

Item No. 13**SCHEDULE B**

APPLICATION NUMBER	SB/09/00189/TP
LOCATION	Poplars Nursery Garden Centre, Harlington Road, Toddington, Dunstable, LU5 6HE
PROPOSAL	Demolition of buildings and erection of replacement building to be used for garden centre retail sales, workshop/store and educational classroom in association with county wildlife site. Erection of 2.4m high security fence and extension to car park (Revised application SB/TP/07/1493).
PARISH	Toddington
WARD	Toddington
WARD COUNCILLORS	Cllr N Costin and Cllr T Nicols
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	27 March 2009
EXPIRY DATE	26 June 2009
APPLICANT	Mr J Little
AGENT	HHP Design & Management Ltd
REASON FOR COMMITTEE TO DETERMINE	Proposal is major development and is departure from development plan
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

Poplars Garden Centre is on the south-eastern side of Harlington Road (A5120) some 500m from Junction 12 of the M1 motorway. To the south west, south and south east is Poplars Nursery County Wildlife Site (CWS), now also referred to as Wadelows Nature Reserve, beyond which to the south is a small Council-owned woodland known as Toddington Borehole. To the north east is open countryside, whilst to the north west is Harlington Road, beyond which is open countryside. The application site lies immediately to the north east of that part of the garden centre that was redeveloped in 2005 and comprises a glasshouse that was formerly used for aquatic displays, but which is now used for storage, the vacant site of a former conservatory business, a vacant building formerly occupied by a pets business and the existing swimming pools business.

The Application:

The buildings associated with the former conservatory business have already been removed and it is proposed to remove the site's remaining buildings that had combined floor area of 1260sqm. Permission is sought to erect a replacement building that would have floor area of 1500sqm and would comprise 1175sqm of retail sales area plus a 255sqm educational facility and a 70sqm workshop/store. It would be rectangular, having a width of 40.352m and a depth of 36.88m. The floor level of the new entrance area and the internal ramp for customer access between

the existing and proposed sales areas would match that of the 2005 building with the roofline being extended locally over this area to a maximum height of 6.9m. Taking advantage of ground that slopes down towards the north east, the floor level of the greater part of the new building would be 2m below the existing sales floor such that the building here would have a maximum height of 5.9m. The style of the new extension would match that of the 2005 building and would incorporate shallow curved roofs and timber and glazed walls facing public areas. The timber would be a 'Thermowood' cladding system. The principal elevation facing the car park would be predominantly glazed to give a light feel to the building and to achieve the benefit of a 'north light' function. The south east elevation facing the service yard and part of the north east elevation would be of plastisol coated profiled steel cladding and match the 2005 building in colour and profile. Again, the curved roof would be of composite metal decking and match the 2005 building in colour and profile.

On the north-eastern side of the new building, the external sales area would be enclosed by 2.4m high security fencing.

Building operations would result in the loss of 15 car parking spaces in the main car park. These would be replaced by 13 spaces to be accommodated when the existing swimming pool shop and outside display are demolished and by adjusting the existing layout a further 8 spaces would be created.

For those members of staff or customers using the local bus service, a footpath would be provided connecting the bus stop adjacent the site frontage to the garden centre entrance/exit. In addition, a covered cycle store for 10 bicycles would be provided near to the shop entrance/exit for both staff and customers.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.

PPG2 - Green Belts.

PPS7 - Sustainable Development in Rural Areas.

PPS9 - Biodiversity and Geological Conservation.

PPG13 - Transport.

Regional Spatial Strategy

East of England Plan (May 2008)

Policy SS1 - Achieving Sustainable Development.

Policy SS4 - Towns other than Key Centres and Rural Areas.

Policy SS7 - Green Belt.

Policy E1 - Job Growth.

Policy T7 - Transport in Rural Areas

Policy T9 - Walking, Cycling and other Non-Motorised Transport.

Policy T14 - Parking.

Policy ENV3 - Biodiversity and Earth Heritage.

Policy ENV7 - Quality in Built Environment.

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Strategic Policy 3 - Sustainable Communities.

Mid Bedfordshire Local Plan First Review 2005 Policies

Not Applicable

South Bedfordshire Local Plan Review Policies

Policies BE8 (Design and Environmental Considerations) and T10 (Controlling Parking in New Developments).

