

COMMITTEE REPORT

Date: 23 July 2015 **Ward:** Strensall
Team: Major and **Parish:** Stockton-on-the-Forest
 Commercial Team Parish Council

Reference: 15/00234/FULM
Application at: Deans Garden Centre Stockton Lane York YO32 9UE
For: Single storey extension to cafe, replacement storage shed, 2no.
 retail canopy areas and additional car parking area
By: Dean's Garden Centre
Application Type: Major Full Application (13 weeks)
Target Date: 26 May 2015
Recommendation: Approve

1.0 PROPOSAL

1.1. The application proposes the partial redevelopment of an existing garden centre located on the outskirts of Stockton-on-the-Forest. The site lies within the general extent of York's Green Belt, outside of the defined settlement limit of the village.

1.2. The proposal involves:

- an extension to the front of the existing building complex following the removal of the current conservatory to accommodate an enlarged cafe;
- the erection of a detached storage building to the rear of the existing centre complex to replace a collection of temporary storage structures;
- the erection of 2 no. Open-sided canopies adjacent to the south-western elevation of the existing building complex to provide additional covered retail sales areas; and,
- the creation of a hard-standing area in the northern corner of the site to provide 35 additional vehicle parking spaces.

1.3. The application is supported by a planning statement, Green Belt statement, Design and Access statement, and a flood risk/drainage assessment.

2.0 POLICY CONTEXT

1. Yorkshire and Humber Regional Spatial Strategy - Green Belt policies YH9(C) and Y1 (C1 and C2))
2. National Planning Policy Framework (March 2012)

3. 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

- CYGP1 - Design
- CYGP4A - Sustainability
- CGP15A - Development and Flood Risk
- CYT4 - Cycle parking standards
- CYGB1 - Development within the Green Belt
- CYGB11 - Employment devt outside settlement limits

4. Draft York Local Plan (2014) Publication Draft – relevant policies include:

- DP2 – Sustainable Development
- DP3 – Sustainable Communities
- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York's Green Belt
- D1 – Landscape and Setting
- D2 – Placemaking
- D3 – Extensions and Alterations to Existing buildings
- G14 – Trees and Hedges
- GB1 – Development in the Green Belt
- CC2 – Sustainable Design and Construction
- ENV4 – Flood Risk
- T1 – Sustainable Access

3.0 CONSULTATIONS

3.1 The application was publicised by notice in the Press, the display of a site notice and notification letters to statutory consultees and adjacent owners/occupiers. The consultation period expired on 15.4.15.

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE ARCHITECT)

3.2 The trees do not constitute a significant woodland, nor do they provide significant public amenity value, therefore they are not worthy of a tree preservation order. The loss of trees to make space for car parking is always regrettable. The trees currently contribute to a suitable green boundary between the car park and the open fields beyond; nonetheless the impact of the development on the wider greenbelt landscape would be negligible.

FLOOD RISK MANAGEMENT TEAM

3.3 The development is predominantly in low risk flood zone 1 and should not suffer from river flooding. The small area of proposed car park is in flood zone 3 (high risk) but the risk to persons is considered to be low. No objections raised on basis of submitted flood risk assessment and drainage report, subject to this report being included in list of approved plans/details.

HIGHWAY NETWORK MANAGEMENT

3.4 No objections. The access remains as existing. A modest amount of extra parking is proposed, which will have an acceptable impact on the highway network. Request car and cycle parking conditions.

EXTERNAL

STOCKTON-ON-THE-FOREST PARISH COUNCIL

3.5 No response received.

FOSS INTERNAL DRAINAGE BOARD

3.6 No response received.

YORKSHIRE WATER

3.7 No response received.

4.0 APPRAISAL

4.1 The key considerations material to the determination of the application are:

- Principle of development
- Whether the development is appropriate in the Green Belt
- Openness and purposes of Green Belt
- Character and appearance
- Flood risk
- Highway safety
- Residential amenity
- Ecology
- Other considerations

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.3 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt and locations at risk of flooding. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and protecting Green Belt. 10 (Meeting the challenge of climate change, flooding and coastal change) and 12 (Conserving and enhancing the natural environment) are of relevance.

