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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2014/0679/FUL	ITEM 5	
Proposal:	Variation of: <ul style="list-style-type: none"> • Condition No. 4 of planning permission FUL/2002/0294 • Condition No. 8 of planning permission FUL/2003/0502 • Condition No. 3 of planning permission FUL/2007/0649, and addition of new Condition to FUL/2008/0693, to amend the range of goods to be sold from the premises, and with no restrictions on Retail unit 3.		
Address:	Rutland Village, Rutland Garden Centre, Ashwell Road, Oakham		
Applicant:	Mr Chris Hamilton	Parish	LANGHAM
Agent:	Marrons Planning	Ward	Langham
Reason for presenting to Committee:	Previous Committee Decisions		
Committee Date:	14 October 2014		

EXECUTIVE SUMMARY

This proposal clarifies the range of goods to be sold from an out-of-centre retail facility. The different restrictions currently imposed on each retail unit, via four separate permissions, are rationalised into a single range of goods to be sold from any of the units. Appropriate restraint is still maintained via this specified range of goods.

Unit 4 is currently unrestricted, but this proposal would transfer the restrictions from Unit 3 onto Unit 4, with Unit 3 then becoming unrestricted. This does not reduce the current extent of control and is therefore reasonable.

If approved, this application would provide a single new permission to replace the four extant permissions.

RECOMMENDATION

That Delegated Authority be granted to the Director for Places (Environment, Planning & Transport), to **APPROVE** this application subject to no material representations being received in the additional consultation period up to 23 October 2014, and subject to a new Condition and associated Advisory Note, as a replacement for:

- Condition No. 4 of planning permission FUL/2002/0294,
- Condition No. 8 of planning permission FUL/2003/0502,
- Condition No. 3 of planning permission FUL/2007/0649

and as an addition to planning permission FUL/2008/0693.

Condition:

1. Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any order amending or re-enacting that order, Units 1, 2, 4 and 5 of the approved development (as identified on the location plan submitted with the application) shall only be used for the sale of goods and services set out below:
 - Horticultural products, trees, plants, bulbs, seeds, shrubs.
 - House plants and flowers of any type.
 - Garden equipment, garden tools, garden machinery and garden accessories.
 - Weed killers, pesticides, fungicides and pest control products.

- BBQs, BBQ fuels and their associated cooking accessories.
- Lawnmowers, turf, lawn care products and equipment.
- Garden pots, garden vases, garden planters, garden troughs and garden terracotta ware.
- Garden ornaments.
- Conservatories.
- Conservatory furniture, conservatory furnishings and conservatory accessories.
- Outdoor garden furniture.
- Sheds, greenhouses and garden buildings.
- Outdoor garden play equipment, garden games and garden toys.
- Swimming pools and associated equipment.
- Fencing, trellis and their care products.
- Landscaping materials; stones, gravels, slabs and decking.
- Fish, aquatics, water garden equipment and their accessories.
- Garden lighting.
- Garden books and garden journals.
- Baskets, wicker work and country crafts.
- Artificial trees, plants and flowers and cut flowers.
- Artificial Christmas trees and Christmas decorations.
- Camping equipment and supplies.
- Farm shop and speciality foods.
- Pets, pet accessories, pet care and advice
- Gardening and outdoor country clothing and footwear.
- Outdoor pursuits and equipment.

REASON: To ensure that the development is used for related purposes to the existing Garden Centre and not as an un-related out-of-centre retail facility, in the interests of the vitality and viability of Oakham Town Centre.

Advisory Notes:

1. For clarity, with regard to Condition 1, the goods, services or products listed below cannot be sold from Units 1, 2, 4 or 5 of Rutland Village:
 - Pharmacy products for human use.
 - Motor vehicles or their parts.
 - Computers.
 - Domestic electrical appliances, radios and televisions.
 - Musical instruments.
 - Carpets.
 - Dry cleaning.
 - Post office.
 - Newsagents.
 - General grocery and convenience products other than as a farm shop as above.
 - Fashion clothing, shoes and other fashion accessories.
 - Opticians.
 - Mobile and other telephones

