

09/00836/WCPP: VARIATION OF CONDITION 5 OF PLANNING PERMISSION 07/00011/OUT (RESTRICTION ON UNIT SIZES) IN CONNECTION WITH CONSTRUCTION OF GARDEN CENTRE COMPRISING PLANT AREA (8915SQM), GARDEN CENTRE BUILDING WITH RESTAURANT (8000SQM), CAFE/KIOSK (250SQM), CAR PARKING, LANDSCAPING, SERVICE AREA AND RECYCLING COLLECTION TOGETHER WITH IMPROVEMENTS TO ACCESS ROAD AND ACCESS TO EYE ROAD, NEW BUS STOPS AND ASSOCIATED FOOTWAY/CYCLEWAY ACCESS AT PARKWAY SPORTS AND SOCIAL CLUB PETERBOROUGH ROAD, EYE, PETERBOROUGH, PE1 3TD

VALID: 28.07.2009
APPLICANT: GARDEN PARKS (PETERBOROUGH TWO) LIMITED
AGENT: TURLEY ASSOCIATES
REFERRED BY: CLLR SWIFT
REASON: GOOD FACILITY FOR THE CITY
DEPARTURE: NO

CASE OFFICER: DAVID LOVEDAY
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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The retail impact of development

The Head of Planning Services recommends that the application is APPROVED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

R4 Retail development outside centres is only acceptable provided it would not have an unacceptable impact on the vitality and viability of any centre, and it would not put at risk the Local Plan Retail Strategy.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS 6 Planning for Town Centres objective, is to promote the vitality and viability of town centres by focusing development in these centres, which are accessible to all.

3 DESCRIPTION OF PROPOSAL

This application seeks permission to vary condition 5 of planning consent (07/00011/OUT), over and above the variation already granted consent by planning reference 09/00062/WCPP.

The variation sought, is to allow the amalgamation of units 8, 9, and 10 into one single unit of 974 square metres in size, which is larger than the 800 square metre maximum unit size permissible by planning references 09/00062/WCPP and 07/00011/OUT.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is located on the north east edge of City. The site is positioned within the urban area boundary of the city, with its northern boundary marking the settlement edge. The site is to the north of the Eye/Peterborough Road and A47 Paston Parkway roundabout. The site has no specific land use allocation in the Local Plan. The site has most recently been used as a sports ground by the Parkway Sports and Social Club. Prior to this development the site was agricultural land but had previously formed part of the Dogsthorpe brickworks and was filled with inert material after excavation.

The site covers an area of 5.94ha and is currently unused but has previously been occupied by the Parkway Sports and Social Club with football and cricket pitches, a pavilion and car parking area.

The northern boundary is edged by an existing drainage dyke. To the north and west of the site are the Dogsthorpe Landfill site and a Household Waste Recycling Centre. Eye village lies to the north east. Trees and shrubs bound the site to its Paston Parkway frontage. Immediately to the east of the site is a petrol filling station containing a Somerfield convenience food store and a Kentucky Fried Chicken (KFC) restaurant. The site is separated from existing residential areas by Paston Parkway and Parnwell Way.

The site is accessed via a vehicular access road leading off Eye/Peterborough Road. A footpath along the southern boundary from the roundabout provides further access to the site.

The garden centre development is currently under construction.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
05/01274/OUT	Erection of garden centre building (5777sqm), plant area (5110sqm), garden centre concessions buildings (5498sqm), cafe/kiosk (465sqm), car parking, service area, improvements to service road and access to Eye Road, entrance totem sign, footway/cycleway access, recycling collection area and landscaping	07.03.2006	Withdrawn
07/00011/OUT	Erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access	31.03.2008	Approved
08/00925/WCPP	Amendment to condition C6 of planning permission 07/00011/OUT to allow the insertion of a mezzanine floor totalling 270sqm.	18.11.2008	Approved
08/00989/REM	Reserved matters application for the appearance only of the garden centre development pursuant to outline planning application 07/00011/OUT, and alterations to the approved subdivision as per C6 of 07/00011/OUT	30.09.2008	Approved
08/01586/REM	Reserved matters application for the landscaping only of the garden centre development pursuant to outline planning application 07/00011/OUT		Approved
08/01297/FUL	Canopy over external sales and display area for garden centre	16.01.2009	Approved
09/00062/WCPP	Variation of Condition 5 of Planning Permission Ref: 07/00011/OUT amending the range of goods and	05.06.2009	Approved

	services permitted on site		
09/00314/ADV	Illuminated and non-illuminated, flags, traffic direction, site entrance, tenant's directory and mast advertisements	04.06.2009	Approved
09/00444/ADV	Outdoor illuminated advertisement to business premises	19.06.2009	Approved

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objections, as there is no overall increase to the retail area on site, on which the original transport assessment was based.

