

Reference: 11/00730/FUL
Date Submitted: 16th September 2011
Applicant: FA Gates and Sons Ltd
Location: Gates Nursery and Garden Centre
Somery Road, Cold Overton
Proposal: Extension to existing store building.



Introduction:-

The application seeks planning permission for the extension of an existing building approved under 07/00612/FUL providing additional storage space for products sold at the site. The proposal will maintain 24 metres in width and extend to the rear by 30.5 metres, seeking to alleviating industrial vehicular traffic and deliveries from the area of the public retail outlet, relinquishing spaces for additional customer parking. The whole site lies outside the village envelope, in open countryside, although the village and the majority of the nurseries site is within a conservation area, the site subject of this application is outside this area.

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

- **Impact upon the open countryside**
- **Impact upon highway safety.**

The application is required to be considered by the Committee due to the number of representations received.

Relevant History:

88/0329/6 – Erection of a dwelling and garage (outline) – approved (agricult/horti tie)
89/0872/6 – Erection of a dwelling and garage (reserved matters) – approved
F/96/0650/6 Garage, stables and storeroom – approved
00/00011/FUL – Extension to tea room – refused
00/00053/COU – Car park extension – approved
00/00226/COU – Extension to tea room – 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 existing covering existing display areas – approved
03/00211/FUL – Modification of existing boundary wall, boards to existing building, extension to overflow carpark - approved
04/00772/FUL – Alterations and extension to tea room 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 out buildings and existing open display area. – approved
05/001118/FUL – Demolition of 78.6sqm of single storey lean-to outbuilding - approved
06/00583/FUL – Overflow car park with grass surface finish and landscaping – approved
07/00612/FUL – New horticultural store and potting shed – approved
07/01074/FUL – Retail area on site of existing house and outbuildings and relocation of existing house – refused
08/00127/FUL – Creation of lake and reed bed – approved -
08/00991/FUL - Provision of new retail area on site of existing house and outbuildings – approved
11/00108/EXT - Extend the time limit for implementation relating to previous approved Planning Application 08/00127/FUL - For the Creation of lake and reed bed - approved

Development Plan Policies:

PPS1: Delivering Sustainable Development – Identifies sustainable development as the core principal underpinning planning and that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce journeys by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. It states that planning authorities should focus developments that attract a large number of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.

PPS7: Sustainable Development in Rural Areas – Seeks to promote sustainable development and focus most new development towards local service centres (towns and major villages) with accessibility a key consideration in all development decisions. The need for “the future expansion of business premises, to facilitate healthy and diverse economic activity in rural area” is identified and provision is made for small-scale economic development outside these centres. It also supports sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors. Appropriate facilities needed to enhance visitors enjoyment and/or improve the financial viability of an attraction should be allowed, provided they will not detract from the surrounding countryside.

PPS4: Planning For Sustainable Economic Development – Seeks to raise productivity, job opportunities and economic performance, and, deliver sustainable development. It states that planning authorities should adopt a flexible approach to allow response to market changes. In regard to rural areas it states that, in recognising that accessibility is key, consideration planning authorities should, amongst other things, recognise a site may be an acceptable location though it may not be readily accessible by public transport and support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors.

Melton Local Plan (saved policies):

Policies OS2, BE1

OS2 states that planning permission will not be granted for development outside town and village envelopes unless, among other things, it is essential to the operational requirements of agriculture and forestry.

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provisions.

EM10 allows for the extension of an existing commercial site subject to assessment with regards to amenity and scale, and only where the use cannot be accommodated within an existing building. All land of sufficient size closer to the garden centre is already being used or committed to an approved use. The chosen site is considered appropriate due to it being an extension to an existing building on site its features, being topographically depressed and surrounded by landscaping.

Melton LDF Core Strategy:

Was adopted by full Council and is now considered a material consideration in the determination of applications. This seeks to focus development in Melton Mowbray with limited diversification in rural area and limited development in villages, particularly outside of Category 1 and 2 settlements where employment will be more strictly controlled. Nonetheless the Preferred Options for the Core Strategy seeks to regenerate the rural economy and supports small-scale expansion of existing businesses. It goes on to identify that these businesses contribute to the local economy and that their continuing viability may require small-scale expansion or intensification.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – Have made no observations</p>	<p>Previously approved application 06/00583/FUL complies with the highways conditions imposed enabling improved access and egress to and from the site. There is considerable car parking available at the site, including an overflow car park, and as the proposal has no commercial component and is away from the main nursery building, there will be no impact on traffic flow.</p> <p>It is not considered that the proposal would have a detrimental impact on highway safety.</p>
<p>Parish Council –</p> <p>Are not aware there was a change of use whereby the original permission was for a ‘horticultural store and potting shed’ and the current application refers to ‘an extension to existing store’</p> <p>Concerns of noise caused by the fork lift trucks, transferring goods to and from the retail area will be increased.</p>	<p>The application site has been inspected and no material change of use has taken place: the shed is in use for storage in accordance with the permission. Permission is being sought in connection with the use of the existing nursery business on site. It can be conditioned to prevent , retail activity from the proposed shed.</p> <p>Increased capacity and storage space, could in effect result in fewer deliveries and traffic movement to and from within the site.</p>

