

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 March 2012 **Page**

APPLICATION REF. NO: 11/00715/FUL

STATUTORY DECISION DATE: 11 January 2012

WARD/PARISH: Heighington and Coniscliffe

LOCATION: Plants Garden Centre, Station Road, Piercebridge

DESCRIPTION: Erection of garden centre retail building, cafe and extension to existing car park and alterations to existing entrance to the site (Amended plans received 21 December 2011; Additional Information received 29 December 2011; Amended plans and Tree Report received 16 January 2012; Additional Information received 17 and 23 January 2012; Amended plans received 22 February 2012; Additional Information received 27 February 2012)

APPLICANT: Sam Turner And Sons

APPLICATION AND SITE DESCRIPTION

The application site is an existing garden centre and nursery on the B6275, which is accessed off the A67 road. The overall site measures 1.16 hectares and it consists of a retail building, glass houses, display areas, storage areas and associated parking spaces. There are residential properties on the north boundary (The Sidings); the east boundary (Juniper House) and on the south west boundary (West View). Station House is located to the north east of the application site on the opposite side of the B6275. Piercebridge Village is approximately 400 metres to the south.

The site has been operating as a garden centre and nursery since the mid 1980s (see Planning History) but the applicant has recently acquired the site. The proposal involves:

- The erection of a 1050 square metre Garden Centre building which would house retail sales areas; a storage area and a café area;
- Realignment and extension to the existing car parking areas;
- Alterations to the existing access to the site off the B6275

The hours of operation for the centre would be 0800 to 1730 weekdays except for Thursdays (0800 to 1900) and Sundays (1000 – 1400). The retail goods from the site would be a mix of garden supplies, farm supplies, country clothing and garden machinery such as lawnmowers,

chainsaws etc. It is anticipated that the centre would create the equivalent of 16 – 20 jobs involving 8 – 10 full time jobs and the remainder being part time and occasional season workers.

The applicant has carried out Community of Statement Involvement exercise with the occupiers of the immediate dwellings. Following this exercise, the design of the proposed building was modified to be a predominately single storey structure with a parapet flat roof area to the rear to screen any potential kitchen extraction systems for the internal café area

PLANNING HISTORY

8/83/756/DM In January 1985 planning permission was GRANTED for the erection of a greenhouse for retail sales, formation of a plant display area and associated car parking

05/00883/CU In December 2005 planning permission was GRANTED for the conversion of redundant boiler house to form dwelling and erection of detached garage

PLANNING POLICY BACKGROUND

National Policy

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Borough of Darlington Local Plan 1997

E2 – Development Limits

E4 – New Buildings in the Countryside

E12 – Trees and Development

S22 – Garden Centres

Darlington Core Strategy Development Plan Document 2011

Policy CS1 - Darlington's Sub Regional Role and Locational Strategy

Policy CS2: Achieving High Quality, Sustainable Design

Policy CS7: The Town Centre

Policy CS8: Additional Retail Provision

Policy CS9: District and Local Centres and Local Shops and Services

Policy CS14: Promoting Local Character and Distinctiveness

Policy CS15: Protecting and Enhancing Biodiversity and Geodiversity

Policy CS16: Protecting Environmental Resources, Human Health and Safety

Policy CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Design of New Development Supplementary Planning Document (2009)

RESULTS OF CONSULTATION AND PUBLICITY

Three letters of objection were submitted from the occupiers of neighbouring dwellings in relation to the original submission and the concerns can be summarised as follows:

- *A seventy seat café, which is approximately 20% of the floor area of the building, is disproportionately large when compared to the café at their much larger operation in Northallerton. An outdoor seating area is also planned – is this a café with a retail outlet? We note the Sam Turners in Stokesley has no café at all*

- *The outdoor area is adjacent to our own existing seating/outside living area (The Sidings) which would render this useless during opening times*
- *Any café will have a serious detrimental effect on our quality of life due to additional noise during opening hours. The café, kitchen and toilets are all adjacent to our boundary. In addition to this any chillers, extracts, air con etc will probably be running 24/7. Noise will be intrusive in this environment where background levels are significantly less than in a normal urban environment. Even if piped away cooking smells, odours and noise will be carried back again in the direction of our outside living area due to the prevailing wind.*
- *The requirement for a café on this site is not essential to the success of this business as their Stokesley site demonstrates. There are adequate café, pub and restaurant facilities in Piercebridge which is within walking distance.*
- *This is a seven day a week operation and we would like some respite from the increased noise of the enlarged business and would therefore object to any late night opening or any other extended hours of use*
- *The building will be visibly intrusive as it will be higher and many times larger than the existing greenhouse as well as being a more industrial type structure*
- *Any additional lighting required should not increase the level of light pollution*
- *The sheer size of the development will have an adverse impact on our quality of life (Juniper House). Longer trading hours, a café with 70 indoor covers plus outdoor covers will alter the nature of the business and will lead to significant increase in traffic, noise pollution and odours from food preparation. A development of this size is totally out of character with property in the area*
- *Such a size would inevitably increase traffic flow which is already high on a B road. The closure time proposed would pass what could be deemed social hours with regard to noise levels in the area*