4.4 Section 3 of the NPPF 'Supporting a prosperous rural economy' states that planning policies should support economic growth in rural areas in order to create jobs and property by taking a positive approach to sustainable new development. To promote a strong rural economy, local plans should support, amongst other things, the sustainable growth and expansion of all types of business and enterprise in rural areas through conversion and well designed new buildings.

4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

4.6 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

4.7 Section 10 'Meeting the challenge of climate change, flooding and coastal change offers advice on locating new development to avoid increased flood risk.

4.8 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.9 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are GP1 'Design' and GB1 'Development in the Green Belt'. Policy GB11 'Employment development outside settlement limits' is supportive of new development outside settlement limits where it is small scale, relates to an existing building and provides a direct benefit to the rural economy and the local residential workforce.

4.10 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF).

SITE AND HISTORY

4.11 The site is located within a cluster of agricultural, commercial and domestic properties, interspersed and surrounded by agricultural fields, approximately 460m south-west of Stockton-on-the-Forest village. It is bounded by Stockton Lane to the front and the Old Foss Beck to the rear. There are residential properties to the east and south. The Bull Commercial Centre lies to the north-east and there are agricultural buildings to the south-west. It lies within flood zone 1, with an area of land in the northern corner of the site falling within flood zone 3. It falls within the general extent of York's Green Belt.

4.12 The site comprises a collection of buildings, accessed from Stockton Lane. The site and its buildings, which are largely single storey with a two storey element, are in use as a garden centre. Planning permission was first approved in 1967 for the use of the land as a garden centre with the construction of a greenhouse and store. Further extensions were granted consent in 1971, 1973, 1980, 1982 and 1990. This most recent approval involved the creation of a coffee shop. There is an existing car park serving the complex adjacent to the site's entrance and to the rear of the neighbouring residential property, The Vern.

PRINCIPLE OF DEVELOPMENT

4.13 Whilst the RSS has otherwise been revoked, it's York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The site falls within the general extent of the Green Belt located between the main built up area of the city and Stockton-on-the-Forest. In accordance with the footnote referenced within paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF, does not apply in Green Belt locations. Instead, the more restrictive policies in section 9 of the NPPF apply.

INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

4.14 Paragraph 79 of the NPPF emphasises the great importance the government attaches to Green Belts and their essential characteristics of openness and permanence. Openness is considered as meaning an absence of built development. Paragraph 87 of the NPPF establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF states that the construction of new buildings in Green Belts are inappropriate development unless they fall within one of the specified exceptions. One such exception is the complete or partial redevelopment of previously developed land, whether or not in use, providing it would not have a greater impact on openness of the Green Belt and the purpose of including land within it.

4.15 Whilst the proposal involves the partial redevelopment of an existing business, it would have a greater impact on the openness of the Green Belt than the existing development (albeit a limited additional impact). This is due to the replacement of small scale and temporary structures with a larger permanent storage building, the large extension to the front of the building in place of a smaller conservatory and temporary timber display stands, and the replacement of an area of trees with a hard-surfaced area. As such, the proposal constitutes inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 88 of the NPPF, substantial weight must be attributed to this definitional harm by the decision maker.

IMPACT ON OPENNESS AND GREEN BELT PURPOSES

4.16 Officers consider that the proposal gives rise to limited harm on openness of the Green Belt, but such harm is not so significant as to undermine the purposes of Green Belt, set out in paragraph 80 of the NPPF and listed in 4.6 above particularly given the previous development of the site. However, the limited harm on openness should be afforded substantial weight by the decision maker.

4.17 In accordance with paragraph 88 of the NPPF, very special circumstances to justify this inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and this limited harm to openness, is clearly outweighed by other considerations.

