

## **Application Number 17/00502/FUL**

<b>Proposal</b>	Change of Use and Formation of Hardstanding Area to Provide Overflow Parking Area For Customers and Staff Parking - Retrospective.
<b>Site</b>	Lymefield Garden Nursery, Lymefield, Broadbottom
<b>Applicant</b>	Mr Robert Pryce
<b>Recommendation</b>	Grant planning permission subject to conditions
<b>Reason for report</b>	A Speakers Panel decision is required because, in accordance with the Council's Constitution a member of the public has requested the opportunity to address the Panel before a decision is made. Accordingly, the applicant, or their agent, has been given the opportunity to speak also.

## **REPORT**

### **1. SITE AND SURROUNDINGS**

- 1.1 The application site comprises the curtilage associated with Lymefield Garden Centre which previously formed part of Lymefield Farm. Planning permission was granted for the existing garden centre under application reference 97/00363/FUL in October 1997. The site is located approximately 180 metres to the south of Market Street and is accessed from here via Lymefield. The garden centre, which includes a farm shop and tea rooms, is located at the end of Lymefield but this access also serves the former Lymefield Visitor Centre, commercial premises at George Bray Mill Yard and dwellinghouses at Lymefield Terrace.
- 1.2 The garden centre includes an open plant sales area in the north western part of the site. To both the east and south are single storey buildings laid out in an 'L-Shaped' configuration accommodating the main indoor facilities associated with the garden centre business.
- 1.3 Existing car parking provision comprises 20no. spaces located around the central building and to the south east leg of the site which extends towards the River Etherow. A separate planning application on this agenda (reference 17/00269/FUL) proposes an extension to the existing café and sales/storeroom area but also includes the creation of 7no. spaces to the north and eastern side of the central building.
- 1.4 The application site is located within the Green Belt as designated by the Proposals Map associated with the Unitary Development Plan for Tameside (2004).

### **2. THE PROPOSAL**

- 2.1 Comprising approximately 860m<sup>2</sup> of land used previously for animal grazing, the application seeks to regularise the planning situation in relation to a car park that has been created without planning permission immediately to the south-east of the garden centre. The car park is accessed directly from the vehicle circulation route around the garden centre and is surfaced with permeable crushed hard core and bitmac planings.
- 2.2 The car park which is the subject of this application is bounded to the east by a beech hedge, which returns along the northern boundary to the access point and to the west by a timber post and wire-mesh fence, which it is proposed would be replaced by a beech hedge and stock-proof fence that would return along part of the shorter southern boundary. The car parking spaces are not demarked but can accommodate 20no. vehicles.

### **3. RELEVANT PLANNING HISTORY**

99/01055/FUL – A canopy to provide a covered sales area plus pergola walkway – Approved, with conditions, January 2000;

01/01200/FUL – Extension for additional sales area – Approved, with conditions, December 2001;

02/00082/FUL – Extension to plant area for growing and retailing shrubs and trees plus access road – Refused, but subsequently allowed at appeal in April 2003;

10/00159/FUL – Replacement two storey building for use as a garage, toilet block, office and storeroom – Approved, with conditions, April 2010;

11/00874/FUL – Extension to provide additional retail space – Approved, with conditions, November, 2011;

12/00187/FUL – Removal of an existing polytunnel and erection of a greenhouse – Approved (retrospectively) April 2012.

### **4. RELEVANT PLANNING POLICIES**

4.1 Tameside Unitary Development Plan (UDP) Allocation: Green Belt.

#### **Part 1 Policies**

1.3: Creating a Cleaner and Greener Environment.

1.12: Ensuring an Accessible, Safe and Healthy Environment

#### **Part 2 Policies**

OL1 – Protection of the Green Belt;

T10: Parking.

#### **National Planning Policy Framework (NPPF)**

Achieving Sustainable Development

Section 3 Supporting a Prosperous Rural Economy;

Section 4. Promoting sustainable transport

Section 9. Protecting Green Belt land

#### **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

### **5. PUBLICITY CARRIED OUT**

5.1 The application has been advertised by means of neighbour notification letters dispatched on 15 May 2017 and with a notice being posted at the site on 27 April 2017.

