

Application Number	Expiry Date	Parish	Ward
214108	24 March 2022	Wargrave	Remenham, Wargrave and Ruscombe

<b>Applicant</b>	Hare Hatch Sheeplands
<b>Site Address</b>	Hare Hatch Sheeplands, London Road, Twyford RG10 9RS
<b>Proposal</b>	Full application for the proposed redevelopment of existing mixed-use site to a new garden centre with associated play area, allotments, reconfigured parking and servicing, landscaping and other associated infrastructure, replacement cafe, demolition of existing glasshouses, and retention of existing farm shop, site office/toilet block
<b>Type</b>	Full
<b>Officer</b>	Simon Taylor
<b>Reason for determination by committee</b>	1) Major application (site area >1 hectare and floorspace >1000sqm) 2) Assistant Director decision that committee determination is in the public interest

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday 9 March 2022
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>Hare Hatch Sheeplands is situated in the Green Belt on a prominent corner location at the intersection of Bath and London Roads, Hare Hatch.</p> <p>It comprises a large collection of greenhouses and buildings that were originally used as a horticultural nursery with ancillary sales but through a long history of planning applications, now includes retail floorspace, reptile display and exhibition space (all temporary), events use (periodic and temporary), reptile display, farm shop and café with outdoor seating. There is no planning permission for use as a garden centre. A gravel car park and service yard dominate the centre of the site and a residential dwelling with an occupancy condition tied the horticultural use is in the south western corner (but outside of the red line area).</p> <p>The proposal represents a change of use of the site from its horticultural/mixed use to create a retail garden centre. It includes a wholesale redevelopment of the site to include a much larger retail component in a new building, retention of a farm shop and café and provision of open space and allotment gardens.</p> <p>There is demolition of a large amount of partly dilapidated greenhouses (lightweight structures, some of which are required to be demolished when no longer required for horticultural use) and construction of a permanent modern building with a net reduction in building footprint and volume across the site. The children's play equipment is open to the public, additional woodland planting is proposed in the north western corner of the site, net biodiversity gain is achieved and the allotment gardens are intended for the sale of produce in the farm shop. There are 381 representations in support and one against. The representations come from a very wide area and are not all local or from within the Borough. Consultee responses have not raised objection.</p> <p>However, the proposed garden centre building has a more readily apparent height and form when viewed from New Bath Road and from views within the site. The retail use represents an intensification in the use of the site. In NPPF terms, the proposal is inappropriate development in the Green Belt with the application turning on the</p>

consideration of whether the site is previously developed land. This forms the basis for the refusal of the application in Reasons for Refusal 1 and 2.

#### **PLANNING STATUS**

- Green Belt
- Green Route (Bath Road)
- Landfill gas consultation zone
- Potentially contaminated land consultation zone
- Radon affected area
- Groundwater zone 3
- Nitrate vulnerable zone (surface water)
- AWE Burghfield nuclear consultation zone (special case zone)
- Bat consultation zone
- Non-classified road
- Heathrow Aerodrome consultation zone

#### **RECOMMENDATION**

**That the committee authorise the REFUSE TO GRANT OF PLANNING PERMISSION for the following reasons:**

##### **1) Inappropriate development in the Green Belt**

The increase in permanent retail and café floorspace represents inappropriate development within the Green Belt without sufficient very special circumstances. It is an unacceptable and unsustainable form of development resulting in harm contrary to Section 13 of the National Planning Policy Framework 2021, Policies CP1, CP3, CP11 and CP12 of the Core Strategy 2010 and Policies TB01 and TB21 of the Management Development Delivery Local Plan 2014.

##### **2) Harm to the character of the area**

By virtue of the intensified activity associated with the change of use to retail and the increased bulk closer to New Bath Road, the harm to the character and spatial openness of the Green Belt and countryside is contrary to Section 13 of the National Planning Policy Framework 2021, Policies CP1, CP3, CP11 and CP12 of the Core Strategy 2010 and Policies TB01 and TB21 of the Management Development Delivery Local Plan 2014.

##### **3) Lack of employment skills plan**

In the absence of a legal agreement, the proposal does not make provision for an employment skills plan, contrary to Policy TB12 of the Managing Development Delivery Local Plan 2014.

#### **Informatives**

##### **1) Refused plans**

This decision is in respect of the plans numbered M07.188.D.017 Rev K, M07.188.D.018 Rev D, M07.188.D.023 Rev K, M07.188.D.024 Rev H, M07.188.D.025 Rev G, M07.188.D.026 Rev B, M07.188.D.027 Rev I, M07.188.D.029

Rev E, M07.188.D.030 Rev B, M07.188.D.031, RSE\_5316\_BIA Proposed Rev V1 and RSE\_5316\_BIA Baseline Rev V1, received by the Local Planning Authority between 17 December 2021 and 5 January 2022.

## 2) Discussion

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, pre-application advice was sought and some discussion took place in trying to find a solution, but no solution was possible on account of the unacceptable nature of the principle of development.

### PLANNING HISTORY

App No.	Description	Decision/Date
03604	Erection of glasshouses	Approved 15 December 1976
39618	Demolition of glasshouses and replacement with polytunnels and barn	Approved 2 September 1993
F/1995/63187	Erection of barn for horticultural use	Approved 27 September 1996
F/1997/66297	Erection of several greenhouses for horticultural use	Approved 3 November 1997
F/2001/4820	Erection of barn, offices, glasshouses and toilet block	Withdrawn 6 November 2001
F/2001/5225	Erection of glasshouses and toilet block with office and staff room	Approved 9 January 2002
F/2002/7504	Erection of one detached dwelling	Approved 22 January 2003
F/2003/0195	Construction of basement below the detached dwelling	Refused 5 November 2003
A/04/1136843	Appeal against refusal of F/2003/0195	Upheld 23 July 2004
F/2003/8706	Erection of building for Class A1 use (retail) with a floor area of 195m <sup>2</sup>	Refused 28 April 2003
F/2004/2238	Erection of building of 180m <sup>2</sup> for retailing of pet foods and accessories	Refused 27 August 2004
F/2007/0225	Change of use of barn to farm shop (retail)	Approved 25 May 2007
A/07/2054755	Appeal against Condition 5 of F/2007/0225 (produce is to be within a 10-mile radius)	Upheld 23 April 2008
F/2007/0226	Change of use of display area to a restaurant (156m <sup>2</sup> ) with 80 covers	Refused 23 April 2007
F/2007/1428	Change of use of display area to café/coffee shop with dry goods storage.	Refused 27 July 2007
A/07/2054755	Appeal against refusal of F/2007/1428	Upheld 23 April 2008
A/2007/2038	Retrospective approval for four free standing advertisement signs	Part approved/ refused 17 October 2007
F/2008/0038	Change of use from 2200m <sup>2</sup> floor area of the glasshouses to retail sales and display (A1)	Refused 20 March 2008
F/2008/2295	Extension to farm shop to provide butchery (part retail)	Approved 2 February 2009

<b>App No.</b>	<b>Description</b>	<b>Decision/Date</b>
03604	Erection of glasshouses	Approved 15 December 1976
A/2008/0444	Two freestanding sign boards (one double sided)	Approved 24 April 2008
F/2008/2766	Conversion of basement in bungalow to one unit of residential accommodation.	Refused 10 March 2009
A/09/2104930	Appeal against refusal of F/2008/2766	Dismissed 2 September 2009
F/2011/0648	Redevelopment of horticultural site including increase in retail space, replacement buildings, revised parking and landscaping	Refused 19 December 2011
A/12/2171958	Appeal against refusal of F/2011/0648	Withdrawn 7 November 2012
F/2011/2117	Two display conservatories	Refused on 28 November 2011
CLE/2014/1462	Certificate of existing lawful development for sale of retail goods	Refused 31 March 2015
152747	Change of land and building to play area and recreational farm	Declined to determine
152748	Change of use of part of existing building to retail	Declined to determine
160677	Certificate of existing lawful development for sale of retail goods	Refused 13 May 2016
171478	Four non-illuminated free-standing boards	Approved 7 July 2017
173316	Temporary CoU of part glasshouse and outdoor area to retail sales	Declined to determine
W/18/3193969	Appeal against non-determination of 173316	Upheld 14 March 2019
172850	CoU of part glasshouse and outdoor area to retail sales	Declined to determine
172161	Variation of F/2008/2295 for use of farm shop as fishmonger as well as butchery	Approved 4 September 2017
191517	Canopy and support struts to farm shop	Refused 5 September 2019
191518	Expansion of café floor area	Refused 10 September 2019
191520	Extension of car park, use of service yard for all uses and mobile dinosaur	Approved 10 September 2019
191519	Use of a greenhouse as a residential timber store	Approved 17 September 2019
192841	Replacement advertising signage	Approved 21 November 2019
192912	Change of use of land for storage of cars	Withdrawn 15 January 2020
192018	CoU of three existing nursery glasshouses into events area relating to existing nursery	Approved 11 March 2020
192841	Two illuminated entrance boards and three illuminated boards	Approved 21 November 2019
201047	Temporary (3 years) change of use to house Quirks' Animal Roadshows Exotic Animals	Approved 23 June 2020

<b>App No.</b>	<b>Description</b>	<b>Decision/Date</b>
03604	Erection of glasshouses	Approved 15 December 1976
201693	Replacement greenhouse with café kitchen, butcher storage and public toilets	Approved 10 September 2020
201777	Two canopies and AC unit supports to the farm shop and a CoU of outdoor plant storage for use as an outdoor café seating area	Approved 16 September 2020
203533	Five non illuminated banner signs	Approved 9 February 2021
211084	CoU of greenhouse from horticulture to exhibition space for display of National Collection of Hawthornia and other plans	Approved 11 August 2021
211085	Application to vary condition 1 of 192018 to extend temporary permission for two years	Approved 11 August 2021
211086	Continued use of existing sales area in 173316 and CoU to include additional sales	Approved 11 August 2021
A/21/3282720	Appeal against condition in 211085	Not yet commenced
A/21/3287734	Appeal against condition in 211086	Not yet commenced

### **SUMMARY INFORMATION**

Note: Due to the scale of the site and the variable condition and location of buildings, there is variance between the applicant's figures and the Council's figures. Nothing in the assessment turns on this aspect.