A letter of objection has been received from the Farmway Limited and their concerns relate to:

- *Sam Turners has not listed or identified many local competitors which already exist and give excellent customer service. To claim there is little overlap with Farmway is fundamentally incorrect. There is significant overlap*
- *Although Farmway do not operate a café we are aware of numerous local cafes and farm shops serving food and drink in the locality. There are also several specialist machinery outlets within the locality and only recently one such business closed*
- *Farmway sell the full range of safety equipment and oils*
- *It is difficult to understand how bird feed and feeders, chicken coops, dog kennels are classified as horticultural supplies. With the exception of plants, trees and shrubs Farmway sell all the products listed (in the Supporting Information with the submission)*
- *Farmway is an agricultural supply company and for over 45 years have supplied the agricultural community with their requirements. All the product listed under Agricultural Supplies are currently stocked and sold by Farmway. Clothing is included in the range of products we sell.*

England & Lyle have also submitted a letter on behalf of Farmway and the contents can be summarised as follows:

- *If planning permission is granted any such approval should be made subject to a condition that would robustly restrict the range of goods capable of being sold from the premises to those type of goods that are appropriate to its function as a garden centre.*

The condition should exclude those items that are not appropriate to a garden centre and which would be more appropriately sold by outlets within existing town centres. Failure to do so would mean that the development would conflict with the Core Strategy policies CS7, CS8 and guidance in PPS4 concerning the need to protect the vitality and viability of the existing town centre and the development would be unacceptable in planning terms.

The owner of a café business and farm shop operating from Piercebridge Farm has submitted a letter and the contents can be summarised as follows:

- *The proposals will have an adverse effect upon the viability of our café business which has been established for twelve years, having been developed from a family run farm. When our permission was granted there were restrictions made so that there was no conflict of interest with other local businesses*
- *The proposals would undermine the viability of our business and put in jeopardy the jobs of our staff of which reside locally*
- *There is an overlap to our own unique and diverse business which will affect our well established services to the village and surrounding area. The proposed use is a complete change from the original greenhouse grown plants which developed into a compact garden centre. The proposal is to develop a very large café which is not in proportion to be a service for plant buyers and clothing buyers. This is a large out of town café which will increase the volume of traffic to already dangerous cross roads*
- *Our own café can seat up to 25 in the winter and up to 40 in the summer using the outside space. Also in addition within ½ mile radius there are other eating and refreshment establishments that could account for a minimum of a further 150 covers*
- *If our footfall decreases it will have a domino effect upon the whole of the many faceted services we provide. Everything we do from the basic farming, with a great emphasis on the care of the environment, through to preparation and producing food goods for our shop and café using our own and local produce, all of which are interdependent. Also dependent upon the success of these is the Post Office we run, here within the enterprise and an outreach service to Alborough St John and Eppleby. A decrease in our own custom would render such services unsustainable*
- *We consider that in the same way the town centre is protected from out of town developments so should our sole village facility be protected in the same way. Policy CS7 should be invoked here because our business supports the community of the Post Office, the news agency, the food sales and the cafe*
- *In the same way Policy CS9 of the Core Strategy seeks to support local shopping and of course our business has been established for twelve years. If the proposal is approved it would be contrary to Policy CS9*

Amended plans and additional information were submitted in January 2012

Three further letters of objection from local residents have been received which state:

- *While we welcome development of the Garden Centre and sincerely hope the business is successful, we have grave concerns over the size of the proposed development and the detrimental effect upon our privacy and quality of life.*
- *Road safety issues in relation to the proposed increased traffic numbers and centre's poor visible access are of further concern bearing in mind that the site will be used by a more elderly clientele, articulated lorries, who currently pull into the side of the B6275 before reversing into the centre, and slow moving farm vehicles collecting agricultural*

stock. The provision for customer car parking together with staff vehicles will make it extremely difficult for large lorries to turn around on site.

