

COMMITTEE REPORT

Date:	26 April 2012	Ward:	Rural West York
Team:	Major and Commercial Team	Parish:	Upper Poppleton Parish Council

Reference:	12/00402/FULM
Application at:	Poppleton Garden Centre Northfield Lane Upper Poppleton York YO26 6QF
For:	Erection of sales building and canopies, restoration of nursery growing area and new landscaping following demolition of buildings and removal of hardstandings
By:	Poppleton Garden Centre
Application Type:	Major Full Application (13 weeks)
Target Date:	14 May 2012
Recommendation:	Approve after referral to Secretary of State.

1.0 PROPOSAL

1.1 The application is for the erection of a sales building following the demolition of the existing garden centre building. The rectangular building measures 56.4 metres along the north and south elevation and 74.4 metres along the east and west elevations. There would be two canopies; to the north and east elevations. The garden centre building would include a restaurant/cafe area. The footprint of the building would be 4688sqm; including the canopies it would be 6116sqm. The external plant sales area excluding the canopies would be 2850sqm. The existing garden centre building has a footprint of 3760sqm and the canopies are 515sqm. In addition it is the intention to use the land to the south of the building for the growing plant stock for the garden centre. There would be a reduction in the size of the car park from 266 spaces to 246 spaces to provide more landscaping in the north western corner of the site adjacent to the vehicle junction. The site plans shows trees planted within the car park. In addition a pedestrian access point would be added in the northern boundary next to the existing crossing island on the A59.

1.2 The site is within the Greenbelt and just outside the Poppleton Settlement Limit. There are dwellings and a plant nursery to the north and east. There is a restaurant and veterinary practise to the west of the site. Park and Ride facilities have been granted planning permission to the west of the site on the other side of Northfield Lane (09/02994/FULM). To the south of the site are fields.

1.3 Planning permission has recently been granted for an extension to the existing garden centre building. The application was granted approval by West and Centre Planning Sub Committee in January 2012; because of its Green Belt location the

decision was referred to the Secretary of State who decided not to call-in the application by letter dated 20 March 2012. The extension gave the subsequent building a footprint of 4730sqm and the canopies would be 680sqm.

1.4 The applicant has not submitted a statement of community involvement.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding

York North West Boundary GMS Constraints: York North West Boundary

2.2 Policies:

CYGP1	Design
CYSP2	The York Green Belt
CYGB12	Shopping Development Outside Settlement Limits
CYT4	Cycle Parking Standards
CYS12	Garden Centres
CYT13A	Travel Plans

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections.

- There is to be no increase in gross floor area and the same number of car parking spaces as the previously approved scheme. Employment levels are expected to rise from 30 staff to 80 in total as a result of the development.
- The accompanying transport assessment report identifies that trip generation from these types of facilities peaks during the middle part of each day and there is only likely to be a minimal impact on the adjoining highway network during the traditional am and pm peaks.
- The slightly reduced number of car parking spaces still accords with this Authority's maximum standards
- The cycle parking facilities need to be increased and this should be a condition of any approval granted.

Flood Risk Management Team

3.2 Object. Insufficient information has been submitted to determine the potential impact the proposals may have on the existing drainage systems. There is no surface water sewer in Northfield Lane. It is a foul sewer only.

Environmental Protection Unit

3.3 No objections

- Request condition for details of renewable energy
- In line with the Council's draft Low Emission Strategy, any developer of the site should demonstrate how they are meeting 'best endeavours' for reducing emissions during both construction and operational phases. This should include ensuring the energy choices for heating and powering the buildings are the right ones for both carbon/CO2 and local air quality emissions (NOx/Particulates).
- The 'preliminary report on renewable energy/heat generation technologies', submitted in support of the application, states that a biomass heating solution may be appropriate for the site. Should this technology be considered for the new garden centre, the following would be required: an assessment of emission, Information about operation and maintenance of any biomass installations including cleaning regime.
- Any developer should strive to obtain as much modal shift away from private cars as possible, and should aim to promote the uptake of low emission vehicles on site via provision of necessary infrastructure and incentives for their use such as access to electric plug in points etc. The Environmental Protection Unit would like to see a number of electric vehicle recharge points installed within the development site boundary to promote the uptake of low emission vehicles on the site. Facilities for 2 electric vehicles to recharge simultaneously should be provided. These should be freestanding, outdoor, weatherproof, publically available recharging posts, capable of charging at 16A per car simultaneously. These should be situated next to dedicated parking spaces, marked for electric vehicle use only.
- Prior to any works commencing on site, a construction environmental management plan (CEMP) should be submitted and approved in writing by the Local Planning Authority.

