

UTT/18/0569/FUL

(Relative of applicant employed by Uttlesford District Council)

PROPOSAL: **Section 73A Retrospective application for change of use from office/storage to part take away for hot drinks, pre-prepared sandwiches, cakes etc and part retail.**

LOCATION: **Myco Garden Centre, Elder Street, Wimbish, Saffron Walden**

APPLICANT: **Mr Andrew Vinson**

AGENT: **N/A**

EXPIRY DATE: **11.05.2018**

CASE OFFICER: **David Gibson**

1. NOTATION

- 1.1 - Outside Development Limits
- Debden Radar- Within Area A
- Oil Pipeline Hazardous Installation

2. DESCRIPTION OF SITE

- 2.1 This application relates to a building located within the existing site boundary of the Wimbish Nursery and Garden Centre. To the east lies a selection of large buildings used in association with the aforementioned site.
- 2.2 The site is located within the open countryside. Carver Barracks is located to the west, with sporadic development located to the east. Further afield lies Thaxted, Saffron Walden and Wimbish.

3. PROPOSAL

- 3.1 This application seeks planning permission for the change of use of the building to sell pre prepared sandwiches, cakes and snacks, pre-packaged tea and coffee and arts and crafts items.
- 3.2 No alterations would be made to the external appearance of the building.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The development is not EIA development

5. APPLICANT'S CASE

- 5.1 N/A

6. RELEVANT SITE HISTORY

6.1 None relevant to this planning application

7. POLICIES

Uttlesford Local Plan (2005)

- 7.4
- Policy S7 – Development outside settlement boundaries
 - Policy GEN2 – Design
 - Policy GEN4 – Good neighbours
 - Policy E5 – Re-Use of Rural Buildings
 - Policy GEN8 – Vehicle Parking Standards

National Policies

- 7.5
- National Planning Policy Framework

8. TOWN / PARISH COUNCIL COMMENTS

- 8.1
- No comments received

9. CONSULTATIONS

UK Power Networks

- 9.1
- No objections to the development

10. REPRESENTATIONS

- 10.1
- Neighbours were notified of the application by letter, and notices were displayed near the site. No objections or representations were received.

11. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of development (E5, S7, NPPF)
- B The impact of the proposal on traffic and amenity (GEN 1, GEN2, GEN4 & GEN8)

A The principle of development (E5, S7, NPPF)

- 11.1
- The NPPF supports economic growth in rural areas and to provide a strong rural economy. Paragraph 28 of the NPPF confirms that development should promote the diversification of agriculture. The investment in the building is considered appropriate as it supports the existing business and contributes efficiently to the rural area. As such it is considered the development is to be in accordance with local policy S7 and the NPPF.
- 11.2
- ULP Policy S7 is concerned with the protection of the countryside and supports development that needs to take place there or is appropriate to a rural area but places strict control upon other forms of development, where such development is permitted where an application is required, it can only be permitted under planning permission if its appearance protects or enhances the particular character of the

countryside in which it is set. Although the site is outside development limits and within the countryside it is located within an existing complex.

- 11.3 Each case is considered on its own merits with regard to protecting the character of the countryside. In this case, the proposal relates to an existing building where minimal alterations are proposed. The proposed change of use would not result in overdevelopment of the site and the openness of the countryside would be retained, consistent with Policy S7 of the ULP.
- 11.4 Policy E5 of the Local Plan relates to the re-use of rural buildings for commercial use if the following criteria are met:
- a) The buildings are of a permanent and substantial construction;
 - b) They are capable of conversion without major reconstruction or significant extension;
 - c) The development would protect or enhance the character of the countryside, its amenity value and its biodiversity and not result in a significant increase in noise levels or other adverse impacts;
 - d) The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).
- 11.5 In this case the application relates to the change of use of the existing building to provide an area for the sale of pre-packaged food, teas and coffees and arts and crafts items. This type of use is a common feature in and around garden centres and it is not considered that this additional provision would place unacceptable pressure upon the road network and rural amenity. In addition there are plenty of parking spaces within the site (in excess of 30). The proposal is considered to comply with these criteria and is acceptable.

B The impact of the proposal on traffic and amenity (GEN 1, GEN2, GEN4 & GEN8)

- 11.6 In regards to the impact on neighbouring amenities due consideration has been given in relation to the potential harm upon the amenities of adjoining property occupiers in accordance with Policies GEN2 and GEN4 of the Local Plan. The proposal would neither result in a detrimental impact to adjoining properties in relation to a loss of light or a loss of privacy and it would not result in an overbearing development.
- 11.7 The site is relatively isolated from residential properties save Carver Barracks and sporadic development located in the immediate area. It is considered that the use would complement the existing garden centre and would not give rise to a significant increase in vehicular movements. The opening hours would be conditioned to be in keeping with the existing garden centre ensuring that it does not lead to an increase in noise and disturbance.
- 11.8 It is considered that the proposal would not result in a significant material change in circumstances from those of existing conditions due to the minor nature of the works in comparison with the size of the existing site. The works would not involve a significant increase in traffic and visitors to the site. There would be some increase in traffic and intensification of the use of this site, however it is considered that on balance it would not result in detrimental harm to the amenities of adjoining property occupiers given the minor nature of the works and the distance to the neighbouring

properties. The development therefore accords with GEN2 and GEN4.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The principle of the development is deemed to be acceptable, in that it would involve minor works and reuse of a building within the countryside in accordance with the National Planning Policy Framework and have limited conflict with ULP Policy S7
- B** The proposed access to the development would be acceptable and accord with ULP Policies GEN1. The proposed minor works would not impact on adjacent land owners given the separation distances involved.