- The access to the garden centre is from the B6275 and if approached from the A67 a slight incline and a curvature to the left results in the entrance not being visible until some 70 yards distant. An increased traffic flow must increase the probability of accidents as Motorists and Motor bikers accelerate from the junction. For customers leaving the centre the exit is also dangerous as hedges restrict their view particularly if turning left.*
- We have lived on Station Road for circa ten years and have witnessed accidents and near misses on the B6275 and the junction with the A67. This is a dangerous road with speeding problems. Some of those accidents have resulted in serious injuries involving the emergency services and air ambulance, but there have been many minor unreported accidents - one involving a member of the staff accessing the centre from the B6275.*
- The late opening hours proposed on a Thursday evening will impact our lifestyle and will affect our peaceful enjoyment of our garden.*
- The change of emphasis to serving food will increase the level of noise. The proposal to build a seventy cover café serving hot and cold food, occupying some 25% of the proposed new building will, we believe, shift the emphasis to serving and preparing food with the garden centre activities become less important. A café will lead not only to an increase in customers using the centre but also to them spending more time at the centre with a resultant increase in noise and litter. A doubling of customer numbers will therefore result in more than a doubling of the noise pollution. We are also concerned over the preparation of food on the site and any odours particularly of fried food. Piercebridge is at present well served by an Organic café, a public house and a hotel for visitors to take refreshments.*
- We also note that the external seating area is still to be used during summer months with no mention of number of covers. Ironically, the absence of a covered area may lead to greater noise pollution and, of course, odours from food served outside will not be processed by the proposed extraction system.*
- I note that the proposed list of products includes those not normally sold in a garden centre and will lead to more traffic and noise.*
- We welcome the minor amendments made by the applicants but our objection still stands and we urge the committee to reject the current application as the sheer size will have a negative impact on our quality of lives and raises genuine concerns over the safety of the visiting public and highway users.*
- I remain concerned at the size of the proposed development with regard to the inevitable increase in traffic which I believe will be at least 100% at the exit and entrance to the garden centre. The B6275 is a very busy road and used as a short cut to and from the A1. This increases considerably in summer months. The speed of vehicles from the north to the A67 junction is extremely fast and there have been numerous serious accidents at this junction.*
- South to north from this junction the entrance to the garden centre cannot be seen until the rise if the road and gradual bend is negotiated with vehicles accelerating this can be difficult for people exiting and there have been numerous accidents over the years*
- The 70 seat café remains unchanged. The café should be ancillary to the garden centre. The kitchen, kitchen stores and servery and seating areas are disproportionately large in relation to the rest of the business*
- The amended proposal to reposition the building will help but not eliminate noise pollution and smells. We note the covered area has been removed but an outdoor area remains albeit on an ad-hoc basis. The problem remains the same and the outdoor area is unnecessary*

- *The requirement for a later night opening is not justified*
- *The proposed list of goods far exceeds those of a normal garden centre*

A second letter has been submitted by England and Lyle raising the following issues:

- *It is clear from the submission that the proposal will substantially increase the range of goods sold to visiting retail customers including goods not previously sold on the site. If allowed this application would represent a significant change in the character of the operation at Carlbury taking it away from a traditional quite small scale garden centre aimed at meeting needs of local retail customers towards a much larger operation meeting gardening and non gardening needs for a much wider catchment area, well beyond what is intended to be covered by Policy S22 of the Local Plan. We request that the application is accompanied by a retail assessment in line with PPS4 that seeks to both assess the potential impact of the development on nearby town centres within the catchment area of the site and to demonstrate that there are no sequentially preferable sites within or on the edge of these centres or sites in more sustainable locations within the urban area, that could equally meet the needs that the current application seeks to meet*
- *We would also note the lack of any planning policy justification or support for the sale of farm supplies in this open countryside location. The sale of such goods does not need to be located in the open countryside and is not correctly covered by Policy S22 or any other development plan policy. As a result this element should be deleted from the proposals and the range and types of farm supplies/goods listed in the additional information supplied by the applicant should be explicitly excluded from any consent*

A second detailed letter of objection has been submitted by the owner of the café business and farm shop operating from Piercebridge Farm which outlines the roles they play within the local community and the benefits they provide in support of the local community and various groups. They consider the amendments that have been made are insignificant and therefore have not allayed any concerns about the negative impact on their business. The concerns also relate to:

