PLANNING APPLICATION REPORT

DESCRIPTION	Single storey garden centre concession building following demolition of existing building and erection of retaining wall.
ADDRESS	Wyevale Garden Centre Winchester Road Fair Oak Eastleigh SO50 7HD

SITE VISIT DATE – 18 November 2015

ARE PLANS ACCURATE? – It is considered that sufficiently detailed information has been provided to allow for the assessment of the development proposed.

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? – Yes. As the application constitutes Major development, a site notice was displayed at the entrance to the site and the proposals advertised in a newspaper circulating in the local area.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks approval for the construction of a new steel framed pitched roof concession building to house Maidenhead Aquatics who currently operate from the adjacent structures to the immediate western side of the site. An existing storage building is to be demolished in order to facilitate the new development with some retaining works also forming part of the proposals.
SITE AREA	The garden centre site as a whole extends to approx. 2.7 hectares. The proposed building has a floor area of approximately 214sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	No residential development is proposed.
TOPOGRAPHY	In the area where the proposed building is to be constructed, the ground rises up towards the southern boundary of the site.
TREES	There is a small cluster of trees to the immediate northern side of the existing storage building to be demolished which will need to be removed as part of the proposals. These trees are not subject to a Tree Preservation Order and are not considered to make a significant contribution towards the overall amenity of the area. There are also some small trees beyond the southern boundary of the site. It is not considered that these will be significantly affected by the proposals.
BOUNDARY TREATMENT	The area where the proposed building is to be sited is surrounded by timber fencing to the southern and northern sides which provides for a fairly good degree of screening for the current structure from the garden centre's car park.
SITE CHARACTERISTICS AND CHARACTER OF LOCALITY	Existing and established garden centre site within designated countryside as set out in the Council's adopted Local Plan. The site, which is accessed from Winchester Road, is formed of a variety of buildings of a mixture of scales and footprints. The main commercial buildings

THE SITE AND ITS SURROUNDINGS

	associated with the garden centre lie to the south/south-west of the site. There are also residential, office and other ancillary uses present, with an extensive area of car parking in the central part of the site. The proposed development will replace a somewhat dilapidated storage building along the southern boundary with its intended occupier being Maidenhead Aquatics who specialise in the sale of cold water and tropical fish and associated products. This company currently operate out of an existing adjacent concession building. There is a residential use in the form of Pear Tree Farm House to the southern side of the site as well as further residential properties on the opposing side of Winchester Road, with green fields beyond.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/13732/003	Extension to car parking area	PERMIT – 27/10/1978
Z/13732/004	Use of land for sale and display of greenhouses and portable buildings and use of display building for office	REFUSED – 27/07/1979
Z/13732/005	Extension to car park and construction of new vehicular access.	PERMIT – 20/02/1980
Z/13732/006	Erection of 4620sq. ft. glasshouse for horticultural purposes.	PERMIT – 03/12/1980
Z/13732/007	Use of land as garden centre – to regularise the existing use	PERMIT – 11/02/1982
Z/13732/008	Erection of a single storey building to be used for retail purposes.	REFUSED – 29/07/1982
Z/13732/009	Erection of a single storey building for retail purposes.	WITHDRAWN – 1982
Z/13732/010	Use of buildings as barn, riding stables, warehouse and storage yard, glasshouse for lawnmower sales, café/office, leather craft, fish and aquatics, iron craft and lawn mower repairs.	REFUSED – 17/09/1985
Z/13732/011	Erection of a single storey building for use as an office and horticultural store.	PERMIT – 06/02/1988
Z/13732/012	Construction of car park and use of land for garden buildings display	PERMIT – 11/07/1989
Z/13732/014	Continued use of first floor as office	REFUSED – 30/04/1991
Z/13732/015	Outline: erection of covered sales area, extension to garden shop and erection of	GRANT OUTLINE PERMISSION – 18/05/1992

