

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

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.