Site & Surroundings

1. The Rutland Garden Centre is within open countryside on the east side of Ashwell Road, just over a mile north of the Planned Limits to Development (PLD) of Oakham. The north of the site comprises a series of polytunnels and single storey buildings used as a retail garden centre. The central area of the site is used as a customer car park.
2. The south of the site is branded as “Rutland Village” and comprises a series of five separate buildings (Units 1 to 5) around a central landscaped courtyard. Some of these are subdivided into smaller retail outlets. The “Village” currently includes a pet shop, and others selling clothing and outdoor leisure products (primarily camping). Unit 3 is currently vacant. The total retail floorspace is some 1,500 square metres.
3. These retail buildings are subject to separate planning permissions (see “Planning History”, below). In common with the planning permissions for the Garden Centre itself, three of these include a condition limiting the range of goods to be sold. This ensures that the range of goods is appropriate to a Garden Centre and therefore acceptable in an out-of-centre location. For two of the three, this limits the sales area to “garden materials, equipment and ancillary products”; on the third permission, the condition doesn’t specify the range of goods to be sold, but requires the prior approval of the range of intended goods. A fourth permission (for the building occupied by the outdoor goods shop) has no limit on the range of goods to be sold.

Proposal

4. This application proposes that the “category of goods” condition on each of the three specified permissions be replaced by a new condition that increases and clarifies the range of goods that can be sold from the premises. It applies just to the specified units within Rutland Village; not to the rest of the Garden Centre. Other than the detail identified in paragraph 5, below, this Condition has the same wording as that previously recommended for approval (via application 2014/0107/FUL) in the agenda papers for the committee meeting of 4 March 2014. The applicant then withdrew the application before the meeting, so it was not considered by members.
5. The current application also proposes that this new condition be imposed on Unit 4, which is currently unrestricted, but that it not be imposed on the currently vacant Unit 3. This would transfer the unrestricted benefits from Unit 4 to Unit 3.
6. If approved, the replacement condition would require a new permission to be issued to replace the specified extant permissions.

Relevant Planning History

Application	Description	Decision
Garden Centre		
76/0187/9	Nursery and Garden Centre	Approved: 29-06-76
82/0383/9	Extension to existing shop	Approved:

	for horticultural displays	06-12-82
88/0610/9	Extension of Garden Centre	Approved: 11-10-88
89/0630/9	Garden Centre Cafe	Approved: 10-10-89
FUL/2009/0656	Expansion of Garden Centre site, to create staff parking area, external storage, outdoor sales area (seasonal) and growing area	Approved: 07-02-14

Retail Village

FUL/2002/0294 (Unit 1)	Single storey retail building	Approved: 17-05-02
FUL/2003/0502 (Units 2 and 3)	Two retail buildings and lean-to tractor shed	Approved: 08-07-03
FUL/2005/0294 (Unit 4)	One retail building comprising two retail units	Approved: 10-10-05
FUL/2008/0693 (Unit 4)	One retail building, for a single retail unit, with storage over (retrospective)	Approved: 20-01-09
FUL/2007/0649 (Unit 5)	Two retail outlets	Approved: 13-11-07
2014/0107/FUL (Whole site)	Amendments to previous conditions, to consolidate the control over range of goods to be sold	Withdrawn: 04-03-14

NOTE: This schedule excludes previous applications that are not relevant to the current proposal, particularly refusals of permission and withdrawn applications. For brevity, it also excludes some of the less significant applications at the Garden Centre part of the site.

Planning Guidance and Policy

Members will be aware that the "Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014)" is recommended for formal adoption at Full Council on 13 October 2014.

If adopted, its policies will immediately replace the Saved Policies of the Rutland Local Plan (2001) and will form part of the Development Plan, thereby carrying full weight for the purposes of decision making. Members are aware that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The DPD Policies identified in this report have also been renumbered as a result of the Modifications recommended by the Inspector. They are set out below within a schedule of policies that assumes the DPD has been adopted, and within another schedule that would apply if it is not adopted.

Members will be updated further via the addendum report.

Option 1: DPD is adopted

Development Plan

Rutland Core Strategy (2011)

- CS4 Location of Development
- CS16 Rural Economy
- CS17 Town Centres and Retailing

Site Allocations and Policies Development Plan Document:

- SP6 Non-residential Development in the Countryside

Other Material Considerations

National Planning Policy Framework – NPPF (2012)

- Section 2 Ensuring the vitality of Town Centres
- Section 3 Supporting a Prosperous Rural Economy

Option 2: DPD is not adopted

Development Plan

Rutland Core Strategy (2011)

- CS4 Location of Development
- CS16 Rural Economy
- CS17 Town Centres and Retailing

Rutland Local Plan (2001)

- EN1 Location of Development
- EN26 Development in the Countryside
- EN29 Amenity
- RE1C Vitality and viability of existing town centres

Other Material Considerations

National Planning Policy Framework – NPPF (2012)

- Section 2 Ensuring the vitality of Town Centres
- Section 3 Supporting a Prosperous Rural Economy

Site Allocations and Policies DPD: Submission Document with modifications recommended by Inspector

- SP6 Non-residential Development in the Countryside

Consultations

7. Langham Parish Council
Recommend approval for the restrictive range of goods to be sold at the Retail Village, and for this to be applied to Unit 4, but not for Unit 3 to become unrestricted.

