

Application No: 11/4367M

Location: WILMSLOW GARDEN CENTRE, MANCHESTER ROAD, WILMSLOW, SK9 2JN

Proposal: Redevelopment of Garden Centre Following Fire to Include Main Garden Centre Retail Building, Restaurant, Open Sided Canopy, Store and Associated External Works and Landscaping

Applicant: KLONDYKE PROPERTIES LTD

Expiry Date: 07-Mar-2012

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **MAIN ISSUES**

- Impact on the character and appearance of the surrounding area and existing buildings, issues of layout and site planning including height, scale and massing of proposed buildings
- Whether it is appropriate development in the Green Belt or whether very special circumstances have been demonstrated.
- Impact on parking and highway safety.
- Impact on ecology, the existing trees and landscape.
- Any implications for the residential amenity of neighbouring properties.
- Impact upon sustainability

### **Date Report Prepared:**

### **REASON FOR REPORT**

The development is in excess of 1,000 sq m floorspace and therefore is a major planning application to be determined by Committee.

### **DESCRIPTION OF SITE AND CONTEXT**

A large fire destroyed the original garden centre building located to the northern part of the site in the summer of 2011. This building had to be demolished in the interests of public safety soon after the fire. A temporary replacement sales building of circa 1000 sq metres floorarea has recently been erected to that part of the site which previously incorporated outdoor sales and plant areas. The Garden Centre is therefore still trading at the site, although in a reduced capacity.

The original garden centre comprised a shop of approximately 2,402m<sup>2</sup>, an open-sided canopy of 401m<sup>2</sup>, enclosed polytunnels of 300m<sup>2</sup>, an open sales area of 6,242m<sup>2</sup> and a

service yard of 480m<sup>2</sup>. Additionally in 2009 permission was granted for alterations and extensions which comprised circa 312m square extension to the café facility. The scheme was part of a larger refurbishment scheme that was not implemented at the time of the fire.

The building which had to be demolished comprised five glasshouses clad in white polycarbonate roofs and glazed walls. The offices, toilets and coffee shop kitchen are located within two brick and tile clad buildings. There is car parking for 207 cars, including 9 accessible spaces. The amount of car parking is unchanged, as is the site access via Manchester Road.

The garden centre site is bounded to the east by Manchester Road, residential dwellings to the south, open fields to the west and the River Dean to the north. The land slopes down towards the River Dean but is well screened by an area of woodland which is accessible by both customers of the garden centre as well as members of the public.

The application site is located within the North Cheshire Green Belt but it is bounded by a predominantly residential area to the south and east.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of a new purpose built garden centre and ancillary restaurant, open sided canopy, store and associated external works and landscaping. The proposed garden centre building will be sited to the same position within the site to the former building and will comprise a total of 3831m square of floorspace, including retail sales, covered open canopies and ancillary restaurant and office facilities. The design will be updated and be updated to modern standards of construction in terms of thermal insulation and energy efficiency.

In addition to these works, it is also proposed to implement the upgrade of the woodland that occupies the northern part of the site and transform it into an attractive place for members of the public/customers to visit in line with the scheme of extensions and alterations granted permission in 2009 but un-implemented when the fire at the site occurred.

## **RELEVANT HISTORY**

- 09/1746m Demolition/removal of 382m sq of existing canopies and storage containers, erection of 683msquare of open-sided canopies, erection of 312msquare extension to existing coffee shop for additional seating and an educational classroom; all in accordance with application drawing nos, c0809-03b, 05e, 07b, 09c, 10b and 11a all for the use as a garden centre.  
Approved with conditions 3/9/2009
- 08/2739P Demolition/removal of 458 sq metres of existing canopies, walkway and storage containers, erection of 696 metres square of open-sided canopies, erection of 358 square metre extension to existing coffee shop for additional seating and an educational classroom.  
Withdrawn 10/03/2009

