

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 22nd October 2015

Subject: APPLICATION NUMBER 15/04256/FU, Garden Centre with outdoor sales area, service area, car parking and landscaping

At: Land at Acanthus Golf Centre, Thorpe Lane, Tingley, Leeds, WF1 1SL

APPLICANT

J Jeffery (Builder) Ltd

DATE VALID

7.8.15

TARGET DATE

6.11.15

Electoral Wards Affected:

Ardsley and Robin Hood

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions raised at section 10 of this report.

INTRODUCTION:

- 1.1 This report is brought to Plans Panel for information. Officers will present the current position reached in respect of this application to allow Members to consider the benefits of the proposal in terms of job creation, economic development, increased sale offer, weighted against the planning policy issues, which include development in the Green Belt, and out of centre retail development, and a previous 'fall back' position from an historic consent which is still 'live' and implementable.

2.0 PROPOSAL:

- 2.1 It is proposed to develop a garden centre on the site comprising a total of 9,022 m², together with external parking and servicing areas and associated facilities. The proposed development will comprise the following areas:-

	Proposed Area (m ²)
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Main Garden Centre Building & Restaurant	5,036 (2,966 to be sales area)
Open sided canopies and walkways	971
Outdoor sales area	3,015

- 2.2 The internal and external areas will be used as a garden centre which sells a range of goods including Outdoor Plants, Garden Furniture, Houseplants, Seeds and Bulbs, Seasonal goods, Garden sundries (i.e tools, watering cans etc), Wild Bird Care, Indoor living (furniture), Outdoor Clothing, Books and Cards and Botanics. The internal building area will comprise 5,036 m2 but the internal retail area will only comprise 2,966 m2. The remaining internal areas will be used for restaurant, kitchen, storage, toilets and staff facilities.
- 2.3 The proposed garden centre building will measure approximately 100 m along the north and south elevations and 125 m along the east and west elevations. The building has an octagonal shape, with an outdoor sales section being located in the middle of the building. The building is single storey in height, being 3.2m to eaves level and 6.2m to the ridge,
- 2.4 It is proposed to construct the walls from timber cladding and coursed local stone. The roof of the main building will be a silver/grey composite cladding to provide an attractive appearance. The main entrance/ exit and restaurant areas will be constructed from glazing. The proposed car park would offer 338 spaces, which is an increase of 130 spaces when compared to the existing car park which serves the adjacent Golf Club.
- 2.5 The proposed garden centre will be operated by the Blue Diamond Group, an award winning national garden centre retailer who state that Leeds is poorly serviced by existing garden centre operators and have an aspiration to provide a garden centre facility within the area. Blue Diamond currently operates 17 gardens centres in the UK and Channel Islands. The scheme will provide a modern garden centre with a varied product range that the applicant's state is not currently on offer within this area.
- 2.6 Once completed, the applicants state the proposed development will provide over one hundred jobs within the garden centre and the applicants are prepared to enter into an agreement with Job Centre Plus to enable local residents to secure employment opportunities on the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site consists of an irregular shape area of land which is situated directly north of the M62 motorway. The site is situated in the Green Belt which separates the settlements of Tingley and Middleton. Thorpe Lane lies to the western side of the site. To the east lies Acanthus Golf Club, and to the north lie open Green Belt land. The site is relatively flat, and appears to be used for storage of external building materials including stone at present. There is no planning permission for this use. There are a number of mature trees and vegetation located along the Thorpe Lane frontage, and there are two accesses into the site from Thorpe Lane. These accesses are also used by the adjacent Golf Club. Part of the site is used as a car park for the adjacent Golf Club. The majority of the site appears previously developed, and doesn't have a 'green' appearance.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There exists an outline planning permission and reserved matter approval for the erection of garden centre with office, cafeteria, toilets and plant rooms with landscaping and play areas. This application (ref: 87/23/00305) was granted in October 1988. The grant of planning permission was subject to a Section 52 Agreement that, amongst other matters, restricted the area for the sale of goods/produce within the nursery garden which is not produced on the site to a maximum gross area of 5,000 sq.ft (464 sqm). This equates to 16% of the buildings area. The range of imported goods was restricted, as follows.

Plants, flowers, seeds, bulbs, vegetables, fruit, artificial flowers, flower arranging accessories, potting materials, garden furniture, books and magazines, hosepipes and fittings, garden ponds and equipment, peat bark and charcoal, fertilizers, insecticides and weed killer, plant pots and containers and holders, tub urns and water butts, domestic garden implements, hand tools, hedge cutters, canes, labels, marker pens, string, greenhouse equipment, fencing, paving, stones, walling, garden troughs and ornaments.

