

**Yarnton Nurseries,
Sandy Lane,
Yarnton,
OX5 1PA**

15/00645/F

Ward: Yarnton, Gosford and Water
Eaton

District Councillors: Cllr Gibbard and Stevens

Case Officer: Stuart Howden

Recommendation: Refusal

Applicant: Mr Richard Wallbridge

Application Description: Extend existing Poly Tunnels to cover open sales space and storage area, together with the replacement of an existing substandard Poly Tunnel; plus additional parking

Committee Referral: Cumulative floor space of proposed structures exceeds 1,000m²

Committee Date: 06.08.2015

1. Site Description and Proposed Development

- 1.1 Yarnton Nurseries is situated to the north of Yarnton on the east side of the A44 with access off Sandy Lane. The site is bounded by housing fronting onto Sandy Lane to its southern boundary, some housing to its western boundary fronting onto the Woodstock Road and the rest of the western, northern and eastern boundaries face onto open countryside.
- 1.2 On site currently is the main garden centre/nursery building, which is centrally sited but off set to the west of the site. It also contains a number of concessions within it, including a bookshop (The Works), a shoe shop (Brantano) and a cloths store (The Edinburgh Woollen Mill). An internal courtyard is centrally sited within the garden centre building and this is used for the display of plants for sale.
- 1.3 To the north of the main building is the Adrian White Building Supplies company and to the north of this is open space, which contains some items of unauthorised storage. To the south of the main building are the buildings and structures which form the show room for 'Yarnton Leisure Buildings Ltd' and which consist of for example sheds, summer houses and conservatories. One residential dwelling (17 Sandy Lane) falls within the application site and is proposed to be demolished. The rest of the land to the east of the site is used for car parking.
- 1.4 Planning permission is sought for two polytunnel extensions to the existing garden centre building; one of which includes the part replacement of an existing polytunnel with another polytunnel.
- 1.5 One of the polytunnel extensions is proposed to the eastern end of the main garden centre building and would be a length of approximately 86 metres and a width of approximately 8 metres. This polytunnel extension is proposed to be approximately 4.8 metres in height. This shuttered polytunnel extension is proposed to cover an area which is currently used for a combination of outside storage, goods delivery and seasonal sales. The overall floorspace of the garden centre would not extend as a result of this proposal. The outside area currently remains contained within an outer fence. The wall of the polytunnel extension is proposed to be constructed from white PVC sheeting apart from the east elevation which is proposed to be constructed from green plastic coated profiled metal sheeting.

- 1.6 The other polytunnel extension would partly replace an existing polytunnel to the north of the site as well as cover an area of the internal courtyard within the garden centre. This extension is proposed to be a depth of approximately 41 metres and a width of approximately 27 metres. The proposed polytunnel would be a similar height (approximately 5 metres) to the other polytunnels on the site. The proposed extension would be constructed from white PVC sheeting.
- 1.7 Rearrangements to a section of the parking area are proposed to facilitate the provision of 13 additional parking spaces and the construction of an external footpath. The applicant notes that this would not make the existing customer parking area any larger.
- 1.8 The site is not within a Conservation Area and it is not within close proximity to any listed buildings. The site is within the Oxford Green Belt. The site has some potential for having some ecological potential (the Rushy Meadows Special Site of Scientific Interest (SSSI) is within 2 Kilometres of the site and bird species have been recorded nearby). The site is within an area of archaeological potential and has the potential to be contaminated.
- 1.9 A screening opinion in July 2015 (15/00031/SO refers) concluded that an EIA was not required for the proposed development.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, press notice and 2 site notices. The final date for comment was the 16th July 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Yarnton Parish Council: *"No objections unless surface water drainage is affected and has knock-on detrimental affect elsewhere in Yarnton Village."*

Cherwell District Council Consultees

- 3.2 Ecology Officer: No objections.
- 3.3 Environmental Protection Officer: No comments received to date.
- 3.4 Landscape Planning Officer: *"The improvements to the poly tunnels, etc. are going to be visually contained by the established structural planting to the periphery of the car park and the existing building elevations. The visitor experience could be improved by the planting of a variety of amenity trees within the car park's existing planted borders. A landscape proposal plan is required to satisfy the requirements of a standard landscape condition."*
- 3.5 Anti-Social Behaviour Manager: No objections.

