

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 14/00692/73A
Parish: Pickering Town Council
Appn. Type: Non Compliance with Conditions
Applicant: Hopkinson And Sons Ltd
Proposal: Variation of Condition 05 of approval 11/00749/73A dated 09.12.2011 as follows - replace "ground floor of the building(s)" by "ground floor of the building", replace "building(s) and land" by "ground floor of the building" and amend reason by replacing "in order to comply with PPS4" by "in order to comply with National Planning Policy Framework".
Location: Steam And Moorland Garden Centre Malton Road Pickering North Yorkshire YO18 7HG

Registration Date: 19 June 2014
8/13 Wk Expiry Date: 14 August 2014
Overall Expiry Date: 29 July 2014
Case Officer: Shaun Robson **Ext:** 319

CONSULTATIONS:

Parish Council No objection

Neighbour responses:

SITE:

This application site lies to the south of Pickering outside the defined development limits for the settlement. The site is located on the eastern side of the A169, Malton to Pickering road and currently consists of an established garden centre and garden machinery sales and repair business.

The garden centre occupies a site area of some 1.2 hectares and includes two existing buildings, customer and staff parking, associated facilities and areas for outside display.

The site is accessed via an established vehicular access from the A169.

PROPOSAL:

A minor amendment is sought to the wording of condition 05 imposed on planning application 11/00749/73A.

Planning application 11/00749/73A agreed a minor amendment to the building design of an approved two-storey link extension between two existing buildings (Planning application 10/00114/FUL).

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The current wording and reason of Condition 05 states:-

The ground floor of the building(s) hereby approved shall only be used as a garden centre for the display and sale of the following categories of goods:

- (i) *Pot and bare rooted plants, ornamental fruit bushes and trees, seeds/bulbs, vegetable and bedding plants, ornamental and fruit trees, cut flowers;*
- (ii) *Garden requisites such as composts, fertilisers, weed killers/disinfectants, spray equipment, netting, cloches, plant supports;*
- (iii) *Gardening and greenhouse tools and equipment;*
- (iv) *Gardening protective clothing and footwear;*
- (v) *Garden pond liners, pumps and equipment, pebbles, aquatic plants, fish and fish food;*
- (vi) *Fencing, path and patio construction materials such as gravel, paving slabs, edging materials;*
- (vii) *Garden furniture and ornaments such as seating, umbrellas, barbecue and barbecue fuel, bird tables, feeders and bird feed;*
- (viii) *Incidentals such as gardening books and videos, cards, artificial flowers, small animal feed (e.g. rabbit food); and*
- (ix) *Natural and artificial Christmas trees, Christmas decorations, table decorations, Christmas cards.*

The building(s) and land shall not be used for any other purpose (including any other purpose in Use Class A1 of the Schedule of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument re-voking or re-enacting that Order with or without modification).

Reason:- In order to comply with PPS4 - Planning for Sustainable Economic Growth, as the site is in open countryside where current planning policy would not normally permit general retail uses.

The proposed revised condition will read as follows (the revised text is in bold):-

*The ground floor of the **building** hereby approved shall only be used as a garden centre for the display and sale of the following categories of goods:*

- (i) *Pot and bare rooted plants, ornamental fruit bushes and trees, seeds/bulbs, vegetable and bedding plants, ornamental and fruit trees, cut flowers;*
- (ii) *Garden requisites such as composts, fertilisers, weed killers/disinfectants, spray equipment, netting, cloches, plant supports;*
- (iii) *Gardening and greenhouse tools and equipment;*
- (iv) *Gardening protective clothing and footwear;*
- (v) *Garden pond liners, pumps and equipment, pebbles, aquatic plants, fish and fish food;*

- (vi) *Fencing, path and patio construction materials such as gravel, paving slabs, edging materials;*
- (vii) *Garden furniture and ornaments such as seating, umbrellas, barbecue and barbecue fuel, bird tables, feeders and bird feed;*
- (viii) *Incidentals such as gardening books and videos, cards, artificial flowers, small animal feed (e.g. rabbit food); and*
- (ix) *Natural and artificial Christmas trees, Christmas decorations, table decorations, Christmas cards.*

The ground floor of the building shall not be used for any other purpose (including any other purpose in Use Class A1 of the Schedule of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument re-voking or re-enacting that Order with or without modification).

Reason:- In order to comply with National Planning Policy Framework, as the site is in open countryside where current planning policy would not normally permit general retail uses.

