

Parish:
Ward:
14

Committee date: 7 March 2019
Officer dealing: Ms A O'Driscoll
Target date: 15 March 2019

18/01971/FUL

**Construction of garden centre shop, canopies, restaurant and outdoor sales area along with associated parking, store, service yard and landscaping
At Strikes Garden Centre, Strikes Roundabout, Stokesley
For Klondyke Properties Ltd**

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.
- 1.2 In April 2018 a fire destroyed the existing garden centre buildings. Permission was subsequently granted for a temporary building to allow the business to continue operating from the site.
- 1.3 This application is for the construction of permanent replacement buildings.
- 1.4 In addition to the replacement building the applicant also proposes to decrease the outdoor floorspace by approximately 400sqm. The indoor floor space will be increased by just under 1000sqm. The increased indoor floor space will provide an extra 357 sqm front of house retail area, 43 sqm back of house retail area, and additional 395sqm restaurant/café space and 150 sqm to open sided canopies and storage.
- 1.5 The replacement buildings are similar to those lost in the fire but with curved roofs. The design will incorporate glazing, timber and profiled metal cladding.
- 1.6 During the life of the application improvements were made to parking and delivery layouts. Additional work was also carried out in relation to the impact of the increased floor space on Stokesley Town Centre.

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 18/01095/FUL - Construction of a temporary building for retail and cafe use whilst a replacement garden centre is constructed. Granted 28 September 2018 for a temporary period until 1 December 2019.
- 2.3 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.

- 2.4 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).
- 2.5 02/01560/FUL - Construction of a glasshouse for the display and sale of aquatic livestock, plans and horticultural equipment; Granted 4 November 2002.
- 2.6 01/00880/FUL - Conservatories for display purposes; Granted 29 January 2002.
- 2.7 01/50849/P - Extension to glasshouse; Granted 18 April 2001.
- 2.8 99/51472/P - Covered display area; Granted 29 March 1999.
- 2.9 97/51480/P - Covered display area; Granted 7 August 1997.
- 2.10 97/51479/P - Extensions to glasshouses; Granted 29 May 1997.
- 2.11 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 – Broadly supports the rebuilding of the garden centre however a number of concerns are raised regarding the impact on the Town Centre through increased floor space, the proposed building is larger than the previous, and safety concerns regarding traffic and parking layout.
- 4.2 Highway Authority – No objection subject to a Travel Plan condition
- 4.3 Environmental Health – No objection.

- 4.4 Environment Agency – No comments.
- 4.5 Lead Local Flood Authority (NYCC) – Recommends a condition for the submission of a sustainable drainage scheme.
- 4.6 Northumbrian Water – Recommends a condition relating to surface water drainage.
- 4.7 Public comments – Two letters of representation have been received, one in support and one neutral, noting that the application site is outside Development Limits and suggesting the footprint should be limited to what was there previously.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of this development including impact on town centres; (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 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, subject to the various provisions discussed in the following paragraphs. However, this application must be considered in its totality and not only on the extensive outdoor display areas.
- 5.3 The applicant has provided a breakdown of the product offer that was set out within the burned out buildings and is intended to be provided within the proposed redevelopment of the site.
- 5.4 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 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.
- 5.5 In relation to CP14 this is normally tested through submission and consideration of a Retail Impact Assessment as part of the planning application.

- 5.6 On behalf of the applicant Lichfields conducted the Retail Impact Assessment. In addition the Council sought external independent review of this by GL Hearn. The assessment covered projected turnover including increases in retail space and the overall impact on the Stokesley Town Centre. Some additional information and clarification was sought from and supplied by the applicant. Based on the revised submissions, it is considered that a robust approach had been taken in the assessment and that the results, set out below, can be accepted by the Council as representative of the likely impact on Stokesley Town Centre.
- 5.7 In assessing the impact on the Town Centre, the consultant seeks to assess the amount of trade diverted from the Town Centre, by the proposed development. The assessment found that when the convenience and comparison diversions are measured against the total turnover for Stokesley the maximum potential diversion from the town centre is low (approx. 1.6%). The Council's consultant concluded that the redevelopment of Strikes Garden Centre would not result in a significant adverse impact on the vitality and viability of the centre. It is therefore considered that the application complies with policies CP14 and criterion iii of DP23 outlined above.
- 5.8 With regard to DP23 criteria i and ii, the context of the application must be taken into account. The application site previously hosted a garden centre, most of which burned down. In the meantime the business continues to operate at the site from a temporary building. The redevelopment of the site is necessary to the continuation of the business and its contribution to local jobs and the local economy. Given the existing and historical use of the site planning permission could not be refused on a lack of need for the development.
- 5.9 As required by the policy, the applicant has also carried out a sequential test which reviews possible alternative sites. As mentioned above it is accepted that garden centres cannot be readily accommodated within Development Limits. Having reviewed a number of sites in the Stokesley area, no viable alternative was found to be available.
- 5.10 With regard to criterion iv of DP23 the garden centre has operated from this site for a number of years. The Highway Authority has no objection to the application but requested a number of alterations which the applicant has responded to positively. The Highway Authority indicated that the redevelopment of the site would lead to minimal increase in trip rates, traffic generation and congestion. The applicant has provided areas for cycle parking and there is a pedestrian crossing immediately adjacent to the site leading towards the town centre. Subject to the submission of a Travel Plan, which can be secured by condition, there are no highways or transport objections.