Oxfordshire County Council Consultees

- 3.6 Local Highways Authority: *"The proposed development is modest and the additional traffic movements generated will at most be very small. The impact on the highway network will be negligible and therefore acceptable."*

The proposal for extending and improving the polytunnels is accompanied by 13

additional car parking spaces (including 10 for disabled users) and a better car park layout. It is recognised that the improvement to the sales area and the additional car parking spaces will naturally result in an increase in the number of trips to the nurseries. However, it is felt that any increase will be very limited and the impact of the surrounding network will be correspondingly small. For this reason and because the proposals include improvements to the layout of the car park which will enhance the experience for pedestrians, the county council do not have any objections to this planning application.”

Other Consultees

3.7 Thames Water: No objections.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

The Cherwell Local Plan Part 2011 – 2031 Part 1

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Local Plan and its associated documents are available on the Council's website: www.cherwell.gov.uk

The policies listed below are considered to be material to this case:

- PSD1: Presumption in Favour of Sustainable Development
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD14: Oxford Green Belt
- ESD15: The Character of the Built and Historic Environment

Adopted Cherwell Local Plan (Saved Policies)

- C28: Layout, design and external appearance of new development
- C31: Compatibility of proposals in residential areas
- ENV1: Development likely to cause detrimental levels of pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance (2014)

5. Appraisal

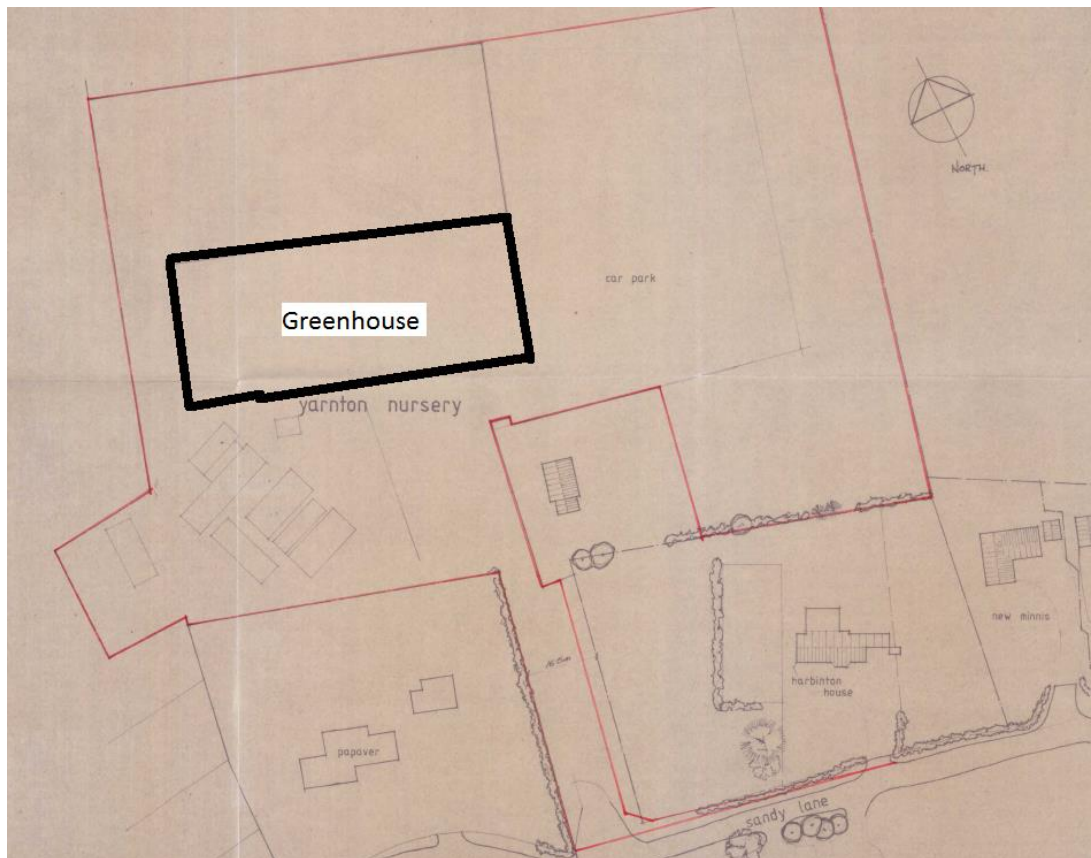
5.1 The key issues for consideration in this application are:

- Relevant Planning History;
- The Principle of the Development in the Green Belt;
- Visual Amenities;
- Residential Amenities;
- Highways Safety;
- Ecology;
- Potentially Contaminated Land;
- Archaeology.

Relevant Planning History

5.2 There is a significant amount of planning history relating to the site which is set out below:

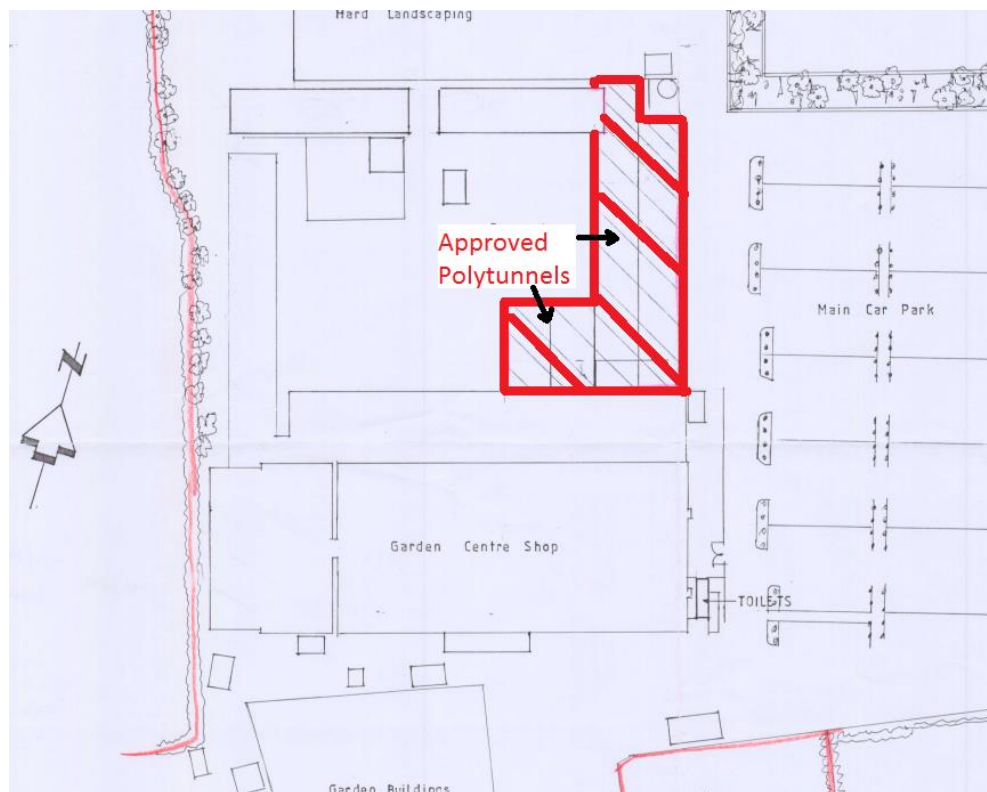
5.3 83/00551/S – Permitted – Retention of Garden Centre and existing access (see below).



