

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/16/03448/FPA |
| FULL APPLICATION DESCRIPTION: | Extension and refurbishment of existing garden centre and car park |
| NAME OF APPLICANT: | Woodthorpe Garden Centre Ltd |
| ADDRESS: | East Durham Garden Centre, South Hetton Road, Easington Village |
| ELECTORAL DIVISION: | Easington |
| CASE OFFICER: | Barry Gavillet, Senior Planning Officer, barry.gavillet@durham.gov.uk 03000 261958 |

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This application site lies outside of the settlement boundary of Easington Village as defined in the District of Easington Local Plan and is therefore classed as being in the countryside. The site is approximately 6.52 hectares and is an existing and well established garden centre located approximately 1 mile to the west of Easington Village across the A19 and 0.6 miles to the east of South Hetton. The garden centre is accessed off the A182 and is surrounded by open countryside on all sides.

Proposal:

2. This application proposes to significantly expand and upgrade the existing garden centre facilities after being acquired by a new operator who operate several other successful garden centres in the country. The new facilities would include an enlarged and resurfaced 448 space customer/staff car park, expansion of internal and external retail areas, a playbarn, restaurant, orangery and replacement managers accommodation. An enlarged sustainable drainage pond designed to accommodate the run off from the enlarged and resurfaced car park is also proposed. Access to the site would remain as it currently exists off South Hetton Road.
3. It is important to note that the applicant advises that the existing number of full time equivalent staff on the site is 10. The applicant has suggested that the upgrading and expansion of the business as proposed in this application would result in approximately 250 full time and 50 part time staff.
4. This application is being reported to County Committee as it is classed as a major application and exceeds the site area set out in the scheme of delegation.

PLANNING HISTORY

5. Between 1998 and 2000 several polytunnels were approved on the site followed by a dwelling, a garden centre in 2005 and tea rooms and farm shop in 2006. In December 2015 a smaller scale extension to the garden centre was approved and has been partly implemented.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

9. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
10. Part 3 - Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
11. Part 4 - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
12. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. Part 11 - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem

services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

14. Policy 1 - Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
15. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
16. Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
17. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
18. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
19. Policy 106 – States that the preferred location of garden centres is within or adjoining settlement boundaries unless it can be demonstrated that suitable sites are not available.

RELEVANT EMERGING POLICY:

The County Durham Plan

20. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

21. Northumbrian Water have made no adverse comments.

INTERNAL CONSULTEE RESPONSES:

22. Highways Officers have no objections to the proposals and comment that the access to the site has good visibility splays, the proposed parking provision is adequate and that the additional pedestrian footpaths are welcomed. Conditions should be imposed requiring the demarcation of the car park, electric vehicle charging points, cycle storage bays and the implementation of the agreed workplace travel plan.

23. Ecology Officers initially requested a Great Crested Newt Risk Assessment given the proximity of the site to nearby ponds. An assessment has been submitted and found the proposed works to be of low risk. Mitigation relating to Great Crested Newts should be conditioned along with further details of the enlarged drainage pond to ensure biodiversity gains.

24. Landscape Officers have no objections subject to a scheme requiring a detailed landscaping scheme being conditioned.

25. Planning Policy officers have no concerns subject to a condition which limits the use of the site to a garden centre in order to limit any damage to nearby town centre retail uses.

26. Travel Plan officers have agreed the scope of a workplace travel plan.

PUBLIC RESPONSES:

27. None received.

APPLICANTS STATEMENT:

28. British Garden Centres is a family owned and run independent company, being Charles & Robert Stubbs who are brothers and myself, Phillippa Stubbs, Charles' wife. We began trading in 1990 and since then have built up a portfolio of 9 garden centres based around the country. We now employ circa 500 staff whom are local to the Centres and we run all of our own Cafes/Restaurants. We have very strong family and community values, which we believe are a key factor in our garden centres success....

29. We purchase centres that are in a neglected, declining state and turn them around (in a very short space of time) into thriving garden centres in the heart of communities, we always keep on any existing staff and then very quickly add to this creating jobs within both our restaurants and in the garden centre for people in the local area, together with using local contractors and businesses to supply materials and labour during the redevelopments.

