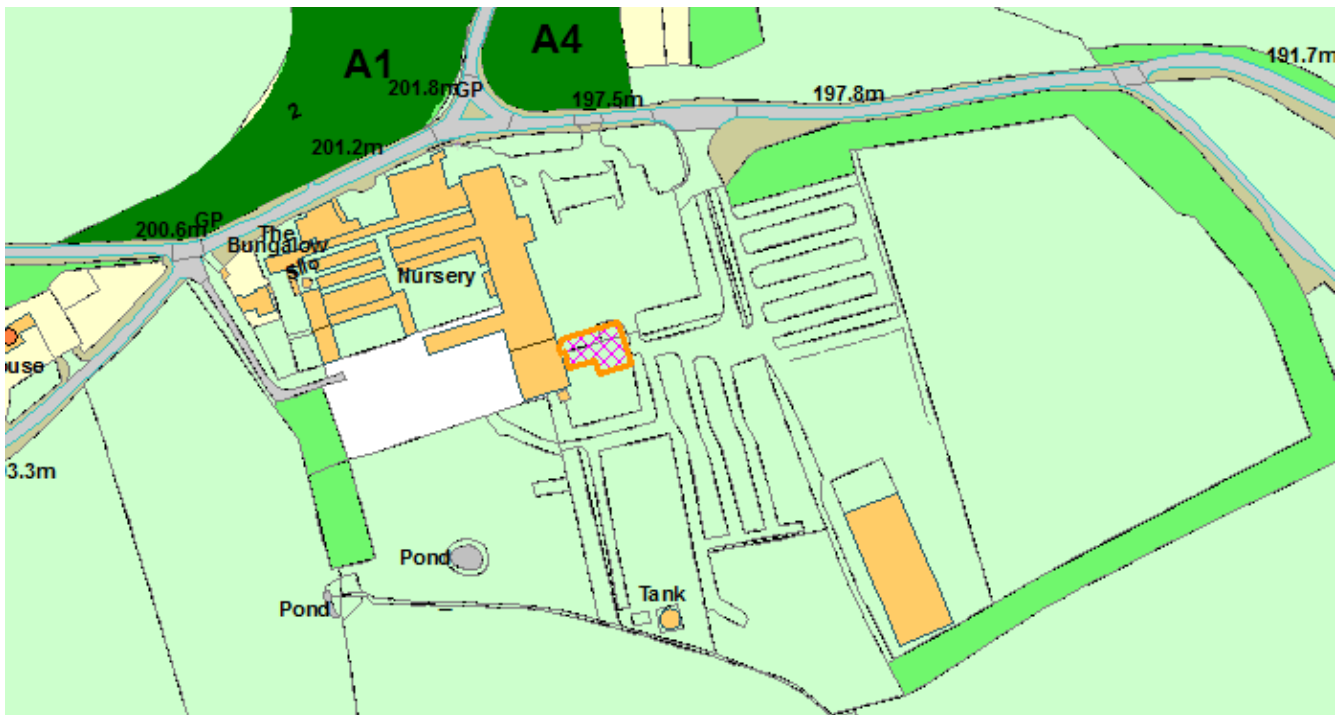


Reference: 18/00407/FUL
Date submitted: 09.04.2018
Applicant: Mr Nigel Gates
Location: Gates Nurseries And Garden Centre, Somerby Road, Cold Overton, LE15 7QB
Proposal: Application for full permission for construction of a new retail unit. (A1 use)



Proposal:-

This application relates to full planning permission for the introduction of a new retail unit. Its key dimensions will be 33.454 metres by 18.454 metres by 7 metres height to ridge. The use will be as an extension to the existing buildings for increased retail use.

The application is supported by a design and access statement, full plans and Retail Impact Assessment, all of which have been made available for public inspection.

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

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

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

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
15/00183/COU – Tarmac existing grass parking areas, change of use to form new tarmac roadways and grass parking areas and associated landscaping – approved.
15/00230/FUL – Improvements to approved car park. The closure of an existing exit and the construction of a new entrance – approved.
16/00345/OUT - Outline Application for a rural worker's dwelling – approved.
16/00381/FUL - Use of land for the display and sale of domestic garden buildings. (1770 sq. m). The construction of a shade cover over 16 car parking spaces. (203 sq. m). – approved.
17/01019/FUL Proposed Retail Unit with Offices above – 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</p> <p><i>Site Access</i> The Applicant proposes no amendment to the existing site accesses, which the LHA considers to be acceptable in terms of visibility, width and radii.</p> <p><i>Personal Injury Collisions</i> The LHA has assessed the Personal Injury Collisions (PICs) record for the last five years in the surrounding area, there have been no PICs in the vicinity of the site access and as such the LHA</p>	<p>Noted. This assessment is agreed as acceptable.</p>

<p>has no existing highway safety concerns.</p> <p><i>Internal Layout</i> A Class A1 retail site of this size should provide 23 car parking spaces. The site currently has 623 spaces; based on the existing floor space of circa 10,000sqm and a rate of one space per 20sqm a total of 523 (500 +23) should be provided. The LHA is therefore satisfied that no additional provision is required.</p> <p>The current servicing provision is also proposed to remain unchanged; given the existing scale of the site compared with the size of the extension, no further servicing provision is required.</p>	
<p>Knossington and Cold Overton Parish Council: Raise no objections to the proposals. Concerned about the continuing development of the site</p>	<p>This concern is noted and each application for further development is closely considered on its impacts in line with planning policy.</p>
<p>MBC Building Control: The extension position appears to be acceptable under Approved Document B – Fire Regulations.</p>	<p>Noted.</p>

Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 1 providing a **no objection** comment was received.

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 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</p>

	<p>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 proposal would be sited to the east on existing hard surface and landscaped land. It is considered that 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 and there remains sufficient parking within the site so 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>
<p>The (emerging) Melton Local Plan</p> <p>The new local plan has now completed examination where modifications suggested by the Inspector are now the subject of consultation.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>Policy SS1 states when considering development proposals, the Council will take a positive approach</p>	<p>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</p> <p>Of particular relevance in assessing the principle of development is policy SS1.</p> <p>Under this sustainable approach the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the</p>

<p>that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.</p> <p>Policy EC2 Employment Growth in the Rural Area (Outside Melton Mowbray) In order to support the rural economy, the Council will allow for:</p> <p>A) new employment land to be provided in rural settlements; and/or; B) rural employment proposals which create or safeguard jobs.</p> <p>The following types of rural employment development are acceptable:</p> <ol style="list-style-type: none"> 1. The re-use of existing farm buildings and well-designed new buildings for employment; 2. Schemes for farm diversification involving small-scale business and commercial development that help to support the viability and retention of the farm holding; 3. Small-scale tourism proposals, including visitor accommodation, such as glamping, camping and bed & breakfast; 4. The expansion of existing rural businesses, dependent upon the nature of the activities involved, the character of the site and its accessibility; 5. Small scale employment development to meet local needs; and 6. The use of land for agriculture, forestry and equestrian activity. <p>Subject to the proposal:</p> <ol style="list-style-type: none"> 7. Being of an appropriate scale for its location; 8. Having sufficient accessible off road car parking provided on site or in the nearby vicinity to cater for the use proposed. 	<p>application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:</p> <ul style="list-style-type: none"> • Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the national planning policy framework taken as a whole; or • Specific policies in that framework indicate that development should be restricted <p>The location of the site is acknowledged to be unsustainable but is part of a bigger site with numerous previous approvals. There are a number of other benefits outlined below that overall mean the development contributes to economic sustainability for the immediate area and Melton as a whole.</p> <p>The proposal is seen to allow for an existing rural business to expand and provide more employment opportunities in the rural area.</p> <p>The proposal is deemed to conform to the other policy requirements on design.</p>
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<p>Policy EC7 – Retail Development in the Borough In other settlements with an existing retail offer that acts as a service centre, town centre developments will be supported where they would be physically integrated, be of an appropriate scale and not have an adverse impact on the character of the village. A retail impact assessment will be required for all retail proposals in these locations. Assessments will be used to ensure that retail proposals do not adversely affect the vitality and viability of Melton Mowbray town centre and other retail facilities within service centres.</p> <p>Outside of Melton Mowbray town centre and service centres, in all cases a retail impact assessment will be required to accompany applications.</p> <p>Policy D1 Raising the Standard of Design seeks all developments are of a high quality.</p>	<p>This has been submitted and the details have been discussed below.</p> <p>The proposal is deemed to be well within the site context and of a subordinate scale to the rest of the built form of the business.</p> <p>In addition to this the materials proposed are of a combination of natural timber, slate roof, brick and timber cladding which are sympathetic to the local context. The proposal therefore is deemed to accord with D1.</p>
<p>Impact on neighbours</p>	<p>Due to the location of the proposed building which utilises the existing access it is not considered that the development would have a detrimental impact on any neighbouring properties.</p>
<p>Retail Impact Assessment</p> <p>Section 2 of the NPPF sets out the Government’s policy in relation to maintaining the vitality of town centres. This keeps the ‘town centres-first’ emphasis in policy. Paragraph 23 states that ‘planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period’.</p> <p>A series of objectives for local planning authorities to meet in preparation for their Local Plans are provided that recognise the town centre as the heart of the community and set out policies to support their vitality and viability.</p> <p>The NPPF requires a sequential test to be applied to town centre uses, although notably there is no longer a disaggregation requirement.</p> <p>Paragraph 24 states that:</p> <p>‘Local planning authorities should apply a sequential</p>	<p>Due to the location of the site both Melton and Oakham Town Centres have been considered as part of the submitted Retail Impact Assessment. In terms of town centres and retail policies within the Melton 1999 Local plan paragraph 8.9 states that the LPA should seek to “ensure that Melton Mowbray town centre retains its prime shopping function whilst attracting a variety of complementary uses which will contribute to the commercial viability and attractiveness of the centre. The policies and proposals of the Local Plan are therefore designed to provide a flexible and balanced approach to serve the needs of the community.”</p> <p>The site is located outside of the designated town centres of Melton Mowbray and outside of the envelope of Oakham Town Centre.</p> <p>The Sequential Test identified two development sites in Oakham town centre:</p>

