

Item No 06:-

18/03317/FUL

**Tops Nursery
Broadway Road
Mickleton
Chipping Campden
Gloucestershire
GL55 6PT**

Item No 06:-

Removal of Condition 5 (restriction of cooking to a microwave) of permission 15/04549/FUL - Proposed Tea Room ancillary to Nursery at Tops Nursery Broadway Road Mickleton Chipping Campden Gloucestershire GL55 6PT

Full Application 18/03317/FUL	
Applicant:	Mr Stowe
Agent:	Alscot Architecture
Case Officer:	Martin Perks
Ward Member(s):	Councillor Lynden Stowe Councillor Mark Annett
Committee Date:	12th December 2018
RECOMMENDATION:	PERMIT

Main Issues:

(a) Noise and Odour

Reasons for Referral:

This application has been referred to Planning and Licensing Committee as the application building is located on land owned by the brother of a District Councillor.

1. Site Description:

This application relates to a recently completed tea room/cafe building located at an established garden nursery business on the south western edge of the village of Mickleton.

The application site is located outside the Cotswolds Area of Outstanding Natural Beauty (AONB). The boundary of the AONB is located approximately 40m to the south east of the application building.

The existing tea room/cafe is bordered to its north west and north east by horticultural buildings, to its south east by the garden centre car park and to its immediate south west by a newly constructed stone dwelling (Cotswold Cottage). The aforementioned dwelling is located approximately 13m from the tea room. A second stone dwelling (Cotswold Lodge) lies approximately 18m to the south of the tea room. Both of the aforementioned dwellings are located on the garden nursery site. The building is located approximately 37m to the north west of the B4632.

2. Relevant Planning History:

CD.2288/E Continued use of existing building for the sale of fresh produce Refused 1980
 CD.2288/F Continued use of existing building as a printing shop Granted 1982
 14/04048/OUT Erection of a single dwelling (Outline application) Granted 2014
 14/04379/OUT Erection of a single dwelling (Outline application) Granted 2014
 15/02137/FUL Construction of 1 new 4 bedroom detached dwelling Granted 2015
 15/02143/FUL Erection of 1no. 2 bedroom dwelling Granted 2015
 15/02269/FUL Proposed replacement of three chimney flues on greenhouse boiler installation with two chimney flues Granted 2015
 15/04549/FUL Proposed Tea Room ancillary to Nursery Granted 2015
 16/04422/FUL Erection of a bungalow. Granted 2016

16/04926/TELEC Notification under Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 16 for the erection of a 21m lattice mast, associated antennas, dishes and radio equipment cabinets within a fenced compound. Prior Approval Not Required 2017

3. Planning Policies:

NPPF National Planning Policy Framework
 _EC1 Employment Development
 _EC3 All types of Employment-generating Uses
 _EN15 Pollution & Contaminated Land

4. Observations of Consultees:

Environmental Health Noise and Pollution: No objection

5. View of Town/Parish Council:

None received

6. Other Representations:

None

7. Applicant's Supporting Information:

None

8. Officer's Assessment:

Background and Proposed Development

Planning permission was granted in 2015 (15/04549/FUL) for a 'Proposed Tea Room ancillary to Nursery'. The tea room has now been erected and is open to visitors to the nursery. As part of the 2015 the following condition was attached:

Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or the equivalent to that Class in any statutory instrument amending or replacing the 2015 Order, the type of cooking equipment used on the premises is restricted to a microwave and shall not be altered unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living nearby, in accordance with Cotswold District Local Plan Policy 5 and the NPPF.

The applicant is now seeking to remove the aforementioned condition. The applicant states 'we request to remove the condition to allow the use of a gas hob and oven to provide freshly cooked meals for a small number of patrons'.

(a) Noise and Odour

The existing tea room is a single storey building measuring approximately 12.6m long by 5.4m wide by 4.8m high. The approved plans show a seating arrangement providing 16 covers. The applicant wishes to extend their cooking facilities to a domestic oven and hob and associated extractor unit. The premises has been visited by an Officer from the Council's Environmental Health Section. The Officer raises no objection to the proposed arrangement and considers that new or additional conditions are not required.

The tea room is located within 20m of two dwellings (Cotswold Cottage and Cotswold Lodge) which have recently been constructed. However, the dwellings are located on the garden centre and are in the ownership of the applicant.