30. We always aim to provide a friendly community based environment for people to come and enjoy with high quality food in the cafes and a good selection of product at fair prices in the garden centres. We enjoy the festive time of year and usually run santas grottos and christmas displays, then in the spring and summer months we like to hold planting events and children's gardening days which help engage the local people in what we do.
31. We work closely within the industry with the HTA and GCA and have been awarded National Garden Centre of the Year with our Brigg and Woodthorpe Centres. We also like to do work with local charities raising funds through our centres events.
32. In all the communities we have acquired a garden centre in, we have developed into a positive attribute for both the immediate community and the wider community too... we ultimately pride ourselves in bringing new vitality and jobs to an area and see failing garden centres turned round and made a renewed success....

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

33. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, layout and landscape impact, ecology and highways.

Principle of the development

34. This application proposes to extend the existing garden centre facility and associated car parking facilities. The current garden centre which was established in 2005 consists of a shop, polytunnels, a glasshouse, external display areas and informal car parking areas. An application was also approved in 2015 for a further expansion of the garden centre which has been partly implemented. The current proposals would significantly upgrade the existing facilities and include an enlarged and resurfaced 448 space customer/staff car park, expansion of internal and external retail areas, a playbarn, restaurant, orangery and replacement managers accommodation. An enlarged sustainable drainage pond designed to accommodate the run off from the enlarged and resurfaced car park would also be provided.
35. As the planning history reveals, planning permission has been granted for various developments on a number of occasions for polytunnels, a farm shop and the existing garden centre. The garden centre is located between the settlements of Easington Village and South Hetton and close to the A19. It is considered that the proposals are in accordance with saved policy 106 of the District of Easington Local Plan which is specific to garden centre developments. It states that the location of garden centres should be within or adjoining settlement boundaries, or elsewhere if it can be demonstrated that suitable sites are not available. It also requires that the site can be served by a safe access, would not adversely affect amenity and would not undermine the vitality or viability of retail centres or shops. The site is a long established garden centre and the proposals are considered to satisfy these criteria. In addition to this it is considered that the proposals are in general accordance with parts 1 and 3 of the National Planning Policy Framework which aim to support the economy and support the growth and expansion of business and enterprise in rural areas. Overall, it is considered that the upgrading and expansion of the garden

centre by a nationally recognised company would generate significant job creation, estimated by the applicant to be of around 250 to 300 jobs, and would secure the future of the business. Given the previous approval of the garden centre it is considered that the proposals are acceptable in principle subject to the inclusion of an occupancy condition with regards to the managers accommodation requiring that it only be occupied by a full time employee of the garden centre.

Layout and landscape impact

36. Saved policy 35 of the District of Easington Local Plan states that the design and layout of development should reflect the scale and character of adjacent buildings and have no serious adverse effect on the amenity of neighbouring residents or occupiers. The applicant has submitted full details of the design, scale and layout for approval and along with the design and access statement, confirms that although a larger site area is covered, the scale of the buildings will reflect what is currently on site. The layout shows additional polytunnels, glasshouses and internal and external retail areas which would be located in and around an existing group of buildings resulting in a limited additional landscape impact. On this basis it is considered that the proposals would not result in any significant adverse impact on the local landscape that should result in refusal, and therefore are in accordance with saved policy 35 of the District of Easington Local Plan.

37. In addition to the above the landscape officer has stated that the County Durham Landscape Spatial Strategy identifies the site as a location for enhancement. As a result, the site falls within a Landscape Improvement Priority Area. It is therefore considered that this application represents a good opportunity to appropriately enhance the perimeter landscape of the garden centre and be a showcase for the nursery to demonstrate appropriate native planting in the countryside for new developments. A condition is attached to this recommendation which requires a detailed landscaping scheme.

Ecology

38. Whilst it is noted that the site itself is generally of low value, development of the site does have the potential to have an impact on nearby protected species.

39. Policy 18 of the Easington Plan seeks to protect species and habitats and ensure appropriate mitigation. Given that there are ponds onsite and records of Great Crested Newts nearby this proposal has been the subject of a Great Crested Newt Risk Assessment which has been considered by Ecology officers. The conclusion is that the risk to Great Crested Newts is very limited and as such there is no requirement to obtain a licence from Natural England. However, the recommended working methods contained in the submitted Risk Assessment should be conditioned. In addition, further information is required through the imposition of a condition which gives detail of the enlargement of the drainage pond in order to ensure biodiversity gains.

40. Subject to the condition ensuring mitigation, the project is considered to be acceptable in terms of its relationship with habitats, species and protected sites and therefore compliant with Policies 18 of the Easington Local Plan and part 11 of the National Planning Policy Framework.