EXTERNAL

Senior Architectural Liaison Officer – No comments or observations to make.

Eye Parish Council – Would like a plan of the new road network proposed.

NEIGHBOURS

1 Letter of objection has been received from the planning agent working on behalf of the Queensgate Limited Partnership raising the following issues:

- The threat to the vitality and viability of the city centre, other nearby centres, as well as undermining planned investment in the city centre
- The increase scale of retail floorspace, is likely to increase the sale of goods that would more appropriately be sold in town centres
- The cumulative effect of out of centre retailing on city centre trading.

COUNCILLORS

Cllr Swift – This is a much needed facility for the city, and in today's difficult economic climate new investment should be encouraged.

7 REASONING

a) The retail impact of development

Hobbycraft have leased unit 8 (663 sq metres), however they would like a larger unit as they normally trade in units of around 1,000 sq metres. They have trialled in another location, operating a smaller unit format but have found this does not fit well with the overall logistics plans of the business, requiring manual intervention to automated stock controls and more intensive management. They would therefore like to revert to their more conventional unit size within this development, by amalgamating units 8, 9 and 10 to provide a single unit of 974 sq metres.

In favour of the application the agent argues:-

- The proposal does not create any additional retail floorspace from that originally approved under planning reference 07/00011/OUT.
- The Hobbycraft use of arts and crafts is one which falls within Schedule B of condition 5, and this tenant is committed to the scheme.
- The proposed increase in the Hobbycraft store will not take the total floorspace of uses in Schedule B over the 3,600 sq metre maximum limit.
- Whilst the proposed increase in the Hobbycraft store will take it over the 800 sq metre floorspace limit for a single unit, it is not proposed that this be a general relaxation of condition 5 for the scheme as a whole but merely a one unit exemption.

The applicant has not submitted a retail assessment under this application because there would be no increase in the total retail floorspace from that originally approved by planning application 07/00011/OUT. They also refer to the updated assessment of the health of the city centre and other retail centres submitted in January 2009 in respect of the previous Section 73 application. It is considered however that a retail assessment of this specific proposal and its present impact on the City Centre, other centres and future proposals, should be submitted to demonstrate that there would be no harm caused to the vitality and viability of any centre in accordance with Policy R4 of the Local Plan and PPS6. This retail assessment has been requested, however at the time of writing this report it is still awaited. Members will be updated of this at the Committee meeting.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The proposed development could be considered to be acceptable and in accordance with Policy R4 of the Local Plan, subject to the receipt of a satisfactory retail assessment, to justify that the proposed alteration to the unit size, would not unacceptably impact on the vitality and viability of any centre, and that the proposed development would not prevent or put at risk any future development which would be in accordance with the retail strategy and city centre strategy in the Local Plan.

9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED subject to the receipt of an acceptable retail assessment and to the following conditions:

- C1 Notwithstanding the provisions of Class A1 of the Town & Country Planning (Use Classes) Order 1987 or any Order amending or re-enacting that Order, the approved development shall only be used as a garden centre for the retailing of products and the offering of services set out in Schedules A, B and C below and the products and services set out in Schedule D below shall not be retailed or offered:-**

Schedule A - goods and services customarily supplied by a garden centre, including the following:

- a. Horticultural products, trees, plants, bulbs, seeds, shrubs
- b. House plants and flowers of any type
- c. Garden equipment, garden tools, garden machinery and garden accessories
- d. Weedkillers, pesticides, fungicides and pest control products
- e. Fertilisers, manures, compost, peats, growbags and all plant growing products
- f. Barbecues, barbecue fuels and their accessories
- g. Lawnmowers, turf, lawncare products and equipment
- h. Garden pots, garden vases, garden planters, garden troughs and garden terracotta ware
- i. Garden ornaments
- j. Conservatories
- k. Conservatory furniture, conservatory furnishings and conservatory accessories
- l. Outdoor garden furniture
- m. Sheds, greenhouses and garden buildings
- n. Outdoor garden play equipment, garden games and garden toys
- o. Swimming pools and associated equipment
- p. Fencing, trellis and their care products
- q. Landscaping materials, stones, gravels, slabs and decking
- r. Fish, aquatics, water garden equipment and their accessories
- s. Garden lighting
- t. Garden books and garden journals