	<b>Existing</b>	<b>Proposed</b>
Site Area	2.85 hectares (current site)	3.57 hectares (includes fields to the south)
Land use	Mixed use with horticultural origins (includes farm shop, retail, café and other uses)	Retail garden centre with ancillary uses
Floorspace	9,973m <sup>2</sup> (applicant's figure) 11,190m <sup>2</sup> (Council's figure)	4,154m <sup>2</sup> (applicant's figure) 5,050m <sup>2</sup> (Council's figures)
External space	3,557m <sup>2</sup> (applicant's figure) 4,260m <sup>2</sup> (Council's figure)	2,000m <sup>2</sup> (applicant's figure - retail only)
Employment	32 FTE (12 FT and 20 PT)	69 FTE (25 FT and 44 PT)
Car parking spaces	201 (plus unimplemented approval for 40)	192 (with overflow area of 91)

### **CONSULTATION RESPONSES**

<b>Internal</b>	
Drainage	No objection.
Highways	No objection, subject to conditions relating to provision of car parking and turning, EV charging, parking management, delivery servicing, cycle parking, lighting, Travel Plan and pedestrian and vehicle access.
Ecology	Although there are departures with respect to calculations of biodiversity net gain, there is still a satisfactory biodiversity net gain for the site and subject to conditions, no objection is raised.
Trees and Landscaping	No objection, subject to further details relating to woodland planting, play equipment and allotment treatments by condition.

	The proposed species in the woodland planting is opposed as noted in paragraph 106.
Employment Skills	No objection, subject to employment skills provisions secured by legal agreement.
Environmental Health	No objection.
Growth and Delivery	No objection to the consideration of the sequential test and retail impact assessment.
Economic Prosperity	No comments received.
<b>External bodies</b>	
Thames Water	No objection.
Thames Valley Police	No in-principle objection, subject to further details relating to external lighting and CCTV, as required by condition.
Natural England	No objection.
Fire and Rescue	No objection, subject to observations.
Environment Agency	No comments received.
National Grid	
Southern Gas	
SEE Power	
Wildlife Trust	No comments received.

<b>REPRESENTATIONS</b>	
Wargrave Parish Council	No objection, subject to improved visibility splay to the right of the existing access. <u>Officer comment:</u> The Council's Highways Officer has agreed that the sightlines at the entrance are satisfactory. Refer to paragraph 96.
Ward Members	No ward member representations were received. However, two members from adjacent or nearby wards have written in support.  Cllr Lindsay Ferris (member for neighbouring ward of Twyford) supports the application, noting the following comments: <ul style="list-style-type: none"> <li>• Improvements to the site</li> <li>• Increased biodiversity</li> <li>• Supportive of the Council's climate emergency</li> <li>• Suitable use in the Green Belt</li> <li>• Improved services</li> </ul> Cllr David Hare (member for Hawkedon) supports the application, noting the following comments: <ul style="list-style-type: none"> <li>• Will enable continued community support</li> <li>• Improved openness</li> </ul> <u>Officer comment:</u> The above points form part of the planning balance consideration at paragraph 133-139.
Neighbours	The application was consulted to neighbours, a site notice was installed and an advertisement placed in the local paper, advising of the consultation period to 2 February 2022. In addition to the two ward member submissions noted above, 379 submissions of support were received and one submission against.

**Support**

- 1) 1 Berrylands Road, Caversham RG4 8NU
- 2) 1 Chittering Close, Lower Earley RG6 4BE
- 3) 1 Clifton Rise, Wargrave RG10 8BN
- 4) 1 Cumberland Drive, Bracknell RG12 2PJ
- 5) 1 Fontwell Drive, Reading RG30 4QR
- 6) 1 Grassy Lane, Maidenhead SL6 6AU
- 7) 1 Harvest Place, Wargrave RG10 8AQ
- 8) 1 Hill Cottages, Milley Lane, Hare Hatch RG10 9TJ
- 9) 1 Ilex Close, Sonning Common RG4 9LG
- 10) 1 Maple Bank, Ruscombe RG10 9AZ
- 11) 1 Mendip Close, Charvil RG10 9QE
- 12) 1 Royal Station Court, Station Road, Twyford RG10 9NF
- 13) 1 Snowdrop Grove, Winnersh RG41 5UP
- 14) 1 Stephenson Close, Twyford RG10 9FG
- 15) 1 Sycamore Drive, Twyford RG10 9HP
- 16) 10 Ashbourne Grove, Maidenhead SL6 3ER (x3)
- 17) 10 Cromwell Road, Maidenhead SL6 6BJ
- 18) 10 Pembroke Place, Caversham RG4 5HU
- 19) 10 Spruce Road, Woodley RG5 4BB (x3)
- 20) 10 The Hedgerows, Woodley RG5 3BQ
- 21) 10 Woodfield Court, Woodley RG5 4JE
- 22) 10 Woodmere Close, Earley RG6 5QU
- 23) 10 Yew Tree Way, Woodley RG5 4FF
- 24) 105 Fleetham Gardens, Lower Earley RG6 4BZ
- 25) 105 The Hawthorns, Charvil RG10 9TT
- 26) 106 Pinkneys Road, Maidenhead SL6 5DN
- 27) 108 Galsworthy Drive, Caversham RG4 6PP
- 28) 108 Highfield Park, Wargrave RG10 8LE
- 29) 11 Herald Way, Woodley RG5 4PB (x2)
- 30) 11 Kibblewhite, Twyford RG10 9AX
- 31) 11 Rock Farm Lane, Sandford On Thames OX4 4YL
- 32) 11 St Bartholomews Road, Reading RG1 3QA
- 33) 11 Tamarisk Rise, Wokingham RG40 1WG (x3)
- 34) 11 The Hawthorns, Charvil RG10 9TS
- 35) 11 Thistleton Way, Lower Earley RG6 3BD
- 36) 111 Howth Drive, Woodley RG5 3DJ
- 37) 116 Broomhill, Cookham SL6 9LQ
- 38) 12 Bayliss Road, Wargrave RG10 8DR (x3)
- 39) 12 Bramber Mews, Caversham RG4 6NN
- 40) 12 Chiltern Drive, Charvil RG10 9QF
- 41) 12 Corbett Gardens, Woodley RG5 4JY
- 42) 12 Maiden Erlegh Drive, Earley RG6 7HP
- 43) 12 Malvern Way, Twyford RG10 9PX
- 44) 12 Northbury Avenue, Ruscombe RG10 9LG
- 45) 12 Sunderland Close, Woodley RG5 4XR (x3)
- 46) 12 Tiverton Close, Woodley RG5 3BE
- 47) 12 Weavers Way, Twyford RG10 9GX
- 48) 120 Barkham Road, Wokingham RG41 2RP
- 49) 127 St Saviours Road, Reading RG1 6EP
- 50) 14 Greenacres Avenue, Winnersh RG41 5SX

	51) 14 Manners Road, Woodley RG5 3EA
	52) 14 Rothwell Gardens, Woodley RG5 4TJ
	53) 14 Wessex Gardens, Twyford RG10 0AY
	54) 142 Antrim Road, Woodley RG5 3NZ
	55) 143 Broad Hinton, Twyford RG10 0XJ
	56) 15 Eynsham Close, Woodley RG5 4LF (x3)
	57) 15 Foxes Walk, Charvil RG10 9TX
	58) 15 Orpington Close, Twyford RG10 0AD
	59) 15 Plover Close, Wokingham RG41 3JD
	60) 15a Braybrooke Road, Wargrave RG10 8DU
	61) 16 Church End Lane, Tilehurst RG30 4UT
	62) 16 Milton Road, Wokingham RG40 1DB
	63) 16 Orchard Estate, Twyford RG10 9JY
	64) 16 Orwell Drive, Arborfield Green RG2 9US
	65) 16 Radcot Close, Woodley RG5 3BG
	66) 16 Rosedale Crescent, Earley RG6 1AS
	67) 16 Sandhills Way, Calcott RG31 7PQ
	68) 16 Spring Meadow, Bracknell RG12 2JP
	69) 16 The Hydes, Tilehurst RG316GD
	70) 160 Broad Hinton, Twyford RG10 0XH
	71) 162 Victoria Road, Wargrave RG10 8AJ (x2)
	72) 169 Pitshanger Lane, London W5 1RQ
	73) 17 Budes Road, Wokingham RG40 1PL
	74) 17 Bythorn Close, Lower Earley RG6 3BH
	75) 17 Hollins Walk, Reading RG30 2BU
	76) 17 Home Farm Close, Reading RG2 7TD
	77) 17 Spruce Road, Woodley RG5 4BB
	78) 177 Broad Hinton, Twyford RG10 0XA
	79) 18 Butts Hill Road, Woodley RG5 4NH
	80) 18 Church View, White Waltham SL6 3JQ
	81) 18 Gingells Farm Road, Charvil RG10 9DJ
	82) 18 Lismore Close, Woodley RG5 3RT
	83) 18 Lowfield Road, Caversham RG4 6PA
	84) 18 Oaklands, Bulmershe Road, Reading RG1 5RW
	85) 18 Orchardville, Burnham Village SL17BD
	86) 184 Victoria Road, Wargrave RG10 8AJ (x2)
	87) 19 Elizabeth Court, Victoria Road, Wargrave RG108BP
	88) 19 Fern Drive, Taplow SL6 0JS
	89) 19 Moor Copse Close, Earley RG6 7NA
	90) 19 Saxon Close, Wallingford OX10 0SR
	91) 19 THornbers Way, Charvil RG10 9DW
	92) 196 Kingfisher Drive, Woodley RG5 3LQ (x5)
	93) 198 Kingfisher Drive, Woodley RG5 3LH
	94) 2 Allenby Road, Maidenhead SL6 5BB
	95) 2 Chaffinch Close, Wokingham RG41 3HN
	96) 2 Cheviot Drive, Charvil RG10 9QD
	97) 2 Corby Close, Woodley RG5 4TL
	98) 2 Denmark Avenue, Woodley RG5 4RS
	99) 2 Diamond Cottages, Warren Row RG10 8QT
	100) 2 Greenwood Grove, Wokingham RG41 5LH
	101) 2 Headley Close, Woodley RG5 4SF
	102) 2 Nursery End, Whistley Green RG10 0ED