Highways

41. Highways Officers have been consulted as part of the application process and have commented that the existing site is served by a very good vehicular access with the

A182, South Hetton Road, including a protected right turn lane and good junction sight visibility in both directions. In addition, the additional 'Tarmac Path' pedestrian access link to the site is welcomed from a highways point of view as it offers some segregation from the main vehicular access into the site.

42. The 235 on site car parking spaces proposed are in compliance with Durham County Council's Parking and Accessibility Standards although conditions should be imposed requiring 4 electric vehicle charging points, the demarcation of the car park and the submission of a scheme showing the provision of 55 covered cycle spaces.
43. Subject to the planning conditions outlined above there would be no Highway Development Management reasons to object and therefore the proposals are considered to be in accordance with saved policies 36 and 37 of the District of Easington Local Plan and part 4 of the National Planning Policy Framework.

CONCLUSION

44. This proposals represents an opportunity to secure the future of the existing garden centre business through improvement and expansion and importantly would result in significant employment opportunities, estimated by the applicant as approximately 250 additional full time equivalent employees and 50 part time employees. The garden centre use in this location is well established and therefore acceptable in principle. There are no concerns raised by consultees in terms of highways, ecology or landscape subject to conditions.
45. On the basis of the above it is considered that this proposal, which would result in significant investment into an established rural enterprise, is in accordance with the relevant local plan policies and the aims of the National Planning Policy Framework and is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions/reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Proposed Site Plan 201501-10 Rev C
Proposed Ground, First Floor and Roof Plan 201501-11 Rev C
Proposed Elevations 201501-12 Rev C
Proposed Elevations Continued 201501-13 Rev C
Proposed Managers and Wardens Accommodation 201501-14
Proposed Site Level Plans 201501-15 Rev C

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

3. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with part 10 of the NPPF.

4. The development hereby approved shall be carried out in full accordance with all recommendations within section 4.2 of the East Durham Garden Centre Pond HSI & Bat Assessment Report by KJ Ecology Ltd.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

5. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and in accordance with saved Policies 1 and 35 of the District of Easington Local Plan.

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions

Reason: In the interest of visual amenity and in accordance with saved Policies 1 and 35 of the District of Easington Local Plan.

7. No development shall commence until a scheme for the provision of 4 electric vehicle charging point car parking spaces has been submitted to and approved by the Local Planning Authority. Prior to any of the extended garden centre being opened to the general public the installation of the 4 no. on-site electric vehicle charging point car parking spaces must be completed in accordance with the agreed scheme and retained in perpetuity.

Reason: To promote the use of alternative green modes of travel to and from the site in accordance with part 4 of the National Planning Policy Framework.

8. Prior to any of the extended garden centre being opened to the general public the car park must be demarcated in line with the on-site car parking scheme shown on the Proposed Site Layout Plan drg. no. 201501-10 Rev. 'C'.

Reason: To maximise the available on-site car parking in accordance with saved policy 35 of the District of Easington Local Plan and part 4 of the National Planning Policy Framework.

9. No development shall commence until a scheme for the provision of 55 enclosed, covered cycle spaces has been submitted to and approved by the Local Planning Authority. Prior to any of the extended garden centre being opened to the general public the 55 no. enclosed, covered cycle parking spaces must be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and retained in perpetuity.

Reason: To promote the use of alternative green modes of travel to and from the site in accordance with part 4 of the National Planning Policy Framework.

10. The development hereby approved shall be used as a garden centre and for no other purposes.

Reason: In order to protect nearby town centre uses in accordance with part 2 of the National Planning Policy Framework .

11. The development hereby approved shall be carried out in full accordance with the Workplace Travel Plan "East Durham Garden Centre, Woodthorpe Hall Garden Centre Ltd" by Development Planning Limited dated September 2016.

Reason: To promote the use of alternative green modes of travel to and from the site in accordance with part 4 of the National Planning Policy Framework

12. No development shall commence until a scheme showing full construction and planning details for the enlarged drainage pond have been submitted to and approved in writing by the Local Planning Authority. The works to the pond shall be carried out in accordance with the approved scheme and retained in perpetuity.

Reason: In the interest of visual amenity and to conserve protected species and their habitat in accordance with saved Policies 1, 18 and 35 of the District of Easington Local and part 11 of the NPPF.