- 4.2 The reserved matters application was approved in September 1991 (ref H23/24/91/). The approved garden center had a floorspace of 30,038 sq.ft (2,790 sqm) . In a letter dated 9th October 1996 the City Council confirmed that the development subject to this planning permission has been commenced but the development has not been completed and work on implementing this approval ceased some time ago.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposal before members was subject of lengthy pre-applications discussions during 2009-2011. A pre-application presentation was made to the Plans Panel East on 19th April 2010, to inform members of the proposals. This proposal was for a garden centre of a similar size to the current proposals.
- 5.2 Officers responded to the applicants, during this pre-application process, stating that for proposal to gain Officer support the proposal would have to;
- Be of a similar floor area to the fall-back position
 - Restrict range of goods, to those sold in a modern day garden centre (boarder range than those restricted in the previous S52 agreement). The main point of contention is the indoor living element, and this is difficult to justify as it is unrelated to a garden use
 - The design of the building should achieve a high level of sustainability
 - The proposal should make a meaningful and evidenced contribution to achieving the objectives of Green Belt policy. This could include the dedication of land for woodland planting with public access.
 - Local employments clauses should form part of any planning permission
 - Investigation as to the possibility of a commitment to using local suppliers
 - S106 should be required to cover the removal of identified buildings and on the range of imported goods.

6 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised by site notices which were posted adjacent to the site on 21st August 2015. To date no objections have been received to the application.
- 6.2 All three local ward members have been informed of the application. Councillor Dunn has written in, in support of the application, his comments are highlighted below.
- The proposal will enhance the area
 - The proposal will boost trade for nearby local businesses
 - The proposal will create jobs for local people

7.0 CONSULTATION RESPONSES:

7.1 Air Quality
No reply

7.2 Coal Authority
No objection, requested an informative is imposed on the approval

7.3 Environment Agency
No objection

7.4 Contaminated Land
No objection subject to conditions

7.5 Highways
Raised concerns on the sustainability of this location, stating the proposed parking provision is acceptable.

7.6 Landscaping
No reply

7.7 Nature Conservation
No objection, the proposed ecology area should be supported by a detailed landscaping scheme, recommended conditions

7.8 Local Plans
No objection. There are no other sequentially preferable sites. Diversion of trade is likely to be from local centre but other garden centres. Competition is not a material planning consideration. Raised objections to the proposal to sell indoor furniture and outdoor clothes as these are not unique to a garden centre use.

Transport Policy
No reply

Mains Drainage
The layout should be amended to have the open space at the lowest point of the site, to allow for sustainable drainage measures

8 PLANNING POLICIES:

- 8.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 8.2 The Development Plan for the area consists of the adopted Unitary Development Plan Review (2006), the Natural Resources and Waste DPD (2012) along with relevant supplementary planning guidance and documents. The Local Plan (Core Strategy and Site Allocations Plan) was adopted in November 2014.

8.3 Development Plan:

National Planning Policy Framework

Paragraph 18	Securing economic growth
Paragraph 19	Supporting economic growth through the planning system
Paragraph 24	Sequential approach for out of centre retail development
Paragraph 49	Presumption of sustainable development
Paragraph 56	Importance of Good Design
Paragraph 61	Importance of connections between people and places
Paragraph 63	Raising the standard of Design
Paragraph 72	Duty to ensure availability of school places
Paragraph 73	Access to high quality open spaces
Paragraph 80	Purposes of the Green Belt
Paragraph 87	Development of Green Belt, only in special circumstances
Paragraph 89	Appropriate types of development in the Green Belt

Core Strategy

SP1	Location of Development
EN5	Managing flood risk
T1	Transport management
T2	Accessibility requirements and new development
P10	Design
P12	Landscape
LD2	Planning obligations and developer contributions

Saved Policies of Leeds Unitary Development Plan Review (UDPR):

GP1	Land use and the proposals map
GP5	General planning considerations
N25	Landscape design and boundary treatment
N24	Transition between development and the Green Belt
N33	Development in the Green Belt
N7A	Cycle parking guidelines

8.4 Relevant Supplementary Planning Guidance:

Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria are set out including a requirement to meet BREEAM standards.
Natural Resources and Waste Development Plan Document

Travel Plans – Supplementary Planning Document
Public Transport – Developer Contributions

- Principle of the Development
- Retail Offer/ Restrictions
- Accessibility
- Layout / Design / Landscaping
- Sustainability Credentials
- Economic Benefits

10 APPRAISAL:

Principle of the development

- 10.1 The site is located in the Green Belt, where a presumption against development exists (unless very special circumstances can be demonstrated). The applicants state the fall back position of the previous 'live' consent, and the differences between the applications, in terms of the impact on the Green Belt are not significant, and this proposal gives an opportunity for a higher quality, increasingly modern development. All of which, cumulatively constitutes special circumstances to allow development in this instance. The table below compares the previous 'live' consent to the current proposals.