### **6. RESPONSES FROM CONSULTEES**

6.1 The Head of Environmental Services – Highways has raised no objections.

## **7. SUMMARY OF THIRD PARTY REPRESENTATIONS**

- 7.1 A response from a resident in Well Row, Broadbottom confirms that the respondent walks to the garden centre and raises concerns about the increase in traffic, and road safety hazards that result, caused by the provision of additional car parking.
- 7.2 A letter of objection has been received from a resident in Charlesworth raising the following matters:
- The noise generated by activities at the garden centre, including summer fairs, with outdoor singing (loudspeakers, electric guitars etc.) and the introduction of the tea rooms/bistro, as well as day-to-day activities, sometimes until late in the evening and at weekends, already cause disturbance and detract from the enjoyment of the residential environment. The recent introduction of turf cutting on what was previously pasture land has increased noise levels and the further extension to the garden centre will exacerbate these issues.
  - Continued expansion of the garden centre, including new hardstandings and the stock-piling of materials, has eroded the open aspect of the Etherow Valley. The further extension to the garden centre, and the changing of the use of agricultural land to commercial operations, will increase this continuing loss of green space.
  - The continued growth of the garden centre has not only caused the increase in general visitor traffic through both Charlesworth and Broadbottom but also the constant flow of delivery trucks so as to cause traffic congestion locally. The proposed extension, and the additional traffic it would generate would not only increase this problem but also likely cause structural problems at Best Hill Bridge that spans the River Etherow at the boundary of Broadbottom in Tameside with Charlesworth in High Peak Borough.
  - The burning of bonfires at the site, which already causes environmental problems, would increase in size and frequency if the garden centres extends.

## **8. ANALYSIS**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material planning considerations indicate otherwise. Material planning considerations include the NPPF.
- 8.2 The site is located entirely within the Green Belt as allocated on the Proposals Map associated with the Unitary Development Plan for Tameside (2004). Therefore, the main issues to consider are:
1. Whether the proposal is inappropriate development in the green belt for the purposes of the NPPF;
  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, including in terms of the impact on the visual amenities of the Green Belt; and,
  3. Highways
  4. Residential Amenity

## **9. PRINCIPLE**

- 9.1 The applicant contends that the land subject to this application has been used to provide car parking since the inception of the garden centre in 1998. Since that time when pot-holes have occurred or areas of ground have sunken these have been filled with hardcore. In September 2015 the entire car park was surfaced with crushed hardcore and bitmac planings.
- 9.2 According to the NPPF (Section 9: Protecting Green Belt land) the essential characteristics of green belts are their openness and their permanence. The Courts have established that areas of hard-standing have an impact upon the openness of the Green Belt and are thus harmful to the essential permanent open characteristic and the green belt. The proposal is therefore considered to represent inappropriate development within the Green Belt.
- 9.3 Paragraph 87 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires Local Planning Authorities to give substantial weight to any harm to the Green Belt and explains that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.4 It is therefore necessary to consider both the impact of the car park on the openness and visual amenity of the Green Belt and to balance this harm against any benefits associated with the development (i.e. the very special circumstances put forward by the applicant).
- 9.5 The car park is bounded on the eastern side, and partly on the northern side, by a beech hedge and it is proposed that this be replicated on the western side. The car park would then be enclosed on the two longer sides by appropriate screening. The hedge would be continued along part of the shorter southern boundary, with a gap to allow access to a field track.
- 9.6 Views of the car park are from the open countryside, to the south, west and east, and from the elevated land beyond. From the open land the car park is already, and would be almost completely, screened by the hedge and so, whilst the surface of the car park is of a semi-permanent nature, in terms of the impact on visual amenity, the development is considered to have little impact. The car park confines parking provision to a semi-formalised designated area and minimises haphazard parking around the site. Although the car park represents inappropriate development in the Green Belt, and is therefore harmful by definition to the Green Belt, consideration must be given to any benefits arising from the development through 'very special circumstances'.
- 9.7 The thread that binds the policies given by the NPPF is the achievement of sustainable development, including the promotion a strong rural economy by, among other means, the retention and development of local services and supporting the provision and expansion of tourist and visitor facilities.
- 9.8 The garden centre, tea rooms and shop, is a significant source of local employment in the village providing 21 full-time jobs, including an apprentice butcher in the farm shop, and 16 part-time jobs. In the absence of any convenience store in the village, other than the offer at the Post Office, the farm shop also provides an important local resource. The applicant contends that without the car park the business will not be able to continue to trade. Due to the relatively remote location the majority of customers and employees travel to and from the garden centre by motorised vehicle and customers have to rely on vehicular transport to carry away bulky purchases. Without the car park the limited parking facilities that would remain would be insufficient to cater for customers and employees and both the facility and the existing 21 full-time and 16 part-time jobs would be lost. The laying out of the hard-surfacing has made the car parking area cleaner and more accessible and useable