Planning History

SB/TP/88/1543	Permission for replacement glasshouse and extension to glasshouse.
SB/TP/89/0483	Permission for two storey building comprising toilets and offices.
SB/TP/89/0750	Permission for aquatic display centre.
SB/TP/89/1173	Permission for sales and workshop building.
SB/TP/92/0452	Permission for single storey side extension.
SB/TP/92/0725	Permission for retention of swimming pool sales area and sales building.
SB/TP/92/0727	Permission for use of building as pet shop.
SB/TP/94/0667	Permission for single storey front and side extensions.
SB/TP/95/0894	Permission for single storey extension to pet shop.
SB/TP/98/0514	Permission for single and two storey extensions to toilet/office block.
SB/TP/00/0090	Permission for re-location of swimming pool area and replacement sales building.
SB/TP/03/0427	Permission for demolition of buildings and structures, erection of new glasshouse and open-sided polytunnels, use of hardcore area as overflow car park, construction of amenity pond and associated landscaping.
SB/TP/05/0418	Permission for demolition of buildings and structures, erection of new glasshouse and open-sided polytunnels, use of hardcore area as overflow car park, construction of amenity pond and associated landscaping. (Amendment to planning permission SB/TP/03/0427 in respect of glasshouse elevations and open-sided canopy layout only).
SB/TP/07/1493	Permission for demolition of buildings, erection of new buildings to be used for garden centre retail sales and ancillary activities (storage and educational classroom for county wildlife site), erection of 2.4m high fence and extension to car park.

Representations: (Parish & Neighbours)

Toddington Parish Council	No objection.
22 Byfield Close	No objection. There is no mention of external lighting. Request that permission includes condition that all external lighting should be 'full cut-off' design. This will assist environmental area, as bats, etc. are well known to avoid lit areas. Transport assessment comments on numbers of staff and visitors arriving on foot and cycle. Figures quoted appear

high, but this is to be welcomed and encouraged. There is no footway or cycleway adjacent A5120 between Junction 12 and A5120/Toddington Road roundabout. Through this application CBC Highways team should consider installation of foot/cycleway along site frontage. This could then link with changes to Junction 12 when junction is re-engineered as part of revised Highways Agency widening scheme.

Consultations/Publicity responses

Natural England	No objection in respect of statutorily designated sites and legally protected species. Support inclusion of classroom within new buildings to provide opportunities for environmental education at site. Recommend provision of additional features - bat bricks, bird nesting ledges - to external structure of building thus encouraging wildlife onto doorstep of classroom; this would also contribute towards targets within Bedfordshire and Luton BAP and is consistent with PPS9.
Highways Agency	Application will not adversely affect M1 motorway at this location; no further comment.
Bedfordshire & River Ivel IDB	In order for Board to consider proposed drainage scheme further information is required, including size of impermeable area generated by proposed development and storage capacity in storage pond. In event that insufficient capacity exists, any direct discharge to nearby watercourse will require Board's consent. Recommend condition requiring applicant's storm water design and construction proposals to be adequate before any development commences.
Highways Officer	No objection.

Determining Issues

The main considerations of the application are:

1. Impact on Green Belt
2. Support for sustainable transport

Considerations

1. Impact on Green Belt

The control of development within the Green Belt hinges on a two part test: (1) whether the development proposed is appropriate development; and (2) if inappropriate, whether there are 'very special circumstances' present which clearly outweigh both the harm by virtue of inappropriateness, and any other harm. Paragraph 3.4 of PPG2 advises that the construction of new buildings

inside a Green Belt is inappropriate unless it is for certain specified purposes (for example, agriculture/forestry or essential facilities for outdoor sport and recreation). Extension to a garden centre is not one of the categories of new buildings considered to be appropriate in the Green Belt. It follows that the proposal is inappropriate development in the Green Belt. It is therefore necessary to assess whether any 'very special circumstances' exist that could justify such inappropriate development.

Fall-back position

In April 2008, permission was granted for a similar development involving an extension to the sales area and the provision of an educational facility (reference SB/TP/07/1493). This earlier proposal had an overall width of 44m. Building 1 had a depth of 32.11m, whilst Buildings 2 and 3 had a depth of 19.485m. The scheme had a total area of 1465sqm, including a 307sqm basement where the educational facility was to be located.

