

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 1st February 2006
AUTHOR/S: Director of Development Services

S/2099/05/F - Melbourn

Variation of Condition 4 of Planning Permission S/1447/03/F to Allow Display and Sale of Tents and Camping Equipment in Part Of The Building, Phillimore Garden Centre, Cambridge Road For D. Clark

Recommendation: Refusal
Date for Determination: 29th December 2005

Site and Proposal

1. Phillimore Garden Centre is located on the west side of Cambridge Road, north of Melbourn village.
2. This full application, registered on 3rd November 2005, seeks to vary a condition attached to a planning consent for a recently erected building within the site to allow the display and sale of tents and camping equipment in half of the building. The other half of the building is occupied by a garden building and fencing company.

Planning History

3. Planning consent for the erection of the building the subject of this application was granted in 2003 following consideration by Members at the November 2004 meeting (**Ref: S/1447/03/F** Item 6).
4. As originally submitted the application proposed the erection of a building for shed and building display and sales, and camping shop. Members resolved to grant consent subject to a condition restricting the use of the building to uses appropriate to a garden centre and prohibiting its use for the sale of comparative or convenience goods not associated with the use as a garden centre. The reference to a camping shop was deleted from the application before it was approved
5. Condition 4 states "Notwithstanding the provisions of Article 3 of Schedule 2 of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order), the building hereby permitted shall be used in association with the approved use of the site as a Garden Centre only and for no other purposes (including the sale of comparative and convenience goods which are not associated with the use as a garden centre, or any other purpose in Class A1 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 or re-enacting that order"

Planning Policy

6. The site is in the countryside.
7. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location

8. **Policy SH12** of the South Cambridgeshire Local Plan 2004 ("The Local Plan) states that "garden centres will not be permitted unless they conform to the following criteria:
- 1) convenience sales will not be permitted where it would have a significant adverse impact, either individually or cumulatively, on the viability of the existing Rural and Limited Rural Growth Settlements in South Cambridgeshire, or other village centres;
 - 2) not be located within the countryside or in such a location that the visual amenities of the countryside would be adversely affected;
 - 3) be well related in scale and character to the settlement or surrounding development;
 - 4) be conveniently located and well related to the primary road network and accessible by public transport, cyclists and pedestrians;
 - 5) not create local traffic difficulties;
 - 6) not prejudice the residential environment; and
 - 7) not conflict with other policies in the Structure and Local Plans."
9. The Local Development Framework Submission Draft 2006 **Policy SF/5** precludes the sale of goods in the countryside except for, amongst others, the sale of convenience goods, ancillary to other uses, where proposals do not have a significant adverse impact on the viability of surrounding village shops or the vitality of rural centres or other village centres.

Consultation

10. **Melbourn Parish Council** recommends approval.

Representations

11. None received.

Applicant's Representations

12. In a letter accompanying the planning application the applicants' agent comments that the display and sale of tents and camping equipment is commonplace in other garden centres around the country, and a list of 31 such centres is attached to the letter. The application is said to be in response to these precedents.
13. Given that tents and camping equipment display and sales is a use usually associated with Garden Centres, and much more akin than other uses, which may be less appropriate, such as arts and crafts, the applicants' agent is of the view that this particular use should be allowed. Policy SH12 in the 2004 Local Plan suggests that convenience sales from Garden Centres will not be permitted where an adverse impact is likely on rural and limited growth settlements or other village centres. The proposed specialist use, of part of the building, will have no such impact on local settlements or other villages, due to limited availability of space. A Garden Centre location is therefore ideal due to the lower rental value and existing customer base.
14. The largest proportion of the building floor space the subject of the application will be devoted to the display of tents allowing customers to view and test a wider range of

products than might be possible in villages or central Cambridge for example, which is subject to higher rents. Currently there are a number of sites within the region where such a display of tents can be viewed.

Planning Comments – Key Issues

15. The key issue to be determined with this application is whether the proposed use of half of this recently erected building for the display and sale of tents and camping equipment is appropriate on this garden centre site having regard to the Development Plan policies relating to retailing in the countryside.
16. At the November 2003 meeting I expressed the view that such a use was not one that I could support on this site. Members accepted that view and, whilst supporting the erection of a building which would not constitute inappropriate development in the countryside by virtue of its scale, conditioned that any use of the building should be in association with the approved use of the site as a garden centre.
17. I note the comments contained in the supporting letter accompanying the application however I am of the view that this use can not reasonably be described as being associated with the use as garden centre and will attract customers in its own right. The application does not demonstrate that the proposal complies with Policy P1/2 of the County Structure Plan in terms of being essential in the particular rural location nor does it show that the proposal is sustainable having not produced any evidence of a sequential approach to site selection and the availability of suitable alternative sites.

Recommendation

Refuse

18. That the application be refused in that it proposes the use of a building in the countryside, which in part is for a retail use that is not appropriate to a garden centre site. The applicant has failed to demonstrate that the proposal is essential in the particular rural location and is therefore contrary to the aims of Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/2099/05/F & S/1447/03/F

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