Landscape impact and design

- 5.11 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."
- 5.12 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.
- 5.13 The National Planning Policy Framework supports this approach and, at paragraph 130, 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:

- 5.14 A Landscape Visual Appraisal was submitted in support of the application. The appraisal assesses the impact of the development in terms of an increase in footprint from what was present on site prior to the fire. Given the previous buildings that existed the appraisal finds that there would be *“minor beneficial effect upon landscape character and a typically minor beneficial effect upon visual amenity, with users of the A172 closest to the site experiencing a moderate beneficial effect as the scheme would represent a noticeable enhancement in terms of both buildings and landscape mitigation, compared with the permitted development”*.
- 5.15 In addition the Visual Appraisal indicates that there would be no detrimental impact on important long range views, for example from the National Park.
- 5.16 In response to DP30, which states: *“Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features, particularly to landscapes which otherwise lack interest”*, the applicant is proposing a new wildflower meadow to the south of the site as well as further screen planting around the edges of the site. The addition of the meadow and planting will contribute towards local biodiversity.
- 5.17 To the northern end of the development it is proposed to “re-skin” the surviving canopies. The proposed materials in the main part of the development include glazing and timber cladding with grey single ply membrane roofing. The southern end of the building will also incorporate green profiled metal cladding. The design of the buildings and choice of materials is considered to represent an improvement on the buildings which were lost in the fire.
- 5.18 Due to the loss of the buildings as a result of the fire, this development proposal is considered to be a new planning chapter and as such the impact of the development in its totality must be considered. Given that the applicant has demonstrated a need for the development in this location, the relatively low form of the buildings and careful use of materials; it is considered that the landscape impacts of the proposals are acceptable. Overall it is considered that the redevelopment would have a positive impact in terms of local visual amenity and a neutral impact in terms of long or short range views and on the openness of the countryside.

Residential amenity

- 5.19 There are a number of residential properties in the vicinity of the application site. The closest dwelling is to the south of the application site. The proposed building is located approximately 30 metres from the shared boundary with this dwelling.
- 5.20 The development has the potential to cause nuisance to neighbours, through traffic circulation, activity and equipment such as air handling equipment on the site. However, given the separation distance between the proposed development and neighbouring dwellings it is considered that there would be no significant impact on residential amenity.
- 5.21 No objections have been raised by the Environmental Health Officer.

Road safety

- 5.22 The applicant intends to utilise the existing access from the roundabout to service the development.

5.23 The Highway Authority made a number of requests for amendments which were provided by the applicant. This included alterations to parking arrangements, delivery and HGV turning areas. Subject to a condition requiring the submission of a transport plan there are no highway objections to the proposal.

5.24 It is considered that the proposed development would have no unacceptable impact on road safety in the vicinity of the application site.

Flooding and drainage

5.25 The application site is located in Flood Zone 1 which is the area at least risk from flooding.

5.26 The Lead Local Flood Authority (LLFA) considers that a reasonable approach to drainage at the site has been taken by the applicant. It recommends a condition relating to the submission of a foul and surface water drainage scheme prior to commencement. The applicant is keen to provide this detail up front, however, at the time of writing these details are yet to be agreed.

5.27 Northumbrian Water was also consulted and also requested a condition relating to the submission of a detailed surface water drainage scheme.

5.28 The LLFA and Northumbrian Water have not raised any objections and therefore it is considered that the development is acceptable pending the outstanding detailed drainage scheme, which if not received prior to determination can reasonably be dealt with by condition.

The planning balance

5.29 The application is for a replacement building including an extension to the previously existing floorspace at an existing garden centre site. The impacts of the development in terms of vitality of the town centre, landscape character, residential amenity, road safety and drainage are considered to be low. As this is development on previously developed land, comprising a use that is not entirely conducive to town centre locations and considering the low impact on the locality it is considered that the application should be granted.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Unless otherwise approved in writing by the Local Planning Authority the permission hereby granted shall not be undertaken other than in complete accordance with the following drawings and documents referenced:

M11.136(a).D.021A Proposed Floor Plan

M11.136(a).D.022A Proposed Elevations

M11.136(a).D.023A Proposed Roof Plan

M11.136(a).D.024A Proposed Store - Plans & Elevations

received by Hambleton District Council on 13th September 2018;

M11.136(a).D.044B Landscape Layout

received by Hambleton District Council on 27th November 2018

M11.136(a).D.020E Proposed Site Plan

received by Hambleton District Council on 20th December

3. Unless otherwise approved in writing by the Local Planning Authority the materials used in the construction of the external surfaces of the buildings hereby approved shall be in accordance with samples submitted with the application, namely: Kingspan insulated roof and wall panels Range Kingspan XL Forté Colour Camouflage RAL 110 50 10, Kingspan insulated roof and wall panels Range Kingspan XL Forté Colour Goosewing Grey RAL 080 70 05, BS10A05, Sarnafil G410-12EL Lead Grey 9500, Protan G 1.5mm single ply membrane and Thermowood "D" Shiplap cladding.
4. Prior to the occupation of the buildings hereby approved a landscape implementation and management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of timings of planting, species and long term management. The agreed details shall thereafter be implemented and maintained in accordance with the approved plan.
5. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include: (i) the appointment of a travel co-ordinator (ii) a partnership approach to influence travel behaviour (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site (iv) provision of up-to-date details of public transport services (v) continual appraisal of travel patterns and measures provided through the travel plan (vi) improved safety for vulnerable road users (vii) a reduction in all vehicle trips and mileage (viii) a programme for the implementation of such measures and any proposed physical works (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.
6. Prior to the development being brought into use the access and parking arrangements shall be set out in accordance with the approved details and shall for the life of the development be maintained free of obstruction for their intended use.
7. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interest of proper planning

3. In the interest of visual amenity
4. To ensure that the landscaping scheme is suitably implemented and maintained.
5. To establish measures to encourage more sustainable non-car modes of transport
6. To ensure that adequate access and parking provision is established prior to the development coming into use
7. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.