

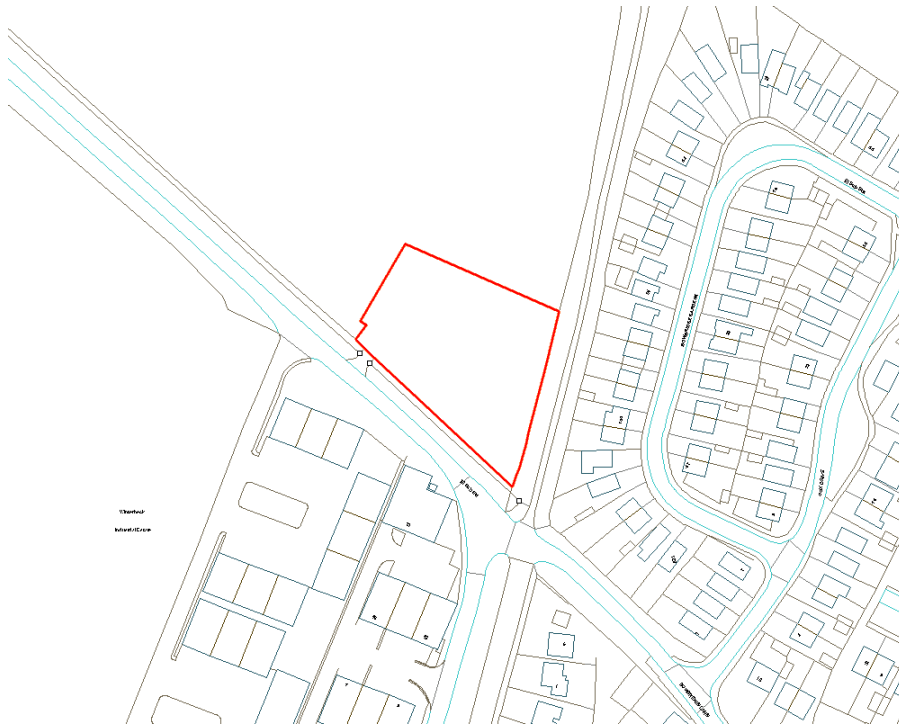
Reference: 11/00478/REM

Date submitted: 22.07.2011

Applicant: Mr Martin Roberts

Location: Three Shires Nursery, Orston Lane, Bottesford

Proposal: Application to extend existing nursery to a garden centre with cafe, farm shop and new children's play area – reserved matters



Introduction :-

The application relates to Reserved Matters for a Garden Centre, café, farm shop and indoor play area with café within the open countryside.

The site is currently occupied by a garden centre and temporary farm shop on the edge of the defined village envelope for Bottesford. The application is for reserved matters for the approval of access, appearance, landscaping, layout and scale. Outline planning permission for a garden centre, cafe, farm shop and indoor play area was approved in October 2010. The site is accessed from Orston Lane which serves the existing nursery.

It is considered that the main issues relating to the proposal are:

- **Impact on the open countryside**
- **Design and Layout.**
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The application is presented to Committee as the outline application previously came to Committee and at the request of the Ward Member.

Relevant History:-

09/00936/OUT Outline application to extend existing nursery to a Garden Centre plus Cafe; new Farm shop plus a new Children's Indoor Play Area and Cafe was approved 15th October 2010.

06/00281/FUL Erection of timber sectional farm shop. was granted on the 28th June 2006. Planning permission was granted but with a number of conditions restricting the farm shop to be ancillary, restricting the goods to be sold and

that no more than 20% of the gross floorspace be occupied by imported goods. The farm shop was also only granted with a temporary consent until 1st July 2011.

01/00869/FUL Proposed nursery was granted on the 31st January 2002.

Planning Policies:-

PPS 1: Delivering Sustainable Development - The guidance says that planning should promote sustainable and inclusive patterns of development. PPS1 requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. PPS1 suggests that the focus for development should be existing centres and discourages any new development which would impact negatively on the environment and actively encourages development which reduces the impacts of climate change.

PPS4 ‘Planning for Sustainable Economic Growth’ – The guidance states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development including rural areas. Policy EC12.1 states that planning applications for economic development in rural areas should be supported by the LPA where development supports the vitality and viability of market towns and other rural service centres and where it provides the most sustainable options in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport. Policy EC13.1b advises that when assessing planning applications affecting shops local planning authorities should refuse planning application which fail to protect existing facilities which provide for people’s day to day needs and EC13.1d states that LPA’s should respond positively to planning applications for farm shops which meet a demand for local produce in a sustainable way and contribute to the rural economy, as long as they do not adversely affect easily accessible convenience shopping.

PPS7 ‘Sustainable Development in Rural Areas’: The principles for permitting rural economic development is now contained within the PPS4 however PPS7 is still relevant and contains advice on determining applications in rural areas and sets out national planning policy in relation to development in rural areas. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

PPG 13 ‘Transport’ - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area. In determining the appropriate strategy for employment in rural areas, the guidance says that it is important to consider the scale, impact and likely catchment area of development, and that the larger the number of staff employed on site, the greater the need to ensure the development is accessible by public transport, walking and cycling.