103)	2 Old Bath Road, Charvil RG10 9QR
104)	2 Seymour Place, 36 Warwick Road, Beaconsfield HP9 2PE
105)	2 Twynham Road, Maidenhead SL6 5AS
106)	20 Lower Armour, Tilehurst RG31 6HH
107)	20 Bass Mead, Cookham SL6 9DJ
108)	20 Ravensbourne Drive, Woodley RG5 4LH
109)	20 Ridgeway, Wargrave RG10 8AS
110)	21 Capercaillie Close, Bracknell RG12 8AX (x2)
111)	21 Dowding Close, Woodley RG5 4NL
112)	21 Hearne Drive, Holyport SL6 2HZ
113)	21 High Street, Wargrave RG10 8BU
114)	21 Nelson Road, Caversham RG4 5AT
115)	21 St Michael's Court, Ruscombe RG10 9UF
116)	212 Wensley Road, Coley Park RG1 6DP
117)	22 Meadow Road, Wokingham RG41 2TD
118)	22 Palmerstone Road, Earley RG6 1HL
119)	22 The Croft, Maidenhead SL6 4BA
120)	22 Vauxhall Drive, Woodley RG5 4DU
121)	23 Derwent Close, Wokingham RG41 3UD
122)	23 Summer Field Close, Wokingham RG41 1PH
123)	23 Telford Crescent, Woodley RG5 4QT
124)	24 Bellway, Woburn Sands MK17 8UG
125)	24 Chiltern Crescent, Earley RG6 1AN
126)	24 Wentworth Crescent, Maidenhead SL6 4RW
127)	25 Victoria Road, Wargrave RG10 8AD
128)	26 Pound Lane, Sonning RG4 6XE
129)	27 Edgcumbe Park Drive, Crowthorne RG45 6HU (x2)
130)	27 Patten Ash Drive, Wokingham RG40 1SH
131)	27 Pitts Lane, Earley RG6 1BX
132)	27 Telford Crescent, Woodley RG5 4QT
133)	27 Wessex Way, Maidenhead SL6 3BP
134)	28 Anthian Close, Woodley RG5 4XA
135)	28 Burnside Road, West Bridgford NG2 7HW
136)	28 Jarvis Drive, Twyford RG10 9EW
137)	28 New Road Twyford RG10 9PT
138)	282 Kidmore Road, Caversham RG4 7NF
139)	29 Oxford Avenue, Burnham SL1 8HR
140)	29 Paddock Heights, Twyford RG10 0AP (x2)
141)	29 Winchcombe Road, Twyford RG10 0AS (x3)
142)	3 Gables Close, Maidenhead SL6 8QD
143)	3 Humber Close, Fareham PO14 3RH
144)	3 Kingfisher Court, Twyford RG10 0BD (x2)
145)	3 Newfield Road, Sonning Common RG4 9TB
146)	3 Skilton Road, Tilehurst RG31 6SA (x3)
147)	3 Strand Way, Lower Earley RG6 4BU
148)	3/57-59, West End Road, Morecambe LA4 4DR
149)	30 All Saints Avenue, Maidenhead SL6 6NA
150)	30 Faygate Way, Lower Earley RG6 4DA
151)	30 Hurst Road, Twyford RG10 0AJ
152)	30 Manor Road, Wokingham RG41 4AH
153)	30 New Road, Twyford RG10 9PT
154)	30 Park View Drive South, Charvil RG10 9QX

155)	30 Rushington Avenue, Maidenhead SL6 1BZ (x3)
156)	31 Bideford Close, Woodley RG5 3SE
157)	31 Hurst Road, Twyford RG10 0AG
158)	31 New Road, Ruscombe RG10 9LN (x4)
159)	32 Furze Platt Road, Maidenhead SL6 7NN (x2)
160)	32 Northumberland Avenue, Reading RG2 7PW
161)	33 Finmere North Lake, Bracknell RG12 7WF
162)	33 Hermitage Drive, Twyford RG10 9HT
163)	33 Hermitage Drive, Twyford RG10 9HT
164)	33 Loxwood, Earley RG6 5QZ
165)	33 Telford Crescent, Woodley RG5 4QT
166)	34 Beechwood Avenue, Woodley RG5 3DG
167)	34 Huntingdon Close, Lower Earley RG6 3AB
168)	34 Hurst Park Road, Twyford RG10 0EY
169)	34 Norden Road, Maidenhead SL6 4AY (x2)
170)	35 Carrick Gardens, Woodley RG5 3JD
171)	35 Grange Road, Bracknell RG12 2HY
172)	35 Lawrence Road, Tilehurst RG306BH
173)	35 Loosen Drive, Maidenhead SL6 3UT (x2)
174)	36 Orchard Avenue, Sonning Common RG4 9LT
175)	36 Wessex Gardens, Twyford RG10 0AY (x5)
176)	37 Barn Drive, Maidenhead SL6 3PR (x3)
177)	37 Fountains Garth, Bracknell RG12 7RH
178)	37 Nightingale Road, Woodley RG5 3LS
179)	37 Ravensboure Drive, Woodley RG5 4LH
180)	38 Badminton Road, Maidenhead SL6 4QT
181)	38 Bodmin Road, Woodley RG5 3RZ
182)	38 Millbank Crescent, Woodley RG5 4ER
183)	38 The Drive, Earley RG6 1EG
184)	39 Kidmore End Road, Enmer Green, Reading RG4 8SN (x2)
185)	39 Lees Gardens, Maidenhead SL6 4NN (x2)
186)	39 Wroxham, Bracknell RG12 8QP
187)	4 Avery Close, Wokingham RG40 5QY
188)	4 Cherington Gate, Maidenhead SL66RU
189)	4 Corby Close, Woodley RG5 4TL
190)	4 Fallowfield Close, Enmer Green RG4 8NQ
191)	4 Hazel Close, Marlow SL7 3PW
192)	4 Lawrence Court, The Grove, Twyford RG10 9JQ
193)	4 Mulberry Close, Twyford RG10 0GJ
194)	4 Springfield Park, Twyford RG10 9JH
195)	4 Tallis Lane, Reading RG30 3EB
196)	40 Western Avenue, Woodley RG5 3BH
197)	42 Braybrooke Road, Wargrave RG10 8DT
198)	42 Orchard Aven Woodham KT15 3EA
199)	43 Academy House, Woolf Drive, Wokingham RG40 1EZ
200)	43 Ridgeway, Wargrave RG10 8AS
201)	43 Swanpool Street, Falmouth TR11 3HT (x2)
202)	43 Woodlands Avenue, Woodley RG5 3HN
203)	44 Palmers Close, Maidenhead SL6 3XF
204)	44 Purfield Drive, Wargrave RG10 8AR
205)	45 School Close, Downley HP13 5TR
206)	46 Ashton Road, Wokingham RG41 1HL

207)	47 Colleton Drive, Twyford RG10 0AU
208)	47 Eastfield Road, Burnham SL1 7EL
209)	47 Fidlers Walk, Wargrave RG10 8BA (x2)
210)	479 Basingstoke Road, Reading RG2 0JG
211)	48 Kibblewhite Crescent, Twyford RG10 9AX (x2)
212)	49 Wessex Gardens, Twyford RG10 0BA
213)	5 Chalcraft Close, Henley-On-Thames RG9 1QZ
214)	5 Jack Court, 63 Rosemary Lane, Blackwater GU17 0LS
215)	5 Kennedy Gardens, Earley RG6 5RN
216)	5 Oak Way, Woodley RG5 3QS (x2)
217)	5 Spencer Close, Goring RG8 0DW
218)	5 Sycamore Drive, Twyford RG10 9HP
219)	5 Wessex Gardens, Twyford RG100BA
220)	50 Fidlers Walk, Wargrave RG10 8BA
221)	51 Fidlers Walk, Wargrave RG10 8BA (x2)
222)	51 New Road, Bourne End SL8 5BT
223)	53 Lillibrooke Crescent, Maidenhead SL63XJ
224)	53 Ridgeway, Wargrave RG10 8AS
225)	56 Millbank Crescent, Woodley RG5 4ER
226)	56 The Hawthorns, Charvil RG10 9TS (x2)
227)	57 Antrim Road, Woodley RG5 3NY
228)	57 Derwent Drive, Maidenhead SL6 6LE
229)	57 Orchard Estate, Twyford RG10 9LA
230)	574 Wokingham Road, Earley RG6 7JD
231)	59 Colemansmoor Lane, Woodley RG5 4BT
232)	59 Mays Close, Earley RG6 1JY
233)	59 Mays Close, Earley RG6 1JY
234)	6 Greenhow, Bracknell RG12 7RJ
235)	6 Grenadier Close, Shinfield RG2 9EZ
236)	6 Hurricane Way, Woodley RG5 4UX
237)	6 Kennedy Close, Maidenhead SL6 4RL
238)	6 Longcross Road, Longcross KT16 0DJ
239)	6 Melody Close, Wokingham RG41 5LJ
240)	6 Paddick Close, Sonning RG4 6XQ
241)	6 Yewhurst Close, Twyford RG10 9PW (x2)
242)	60 Pennfields, Ruscombe RG10 9BG (x2)
243)	62 Oakley Road, Caversham RG4 7RN
244)	62 The Hawthorns, Charvil RG10 9TS
245)	63 Falstaff Avenue, Earley RG6 5TG
246)	64 High Street, Wargrave RG10 8BY
247)	64 Roslyn Road, Woodley RG5 3HS
248)	64 Westleigh Drive, Sonning Common RG4 9LB
249)	65 New Wokingham Road, Crowthorne RG45 6JG
250)	66 Beechwood Avenue, Woodley RG5 3DG
251)	66 Carisbrooke Avenue, Fareham PO14 3PR
252)	68 Frensham Road, Crowthorne RG45 6QH (x2)
253)	69 Ashbrook Road, Old Windsor SL4 2NE
254)	69 Farm Road, Maidenhead SL6 5JB
255)	7 Alben Road, Binfield RG42 4HU
256)	7 Altwood Bailey, Maidenhead SL6 4PQ (x2)
257)	7 Arnside Close, Twyford RG10 9BS
258)	7 Pound Lane, Sonning RG4 6XD

