

Parish: Stokesley
Ward: Stokesley
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Committee date: 26 July 2018
Officer dealing: Mr P Jones
Target date: 30 July 2018

18/01095/FUL

Construction of a temporary building for retail and cafe use whilst a replacement garden centre is constructed.

**At Strikes Garden Centre, Strikes Roundabout, Stokesley
For Mr David Yardley**

This application is referred to Planning Committee at the request of a Member of the Council.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located on the north east edge of Stokesley on the A172 Roundabout. It is within open countryside and the area is characterised by rolling agricultural fields with hedged boundaries. The site is effectively a small field to the immediate south of the existing centre bounded to the south by a high leylandii hedge with a more traditional hawthorn hedge to the roadside.
- 1.2 In April 2018 a fire destroyed the existing garden centre buildings on the adjacent site. Demolition and clearance works are due to begin over the coming weeks and a scheme for the permanent replacement of the garden centre building will be submitted in due course.
- 1.3 The applicant's immediate priority is to get the business back up and trading as quickly as possible in order to provide continuity for customers and ensuring that jobs are protected. In order to achieve this he has begun to construct a temporary building on the site. The applicant is committed to submitting a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 which would ensure the complete removal of the building by 1 December 2019.
- 1.4 The application proposes the following accommodation:
- A temporary building (1,977.77sqm);
 - A covered link leading to the surviving garden centre buildings (56.16sqm);
 - A covered link to existing open sided canopies (27.00sqm);
 - Toilets (53.32sqm); and
 - An outdoor coffee shop seating terrace (75sqm).
- 1.5 The existing open sided canopies and outdoor sales area would be retained in situ as they were not damaged by the fire.
- 1.6 The temporary building would be used as a shop offering the wide range of products which were sold from the building now destroyed by fire. The footprint of the building has been selected to provide as close as possible a replication of the previous building in order to reduce the impact on the retail offer.
- 1.7 The building would include a customer coffee shop to provide continuity for visitors. The applicant states that the food and drink offer will be less than the previous offer on the site but he hopes it will be adequate enough to encourage customers to continue to visit the site. The coffee shop would include appropriate kitchen facilities. Customer and staff toilets would be added as separate modular blocks to the east of the temporary building.

1.8 A temporary outdoor seating decked area would be created to the south east of the temporary building to enable visitors to sit outside during periods of good weather, enjoying views out to the east of the site.

1.9 A temporary covered link would be created from the temporary building to the existing open sided canopies which are to be retained on the site as they were not damaged by the recent fire.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 The site has been the subject of a series of planning permissions as the business has grown over the years. In common with other garden centres, the more recent permissions have included restrictions on the range of goods that can be sold. The relevant recent applications are as follows.

2.2 13/01252/FUL - alterations to garden centre to form cafe and store, formation of outside sales area and change of use of agricultural land to form part of garden centre; Granted 17 April 2014.

This decision restricted the range of goods to be displayed in the outdoor sales area to (i) plants and trees of all kinds, plant supports e.g. canes, tree stakes etc.; (ii) pots, containers, troughs, terracotta ware, compost, peat, topsoil, mulches; (iii) stoneware and ornaments, fencing, gates and trellis, decking and accessories, stone, sand, grit and gravel, paving, garden watering equipment, rockery, and Christmas trees.

2.3 12/00509/FUL - Canopy extension to sales area; Granted 15 May 2012.

This decision restricted the range of goods to be displayed in the canopy to plants (minimum 70% of floor area) and other goods and materials associated with the practise of outdoor gardening (maximum 30% of floor area).

2.4 02/01560/FUL - Construction of a glasshouse for the display and sale of aquatic livestock, plans and horticultural equipment; Granted 4 November 2002.

2.5 01/00880/FUL - Conservatories for display purposes; Granted 29 January 2002.

2.6 01/50849/P - Extension to glasshouse; Granted 18 April 2001.

2.7 99/51472/P - Covered display area; Granted 29 March 1999.

2.8 97/51480/P - Covered display area; Granted 7 August 1997.

2.9 97/51479/P - Extensions to glasshouses; Granted 29 May 1997.

