

Committee date: 14th October 2010

Reference: 09/00936/OUT
Date submitted: 23.12.09
Applicant: Mrs Dawn Roberts
Location: Three Shires Nursery, Orston Lane, Bottesford
Proposal: Outline application to extend existing nursery to a Garden Centre plus Café; new farm shop plus a new Childrens Indoor Play Area and Café.

Proposal :-

The application seeks outline planning permission 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 in outline with all matters reserved, however, indicative plans have been submitted to demonstrate the level of activity on the site. The application was also submitted with a petition of support with 38 signatures. The application has been split into three areas, a garden centre, a farm shop and children's farm. The site is accessed from Orston Lane which serves the existing nursery.

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

- **Principle of the use in the open countryside**
- **Impact on Bottesford Village Centre**
- **Access**
- **Sustainable Development**

The application is presented to Committee due to the policy issues surrounding the application.

Relevant History:-

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 originally objected to the proposal on highway safety grounds.</p> <p>An amended plan was submitted widening the access but this still was not considered acceptable. It was considered that the amended details were unsatisfactory and would lead to delivery vehicles manoeuvring immediately adjacent to the access, which would impede the access for other users, and would also make it very difficult for delivery vehicles to turn out of the access, and could lead to them making awkward manoeuvres in the highway to the detriment of highway safety. The proposal</p>	<p>The highway authority objected to the proposal but advised the officer that more detailed plans may overcome their objections. Discussions took place with the Highway Authority and as the application is an outline with all matters reserved, they have agreed that it would be possible to recommend approval, subject to amended plans being submitted at reserved matters stage. Therefore on that basis the highway authority were prepared to recommend a conditional approval.</p>

<p>does not provide suitable access facilities for pedestrians, as such pedestrians would have to walk within the carriageway to access the site to the detriment of pedestrian safety. The applicant has failed to demonstrate that the proposed parking area would be sufficient and this could lead to indiscriminate parking within the access or the highway to the detriment of highway safety.</p>	<p>Subject to conditions the proposal is considered acceptable in relation to highways.</p>
<p>Bottesford Parish Council - No Objections, would be good for the village.</p>	<p>The comments from the Parish are noted and the impact on the village is discussed within the report.</p>
<p>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.</p>	<p>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.</p>
<p>LCC Archaeology- We have checked the site against the Leicestershire & Rutland Historic Environment Record (HER) and do not feel that any archaeological work is required as part of the scheme.</p> <p>The works described appear to be on a small scale and as such below ground remains are unlikely to be affected by the works</p>	<p>Noted, the scheme is unlikely to have an impact on any archaeology.</p>
<p>Environmental Health - no objection in principle</p> <p>In the event of the application being successful would advise:</p> <ul style="list-style-type: none"> • The applicant contact this authority in order to discuss compliance with food hygiene legislation. • The applicant makes appropriate enquiries in order to fully understand obligations in respect of means of access for and provision of facilities for the disabled. • Consideration is given as to how foul water is to be disposed of. 	<p>Noted</p> <p>Noted, this could form an informative to the applicant should the application be considered acceptable.</p> <p>Noted, this could form an informative to the applicant should the application be considered acceptable.</p> <p>Noted, this could be imposed by means of a condition.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result no letters of representation has been received to date. However, the application was submitted with a petition of support with 38 signatures, from predominately local residents, supporting the principle of the development.

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,</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. Being 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. The application is in outline with all matters reserved. However, indicative plans have been submitted showing the siting of a new farm shop and separate children’s indoor play area and café. The application also proposes to change the use to a garden centre to allow diversification into selling imported produce to complement the home grown products. Due to the size of the site the development is considered to be small scale and would be offering employment and recreation in the open countryside which is considered to be supported by the principles of OS2.</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. However, located on the edge of the village the site is probably not ideally located in terms of accessibility as there are poor pedestrian links and in this location would probably result in people using the car to visit. Whilst not a clear cut site in terms of sustainability issues, 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>This outline application proposes to expand and develop an existing nursery and farm shop. The applicant has stated that in its current form the small nursery area and farm shop is not viable in the current economic climate and wishes to broaden the produces and services. The application seeks approval of the principle of having a garden centre,</p>