especially during the winter months. Without the hard-surface the car park is in constant need of maintenance if it is to remain useable.

- 9.9 It is therefore considered that the benefit that the extension would provide in facilitating the continued viable operation of the garden centre and the services this provides locally amount to very special circumstances that outweigh the harm to the openness of the green belt. The proposal is therefore considered acceptable in principle and compliant with Section 9 of the NPPF.

## **10. HIGHWAYS**

- 10.1 The land has been in use as a car park for more than 18 years. The current proposal seeks to regularise the existing situation and not to accommodate additional vehicles. There would not be an increase in comings and goings to the site as a result of the proposal but the facilities for customers and staff alike would be improved so as to help secure a viable future for the garden centre.
- 10.2 The wider location is a destination for visitors to the Lyme field & Broad Mills Heritage Site, which is being promoted by the Council, and for walkers. Since the closure of the nearby Visitor Centre and its car park the only facility in the locality is this at the garden centre which the operators allow visitors to use. Whilst a consideration in the determination of the application, little weight is attached to this aspect due to the continued use of the car park by visitors other than customers remains at the operator's discretion.
- 10.3 In terms of the impact on highways and transportation the proposal is considered acceptable and compliant with Section 4 of the NPPF. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. No objection has been received to the proposal from the Council's highway engineers since it is not expected to result in any severe impact on the local highway network.

## **11. RESIDENTIAL AMENITY**

- 11.1 UDP policy 1.12 requires conflicts between industrial or commercial operations and the enjoyment of a clean and quiet residential environment to be avoided. These operations will include car parking and access, involving vehicle comings and goings. The nearest dwellings to the site are those at Lyme field Terrace immediately to the north of the garden centre on the far side of the existing building. Further afield, there are houses in Market Street and Bostock Road some 250m to the north and in Long Lane, Charlesworth, the nearest being approximately 240m to the north-east and the objector's house approximately more than 300m to the east.
- 11.2 It is considered that sufficient distance, or that adequate screening would be provided by the existing building, would exist between the car park and any residential properties to ameliorate the impact of any activities, and comings and goings, on the quietude of the residential environment and the requirements of policy 1.12 are satisfied.
- 11.3 The concerns raised by the objector in relation to outdoor activities and bonfires at the garden centre and farm are not material considerations in deciding the application.

## **12 CONCLUSION**

- 12.1 The proposed extension to the existing car park is considered to represent inappropriate development within the Green Belt. However, the very special circumstances put forward

by the applicant are considered to outweigh the harm that would be caused to the openness and visual amenities of the Green Belt and, there being no other material considerations to indicate otherwise, it is considered that the proposal constitutes a sustainable development that conforms to the relevant requirements of the UDP and the NPPF and the recommendation is therefore for approval.

### **13. RECOMMENDATION**

Grant planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plan ref. 17.6/1, received on 16/05/17.
2. The new planting indicated on the approved plan, ref. 17.6/1, shall be carried out prior to March 2018 (that is, within the current planting season). Any plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species by the developer unless the local planning authority gives written consent to any variation.