2.10 76/1267/FUL - Revised layout of garden centre and new greenhouse; Granted 26 February 1976.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP12 - Priorities for employment development

Core Strategy Policy CP14 - Retail and town centre development

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP9 - Development outside Development Limits
Development Policies DP17 - Retention of employment sites
Development Policies DP23 - Major out of centre shopping and leisure proposals
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Town Council – The temporary building has already been erected and is far larger than the surrounding buildings and completely out of context with the surroundings. If the Planning Committee is minded to approve, then this should be for a specified period of time, e.g. one year following which a shorter period e.g. two months to demolish a remove from site and return the site to a field.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection.
- 4.4 NYCC SUDS – The formal response of the SUDS team has not been received. However, they have agreed that additional details required can reasonably be provided by condition.
- 4.5 Public comments – 17 objections have been received, as summarised below:
- The building is too large, in particular the overall height, blocking public views of Roseberry Topping and Captain Cook's Monument;
 - The building appears to be permanent, what measures are there to ensure that it is removed?
 - The building should not have been constructed until Planning Permission had been granted;
 - Harm to landscape character;
 - The building is large and industrial in character, industrialising the area, and is not suited to the use as a garden centre;
 - Concern about drainage from the site;
 - The site is outside development limits and the established A172 boundary;
 - The building would be less intrusive if orientated on the opposing axis; and
 - The development fails to take account of the distinctive character of the area.

One Letter of support has been received, applauding the developer for being so proactive and determined to support their business and staff.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) whether the development is acceptable in principle; (ii) whether the development will have adverse impacts on the landscape setting of Stokesley or the open character of the surrounding countryside; (iii) whether the proposed development will have a detrimental impact on the residential

amenity of neighbouring occupiers; (iv) whether the development will have any detrimental impact on road safety and; (v) flooding and drainage.

Principle

- 5.2 The application site is located outside the Development Limits for Stokesley and as such development is only supported where it meets an exceptional case as set out in Core Policy CP4 of the Core Strategy. It is widely accepted that garden centres cannot be readily accommodated within Development Limits and there is no suggestion that the extensive areas of the site devoted to display of outdoor plants and gardening materials should be located within Development Limits. However, this application does not apply to the extensive outdoor display areas but is concerned with the building that would provide covered sales areas.
- 5.3 The applicant has provided a breakdown of the product offer that was set out within the burned out building along with that proposed within the temporary building. These are roughly commensurate in terms of the proportion of floor space utilised for each of the product areas and reflect the fact that much indoor display space in the previous building pre-dates current planning policy and is therefore not restricted in terms of the range of goods. As the history in section 2 indicates, such restrictions are a relatively recent planning control.
- 5.4 The figures indicate that only 31% of the floor space of the temporary building (not the site) would be given over to display of materials described as “core gardening”, whilst 41% of the floor space would be for the display of giftware and indoor furniture, houseplants, cookware and books, food, crafts, clothing and toys and games. A further 19% of floor space would be used for seasonal displays, including bulbs, furniture and Christmas items.
- 5.5 The proposed development raises the question of retail impact. Core Policy CP14 commits the Council to supporting proposals that maintain and enhance the vitality and viability of Stokesley as a District Centre meeting the day to day needs of its catchment area and Development Policy DP23 complements this by requiring retail proposals of more than 500 square metres gross outside Primary Retail Areas, including Stokesley town centre, to demonstrate the following four things:
- i. The need for the proposal, in quantitative and qualitative terms outweighs other planning considerations; and
 - ii. There are no suitable viable and available sites both within or on the edge of the existing Primary Retail Areas, being flexible about format, scale, design and parking provision; and
 - iii. There would be no adverse impact upon the vitality and viability of existing designated Primary Retail Areas; and
 - iv. The proposal would be accessible by a choice of means of transport (including public transport, cycling and walking), and the local transport system is capable of accommodating the potential traffic implications.
- 5.6 This is normally tested through submission and consideration of a retail impact assessment as part of the planning application. However, in this case the proposal arises from exceptional circumstances and the retail floor space of the fire damaged building was larger than that now proposed and the building is only sought for a temporary period, to allow the business to recover as quickly as possible pending a permanent redevelopment. For these reasons it is considered to be reasonable that a full retail impact assessment is not carried out at this stage. Rather this assessment should be undertaken when the application for the permanent re-development of the site is under consideration and taking account of other relevant information.

- 5.7 At this stage and in order to facilitate the continuation of the business and on-going re-development of the site and in the light of the business's existing logistical arrangements, it is considered acceptable to allow the temporary building to trade on the basis of the product range that was previously provided on the site. This is without prejudice to the consideration of the product mix and assessment of the impact on the town centre to be undertaken as part of the assessment of a future application for a permanent building.