The nearest non-garden centre related dwelling to the site is a property called Haycroft which is located approximately 65m to the south west of the tea room. A conifer hedge also lies between the team room and the aforementioned dwelling. It is considered that the removal of the condition will not have an adverse impact on the amenity of the occupiers of Haycroft by virtue of distance and the low intensity nature of the proposed use.

It is considered that Condition 5 can be removed without having an unacceptable impact in terms of odour or noise pollution. The proposal is considered to accord with Local Plan Policy EN15.

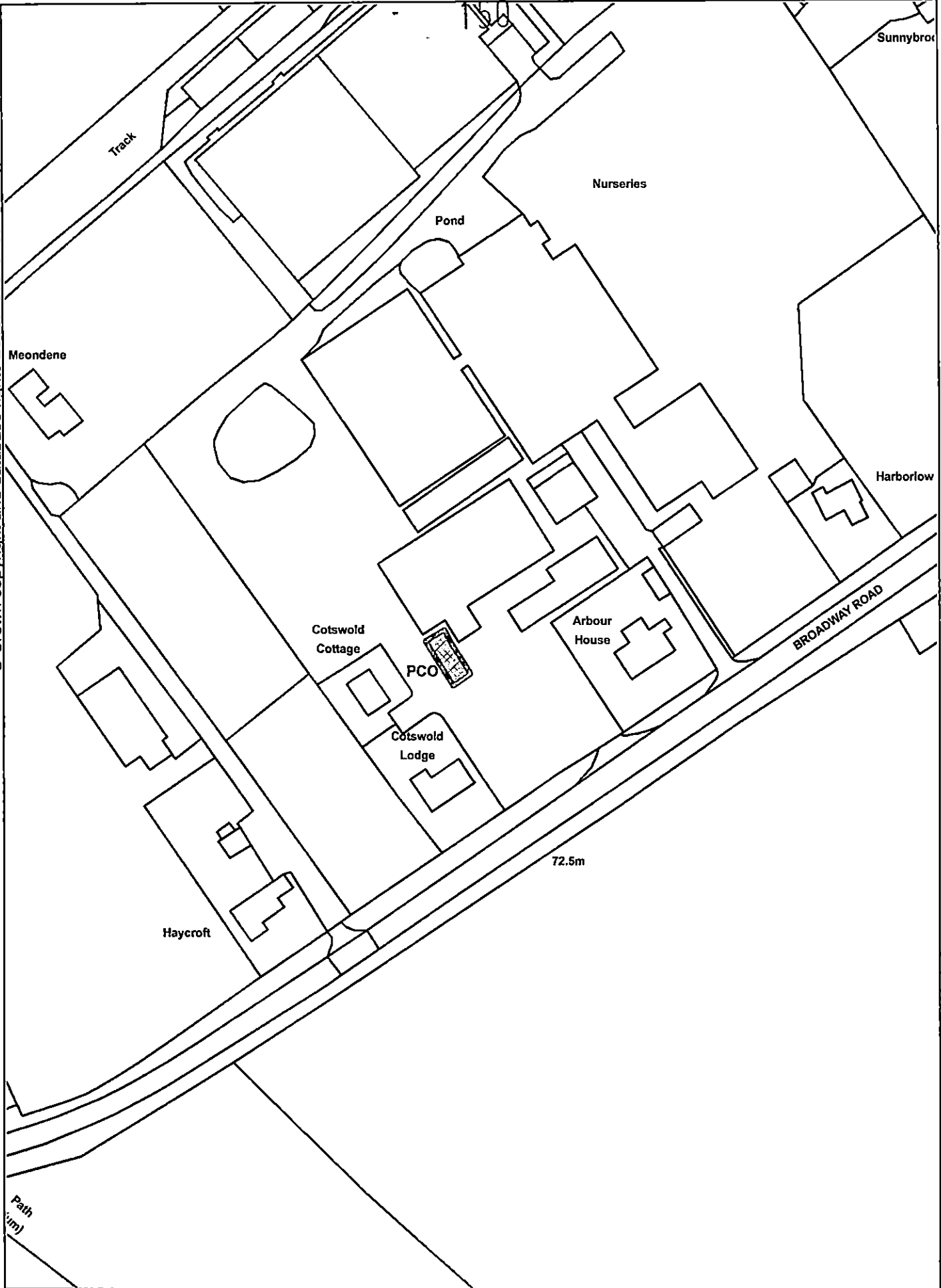
9. Conclusion:

It is recommended that the removal of the condition is acceptable.

