

| Agenda Item | Committee Date | Application Number |
|-------------|-------------------|--------------------|
| A11 | 16 September 2019 | 19/01053/VCN |

| Application Site | Proposal |
|---|---|
| Bay View Nursery And Garden Centre Mill Lane Bolton Le Sands Carnforth | Demolition of various buildings, erection of glasshouse and open sided canopies, construction of car park and associated landscaping (pursuant to the variation of condition 2, 3, 5, 6, 7 and 8 on planning permission 18/00639/FUL to amend the approved drawings, site layout, Construction Method Statement, the removal of polytunnels, hard and soft landscaping and off site highways improvement) |

| Name of Applicant | Name of Agent |
|-------------------|-----------------------------|
| L & P Clarke | Campbell Driver Partnership |

| Decision Target Date | Reason For Delay |
|----------------------|------------------|
| 10 October 2019 | None |

| | |
|----------------------------------|---|
| Case Officer | Mr Andrew Clement |
| Departure | Yes, due to location within the North Lancashire Green Belt |
| Summary of Recommendation | Approval |

(i) Procedural Matters

The application would ordinarily be determined under delegated powers, but the scheme is a departure from the Development Plan (given its location within the North Lancashire Green Belt), and Officers are recommending support of the scheme. Therefore, it has to be determined by Planning Committee.

1.0 The Site and its Surroundings

1.1 The application site relates to an established garden centre in Bolton-le-Sands, to the west of the railway (the west coast mainline) and to the north of Mill Lane. The site is immediately north of an existing dwellinghouse within the same ownership, and part of a built cluster of former mill buildings, now converted to predominantly residential dwellinghouses and a small furniture warehouse. The site is within the North Lancashire Green Belt and the District's Countryside Area, and approximately 150 metres west of the site is the Lancashire Coastal Way public right of way route. Beyond the Coastal Way further west is the Morecambe Bay Special Area of Conservation, Special Protection Area, RAMSAR, and Site of Special Scientific Interest (SSSI).

2.0 The Proposal

2.1 Planning permission was granted just over a year ago for the erection of glasshouse and open sided canopies, construction of car park and associated landscaping. This consent included the demolition of various buildings to facilitate the proposed development and consolidate the built form on the site. The current application seeks consent to vary 2 and 8 to alter the site plan, parking and deliveries arrangements. Variations to conditions 3, 5, 6 and 7 seeks to vary these to allow the consideration of the further information necessary to discharge these condition on the original consent, thereby varying these to control conditions for the implementation of the detail submitted. These conditions relate to a construction method statement, arboricultural details, proposed landscaping, removal of polytunnels and off street highway improvements, namely road signs and markings. The approved installation of walls to the existing open ended structure, extension to this retail space projecting 10.8 metres to the

north of the existing structure and a further 9.6 metre projection to provide an open sided canopy remains an unchanged aspect of the proposal. However, a further canopied area approved to the east of the extension has been removed from the scheme as part of this variation of conditions application.

3.0 Site History

3.1 The most relevant planning application and pre-application advice to the site is set out below, including the planning permission that the current application seeks to vary.

| Application Number | Proposal | Decision |
|--------------------|--|-----------------|
| 95/00168/FUL | Erection of two poly tunnels | Permitted |
| 00/00247/FUL | Erection of a greenhouse extension | Permitted |
| 06/01576/FUL | Erection of a replacement shop and new cafe building and improvements to car park | Permitted |
| 16/00127/PREONE | Erection of a Venlo greenhouse extension to current building | Advice provided |
| 18/00639/FUL | Demolition of various buildings, erection of glasshouse and open sided canopies, construction of car park and associated landscaping | Permitted |

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

| Consultee | Response |
|--------------------------------|--|
| Parish Council | No observation received to date, consultation period expires on 7 September 2019. Any consultation responses received will be reported verbally to the Planning Committee meeting. |
| Tree Protection Officer | No observation received to date, consultation period expires on 7 September 2019. Any consultation responses received will be reported verbally to the Planning Committee meeting. |
| County Highways | No observation received to date, consultation period expires on 7 September 2019. Any consultation responses received will be reported verbally to the Planning Committee meeting. |
| Environmental Health | No observation received to date, consultation period expires on 7 September 2019. Any consultation responses received will be reported verbally to the Planning Committee meeting. |
| Network Rail | No observation received to date, consultation period expires on 7 September 2019. Any consultation responses received will be reported verbally to the Planning Committee meeting. |
| Cadent Gas | No observation received to date, consultation period expires on 7 September 2019. Any consultation responses received will be reported verbally to the Planning Committee meeting. |

5.0 Neighbour Representations

5.1 No observations received to date, with the publication, advertisement and site notice consultation period due to expire on 13th September 2019. Any consultation responses received before this date will be reported verbally to the Planning Committee meeting.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF) 2018