- 02/2068P A canopy in glasshouse, construction of part of an existing plant sales area, the levels of which are to be raised to provide a safe area with retaining walls, balustrades and access ramps  
Approved with conditions 11/06/2002
- 02/0138P Provision of canopy in glasshouse; construction over an existing external plant sales area with raised levels by provision of retaining walls, balustrades and disabled access ramps; and extension of existing sales and storage glasshouse  
Refused 27/03/2002
- 01/2243P Provision of a canopy in glasshouse; construction over an existing external plant sales area and extension of an existing sales and storage glasshouse  
Withdrawn 07/11/2001
- 20240P Continuation of use as garden centre with alterations to layout  
Approved with conditions 31/10/1979

## **POLICIES**

### **Regional Spatial Strategy**

DP1 (Spatial Principles)

RDF4 (Green Belts)

EM1 (A) (Integrated Enhancement & Protection of the Region's Environmental Assets – Landscape)

EM1 (B) (Integrated Enhancement & Protection of the Region's Environmental Assets - Natural Environment)

EM1 (D) (Integrated Enhancement & Protection of the Region's Environmental Assets - Trees, Woodlands and Forests)

### **Local Plan Policy**

BE1 (Design Guidance)

GC1 (New Buildings)

NE7 (Woodlands)

NE11 (Nature Conservation)

S2 (Out of town retailing)

DC1 (Design – New Build)

DC2 (Design – Extensions and Alterations)

DC3 (Amenity)

DC6 (Circulation and Access)

DC9 (Tree Protection)

DC35 Materials and Finishes

DC37 Landscaping

Of the remaining saved Structure Plan policies, only policy T7: Parking is of relevance.

### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 11 (Development and waste recycling)

## **Other Material Considerations**

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPS4 Planning for a Prosperous Economy

PPS7 Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions.

Chief Planners letter March 2011

## **CONSIDERATIONS (External to Planning)**

**Strategic Manager Highways:** The proposal does not increase the floorspace over and above that already approved. As the approved floorspace was previously considered to comply with the parking standard, there is no traffic impact issues to consider. The number of car parking spaces remains the same as in previous application at a total of 212. The main access to site will remain unchanged and is taken from Manchester Road. No objection is therefore raised, subject to conditions and the implementation of a travel plan.

**Environmental Health (Amenity) :** No objection subject to conditions.

## **OTHER REPRESENTATIONS**

One email of support has been received from a neighbouring property that offers conditional support on the basis that the amended gabled roof forms of the garden centre building remain gabled away from his property and that the height is no higher than the height of the building it replaces. Two emails of conditional support from adjoining residents in Sefton Drive, on the basis of a high quality boundary treatment is provided but also maintains the trees as a screen.

One email of objection on grounds of location of the proposed bin store and to the size of the restaurant within the building and on the grounds of a loss of amenity by virtue of cooking smells and noise. This objector considers this to result in him not being able to use his garden

## **APPLICANT'S SUPPORTING INFORMATION**

A Supporting Statement and Woodland Access & Management Plan were submitted with the planning application. The Supporting Statement contains information on the application site, the background to the development proposals, the policy background, a Design and Access Statement, and a Transport Statement. An Energy Assessment and Draft Staff Travel Plan are also submitted

Copies of the documents can be viewed in full on the application file.

## **OFFICER APPRAISAL**

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan consists of the Regional Spatial Strategy for the North West, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

### **Principal of Development**

The main issues in this application are the impact of the proposed development on the character and appearance of the surrounding area, whether the proposed development is appropriate development in the Green Belt or whether very special circumstances have been demonstrated that are necessary to be demonstrated in green belt policy terms, the impact on parking and highway safety, nature conservation, existing trees and landscape, and any implications for the residential amenity of neighbouring properties.

### **Green Belt Issues**

Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of five purposes listed within the paragraph. Local Plan policy GC1 repeats this advice and states that within the Green Belt approval will not be given for the construction of new buildings unless it is for a limited number of purposes without very special circumstance being demonstrated.

The proposal is inappropriate development. In order to justify the inappropriate development within the Green Belt it will be necessary to consider if the harm caused by reason of inappropriateness is outweighed by other material considerations.

It is important to recognise that the part of the site which this proposal relates to is currently open only because the dangerous, fire damaged garden centre structure and buildings that previously existed had to be demolished after the fire and there was no opportunity to implement the extant 2009 permission for extensions to the building, including a sizeable extension of the existing ancillary café/restaurant facility.