- *The size of the café area;*
- *The removal of the covered external area is not a significant concession and does not alter the principle or magnitude of the proposal*
- *Stating that the hours of operation are two hours less than the existing operation is derisory*
- *The proposed business which includes an increased range of goods, to include the sale of food and a café would have a detrimental impact upon the services and community facilities we provide. A decline in the café and food supply part of our business would have a domino effect upon the community services we provide as they would become unsustainable with a decreased footfall into the shop and café*
- *The business plan indicates that the applicant intends to be part of the Garden Centre trend to be a destination café and food supplier which will be a great departure from the core business and would have a detrimental impact on our businesses and subsequently upon the community we serve*
- *We have always encouraged an interdependent support of other local businesses. We receive café and shop customers that are visitors to the garden centre, Farmway, strawberry pickers, stables, other farm shops, passer by etc and in return we direct customers to them. If allowed to develop as a café and food supplier, Sam Turners position and signage will deter from this. Two cafes are simply not sustainable in Piercebridge*

- *This will become a destination café*

Further Amended plans were submitted in February 2012 reducing the floor area of the café and reducing the proposed number of covers from 70 to 50

Farmway Limited responded by stating *“The revised plans do not address any of our concerns and the objections remain in place”*

Consultee Responses

Northumbrian Water has raised no objections to the proposal

Northern Gas Networks has raised no objections to the proposal

Northern Power Grid has raised no objections to the proposal

The **Environment Agency** have raised no objections to the proposal subject to the imposition of a planning condition relating to the submission of a surface water drainage scheme

Piercebridge Parish Council have recommended approval for the proposal

The **Durham County Council Archaeology Section** has no objections to the application subject to the imposition of planning conditions

The **Council’s Principal Environmental Health Officer (Pollution)** has requested the imposition of a condition relating to submitting a Phase 1 Desk Top Study for contaminated land

The **Council’s Principal Environmental Health Officer (Commercial)** has raised no objections subject to the imposition of planning conditions relating to external plant; ventilation systems and the control of fumes

The **Council’s Highways Engineer** has raised no objections subject to the imposition of suitable highway related planning conditions

The **Council’s Senior Arboricultural Officer** has raised no objections to the proposal subject to the imposition of planning conditions relating to tree protection measures and further landscaping

PLANNING ISSUES

The main issues to be considered here are whether or not the proposal is acceptable in the following terms:

- Planning Policy
- Impact upon the Vitality and Viability of the Town Centre and other Local Services
- Impact upon the Visual Appearance and Character of the Area
- Residential Amenity
- Highway Safety
- Archaeology
- Trees
- Drainage

Planning Policy

Whilst the application site lies outside of the development limits defined by the Proposal Map of the Borough of Darlington Local Plan, it is currently operating as a garden centre and nursery. Policy S22 of the Local Plan states that the extension of existing garden centres will be

permitted provided that there will be no adverse effects on residential amenities, the character or appearance of the countryside or on highway safety.

Impact upon the Vitality and Viability of the Town Centre and other Local Services

Policy EC13 of Planning Policy Statement 4 - Planning for Sustainable Economic Growth advocates the protection of shops and services in local centres and villages. This policy states that when determining planning applications affecting shops and services in local centres and villages, local authorities should take into account the importance of the shops/services to the local community or the economic base of the area if the proposal should result in its loss or change of use. PPS4 also states that planning applications should be refused in cases where they fail to protect existing facilities which provide for people's day to day needs.

Policies C7 and C8 of the Darlington Core Strategy Development Plan Document seek to ensure that the viability and vitality of Darlington Town Centre and its District and Local Centres are safeguarded and enhanced.

When planning permission was granted in 1985 for the use of the application site for retailing, it was subject to a planning condition which restricted the items that can be sold to bedding plants, trees, shrubs, bulbs, houseplants, fruit, flowers, vegetables, seeds, insecticides, fertilisers, peat, compost, pots, containers, paving stones, walling stones, garden hand tools and gardening books.

The applicant has submitted a comprehensive list of goods that they wish to retail from the proposed centre under headings of garden supplies, farm supplies, country clothing and garden machinery (See Appendices). The list contains more items than those contained within the aforementioned planning condition and they have been considered in light of the aforementioned national and local planning policies.

Impact upon the Town Centre

The proposed list of goods to be sold is largely compatible with the type of goods sold at most garden centres. The selling of garden machinery, horticultural and agricultural supplies are considered to be ancillary to garden centre uses and are consistent with the relevant national and local retail policies.

