

Item No. 9**SCHEDULE A**

APPLICATION NUMBER	CB/10/01265/OUT
LOCATION	Wyevale Garden Centres Plc, Dunstable Road, Caddington, Luton, LU1 4AN
PROPOSAL	Erection of new garden centre and office accommodation.
PARISH	Caddington
WARD	South East Bedfordshire
WARD COUNCILLORS	Cllr Ruth Gammons & Cllr Richard Stay
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	28 May 2010
EXPIRY DATE	27 August 2010
APPLICANT	Gleneden Plant
AGENT	Lee Butler MRICS
REASON FOR COMMITTEE TO DETERMINE	Major application for inappropriate development in the Green Belt where justification of very special circumstances to overcome refusal on Green Belt grounds has been recommended
RECOMMENDED DECISION	Outline Application - Refused

Site Location:

The former Wyevale Garden Centre site is on the south-eastern side of Dunstable Road some 180m north east of the junction with Millfield Lane at a point where the main road bends sharply to the north west. It is roughly 'L'-shaped in plan with a width at the frontage of 73m (narrowing to 47m towards the rear and then widening to 72m at the rear boundary), a maximum depth of 177m and an overall area of 1.1ha. The only building on the site is a rectangular profiled metal clad warehouse building near the rear boundary. All the other buildings associated with the former garden centre use have been removed following a serious fire in 2008.

The site is bounded to the east by paddock land owned by the applicant and to the south by agricultural land. To the west are two residential properties - Hillcrest Bungalow and a bungalow formerly occupied by an employee of the garden centre, now known as Bennys Farm - and an area of former paddock land adjacent Millfield Lane, also owned by the applicant, that has been covered in road planing type material. This material also covers part of the application site between the site boundary and the retained metal clad building. Earth bunding has been constructed adjacent the southern and western (Millfield Lane) boundaries of the former paddock land and extends into the application site adjacent the southern boundary to a position at the rear of the metal clad building. Whilst the western bund has been approved as part of a landscaping scheme associated with the construction of an access off Millfield Lane and a new driveway to Bennys Farm (planning permission CB/10/00274/FULL), the southern bund and the deposition of road planing type material on the former paddock land appears to be unauthorised and is currently the subject of investigation by the enforcement officers.

The site is within the South Bedfordshire Green Belt. The land opposite, to the north of Dunstable Road, together with land to the west of Dunstable Road and

Millfield Lane is within the Chilterns Area of Outstanding Natural Beauty (AONB) and within an Area of Great Landscape Value (AGLV).

The Application:

This is an application for outline planning permission with all matters - access, appearance, landscaping, layout and scale - reserved for later consideration. An illustrative drawing has been submitted that demonstrates how the site might be laid out and indicates the following elements of the proposed scheme. Permission is sought for the erection of a 960sqm replacement garden centre and 1,440sqm of office floorspace. The proposed offices would be accommodated within 4 two storey buildings (each with a footprint of 12m wide by 15m deep) positioned some 25m from the site frontage. The proposed garden centre building would measure 24m wide by 40m deep and be positioned some 60m from the site frontage. The illustrative site layout plan shows that the new development would be served by the existing access and a total of 129 parking spaces would be provided adjacent the eastern boundary, to the front of the office buildings, between the offices and the garden centre and to the rear of the garden centre. Adjoining the garden centre parking area, at the rear of the site, would be a 'plant area' - a 0.48ha open area used for the display and sale of garden centre products. The site is reasonably well screened by existing hedgerows along the eastern and southern boundaries and it is proposed to add new and supplementary planting to all boundaries.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.

PPG2 - Green Belts.

PPS4 - Planning for Sustainable Economic Growth.

PPS7 - Sustainable Growth in Rural Areas.

PPS9 - Biodiversity and Geological Conservation.

PPG13 - Transport.

PPS25 - Development and Flood Risk.

Regional Spatial Strategy

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.

SS4 - Towns other than Key Centres and Rural Areas.

SS7 - Green Belt.

E1 - Job Growth.

E2 - Provision of Land for Employment.

ENV2 - Landscape Conservation.

ENV3 - Biodiversity and Earth Heritage.

ENV7 - Quality in Built Environment.

WAT4 - Flood Risk Management.