The introduction of a large retail shed type building to this area now, after the recent demolition of the original of garden centre sales building and associated open canopies would reduce the general openness of the area as opposed to the relatively recent past. However, it is accepted that the fire which occurred at the site was a unforeseen event that could not have been predicted and the demolition of the entire building that had to be undertaken was necessary in health and safety terms.

Had the extensive fire not occurred in the summer of 2010 and necessitated the demolition of the building complex completely soon thereafter the building would still be in situ. This is considered to be a very important material consideration in this case to which significant weight should be attached.

This proposal, in effect, seeks to replace that facility which has been lost, whilst not being any larger than what was previously permitted in 2009 when the extensions to the ancillary restaurant and open canopies were allowed as part of an unimplemented, but still extant, refurbishment of the facility.

In terms of general mass, scale, site coverage, height and floor area, this proposal, whilst a modernisation of the building from the ad-hoc collection of buildings and structures which previously formed the garden centre complex, has been designed to respect the previous scale, position, height and predominantly glazed structure of the former building.

In general terms the proposal has been designed to mirror the floorspace of the original garden centre buildings (previously 3832 m sq including the previously approved extensions as opposed to the current proposal of 3831 m sq). The height of the proposal is no greater than the garden centre buildings that were originally in situ.

With over 28% of the garden centre curtilage being the 1.1 ha of woodland that is open to the public as a free recreational facility. In 2009 as part of the Applicants proposals to improve the site it was decided to carry out an assessment of the woodland to establish what was there, whether it should continue to be open to the public and if so, what improvements, if any, could be undertaken. The Environmental Project Consulting Group was commissioned to undertake the work. The main conclusions of the study were:

- That the woodland is poorly managed and becoming overgrown with Hawthorn and Elder;
- There are large areas of hardcore thought to be the remains of the First World War Prisoner of War Camp;
- There is evidence of protected species;
- The woodland could be improved for public access including upgrading the existing paths, creating a picnic site, creation of a demonstration wildlife garden, creation of a new pond, creation of a badger sett and the provision of bird nesting and bat roosting boxes.

It is also proposed to make available spare seating capacity at Wilmslow Garden Centre for outside organisations to use when the restaurant demand is low on week days. The classroom will be an area of the restaurant which can be sectioned off internally. The classroom will have available up to 30 chairs suitable for children and be available to school parties, horticultural societies, gardening clubs and other groups. The woodland is available to these parties (accompanied) to learn and observe wildlife and to return to the classroom to carry out projects on the experience. Adjacent to the classroom will be an educational garden that allows children to 'get their hands dirty' and to manage their own school allotment, together with practicing garden designs.

In the circumstances, it is considered that the applicant has demonstrated very special circumstances; had it not been for the fire that destroyed the building the garden centre would exist today, in addition, the Applicant has acted promptly in seeking to maintain their presence and employment at the site within the temporary garden centre sales building and by seeking to bring the current proposal forward promptly. The proposed building would be

located on an existing sales area of the garden centre and therefore they would not result in encroachment into the Green Belt. In addition, the improvement to the woodland, which formed part of the 2009 approval has previously been accepted by the Council as mitigation for the increased development of the . The improvements to the woodland, which include full access for wheelchair users via upgraded paths remain as part of this scheme. On, the proposed development is considered to comply with Green Belt policy.

## **Site layout and design**

Local Plan policies BE1, DC1 and DC35 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment.

The proposed building would be one single structure that would incorporate a main garden centre retail sales building comprising circa 1985m sq of sales, ancillary staff and office accommodation ; circa 940 m sq of open sided sales canopy; circa 570 sq m of ancillary restaurant facility and kitchen/customer toilets.

The building form largely replicates the scale and position of the building that previously existed on site. The main sales building will have a curved roof design of 5.6m to the top of the roof light. The restaurant building will have a pitched roof of 5.1m tall. The roof of the open canopy structure has been gabled away from the adjoining residents. The open canopy will be enclosed to the rear (adjoining the neighbouring residential properties in Sefton Drive by 2m high fencing panels and the canopy will be constructed from a steel frame with a opal polycarbonate roof. The proposed restaurant would be sited to the northern part of the site, and would comprise of red interlocking concrete roof tiles, in keeping with the adjoining residential property and external walls would be formed of a timber finish in Kingspan ‘Western red Cedar’. Likewise the external walls of the main garden centre sales building will be formed of same facings as the restaurant building and have a series of curved roofs formed of a dark grey coloured PVC membrane with opal polycarbonate roof vents. The building would have a hipped roof, would have an eaves height of 2.7 metres and a ridge height of 5 metres. It would be approximately 0.7 metres lower than the existing building.