CHARACTER AND APPEARANCE

4.18 The NPPF, at paragraph 64, advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.19 The proposal would extend the footprint of the existing building complex, which would be particularly visible at the front of the site. The extent of projection of the cafe extension has been reduced since the pre-application stage and a distance of approximately 13m would be retained between the front boundary and the nearest line of the extension. Furthermore, it has been designed to minimise its visual intrusion by incorporating a roof that slopes towards the front boundary with a low eaves and does not project above the height of the existing complex. The new storage building is higher than the existing structures within this part of the site and would be divorced from the rest of the centre's complex. However, its prominence is minimised by its location at the rear of the site, partly shielded by the existing buildings and vegetation. It is also noted that the location is dictated by operational arrangements on site and there is no alternative location that would have a lesser visual impact. The two covered canopies are small scale, lightweight and temporary in appearance and as such would not injure amenity.

4.20 The extension of the car park would result in the loss of 13 no. mostly coniferous trees, themselves not protected by a tree preservation order or considered worthy of protection by Officers. The loss of the trees and vegetation to create space for the car park extension is unfortunate, but the location at the rear of the site lessens the impact this has on the character and appearance of the area and some trees would be retained along the site boundaries and around the existing soakaway.

4.21 The new buildings would be contained within the existing site boundaries, which are clearly defined, and would be viewed in the context of an existing developed site within a cluster of agricultural, commercial and domestic properties. The presence of a hedges and vegetation along all boundaries helps to soften and shield the complex from public views along Stockton Lane. Officers consider the proposal, whilst being more visible, would not detract from the character and appearance of the countryside.

FLOOD RISK

4.22 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. The majority of the site falls within flood zone 1, which is at lowest risk from flooding. Whilst the area proposed for the additional car parking lies within flood zone 3, the risk to users of this area is considered to be limited. The application is supported by a drainage assessment, which demonstrates that the site as extended by the proposed development can be adequately drained. The Council's Flood Risk Engineer raises no objections on the basis of the flood risk assessment and drainage report. The proposal is considered to be acceptable in flood risk terms and limited weight is attributed to harm from flood risk.

HIGHWAY SAFETY

4.23 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The application relates to an existing established use that has a predominantly car based custom, though a bus service into and out of York (Coastliner) passes the site. The operation has an existing car park that the application seeks to extend. No objections are raised by the Local Highway Authority. As such, the proposal is considered to be acceptable in highway terms and officers are satisfied that there would be no additional harm caused.

RESIDENTIAL AMENITY

4.24 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. There are residential properties adjacent to or opposite the site. However, the occupants of these properties will already experience disturbance from the operation of the garden

centre largely generated by the comings and goings of vehicles and movement within the site. The proposal does involve the extension of the car park, but it is considered that the additional movements that this would potentially generate would be barely noticeable in comparison to the current operation. Therefore, no objections are raised to the proposal on the grounds of residential amenity and there would be negligible harm caused in this respect.

ECOLOGY

4.25 The proposal would result in the removal of 13 no. trees in the northern corner of the site. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites. The trees are part of a mix plantation of predominantly fir trees, which do not fall within any of the aforementioned designations and do not merit protection. Some of the trees in this area of the site, along with lower level vegetation, are being retained adjacent to the site boundaries and around the existing soakaway. This will retain some greenery within, and a green edge to, the site. The trees being retained include native species, such as Ash, Birch and Beech. As such, officers are satisfied that there is no significant harm to biodiversity.

OTHER CONSIDERATIONS

4.26 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development unless other considerations exist that clearly outweigh identified harm to the Green Belt, which would amount to very special circumstances. The applicant contends that the proposal does not give rise to a greater impact on the openness of the Green Belt, and therefore the new buildings fall within the exception to being “inappropriate development” so that very special circumstances are not required. However, the applicant has in any event submitted a Green Belt statement that sets out their very special circumstances case. In summary, the case is:

- that the level of harm is minimal and the proposal will have a positive impact on the Green Belt;
- the socio-economic benefits offered to this local business in terms of future viability and jobs;
- the improvements to health and safety within the site for staff and customers;
- the benefits offered in unifying the character and appearance of the site's public face and consequently to the street scene;
- the inability of this local family business to relocate to a non-Green Belt site.