THE SITE AND ITS SURROUNDINGS

	new sales buildings with associated car parking, improvements to access and landscaping following demolition of existing house and nursery buildings.	
Z/13732/013	Regulation 10: Erection of radio aerial	RAISE NO OBJECTION – 04/03/1993
Z/13732/016	Retention of polythene canopies	PERMIT – 28/09/1998
Z/13732/017	Relief from conditions 2 and 9 of planning permission 13732/007 to allow for the sale of cold water and tropical fish – fish supplies – ponds and tanks and for the open storage of peat compost and soil improves.	PERMIT – 28/09/1998
A/13732/019	Display of 1no. non-illuminated composite sign board on frontage.	CONSENT TO ADVERT DISPLAY – 28/09/1998
A/13732/020	Display of 1no. non-illuminated composite sign board on frontage	CONSENT TO ADVERT DISPLAY – 15/02/1999
Z/13732/018	Application for certificate of lawfulness for an existing use for the manufacture, sale and display of wrought iron goods from a building.	CERTIFICATE ISSUED – 12/03/1999
Z/13732/021	Extension to polytunnels and erection of covered walkway.	PERMIT – 06/08/1999
Z/13732/022	Variation to condition no. 3 of planning permission 13732/021 to allow for the display of pebble ponds, water pumps, tubs, gravel, slug pellets, pots, plant fertilizers and manure in extended polytunnels.	PERMIT – 22/11/1999

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
21 Felton Way, Netley Abbey	The occupiers of No. 21 Felton Way made the following observation: Too many garden centres already.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Fair Oak and Horton Heath Parish Council	No Objection – Members questioned whether the building was listed.
Head of Transportation and Engineering	No objection. The proposed extension is for additional space for the aquatics element of the garden centre, which from the information provided appears to be providing a betterment of facilities on site rather than an increase in either customer draw (i.e. the service is already there) or an increase in products. For this reason, it would not be anticipated that additional car parking over and above that already supplied (which appears to have spare capacity) will be required, and

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	additional trips would be minimal.
Head of Planning Policy	Whilst no written comments were received, the proposals were discussed verbally with the Council's Planning Policy Team. Following the receipt of confirmation as to the intended use of the existing building occupied by Maidenhead Aquatics, no objection was raised subject to the imposition of conditions to allow for the controlling of the use of the development.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Within Designated Countryside Existing and Established Garden Centre

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011), 1.CO (Protection of the countryside), 10.CO (Non-residential buildings in the countryside), 59.BE (Promoting good design), 104.T. (Parking), 134.TC (Edge-of-centre or out-of-centre development for retail, leisure, office or other town centre uses).
Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising: Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014. Policies S9, DM1, DM16, DM19, DM22, DM24.
Supplementary Planning Document: Quality Places

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to the principle and use of the development proposed, layout and design, residential amenity, highway matters, and the impact of the proposals on the character of the area.

COMMENT ON CONSULTATION RESPONSES

In response to the comments of Fair Oak and Horton Heath Parish Council, whilst Crowdhill Farmhouse to the west is Grade II Listed, there are no Listed Buildings within the curtilage of the garden centre site. It is not considered that the setting of the aforementioned will be affected by the proposals. The other comments made are noted and are responded to where necessary and appropriate in the below assessment of the proposals.

COMMENT ON REPRESENTATIONS RECEIVED

The comments received are noted.

PLANNING OBLIGATION/CONSIDERATIONS

As per the comments of the Council's Head of Transportation and Engineering, as the proposals are to provide for improved replacement facilities for an existing use on the site and will not result in a notable increase in multi-modal trips, there is considered to be no requirement for developer contributions towards sustainable transport improvements in the locality. There are no other planning obligations requirements associated with the application.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Development Plan Policies:

Eastleigh Borough Local Plan Review (2001-2011):

Saved Policy 1.CO aims to protect the countryside within the Borough and states that development will not be permitted outside the urban edge unless for agriculture, forestry, horticulture, outdoor recreation, essential public utilities or if it meets other criteria within the Local Plan.

Saved Policy 10.CO allows for the replacement of existing non-residential buildings in the countryside that enjoy a lawful use subject to the following criteria being met: (i) the existing building is not the result of a temporary permission; (ii) the proposed building is of an appropriate design and scale and would not have a greater impact physically or visually on the character and appearance of the locality than the existing building; (iii) the replacement building is be used for the existing lawful use and would not generate significant additional traffic; and, (iv.) the proposal includes the demolition of the existing building to be replaced.

Saved Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting both in relation to themselves and in relation to adjoining buildings, spaces and views, natural features and trees worthy of retention. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Saved Policy 104.T requires that adequate off-highway parking is provided to serve new development.