## **Retail Impact of the Proposal**

Policy S2 of the Macclesfield Local Plan requires proposals for new shopping, leisure and entertainment development outside established town and district centres to meet a number of criteria, including

1. Proven need for the proposal
1. Where it can be demonstrated that no sites or buildings are suitable, viable or likely to become available within a reasonable time period within the town or district centre, preference will be given to edge of centre locations and secondly out of centre locations where the following tests are satisfied
  - i. no demonstrable harm to vitality and viability of existing nearby centres
  - ii. the proposal should be easily and safely accessible from the surrounding area by a choice of means of transport

- iii. the proposal should have no adverse impact upon amenity
  - iv. should not conflict with other policies in the Plan
- 3 In addition, all retailing above 2500sqm will be required to be supported by the following evidence
- i. the likely cumulative effects together with recently completed developments and outstanding permissions in the catchment area of existing nearby centres
  - ii. the likely changes in travel patterns over the catchment area including the proportion.

It is considered that given that the proposal is a replacement on a almost identical footprint to the existing garden centre sales building which was destroyed by fire in the summer of 2011 that a Sequential Assessment are not required in this instance given that the proposal does not in effect propose any greater retailing floorspace than the existing on site situation which was only curtailed due to the complete demolition of the garden centre due to health and safety concerns.

Policies EC10 to EC19 of PPS4 set out the key policy tests that planning applications for economic development including town centre uses have to satisfy. Policy EC11 concerns economic development other than town centre uses. Policy EC12 entitled 'Determining Planning Applications for Economic Development in Rural Areas' is relevant Policy EC.10 of PPS4 states that a positive and constructive approach should be taken for applications for economic development. Policy EC.12, with reference to economic development in Rural Areas states that support should be given to small scale economic development where, if remote from service centres, the site may be an acceptable location for development even if not readily available by public transport.

The Draft National Planning Policy Framework identifies that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals of economic growth and proposals which enable the delivery of sustainable development proposals. With regard to the rural economy the Framework identifies that the support should be given to the sustainable growth of a rural business, and to support the expansion of tourist and visitor facilities in appropriate locations where identified needs are not met.

However, it has to be remembered that this proposal could be easily adapted to more mainstream type retailing uses and as a fresh proposal allows greater control over the range of goods to be sold, in the interests of the continuing retail functions of adjoining retail centres. A condition is therefore recommended to control the range of goods and places limits upon the sale of foodstuffs for consumption elsewhere. This is in line with advice within PPS4

### **Highways**

There are no Highway objections to the proposals contained within this application since the car parking provision already exists. In 2009, circa 645 sq metre of floorspace was approved, mainly in the form of an extension to the ancillary restaurant. This was accepted in 2009 as a reconfiguration of the site and the increase in the size of the coffee shop/restaurant will have a degree of double counting in respect of the garden centre patrons.

In view of the fact that peak visits to the site are at the weekend and outside of the main peak highway flows the Highway Engineer does not have any concerns in respect of traffic generation to the site and impact on the adjacent highway network.

A draft Travel Plan has been submitted which demonstrates a welcome willingness to support sustainable travel choices of the staff at the site. This is a benefit of the current scheme.

There are a number of bus services currently operating within a reasonable walking distance from the site and provides the occupiers of the site the ability to use sustainable travel modes.

Overall, there are no highways objections to the proposal.

### **Amenity**

The application site is bounded by residential properties to the southern boundary and on the opposite side of Manchester Road to the east of the site. No objections have been raised by the properties to the south of the site but one email of objection was received from the resident adjoining the restaurant development at 145 Manchester Road. The grounds for the objection are based upon the concern about the perceived intensification of the restaurant activity and the siting of the bin store and potential vermin being attracted to the enclosed bin store.