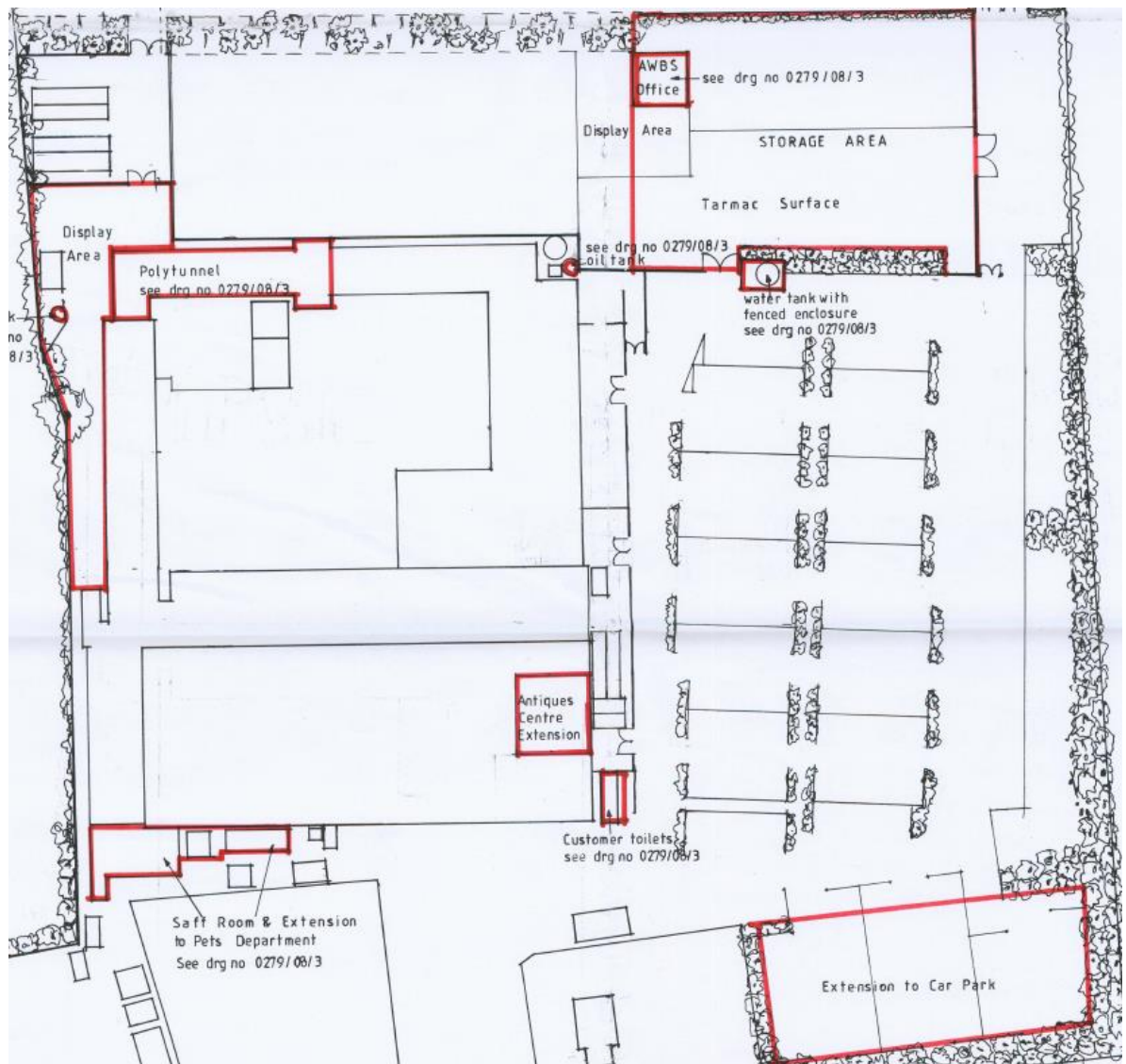
5.4 93/00532/S – Withdrawn – Erection of Polytunnel.

5.5 99/02246/F – Permitted – Site for seasonal storage of compost/soils, overspill car park.

- 5.6 99/02247/F – Permitted – Relocation of hard landscape supplies office. Retention of portakabin toilet.
- 5.7 02/00669/F – Permitted – Proposed polytunnel to provide covered area to existing sales space (see image below).