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

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policy 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 7 - Areas of Great Landscape Value.

South Bedfordshire Local Plan Review Policies

NE3 - Control of development in Areas of Great Landscape Value.

BE8 - Design and environmental considerations.

T10 - Controlling parking in new developments.

E2 - Control of development on employment land outside Main Employment Areas (Category 2).

Planning History

SB/EUC/74/1053	Established Use Certificate issued for use for purpose of garden centre only and for retail sale of produce ancillary to same.
SB/TP/82/1023	Permission for incorporation of land into garden centre.
SB/TP/82/1024	Permission for two ancillary sales buildings, storage building, toilets, service road, car park and re-siting of gas compound.
SB/TP/84/1244	Permission for extension of garden centre site.
SB/TP/85/656	Permission for repositioning of sales building.
SB/TP/85/0685	Permission for covered area and plant propagation house.
SB/TP/86/0206	Permission for extension to garden centre building.
SB/TP/88/1053	Permission for extension to building.
SB/HS/94/0001	Hazardous substance consent to store calor gas in cylinders.
SB/HS/97/0001	Hazardous substance consent to increase storage level of LPG from 55 to 59 tonnes.
SB/TP/03/1133	Permission for sales office and demonstration swimming pool
SB/TP/08/1087	Permission for demolition of fire damaged buildings and erection of new garden centre facility with car parking and landscaping.

Representations: (Parish & Neighbours)

Caddington Parish Council	Office provisions, provided they are single storey bungalow style, are acceptable in principle. Garden centre proposals accepted. 'Plant area' - question whether this is long or short term storage/repairs/servicing etc. of plant equipment and whether single/stacked portacabin accommodations etc. are required (plant area being 4+ wheels, not 4+ petals).
Neighbours	No representations received.

Consultations/Publicity responses

Chilterns Conservation Board	Principles of Chilterns AONB Management Plan, the Chilterns Buildings Design Guide and Supplementary Technical Notes on Chilterns Building Materials (Flint, Brick and Roofing Materials) should be applied. No further comment.
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Environment Agency

Objection.

In absence of acceptable flood risk assessment (FRA), recommend refusal on basis of following reasons:

Submitted FRA does not comply with requirements set out in Annex E, paragraph E3 of PPS25 and does not therefore provide suitable basis for assessment to be made of flood risks arising from proposed development. In particular, submitted FRA fails to:

- Consider effect of critical 100 year climate change rainfall event on site in accordance with PPS25.
- Ensure that there is no uncontrolled surface water run-off from critical rainfall event.
- Ensure that any off-site surface water run-off will be limited to green field run-off rates.

Groundwater must be protected in this location because it is used to supply drinking water to public. Recommend condition to protect groundwater from risk of pollution from foul and surface water drainage.

Highways Officer

No objection in principle.

However, it should be noted that there would be many more employees on site and people visiting site for business and retail purposes than for retail purposes associated with previous garden centre use. For this reason development should be made more sustainable in terms of transportation and following should be considered:

- There is substandard footway along one side of Dunstable Road and this could be upgraded to footway of acceptable standard or even footway/cycleway.
- Bus travel should be promoted by provision of bus stops, but not necessarily bus shelters.
- Real-time information should be provided within buildings and/or at bus stops.
- Site travel plan should be put in place.

Travel plan could be requirement of condition, while other considerations could be subject to further investigation.

Tree and Landscape Officer

Satisfied with details submitted. No further comment.

Environmental Health Officer

No objection. Not aware of any former contaminative uses on this site.

Determining Issues

The main considerations of the application are;

1. Green Belt protection assessed against potential employment opportunities offered by proposal
2. Flood risk

Considerations

1. Green Belt protection assessed against potential employment opportunities offered by proposal

Green Belt considerations

The site lies in open countryside to the west of the village of Caddington. As stated above, it also lies within the South Bedfordshire Green Belt. Policy guidance on Green Belts is set out principally in PPG2 (January 1995). The general policies for controlling development in the countryside apply with equal force in the Green Belt but there is, in addition, a general presumption against inappropriate development in the Green Belt. Such development should not be approved except in very special circumstances.