The proposed restaurant is ancillary to the main garden centre use and will only be open to the public during 09:00 hour to 17:30 hours Monday to Saturday and 10:30 hours to 16:30 hours on Sundays.

Due to the siting and scale of the proposed building as compared to the development that previously existed including an external seating area which was utilised by the existing restaurant facility on site, the hours of operation of the site the existing and proposed boundary treatments, including a 2m high close boarded fence to the shared boundary existing dwellings it is not considered that the proposed development would be detrimental to neighbouring amenity.

### **Landscaping**

The developer has considered the landscape context with trees defining the car park area and shrub beds providing privacy and screening. A detailed planting plan is required that demonstrates the type and size of planting that has been chosen, how it will be planted and maintained to ensure good establishment. Screen planting to Manchester Road is welcomed because it creates a pleasant 'garden' area for visitors. It is recommended that this is continued around the side of the grass area to provide screening for the neighbouring bungalow. This will provide additional privacy and envelop this space for visitors.

The existing paths within the woodland are slippery and the steps are in poor repair or none existent. A detailed plan showing where the new paths will be located and the structure of these paths has been provided

The existing planting is to be enhanced to the entrance of the site by additional shrubs, to compliment the new development and promote the regeneration of the site. Whilst not within

the scope of this application, the Applicant has advised that the untidy selection of banner advertisements that predominate around the site entrance are to be removed and a purpose built gantry sign is to be the subject of a future application for advertisement consent.

The Landscape Officer has considered the additional woodland management plan and landscaping plans that have been submitted and supports the proposals..

### **Trees**

Some trees that were present around the building and to the boundary were lost as a result of the fire. The slight reconfiguration of the car park, increasing from the existing 209 spaces to 212 spaces will not impact upon any existing trees within the site. The proposed planting within the car park is welcomed.

The Forestry Officer has carried out an initial evaluation of the woodland to the northern boundary of the application site which abuts the River Dean. Generally, he concurs with the findings of the submitted report supplied by *'The Environmental Project Consulting Group'* in support of the previous 2009 application. The report sets out proposals for improved public access into the woodland, upgrading the existing pathway network, incorporating a picnic site and providing interpretive information for a new pond and other nature conservation improvements.

The improved access into the woodland site carries with it certain responsibilities and a 'duty of care' on the owner. It is evident that there are trees within the site which have suffered from wind damage in the past and there is evidence of one Crack Willow that has fallen onto the adjacent highway relatively recently. It is suggested that, whilst the issue of tree safety is not within the remit of this planning application, the applicant should be advised to carry out a risk assessment on the woodland which will then inform any improvements to public access being considered.

### **Ecology**

There are not considered to be any major issues associated with the redevelopment of the garden centre and the proposed works in the adjacent woodland. Overall, the proposed upgrading of the paths in the woodland together with the proposed wildlife interpretation and habitat creation is welcomed and should lead to an overall gain for nature conservation.

A new pond is proposed within the woodland. This is welcomed and will make a valuable contribution to Local and UK Biodiversity Action Plan targets. The Councils Ecologist has considered the details and raises no concerns about the design.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

For the reasons explained, it is considered that the applicants have sufficiently demonstrated the very special circumstances required in order that this development might be considered positively.

The proposal complies with relevant Development Plan policy and will assist in the regeneration of a site that has been in use as a garden centre for many years and was the subject of a major fire that necessitated the wholesale demolition of the existing building complex.

The design of the scheme is in keeping with the historic function of the site and is virtually identical in scale and size than the previous buildings that had to be demolished.

The impact of the development on adjoining land uses and the living conditions of the wider community is acceptable.