Landscape impact and design

- 5.8 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.9 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.10 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in designing their schemes:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.11 In this case the applicant has been forced to move quickly in order to maintain continuity in their business. Some liaison has been undertaken locally. However, due to the temporary nature of the proposal and the need to maintain continuity in the business the applicant took the risk of proceeding without the benefit of planning permission or undertaking a more comprehensive public consultation exercise.
- 5.12 The building is extremely high, given the function of the building having only a ground floor. Initially a much lower building had been considered (2.5m to eaves and 6m to ridge). The proposed building, at 6.5m to eaves and 12m to ridge, has a significant impact in terms of the character and appearance of the area. This area forms the transition between the town and the open countryside east of the A172, offering public views across the landscape toward the North York Moors National Park and in particular Roseberry Topping and Captain Cook's monument. These are iconic features in the landscape and the building intrudes significantly on these views.
- 5.13 The building has introduced an overtly industrial building, in terms of both massing and form, which is considered to have a significant harmful impact on the character of the area. However, it is proposed for a temporary period in order to allow the business to continue trading pending a permanent building. Officers have requested that the applicant submit a Unilateral Undertaking detailing the programme for the re-development of the site and setting out the triggers for the removal of the temporary building. It is envisaged that the temporary building will be required for a period of 18 months. As such the harmful landscape impacts would be transient. The applicant has been asked why the building is as high as it is and the response has been that this is the solution provided by the insurer.

Residential amenity

- 5.14 There are a number of residential properties in the vicinity of the application site, notably opposite the site on the west side of the A172. The rear gardens of these properties are approximately 50m from the building. One property in this location is considerably closer at approximately 20m. There are two other buildings in relatively close proximity to the application site, one within Strikes' car park and the second immediately to the south of the site. None of these properties are considered to suffer a loss of amenity in terms of daylight or privacy.

Road safety

- 5.15 The applicant intends to utilise the existing access from the roundabout to service the building. Much of the existing car park would still be available for use during the course of the full re-development of the site. The Highway Authority has no objection to the development subject to conditions.

Flooding and drainage

- 5.16 The applicant has provided little detail on the implications of the development in terms of surface water drainage but notes that surface water drainage from the proposed building would be connected to the existing on-site pumping solution. The County Council has been consulted on this matter as Lead Local Flood Authority and is satisfied with the details.

The planning balance

- 5.17 The building is considered to have a significant harmful impact on the character and appearance of the immediate area and in particular the landscape setting of Stokesley. Its size and the range of goods that would be sold mean it could have an impact on Stokesley town centre, albeit similar to the situation that existed before the fire, and this should normally be tested by means of a retail impact assessment. However, in this case these impacts would be transient and it is considered reasonable to also take account of the benefits of allowing the business to re-establish and trade pending assessment of a permanent redevelopment proposal, thereby protecting local jobs.

6.0 RECOMMENDATION

- 6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure the removal of the building from the site by 1 December 2019; and (b) any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) set out below, received by Hambleton District Council on 24 May and 05 July 2018, unless otherwise approved in writing by the Local Planning Authority.

Proposed site Plan M11.136.D.002, Floor Plan ST-18-NB-33212-3.idw Rev 2, Elevations ST-18-NB-33212-3.idw Rev 2, Elevations ST-18-NB-33212-3.idw Rev 2, Axonometric ST-18-NB-33212-3.idw Rev 2

2. Within one calendar month of the date of this permission full details of surface water drainage shall be submitted in writing and agreed by the Local Planning Authority. The details to be submitted shall include a schedule for the implementation of the approved details. The development shall then be implemented in accordance with the approved details.

3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
4. 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 delivery loading and unloading arrangements have been submitted to and approved in writing by the Local Planning Authority.
5. No part of the development shall be brought into use until the vehicle manoeuvring and turning areas approved under condition number 4 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing number M11.136.D.002A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
7. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) construction access to the site; (b) the parking of vehicles of site operatives and visitors; (c) loading and unloading of plant and materials; (d) storage of plant and materials used in constructing the development; (e) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (f) wheel washing facilities; and (g) measures to control the emission of dust and dirt during construction.
8. The development hereby approved shall be carried out only in accordance with the schedule of products set out in email from Pleydell Smithyman dated 09 July 2018, unless otherwise agreed in writing by the Local Planning Authority.

The reasons are:

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
2. In order to ensure that the proposed development has no detrimental impact on nearby property through impact on surface water management.
3. In accordance with policy DP3 and in the interests of highway safety.
4. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
5. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

6. In accordance with policy DP3 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
7. In accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
8. In order that the local planning authority retains control over the retail offer from the site.