Impact upon Farmway Limited

Farmway Limited is located over 700metres to the west of the application site on Cock Lane, which is also accessed off the B6275. A Certificate of Lawfulness (Existing Use) was granted in 2004 for a Countryware store to continue retailing from this site. The evidence that was submitted with this application suggests that the store sells a mix of general Class A1 goods, equine supplies, shooting sundries/clothing and footwear, agricultural sundries, pet supplies and country themed giftware, animal feeds and bedding, gates and fencing, animal housing and feeders. It is acknowledged that there is an overlap between the goods that are on offer at this establishment and the goods that Sam Turner and Sons wishes to sell. Farmway Limited, in planning terms, would not be classified as an outlet that in the main provides for people's day to day needs and therefore it would not be protected by guidance contained within PPS4 or local development plan policy.

Impact upon Local Services

In 2000 planning permission was granted for the conversion of a stable and outbuilding to form a farm shop and coffee shop at Piercebridge Farm. There is a planning condition attached to the consent to ensure that the goods sold from the shop shall be limited to farm produced food stuffs only and that the use is run in conjunction with and ancillary to the operation of the Farm. In

2008 planning permission was granted for a change of use of another one of the farm buildings to a Post Office.

Following concerns that have been raised by the objectors the floor layout of the new building at the application site has been revised. It would now contain an internal café area of 98 square metres (excluding kitchen/server area) which would cater for approximately 50 covers. The external café area has now been omitted from the proposal. The café would operate between the hours of 0900 and 1600 weekdays and the menu would include sandwiches, jacket potatoes, cakes, coffees, ice cream and hot specials.

It is considered that the proposed goods and food to be sold from the application site do sufficiently differ from the items offered at the farm shop and that each outlet offers patrons different surroundings and ambience. Also, following the reduction in size of the internal café along with the removal of the external café area, it is unlikely that the proposal will undermine this and other local services.

Conclusion

The establishment of a garden centre and its associated café could complement existing services by increasing the range of facilities and services available in the locality. This approach is consistent with the overall approach of PPS4, which seeks to promote sustainable economic development, competition between retailers and enhanced consumer choice. Officers do not consider it appropriate for the proposal to be the subject of a detailed retail assessment because of the predominantly specialised nature of the products to be sold tending towards horticultural, agricultural and countryside related activities. However it is still important that a planning condition should be attached to any grant of planning permission which restricts the items that can be sold from the application site to those outlined in the supporting submissions.

Impact upon the Visual Appearance and Character of the Area

The majority of the site is bounded with a mix of beech hedges, mature and semi mature trees and timber fencing and security fencing.

The site contains a number of glasshouses of varying sizes and associated ancillary buildings. The proposed building would replace a glasshouse (which has already been demolished) and it would have a footprint of 1050 square metres. The roof of the building has been designed so that a ridge runs east to west across the front of the building and the remainder of the roof is flat sunken below a mono pitched parapet. The highest part of the roof is the ridge which runs across the frontage and it would be approximately 6.5m from ground level. The peak of the parapet roof at the rear of the building would be approximately 5.3m high.

The building would be constructed from a mix of materials. There would be a brick work plinth with cedar cladding on the south and east elevations (the principal elevations) and a lower brick work plinth with profile steel sheeting on the north and west elevations. The roof would be profiled sheeting. Whilst the colour scheme has yet to be agreed with the Local Planning Authority, the submissions indicate that it would be predominately olive green. The choice of materials can be secured by a planning condition.

The proposed building has been amended so that it is sited 7 metres from the north boundary of the site. This will give greater separation between the building and the dwelling to the north and to allow the existing trees on the boundary to prosper and for further planting to occur.

The existing boundaries of the site would be augmented by further planting to help screen the site and the buildings from the properties in the immediate locality and also to be sympathetic to its rural surroundings.

It is considered that the proposed building, subject to appropriate materials, would not have an adverse impact upon the visual appearance of the site or the wider locality when viewed against the backdrop of the existing large glasshouses to the west. The planting of additional planting on the boundaries of the site will also reduce its visual impact.

Under the provisions of the Core Strategy and the Supplementary Planning Document on Design for New Development a development of this nature would be expected to meet the BREEAM 2008 Standards “very good – outstanding”. The application has confirmed that the walls would be created to comply or exceed current building regulations standards, roof lanterns have been installed to allow for a higher level of natural light, over 75% of light fittings will be low energy fittings and discussions are taking place with several parties regarding the use of photovoltaic panels and air source heat pumps. Suitable conditions would be attached to a grant of planning permission to ensure that such features are incorporated into the design of the building.

Residential Amenity

There are no planning conditions on the existing planning permission for the site granted in 1985 which control the hours of operation but its current opening hours are 0800 – 1800 (Monday to Saturday) and 1000 – 1600 (Sundays) during March to August and 0800 – 1730 (Monday to Saturday) and 1000 – 1600 (Sundays) during September to February.

