considerations indicate it should depart from this. Therefore the application is recommended for approved, subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The proposed development shall be carried out strictly in accordance with plan drawing numbers 14-2948-02 received by the Authority on 4th March 2015.
3. The proposed over flow car parking shall be constructed in accordance with the details supplied within the application and remain as predominantly a grass surface with permeable hard surfacing to the drive ways unless otherwise agreed in writing by the Local Planning Authority.
4. Additional tree/hedgerow planting along the south boundary of the approved overflow car park shall be implemented in accordance with a scheme to be submitted and approved by the Local Planning Authority. The approved details shall be implemented at the first available planting season or within the first 12 months of being in use; whichever is sooner.
5. Prior to first use of the approved overflow car parking area the drainage scheme shall be implemented in accordance with the details supplied within the submitted Drainage Strategy written by M.EC dated May 2015. The scheme shall be maintained in good working order throughout the life of the development to ensure that flood risk elsewhere is avoided.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To preserve the appearance of the countryside
4. In the interest of visual amenity.
5. In the interest of preventing flooding from the site.

Officer to contact: Mrs D Knipe

Date: 6th May 2015