DELEGATED REPORT

Recommendation Made: 15 June 2011

Reference:- 11/00407/FUL **Parish:- Peckleton Parish Council**

Applicant:- Mr
C/o Agent

Location:- Woodlands Garden Centre Ashby Road Stapleton Leicester Leicestershire

Proposal:- EXTENSIONS AND ALTERATIONS TO RESTAURANT

Introduction:-

This application is seeking full planning permission for the erection of a single storey extension to the rear of the existing restaurant at Woodlands Garden Centre. The extension makes provision for additional resturant seating, a coffee bar and childrens indoor play area. Two subterranean sewage treatment tanks are proposed to be removed and replaced by facilities elsewhere on the site as part of the wider alterations at the garden centre.

The restaurant is located in the north eastern corner of the garden centre and its external finish is part brick (red) with corrugated metal sheeting to the upper parts of the walls and to the roof. There is a gated delivery entrance into a small service yard to the side of the resturant area which is not accessible to the public. The site consists of a large garden centre and nursery located in the open countryside and accessed from the A447 to the east. There is a large public car park to the south and east of the garden centre together with an overspill car park to the south.

This application is a resubmission of 11/00049/FUL which was refused at the planning committee meeting on 29 March 2011 as it included an external terrace area which was considered to be harmful to the amenities of adjacent properties through noise disturbance.

Relevant History:-

11/00292/FUL EXTENSIONS AND ALTERATIONS TO GARDEN CENTRE
11/00330/ADV ERECTION OF ONE ADVERTISEMENT
11/00407/FUL EXTENSIONS AND ALTERATIONS TO RESTAURANT
91/01073/4 RETENTION OF POLYTHENE TUNNEL
90/00357/4 EXTENSION OF EXISTING GARDEN CENTRE AND HORTICULTURAL PRODUCTION AREA NEW CAR PARKING AND ACCESS
88/01121/4 INSTALLATION OF TEMPORARY TOILET BLOCK
84/00351/4 ERECTION OF GLASSHOUSE FOR HORTICULTURAL PRODUCTS
83/00499/4 ERECTION OF A PORCH

Consultations:-

No objections:-

Director of Transport and Environment (Highways)
Head of Community Services (Pollution)
Environment Agency
Severn Trent Water Ltd

No objection subject to notes to applicant:-

Directorate of Chief Executive (Ecology)

Head of Community Services (Land Drainage)

A site notice was displayed and neighbours notified. One letter of objection was received raising the following issues:-

a) Noise from vehicles turning and fork lift trucks
b) constant construction work causing disturbance
c) No further development of the site should take place

At the time of writing this report, no comments have been received from:-

Stoke Golding Parish Council
Peckleton Parish Council
Ward Members

Development Plan Policies:-

National Government Guidance:-

PPS4- Planning for Sustainable Economic Growth
PPS7- Sustainable Development in Rural Areas

Adopted Core Strategy:-

No Policies

Adopted Local Plan:-

BE1- Design and Siting of Development
NE5- Development in the Countryside
NE2- Pollution
NE12- Landscaping Schemes
T5- Highway Design and Vehicle Parking Standards
RETAIL 1- General Retail Strategy

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposed extension on the appearance of the existing building and the countryside and on the amenities of the occupiers of neighbouring properties. Specific regard must be had to the reasons for refusal of the earlier scheme as follows:

“In the opinion of the Local Planning Authority the proposed scheme is considered to be inappropriate development that would have an adverse impact upon the amenities of the occupiers of neighbouring properties in terms of general disturbance caused by activities associated with the proposed development. It is therefore considered contrary to saved policy BE1 of the adopted Hinckley and Bosworth Local Plan”.

Principle of Development

Government guidance in PPS1 and PPS4 along with Local Plan policy RETAIL1, seeks to focus major retail development towards existing centres in order to promote more sustainable patterns of development. However, there is also support for the expansion of existing business premises in rural areas and a positive approach to encourage proposals designed to improve the viability of existing facilities that play an important role in sustaining rural communities, particularly where this involves the use of previously developed land.

The garden centre and plant production area is an existing Class A1 (Retail) business together with a horticultural nursery covering a significant site area. It is considered to be important to the local rural economy of the area providing employment for over 120 full and part time staff in the garden centre and a further 15

persons employed in horticulture. 2 new jobs are proposed as a result of this development.