259)	7 Reading Road, Woodley RG5 3DA (x2)
260)	7 Sussex Gardens, Woodley RG5 4JN
261)	7 The Copse, Wargave RG10 8AU
262)	7 Walnut Tree Close, Ruscombe RG10 9PF
263)	71 Pound Lane, Sonning RG4 6XD
264)	71 Antrim Road, Woodley RG5 3NY (x2)
265)	72 Arundel Road, Woodley RG5 4JT
266)	75B Wargrave Road, Twyford RG10 9PD
267)	77 Springfield Park, Twyford RG10 9JG
268)	77 Vale Farm Road, Woking GU21 6DN (x2)
269)	78 Broadwater Road, Twyford RG10 0EU
270)	78 Reading Road, Woodley RG5 3AD (x2)
271)	8 Bathurst Road, Winnersh RG41 5JB
272)	8 Bayliss Road, Wargrave RG10 8DR (x2)
273)	8 Link Way, Arborfield Cross RG2 9PD
274)	8 Mallard Close, Twyford RG10 0BE (x2)
275)	8 Morton Place, Theale RG7 5QW
276)	8 Munro Avenue, Woodley RG5 3QY
277)	8 Northbrook Road, Caversham Park RG4 6PW
278)	8 Ribstone Road, Maidenhead SL6 3HJ
279)	8 Tiggall Close, Earley RG6 7ES
280)	80 Elm Road, Earley RG6 5TR
281)	83 Windrush Way, Maidenhead SL6 8AP
282)	84 Loddon Bridge Road, Woodley RG5 4AN
283)	86 Acorn Drive, Wokingham RG40 1EQ
284)	88 Woodward Close, Winnersh RG41 5UU
285)	9 Delmeade Road, Chesham HP5 1JS
286)	9 Dunnock Way, Wargrave RG10 8LR
287)	9 Fitzroy Crescent, Woodley RG5 4EU (x3)
288)	9 Mansfield Road, Wokingham RG41 2TP
289)	9 Orchard Estate, Twyford RG10 9JY
290)	9 Paddock Heights, Twyford RG10 0AP
291)	9 Tiverton Close, Woodley RG5 3BE (x3)
292)	9 Victoria Way, Reading RG1 3HD
293)	94 Eastern Avenue, Reading RG1 5SF
294)	94 Linden Road, Reading RG2 7EH
295)	96A London Road, Ruscombe RG10 9HH
296)	98a The Brow, Waterlooville PO7 5DA
297)	99 Beechmount Avenue, Hanwell W7 3AF
298)	Anonymous
299)	Antibes, Ridge Close, Woking GU22 0PU
300)	April Cottage, 13 Butts Hill Road, Woodley RG5 4NJ
301)	Ashingdon, School Road, Hurst RG10 0DR
302)	Ashley View, Star Lane, Knowl Hill RG10 9XY
303)	Badgers Rise, Woodley RG5 3AJ (no number supplied)
304)	Bartholomew House, 38 London Road, Newbury RG14 1JX
305)	Bear Place Farm, Blakes Lane, Hare Hatch RG10 9TA
306)	Beverley Gardens, Wargrave RG10 8ED (no number supplied)
307)	Bints Farm, Dunsden Green RG4 9QG
308)	Black Gables, 22 East View Road, Wargrave RG10 8BH
309)	Bowsey Hill House, Bowsey Hill, Wargrave RG10 8QJ
310)	Bramble Cottage, Star Lane, Knowl Hill RG10 9XY

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|------|--|
| 311) | Bridleways, Munday Dean Lane, Marlow SL7 3BU (x2)                              |
| 312) | Broad Oak, Old Honey Lane, Hurley SL6 5LW                                      |
| 313) | Carisbrooke Avenue, Fareham PO14 3PR (no number supplied)                      |
| 314) | Cheriton Avenue, Twyford RG10 9DB (no number supplied)                         |
| 315) | Choke Lane, Cookham SL6 6PL (no number supplied)                               |
| 316) | Church Farm, Milley Road, Waltham St. Lawrence RG10 0JD                        |
| 317) | Clear View Cottage, Whistley Green RG10 0DU                                    |
| 318) | Colleton Drive, Twyford RG10 0AX (no number supplied)                          |
| 319) | Courtlands Lodge, 35a Saint Peters Avenue, Caversham RG4 7DH                   |
| 320) | Crantock, 102 London Road, Ruscombe RG10 9HH                                   |
| 321) | Cutbush Commercial, Cutbush Lane East, Shnfield RG2 9AF                        |
| 322) | Dunt Lane, Hurst RG10 0TA (no number supplied)                                 |
| 323) | Farmend, Halls Lane, Waltham St. Lawrence RG10 0JB                             |
| 324) | Ferncroft, Burchett's Green, Maidenhead SL6 3QW                                |
| 325) | Glebe House, Blakes Lane, Hare Hatch RG10 9TD                                  |
| 326) | Greyhome, Farriers Close, Woodley RG5 3DD (x2)                                 |
| 327) | Haddon Drive, Woodley RG5 4LU (no number supplied)                             |
| 328) | Hill Farm Lodge, Shurlock Row, Twyford RG10 0PL                                |
| 329) | Holleys Fine Foods Ltd, Unit C, Poplar Park, Poplar Way East, Bristol BS11 0DD |
| 330) | Hurst Farms, Hurst House, Church Hill, Hurst RG10 0SH                          |
| 331) | Laurel House, Millers Lane, Littlewick Green SL6 3GQ                           |
| 332) | Linden Place, Bath Road, Knowl Hill RG10 9UT                                   |
| 333) | Local Area Ltd, 20 Broad St, Wokingham RG40 1AH                                |
| 334) | Loddon, Loddon Drive, Wargrave RG10 8HL  |
| 335) | Loggers Leap, Hare Hatch RG10 9HW (x2)   |
| 336) | Longfield Road, Twyford RG10 9AT (no house number)                             |
| 337) | Lulworth, Longfield Road, Twyford RG10 9AT                                     |
| 338) | Magnolia, 9 Springfield Place, Twyford RG10 9JG                                |
| 339) | Malvern, Ruscombe Lane, Ruscombe RG10 9JN                                      |
| 340) | Manderhill, Andrew Hill Lane, Hedgerley SL2 3UL                                |
| 341) | McMinn, Weir House, Latimer Road, Chesham HP5 1QJ (x2)                         |
| 342) | Meadow Cottage, Davis Street, Hurst RG10 0TJ                                   |
| 343) | Middle House, School Hill, Wargrave RG10 8DY                                   |
| 344) | Mile Away, Pump Lane North, Marlow SL7 3 <sup>RD</sup>                         |
| 345) | Millwards Cottage, 117 High Street, Wargrave RG10 8DG (x2)                     |
| 346) | Minster Grove, Wokingham RG41 2AP (no number supplied)                         |
| 347) | Mumbery Field House, School Hill, Wargrave RG10 8DY                            |
| 348) | Old Blades, 103 Remenham Lane, Henley On Thames RG9 3DB                        |
| 349) | Park View, 135 Honey End Lane, Reading RG30 4EG (x2)                           |
| 350) | Pax Cottage, Byron Road, Twyford RG10 0AE                                      |
| 351) | Poppy Corner, 25 Concorde Way, Woodley RG5 4NF                                 |
| 352) | Rambler Cottage, Bracken Road, Maidenhead SL6 3EF                              |
| 353) | Riverways Farm, New Bath Road, Twyford RG10 9RY                                |
| 354) | Rose Cottage, Stud Green, Holyport SL6 2JH                                     |
| 355) | Scarletts Close, Scarletts Lane, Kiln Green RG10 9XD                           |
| 356) | Sobraon, 81 Wargrave Road, Twyford RG10 9PE                                    |
| 357) | Spinney Cottage, Rosehill, Henley-On-Thames RG9 3ED                            |
| 358) | Station Road, Wargrave RG10 8EU (no number supplied)                           |

- 359) Stoneycroft, Forest Dale Road, Marlborough SN8 2AS
- 360) Tape Lane, Hurst RG10 0DP (no number supplied)
- 361) The Bungalow, Shurlock Row RG10 0PL
- 362) The Dene, Milley Road, Waltham St. Lawrence RG10 0JT
- 363) The Dutch Barn, Highfield Lane, Crazies Hill RG10 8PU
- 364) The Hollies, Ruscombe Lane, Ruscombe RG10 9JN
- 365) The Lime Tree, 54a Hurst Road, Twyford RG10 0AN
- 366) The Mount, Lines Road, Hurst RG10 0RT
- 367) The Old Police House, Station Road, Twyford RG10 9NG
- 368) The Shrubbery, Milestone Avenue, Charvil RG10 9TN
- 369) The Willows, Knowl Hill Common RG10 9YE (x2)
- 370) The Wishing Well, Bracken Road, Maidenhead SL6 3EF
- 371) Tudor Close, Wokingham RG40 2LU (no number supplied)
- 372) Valentine Crescent, Caversham RG4 5JL (no number supplied)
- 373) Vine House, Coronation Road, Littlewick Green SL6 3RA (x2)
- 374) Wargrave House, School Lane, Wargrave RG10 8AA
- 375) West Hope, Wards Cross, Hurst RG10 0DS
- 376) Windlestone, Bath Road, Littlewick Green SL6 3RQ
- 377) Woodside, 48 Reading Road, Woodley RG5 3DB
- 378) Yewgate Cottage, Remenham Hill RG9 3ES
- 379) The Rt Hon Theresa May MP, Member for Maidenhead

The submissions raised the following comments:

- Development is within the scope of Green Belt legislation
- Will protect the openness of the countryside
- There is already a precedent to allow garden centres in the Green Belt

Officer comment: The proposal does not accord with Green Belt policies in the NPPF as advanced in 'Principle of Development' (paragraphs 29-51). The other garden centres in the area are not viewed as precedents that would justify approval of this application.