The control of development within the Green Belt hinges on a two part test: (1) whether the proposal is inappropriate development for the purposes of PPG2; and (2) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

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). The proposed replacement garden centre and the new office units are not among the categories of new buildings considered to be not inappropriate in the Green Belt. Given that the proposal is inappropriate development, the applicant argues that the following considerations amount to the very special circumstances required by PPG2 to justify such development in the Green Belt.

- The site constitutes previously developed land.
- The proposal does not involve any expansion of the site area and is wholly contained within existing boundaries.
- The scale of the site coverage by buildings and sales area would not materially alter from the pre-fire state of the site and that proposed under the extant planning permission and would have no greater impact on the openness of the Green Belt.
- Similarly to the extant planning permission, the proposal would not result in coalescence of development nor encroach into the countryside.
- The proposal would have no greater visual impact than the previous development on the site and that proposed under the extant planning permission. Moreover, extensive landscaping would enhance the appearance of the site.
- The site has been an employment site for in excess of 36 years.

- The proposal provides an opportunity to create a wider range of jobs for the local community, safeguarding employment and assisting in meeting the jobs target for the area.

Given its history, the site clearly constitutes previously developed land. Whilst the proposal does not involve any expansion of the former Wyevale site, part of the western boundary is not clearly defined such that there is little to distinguish between the south-western part of the application site and the former paddock land to the west, both areas being covered by road planing type material. This issue could be addressed by a condition requiring a permanent palisade fence (with no openings and appropriate screen planting) to be erected along the undefined section of the western boundary of the site. Furthermore, any unauthorised works or change of use in respect of adjoining land could be subject to enforcement action.

The proposal would not add elements of built development to hitherto open areas of the site to any significant extent or to areas that would have been free from development in the previously approved scheme (SB/TP/08/1087). The approved replacement garden centre and ancillary buildings would have had a floor area of 2,607sqm. The current proposal - incorporating a garden centre, office buildings and the existing warehouse building - would have a floor area of 2,620sqm. Such a marginal increase in floor area over and above the permitted scheme is acceptable in Green Belt policy terms.

In its consultation response, the Parish Council advises that the proposed offices are acceptable in principle provided the buildings are single storey. The illustrative layout shows that the office accommodation would be two storey. Where 'scale' is reserved at outline stage, which it is in this case, the application should still indicate parameters for the upper and lower limits of the height, width and length of each building to establish a 3-dimensional building envelope within which the detailed design would be constructed. Whilst the footprint of the proposed buildings would be as stated above, the agent confirms that their maximum height would not exceed 5.8m from existing ground levels and their average height is unlikely to exceed 4.6m, again from the existing ground levels. These height parameters would match those of the approved 2008 scheme and the agent confirms also that they could be achieved particularly in respect of the two storey office buildings by dropping the ground floor levels at the design stage. The parameters for the height, width and length of the proposed buildings could be made the subject of a condition and are acceptable in Green Belt policy terms.

Further to the Parish Council's comments in respect of the 'plant area' at the rear of the site, the applicant confirms that this area would be used for the display of nursery stock and the external selection of plants and other garden centre products by customers.

Economic development considerations

With regards to the potential employment opportunities offered by the proposal, the applicant makes the following points in a supporting statement.

- The site has been used for employment purposes for in excess of 36 years.

- Prior to the fire the garden centre provided much needed employment in the Caddington area. The proposed mixed use development affords scope to widen such local employment opportunities.
- The previous operators, part of a national chain, deemed the site surplus to requirements, chose not to redevelop it and placed it on the market. The applicant considers the approved scheme to be unviable due to construction costs and is now proposing a smaller garden centre together with office accommodation that could provide a capital receipt or rental income to secure the delivery of the garden centre.
- It is estimated that the proposal could provide up to 90 jobs, which would be considerably more than the 20 jobs likely to be generated by the approved replacement garden centre scheme. Moreover, the new development would contribute towards meeting the Development Plan's jobs growth target for the area.

In assessing the merits or otherwise of these points, reference must be made to PPS4 - *Planning for Sustainable Economic Growth*. The overarching guidance in this document is that local planning authorities (LPAs) should adopt a positive and constructive approach towards planning applications for economic development. PPS4 offers further guidance that is relevant to the current application.