The existing restaurant is well established and is ancillary to the main use of the site. This application relates to an extension to this existing restaurant measuring 278.5 square metres in area. Whilst this is a sizeable increase in floor area the proposed extension is considered to be acceptable in principle as it will serve the existing restaurant established within the garden centre. The previous proposals refused under planning application proposed an restaurant extension measuring 265 square metres together with an external decking area of 53 square metres. Therefore the floor area of the proposals forming this planning application are 39.5 square metres less than those proposed under the previous application.

Impact on the Character and Appearance of the Site and Surrounding Countryside

The proposed extension is well designed and lower than the existing building and would enhance the appearance of the site. It is considered that the addition is contemporary in appearance and would contribute positively to the site as a whole whilst not appearing out of character or context. It is proposed to use a light grey single ply membrane on the curved roof. The elevational treatment will comprise a red multistock brick plinth, a natural semi exposed timber frame with natural cedar shiplap boarding. Doors and windows are to be dark grey powder coated aluminium frames with clear glazing. It would be located close to the eastern boundary of the site and with existing and proposed landscaping the proposal would not have a significant impact upon the character and appearance of the site and open countryside.

Impact on Neighbouring Properties

It should be noted that this resubmission doesn't include external seating areas and all facilities as previously submitted and the children's play area are to be provided within the proposed extension. There is no provision for spill-out space from the extension or for doors which would open out onto the service yard to allow customers to occupy the external space. The doors proposed along the southern elevation of the proposed extension will serve as fire exits only.

The proposed extension is located to the west of the nearest residential dwelling. At it's closest point part of the extension would be 10.5 metres from the boundary of the site shared with the property known as The Bizzy Bee. This property has a mixed use of private dwelling with storage. The development would be approximately 41 metres from the rear elevation of the dwelling.

The proposed extension would be located 5 metres from the northern boundary of the site, the other side of which is a track leading to private house and equestrian premises, known as Nineacres .The track is used by horse riders and is separated from the application site by fencing and some landscaping.

Due to its scale and location it is not considered that the extension would have an adverse impact upon either the amenity of neighbours or horse riders using the access drive. It is considered that the design of the proposal would improve the appearance of the development. Furthermore all potential noise will be contained within the extension as no external space or seating areas are proposed. The Head of Community Services (Pollution) has raised no objections to the proposed development in respect of noise and disturbance.

As all activities associated with the restaurant extension and children's play area will be contained within the building itself it is considered that these revised proposals overcome the reason for refusal, namely disturbance caused to adjacent residential properties at Bizzy Bee and Nineacres. Furthermore there is no longer provision for any external decking, thereby removing the potential for external noise generation and removing the potential for noise disturbance to the occupants of Bizzy Bee or to horse riders using the track serving Nineacres to the east.

Part of the proposals include the provision of substantial screening along the southern boundary with Bizzy Bee. This includes a new hedge and a close boarded fence to a height of 2.3m. It is considered that these landscaping proposals will serve a dual purpose, namely to reduce any potential for noise disturbance still further and to provide both immediate screening and a softening of the impact of the extension over time. Again these landscaping proposals will help to overcome the previous reason for refusal as the proposed development will be screened from Bizzy Bee to the south and the potential for any general disturbance to neighbouring properties will be further reduced by the landscaping proposals.

Other issues

Noise disturbance from construction

This development is relatively small scale and the noise generated from construction is only short term and there are other statutory powers in place that monitor and control noise disturbance.

Conclusion

Whilst the proposals represent a significantly sized extension to the main building at this extensive site it is considered that this well designed extension would enhance the overall appearance of the site. By virtue of its enclosed form, it is also considered that all noise associated with the restaurant extension will be contained within the building itself and the provision of substantial screening through the landscaping of the southern boundary will remove the potential for noise disturbance to adjacent properties, thereby overcoming the previous reason for refusal on planning application 11/00049/FUL.. Overall it is considered that the proposal will enhance the appearance of the site and would not have an adverse impact upon neighbouring amenity that would justify refusal of the application.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it relates to the extension of a restaurant, which is ancillary to an existing retail outlet; would improve and enhance the visual appearance of the site and would not have an adverse effect on the character and appearance of the surrounding landscape, the amenities of the occupiers of neighbouring properties or highway safety.
Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, RET1, NE2, NE5, NE12, T5.

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 2010-054-001, 2010-054-011 G, 2010-059-014 H, WGC/01, WGC/02 received on 23 May 2011 and 2010-040-002 B Parts 1 and 2 received on 02 June 2011.

3 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details shown on plan 2010-059-014 revision H. All works which form part of the approved landscaping scheme shall be completed before the restaurant extension is first brought into use. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the landscaping work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

6 It is necessary, when carrying out works to tree(s) to be aware of the WILDLIFE AND COUNTRYSIDE ACT, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.

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