

Item Number: 12
Application No: 14/01293/73A
Parish: Pickering Town Council
Appn. Type: Non Compliance with Conditions
Applicant: Steam & Moorland Garden Centre
Proposal: Variation of condition no. 16 of approval 11/00749/73A dated 09.12.2011- the removal of Drawing Nos. C834-001, C834-002 and C834-003 and replacement by Drawing Nos. 2225-201 Proposed Plans and section and 2225-202 Proposed Elevations-amendments to building scale and elevation proportions.
Location: Steam and Moorland Garden Centre Malton Road Pickering North Yorkshire YO18 7JW

Registration Date:
8/13 Wk Expiry Date: 20 January 2015
Overall Expiry Date: 26 December 2014
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council No objection
Neighbour responses: Ian & Anne Roger,

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:

Planning Approval is sought for the variation of condition no.16 of approval 11/00749/73A dated 09.12.2011 replacing approved drawing numbers C834-002 and C834-003 and the replacement with Drawing Numbers 2225-201, Proposed plans and section 2225-202. The amendments to the buildings elevations in relation to design and proportions as well as the overall scale.

Members may note that works have already commenced.

HISTORY:

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

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

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

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

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

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 22/11/2014.

14/01058/COND: Discharge of Conditions 02, 07, 11, 12, 13 and 14 off approval 11/00749/73A 09.12.2011. Pending Consideration.

POLICY:

Ryedale Plan: Local Plan Strategy.

Policy SP1 General Location and Settlement Hierarchy
Policy SP6 Delivery and Distribution of Employment Land and Premises
Policy SP7 Town Centres and Retailing
Policy SP8 Tourism
Policy SP9 The Land Based and Rural Economy
Policy SP16 Design
Policy SP19 Presumption in Favour of Sustainable Development
Policy SP20 Generic Development Issues

National Planning Policy Framework
National Planning Policy Guidance

APPRAISAL:

Members will note that this application is to change some of the approved plans on the 2010 approval, which would result in minor external changes to the appearance of the approved development. In light of the earlier approval it is considered that this appraisal should only deal with the changes which are proposed under the new plans. The economic and highway implications of the development have previously been considered and the principle of the development is therefore accepted.

The amendments sought are:-

- Alterations to window detailing on the front (north) elevation
- Alterations to window detailing on the rear (south) elevation
- Increased eave height of approximately 0.4 metres
- Increased ridge height of approximately 0.3
- Variation of more minor fenestration details.
- Installation of roof lights

The main considerations to be taken into account with this application are:-

- i) Character and form; and
- ii) Impact upon adjoining operations.

Character and Form

The site lies approximately 800 metres to the south of the defined settlement limit of Pickering, within a small cluster of commercial units. The extension provides a central entrance point for the garden centre and machinery business, a covered display and sales area, with café, offices and staff facilities to the first floor.

Due to a miscalculation of the space over which the approved building was to be sited, the height of the structure of the building has increased. The eave height has increased by approximately 0.4 metres and the ridge height by approximately 0.3 metres. In addition to the alterations to the north elevation which are covered in more detail in the section below it is also proposed that the width of glazing proposed on the rear elevation at first floor has been reduced by approximately 1.9 metres

The alterations proposed are minor in nature and do not significantly detract from the appearance of the previously approved linking building. Plans and elevations showing the differences between those previously approved and those the subject of the current application are appended to this report.

Impact upon adjoining operations

Concerns have been raised by the occupiers of the adjoining business immediately to the north of the application site, Rogers Nurseries. The concerns have been raised following from the original application and previous 73A application with regard to overlooking of their land from the first floor glazed areas to the proposed extension. The amended plans and elevations show the first floor windows to the front elevation as obscured glazed with the exception of the top section of panels. Despite the omission of the top panel of obscure glazing the remaining panels would be obscure glazed approximately 3 metres above the internal first floor level. It is Officers opinion that this is of sufficient height to ensure that the privacy of Rogers Nurseries is retained.

The Council is currently dealing with an application for the discharge of Condition 07 amongst others, application reference; 14/01058/COND. Members will be updated if the relevant condition has been discharged.

Subject to the level of obscure glazing being agreed by the Authority it is not considered that the proposed variation to the north elevation would adversely affect the privacy of Rogers Nurseries.

Pickering Town Council has raised no objection.

At the time of writing no further representations had been received.

It is considered that the proposed development meets with the requirements of Development Plan policies and that there are no identified material considerations that would override this compliance. The recommendations therefore is one of approval.

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 Policy EMP6 of the Ryedale Local Plan.

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 existing portacabin shall be removed from the site following the first occupation of the building hereby approved.

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

5 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.

6 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 11.

Reason:- To ensure that the appearance of the area is not prejudiced by the external display and storage of materials and to comply with PPS4 - Planning for Sustainable Economic Growth.

7 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 Policy EMP6 (i) of the Ryedale Local Plan.

8 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 PPS4 - Planning for Sustainable Economic Growth.

9 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 PPS4 - Planning for Sustainable Economic Growth.

10 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 PPS4 - Planning for Sustainable Economic Growth.

11 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 PPS4 - Planning for Sustainable Economic Growth.

12 As may be recommended by Highways Authority

13 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 C834-003 '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

Regional Spatial Strategy

PPS1 - Delivery Sustainable Development 2005

PPS4 - Planning for Sustainable Economic Growth

PPG13 - 'Transport' 1994

Responses from consultees and interested parties