HISTORY:

13/01242/CLEUD: Certificate of Lawfulness in respect of the retail sales of goods in breach of condition 06 of approval 00/00400/OUT dated 04.08.2000 for more than 10 years before the date of this application - REFUSED 02/07/2014

13/00560/73A: Variation of condition 06 of approval 00/00400/OUT dated 04.08.2000 to allow the sale and display of additional goods as listed within the submitted supporting documentation dated 13th May 2013 WITHDRAWN 06.12.2013

11/00749/73A: Variation of Condition 16 of approval 10/00114/FUL dated 10.08.2010 to state "The development hereby permitted shall be carried out in accordance with the following approved plan(s): Red Line Site Plan received by the Local Planning Authority on 9 February 2010, Site Layout Plan received by the Local Planning Authority on 9 February 2010, Drawing C834-001 Rev C 'Infill Building Elevations Sheet 1 of 2' and Drawing C834-002 Rev A 'Infill Building Elevations Sheet 2 of 2', Drawing C834 -003 Rev B 'Infill Building Proposed Floor Plan'" – substitution of some plans - APPROVED 09/12/2011

10/00114/FUL: Erection of a two-storey, link extension between two existing buildings to form covered display and sales area to ground floor and cafe, offices, storage and staff room to first floor - APPROVED 10/08/2010

05/01199/ADV: Display of 3m x 2m non-illuminated post mounted V name sign - REFUSED 09/01/2006

02/00880/FUL: Erection of building for use as garden and agricultural machinery centre and associated parking - APPROVED 13/09/2004

01/00825/FUL: Change of use of land to form children's play area - APPROVED 06/09/2001

00/00917/REM : Erection of garden centre with associated parking and access - APPROVED 03/10/2000

00/00400/OUT: Erection of garden centre - APPROVED 04/08/2000

POLICY:

National Policy Guidance

National Planning Policy Framework (NPPF)

Achieving Sustainable Development

- Paragraphs 9 and 10

Presumption in favour of Sustainable Development

- Paragraphs 12 and 13

Ensuring the Vitality of Town centres

- Paragraph 24

National Planning Practice Guidance (NPPG)

Ryedale Local – Local Plan Strategy

Policy SP6 – Delivery and Distributing of Employment Land and Premises

Policy SP8 – Tourism

Policy SP9 – The Land-Based and Rural Economy

Policy SP13 – Landscapes

Policy SP16 – Design

Policy SP17 – Managing Air Quality, Land and Water Resources

Policy SP19 – Presumption in favour of sustainable Development

Policy SP20 – Generic Development Management Issues

APPRAISAL:

The main considerations associated with this application are:-

- Principle of Development;
- History;
- Character and form; and
- Impact upon the amenity of the adjoining neighbours

Principle of Development

The NPPF provides guidance on supporting a prosperous rural economy. It notes that planning policies should support the sustainable growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well designed new buildings.

Policy SP9 of the Ryedale Plan - Local Plan Strategy supports the development and expansion of land-based activity. The principle is supported provided that it will not adversely affect accessible convenience shopping.

The principle and details of the extension have already been approved by planning application 10/00114/FUL and the subsequent revision to the design, 11/00749/73A.

It is considered that given the location of the site together with the nature of the development that the proposal is complies with the provisions of Policy SP9 and national policy.

The Town Council have been consulted on the application and have raised no concerns to the development.

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History

Members will recall the recent CLEUD, which was refused was submitted by the applicant to expand the amount of goods sold from the Garden Centre building. The proposed variation/alteration of the wording to condition 05 does not alter the status of the recent refusal nor does it move the current CLEUD situation along.

The proposed conditions, duplicated from the current planning consent (11/00749/73A), restrict the use of the extension and limit those goods and services available from the development.

Character and form

The site lies approximately half a mile to the south of the defined settlement limit of Pickering, within a small cluster of commercial units. The extension would provide a central entrance point for the garden centre and machinery business, providing a covered display and sales area, with café, offices and staff facilities to the first floor. The proposed extension would not change as a result of the proposed amendments to condition 05.

Impact upon adjoining operations

The previous application for this proposal received concerns from the occupiers of the adjoining business immediately to the north of the application site, Rogers Nurseries. The concerns raised overlooking of their land from the first floor glazed areas to the proposed extension as an issue.

The proposed plans illustrate that the first floor windows to the front elevation will be obscured, therefore omitting any potential for overlooking.

Conclusion

It is considered that the application accords with the development plan.

Local Plan Strategy - Policy SP6 Delivery and Distributing of Employment Land and Premises
Local Plan Strategy - Policy SP8 Tourism
Local Plan Strategy - Policy SP9 The Land-Based and Rural Economy
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Before the development hereby permitted commences, samples of all the external materials proposed, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

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3 No external lighting shall be provided unless with the prior written approval of the Local Planning Authority.

Reason:- In order to protect the character of the area and to satisfy Policy EMP6 of the Ryedale Local Plan.

4 The ground floor of the building hereby approved shall only be used as a garden centre for the display and sale of the following categories of goods:

(i) Pot and bare rooted plants, ornamental fruit bushes and trees, seeds/bulbs, vegetable and bedding plants, ornamental and fruit trees, cut flowers;

(ii) Garden requisites such as composts, fertilisers, weed killers/disinfectants, spray equipment, netting, cloches, plant supports;

(iii) Gardening and greenhouse tools and equipment;

(iv) Gardening protective clothing and footwear;

(v) Garden pond liners, pumps and equipment, pebbles, aquatic plants, fish and fish food;

(vi) Fencing, path and patio construction materials such as gravel, paving slabs, edging materials;

(vii) Garden furniture and ornaments such as seating, umbrellas, barbecue and barbecue fuel, bird tables, feeders and bird feed;

(viii) Incidentals such as gardening books and videos, cards, artificial flowers, small animal feed (e.g. rabbit food); and

(ix) Natural and artificial Christmas trees, Christmas decorations, table decorations, Christmas cards.