13. The occupation of the managers house provided by the development hereby approved shall be limited to a person solely employed for the necessary purpose of security or the proper maintenance and function of the garden centre (including any dependent of such person).

Reason: The creation of a separate residential unit in this location would be contrary to Policy 3 of the District of Easington Local Plan and part 6 of the National Planning Policy Framework.

14. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015)

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

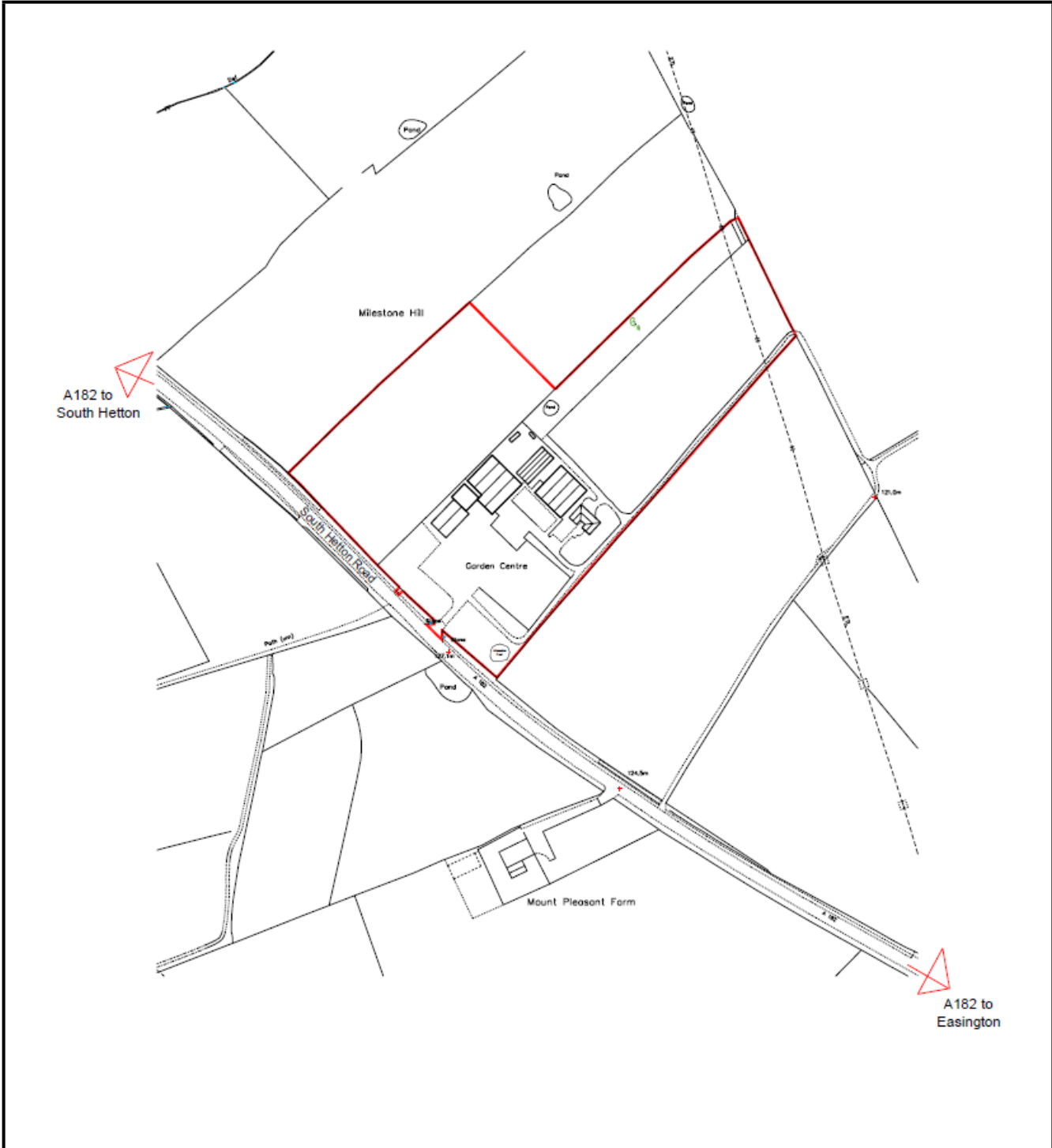
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

District of Easington Local Plan





Planning Services

Proposed extension and redevelopment of existing garden centre

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Comments

Date June 2017