Integrated Strategy

3.4 Any comments will be reported verbally.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Upper Poppleton Parish Council

3.5 No objection.

Environment Agency

3.5 Any comments will be reported verbally.

Ainsty (2008) Internal Drainage Board

3.6 The applicant states that surface water is to be discharged into a main sewer which is in conflict with the applicant's own Flood Risk Assessment which suggests that surface water disposal will be to an infiltration system. The Board recommends conditions regarding the prior approval of surface water drainage works.

Publicity/Neighbour Notification

3.7 One letter received, objecting to the proposal on the following grounds:

- Concerned about the proposed boundary treatment, resulting in loss of light to the house and garden of Restholme and will undermine the existing wall
- Concerned the hedge will not be maintained, as current boundary has not been maintained
- Will be a sales area next to the objector's dwelling, concerned regarding the noise disturbance and request a sound barrier to the height of the current wall.

4.0 APPRAISAL

RELEVANT SITE HISTORY

11/02637/FULM - Erection of extension to building and bedding canopy with associated landscaping following demolition of existing buildings - Approved

09/01221/FUL - Erection of horticultural plant shade and two canopies - Approved

08/02024/FULM - Erection of garden centre (5,823 sq metres) with associated landscaping and extended car park following demolition of existing - Withdrawn

6/127/64J/PA (1987) - Erection of glasshouse and pergola for garden centre use - Approved

6/127/64H/OA (1983) - Proposed development for the purposes of shopping facilities to include Class 1 retail store (4,600 sq m supermarket and 280 sq m unit shops gross floor space) garden centre and outdoor display area, nursery production and wholesale packing store and dwelling 3.250 sq m gross floor space) car parking, landscaping, service roads and alterations to existing vehicular accesses - Refused for the following reasons (the appeal of this decision was dismissed):

- Approval of the proposal would be contrary to the fulfilment of Structure Plan Policies S1 and S3 and the Greater York Shopping Policy which make a presumption against a large shopping development which are not located, either at an existing local centre, or at locations where substantial current neighbourhood shopping deficiencies can be demonstrated or at locations where future residential development would result in such deficiencies
- Insufficient details has been submitted to prove a satisfactory outfall for surface water discharged from the proposed development
- This site lies within an area identified in the Approved North Yorkshire County Structure Plan as being part of the Greater York Green Belt, wherein development is strictly controlled in order to maintain the character of the area. Accordingly, the proposal is considered to be contrary to the provisions of the approved Country Structure Plan and to specific policies E9 and E10
- The increased traffic generated by the proposal will result in severe overloading of the junction of Boroughbridge Road, principal road A59 Beckfield Lane and the junction of Beckfield Lane with Wetherby Road Class II County Road B1224

KEY ISSUES

1. Impact on the greenbelt
2. Increase in retail floor space
3. Visual amenity of proposal
4. Impact to occupants of neighbouring dwellings
5. Highways
6. Surface water drainage
7. Sustainability

ASSESSMENT

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) was published in March 2012 and contains a presumption in favour of sustainable development and national planning policies relevant to this application in respect of the Green Belt, retail and economic development and sustainable transport. The NPPF indicates that due

weight should be given to relevant policies in emerging core strategies according to their stage of preparation.

4.2 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. However the Coalition Government has made clear its intention to pursue the revocation of Regional Strategies and s.109 of the Localism Act 2011 grants powers to the Secretary of State to revoke the RSS which is a material consideration. The extent of the Green Belt is detailed on the Proposals Map of the City of York Council Development Control Local Plan. This is further supported by Policy CS1 of the emerging Core Strategy.

