

COMMITTEE REPORT

Date: 12 January 2012 **Ward:** Rural West York
Team: Major and **Parish:** Upper Poppleton Parish
Commercial Team Council

Reference: 11/02637/FULM
Application at: Poppleton Garden Centre Northfield Lane Upper Poppleton
York YO26 6QF
For: Erection of extension to building and bedding canopy with
associated landscaping following demolition of existing
buildings
By: Poppleton Garden Centre
Application Type: Major Full Application (13 weeks)
Target Date: 16 January 2012
Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

1.1 The application is for the extension to the garden centre providing more internal retail floor space and a larger restaurant/cafe. The extensions would be to the east and south elevations of the existing main building. In addition there would be an extension to the canopy above the sales area for plants to the elevation fronting onto the A59. There would be a reduction in the size of the car park from 266 spaces to 242 spaces to provide more landscaping in the north western corner of the site adjacent to the vehicle junction. In addition a pedestrian access point would be added in the northern boundary next to the existing crossing island on the A59. The land to the south would be used to grow stock for the garden centre. The lorry turning area to the south of the buildings would be moved further to the south to accommodate the proposed extensions. The 'goods in' yard would be reduced in size and would be to the boundary with Restholme, the plans also show hedge planting to this boundary. The extension would be of a similar appearance to the existing greenhouse building and would not be taller than the existing buildings. To maintain the same floor level in the building and accommodate the slight slope in the building will be built at a lower ground level to the outside plant area.

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.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

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Air safeguarding GMS Constraints: Air Field safeguarding 0175
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: West Area 0004
York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYSP2 The York Green Belt
CYSP6 Location strategy
CYGP1 Design
CYGP4A Sustainability
CYGP9 Landscaping
CGP15A Development and Flood Risk
CYGB1 Development within the Green Belt
CYGB12 Shopping devt outside settlement limits
CYT13A Travel Plans and Contributions
CYS12 Criteria for garden centres

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections. Seek Travel Plan via a condition

Flood Risk Management Team

3.2 Object. Insufficient information has been provided to determine the potential impact the proposal may have on existing drainage systems

City Development

3.3 No comments received at the time of writing the report, comments to be reported at the committee meeting

York North West Team

3.4 No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Upper Poppleton Parish Council

3.5 No objections

3.6 No comments received

4.0 APPRAISAL

RELEVANT SITE HISTORY

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 polices 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

6/127/64G/PA (1982) - Replacement of existing Dutch light structure with matching glass to existing building for the sale of house plants and garden sundries - Approved

6/127/64E/PA (1979) - Erecting a glasshouse over existing covered area - Approved

6/127/64A/PA (1978) - Erecting 3 bay Cambridge multi-span glasshouse - Approved

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 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 York Greenbelt is specified in PPG2 and the general 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 CYC Core Strategy.

4.2 Policy SP2 'The York Green Belt' in the City of York Council Development Control Local Plan (DCLP) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.3 Policy SP6 'Location Strategy' states that development will be concentrated on brownfield land within the built up area of the City and Urban extensions, followed by surrounding settlements and selected existing and proposed public transport corridors. Outside defined settlement limits, planning permission will only be given to development appropriate to the Green Belt or the open countryside.

4.4 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces,

public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.5 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 August 2009 (but with an extension to allow additional comments 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.

4.6 The site is just outside the settlement limit specified in the Proposals Map and the Poppleton Village Design Statement (2003). The village design statement 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 outside the existing curtilage towards the ring road and other principal road links such as the A59 should be discouraged (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

4.7 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy GB1'Development in the Green Belt' of the DCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the

purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. 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.

4.8 The existing buildings and the proposed extension are within the Greenbelt, they are not within the boundaries of any defined major developed sites. The proposed extension does not fulfil any of the specified criteria set by Policy GP1 and PPG2 and is therefore considered to be inappropriate development. The agent has put forward the following points that they think cumulatively should be considered as special circumstances: use of some of the land to grow plants for the garden centre, reduced areas of hardstanding, increase in employment, rationalisation of buildings, public access to the plant nursery for training and apprenticeships, and absence of harm to the greenbelt.

4.9 The existing building has been a garden centre for some time and the extension would partly replace a number of extensions, sheds, and metal containers, the external storage has spread beyond the curtilage of that shown in the plans. The impact of the proposed extensions would be to tidy up the southern elevation. The land to the south would be used for the growing of plants for the garden centre. The outdoor storage area would be reduced to the area east of the building rather than the south, and the resulting building would provide screening of this area from the wider greenbelt. The increase in the size of the canopy on the northern elevation by 13 metres is considered to have minimal visual impact. The extension to the east to provide the cafe area would be constructed in the glass house design of the existing building and by virtue of the cherry trees planted along the A59 and the planting screening within the boundary it is not considered to add significantly to the visual presence of the building from the A59. 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 proposed development does not fulfil some of the design criteria of the Poppleton village design statement set out in paragraph 4.6 however the further development of the site within the greenbelt it is considered to result in a more positive visually cohesive appearance than the existing building and therefore 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 Poppleton nor one of the main transport routes and entrances into York.

INCREASE IN RETAIL FLOORSPACE

4.10 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

4.11 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.

4.12 The net increase in floorspace of the building would be 1553sqm although the increase in usable retail floorspace would be greater as a result of the reorganisation of the internal space and the external storage area. The plan shows a large area for service and staff which could also be used as retail space. In addition the large cafe area could also be altered to retail floorspace. It is considered that the proposed extension and the resulting larger garden centre by virtue of the products sold will not impact significantly upon the retail facilities of the city centre and surrounding district centres.

4.13 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. Any comments from the City Development team on the retail impact of the proposal will be reported verbally at the meeting.

IMPACT OT OCCUPANTS OF NEIGHBOURING DWELLINGS

4.14 The proposed extension of the garden centre would bring the buildings closer to the dwelling to the east - Restholme. There would be a distance of 13 metres from the proposed cafe to the shared boundary (18 metres to the dwellings). Restholme is set within a large plot and has a large rear garden. It is not considered that there would be any negative visual impact to the occupants of Restholme by virtue of the existing boundary treatment of hedges and a fence. 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 consider that it would be prudent to prevent a seating area close to the shared boundary, rather than condition opening hours. No opening hours have been applied to the original planning permissions for the garden centre use.

4.15 The proposed 'goods in' area does not move any closer to the neighbouring dwelling. As the main outside storage area is along this boundary rather to the south

of the main garden centre building it is considered that the times of delivery should be conditioned to prevent any disturbance to the occupants of the neighbouring dwellings.

HIGHWAYS

4.16 Policy T13a 'Travel Plans and Contributions' states Developments which meet the criteria set down in PPG13, or which are likely to employ more than 30 employees, or a residential site with more than 20 units, 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.

4.17 Highways Network Management team have not objected to the net increase in retail space of 1,553 sq m 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 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 sought via a condition

SURFACE WATER DRAINAGE

4.18 PPS25 Development and Flood Risk: This PPG explains 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 Policy GP15a 'Development and Flood Risk' of the Local Plan.

4.19 The Flood Risk Management Team have objected to the scheme on the grounds of insufficient information however they have confirmed that the issues can be overcome by a condition.

SUSTAINABILITY

4.20 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.22 The applicant has shown on the elevations and roof plan solar panels attached to the south facing roof slopes of the larger extension. 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. The targets differ with the emerging Core Strategy Policy CS21'Sustainable Design and

Construction'. The policy requires onsite renewable energy/low carbon energy generation equipment to reduce predicted carbon emissions by at least 10% rather than providing at least 10% of the expected energy demand for the development through on site renewable generation as requested by the Interim Planning Statement. The applicant has confirmed that they can provide 10% of the total energy requirements of the resulting building from on site renewables, it is considered that this is acceptable and the condition has been worded in regards of the Interim Planning Statement.

5.0 CONCLUSION

5.1 For the above reasons the proposed extensions by virtue of the relatively limited expansion of an existing facility in the greenbelt is not considered to have undue impact on the openness of the greenbelt. The proposed extensions are in keeping with the design of the existing glasshouses. The proposed is not considered to result in a significant increase in traffic to the site. The proposed extension to the garden centre by virtue of the goods sold is not considered to result in a significant impact to the retail ability of the city and district centres. For these reasons the application is recommended for approval, subject to the following conditions.

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

6.0 RECOMMENDATION: Approve after referral to Sec. of State

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

Drawing Number T657-102 received 28 September 2011
Drawing Number T657-112 received 28 September 2011
Drawing Number T657-114 received 28 September 2011
Drawing Number T657-116 received 28 September 2011
Drawing Number T657-117 received 14 October 2011
Drawing Number T657-118 received 14 October 2011
Drawing Number T657-120 received 19 December 2011;

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 LAND1 IN New Landscape details -

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: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

6 The extensions shall not be occupied until a travel plan has been submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with local and national guidelines, and updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel in accordance with PPG13: Transport, and policy T13a of the City of York Development Control Local Plan.

7 Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

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 the 'goods in' area as specified in drawing number T657-120 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 The premises shall be used as a garden centre (incorporating a cafe/restaurant) and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

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 PPS4 "Planning for Sustainable Economic Growth".

11 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,
- (l) garden ornaments and statuary, baskets and other containers for the growing and display of indoor and outdoor plants and flowers,
- (m) books, magazines, periodicals, videos and CD and DVDs relating to gardening,
- (n) pets, pet accessories, pet care and advice,
- (o) indoor and outdoor hobbies, toys, games, crafts and garden play equipment,
- (p) baskets, wickerwork and country crafts,
- (q) Christmas trees (live and artificial) decorations, gifts,
- (r) china, glass, vases and pots,
- (s) soft furnishing associated with garden and conservatory furniture,
- (t) outdoor clothing and footwear, including wellington boots, garden aprons and smocks, gardening boots and clogs, gardening gloves, gardening hats, gardening rainproofs and gardening overalls,
- (u) restaurant/coffee shop

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 PPS4 "Planning for Sustainable Economic Growth".

12 The cafe/restaurant shall not exceed in floor area the area specified on drawing number T657-102.

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 PPS4 "Planning for Sustainable Economic Growth".

13 There shall be no outside eating/seating area to the east of the proposed cafe/restaurant (Drawing Number T657-120).

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

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 dwelling and the locality, and the openness and purposes of the green belt. As such, the proposal complies with Policies SP2, GP1, SP6, GP4a, GB1, T13a, Gp15a, and GP4a of the City of York Development Control Local Plan (2005); Policy CS1 of the emerging City of York Core Strategy; national planning guidance contained in Planning Policy Statement 1 'Delivering Sustainable Development', and Planning Policy Guidance 2 - 'Green Belts'.

2. INFORMATIVE:

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:

(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

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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

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347