	Approved Garden Centre Buildings	Proposed Garden Centre Buildings
Internal Area	2821 sq m	5036 sq m
External Area	6432 sq m	3986 sq m
TOTAL	9253m	9022m

- 10.2 This table shows, the size of the indoor sales area is significantly increased, and the size of the external sales areas decreased. The applicants state the balance of indoor and outdoor areas needs to change for the approved scheme in order for the garden centre to be modern and workable as customers are more demanding in today's market, requiring increased covered areas over external areas, especially during inclement weather, and thus proposed balance of areas accords with the current market trends for garden centres, which is required to be competitive. To mitigate the increase in proposed internal areas, the applicants have offered to forgo some existing and approved structures therefore, decreasing the net increase in buildings. These include the Materials/ Equipment Stores (260 sq m), Former Agricultural Building (300 sq m). This results in an increase of 1652 sq m of covered buildings, compared to the previous consent. The proposed building is also single storey in height, which minimises its impact on the openness of this Green Belt location. The previous extant approval was for a 2 storey building which resulted in a taller building in this Green Belt location.

Do Members have any comments on the principle and the size of development proposed in the Green Belt of this size, given the fall-back position of the extant consent?

Retail Offer/ Restrictions

- 10.3 The application has been supported by a sequential test and impact assessment. Colleagues in Local Plans have accepted that there are no other sequentially

preferable sites within a 10 minutes catchment. Subject to a restriction on the goods to be sold to be related to a Garden Centre only, the impact of the proposal is only likely to be on other out of centre Garden Centres, not nearby town and local centres. Competition between businesses which are located in out of centre locations are not offered any protection through planning policy, and this is not a material planning consideration.

10.4 The proposal seeks to roughly split the sales 50/50 between indoor products and outdoor products. All of the indoor products would be 'imported'. This is a significant increase on the extant consent which only allows circa 464 sq m of imported products to be sold, which equate to approximately 16% of the area of the previously approved scheme. The previous application granted consent for a building which was 2821 sq m in size, the applicants have stated it is unrealistic that only 464 sq m of this space was ever intended for the sale of imported goods, as the lack of windows would have made the remainder of the building unsuitable for the sale of living plants, grown on site, and it was always the intention to use the majority of the previously approved building for imported sales. In any event, this restriction is in place, and does raise the question of whether the extant permission does provide a realistic fall-back position.

10.5 Products which are proposed to be sold internally include Garden Furniture, Houseplants, Seeds and Bulbs, Seasonal goods, Garden sundries (i.e tools, watering cans etc), Wild Bird Care, Indoor living (furniture), Outdoor Clothing, Books and Cards and Botanics. Officers have concerns the range of goods to be sold is vast (and a significant percentage of the indoor sales areas) and the proposal could have a harmful impact on the vitality of nearby local centres, as it would increasingly become a 'one stop destination'. The offer to sell 'Indoor Living furniture' and 'Outdoor Clothing' does raise concerns as these products could be bought on the high street in nearby local centres, and are not considered to be unique to a garden centre use. The applicant has confirmed the term 'Indoor Living' includes furniture and general homewares such as ornaments mirrors etc, and the clothing range would include coats, jackets, waterproofs, boots, hats, gloves etc. It is not considered there is any justification to sell furniture, homewares and clothes, as these are not considered to be related to a garden centre use in this out of centre location.

Do Members consider the range of goods to be offered, over the restrictions of the previous extant consent to be acceptable?

Accessibility

10.6 Highway Officers have raised concerns with regards the location of the site, in terms of accessibility and sustainability. Garden centres however are generally frequented by customers in cars, due to the nature the goods sold, i.e. large, bulky and sometimes heavy. It is not considered the proposal would benefit from being in a more sustainable location as it is not considered this would influence peoples modes of transport to the site. The site is located adjacent to the M62 and is easily accessible from the general South Leeds area and adjacent Wakefield district by car. It is therefore not considered the principle of this development in terms of its location and accessibility could be resisted.

Do Members accept the proposed location is acceptable for a garden centre?