<p>Although the proposal is not a major change, it results in further development within the Conservation Area, Gates already being a large retail outlet.</p> <p>The design and access statement refers to 60 jobs most of which are part time and employees travel to work</p> <p>Should the proposal be approved, Cllrs request the provision of a condition to restrict the movement of fork lift trucks.</p>	<p>The proposed extension is to an existing building outside of the Conservation Area. PPS4 supports the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas” It also supports sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors.</p> <p>This current application does not propose to increase the number of people currently employed at the site but to address the health and safety issues currently existing between pedestrians and vehicles within the car parking area</p> <p>The development is unlikely to increase the movements beyond those existing so it would be unreasonable to place a condition on the movement of forklift trucks in this part of the building when they can be used elsewhere in the site without restriction.</p>
<p>District Civic Society – Note the scale of the expanded nursery, the range of goods sold and potential trade taken from nearby towns.</p>	<p>Although the garden centre falls under Class A1 use of the Class use Order, the current proposed development/extension is not intended to be used for retail.</p>

Representations:

The consultation was publicised by way of a site notice being posted at the entrance to the site. To date 6 letters of representation have been received raising the following concerns:

Representation	Assessment of Head of Regulatory Services
<ul style="list-style-type: none"> • Concerns of increased noise from forklift truck and deliveries • Integrate storage within the existing retail site. • Large scale, use 	<p>The current proposal is unlikely to increase beyond those already existing and increased capacity and storage space, could in effect result in fewer deliveries and traffic movement to and from within the site. The proposal will also improve pedestrian and vehicular movement, while addressing any health and safety issues, with direct access for deliveries, off the public highway and away from the public parking areas.</p> <p>Policy EM10, Outside settlement boundaries, 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 and the appearance is in keeping with its surroundings.</p> <p>The proposal is for an extension to a building in connection with the use of the existing nursery business on site and Garden Centres of this type fall under Class A1 of the Class Use Order and there are no restrictions upon items which can be sold on the existing site.</p>

<ul style="list-style-type: none"> • Unsustainable location and effect on visual amenity. 	<p>PPS7 encourages and supports sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, where they enhance visitors enjoyment and/or improve the financial viability of an attraction should be allowed, provided they will not detract from the surrounding countryside. The proposal has been sympathetically positioned to extend to the rear of the existing building that is topographically depressed within a bund and surrounded by landscaping, reducing the impact on the open countryside and away from residential amenities, which also complies with Local Policy BE1.</p>
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Other material considerations (not raised through consultation of representation)

Consideration	Assessment of Head of Regulatory Services
<p>Policy Considerations:</p> <ul style="list-style-type: none"> • Development outside of town and village Envelopes. • Scale and Design 	<p>The applicant states that additional space and storage is required for his horticultural business as well as to improve access and parking arrangements of deliveries to and from the site. The Local Saved Policy OS2 favours this type of development outside of town and village envelopes provided that its use is essential to the operational requirements and a condition can be imposed preventing any further retail activity to occur from this particular building.</p>

Conclusion

The proposal lies within the open countryside, set back 150 metres from the highway of Somerby Road, with the intersections with Main Street and Cold Overton Road. Positioned to the rear of the existing building, topographically low within the site, its location, proposed materials and landscaping would harmonise with that of the surrounding countryside. It would not therefore be considered to have a detrimental impact on the open country side and its sitting is of a sufficient distance as not to have an adverse impact upon residential amenities of any dwelling. Hence the above, together with the existing satisfactory access and the proposed usage of the development, the proposed development therefore accords with policies OS1 and BE1.

The proposal is therefore recommended for approval.

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 All external materials used in the development hereby permitted shall be of the same type, texture and colour as those used in the existing building.
- 3 The building hereby approved shall be used solely for the purposes of the storage of goods in connection with the business known as “Gates Nurseries” only and shall not be used for any other purpose, including any retail use, at anytime unless a specific grant of express planning permission from the local planning authority is first approved.

Reasons :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure a satisfactory standard of external appearance.
- 3 For the avoidance of doubt

Contact: Deborah Dowling

Date 21st November 2011