

**Item Number:** 11  
**Application No:** 15/00152/73A  
**Parish:** Pickering Town Council  
**Appn. Type:** Non Compliance with Conditions  
**Applicant:** Steam & Moorland Garden Centre  
**Proposal:** Variation of Condition no.15 of approval 14/00692/73A dated 28.08.2014 - 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:** 8 May 2015  
**Overall Expiry Date:** 19 March 2015  
**Case Officer:** Helen Bloomer **Ext:** 328

#### **CONSULTATIONS:**

**Neighbour responses:** Ian And Anne Rogers,

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#### **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.15 of approval 14/00692/73A dated 28.08.2014 replacing approved drawing numbers C834-001, 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 and is nearing completion.

#### **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. Closed- Not determined.

14/01293/73A: 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. Application withdrawn.

## **POLICIES:**

Ryedale Plan: Local Plan Strategy.

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

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 27 August 2017

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.

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 SP20 of the Ryedale 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 14/00692/73A:

- 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 No. 2225-201 Proposed Plans and Section
- Drawing No. 2225-202 Proposed Elevations

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