Layout/ Design/Landscaping

10.7 The proposed building will be octagonal in shape with the enclosed building areas to the perimeter and an open external sales area to the centre of the building. The

proposed structures will be located to the south west of the site in broadly the same location as the previously approved building. Outdoor sales areas will be confined to the centre of the proposed external area in the centre of the building. The central display area will provide noise attenuation from the nearby motorway and provides weather protection (in particular wind) to both customers and stock. The applicants state this will in addition improve plant maintenance and vitality through reduced desiccation and reduced watering requirements. This will also screen external storage which is considered a benefit of the scheme, giving the proposed development a smart appearance.

- 9.8 The design of the building is distinctive and differs from a traditional garden centre building form. It is based upon the potential tenant's preferred business model and their flagship garden centre in Guernsey which has proved to be very successful. The proposal has the potential to improve the appearance of the site which is at present appears as a derelict 'brownfield' site within the Green Belt, and is unkempt and used for external storage. The application is supported by a full landscaping scheme. Planting is proposed around the store and within the parking areas, to provide an attractive setting for the building which will encourage custom, and passing trade. A number of trees which lie along the frontage with Thorpe Lane are to be retained and managed, and an area in the south-western part of the site is to remain undeveloped to encourage bio-diversity and ecology.

Do Members have any comments to make regarding the layout, design and landscaping of the scheme, given the Green Belt location?

Sustainability

- 9.9 The NPPF promotes sustainability and sets out the key objectives for the delivery of sustainable development. These include mitigating and adapting to climate change, conserving and enhancing biodiversity, promoting sustainable methods of transport, providing employment opportunities and encouraging competitiveness amongst businesses. As stated above, an area of land is being left undeveloped to encourage bio-diversity. The applicants have stated that the materials used in the construction of the buildings will, where possible, be capable of being recycled at the end of their life. The proposal will include renewable energy technologies, to provide the majority of the predicted energy requirements from onsite renewable sources. This is in contrast to the structure which was previously approved, and is a benefit of this current proposal.
- 9.10 During the pre-application discussions which took place in 2010, the applicants were informed by Officers that an eco-friendly development, could potentially constitute special circumstances to allow a development, which otherwise may not be considered acceptable in this out of centre, and Green Belt location. The applicants have estimated the predicted energy requirements of the proposed scheme (based on their existing similar stores). The existing demand is approximately 795,540 kWh per annum. It is proposed to construct wind turbines to power the majority of the garden centre's predicted energy requirements. This will be subject to a separate planning application. The applicant has stated 3 wind turbines which are 46m high would be required. The proposed turbines are not of a traditional design (without the large traditional blades) and should provide between 70% and 260% of the demand of the garden centre. This could be secured through a condition and could constitute special circumstances to allow development in the Green Belt.

Do Members consider the sustainability credentials of the proposal contribute to the special circumstances which could outweigh any other harm, which relates to impact on the Green Belt and out of centre retail development?

Economic Impacts

- 10.11 The establishment of a garden centre on the site will provide over one hundred new employment opportunities within the garden centre operation. The proposed operator 'Blue Diamond Group' are highly experienced in the garden centre market and operate training schemes internally for the benefits of their employees. A garden centre operation requires staff to fulfil a wide range of roles from entry level to managerial. The applicants predict that the proposed garden centre will have a total turnover of approximately £6.16m in 2017.
- 10.12 As discussed at pre-application stage, the applicant is prepared to enter into an agreement with Job Centre Plus to enable local residents to secure employment opportunities with the site. In addition to the employment opportunities created in the operation of the garden centre, the construction period will also provide opportunities and for a different employee market.
- 10.13 Notwithstanding the positions created in the operation and construction of the garden centre, there will also be secondary and tertiary positions which will be made available. For example, the local suppliers from which the garden centre buys from may experience greater trade. This could be in the form of local suppliers or businesses who will see more business from the garden centre as it becomes more successful. In addition, there will be jobs created in servicing the garden centre and helping it to operate, for example, cleaners and maintenance engineers.

Do Members consider the economic benefits contribution to the 'special circumstances' and outweigh any other concerns?

CONCLUSION:

- 11.1 The proposal does provide an opportunity to secure a modern and high quality development, which is increasingly sustainable, when compared to the extant historic planning consent. The proposal will provide significant investment and job creation, however these economic benefits have to be weighed against the harm to the Green Belt, and potentially from diverting trade nearby local centres, by reason of the range of goods which are proposed to be sold.
- 11.2 To reiterate Members views are sought on the following issues.