4.3 The Core Strategy Submission (Publication) went out for consultation between 26th September - 7th November 2011. The Submission stage of the Core Strategy follows on from the Issues and Options stage which was consulted on in June 2006 (Core Strategy: Issues and Options 1 (2006) and again in August 2007 (Core Strategy: Issues and Options 2 (2007) and the Preferred Options stage (Core Strategy: Preferred Options (2009), which was consulted on from June until October 2009. The emerging Core Strategy document draws from the responses that were received during the consultation events as well as feeding in the evidence base findings and higher level policy such as national planning policy. As such it is considered to be a material consideration. The Development Control Local Plan (DCLP) was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

4.4 The site is just outside the Poppleton settlement limit. The Poppleton Village Design Statement (2003) contains a number of design guidelines which are considered to be relevant. The design guidelines state that the village's rural character /atmosphere should be maintained and that there should be open land between Poppleton and York, to prevent unsightly urban sprawl. Expansion of Poppleton towards the ring road and other principal road links such as the A59 should be discouraged (Guideline 2). Any new development on the village periphery should be in keeping with both the surrounding properties and the countryside and should give high priority to landscape design, to protect and enhance the external views of the village (3). Any further commercial and industrial development within or within direct influencing distance of Poppleton should be well screened and not exceed the existing height, and should protect the open views of the surrounding flat landscape (28). The attractive green corridor approach to York along the A59 should be protected and development along this road should be discouraged (30). The effects on the villages of any planned expansion of industry around the ring road, especially concerning road traffic, should be carefully examined before any planning permission is given (43).

IMPACT ON THE GREENBELT

4.5 The site is within the Green Belt. The National Planning Policy Framework (NPPF) sets out the purposes of including land within Green Belts including safeguarding the countryside and preserving the setting of historic towns and restates policy in the superseded PPG2 regarding types of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. The NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt; exceptions to this include the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Core Strategy Policy CS1 'The Role of York's Greenbelt' states that development in the greenbelt should not prejudice the setting and special character of the City. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply. Policy GB1 of the DCLP, in line with the superseded PPG2, does not allow for the re-development of non-residential Green Belt sites. Because of the change in Government policy it is considered that GB1 carries no weight in respect of the current proposal.

4.6 The proposed redevelopment is not in accordance with the replacement building category in the NPPF as the proposal would be materially larger than the building it replaces. However planning permission has been granted for an extension to the building and the footprint of the proposed building (excluding the canopies) would be slightly less than the footprint of the previous approved scheme.

4.7 The proposed building would be taller than the existing (5.8 metres to the roof ridge), the roof ridge of the main building would be 7.1 metres (the canopies would be 5.9 metres in height). The external materials of the building would be glazing and grey metal cladding. Whilst the proposal would result in a slight increase in visual mass it is not considered that it significantly impacts on the openness of the greenbelt. The proposed building repeats the existing ridged glasshouse appearance and would be closed to the northern boundary with the A59 than the existing building. There is a line of Cherry Tress along the elevation with the A59 and there is the intention for planting screening at the Junction of the A59 and Northfield Lane together with the proposed trees to be planted within the car park. The additional landscaping within the car park is considered to have a positive visual impact on the development helping to partially screen the appearance of the car park from a distance. The land to the south would be used for the growing of plants for the garden centre. The proposed development does not fulfil some of the design criteria of the Poppleton Village Design Statement set out in paragraph 4.4 above, however the redevelopment of the site within the greenbelt is considered to result in a more positive visually cohesive appearance. For these reasons the proposed building is not considered to result in any harm to the visual amenity nor the

openness of the greenbelt. Neither is it considered to harm the setting of York or Poppleton nor one of the main transport routes and entrances into York.

INCREASE IN RETAIL FLOORSPACE

4.8 The aim of the NPPF is to create sustainable economic and to ensure the vitality of town centres by applying a sequential test to proposals for main town centre uses that are not in an existing centre. However it is considered that a garden centre is not generally a town centre use by virtue of the amount of land required and their core retail offer. In addition there is an existing retail garden centre on site.

4.9 Policy GB12 of the DCLP 'Shopping Development Outside Settlement Limits' states that planning permission will only be granted for shopping development outside defined settlement limits in the Green Belt and open countryside where: it can be demonstrated that all potential locations in existing centres have been thoroughly assessed; and it is small scale and ancillary to an existing use (e.g. agriculture, tourism, manufacturing, etc); and it involves the reuse of existing buildings; and it would not undermine the vitality and viability of York City Centre or district centres. Policy CS17 'Distribution of Retail Growth' of the emerging Core Strategy states that out of centre retail development will need to be considered in light of the sequential approach and the impact on existing centres and retail allocations

4.10 Policy S12 of the DCLP 'Garden Centres' state that Planning permission will be granted for garden centres within or adjacent to defined settlement limits, provided: (a) the site is sufficiently screened to minimise any adverse effect on the character of the area; and (b) the majority of the site is used for the cultivation or sale of plants; and (c) the type of goods sold is restricted to those directly related, or ancillary, to horticultural purposes.

4.11 The proposal would result in an increase in floorspace over the existing building of 928sqm (not including canopied areas) which is a 24.7% increase in usable retail floorspace. The plan shows an area for a store room (320sqm) which could also be used as retail space. The plans show a restaurant area of 550sqm. However as mentioned above a recent planning permission for an extension of the existing garden centre would provide an internal floorspace similar to that proposed in this application. It is considered that the proposed garden centre building by virtue of the products sold will not impact significantly upon the retail facilities of the city centre and surrounding district centres and as such is in accordance with the NPPF, policies GB12 and S12 of the DCLP and policy CS17 of the Core Strategy.

4.12 A condition restricting the sale of garden related goods only, to prevent any diversification into other types of retail which may impact upon the city and district centres is recommended.

IMPACT OT OCCUPANTS OF NEIGHBOURING DWELLINGS

4.13 DCLP policy GP1 'Design' states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, over shadowing or dominated by overbearing structures. The proposed building will be about 36m (27m from the canopy) from the nearest dwelling to the east (Restholme); the increased height of the building is not considered to have a material impact upon the amenities of this dwelling or other surrounding buildings. The plans do not show outside seating/eating areas in connection with proposed cafe however there is the potential in the future and it is considered that it would be prudent to prevent a seating area close to the shared boundary. A hedge is proposed along part of the boundary with Restholme, the occupants of the dwelling are concerned regarding the upkeep of the hedge and future impact on their amenity. If the hedge was to be evergreen then other legislation would cover the optimum height of the hedge however if the hedge is deciduous this is not the case, the height of the proposed hedge could be conditioned. There is existing deciduous hedging and wall along the boundary and the hedge would be planted adjacent to this wall.

4.14 The proposed goods-in yard would be adjacent to the shared boundary with Luigi's restaurant. It is not considered that the deliveries would cause an impact the amenity of the users and workers at the restaurant. Delivery times can be subject of condition.

HIGHWAYS

4.15 Policy CS18 'Strategic Transport Priorities' of the Core Strategy states Developments that will employ more than 30 employees, will be required to submit a travel plan, including; modal split targets, time scales, measures and sanctions to be taken to meet these targets as well as measures to monitor the effectiveness of the plan.

4.16 Highways Network Management team have not objected to the proposed building in terms of any impact on the A59 and its junction with the ring road. As such they consider that any changes to customer levels and thus journeys would be limited. The accompanying transport assessment identifies that trip generation from this type of facility peaks during the middle part of each day and there is only likely to be a minimal impact on the adjoining highway network during the traditional am and pm peaks. The information submitted indicates that there would be an increase of 50 additional staff and as such it is considered that a Staff Travel Plan should be required, this can be secured via a condition in accordance with DCLP policy T13A.

4.17 The slightly reduced number of car parking spaces accords with the Authority's standards, and the applicant has submitted revised plans showing an increase in cycle parking facilities which accords with DCLP policy T4. There are off-road cycle routes already in place linking Northfield Lane with Boroughbridge Road and the developers propose to create a new pedestrian/cycle access point to the Garden Centre from the A59 road frontage.

SURFACE WATER DRAINAGE

4.18 The National Planning Policy Framework sets out how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change. This is further supported by the CYC Strategic Flood Risk Assessment (2011).

4.19 The Flood Risk Management Team have objected to the scheme on the grounds of insufficient information, the team do not believe their concerns can be overcome via conditions. At the time of writing additional information was awaited from the applicant, an update will be provided at Committee.

SUSTAINABILITY

4.20 The NPPF states that proposals for all development should have regard to the principles of sustainable development. The definition is split into three categories; the economic and social roles have been assessed into the other sections this section will look at the environmental role.

4.21 The applicant has shown on the elevations and roof plan solar panels attached to the south facing roof slopes of the proposed building. The agent has confirmed that at least 10% of the total energy requirements of the resulting building can be created from on-site renewables. It is considered that further details of these methods can be conditioned to ensure they form part of the development and comply with the CYC Interim Planning Statement on Sustainable Design and Construction.

4.22 The proposed development is over 1000sqm and to comply with the CYC Interim Planning Statement on Sustainable Design and Construction and the emerging Core Strategy Policy CS21 'Sustainable Design and Construction' the building should be built to BREEAM 'Very Good'. It is considered that this can be conditioned.

5.0 CONCLUSION

5.1 The proposed building by virtue of the current use of the site and the scale of the proposed building in the greenbelt is not considered to have undue impact on the openness of the greenbelt. The proposed building reflects the design of the existing glasshouses. The proposal is not considered to result in a significant increase in traffic to the site. The proposed garden centre building by virtue of the goods sold is not considered to result in a significant impact on the vitality of the city and district centres. For these reasons the application is considered to be in accordance with the National Planning Policy Framework, DCLP policies GP1, T4, T13A, GB12 and S12 and Core Strategy policies CS1, CS17 and CS18. An update will be provided at Committee on surface water drainage issues which may affect the recommendation.

5.2 If Members are minded to approve the application, the decision will need to be referred to the Secretary of State under the 2009 Consultation Direction as the size of the proposal exceeds 1000 sqm within the green belt.

6.0 RECOMMENDATION: Approve after referral to Secretary of State

1 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Number T657-127 Revision A received 5 April 2012

Drawing Number T657-130 Revision A received 5 April 2012

Drawing Number T657-131/1 Revision A received 27 February 2012

Drawing Number T657-131/2 Revision A received 27 February 2012;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

2 TIME2 Development start within three years -

3 VISQ8 Samples of exterior materials to be app -

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. The areas of landscaping to be included shall include north west corner of the site adjacent to the junctions of the A50 and Northfield Lane and the tree planting shown within the car park in Drawing Number T657-127. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

5 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide from on-site renewable energy sources, 10 per cent of the development's predicted energy requirements. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of the CYC Interim Planning Statement 'Sustainable Design and Construction'.

6 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'.

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of the CYC Interim Planning Statement 'Sustainable Design and Construction'.

7 Within six months of occupation of the site, a Green Travel Plan will be submitted and approved in writing by the Local Planning Authority. The Green Travel Plan for employees and guests, will set out measures to promote sustainable travel and reduce dependency on private car journeys, in accordance with current advice issued by the Department of Transport.

Reason: To promote sustainable modes of transport and reduce car travel, in accordance with the Authority's transport policies and comply with Policy CS18 of the emerging Core Strategy and the National Planning Policy Framework.

8 All deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays

Reason: To protect the amenities of the occupants of the neighbouring dwellings.

9 No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse, or overnight/weekend storage of vehicles or any other item shall be stacked or stored outside of the 'goods in' area as specified in drawing number T657-127 without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity in this prominent open countryside and Green Belt location.