- Business adaptation should be encouraged
- Will stimulate local trade and employment
- Need to be on a level playing field with other businesses
- Will allow for a financially sustainable business
- Support for local business
- Business will support the required new homes in the area
- Would complement other businesses by drawing in business

Officer comment: Paragraph 84 of the NPPF supports the growth of rural based businesses but this does not sufficiently override Green Belt policy. A balanced consideration is required and this forms part of the wider planning balance consideration of the application at paragraphs 133-139.

- Other nurseries have changed into chain stores
- Dobbies is an example of big businesses getting rid of small businesses

Officer comment: Whether the operation is run as a chain or a local owner does not form a planning consideration.

- If refused, the site will become derelict

Officer comment: Whilst this scenario is possible, it does not weigh in favour of the proposal.

- Is not an over development of the site
- Plans represent an improvement to a wasted and poorly maintained space
- Café needs an upgrade
- Buildings need to be upgraded
- Plants can be housed in better conditions

Officer comment: There are visual benefits associated with the redevelopment of the site, as noted in comments in 'Principle of Development' (paragraphs 29-51) and 'Character of the Area' (paragraphs 71-84).

- Excellent business
- Well liked business
- Well-loved in the community
- Good range of products
- Provided a good service during lockdown
- They provide a positive community and charitable service
- They provide other extra uses (wildlife, charities, children activities)
- Staff are friendly
- Business is innovative
- Business has valuable expertise
- Café is well attended
- Acts as a community hub
- Business has been helpful during the pandemic
- Independent, family run business and should be supported
- Will re-establish the reputation
- Plants sold here aren't always available elsewhere

Officer comment: It is recognised that Hare Hatch Sheeplands has a positive reputation in the local community and this has been noted in the 2019 appeal decision whereby the community support for the scheme was viewed as one of the very special circumstances. The same approach is applied in assessing this application, as noted in 'Principle of Development' (paragraphs 46-51).

- Playground is positive for children
- Positive for children
- Will encourage growth in gardening
- Facilities are needed in the area
- Will increase diversity and choice
- Outdoor space will benefit mental health

- Valuable asset for the local community
- Allotments will be available for the community

Officer comment: It is noted that the proposal includes facilities that could be utilised by the local community, including fields and children's playground. These benefits weigh in favour of the scheme, as discussed at paragraphs 133-139.

- Hedgerow will provide an ecological corridor
- Woodland barrier is positive element alongside the A4
- Good green credentials with positive biodiversity measures

Officer comment: There are positive biodiversity outcomes associated with the proposal (see paragraphs 116-118) and this weighs in favour of the application in the consideration of the planning balance at paragraphs 133-139.

- Will help the Council meet the climate emergency targets
- Proposes unique ideas, including carbon capture
- Sustainable business with low food miles
- Supports local business and philosophy of being local
- Will support local food production

Officer comment: The sustainability benefits are noted in 'Sustainability' (paragraphs 52-55) and weigh in favour of the scheme, as noted from paragraphs 133-139.

- There is ample parking

Officer comment: The proposal provides sufficient car parking as noted in comments from the Highways Officer at paragraph 90.

- Would assist infrastructure in the area

Officer comment: Any associated improvement to the infrastructure of the surrounding area must account for the principle of such development in the Green Belt. In this case, it is viewed as limited.

- Fair should continue

Officer comment: The existing events fair is subject to a temporary permission and it is the choice of the owner whether any use would form part of any future approval of this application.

- Minimal effect on the borough

Officer comment: This observation has limited relevance to the subject application.

- WBC needs to respect the Crown Court judgement



	<p><u>Officer comment:</u> The judgement is an unrelated consideration for the subject application.</p> <p><b>Objection</b></p> <p>1) 17 Bayliss Road, Wargrave RG10 8DR.</p> <p>The submission raised the following comments:</p> <ul style="list-style-type: none"> <li>• Development has already been refused in 2011 because of car parking and access issues</li> <li>• Inadequate car parking</li> </ul> <p><u>Officer comment:</u> Matters of parking and access are to the satisfaction of the Council's Highways Officer, as noted in paragraphs 89-100.</p> <ul style="list-style-type: none"> <li>• Over development of a green belt site for a nursery</li> <li>• Inappropriate development in the Green Belt</li> </ul> <p><u>Officer comment:</u> The proposal represents inappropriate development in the Green Belt and poses a degree of harm to the openness, as outlined in paragraphs 29-51 and Reason for Refusal 1 and 2.</p> <ul style="list-style-type: none"> <li>• Carbon capture is unjustified, including how much</li> </ul> <p><u>Officer comment:</u> This aspect of the development weighs partly in favour of the application, as discussed in the planning balance at paragraphs 133-139. However, Tree Officer comments at paragraph 106 are of relevance.</p>
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<b>APPLICANTS POINTS (obtained from Conclusion of Planning Statement)</b>	
<p>The proposed development is a carefully considered, high quality rationalisation and enhancement of the existing sites use. It is the culmination of many years of HHS trying find a sustainable and long-term future for the business and site. It is very clear, based on the unique planning history and set of circumstances that have led to this point, that the proposed development is absolutely necessary to ensure this valued community focused business is viable in the long term. The Agricultural Viability Assessment is clear on this point. The site cannot operate successfully on a production basis with only limited retail opportunities. If the uses are limited to those uses the site will fall into dereliction.</p> <p>In this context, what is being proposed is only the minimum required to ensure the business can operate viably, respecting the Green Belt designation of the site. In this regard, it is demonstrated that the site is in mixed use, thus is considered to be Previously Developed Land (PDL) meaning, new buildings can be built on the site as part of a redevelopment scheme, on the proviso that there is no greater impact on the openness of the Green Belt than the existing development.</p> <p>Assessing the impact on the openness of the Green Belt, the site is not considered to be currently contributing to openness of the Green Belt in a meaningful way. Whilst spatial openness will change within the site as will the composition of visual openness,</p>	

the proposed developments-built nature, size and scale will be reduced substantially compared to the existing development.

There will a 58% decrease in building floorspace and 35.61% decrease in building volume. These are significant reductions in both footprint and volume which will vastly improve the sense of openness across the site, by increasing the proportion of the site that is free from development. Where these structures are removed, this will visually and spatially open up the entire southern and western areas of the site in areas that are currently enclosed upon entering the site. An essential characteristic of openness is the 'absence of buildings' and the proposals will therefore clearly enhance the visual openness of the site.

Therefore, there will be a beneficial change in spatial and visual openness and certainly no greater impact on the openness than the existing development, meeting the proviso set out in Green Belt policy.

In addition, the proposed development accords with the Councils policies that control development in countryside; given the established existing mixed land use and fact Garden Centres cannot, by their very nature, be located on land in Towns or Local Centres. They are rural businesses, operating elements of horticulture and related products. The accompanying Retail Impact Assessment demonstrates the development will not have an adverse impact on the vitality or viability of local centres.

It is also demonstrated there will be no adverse landscape, ecological, arboricultural, amenity or transport impacts resultant of the development. The development accords with the Council's relevant development plan policies' in this regard.

What is evident, is that there will be a significant number of social, economic and environmental planning benefits that will flow from the development. These include:

- Removal of poor-quality glasshouse structures and improvement of the built form through a new, high quality and sympathetic sustainable garden centre structure
- Significant landscape and Green Belt improvements
- Significant improvements to environment and a substantial net gain in biodiversity across the site. Through enhanced planting and removal of the glasshouses there will be a 26.44% in habitat biodiversity and monumental 564.22% for hedgerow biodiversity
- Economic benefits to the rural economy through continued local spending;
- Community benefits promoting social cohesion (mix of facilities, retention of café facilities, children's play area, garden to shop allotments for charitable use such as Thrive or other local organisations)
- Employment and training (particularly for young people) in both construction and future operation. There will be an increase in full time equivalent positions from 32 to 69
- Carbon storage woodland adjacent to the A4 to assist the Council with their Climate
- Emergency
- Improved and rationalised parking provision, including EV charge points and accessible spaces; and
- Improved pedestrian connections to the site, via the proposed footpath to the north

Therefore, overall, planning permission should be granted for the development. In this case, as demonstrated in this report, the proposal is considered to accord with the

Councils Development Plan when taken as a whole. It is a sustainable development, with a multitude of planning benefits which weigh heavily in favour of the scheme in the planning balance.

Notwithstanding, should the Council consider that in Green Belt terms the development is 'inappropriate', it is demonstrated in this report that there are indeed 'very special circumstances' (VSC) which outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

These include:

- Significant removal and reduction of poor-quality glasshouse structures and improvement of the built form;
- Significant landscape and Green Belt spatial and visual quality improvements;
- Significant improvements and a substantial net gain in biodiversity across the site;
- Economic benefits to the rural economy and supporting the diversification of a long standing rural business;
- Meeting customer expectations;
- Community Benefits (including a mix of facilities, retention of facilities, children's play area, garden to shop allotments for charitable use such as Thrive or other local organisations);
- Employment and training (particularly for young people);
- Carbon storage woodland adjacent to the A4 to assist the Council with their Climate Emergency;
- Viability and sustainability of the business and land use. The site is not viable for horticultural uses. It cannot operate successfully on a production basis with only limited retail opportunities.
- The ability to compete with other local businesses as was referenced by the 2008 Inspector for the farm shop and café. This is particularly relevant given the competition is being given the competitive edge by the planning system and issuing of CLEUDs elsewhere;
- Enhancing a valued community facility;
- Overwhelming community support for this local business;
- The impact of the Abuse of Process and financial viability on the business; and
- The proposal being the best and most appropriate use for the site in Green Belt terms

Therefore, it is clear if the Council do not agree with the Green Belt assessment, there are VSC that would outweigh any potential harm to the Green Belt by reason of inappropriateness, and any other harm the Council considers results from the proposal. These circumstances, along with the significant social, economic and environmental planning benefits that would arise from the scheme as outlined above, all indicate that there are tangible and demonstrably other material considerations that would outweigh any conflict