Do Members have any comments on the principle and on the size of development proposed in the Green Belt of this size, given the fall-back position of the extant consent?

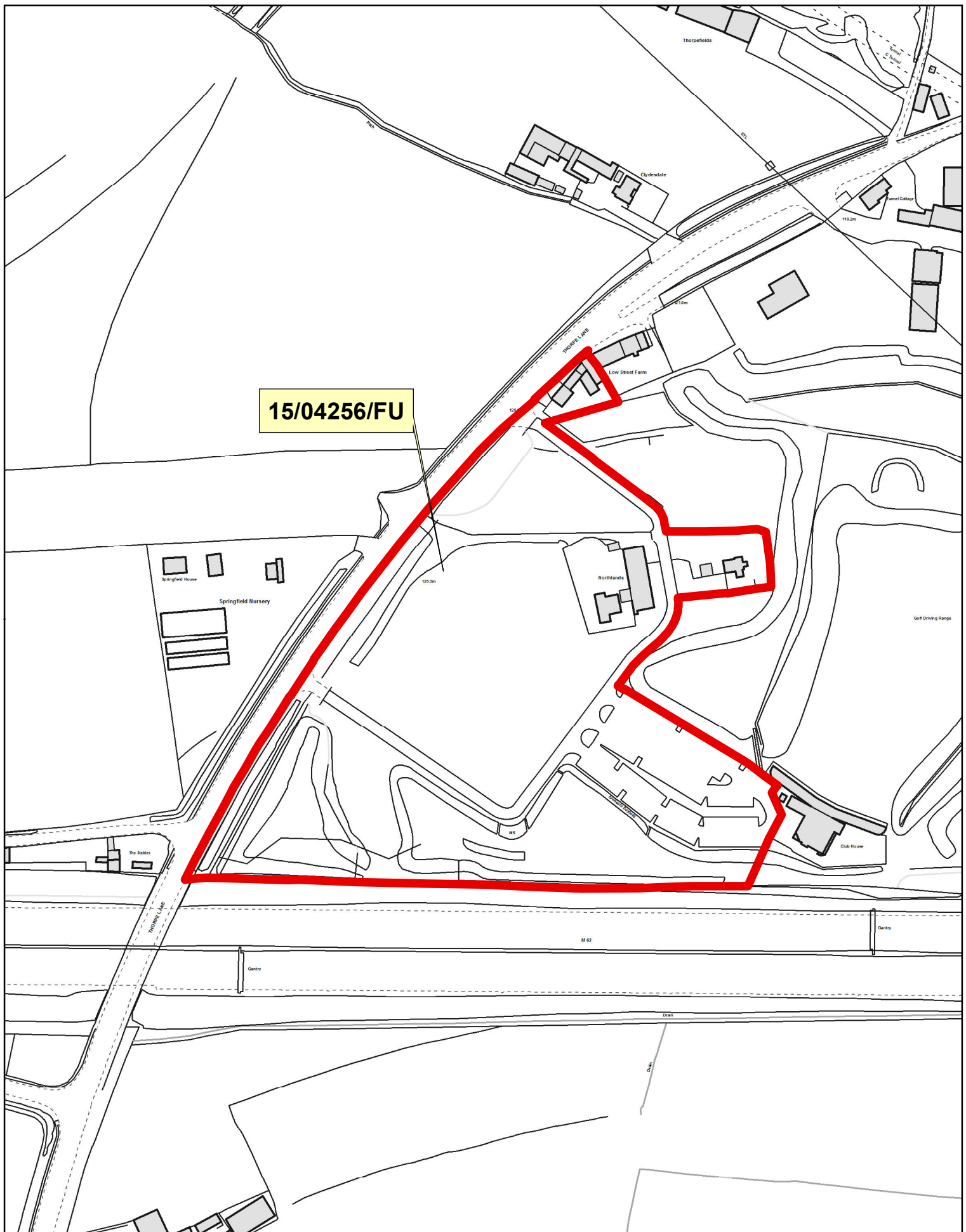
Do Members consider the range of goods to be offered, over the restrictions of the previous extant consent to be acceptable?

Do Members accept the proposed location is acceptable for a garden centre?

Do Members have any comments to make regarding the layout, design and landscaping of the scheme, given the Green Belt location

Do Members consider the sustainability credentials of the proposal contribute to the special circumstances which could outweigh any other harm, which relates to impact on the Green Belt and out of centre retail development ?

Do Members consider the economic benefits contribution to the 'special circumstances' and outweigh any other concerns?



SOUTH AND WEST PLANS PANEL

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SCALE : 1/2500