10 Sales from the garden centre shall be limited to the following goods, products and services:

- (a) goods and services related to gardens and gardening,
- (b) horticultural products, trees, plants, shrubs, house plants and flowers of any type including fresh and dried flowers,
- (c) garden and gardening equipment, tools and accessories,
- (d) machinery for garden use and servicing of it,
- (e) barbeques and their accessories,
- (f) conservatories,
- (g) outdoor and conservatory furniture, furnishings and accessories,
- (h) sheds, garden buildings, greenhouses, summerhouses, gazebos, pergolas, garden offices,
- (i) ponds and materials and fittings for their servicing,
- (j) fencing, trellis and landscaping materials,
- (k) aquatics, water garden equipment, and their accessories, water recycling products,
- (l) garden ornaments and statuary, baskets and other containers for the growing and display of indoor and outdoor plants and flowers,
- (m) pets, pet accessories, pet care and advice,
- (n) Christmas trees (live and artificial) and decorations,
- (o) ancillary restaurant/coffee shop
- (p) live poultry and bird care products
- (q) wood /biomass burning products and wood burning stoves

The following range of goods shall be limited to 15% (918 sqm) of the total internal floorspace (6119 sqm) including the canopies/polytunnels:

- (i) books, magazines, periodicals, videos and CD and DVDs; all relating to gardening,
- (ii) hobbies, camping equipment, toys, games, crafts and garden play equipment,

- (iii) baskets, wickerwork and country crafts,
- (iv) china, glass, vases and pots,
- (v) outdoor clothing and footwear, including wellington boots, garden aprons and smocks, gardening boots and clogs, gardening gloves, gardening hats, gardening rainproofs and gardening overalls,
- (vi) Gift lines and greetings cards
- (vii) eco living, solar and environmental products
- (viii) Unspecified garden centre retail goods

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site and to ensure the protection of the vitality and viability of other existing retail centres in the York urban area in accordance with the objectives of National Planning Policy Framework, policy CS17 of the Core Strategy and policy GB12 of the Development Control Local Plan.

11 The cafe/restaurant shall not exceed 550 sqm floor area as specified on drawing number T657-130.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities to ensure the protection of the vitality and viability of York city and district centres and in accordance with the objectives of National Planning Policy Framework.

12 There shall be no outside eating/seating areas to the east of the proposed cafe/restaurant (Drawing Numbers T657-130 and T657-127).

Reason: To protect the residential amenity of the occupants of the neighbouring dwellings.

13 The land to the south of the garden centre shown in Drawing Number T657-127 to be used for the growing of plant stock shall be used for this purpose only.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities conducted from the site and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of National Planning Policy Framework, policy CS17 of the Core Strategy and policy GB12 of the Development Control Local Plan.

14 Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.

Reason: In order to protect the character and appearance of the area from excessive illumination. In the interests of the visual amenity of the greenbelt and the rural location and to protect the character of the area.

15 HWAY9 Vehicle areas surfaced -

16 HWAY18 Cycle parking details to be agreed -

17 Details of any renewable energy technologies to be installed in or located on the site and hereby permitted and are likely to result in noise being emitted shall be submitted to the local planning authority for approval. These details shall include maximum (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: to protect the amenity of neighbouring residents.

18 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction materials, and the hours during which this will be permitted site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To protect the amenity of local residents and to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent highway.

19 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the cooking extraction plant or machinery and any filtration systems required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of future residents and local businesses.

20 All construction and demolition or refurbishment works and ancillary

operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays

Reason: To protect the amenities of the occupants of the neighbouring dwellings.

21 The proposed unit shall not be subdivided in to smaller retailing operations.

Reason: In the interests of the amenities of occupants of nearby residential properties and prevent any impact to the openness of the greenbelt that subdivision may have and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of National Planning Policy Framework, policy CS17 of the Core Strategy and policy GB12 of the Development Control Local Plan.

22 The hours of operation of this approved use shall be confined to:

Mondays to Saturdays 09.00 hours to 18.00 hours
Sundays and Bank Holidays 10.30 hours to 16.30 hours

Reason: To safeguard the amenities of occupants of the nearby dwellings and buildings.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the locality, the impact on the city and district centres, and the openness and purposes of the green belt. As such the application is considered to be in accordance with the National Planning Policy Framework, Development Control Local Plan policies GP1, T4, T13A, GB12 and S12 and Core Strategy policies CS1, CS17 and CS18.

2. INFORMATIVE: Control of Pollution Act 1974

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

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