<b>PLANNING POLICY</b>		
National Planning Policy Framework 2021	Section 6	Building a Strong, Competitive Economy
	Section 14	Protecting Green Belt Land
	Section 15	Conserving and Enhancing the Natural Environment
Core Strategy 2010	CP1	Sustainable Development
	CP2	Inclusive Communities

	CP3	General Principles for Development
	CP6	Managing Travel Demand
	CP9	Scale and Location of Development Proposals
	CP11	Proposals outside Development Limits
	CP12	Green Belt
Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk
	TB01	Development within the Green Belt
	TB18	Garden Centres and Other Small Rural Units outside Development Limits
Borough Design Guide SPD	TB20	Service Arrangements and Deliveries for Employment and Retail Use
	Section 6	Parking
	Section 7	Non-Residential
	Section 8	Rural and Settlement Edge

## PLANNING ISSUES

### Description of Development

1. The proposal involves the following works:
  - a. Demolition of the existing greenhouses, covered canopies and delivery store and retention of an existing office building, farm shop building and water tank
  - b. Redevelopment of the site to accommodate a change in use from mixed use (including horticultural, café, farm shop and temporary retail) to garden centre
  - c. New main garden centre shop building to the east of the existing farm shop with metal and wood finish, rooflights and solar panels and housing garden items
  - d. Relocated café building to its south, with seating for 250 persons and customer toilets
  - e. Outdoor plant area and covered canopy area to the north of the garden centre shop
  - f. Allotment gardens for charitable purposes and serving the farm shop
  - g. Children's play area and informal recreational field to the southern end of the site comprising play equipment open to general public
  - h. Redeveloped, rearranged and resurfaced car park for 192 vehicles, with an overflow car park to the north for 91 vehicles amongst a proposed managed woodland and a main service yard
  - i. Reconfigured vehicular access to London Road and introduction of pedestrian access to Bath Road
  - j. Associated landscaping and site works, including hedgerow to the boundary

### Description of Site

2. The wider 2.4-hectare site occupies a prominent corner location at the intersection of Bath and London Roads. It comprises a large collection of greenhouses and buildings that comprise a horticultural nursery, farm shop, café (with outdoor seating), retail floorspace, offices and a periodic event space but otherwise appears open and rural, with the buildings having a light and low key appearance. There is also a residential dwelling in the south western corner which has an agricultural/horticultural

occupancy condition, and a car park and service yard within the centre of the site. The surrounding area includes a collection of nurseries and garden centres, with some dwellings and commercial buildings interspersed throughout the surrounding area.

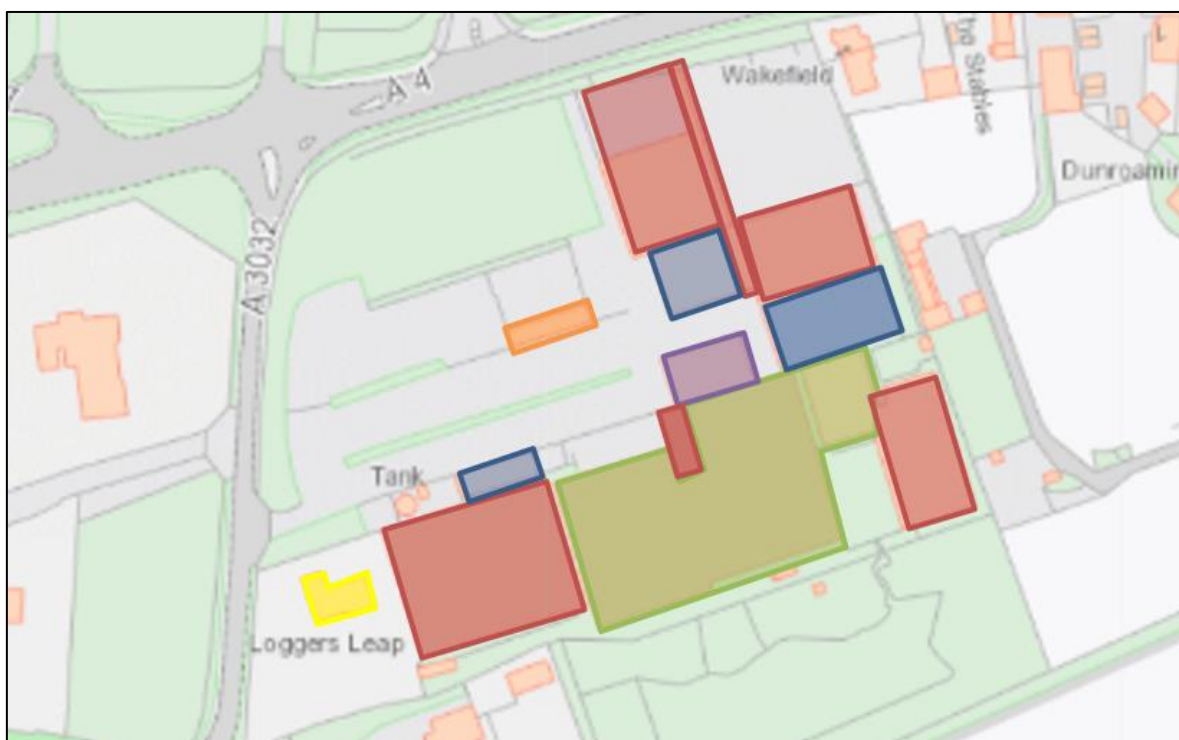
## Site History

### Initial development

3. The Hare Hatch Sheeplands site was originally part of a much larger site on both sides of the Bath Road used for flower growing and known as 'Waterer's Floral Mile'. The original greenhouses were built in 1976 (application 03604). A salad nursery operated until 1987 and a legal agreement restricted sales to natural produce picked from the land with sales from a mobile kiosk as part of pick your own operations run by Twyford Fruit Farms holding. In 1989, a Section 64 determination was issued for use of the site as a containerised tree nursery for sale by wholesale and retail. The site was then disused through to 1992 when purchased by the current owners before reopening to the public in May 1993.

### Expansion of development

4. An agricultural barn and polytunnels were approved in 1993 (application 39618) but not implemented. Condition 7 limited retail sales to trees, shrubs and plants. A new agricultural barn (now the farm shop) was approved in 1996 (F/1995/63187). Condition 6 prohibited retail sales from the barn and Condition 7 limited storage to horticultural goods. Four greenhouses and three covered walkways totalling 5,128m<sup>2</sup> were approved in 1997 (F/1997/66297), with a condition ensuring that the only trees and shrubs to be sold were those grown on site. Two additional glasshouses and an office/toilet block were approved in in 2002 (F/2001/5225). Condition 9 limited the buildings to ancillary to horticultural/agricultural use. At this point, the site remains wholly within horticultural use with restricted retail sales.



Permissions across the site (see table below)

	Permission	Approved	Description
	03604	15/12/1976	Greenhouses for horticultural use
	F/1995/63187	27/09/1996	Barn for horticultural use
	F/1997/66297	3/11/1997	Greenhouses for trees grown on site
	F/2001/5225	9/01/2002	Glasshouses, offices and toilets
	F/2002/7504	22/01/2003	Dwelling house with horticultural tie
	No permission identified		Service yard

5. Of the above permissions, F/2001/5225 requires removal of the building within three years if the horticultural use were to cease within ten years of its first use.

#### Retail uses

6. Since 2002 there has been an incremental change from a wholesale tree nursery to a site that comprises a mixed use far removed from the original tree nursery.
7. **Pet store:** Application F/2003/8706 sought approval for a 195m<sup>2</sup> retail building in the car park operating as a pet shop. It followed the unlawful operation of the pet store from a shipping container on the site for approximately two years. The application was refused on 28 April 2003 because (a) it was inappropriate development and represented loss of openness in the Green Belt and (b) a lack of supporting information relating to traffic and highway safety. Application F/2004/2238 involved a largely identical scheme in the same location. It was refused on 26 August 2004, again because it was inappropriate development and represented loss of openness in the Green Belt. Application 152748 sought approval for 250m<sup>2</sup> of floorspace within the existing greenhouses for use as a pet store. The Council declined to determine the application on 16 January 2016 because there was a current enforcement notice.
8. **Farm shop:** Application F/2007/0225 granted approval for a retail farm shop (with cold store) with a floor area of 445m<sup>2</sup> on 25 May 2007. Condition 5 limited sales to fresh farm produce from farms in a 10-mile radius of the site. Condition 5 was then deleted at appeal on 23 April 2008. Application F/2008/2295, approved 2 February 2009, involved the addition of a butcher with retail floorspace of 94m<sup>2</sup>. A fishmonger was approved on 4 September 2017 as part of variation application 172161. Application 201693 granted approval for an additional 18m<sup>2</sup> of back-of-house space for the butcher within a replacement greenhouse on 10 September 2020 (not yet implemented). Application 201777 granted approval for 7m<sup>2</sup> of outdoor retail space in front of the farm shop on 16 September 2020.
9. **Café:** Application F/2007/0226 sought approval for a 156m<sup>2</sup> café/restaurant. It was refused on 23 April 2007 as (a) it was inappropriate development in the Green Belt in an unsustainable location. Application F/2007/1428 again sought approval for a 280m<sup>2</sup> café. It was refused on 27 July 2007 for the same reason but upheld at appeal on 23 April 2008. Application 201693 granted approval for an additional 33m<sup>2</sup> of kitchen space and toilets for the cafe within a replacement greenhouse on 10 September 2020 (not yet implemented). Application 201777 granted approval for 120m<sup>2</sup> of outdoor seating on 16 September 2020.
10. **Redevelopment as a garden centre:** Application F/2011/0648 involved a change of use of the site to a garden centre similar to what is proposed in the subject application. It involved replacement buildings, a total of 8800m<sup>2</sup> of retail floorspace,



revised parking and additional landscaping. It was refused on 19 December 2011 for the following reasons:

- a. Poor site sustainability
- b. Increase in retail floorspace was inappropriate development in the Green Belt
- c. Loss of openness to the rural setting by virtue of bulk and nature of buildings and hard paving
- d. Retail impact upon Twyford Town Centre
- e. Lack of Flood Risk Assessment
- f. Increased use of substandard access onto London Road

An appeal was withdrawn.