Paragraphs 8 and 11 – Sustainable Development
Section 6 – Building a strong, competitive economy
Section 9 – Promoting Sustainable Transport
Section 12 – Achieving well-designed places
Section 13 – Protecting Green Belt land
Section 15 – Conserving and Enhancing the Natural Environment

6.2 Development Management DPD

DM7 – Economic Development in Rural Areas
DM11 – Development in the Green Belt
DM16 – Small Business Generation
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
Appendix B – Car Parking Standards

6.3 Lancaster District Core Strategy Saved Policies (adopted July 2008)

SC5 – Achieving Quality in design

6.4 Lancaster District Local Plan Saved Policies (adopted April 2004)

E1 – Green Belts
E4 – Development within the Countryside
E5 – Coastlines

6.5 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) (A Review of) The Development Management DPD

The Examination Hearing Sessions commenced on 9 April 2019

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein where no significant objection to them has been raised.

7.0 Comment and Analysis

7.1 The key material considerations arising from the proposal are:

- Principle of the Development;
- Promoting and Enhancing the District's Economy

- Scale, Design and Landscape Impact upon the Openness of the Green Belt;
- Impact upon trees and hedgerows;
- Highways and Parking; and
- Residential Amenity.

7.2 Principle of the Development

- 7.2.1 The principle of the development on this site has already been established by the previous consent. This application only seeks consent to vary the site parking, deliveries and landscaping layouts, and provide information required through planning conditions on the original consent.
- 7.2.2 The site is an existing and established garden centre located to the west side of Bolton-le-Sands, within the North Lancashire Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, except for the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, which is amongst other exception cases for development within the Green Belt. Substantial weight is given to any harm to the Green Belt, and any harm resulting from the proposal must be clearly outweighed by other considerations

7.3 Promoting and Enhancing the District's Economy

- 7.3.1 The scheme contributes positively to local and nation policies relating to economic sustainability and development, as detailed within the committee report for the original permission that this variation relates to. The sustainable growth and expansion of rural businesses is encouraged. Given the established garden centre business in this location for over 30 years, the garden centre use is considered to be the optimal viable use of this site, and its retention should be encouraged and weigh in favour of the proposal. This is subject to the retention of the planning condition controlling the appropriate expansion of garden centre sales area and existing café use, the proposal is considered to be acceptable. This application does not seek to be vary this condition 9 as part of this current proposal.

7.4 Scale, Design and Landscape Impact upon the Openness of the Green Belt

- 7.4.1 The elevation plans for the enclosure, extension and canopy to the garden centre are as per those originally approved, however the canopy area originally permitted to the eastern building has been removed as part of the proposed site plan. The proposal still includes the removal of predominantly lightweight and temporary structures such as polytunnels and cabins. This current application details have that these have already been removed from the site. As detailed within the committee report for the original consent, the proposed replacement development is more closely sited to the existing established building group, and the amalgamation of built form through the removal of existing structures across the site weighs in favours in terms of impact upon the openness of the Green Belt. This is particularly the case given the removal of an element of the approved canopy area through the site plan of the current variation of conditions application.
- 7.4.2 The external sales area, service yard and changing displays area is to be bound by a 2 metre tall timber hit and miss fence, similar in scale to existing, with a 1 metre tall equivalent to the west boundary to the site, again similar in height and materials to existing. The vehicular access surface is to be finished in rolled asphalt, whilst the parking areas and pavements are to be finished in bitmac. The ground beneath the covered canopy area and those around the built form are to be block paved surfaces.
- 7.4.3 The original site plan included a surface treatment to the sales area to be block paved over 1,100sq.m, with a further 738sq.m gravel sales area. Under the amended proposal, 1,034sq.m of the external sales area and a further 251sq.m of service yard is to be concrete surface. The proposed service yard is half the area of that originally permitted. The concrete surface material has been chosen to allow the recycling of greywater, to be captured and then collected in a 121cb.m above ground tank, at a maximum height of 2 metres tall, within the service yard bounded by a 2 metre tall hit and miss fence. This recaptured water can then be used again to water plants at the garden centre, reducing the water consumption of the site. Any excess water is to be directed to the 187cb.m underground cellular storage tank with a hydrobrake and 7.7l/s flow to the network. The remaining changing displays area is

to continue to be turfed. Overall, although gravel and block paving may provide a softer and more natural appearance than concrete, this is material will only be visible from within the site, and viewed in the context of garden centre products for sale in this area, within no visual impact from external perspectives. In addition, the varied proposed includes the retention of a larger area remaining turfed, and the variation to surface materials is to improve the environmental sustainability of the site through recycling greywater. Therefore, the surface materials through this variation are considered to be acceptable.

7.4.4 Although the approved extension is proportionate in scale and finished in appropriate materials, given the increase built form and visibility within the Green Belt, this development will have a greater impact on the openness of the Green Belt than the existing development. Substantial weight is given to any harm to the Green Belt, and this should be mitigated and balanced against the positives of the proposal, as detailed within the concluding paragraph 9.1 of this report.