Saved Policy 134.TC relates to proposals for out-of-centre or edge-of-centre development for retail, leisure, office or other town centre uses and states that these will only be permitted where all of the following criteria are met: (i) there is a demonstrable need for the development; (ii) there are no suitable, viable and available sites or premises for the proposed use within an existing centre or edge of centre location (in that order of preference) having demonstrated realistic flexibility on format, design and car parking provision and the scope for disaggregation; (ii) it will not by itself or cumulatively with other recently completed or permitted schemes undermine any Council's strategy to sustain and enhance the vitality and viability of existing town centres and the roles of other centres; (iv.) it is genuinely accessible by a choice of means of transport and will reduce reliance on the car; and, (v.) it will not increase the need to travel overall.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

MATERIAL CONSIDERATIONS

Principle and use of the development proposed:

The application site lies outside of the urban edge and within designated countryside where Saved Policy 1.CO seeks to restrict development to only that which is essential within a countryside location. Saved Policy 10.CO does however allow for the replacement of existing non-residential buildings in the countryside that enjoy a lawful use subject to a number of criteria being met. The proposed development replaces an existing ancillary storage building which is shown to be present on the approved layout plan for the planning permission Z/13732/007 which regularised the garden centre use of the site. It is therefore deemed that it is lawful in planning terms and the principle of its replacement is accepted by Saved Policy 10.CO.

It is necessary, however, in this respect to also have regard to the use of the proposed building which, unlike that which it is to replace, will be for retail purposes. This being a town centre use in what is an out of centre location. In this instance, however, it is considered that there is no conflict with the provisions of Saved Policy 134.TC in this regard. The building is to provide for improved facilities for an existing authorised retail concession (as permitted under planning permission Z/13732/017) which operates from the site. The present building which houses this concession (Maidenhead Aquatics) is no greater in floorspace than that which is proposed, with it being confirmed by the agent that the former is to be vacated and converted to an ancillary storage use as part of the development. In this regard, it is considered that the use is not inappropriate and it will not serve to undermine the viability or vitality of existing centres when considered relative to the current situation. It is deemed necessary, however, for conditions to be imposed to restrict the products that can be sold from the unit to only those currently authorised to be sold from the present concession unit and the garden centre use as a whole, as well as to require that upon the permitted building being brought into use that the present building occupied by Maidenhead Aquatics be converted to storage. This is in order to allow for the regulation and control of the use of the land and is consistent with the restrictions on the existing consent(s) associated with the concession unit.

Layout, design and impact upon the area character:

The application is considered to comply with the requirements of Saved Policies 10.CO and 59.BE of the adopted Local Plan in this respect. Whilst the building itself is larger than that which it is to replace, it is not overly excessive in this regard and its appearance is considered to be appropriate for its setting and intended use. It will also represent somewhat of a visual improvement relative to the present structure to be removed in what is currently a fairly untidy area of the garden centre site. In addition, because of its relatively recessed positioning, the building will not appear unduly prominent from the main car park area of the garden centre nor will it be particularly visible from surrounding public views which includes Winchester Road which runs parallel to the site. Its proposed green exterior colouring will, to a degree, also assist in softening its visual impact.

Residential amenity:

Saved Policy 59.BE (vii.) of the adopted Local Plan seeks to ensure that development does not unacceptably impact upon the amenity of neighbouring uses, notably by way of overlooking, overbearing impact or through a loss of light or outlook. There are two residential properties in the vicinity of the application site, these being Beech Bungalow and Pear Tree Farm House.

The former lies within the curtilage and ownership of the garden centre and its occupation is

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

understood to be ancillary to the operations undertaken within it. The latter borders the site to its southern and part of its eastern boundary. Whilst the new building is wider than that which it will replace, owing to it being partially set into the ground with associated retaining structures being provided, it will be no higher. Indeed its ridge height will extend to only approximately 2.8m above the level of the neighbouring ground. The building is also set at sufficient distance away from Pear Tree Farm House with it bordering only the rearmost section of its sizeable amenity area. For these reasons it is not considered that it will have any unacceptable impact upon the amenity of its occupiers and the application therefore complies with Saved Policy 59.BE (vii.) in this respect.

Highway matters:

Saved Policies 59.BE (v.) and 104.T of the Eastleigh Borough Local Plan Review 2001-2011 respectively require that development has a satisfactory means of access and layout for vehicles and provides adequate on-site car parking. Saved Policy 134.TC (v.) in addition requires that development does not increase the need to travel overall. In these respects and as per the comments of the Head of Transportation and Engineering, there is considered to be adequate car parking available on site in order to serve the operations associated with the garden centre as a whole and no reduction in this current provision will result from the proposals. In addition, the development is to provide for improved facilities for an existing occupier and it is not considered therefore that it will result in an increase in multi-modal trips to and from the site. There is, as such, deemed to be no conflict with these policy provisions.

Conclusion:

Overall for the reasons as set out above, the application is considered to comply with the relevant development plan policies, emerging local plan polices, associated supplementary planning guidance, as well as national planning policy.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

It is recommended that planning permission be granted subject to conditions.