10. Proposed condition:

This decision relates to drawing numbers: 15-004-01 Revision A and 15-004-02.

Reason: For purposes of clarity and for the avoidance of doubt.



COTSWOLD
DISTRICT COUNCIL

TOPS NURSERY BROADWAY ROAD MICKLETON

Organisation: Cotswold District Council

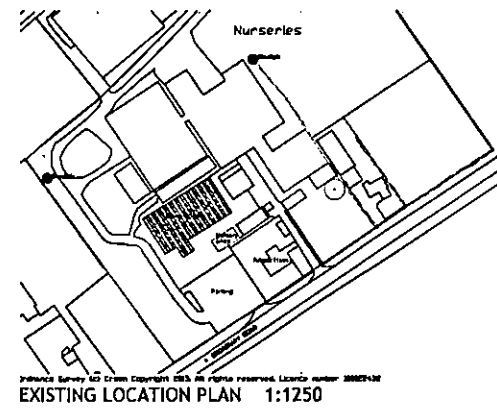
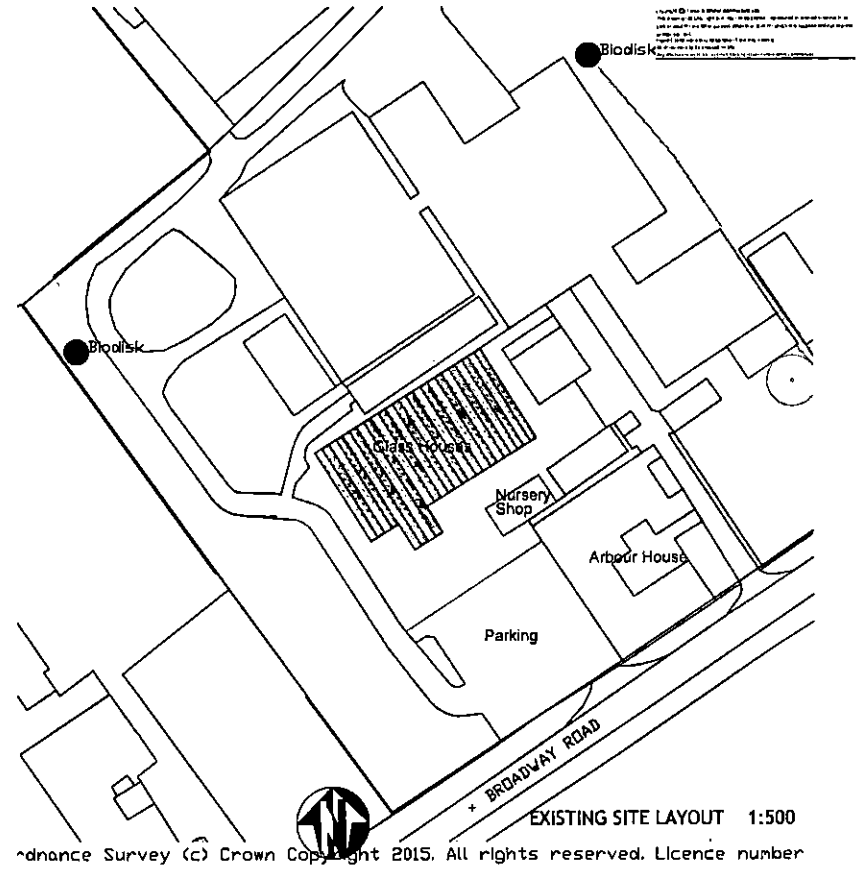
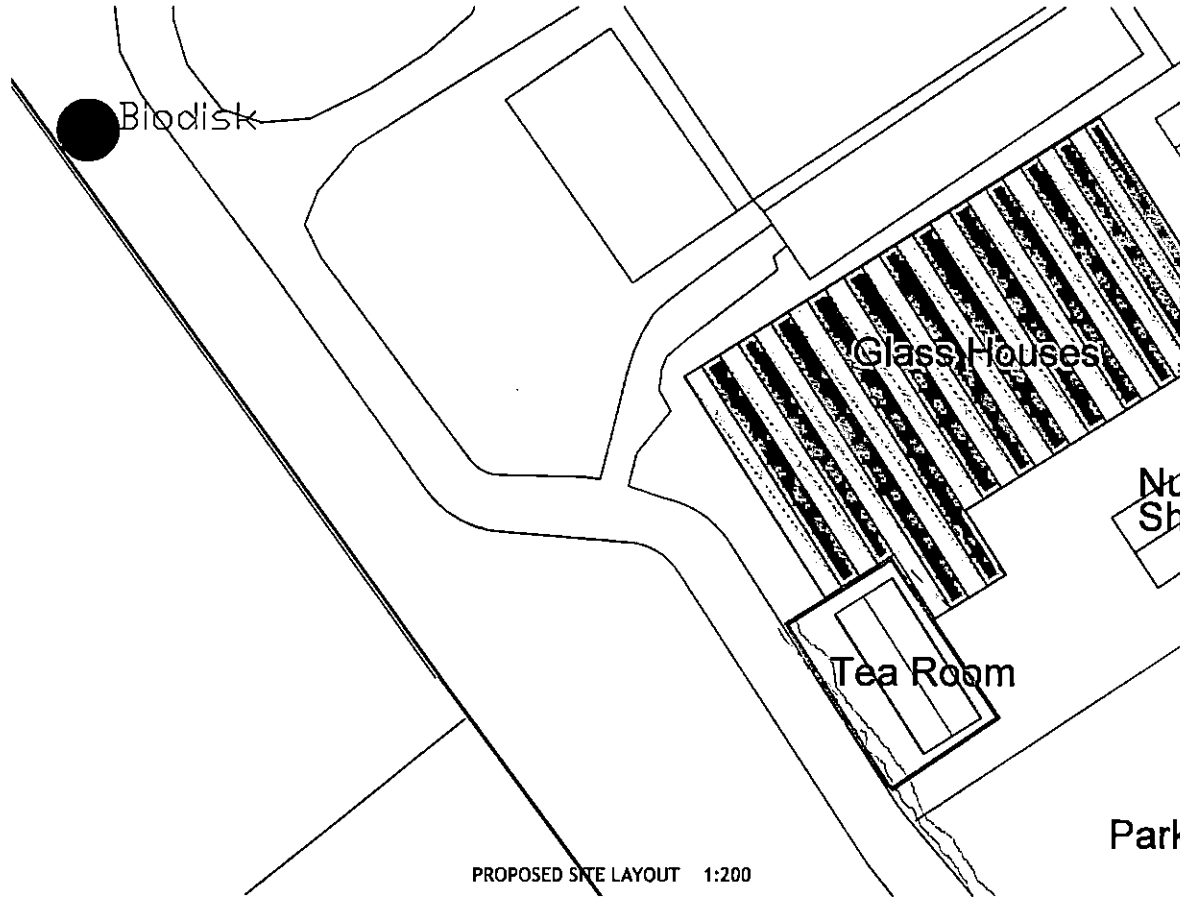
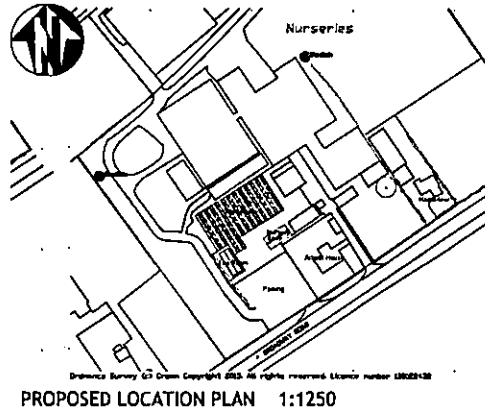
Department:

Date: 30/11/2018

Scale: 1:1250



NORTH



Client
TIPS Nurseries

Project
NEW TEA ROOM

Site Address
TIPS Nurseries
Broadway Road,
BICKLETON

Drawing Title
Site and location plans

Drawing Scale
1:1200, 1:1300, 1:1250

Drawn by
CSB

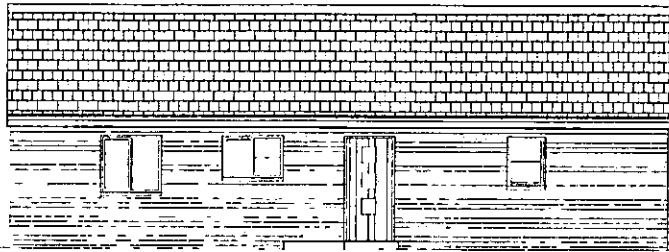
Date
OCT 2015

Project Number
15-004 - 02

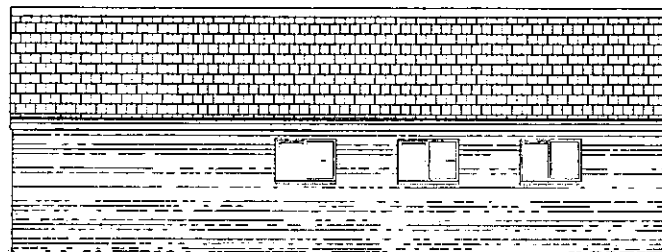
151

18/05/17/AM

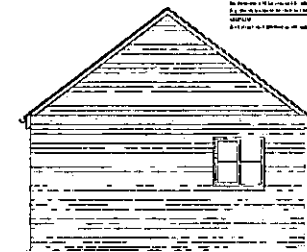
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 15-004 - 01



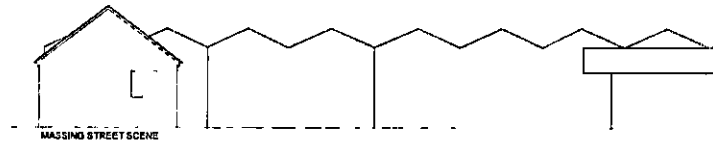
SIDE (N.E.) ELEVATION



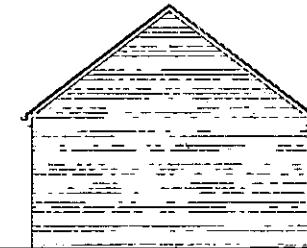
SIDE (S.W.) ELEVATION



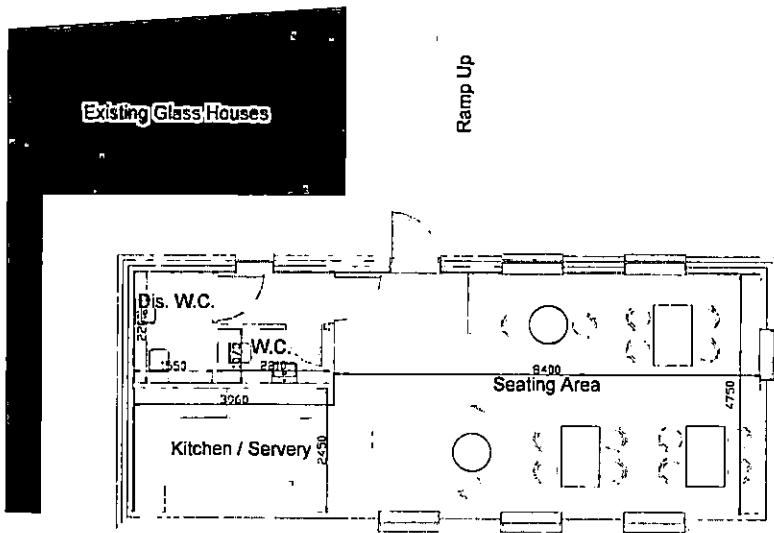
FRONT (S.E.) ELEVATION



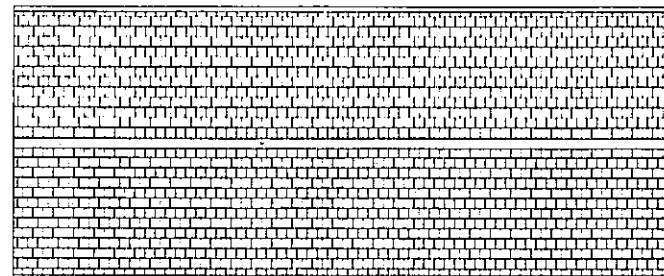
MASSING STREET SCENE



REAR (N.W.) ELEVATION



FLOOR PLAN



ROOF PLAN



Client: **TOPS Nurseries**
 Project: **NEW TEA ROOM**
 Site Address: **TOPS Nurseries, Broadway Road, Mallow**
 Drawing Title: **Proposed plans and elevations**
 Drawing Scale: **1:50, 1:100**
 Drawn by: **CSS** Date: **Sept 2013**
 Project Number: **15-004 - 01** Revision: **A**