7.5 Impact upon trees and hedgerows

7.5.1 There are a large number of existing trees and hedgerows within the site, as detailed in the submitted Arboriculturalist's Report. The arboricultural details approved through the original consent are unchanged through this current variation of conditions application.

7.5.2 The current variation includes a proposed landscaping scheme for planting to mitigate the loss of 17 existing trees, one of which is a B2 class tree. The proposed planting is slightly in excess of the council's 3:1 planting ratio, with four to the western boundary to soften this visible elevation, as recommended in the original Arboriculturalist's Report. Three trees are proposed to the south of an existing building, with the majority of planting to the north east of the site around the proposed formalised parking area. The proposed trees are a mix of native trees of rowan, bird cherry, wild cherry, silver birch, crab apple and hawthorn, with non-native species of Himalayan birch, Japanese rowan, Swedish whitebeam. Subject to the planting being implemented in the first planting season following first use or completion of the development, the proposed planting is considered to satisfactorily mitigate the removal of existing trees. This planting will soften the appearance of the developments from some public perspectives.

7.6 Highways and Parking

7.6.1 The site has an existing parking provision of 51 vehicle spaces and additional staff parking, which the submitted Design and Access Statement declares as insufficient for the existing use. The proposed parking is to include 78 car parking space, 8 of which are accessible parking provision, 2 electrical charging parking spaces, motorcycle parking provision and 6 bicycle parking stands under the proposed canopy to the garden centre. Through this current variation of conditions, the proposed deliveries area is to be provided exclusively to the front of the site, with delivery vehicles to make a 3-point turn within part of the access and customer parking area in the northern section of the site, as opposed to the circular turnaround space previously approved. The proposed accessible parking provision is to be doubled near the entrance to the building, but removing customer parking from the entrance to the site. The majority of parking and overflow/staff parking is towards the north of the site through the current proposal.

7.6.2 Overall, the total car parking provision proposed is the same as previously approved, and although the parking, deliveries and vehicles turning arrangements have been altered, these are still all within the site, raising no concern regarding impact upon the highway. A consultation response has yet to be received from County Highways regarding the proposed alteration to parking and deliveries, and this will be reported to planning committee via an update or verbally at committee. The car parking provision is to increase by 27 through the proposal. The proposal adhere to the parking standards in Appendix B of the Development Management DPD (applying retail warehouse standards given the works are to sales areas), and therefore the proposed parking and service yard area is consider to offer sufficient provision to cause no severe impact upon the highway. The implementation and retention of this parking provision should be controlled through planning condition.

7.6.3 The variation to conditions 3 and 7 seeks for the submitted information relating to construction management and road signs and markings either side of the bridge on Mill Lane to be assessed. This information was required through these conditions on the original consent. County Highways have responded that the proposed construction management is acceptable, which details a number of health

and safety methods, and the closure of the garden centre to the public during construction of the development. The proposed off-street highway improvements meets the requirements of road signs and marking either side of the bridge relating to speed and pedestrians in the highway due to lack of footpaths, and therefore the submitted details are considered to meet the requirements of both these aspects, resulting in no undue harm to the public highway network

7.7 Residential Amenity

7.7.1 The application site is within a small building group of predominantly residential properties, immediately north of an existing dwellinghouse under the same ownership as the garden centre. There are a number of dwellinghouses to the opposite south side of Mill Lane, whom may notice an increase in vehicular movements to and from the site following implementation of the development. However, this would not be to the detriment of residential amenity. The current proposed variation of conditions will have no discernible difference upon residential amenity impact than the original consent, which is still considered to be acceptable. No public consultation response received to the original permission or this variation application to date through the neighbour notification process, site notices or publication in the local newspaper.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 The site already has consent to expand upon an established garden centre use, facilitating the continuation of this business within its existing site, which represents an economically sustainable development. The benefits of the proposal outweigh the substantial weight given to the impact on the openness of the Green Belt, especially given the reduced built form proposed by virtue of the removal of the existing scattered structures and the removal of part of the canopied area previously granted consent. The alterations to parking, deliveries, turning areas and surface materials are considered to have no severe impact upon the highway, and no additional impact upon the openness of the Green Belt than the original consent at the site. Further information submitted regarding off-site highway works, construction method and proposed tree planting and landscaping are considered to be acceptable, subject to the implementation of these details as part of the proposal.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Removed – Development has begun on site
2. Development to be carried out in accordance with the varied plans
3. Implement construction management plan, site closed throughout the development on site
4. Implementation of approved Arboricultural Implications Assessment through original permission
5. Polytunnels and structure indicated on site plan removed permanently, resurfaced in accordance with plans prior to first use or completion
6. Implement off-site highway improvements prior to first use or completion
7. Amended parking provision and service yard provided in full prior to first use or occupation and retained for this purpose
8. Implementation of approved landscaping scheme and maintained and retained at all times thereafter
9. Sales area and café seating area as per floorplan. Café use incidental to main use and only open to public when garden centre is trading. Restriction for the sales of plants and garden related items only.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all

relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None