<p>test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to date Local Plan. They should require application for main town centre uses to be located in town centres, then in edge-of-centre locations and only if suitable sites are not available should out of centres sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connect to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.</p> <p>Paragraph 26 of the NPPF requires an assessment of impact for developments over 2,500sq. Outside of town centres not in accordance with an up to date Local Plan. This should include an assessment of:</p> <p>“The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and</p> <p>The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.”</p> <p>Paragraph 27 of the NPPF states that, “where an application fails to satisfy the sequential test or is likely to have significant adverse on one or more of the above factors (paragraph 26), it should be refused”.</p> <p>Emerging local plan policy EC5 states that a sequential approach will be applied to the location of proposals for main town centre uses which prioritises sites within centres ahead of edge of centre sites. Out of centre locations will only be considered if sequentially preferable sites are not available within the town centre or on the edge of the centre and if the location is accessible and well connected to the town centre.</p>	<p>R1 – Tim Norton, Long Row (0.69ha) R2 – Land to rear of the White Lion, Melton Road (0.29ha).</p> <p>Both of these sites are much larger than the proposed development and so in theory the proposal could be accommodated on these sites as part of their wider development, but a standalone development would not be viable.</p> <p>In addition the Retail Impact Assessment noted that land to the south of the Tesco store in Oakham is on the market for a commercial use but noted that in addition in permitting the recent Aldi application at Lands End Way (2016) the council has accepted that this site is not sequentially preferable for retail development.</p> <p>The Retail Impact Assessment looked at the vacant properties in Melton which have been mainly observed to be in the Bell Centre but due to the format/offer here the location has not been deemed suitable.</p> <p>To conclude the proposal is for an extension to the existing garden centre to include both offices and retail space that relate to the existing operation.</p> <p>Sequentially preferable site have been considered and given the size of the extension the submitted report focussed the search on Oakham Town Centre, the site allocations document for Rutland County Council identified two sites in the centre, neither of which are available or suitable, there are no vacant units in the centre which could accommodate the proposal.</p> <p>Despite that fact the applicant contends that it is not appropriate or proportionate to consider Melton Town Centre which is 9 miles away from the site, the applicant has looked at the vacant available units in Melton and they have concluded that they are either too small or too large, all sites have been discounted appropriately within the submitted report and it is concluded that there are no sequentially preferable sites that could accommodate the proposal.</p>
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Conclusion

The application seeks consent for a proposed retail unit to an existing rural business situated within the open countryside. Recent expansion of the site has proven to be popular with an increase in visitors to the site.

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.

In conclusion it is considered that, on balance of the issues, there are therefore significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of boosting the rural economy. Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits. Taking into account the proposed retail unit would be an expansion to the existing, it is considered that permission should be approved.

Recommendation: APPROVE, subject to the following conditions. The development shall be begun before the expiration of three years from the date of this permission.

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
3. The development hereby permitted shall be carried out in accordance with drawings numbered 17/61/PP/001 and 17/61/PP/003 received by the Local Planning Authority on 7th April 2018.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure a satisfactory standard of external appearance.
3. For the avoidance of doubt

Officer to contact: Mr. Glen Baker-Adams

Date: 22nd June 2018