4.27 The NPPF says that there are three dimensions to sustainable development: economic, social and environmental. An economic role in contributing to building a strong, responsive and competitive economy by ensuring that sufficient land is available to support growth and innovation; a social role in supporting vibrant and

healthy communities; and, an environmental role in contributing to protecting and enhancing the environment. One of the core principles is to proactively drive and support sustainable economic development. Section 3 'Supporting a prosperous rural economy' encourages support of economic growth in rural areas through planning policies in order to create jobs and prosperity by adopting a positive approach to sustainable new development (paragraph 28). It goes on to state that a strong rural economy should be promoted by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings.

4.28 The site is an existing and established garden centre that provides local employment in retail and catering. Officers accept that such sites need to expand and adapt and that some alterations or further development within them will be required to facilitate this. The additional built form proposed would be viewed within the context of the existing site, with clearly defined boundary enclosures and established boundary vegetation that helps to screen it and soften the visual impact of the existing complex. The land within the boundaries, with the exception of the group of trees in the northern corner, is hard surfaced and occupied by a range of physical structures, including timber sheds storage containers. The new buildings would be contained within the existing site boundaries and, as such, would safeguard the surrounding open countryside from encroachment.

4.29 The proposed cafe extension is well-designed and would have a positive impact on the appearance of the site when viewed from Stockton Lane compared to that of the current disjointed front elevation. Likewise, the rear storage building, whilst larger in size and scale, would consolidate a collection of temporary buildings along the side and rear of the existing building complex (these buildings are proposed to be removed). There is a clear locational need to site the storage building close to the retail element of the garden centre, albeit in the Green Belt.

4.30 The proposal is considered to conform to a very important element of the Government's policy, which is to promote the sustainable growth and expansion of all types of business and enterprise in rural areas as reflected in planning policy. Therefore, the expansion of this existing garden centre business, which is located in a semi-rural position compatible with the nature of its use, has weight afforded by the NPPF.

5.0 CONCLUSION

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The proposed development would cause some limited harm to the openness of the Green Belt, but is not considered to be significant enough to conflict with the purposes of Green Belt set out in paragraph 80 of the NPPF. The definitional harm and other limited harm to openness of the Green Belt must be afforded significant weight when applying the

NPPF policy test – namely, that very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations

5.2 It is considered that the other considerations put forward by the applicant, particularly in relation to the operational need and future viability of the business, the socio-economic benefits and the visual improvements to the site, when taken together in the context of the support in government policy for the expansion of such rural businesses, clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness, even when affording this harm considerable weight. The considerations therefore amount to very special circumstances to allow the inappropriate development in the York Green Belt.

5.3 Referral of proposed development in the Green Belt to the Secretary of State applies to development involving:-

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

5.4 It is not considered that these criteria apply to this development, and so referral is not required should Members be minded to approve the application.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing no. 612-P20 Rev.G 'Proposed Ground Floor Plan' dated 28.11.14;
Drawing no. 612-P21 Rev.E 'Proposed Cafe Roof Plan' dated 28.11.14;
Drawing no. 612-P26 Rev.G 'Proposed Ground floor Plan – Back area' dated 28.11.14;

Drawing no. 602-P22 'Proposed elevations south east and south west' dated April 2014;

Drawing no. 602-P23 'Proposed elevations north west north east' dated April 2014;
Drawing no. 602-P24 'Proposed sections and store elevations' dated April 2014;
Flood Risk Assessment and Drainage report ref. SGD/12643Y-01 dated 1st December 2014 by Dossor MCA;

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the new building and extension hereby approved. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 The additional floorspace hereby approved shall not be brought into use until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Prior to the additional floor space hereby approved coming into use, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

6 The buildings and structures shown as being demolished on drawing number 612-P03 revision B 'Existing Site Plan - Demolition' dated 28.11.14 shall be removed within one month of the completion of the replacement storage building hereby approved.

Reason: In the interests of the visual appearance of the site and to take account of the justification for the development put forward in the application to reduce harm to the openness of the Green Belt.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Pre-application advice and guidance;
- Imposition of conditions to address identified issues.

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