Following the grant of permission, a ground investigation was commissioned. The results of the engineer's investigation indicated high ground water levels with areas of very soft to soft ground. Water table monitoring continued over a period of time. The applicants advise that given the high water table and associated ground conditions, construction of the basement area as approved would have attracted significant additional expense requiring tanking and specific design detail. Such additional expense could not have been sustained by the approved extension to the retail area. It therefore became necessary to consider the area behind the approved Buildings 2 and 3 as a location for the educational facility (to be constructed at existing ground level) and this amended siting is reflected in the current revised proposal.

In the approved scheme, the maximum height of the buildings would have been 6.74m and the floor area would have been 1465sqm. In the current proposal, the maximum height of new extension would be 6.9m and floor area would be 1500sqm. Again, in the approved scheme, the buildings would have had a combined width of 44m, whilst in the current proposal, the new building would be 40.352m wide. In terms of its impact on the openness of the Green Belt, the current proposal's relatively minor increase in height and floor area is considered not to be significant and is acceptable.

Educational facility

The redevelopment undertaken in 2005 was subject to an obligation in the S106 Agreement covering Wadelows Nature Reserve which forms part of the garden centre. The applicants are members of a group of trustees that manage the nature reserve. As might be expected, the trustees' objectives are to enhance the nature reserve's fauna and flora and the applicants advise that work carried out to date has been very successful both in terms of such enhancement and in terms of the nature reserve's educational value. Following a recent visit, the Greensand Trust expressed enthusiasm for the development of an educational facility at the garden centre. The proposal to provide this facility in association with visits to the nature reserve by local schools and societies is also supported by Natural England. Such provision would enhance the experience of those visiting the nature reserve and represents a significant planning gain. Furthermore, controlled access by the local community to the nature reserve and the adjoining woodland would fulfil one of the principal objectives of including land in Green Belts (PPG2 paragraph 1.6).

Design and appearance

Whilst the spread of the existing development and the extent of built form within the development site is some 65m, the spread of the proposed development when viewed from the main road would be 40m. As mentioned above, the buildings associated with the former conservatory business have been demolished. The vacant site is fenced off and is now becoming an eyesore. The remaining buildings are a 'hotchpotch' of various styles and heights. The design of the new extension responds positively to the immediate context of the 2005 building. As in the earlier scheme, the incorporation of two building heights would enable the mass of the new structure to be broken up. The current proposal, however, involves additional enhancements. Whereas in the approved scheme, the curved roofs of Buildings 2 and 3 would have been at right angles to the curved roof of Building 1 and the 2005 building, in the current proposal, the curved roof of the extension would be parallel to those of the 2005 building. With regard to roof design, the proposed extension would be in better harmony with the 2005 building than the approved buildings. Furthermore, the span facing the car park would be a half span enabling the front elevation to be glazed up to the ridge, thereby screening the profiled steel roof from view. In terms of design and layout, the new proposal represents a significant improvement on the existing arrangement of buildings and spaces on site and represents an enhancement to earlier approved scheme.

Conclusion

By virtue of the inclusion of the educational facility within the scheme, the proposal would involve an increase in floor area and volume of built development. Whilst such enlargement constitutes inappropriate development in the Green Belt, the existence of a fall-back position when taken together with the provision of an educational facility that would be associated with increased access to the adjacent County Wildlife Site and the proposed improvements to the appearance of this part of the garden centre amount to the very special circumstances required to justify inappropriate development in the Green Belt. Accordingly, it is considered that the proposal is acceptable as a minor departure from the Development Plan.

2. Support for sustainable transport

There is a request bus service, No. X42, that passes the garden centre approximately every 60 minutes. To encourage more staff and customers to use the local bus service, a footpath would be provided connecting the bus stop to the garden centre entrance/exit. In addition, a covered cycle rack for 10 bicycles would be provided near to the shop entrance/exit for both staff and customers. Clearly, such measures to support travel to/from the garden centre by modes other than the private car are acceptable.

Reasons for Granting

The proposed development complies with relevant National Guidance and Development Plan policies in respect of its impact on the openness of Green Belt and in respect of its siting, design and overall appearance.