- u. Restaurant, coffee shop and children's play area
- v. Baskets, wicker work and country crafts
- w. Artificial trees, plants and flowers and cut flowers
- x. Artificial Christmas trees and Christmas decorations

Schedule B - goods and services with an aggregate floor area not exceeding 3,600 sq.m.

- a. Camping equipment and supplies
- b. Farmshop and speciality foods, natural remedies and health foods (non consulting)
- c. Pets, pet accessories, pet care and advice
- d. Hobbies, toys and crafts
- e. Gardening and outdoor clothing including sunglasses and footwear
- f. Outdoor pursuits and equipment
- g. China, glass and pottery, tiles, stoneware and ceramics
- h. Household linens and soft furnishings
- i. Bicycles, accessories and cycle clothing

Schedule C - Goods and services listed below, the combined net floor area which shall not exceed 700 sq.m. in total and where no single unit shall exceed 450 sq. m.

- a. Homeware and table top items and kitchen accessories (including small kitchen electrical items)
- b. Pictures, frames and prints
- c. Books - cookery, leisure, hobby, travel, sports and coffee table books
- d. Gifts, wrappings, greeting cards

Schedule D - goods, services or products listed below shall not be sold from the garden centre:

- a. Pharmacy products for human use
- b. Motor vehicles or their parts
- c. Computers
- d. Domestic electrical appliances other than small kitchen items sold as incidental to Schedule C, Category (a)
- e. Radios and televisions
- f. Musical instruments
- g. Carpets
- h. Dry cleaners
- i. Post Office
- j. Newsagents
- k. General grocery and convenience products other than health foods or as a farmshop as detailed in Schedule B Category (b)
- l. Fashion clothing, shoes and other fashion accessories
- m. Opticians
- n. Mobile and other telephones

There shall be no variation to the size and layout of the units as detailed on site plan GARL1002 dated 22 July 2009 without the prior written consent of the Local Planning Authority.

With the exception of that part of the garden centre denoted as 'Van Hage Garden Centre' and Unit 8 denoted as Hobbycraft on the Proposed Site Plan GARL1002, no single unit shall exceed 800sq.m

Reason: To ensure that the development does not affect the vitality or viability of nearby retail centres in accordance with policies R4 and R5 of the Peterborough Local Plan (First Replacement) 2005 and Planning Policy Statement 6 'Planning for Town Centres' (2005).

Note all other conditions of the previous planning permission remain in force.

Informative: 1. For the avoidance of doubt this planning permission relates solely to the wording (now designated condition C1 on this new planning permission) of the agreed variation of condition C5 of planning reference 07/00011/OUT and condition C1 of planning permission 09/00062/WCPP.

In the absence of an acceptable retail assessment the Head of Planning Services recommends that this application is REFUSED for the following reasons:

R1 The proposed development has failed to demonstrate that it would not unacceptably impact on the vitality and viability of any centre, and would not prevent or put at risk any future development in the retail strategy. The proposal is therefore contrary to Policy R4 which states

Planning permission will only be granted for new retail development outside the Central Retail Area, District Centres or Local Centres, where:

- a) a need for the proposed development has been demonstrated; and
- b) a sequential approach to site selection has been undertaken in accordance with Appendix VI, and it has been demonstrated that there is no suitable alternative site which is higher in the search sequence; and
- c) the site is highly accessible by a choice of means of transport; and
- d) the proposed development would not have an unacceptable impact on the vitality and viability of any centre; and
- e) the proposed development would not prevent or put at risk any future development which would be in accordance with the retail strategy and city centre strategy in this Plan.

Proposals for extensions to existing shops which do not create any new units and would provide new floorspace below 200 square metres (gross) will not be required to demonstrate need or a sequential approach unless they are for second or subsequent extensions. Proposals for uses which comprise primarily open air displays will be considered against policy R6. Proposals within villages will be considered against policy R10.

Copy to Councillors D. A. Sanders, R. J. Dobbs,