Masterplan for F/2011/0648

11. **Retail shop:** Application F/2008/0038 related to the change of use of 2200m<sup>2</sup> of the existing glasshouses to retail floorspace. It was refused on 2 February 2009 because it was inappropriate development in the Green Belt in an unsustainable location. Certificate application CLE/2014/1462 then sought permission for retail sales across 6225m<sup>2</sup> of the site (3,870m<sup>2</sup> internal, 2,355m<sup>2</sup> external) but it was refused on 31 March 2015 because there was a current enforcement notice. An appeal was dismissed for the same reason on 5 October 2016. Certificate application 160677 sought permission for retail sales across 7,075m<sup>2</sup> of the site (4,155m<sup>2</sup> internal, 2,920m<sup>2</sup> external) but this was refused on 13 May 2016, also because there was an existing enforcement notice.
12. Application 173316 involved a proposal for 500m<sup>2</sup> of retail floorspace (355m<sup>2</sup> internal, 145m<sup>2</sup> external) within the existing greenhouses. It was approved at appeal on 14 March 2019, temporary for three years. A concurrent application 172850 for the same proposal was not determined. Application 211086 approved an additional

180m<sup>2</sup> of external retail floorspace and an extension of the temporary permission for a further two years granted on 11 August 2021 for one year. A condition within that permission is currently subject to appeal and it is yet to be implemented.

13. **Children's play area:** Application 152747 sought permission for a children's play area to 1415m<sup>2</sup> of indoor greenhouses and a recreational farm across 7925m<sup>2</sup> of land to the south of the site. The Council declined to determine the application on 13 January 2016 because there was a current enforcement notice.
14. **Timber store:** Application 191519 granted approval for a 165m<sup>2</sup> of the greenhouse floorspace at the very western end to be used for the residential storage of logs associated with the adjacent dwelling house. It was approved on 17 September 2019.
15. **Service yard:** Application 191520 granted retrospective approval for an additional 40 parking spaces to the north of the existing car park and use of the service bay. It covered a combined external area of 2,780m<sup>2</sup> but with the service area comprising 485m<sup>2</sup> (155m<sup>2</sup> internal, 330m<sup>2</sup> external). It was approved on 10 September 2019.
16. **Events:** Application 192018 granted approval for the dual use of 1490m<sup>2</sup> of the existing greenhouses for events use, temporary until 14 March 2022. Condition 3 limited events to 24 days per year and retail sales were not permitted (though there is dispute on this aspect). An extension of the time period for two years was sought in application 211085 but approved on 11 August 2021 for one year. A condition within that permission is currently subject to appeal and it is yet to be implemented.
17. **Exotic animals:** Application 201047 granted approval for the housing of exotic animals within display cabinets in an area of 110m<sup>2</sup> of existing greenhouses with a separate outdoor exercise area measuring 120m<sup>2</sup>. It was approved on 23 June 2020, temporary for three years.
18. **Exhibition space:** Application 211084 granted approval for 670m<sup>2</sup> of exhibition space for the public display of Hawthornia and other plants. Temporary permission for 3 years was sought but it was approved on 11 August 2021 until 14 March 2023.
19. The following table summarises the various existing uses across the site, temporary or permanent. There is a margin of error between the Council's and applicant's calculations

	Use	First Approved	Floorspace			Notes
			Internal	External	Total	
	Total floorspace		11,190m <sup>2</sup>	4,260m <sup>2</sup>	15,450m <sup>2</sup>	
	Farm shop	2007	557m <sup>2</sup> (5%)	7m <sup>2</sup> (<1%)	564m <sup>2</sup> (4%)	Includes butcher and fishmonger
	Cafe	2008	313m <sup>2</sup> (3%)	120m <sup>2</sup> (3%)	433m <sup>2</sup> (3%)	Includes outdoor seating
	Retail shop	2019	355m <sup>2</sup> (3%)	325m <sup>2</sup> (7%)	680m <sup>2</sup> (4%)	Temporary to March 2023
	Timber store	2019	165m <sup>2</sup> (1%)	0m <sup>2</sup> (0%)	165m <sup>2</sup> (1%)	Dual residential and horticultural use
	Service yard	2019	155m <sup>2</sup> (1%)	330m <sup>2</sup> (7%)	485m <sup>2</sup> (3%)	Shared amongst all uses
	Events	2019	1,490m <sup>2</sup> (13%)	0m <sup>2</sup> (0%)	1490m <sup>2</sup> (10%)	Temporary to March 2023 and 24 days per year



Animals	2020	110m2 (1%)	120m2 (3%)	230m2 (1%)	Temporary to June 2023 and shared with events use
Exhibition	2021	670m2 (6%)	0m2 (0%)	670m2 (4%)	Temporary to March 2023
Non horticultural		3,815m2 (34%)	902m2 (21%)	4,717m2 (31%)	Total of all non-horticultural uses across the site
Horticultural	1976	7,375m2 (66%)	3,358m2 (79%)	10,733m2 (69%)	Includes areas not currently being used for horticulture

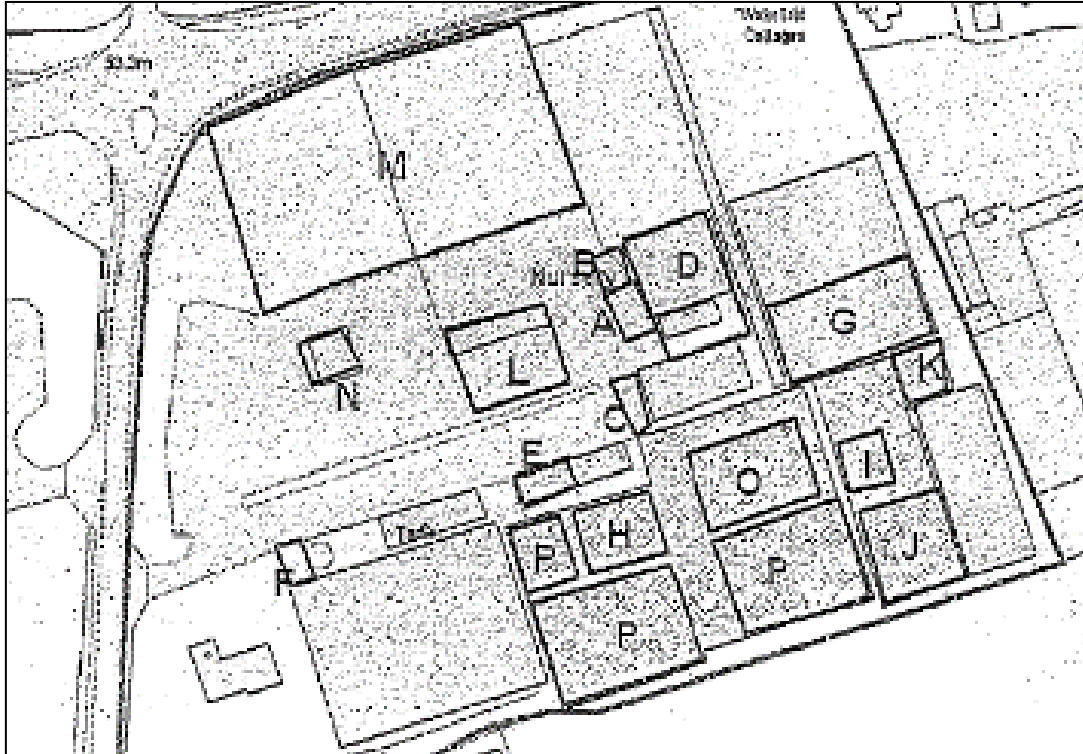


Plan showing non horticultural uses, inclusive of temporary and permanent uses (see table above)

## Enforcement

20. Numerous breaches were identified in 2011 and 2012 including an unauthorised conservatory display building (RFS/2011/00614), laying of hardstanding to provide car parking (RFS/2012/00041), carpet shop (RFS/2012/00127) and unauthorised sale of pet food (RFS/2010/00417). A consolidated enforcement notice addressing these and other matters was served on 25 October 2012 in relation to the following:
- Two display conservatories
  - Container used for solar energy business
  - Retail sale of fish and chips and ice cream
  - Retail sale of items including floor coverings, sweets, giftware in a new building
  - Siting of a container
  - Residential mobile home
  - Retail sale of children's toys, cards, ornaments, luggage and giftware, baguette bar and children's play area within existing glasshouses
  - Retail sale of camping equipment and garden furniture in an existing glasshouse
  - Extension to approved café seating
  - Garden area associated with the coffee shop
  - Children's play area

- l. Storage of vehicles, plant, waste, storage and display or items and depolluting area
- m. Additional hardstanding for overflow car parking
- n. Building used for a pet store
- o. Events arena
- p. Storage associated with retail use



Site plan for 2012 enforcement notice

21. An appeal against the October 2012 notice was withdrawn and following further unauthorised works, the notice was withdrawn and a new enforcement notice was issued, outlining the following breach:

*Without planning permission,*

- 1) *The material change of use of the land from horticulture to a mixed-use comprising horticulture, A1 retail, A3 restaurant/café, D2 children's play facilities and the stationing of a residential mobile home*
- 2) *The construction of hard surfaced areas for car parking and outdoor retail use*
- 3) *The erection of structures for purposes ancillary to the mixed use*

22. An appeal against the 2013 Notice was also withdrawn. Following a failure to comply with the Order, a High Court Injunction was issued on 20 February 2017 requiring compliance with outstanding matters on the enforcement notice and forbidding:

- a. Use of the land for retail, café and/or play area, other than that already approved
- b. Erection of a marquee
- c. Use of the land as a fishmonger or sale of swimming pools, sheds or summer houses
- d. Use for advertising
- e. Stationing for mobile homes
- f. Any other development under Section 55 of the Town and Country Planning Act

23. A two-year suspended sentence was also issued and compliance with the Notice and Order was finally achieved in June 2017. An Abuse of Process finding was also found against the Council as part of the wider proceedings. The Council has sought legal advice and considers that both the injunction and notice remain extant and in force.
24. Since then, unauthorised activities have continued, for example, there were unauthorised car storage in the car park in 2018 (RFS/2018/084428). This has now ceased. More recently, (RFS/2021/086434) alleges that retail floorspace has extended beyond that permitted under approvals 173316 and that events are occurring outside the scope of the planning permission granted in 192018. The investigation is held in abeyance pending determination of this application. Any expansion of the retail floorspace has not influenced the overall consideration of the application.