<p>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 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>farm shop and children's indoor play area and café. The existing nursery, by definition, is limited to selling only what is grows and is not considered to be viable by the applicant. Therefore, they are proposing to expand the nursery with new polytunnels and cultivating with diversification into selling products bought in to complement the home grown products. The applicant has stated that this would create local employment and serve the local community with a much needed facility.</p> <p>The application also proposes a new farm shop, the existing farm shop is restricted to selling 80% home grown produce and again this is not considered to be viable by the applicant. The applicant is proposing to replace the existing facility with a purpose built building to provide the community with local sourced fruit and vegetables, meat and a fish counter. They also wish to sell their own home grown produce and free range eggs.</p> <p>Finally, the application is proposing a indoor play area for children combined with a café/tea room facility to serve the farm shop and garden centre. It is the aim of the applicant to offer schools and nurseries the chance to visit to learn about plants and animals.</p> <p>In principle, PPS4 supports this type of application in the countryside. However, PPS4 clearly states in Policy EC12 and EC13 that whilst Local Planning Authorities should support small scale economic development the development should not affect existing facilities and easily accessible convenience shopping. Bottesford currently has a small thriving shopping area with numerous facilities including a convenience store, deli and post office. There is the potential that a farm shop selling fruit and vegetables, meat, fish and with a café may have an impact on the existing facilities in Bottesford. PPS 4 states that economic development in rural areas should "enhance the vitality and viability of market towns and other rural service centres".</p> <p>The applicant was requested to justify their proposal in relation to PPS 4 and the impact it may have on the existing service in Bottesford. The applicant has stated that it is not their intention to directly compete with the existing facilities but to enhance choice and variety of service on offer to the local community. They believe that the proposal will provide employment and will have a direct impact upon the local health policies and education offered in the area. The applicant states that accessible local facilities provide opportunities for social interaction and help create a sense of community and provide</p>
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	<p>employment. They state that the elderly/disabled and low income families find that it is more socio economic to buy food related products out of the local vicinity and that this facility would provide an accessible environment for people to buy their products and amenities at low affordable prices. The farm shop is considered to cut down on fuel emissions by providing locally produced products and would support local farmers. Finally they have stated that the play area and outdoor play would help local schools and nurseries deliver their curriculum. The applicant considered that this proposal would provide better education opportunities, healthier lifestyles, employment and social cohesion towards a sustainable community.</p> <p>The proposal is some distance from the main shopping area for Bottesford and in this respect is not directly linked. However, some of the proposed facilities, in the farm shop in particular, are also available in the village. There is a concern that a farm shop could have a detrimental impact on the viability of Bottesford shopping area. As the application is in outline no details of the scale of the farm shop has been submitted or details of the product to be sold. However, the predominant use of the site would be the nursery and therefore the farm shop and play area/café would be ancillary.</p> <p>When considering this proposal in line with PPS4 the use is generally support and can be seen to be supporting the local economy. The concern is the impact of the proposal on the existing facilities in Bottesford. Whilst the full details of the scheme are not presented to us at this stage it is considered that the principle is acceptable but the sale of goods and imported goods should be controlled by means of a condition to ensure that the site does not function on a purely retail basis and therefore impacting on the existing facilities within Bottesford. Furthermore, whilst these concerns have arisen from assessment under PPS4, there is no evidence to demonstrate that it would be realised in real terms, i.e. that the competition to the facilities in the centre of Bottesford would result in their closure. Accordingly, in the absence of reliable evidence, it is not considered that a refusal on this basis could be substantiated.</p>
<p>Impact on the character and appearance of the area.</p>	<p>The site is currently used 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 change the use of the site to allow a garden centre, so that they can diversify into selling bought in products to</p>

	<p>complement the home grown products and to achieve this they will construct new polytunnels and cultivate existing land. It is not considered that this would be harmful in this location as the type of buildings would be similar to those existing on site and would represent an expansion of the existing use.</p> <p>The application also proposes a farm shop, café and children’s indoor play area. Whilst the application is in outline with all matters reserved the applicant has indicated that the buildings are likely to be wooden and simple in construction. There is already a wooden farm shop on the site and the proposed new building are unlikely to have a detrimental impact on the character and appearance of the open countryside due to the existing uses on site. However, details of the size, design and scale would be the subject of a further application.</p> <p>The site is currently used as a nursery with a number of polytunnels, car park, and farm shop. The proposed use is unlikely, subject to detail, to 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 30 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 proposed change of use is unlikely to have an impact on the residential amenities of adjoining properties.</p>

Conclusion:

This outline application seeks planning permission to extend an existing nursery to a garden centre, farm shop, children’s indoor play area and café. The principle of the use in the open countryside is considered to comply with OS2, PPS1 and PPS4 . The access is not for approval at the outline stage and the Highway Authority have stated that improvement to the access would need to be made to ensure that the proposal is acceptable in highway terms. Whilst the location is not considered to be wholly sustainable, the use is restricted to this type of location and it considered to be in close proximity to a sustainable settlement and not so detached that it could be considered unsustainable. The main issue of concern is whether the proposal would have an adverse impact on the vitality and viability of the local centre, Bottesford. The produces proposed to be sold are provided within the main shopping area for Bottesford. However, the

proposal is considered as a garden centre which also offers a farm shop, indoor play and café and if controlled with regards to goods on sale to goods produced on site it is considered that the proposal is acceptable and cannot be shown to impact adversely on the existing facilities in Bottesford. Accordingly the proposal is recommended for approval.

RECOMMENDATION:- Permit, subject to the following conditions;

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the buildings, access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
4. No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved by the Local Planning Authority.
5. Notwithstanding the details submitted, no development shall commence until amended details have been submitted to and approved by the Local Planning Authority showing adequate car parking (including overflow parking) within the site, suitable service/delivery parking and turning provision (clear of the site access), separate footway facilities into the site clear of the carriageway of Orston Lane. The approved facilities shall then be provided fully in accordance with the approved details before the development is first brought into use and shall thereafter be permanently so maintained.
6. Notwithstanding the details submitted, no development shall commence until amended details have been submitted to and approved by the local planning authority showing improvements to the existing vehicular access which would enable two vehicles to pass within the curtilage of the site, be surfaced in a hard bound material, be positively drained, have suitable entry and exit radii and have visibility splays cleared. The access shall then be provided fully in accordance with the approved details before the development is first brought into use and shall thereafter be permanently so maintained.
7. The details provided for Condition 2 shall include a detailed layout of the internal floorspace of the farm shop and the designated use for that floorspace. The internal layout of the farm shop, as agreed by the Local Planning Authority, shall be implemented and remain in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. Prior to the occupation of the approved farm shop, full details of the proposed goods to be sold shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of the percentage of imported goods and goods produced on site. The proposed goods in the farm shop, as agreed by the Local Planning Authority, shall be implemented and remain in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
4. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
5. In the interest of highway safety.
6. In the interest of highway safety.
7. To ensure that the internal layout is to the satisfaction of the Local Planning Authority in the interest of protecting the viability of Bottesford Village Centre.
8. To ensure that the proposed goods to be sold are to the satisfaction of the Local Planning Authority in the interest of protecting the viability of Bottesford Village Centre.

Officer to contact: **Mrs Jennifer Wallis**

30th September 2010