Adopted Melton Local Plan (saved policies)

Policy OS2 - carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing.

Melton LDF Core Strategy: seeks to protect the countryside and limits development to small scale for employment and leisure purposes.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – The Highway authority raises no objection to the proposal subject to the imposition of conditions.</p>	<p>The development is proposed to be accessed from Orston Lane via an improved access. The access is to be improved by increasing the visibility splay, widening the entrance and hardsurfacing the access road. The development will also provide off street parking and turning for cars and deliveries.</p> <p>The highway authority are satisfied with the improvements to the access, subject to condition. It</p>

	is considered that the access is acceptable and would be satisfactory in terms of highway safety.
Bottesford Parish Council - Councillors felt that this would be good for the village in providing amongst other things local employment.	The comments from the Parish are noted, the principle of the development has already been approved when outline permission was granted in 2010.
Newark Drainage Board –The watercourse to the front of the property, the Bottesford sewer, is maintained by the Newark Area Internal Drainage Board. Any development, tree planting, fence erection or landscaping within 9m of the top of the bank of the watercourse will require the prior consent of the Board. In additions, culverting, piping or bridging of the watercourse will require the Board’s consent as will any discharges to the watercourse. The Board request that this be made a condition of any planning consent issued for the site.	Noted, this could be included as an informative to any consent as the permission is required from the Newark Drainage Board and not the Local Planning Authority.

Representations:

A site notice was posted and neighbouring properties consulted. As a result no letters of representation has been received to date.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy.</p> <p>The proposed development is located with the designated open countryside where there is a general presumption against development except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, under Policy OS2.</p> <p>PPS1 strongly supports the location of development within existing settlements and requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. The guidance supports development that reduces energy emissions and climate change but the emphasis is on locations which reduces the need to travel by private car.</p> <p>PPS 4 states that planning applications for economic development in rural areas should be supported by the Local Planning Authority where development supports the vitality and viability of market towns and other rural service centres and where it provides the most sustainable options in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.</p> <p>PPS 4 also states that when assessing planning applications affecting shops local planning</p>	<p>The existing nursery is situated on the edge of the village within the designated open countryside. The site currently operates as a small plant nursery and farm shop. As a nursery, the site is restricted to sell only the products it grows and the farm shop is limited to sell no more than 20% imported goods. The applicant has stated that this as a business is no longer viable and wishes to expand the existing site.</p> <p>Outline planning permission for the erection of a garden centre, farm shop, cafe and indoor play area was approved in 2010 and therefore the principle of the development has already been approved.</p> <p>The site is on the edge of the village envelope for Bottesford but some distance from the main centre. Bottesford is considered as a Category 1 village as it has a number of local facilities and is accessible by public transport. The site is within easy reach of Bottesford and the public transport links it has to offer so as not to be considered wholly unsustainable. PPS 4 supports small scale economic development in rural area and recognises that a site may be an acceptable location for development even though it may not be readily accessible by public transport. The nature of the development suits a more rural location and in this regard the proposal is considered to be acceptable in this location and in terms of PPS 1 and PPS 4.</p> <p>The outline application, approved in October 2010, approved the principle of the development this is</p>

<p>authorities should refuse planning application which fail to protect existing facilities which provide for people's day to day needs.</p> <p>EC13.1d of PPS4 states that Local Planning Authority should respond positively to planning applications for farm shops which meet a demand for local produce in a sustainable way and contribute to the rural economy, as long as they do not adversely affect easily accessible convenience shopping.</p>	<p>not for consideration as part of this application. This application is to seek approval for the details of the scheme; the access, appearance, landscaping, layout and scale only. Detailed plans have been submitted with the application and are for consideration as part of this application.</p>
<p>Impact on the character and appearance of the area.</p>	<p>The site is currently uses as a nursery and farm shop and is relatively small scale. Part of the site was used for animals open to the public and some play equipment for children.</p> <p>This application proposes to erect a single building to operate as a garden centre, farm shop, cafe and indoor play centre. The site already has a number of polytunnels and small building for the existing nursery. It is not considered that this building would be harmful in this location and would represent an expansion of the existing use.</p> <p>It is not considered that the size and design of the building would have a detrimental impact on the character and appearance of the open countryside.</p>
<p>Impact on adjoining residential properties</p>	<p>The site is situated to the west of residential properties on Bowbridge Gardens and to the north of industrial units on Orston Lane. The existing nursery is to the east of the site, closest to the properties on Bowbridge Gardens and all of the new facilities are proposed to be located to the north and west of the site. The proposed farm shop, café and indoor play area would be some 60 metres from the residential properties and separated by a road. To the south the industrial estate is over 50 metres away and separated by Orston Lane. Therefore, it is considered that due to the location of the proposal, existing use on the site and distance separations that the proposal is unlikely to have an impact on the residential amenities of adjoining properties.</p>
<p>Design</p>	<p>The proposal has been designed to be a single building with two sections around a central entrance and a rear indoor play centre through a glazed link. The building is single storey with a ridge height of 10 metres and is to be constructed from brick. The building has been designed to have two gables with large windows and a timber pergola entrance and glazed link to the rear. The building is simple in design and is located to the north of the access and parking area. The proposed design is considered acceptable for its purpose and the within the existing nursery site.</p>
<p>Layout</p>	<p>The garden centre, farm shop, cafe and indoor play area has been designed to be a single building with a floor area of 560.4 sq metres, in close approximation to the existing outline approval for 552 sq metres. The building has been designed to have a central access with the farm shop/garden centre retail to the left of the entrance and the</p>