RECOMMENDATION – Approve with conditions

Conditions

1. The use hereby permitted shall take place between the hours of 09.00 and 17.00 between Mondays to Saturdays and only between 10.00 and 16.00 on all Sundays and Bank Holidays

REASON: To protect the amenity of neighbouring residents in accordance with Policy GEN2 of the Adopted Local Plan.

2. The premises shall be used for retail use and for no other purpose (including any other purpose in Class A1 of Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

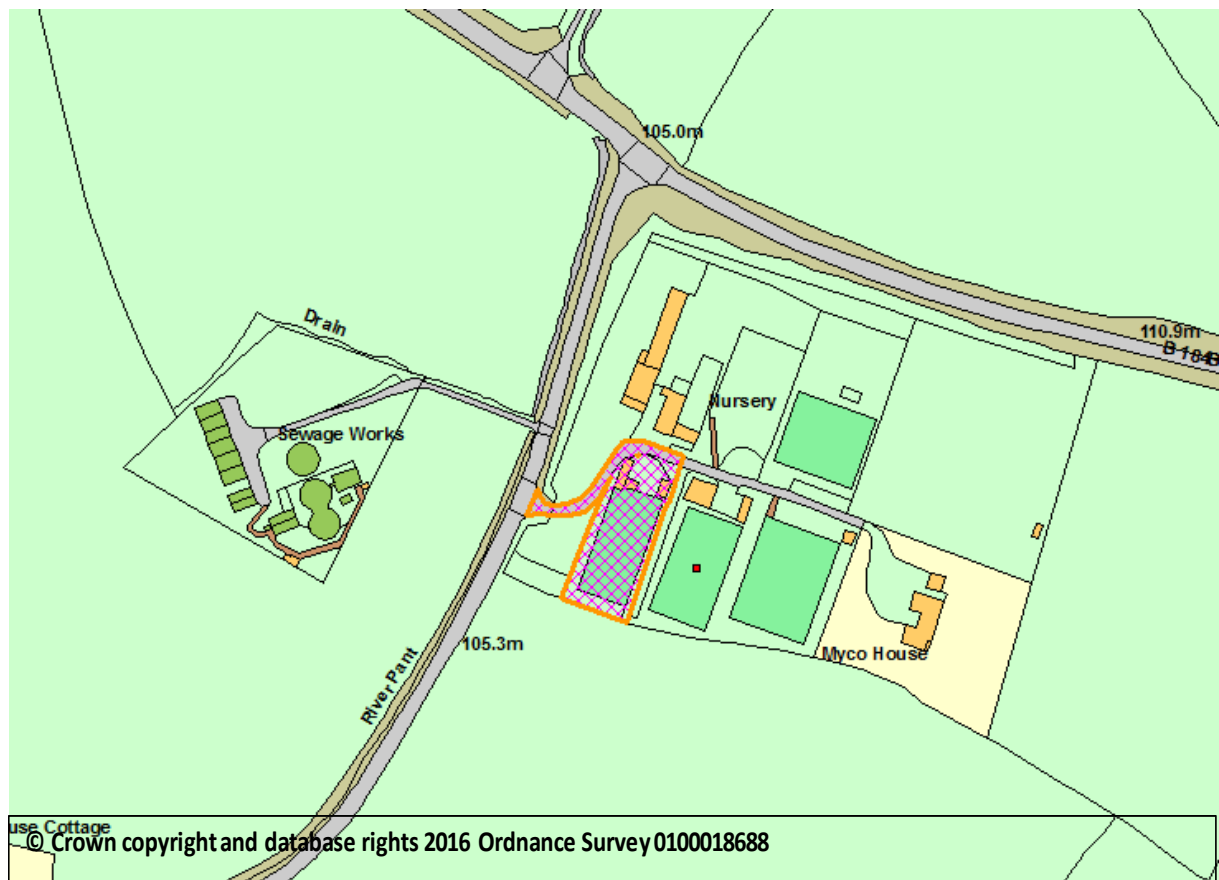
REASON: In order for the Local Planning Authority to control the development in accordance with Policy S7 of the Uttlesford Local Plan and the NPPF.

3. The premises shall not be used for the sale of hot food for consumption on or off the premises.

REASON: To protect the amenity of neighbouring residents in accordance with Policy GEN2 of the Adopted Local Plan.

Application: UTT/18/0569/FUL

Address: Myco Garden Centre, Elder Street, Wimbish, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 23 July 2018