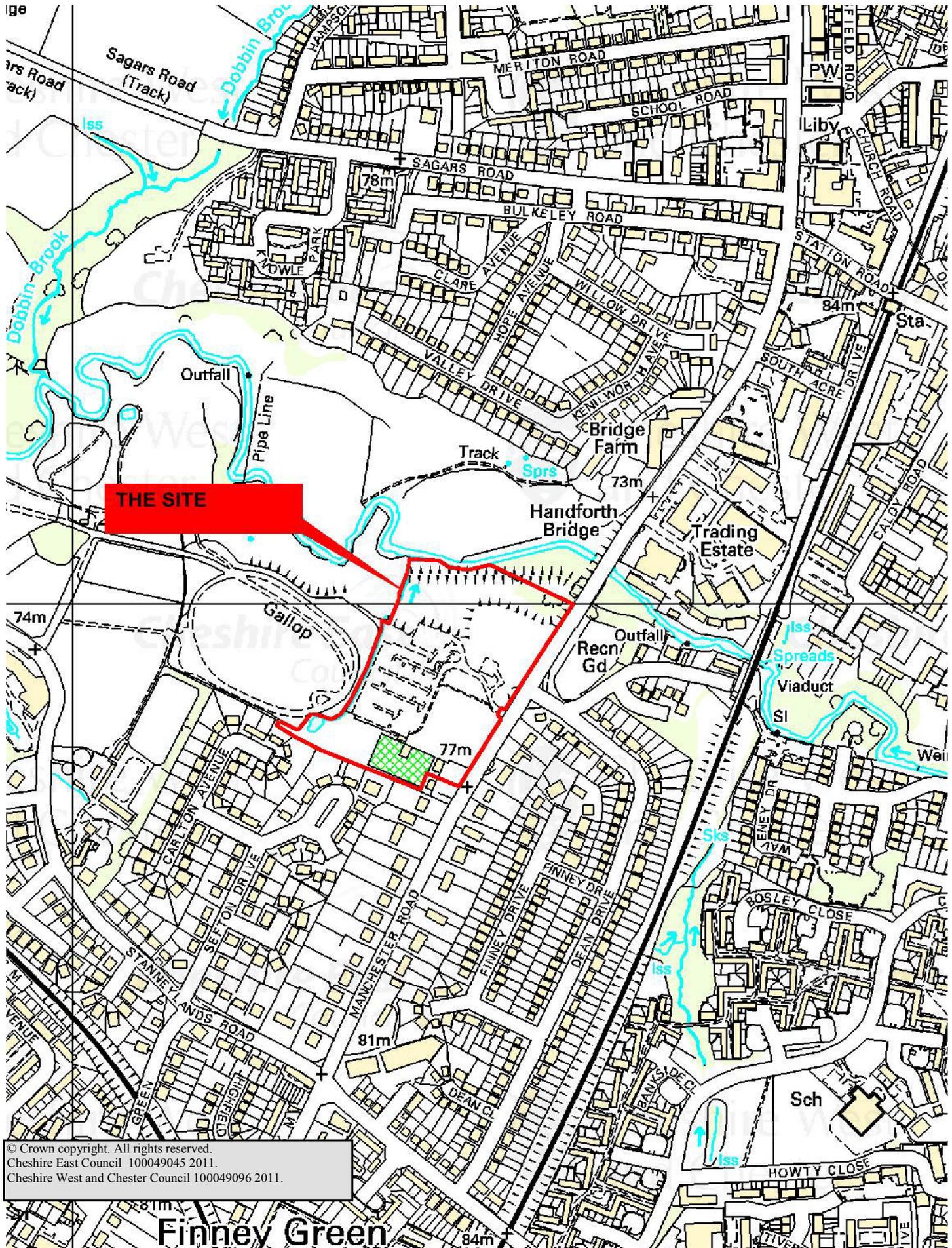
Subject to the suggested planning conditions the proposal will have no adverse impact in terms of the retailing function of adjoining centres, highway safety, trees, landscape or ecology .

The on-going commitment of the Applicant to the delivery of a meaningful travel plan are considered to sit well with the Governments sustainability agenda.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A04AP - Development in accord with revised plans (numbered)
3. A04HP - Provision of cycle parking
4. A04LS - Landscaping (implementation)
5. A05HP - Provision of shower, changing, locker and drying facilities
6. A06EX - Materials as application
7. A06NC - Protection for breeding birds
8. A22GR - Protection from noise during construction (hours of construction)
9. A32HA - Submission of construction method statement
10. product restriction
11. boundary fencing to sefton drive as application
12. devt to be undertaken in accordance with renewable energy statement 1/12/11
13. waste audit recommendations to be implemented
14. Draft Travel plan



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Finney Green