The ground floor of the building shall not be used for any other purpose (including any other purpose in Use Class A1 of the Schedule of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason:- In order to comply with National Planning Policy Framework, as the site is in open countryside where current planning policy would not normally permit general retail uses.

5 Unless otherwise agreed in writing by the Local Planning Authority, no part of the site outside any building shall be used for the storage or display of any goods or materials subject to that agreed under Condition 10.

Reason:- To ensure that the appearance of the area is not prejudiced by the external display and storage of materials and to comply with the provision of the National Planning Policy Framework.

6 Unless otherwise agreed in writing by the Local Planning Authority and prior to development commencing the level, type and extent of frosted glazing at first floor level to the north facing elevation shall be submitted to and agreed in writing with the Local Planning Authority and thereafter retained in perpetuity.

Reason:- In order to protect the amenities of nearby properties as required by Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 The cafe use hereby approved shall remain as an ancillary feature associated with the garden centre currently known as The Steam and Moorland Centre. It shall not be sold or let off separately from the garden centre and shall only be open for customers when the garden centre is open for business.

Reason:- To ensure that the development remains ancillary to the garden centre use and to comply with the requirements of the National Planning Policy Framework.

- 8 The premises shall not be used for the sale of hot food for consumption off the premises.

Reason:- To ensure that the development remains ancillary to the garden centre use and to comply with the requirements of the National Planning Policy Framework.

- 9 The first floor of the premises hereby approved shall only be used for a purpose included in Use Class A3 of the schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument re-enacting that Order.

Reason:- In order to comply with the requirements of the National Planning Policy Framework.

- 10 Unless otherwise agreed in writing by the Local Planning Authority and prior to the commencement of development, a scheme for the storage and display of goods outside of any buildings to include:-

1. Location(s);
2. Layout;
3. Height;
4. Landscaping; and
5. Any other matters considered to be of relevance

shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure that the appearance of the area is not prejudiced by the external storage of materials, and to comply with the National Planning Policy Framework.

- 11 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The required highway improvements shall include:

Provision of carriageway centre white line hatching, 900mm in width with 1 in 50 lead in tapers. To start from point 100 metres south of the garden centre across centre line and terminate at a point 100 metres north of the nursery (Rogers) access centre line. Hatching to be absent across each access entry point.

Both carriageway lanes shall be a minimum of 3 metres when completed clear of central

hatching and re-sited edge of carriageway line.

The above and associated marking required are as indicated in The Traffic Signs Regulations & General Directions 2002. (Hatching diagram No's 1040.2 & 1040.6 metre line, 3 metre gap, 100mm wide. Arrows diagram No 1014, 2 No, 6 metre arrows on each approach 30m & 84m before start of taper. Slow diagram No 1024, Lettering 2.8 metres high 1 on each approach. White uni-directional road studs.

Reason:- In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 12 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under Condition 11:-

Provision of carriageway centre white line hatching, 900mm in width with 1 in 50 lead in tapers. To start from point 100 metres south of the garden centre access line and terminate at a point 100 metres north of the nursery (Rogers) access centre line. Hatching to be absent across each access entry point.

Both carriageway lanes shall be a minimum of 3 metres when completed clear of central hatching and re-sited edge of carriageway line.

The above and the associated markings required are as indicated in The Traffic Signs Regulations & General Directions 2002. (Hatching diagram Nos. 1040.2 and 1040.6 metre line, 3 metre gap, 100mm wide. Arrows diagram No. 1014, 2No. 6 metre arrows on each approach 30m and 84m before start of taper. Slows diagram No. 1024, lettering 2.8 metres high 1 on each approach. White uni-directional road studs.

Reason:- In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of the safety and convenience of highway users.

- 13 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted, until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

(i) A drawing showing the provision of a further 16 parking spaces within the site, and the provision of suitable cycle parking.

Reason:- The Local Planning Authority in conjunction with the Highway Authority consider that within site parking has not been carried out as previously approved, which has resulted in the loss of 12 parking spaces. A further 4 spaces are currently lost through the provision of a retail/storage stand. In accordance with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy, and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

- 14 The additional parking spaces approved under Condition 15 shall be laid out and made available for use prior to the development hereby permitted been brought into use.

Reason:- In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 15 The development hereby permitted shall be carried out in accordance with the following approved plan(s) approved on application 11/00749/73A:

- Red Line Site Plan received by the Local Planning Authority on 9th February 2010;
- Site Layout Plan received by the Local Planning Authority on 9th February 2010;
- Drawing C834-003 'Infill Building Proposed Floor Plans';
- Drawing C834-001 'Infill Building Elevations Sheet 1 of 2'; and
- Drawing C384-002 'Infill Building Elevations Sheet 2 of 2'

Reason:- For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties