

AGENDA ITEM No. 9

PEAK DISTRICT NATIONAL PARK AUTHORITY

NATIONAL PARK AUTHORITY MEETING

26 MARCH 2010

STRATEGY & DEVELOPMENT

PART A

- 1. FULL APPLICATION – CHANGE OF USE OF GARDEN CENTRE TO MIXED USE AS A GARDEN CENTRE, RETAIL AND CAFÉ, RIVERSIDE HERB CENTRE, CASTLETON ROAD, HATHERSAGE (NP/DDD/1209/1091, P.8858, 14/12/2009421286 382047/JK)**

Purpose of the report

1. This report relates to the above planning application which was referred to this meeting following consideration by the Planning Committee on the 12 February 2010. The application is referred in accordance with standing orders on the basis that despite the limitations proposed by the Planning Committee the development proposal would still not be in accordance with policies in the development plan and the Committee were minded to grant the application. The main issue for members to consider at this meeting is therefore whether or not there are material considerations which justify an exception to normal policies. The detailed aspects of the application have effectively been considered by the Planning Committee.

Recommendation from Planning Committee

2. That the Authority be recommended to APPROVE the application as an exception to policy and subject to the following conditions:
 1. Café and shop uses limited to areas shown on plan JS01A, external retail sale of horticultural produce shall be restricted to the existing paved area measuring no more than 175 square metres, as shown on a plan appended to this decision notice
 2. Café floor area restricted to a maximum of 24 covers.
 3. Hours of opening of café restricted to between 10.00 am to 6.00pm.
 4. Highway conditions, designation and retention of 25 parking spaces and associated manoeuvring areas.
 5. Letter to applicants regarding removal of unauthorised illuminated sign.

Background

3. The previous report to the Planning Committee of 12 February 2010 is attached as Appendix 1.

Further representations

4. Since the Planning Committee there have been 10 further letters received in support of the application that make the following comments relevant to planning considerations;

There is ample parking on site unlike other coffee houses/shops in Hathersage.

The business is an asset to the local economy

The site has flat, easy access.

Refusal would be a loss to the local community and for visitors.

Policy Issues

5. The key issue in this application relates to the introduction of a general retail shop onto this site which is situated in the open countryside 1.5km outside the nearest 'Designated Local Plan Settlements' of Hathersage and Bamford. Currently retail sales from this horticultural nursery are limited by planning condition to the sale of horticultural produce and accessories only. This was imposed to accord with the Authority's fundamental spatial conservation policy in the Local Plan which recognises that, in order to conserve the valued characteristics of the open countryside, only development that is essential to the countryside should be allowed. All other development, including general retailing is directed to within the confines of 'designated settlements' listed in the Local Plan.

6. In relation to horticultural businesses and garden centres the explanatory text to the local plan policy on shops explains in paragraph 5.10 that;

"Increasingly, certain types of shopping have become a leisure activity, generally relying on visits by car. Garden centres are a good example and some sites have grown from purely horticultural sales to include refreshment facilities and retailing unrelated to the primary function of the outlet. These then attract visitors and traffic in their own right and can require large sites in the countryside. As a recreational activity they do not depend on a location within the National Park and are contrary to policy." "New horticulturally-based retailing should therefore be carefully controlled to avoid proliferation of non-related development on the site."

7. The essential policy considerations in this case are based on Local Plan Policy LS3 a), d) and e).

Policy LS3 (a) states that; "*Retail development outside Local Plan Settlements will not be permitted unless it is closely associated with farm diversification, tourist or recreational development, or is part of on-site sales from an existing factory unit or petrol station. In all cases, the retail element should be ancillary to the main land use of the site.*"

In this case the proposal does not relate to any of the exceptions set out in Policy LS3(a) above and is therefore an exception to policy.

8. *Policy LS3 (d) states that; "New garden centres in the open countryside will not be permitted. New development within existing garden centres or nurseries will not be permitted unless it is related to the primary function of the site and would not damage the valued characteristics of the area."*

9. In this case, the delicatessen, which is a general retail shop is not related to the primary function of the site as a horticultural nursery. The effect of the Planning Committees recommendation would therefore be to grant permission for a restricted Garden Centre in the open countryside which would be an exception to policy.
10. *Policy LS3(e) states "Retail development will not be permitted if it would lead to inappropriate types or volumes of traffic on country roads and lanes, or is of a scale or nature that threatens the retail vitality, viability or potential of nearby settlements."*
11. In this case traffic volume is not an issue in the proposal although the sustainability of the outlet's location is because it relies on the majority of customers travelling to the site by car.
12. The second part of LS3(e) aims, at the local level, to meet the strategic aim to foster more sustainable communities by confining new retail shops within existing settlements, in this case Hathersage and Bamford. Whilst Hathersage is a large village with a diverse range of retail outlets Bamford has much fewer facilities. However, as an individual shop of modest scale your officers have concluded that the proposal would not, in itself, threaten the retail vitality, viability or potential of Hathersage, or on balance Bamford

Conclusion

13. The effect of the conditions in the officer recommendation to the planning committee would have been to prevent the sale of all non-horticultural products. This would retain the use of the premises solely as a horticultural nursery but with the applicants requested near 400% increase in retail sales area.
14. The café and shop use, despite proving to be a destination in its own right, has nevertheless been accepted in principle by the Planning Committee subject to strict controls over scale to ensure it remains ancillary to the primary horticultural business. The Planning Committee considered the mix of uses on the site provided a facility that was well supported by local people as well as provided local employment and was not a threat to the economic viability of nearby settlements. The Committee considered this controlled mix of uses would prevent the site changing to a 'fully fledged' garden centre which is a use that is only allowed inside designated settlements.
15. **Government advice is that applications should be determined in line with approved policies unless there are exceptional circumstances to justify otherwise. Exceptions to approved policies made without clear justification will undermine those policies.**
16. Officers consider in this case there is no exceptional justification to allow a general retail shop on this site in the open countryside and would therefore reaffirm their original recommendation of refusal of the application as set out at the end of Appendix 1.
17. If the Committee wish to grant permission it is not considered that the proposal is of sufficient significance to warrant referral of the application to the Secretary of State as a departure.

RECOMMENDATION:

18. That the application be determined in the light of the above report bearing in mind the recommendation of the Planning Committee to approve the application as an exception to approved policy and the following revised officer recommendation to approve the application with conditions restricting general retail sales in order to comply with the spatial conservation and shops policies.

That the application be approved subject to the following conditions;

1. Define use as horticultural nursery with ancillary Café and ancillary retail sales of horticultural produce only within areas shown on plan JS01A.
 2. Internal retail sales area not to exceed 65square metres, external retail sales restricted to the existing paved area measuring no more than 175 square metres, as shown on a plan appended to this decision notice.
 3. Café floor area restricted to a maximum of 24 covers.
 4. Hours of opening of café restricted to between 10.00 am to 6.00pm.
 5. Highway conditions, designation and retention of 25 parking spaces and associated manoeuvring areas.
 6. Letter to applicants regarding removal of unauthorised illuminated sign and A board within verge recently reintroduced.
19. **Background papers** (not previously published)

None

Appendices

1. Planning Committee Report - Item 6.3 February 2010

Report Author, Job Title and Publication Date

John Keeley, Planning Manager North, 18 March, 2010