- In respect of rural areas, LPAs should exercise strict control over economic development in open countryside away from existing settlements, locate most new development in or on the edge of existing settlements and set out the permissible scale of replacement buildings and circumstances where replacement buildings would be acceptable.
- In determining applications for economic development in rural areas, LPAs should support small-scale proposals where they provide the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport. Furthermore, LPAs should approve applications for the re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to villages where the benefits outweigh the harm in terms of the potential impact on the countryside, landscapes and wildlife, local economic and social needs and opportunities and the suitability of the buildings for re-use recognising that replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversions.
- In determining applications for economic development not in accordance with the development plan, LPAs should weigh market and other information alongside environmental and social information, take full account of any longer term benefits, such as job creation, as well as the costs of development and consider whether the proposals help to meet the wider objectives of the development plan.

Although the former Wyevale site is in open countryside, the redevelopment of the site by the construction of replacement buildings has been accepted with the

grant of the existing 2008 permission. As stated above, the scale parameters of the new buildings could be set by a condition.

Whilst the site is not in a particularly sustainable location, it has been used for employment purposes for over 36 years. Moreover, it is on a bus route served by two buses per hour in each direction for the greater part of the working day. In his consultation response, the Highways Officer notes that the proposed mix of uses is likely to generate more vehicle movements than the previous garden centre use and suggests a number of transportation enhancements that could form part of the current scheme in order to improve its sustainability.

Although the new development would involve primarily replacement buildings rather than the re-use of existing buildings, the employment opportunities offered by the current scheme are of sufficient long term benefit to outweigh any potential adverse impact on the countryside, landscape and wildlife hereabouts. The proposal therefore accords with national guidance in PPS4 in respect of economic development in rural areas.

Conclusion

Having regard to the provisions of paragraph 3.4 of PPG2, the proposal is clearly inappropriate development. However, it is considered that the longstanding employment use of the site, the extant planning permission for a similar scale of development, the enhanced employment opportunities offered by the new scheme and its contribution to meeting the wider job growth objectives of the Development Plan are sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, so as to amount to the very special circumstances necessary to justify inappropriate development in the Green Belt.

2. Flood risk

The application includes a flood risk assessment (FRA). Unfortunately, there are a number of issues to be resolved with respect to the submitted FRA. It is dated 13th November 2008 and was originally submitted in association with the 2008 application for the replacement garden centre. The Environment Agency (EA) objected to this original FRA and it was subsequently superseded by a FRA dated 11th December 2008 to which the EA raised no objection. Not only has the applicant submitted an out-of-date FRA, but the document has been downloaded from the Council's website and submitted without the author's permission.

The EA advises that the site lies within Flood Zone 1 defined by PPS25 as having a low probability of flooding. However, the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. PPS25 requires applicants for planning permission to submit a FRA when development on this scale is proposed in such locations. The EA further advises that the submitted FRA does not provide a suitable basis for assessing the flood risks arising from the proposed development. In particular, it fails to consider the effect of the critical 1 in 100 year climate change rainfall event on the site (in accordance with PPS25), fails to ensure that there is no uncontrolled surface water run-off from the critical rainfall event and fails to ensure that any off-site surface water run-off will be limited to 'greenfield' run-off rates.

Although the applicant was advised of the details of the EA's objection to the scheme at the end of July, no revised FRA has been submitted. Given that the applicant has indicated his intention to lodge an appeal with the Planning Inspectorate on the ground of non-determination, no further progress can be made to resolve this outstanding matter. The proposal is therefore recommended for refusal by reason of the inadequate FRA submitted with the application.

Recommendation

That Planning Permission be REFUSED for the following:

- 1 The application site lies within Flood Zone 1 defined by Planning Policy Statement 25 (PPS25) '*Development and Flood Risk*' as having a low probability of flooding. However, the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. PPS25 requires applicants for planning permission to submit a flood risk assessment when development on this scale is proposed in such locations. The submitted flood risk assessment fails to consider the effect of the critical 1 in 100 year climate change rainfall event on the site, fails to ensure that there is no uncontrolled surface water run-off from the critical rainfall event and fails to ensure that any off-site surface water run-off will be limited to 'greenfield' run-off rates. The submitted flood risk assessment does not therefore provide a suitable basis for an assessment to be made of the flood risks arising from the development, contrary to national guidance in PPS25 and strategic guidance in Policy WAT4 of the East of England Plan.

DECISION

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