Neighbour Representations

8. None received.

Planning Assessment

9. The main issue is the potential for general retail sales in this open countryside location.
10. Other matters are then summarised at the end of the report.

Retail development in the open countryside

11. Planning Policy and Government Guidance both control the location of new retail development to ensure that it is concentrated in accessible central locations. This is in the interests of sustainability, and of the vitality and viability of existing central areas.
12. Development in the open countryside is also controlled by policy and guidance to ensure that only appropriate new development takes place in the rural area. This involves a balance between ensuring that rural land uses and businesses are supported, but that development likely to impact on the rural character is resisted.
13. As part of this balance, Garden Centres are regarded as acceptable in principle, as many (such as the Rutland Garden Centre) have developed from horticultural enterprises and continue to sell plants and other gardening/horticultural products. The sale of some other goods has also been accepted as they are related to this core business. However, at many Garden Centres, the dividing line has become blurred in recent years between products that are genuinely related and those that are not.
14. The applicant's Supporting Statement refers to the various permissions granted for both the Garden Centre and Rutland Village and contends that control over the range of goods to be sold has been achieved in an ad hoc manner via these permissions. It then refers to recent permissions for larger Garden Centres in Peterborough, where the range of goods to be sold is in keeping with "...the latest evolution of Garden Centres", before suggesting that the permissions for Rutland Village be regularised along the same lines.
15. This opportunity to rationalise the control imposed on Rutland Village is to be welcomed, with the key purpose to ensure that the Garden Centre and Rutland Village is limited, in total, to garden centre products and related goods/services, as specified on the extant permissions for most of these retail units.
16. The range of goods to be sold, as suggested by the site owner via this application, is also more restricted than at the larger garden centres referenced in the Supporting Statement.

17. Many of the products suggested by the applicant are easily accepted as relevant to a garden centre. Others are not defined as gardening materials or equipment, but can still be accepted as related products in this secondary area of the overall site. Other products (for example, within the pet shop), are not well related to a Garden Centre.
18. However, given that many of the existing businesses are well established at Rutland Village, and in the spirit of Section 3 of the NPPF, it would not be appropriate to consider any action against current occupants because of any breach of the conditions imposed on their existing permissions. Any approval of a new condition which includes these uses would regularise their position without significant deviation from the key principle of seeking to control the extent of retail activity in this non-central location. It would not, however, be justifiable to increase the range of such uses, so the recommendation at the start of this report excludes anything that isn't, or wasn't, sold from the premises.
19. The recommended condition now provides helpful clarity by imposing the same detailed constraints throughout. The detailed range of goods within the condition also accords with current policy and guidance, and is consistent with the broader principles set out in the extant conditions.
20. An Advisory Note is also recommended to provide clarity on the reworded condition, and set out examples of products that would not be acceptable within the Retail Village.
21. The current application also proposes that this condition be imposed on Unit 4, which is currently unrestricted, and not be imposed on the currently vacant Unit 3. This is to enhance the letting potential for Unit 3. This is reasonable, as:
 - the total floorspace of these units is similar, with Unit 3 at 300 sq. metres and Unit 4 at 360 sq. metres
 - the current occupant of Unit 4 is in compliance with the recommended condition and any subsequent new occupant would also need to comply.
22. Consequently, this proposal would merely transfer the unrestricted benefits from Unit 4 to Unit 3, with a small net reduction of 60 square metres to the extent of uncontrolled floorspace. This also addresses the concerns expressed by Langham Parish Council that an approval would increase the scope for uncontrolled retail activity in the countryside.

Other Matters

23. This application only proposes that the range of goods to be sold within the various retail units at Rutland Village be rationalised. It does not propose any new building or other operational development. As such there are no concerns regarding amenity impact, access and parking, or other specific issues.
24. Due to the extent of floorspace at Rutland Village (1,500 sq, metres) this proposal has been re-advertised as a major application, with the timescale for replies expiring on 23 October 2014. This is incorporated into the recommendation at the start of the report.