- 5.8 05/01732/F – Permitted – Extension to form entrance and covered walkway.
- 5.9 07/01917/OBL – Modification of Section 106 of CHS.182/92 to allow the continued use of garden centre including use by a security firm, swimming pool business and conservatory franchises and hard landscaping businesses (retrospective).
- 5.10 08/00131/CLUE – Permitted – Certificate of lawfulness existing – use of part of the covered garden centre area for the sale of antiques, collectables and bric-a-brac.
- 5.11 08/00202/F – Permitted – Retention of services access road and proposed vehicular turning.
- 5.12 08/00203/F – Permitted – Retention of Adrian White’s Business Supplies area and new office building, proposed use of south east corner of site for an extension to existing car parking area, retention of staff roof and extension to pets department building, retention of external display area in connection with Shirley Aquatics, retention of polytunnel cover in connection with internal display area to Shirley Aquatics, retention of customer toilets, retention of antiques centre (the part addition to the linked application for certificate of lawfulness for existing use for the antiques centre), retention of 2 no oil tanks and 1 no water tank (see image below). Of note is a S106 agreement, which was attached to this application, which specifies which area of the site can be used for which purpose and the items that can be sold from the site. The proposal complies with this legal agreement.



- 5.13 12/01135/OUT – Withdrawn – Outline – Alterations to the existing nursery and garden centre and development of 43 no dwellings including access.
- 5.14 13/01607/OUT – Withdrawn – Outline – Alteration to the existing nursery and garden centre and development of 12 new dwellings including access.
- 5.15 14/00191/OUT – Refused – Outline – Alterations to the existing garden centre and development of 14 new dwellings including access.

The Principle of the Development in the Green Belt

5.16 The first obstacle that the proposal needs to overcome is compliance with Green Belt policy. The NPPF sets out that the Green Belt should help safeguard the countryside from encroachment and Local Planning Authorities ‘should regard the construction of new buildings as inappropriate in the Green Belt’. Paragraph 89 of the NPPF states that the exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 5.17 Policy ESD14 of the Cherwell Local Plan Part 1 notes that within the Green Belt, development will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.
- 5.18 The primary use of the garden centre is for the retail sale of goods to visiting members of the public in this case, therefore the polytunnels would be retail development, and not for the purposes of agriculture or recreation.
- 5.19 In relation to extensions to buildings, the additions should not result in disproportionate additions over and above the size of the original building. In relation to disproportionate additions, the Development Control Practice (DCP) website confirms the complexity of the issue, with differing interpretation evidently being reached by individual councils and Planning Inspectors. Many authorities, where a limit is set in either their local plan or in an SPG, will countenance a cumulative increase to the original floor area in the order of around 30-50%. Although Cherwell policy is not prescriptive, as a rule of thumb, officers are of the opinion that any development which did not comply with the upper limit of 50% could quite reasonably be viewed as being a disproportionate addition.
- 5.20 The floor space of the main garden centre building from viewing the 1983 plans (see planning history section) was approximately 2449m². Since this time, the main garden centre building has been significantly expanded (estimated additional floor space of 4475m²) as displayed in the planning history section of the report. The proposed extensions would increase the overall floor space of the building by approximately 1184m² and this would equate to a 231% increase in the floor space of the garden centre building since 1983. Not only do officers consider that the proposed polytunnels would be disproportionate additions to the garden centre building in terms of floorspace, but in terms of volume and mass as well. The proposed polytunnels would increase the physical built development and reduce openness in the Green Belt. Thus, the polytunnels are considered to be inappropriate development within the Green Belt.
- 5.21 Paragraph 88 in the NPPF notes that there is a need to assess whether there are any factors that should outweigh harm caused by an inappropriate development within the Green Belt. '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.
- 5.22 The applicant has noted that the proposed shuttered polytunnel to the east of the building would allow for the year round use for sales and would improve the site appearance. The need for year round sales has not been justified and this is not considered to be a 'very special circumstance'. The visual improvement from the replacement of this outside storage area with a polytunnel with a green profiled metal sheeted wall would be negligible. The applicant has also noted that this proposed polytunnel would give security to the garden centre. The existing outdoor area is currently enclosed by a fence which is a height of approximately 1.8 metre and the requirement for extra security in this case has not been justified and is questionable. In addition, the applicant notes that the proposed internal courtyard polytunnel would provide year round cover. The need for this has not been explained therefore officers consider that this does not constitute a 'very special circumstance'.