cafe/toilets to the right of the main entrance and the indoor play area to the rear through a glazed link.

Initially there was some concern with the layout and that the building could function separately from the garden centre, in particular the cafe/restaurant could be used separate from the farm shop. The concern related to the cafe/restaurant facility operating as a separate function as the outline consent was granted on the basis that the proposal would be ancillary to the existing nursery.

The agent has provided commentary on the layout stating that the proposal has been specifically designed to operate as a single operation, there is a central access to the building which gives access into both the Nursery and pet farm, there are shared toilet facilities, located in the café area but for use of the nursery (the outside toilets are a Health and Safety requirement relating to the farm). The layout of the building reduces the number of staff required to manage access and till points etc.

Vehicle & pedestrian circulation on the site has been amended over that which exists in order to direct all visitors into the building (as opposed to the separate access's which currently exist for the nursery & pet farm). The agent therefore considers that the proposal is more likely, not less, to lead to control of the functions ensuring that the use is ancillary to the existing nursery.

The building is configured in 10m wide bays, with glazed linking elements so as to be an efficient masonry construction, not in order to segregate use of the space.

The agent considered that the internal space can be effectively controlled by means of a suitable condition precluding separate use. The hours of opening were listed on the application form relating to the garden centre and farm shop (which are the same) and slightly different hours for the farm. Therefore, the security that is needed to prevent the areas being used outside of these times in a manner that is not ancillary to the main garden centre use, is also in place.

It is considered that a suitable condition can be applied requiring that the cafe element is prevented from being used as a separate function and to remain ancillary to the nursery. Therefore, the proposed layout of the building is considered acceptable.

The layout plan of the site shows the retention of the existing farm shop which was granted temporary planning permission in June 2006 and expired in July 2011. Therefore, the permission has lapsed and the building is unauthorised. The agent has indicated that it is the applicants intention to use it to house small animals, incubators etc in

	conjunction with the pet farm. This will require a separate planning application and will not form part of this application if approved.
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Conclusion:

This reserved matters application seeks detailed permission for a garden centre, farm shop, children's indoor play area and café. The principle of the use in the open countryside was approved with the outline permission in October 2010; this application seeks approval for the access, appearance, landscaping, layout and scale. The proposed access and parking is considered to be acceptable and it is not considered that the detailed scheme would impact on neighbouring properties. The building is considered to be simple in design and is suitable for its function and location and accords with the scale anticipated by the outline application. Whilst there has been some concern that the layout could allow an independent cafe, it is considered that a condition would ensure that the building remains ancillary to existing nursery. Accordingly the proposal is recommended for approval.

RECOMMENDATION:- Permit, subject to the following conditions:

1. Before the proposed cafe, play area, farm shop and extensions to the garden centre are first brought into use, the proposed access alterations shown on the submitted plan, shall have been completed including the hard bound surfacing and the drainage and shall thereafter be permanently so maintained.
2. Before the proposed cafe, play area, farm shop and extensions to the garden centre are first brought into use, the proposed (hard surfaced) car parking facilities, servicing facilities and turning manoeuvring areas shall have been provided, hard surfaced, marked out and made available for use. Once provided, these facilities shall thereafter be permanently so maintained.
3. Before the proposed cafe, play area, farm shop and extensions to the garden centre are first brought into use, the proposed overflow car parking area shall be made available for use. Once so provided the overflow car park shall thereafter permanently remain available for use.
4. Before the proposed cafe, play area, farm shop and extensions to the garden centre are first brought into use, the proposed pedestrian path shown within the site leading off the old railway line, shall be provided, hard surfaced and made available for use and shall thereafter be permanently so maintained.
5. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 11 metres behind the edge of carriageway of Orston Lane, and shall be hung so as not to open outwards.
6. The building hereby approved, shall at all times remain ancillary to the nursery and not function separately from the existing nursery on site.
7. The building shall not be open to customers during hours at which the nursery is not open.

The reasons for the conditions are:-

1. In the general interests of highway safety.
2. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
4. In the interests of pedestrian safety.
5. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
6. To ensure that the use remains ancillary to the existing nursery.
7. To ensure that the use remains ancillary to the existing nursery.

Officer to contact: **Mrs Jennifer Wallis**

20th September 2011