The hours of operation for the proposed centre would be 0800 to 1730 weekdays except for Thursdays (0800 to 1900) and Sundays (1000 – 1400).

The proposed building includes an internal café area. Following the concerns that have been raised by the objectors the size of the café area, excluding the kitchen and servery has been reduced to 98 sqm and the amount of covers have been reduced from 70 to 50. The hours of operation for the internal café would be 0900 and 1600 weekdays. A covered seating area to compliment the internal café area has now been removed from the scheme and a planning condition can be imposed to control the creation of an external outdoor eating area. No details of extracts, chillers, flues etc have been submitted with the application but the building has been designed so that such features can be incorporated within the flat roof which is screened by a mono pitch parapet.

There are residential properties on the north boundary (The Sidings); the east boundary (Juniper House) and on the south west boundary (West View). Station House is located to the north east of the application site on the opposite side of the B6275.

The issues that have been raised by the objectors include the need for a café area, concerns over the size of the café area and controls over noise and odours. The applicant has other establishments in Stokesley and Northallerton and they have stated that the store in Northallerton which has a café, is more of a trade store used for the storage of bulk materials, it has large workshops, operates trade sales and has general offices for the business. The unit is within close proximity of the town centre and has a high turn over of patrons using the café during lunch hours without any intention of purchasing any of the goods on offer at the premises. It is envisaged that the café at the Carlbury site will be predominately used by patrons using the garden centre rather than being a destination café outlet.

The Stokesley operation is essentially a machine repairs facility located in on out of town industrial estate and as such does not lend itself to having any café facilities.

The revised café area represents approximately 10% of the floor space of the overall building and the applicant has agreed to remove any outdoor eating areas. Planning conditions can be imposed to ensure that internal café area remains ancillary to the primary garden centre use and to restrict the creation of an outdoor eating area. It is considered that provided other suitable planning conditions are imposed to secure the hours of operation of the café, refuse storage, noise from any external plant and equipment and odours the café area will not significantly harm the amenities of the neighbouring dwellings. The Council's Environmental Health Officer has raised no objections to the scheme.

Juniper House is a detached dwelling located on the east boundary of the site adjacent to the existing access. The rear garden is currently separated from the site by a mature leyandii hedge. The proposed building is approximately 77m to the west of Juniper House and an existing glazed retail building, which stands approximately 3.9m high, would be retained and located between the two buildings. A total of 8 parking bays have been relocated from the boundary with Juniper House in order to alleviate noise from vehicles and patrons in this part of the site. Also a 1.8m high boundary fence would be erected on the same boundary to compliment the existing boundary treatment of a beech hedge. It is considered that the building would not be overbearing or dominant when viewed from this dwelling and not have an adverse impact upon the amenities of the occupier

The Sidings is a detached dwelling with associated outbuildings and garden area located to the north of the application site. The two sites are separated by a belt of mature trees (albeit not in good condition) and a timber fence. The building has been resited so that it is sited approximately seven metres off the boundary and the existing tree coverage would be augmented by further planting. The overall height of the part of the building which is closest to the boundary with this property is 5.3m but the mono pitch parapet roof angles away which reduces its overall scale when viewed from the garden area of this dwelling. The dwelling would be approximately 50m to the north east of the proposed garden centre building and it is considered that it would not be overbearing or dominant when viewed from The Sidings, its associated outbuildings or surrounding garden area. As previously mentioned the outdoor cafe area has been removed from the proposal and it is considered that the scheme would not have an adverse impact upon the amenities of this property.

The proposal would increase the amount of persons visiting the application site and it can be expected that the patrons will spend more time at the site than at present due to the increase and variety of goods being sold and the introduction of a café area but this could also mean that the high turn over of persons going to and leaving the site will decrease. Whilst the applicant has requested a late evening opening once a week, the overall hours of operation would be reduced from the existing times by 2 hours a week. It is considered that with the imposition of suitable planning conditions the proposal will not have an adverse impact upon the amenities of the above neighbouring dwellings.

Highway Safety

The application site is currently accessed off the B6275. A speed survey indicates that the 85th percentile speed is 50mph in both directions. A Site Access Report concludes that the existing access does not have satisfactory visibility and it is considered that a splay to reflect these speeds is not achievable. However, improvements to the site access such as moving the Give Way line forward, remarking the site access and realigning the southern boundary wall will

enable greater visibility splays to be achieved. The Council's Highways Engineer accepts that conclusions of the Report.