- 5.23 In relation to the proposed rearrangements to a section of the visitor parking area, limited detail has been submitted. However, the applicant notes that the rearrangements would not make the existing parking area larger and it is considered that the proposal would not cause harm to the openness of the Green Belt. Furthermore, if hardstanding is proposed within the existing parking area, if suitable materials are used, it is considered that such rearrangements would have a limited impact upon the visual amenities of the Green Belt given the context of the site. A condition would be attached requesting further details of the layout and surface details of the parking area if the application were being recommended for approval, to ensure the satisfactory appearance of the development.
- 5.24 For the above reasons it is considered that there are no circumstances which outweigh the inappropriateness and harm caused by the proposed polytunnel extensions and that the proposal is unacceptable in principle and does not comply with Policy ESD14 of the Submission Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Visual Amenities

- 5.25 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5.26 Saved Policy C28 of the adopted Cherwell Local Plan exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 5.27 The proposed extensions would be well screened from the public domain of the highway of Sandy lane to the south of the site and the site is surrounded by mature landscaping on all boundaries. The proposed polytunnels would not detract from the existing garden centre building in terms of design, scale and materials and they are considered to be acceptable in this context.
- 5.29 As already noted, limited detail has been submitted in relation to the proposed parking rearrangements, but the applicant notes that the rearrangements would not make the existing parking area larger. If suitable materials are used (that is if any are required) it is considered that such rearrangements would have a limited impact upon the visual amenities of the locality when taking into account the context. A condition would be attached requesting further details of the layout and surface details of the parking area if the application were being recommended for approval, to ensure the satisfactory appearance of the development.
- 5.30 It is therefore considered that the proposal would not cause detrimental harm to the visual amenities of the locality.

Residential Amenities

- 5.31 Whilst the Yarnton Nurseries complex adjoins residential properties, the proposed polytunnels would be sited so as to prevent adverse harm to these properties in terms of loss of light and overdomination.
- 5.32 In relation to disturbance or nuisance arising from the proposed development, the Anti-Social Behaviour Manager has no objections to the proposal. The polytunnels would cover areas which are already used for sales and storage purposes therefore it is considered that the proposed extension would not result in a significant increase in the level of noise compared to what already exists. Furthermore, it is considered that 13 additional parking

spaces within the existing parking area would cause limited harm upon neighbouring properties in terms of noise. Officers therefore consider that the proposal would not unduly affect the amenities of any residential properties.

Highways

- 5.33 The Local Highways Authority have no objections to the proposal. The Local Highways Authority note that the proposed polytunnels and additional car parking spaces will result in an increase in the number of trips to the nurseries. That said, the Local Highways Authority are of the opinion that any increase will be very limited and that the impact upon the surrounding network will be negligible and therefore acceptable. Officers see no reason to disagree with the Local Highways Authority.

Ecology

- 5.34 The Ecology Officer has no objections to this proposal and notes that the impacts upon protected species or habitats are unlikely as a result of the proposal. It is therefore considered that the proposal would not cause adverse ecological harm.

Potentially Contaminated Land

- 5.35 Given the nature of the proposal, it is considered that land contamination is unlikely to affect this development.

Archaeology

- 5.36 Given the nature of the proposal, it is considered unlikely to have an invasive impact upon any known archaeological sites or features.

Engagement

- 5.37 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. The applicant was contacted and asked why there was a need for the proposed polytunnels and it is considered that the reasons provided are not very special circumstances which outweigh the inappropriateness of the proposed development.

6. Recommendation

Refusal, for the following reason:

The proposed development would result in disproportionate additions over and above the size of the original building and therefore, in the absence of very special circumstances, constitutes inappropriate development in the Green Belt and fails to comply with Government guidance contained within the National Planning Policy Framework and Policy ESD14 of the Cherwell Local Plan Part 1.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way. The applicant was contacted and asked why there was a need for the proposal and it is considered that the reasons provided are not very special circumstances which outweigh the inappropriateness of the proposed development.