Recommendation

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

- 1 The development shall begin not later than three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**
REASON: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R.).
- 3 Before the development is first occupied or brought into use, the parking spaces, servicing and unloading areas shown on Drawing No. 5189-012A received 27/03/09 shall be completed and thereafter retained for this purpose.
REASON: To ensure provision for car parking and servicing clear of the highway.
(Policy T10, S.B.L.P.R.).
- 4 **Before development begins, samples of the materials to be used for the external walls and roof of the new building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**
REASON: To control the appearance of the building.
(Policy BE8, S.B.L.P.R.).
- 5 Notwithstanding the details submitted with the application, further particulars of the external lighting to be installed in association with the development hereby permitted and further particulars of the design and external finish of the proposed security fencing shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure proper control over the development in the interests of the visual amenity of the Green Belt.
(Policy BE8, S.B.L.P.R.).
- 6 The use of the proposed extension to the internal sales area, indicated on Drawing No. 5189-010B received 27/03/09, shall extend only to the sale of plants, garden tools and sundries and for other purposes ancillary to the garden centre use of the premises. For the avoidance of doubt the proposed extension to the internal sales area shall not be used for the storage, sale or display of the goods listed in the Annex to the Planning Agreement made in association with Planning Permission SB/TP/05/0418. The educational facility, the 'education zone' indicated on Drawing No. 5189-010B received 27/03/09, shall only be used for the provision of education and for no other

purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification).

REASON: To define the extent of the permission and to enable the Local Planning Authority to exercise proper control over the development in order to prevent the establishment of a general Class A1 retail use of the premises in this Green Belt location.

(Policy SD1, S.B.L.P.R.).

- 7 The use of the external sales area on the north-eastern side of the proposed extension to the garden centre, indicated on Drawing No. 5189-010B received 27/03/09, shall extend only to the display and sale of the goods referred to in Condition 6 above. No permanent buildings, structures or plant shall be erected or positioned within the external sales area and any temporary buildings, structures or plant erected or positioned within the external sales area shall not exceed a maximum height of 3m.

REASON: To define the extent of the permission and to enable the Local Planning Authority to exercise proper control over the development in the interests of maintaining the openness and visual amenity of the Green Belt.

(Policy BE8, S.B.L.P.R.).

- 8 **Notwithstanding the details submitted with the application and prior to the implementation of the planning permission, further particulars of a scheme for the establishment and management of the educational facility that will form part of the proposed extension to the garden centre, to include details of the precise layout of the educational facility, shall be submitted to and approved in writing by the Local Planning Authority.**

The proposed extension to the garden centre sales area shall not be brought into use until the works to establish the educational facility have been completed in accordance with the approved details/particulars.

For a period of 24 months from the date on which the proposed extension to the garden centre sales area is brought into use a written log shall be maintained indicating details of the schools and other organisations that use the educational facility and the dates on which their visits take place. At six monthly intervals, in order to assist the Local Planning Authority's monitoring of the use of the educational facility, a copy of the written log shall be submitted to the Local Planning Authority.

REASON: To ensure that the educational facility is brought into use as part of a scheme to enhance access to the adjoining County Wildlife Site/Wadelows Nature Reserve, to ensure that the educational facility is brought into use in association with the proposed extension to the garden centre sales area and to ensure that inappropriate development in the Green Belt is not permitted without very special circumstances having been established.

- 9 **Before development begins, details of a scheme for the disposal of surface water generated by the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The drainage works as approved shall be constructed in accordance**

with the approved details before the development is first occupied or brought into use.

REASON: To ensure satisfactory drainage of the site.

- 10 This permission relates only to the details shown on Drawing Nos. 5189-006B, 5189-010B, 5189-011A, 5189-012A, 5189-013A, 5189-014A and 5189-015A received 27/03/09 or to any subsequent appropriately endorsed revised plan.

REASON: To identify the approved drawings and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

SS4 - Towns other than Key Centres and Rural Areas

SS7 - Green Belt

E1 - Job Growth

T7 - Transport in Rural Areas

T9 - Walking, Cycling and other Non-Motorised Transport

T14 - Parking

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in Built Environment

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Strategic Policy 3 - Sustainable Communities

South Bedfordshire Local Plan Review

BE8 - Design and Environmental Considerations

T10 - Controlling Parking in New Developments

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval

which is necessary must be obtained from the appropriate authority.

- 4. With regard to Condition 9, the applicants are advised that in order for the Bedfordshire and River Ivel Internal Drainage Board to consider the proposed drainage scheme the Board will require further information, including the size of the impermeable area generated by the proposed development and the storage capacity available in the storage pond. In the event that sufficient capacity does not exist, any direct discharge to the nearby watercourse will require the Board's consent.

DECISION

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