There are presently 35 parking spaces at the garden centre. Thirteen further spaces, four disabled spaces and an area for cycle parking would be provided as part of the proposal. Eight existing spaces would be relocated from the boundary with Juniper House and relocated elsewhere within the site. The increase in the provision of parking spaces and the area for cycle stands is considered acceptable.

The current pedestrian links to the site are poor as there is no continuous footpath link to the entrance from the B6275. A footway must be provided along the B6275 to link the site with the existing footways and to improve its connectivity with bus stops in the locality and Piercebridge.

A well defined pedestrian route must also be provided within the site to provide a safe link from the site access to the front of the building

The Council's Highways Engineer has raised no objections to the proposed scheme subject to the imposition of planning conditions to secure the above works.

Archaeology

The Durham County Council Archaeology Officer has confirmed the proposed site lies 80-130m west of the Roman road of Dere Street and 257m north of the scheduled ancient monument of Piercebridge Roman fort (SAM 1002365). Importantly, it is known to lie over a recorded Roman burial ground, an important heritage asset directly associated with the SAM. Cremations and inhumation burials were recorded during the construction of the now disused railway line in 1855/6, in the region of 21 in total. Further c.60 inhumation remains were found in 1956 some 85m west of the application sites western boundary

The applicant has carried out an archaeological evaluation which shows that there are significant archaeological deposits within the development area. The features appear to be related to remains of a Roman road, associated activity found during excavations in the 1970s near to the entrance to the centre and to a known enclosure of Romano-British date to the west of the nursery. The remains do not appear of national significance but they are of regional and local significance. The Durham County Council Archaeology Officer has not objected to the proposal subject to the imposition of planning conditions relating to a mitigation strategy and publication of findings.

Trees

There are no trees within or on the boundary of the application site that are covered by a tree preservation order and following an inspection by the Council's Senior Arboricultural Officer they are not deemed worthy of such protection. Indeed several of the trees on the north boundary are in poor form and condition due to the management regime of NEDL to allow them to maintain an existing overhead electric cable. As part of the proposal the existing landscaping along the boundaries would be supplemented by further planting, which would be secured by a planning condition.

The building has been repositioned further from the northern boundary to allow the existing trees to flourish and for additional trees to be planted and the applicant is seeking discussions with NEDL to relocate the cable away from the trees.

Drainage

The Environment Agency has raised no objections to the scheme but they have requested that a planning condition is imposed to ensure that a suitable surface water drainage scheme for the site is implemented. Northumbrian Water has not objected to the application.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The application site is currently a garden centre and nursery located in the open countryside. The proposal involves the erection of new garden centre retail building with a café, extension to the existing car park areas and alterations to the entrance to the site. It is considered that the proposal accords with the relevant national and local planning policies. The design and layout of the development is considered acceptable and the development will not give rise to conditions prejudicial to amenity or highway safety subject to the imposition of appropriate planning conditions. The following policies have been taken into consideration

National Policy

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Borough of Darlington Local Plan 1997

E2 – Development Limits

E4 – New Buildings in the Countryside

E12 – Trees and Development

S22 – Garden Centres

Darlington Core Strategy Development Plan Document 2011

Policy CS1 - Darlington's Sub Regional Role and Locational Strategy

Policy CS2: Achieving High Quality, Sustainable Design

Policy CS7: The Town Centre

Policy CS8: Additional Retail Provision

Policy CS9: District and Local Centres and Local Shops and Services

Policy CS14: Promoting Local Character and Distinctiveness

Policy CS15: Protecting and Enhancing Biodiversity and Geodiversity

Policy CS16: Protecting Environmental Resources, Human Health and Safety

Policy CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Design of New Development Supplementary Planning Document (2009)

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)

2. The garden centre hereby approved shall not operate outside the hours of 0800 to 1730 weekdays except for Thursdays (0800 to 1900) and Sundays (1000 – 1600).
REASON: In the interests of residential amenity
3. Notwithstanding condition 2) the café shall not operate outside the hours of 0900 and 1600 Mondays to Sundays
REASON: In the interests of residential amenity
4. D18 – Control of Fumes
5. D19 – Ventilation Equipment (Details Required)
6. C22 – No External Plant
7. Notwithstanding the information contained in the application, no goods shall be sold from the site or stored on the site other than those mentioned in the letter from Sam Turner and Charlie Turner (Sam Turner & Sons Ltd) dated 17 January 2012
REASON; To enable the Local Planning Authority to retain control over the development and to safeguard the viability and vitality of Darlington town centre and other local shops and services
8. Notwithstanding the details shown on the approved plans, no external café areas shall be created on the site without the prior approval of the Local Planning Authority
REASON: In the interests of residential amenity
9. Notwithstanding the details shown on the approved plans, the café area within the building hereby approved shall cater for a maximum of 50 covers only unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of residential amenity and to safeguard the viability and vitality of other local shops and services
10. Notwithstanding the details shown on the approved plans, precise details for the provision of cycle parking shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The details shall include the number of spaces, the location of the spaces and the type of cycle stands. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: To ensure that a sufficient level of cycle parking is provided on site
11. Notwithstanding the details shown on the approved plans, precise details for the provision of a footway along the verge of the B6275 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In order to create a safe pedestrian access to the site
12. Notwithstanding the details shown on the approved plans, precise details for the provision of safe pedestrian route from the footway on the B6275 to the entrance of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To ensure that safe pedestrian access is provided on site

13. Notwithstanding the details shown on the approved plans, precise details for the highway improvements to entrance to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The details shall include improving the sightline to the south and works to the entrance to define the access point and to relocate existing Give Way lines. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of highway safety

14. Prior to the commencement of the development, an Interim Certificate for BREEAM 2008 Standards shall be submitted to and approved in writing by the Local Planning Authority. The necessary Rating Level is “very good – outstanding” and the Certificate will include details to show how the approved development will meet the Rating level.
REASON: To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.

15. Upon completion of the development a Final Certificate for BREEAM 2008 Standards shall be submitted to and approved by the Local Planning Authority to show that the development has been carried out in accordance with condition 3)

REASON: To ensure that the development has been carried out in complete accordance with condition 14) to comply with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development

16. B4 – Materials (Samples)

17. Prior to the commencement of the development, details of a surface water drainage scheme for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the local planning authority. The details shall also include show how the scheme shall be maintained and managed for the design life of the site. The development shall not be brought into use until it has been confirmed the scheme has been implemented in accordance with the approved details.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

18. J2 – Contaminated Land

19. E2 – Landscaping (Submission)

20. Prior to the commencement of the development hereby approved (including any demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an

inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

21. Prior to the commencement of the development, details of the boundary treatments shall be submitted to, and approved by, the Local Planning Authority and such boundary treatments shall be erected in accordance with the approved details prior to any part of the development being occupied (or any such later time as may be agreed in writing with the Local Planning Authority).

REASON: In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual appearance of the locality.

22. Prior to the commencement of the development, details of a programme of archaeological work as defined in a specification by the County Durham Archaeology Team shall be submitted to and approved by the Local Planning Authority. The programme shall include

- a) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- b) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts
- c) Post fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary
- d) Report content and arrangements for dissemination
- e) Archive preparation and deposition with recognised depositories
- f) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- g) Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works
- h) A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications

The specification shall be confirmed in a written scheme of investigation and shall be carried out in accordance with the approved details and timings

REASON: To comply with Policy CS14 of the Darlington Core Strategy Development Plan Document 2011 as the site contains known features of regional archaeological importance

23. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission

REASON: To comply with Policy HE12.2 – 12.3 of Planning Policy Statement 5 – Planning for the Historic Environment to make the information as widely accessible to the public as possible

24. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site is currently a garden centre and nursery located in the open countryside. The proposal involves the erection of new garden centre retail building with a café, extension to the existing car park areas and alterations to the entrance to the site. It is considered that the proposal accords with the relevant national and local planning policies. The design and layout of the development is considered acceptable and the development will not give rise to conditions prejudicial to amenity or highway safety subject to the imposition of appropriate planning conditions. The following policies have been taken into consideration

National Policy

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Borough of Darlington Local Plan 1997

E2 – Development Limits

E4 – New Buildings in the Countryside

E12 – Trees and Development

S22 – Garden Centres

Darlington Core Strategy Development Plan Document 2011

Policy CS1 - Darlington's Sub Regional Role and Locational Strategy

Policy CS2: Achieving High Quality, Sustainable Design

Policy CS7: The Town Centre

Policy CS8: Additional Retail Provision

Policy CS9: District and Local Centres and Local Shops and Services

Policy CS14: Promoting Local Character and Distinctiveness

Policy CS15: Protecting and Enhancing Biodiversity and Geodiversity

Policy CS16: Protecting Environmental Resources, Human Health and Safety

Policy CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Design of New Development Supplementary Planning Document (2009)

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that contact must be made with the Assistant Director: Highways, Design and Projects (contact Ms. P.Goodwill 01325 388760) to discuss naming and numbering of the development.

The applicant is advised that works are required within the public highway, to carry out improvement works at the access to the site and to construct new footway, and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr.A.Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under the Highways Act 1980 to execute the works.