## **Principle of Development**

### Location within the Green Belt and countryside

25. The site is located outside settlement limits within the Green Belt and the Countryside. Development is ordinarily resisted or restricted by Paragraphs 147-150 of the NPPF, which states that new development in the Green Belt is inappropriate, unless it meets specific exceptions. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
26. Policy CP12 of the Core Strategy and Policy TB01 of the MDD Local Plan state that planning permission will not be granted for inappropriate development and where it is not inappropriate, it must maintain the openness of and not conflict with or harm the purposes of the Green Belt. There is consistency in these policies with the NPPF and so these policies have considerable weight.
27. Policy CP11 of the Core Strategy also does not permit development outside of development limits except if in the case of diverse and sustainable rural enterprises or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside and does not lead to excessive encroachment or expansion of development away from the original buildings; and is contained within suitably located buildings which are appropriate for conversion.
28. The relevant considerations for development in the Green Belt are outlined in Paragraphs 147-150 of the NPPF:

*Whether the proposal would be inappropriate development for the purposes of Section 13 of the NPPF and Development Plan policy*

29. The NPPF states that new buildings/development in the Green Belt are inappropriate by their nature unless they fit into certain exception criteria. Part (g) of paragraph 149 permits *“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary*

*buildings), which would not have a greater impact on the openness of the Green Belt than the existing development...*"

30. For the purposes of this assessment, the proposal involves partial redevelopment as the office building and farm shop building are being retained. The definition of previously developed land is defined in Annex 2 of the NPPF:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."*

31. The crux of the applicant's argument is as follows:

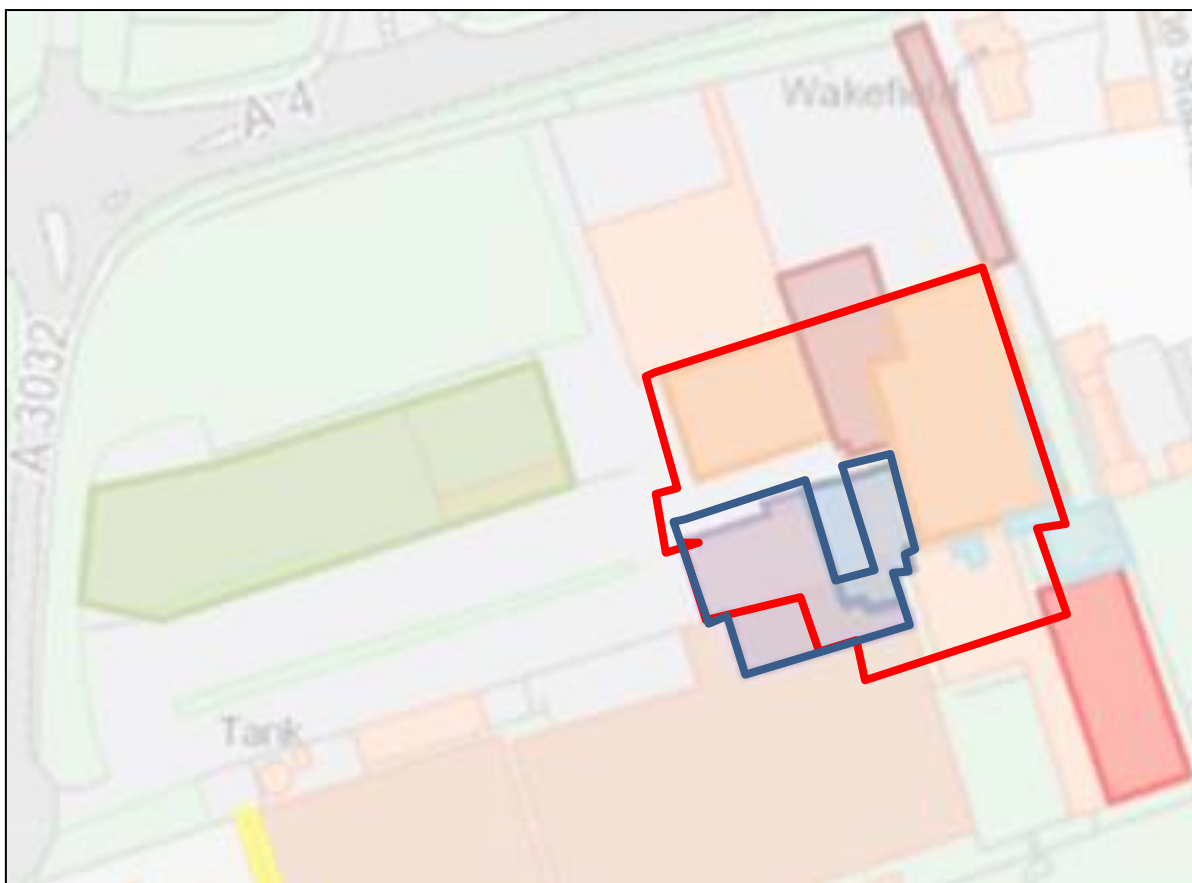
- a) The glasshouses and other structures are permanent structures subject to planning permissions over the years
- b) The site is one planning unit that was originally horticultural but since the granting of the farm shop and café uses and through the years of the 2013 enforcement notice, as a whole, it became mixed or sui generis use and not in sole horticultural (agricultural) use. It is also operated as one business and customers would interpret it as such. To apportion specific uses would be incorrect
- c) This would then render the entire site as previously developed land, with the exception being the fields to the south of the site which are undeveloped
- d) The 2013 enforcement notice does not accurately reflect the site. Even if there is dispute on this point, the replacement building will be sited on the clearly established areas of previously developed land

32. There is also reference to an appeal decision for the redevelopment of a horticultural nursery for residential dwellings at Wheeler Street Nurseries in Witley, Godalming (APP/R3650/W/16/3163050). There are two significant differences in the subject application. The appeal decision relates to a lawful and established retail use (as opposed to a temporary retail use in this application site) on a smaller condensed site of 0.7 hectares (as opposed to 2.7 hectares) and the sole planning permission for the site applied to the entire site, thereby allowing the Inspector to conclude the site was in mixed use.

33. Turning first to the planning unit, in the case of *Burdle v Secretary of State for the Environment* [1972] 1 WLR 1207 Bridge J took the opportunity to set out clear criteria for determining the correct planning unit. He identified three criteria for determining the correct planning unit, which are set out below:

- a) Whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation is considered

- b) Even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another, the entire unit of occupation should be considered
  - c) Where there are two or more physically separate and distinct uses, occupied as a single unit, but for substantially different and unrelated purposes, each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered a separate planning unit
34. A further consideration in identifying the correct planning unit arose in a case, which considered a piece of land which had been divided into small plots for occupation by caravan dwellers. In this case it was held in *Rawlings v Secretary of State for the Environment and Tandridge District Council* (1990) 60 PCR 413 that the selection of the appropriate planning unit was essentially a matter of fact and degree.
  35. In the 2013 enforcement notice, the Council concluded that the site was one planning unit and the same approach has been concluded in recent planning approvals on the site. The Council considers the site is one planning unit.
  36. Dealing then with the use of the site, the same recent planning approvals have recognised that the site is in a mixed use. This is consistent with the findings of the inspector in the 2019 appeal decision for the retail use, where it was concluded that the retail use was not ancillary to the horticultural use but rather, represented a material change of use.
  37. Moving then to whether the site is previously developed land, the definition (quoted in full in paragraph 30) does not include any reference to mixed use sites or, particular to this case, where there is a mixture of horticulture and commercial use. That would allow, therefore, a consideration of land that is or was last occupied by agriculture as distinct from other uses on the site.
  38. Returning to the table and plan of the existing uses at paragraph 19 of this report, about 70% of the site remains in horticultural use, or about 66% of the greenhouses and other buildings and 79% of the outdoor areas (not including the car park or fields). The areas in horticultural use are not previously developed land in line with the exclusion of agriculture (of which horticulture is a form of agriculture) in the NPPF.
  39. Conversely, the areas in non-horticultural use (office building, farm shop and café) are considered as previously developed land. Complicating the situation further is that the existing retail floorspace, events use and exhibition space are all temporary use (until 23 March 2022, extended to 23 March 2023 and also subject to appeal). With respect to the retail floorspace, the intent of the applicant as advanced at the 2019 appeal was that some retail floorspace was needed for a temporary period to enable re-establishment of and reinvestment into the horticultural business. These areas should be excluded from previously developed land because paragraph 149 of the NPPF excludes temporary buildings and by extension, where the definition of previously developed land excludes agricultural buildings, a temporary use should also be excluded. Most but not all of the proposed garden centre building is outside the previously developed land. Almost all of the café building falls outside of previously developed land. This is illustrated in the extract of the plan below with the existing uses in background colour, the outline of the garden centre building in red and the area of previously developed land in blue.



Existing uses with outline of proposed retail and cafe overlayed in red and PDL in blue

40. Because much of the building falls outside of the areas that are considered as previously developed land, and because retail use is proposed then the proposal is inappropriate development. This is consistent with the findings of the inspector at paragraph 20 of the 2019 appeal decision.

*The effect of the proposal on the openness of the Green Belt and Countryside*

41. The NPPF highlights that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
42. Policy TB01 of the MDD Local Plan state that development must maintain the openness of and not conflict with or harm the purposes of the Green Belt. Openness is capable of having both spatial and visual aspects. It can also require consideration of ancillary elements such as traffic generation. Volume wise, there are significant decreases in the footprint and volume of the buildings on the site in the figures provided by the applicant, which are .

<b>Applicant's figures</b>	<b>Footprint</b>	<b>Volume</b>	<b>Height</b>
Existing	9,973m <sup>2</sup>	33,747m <sup>3</sup>	6.5m
Proposed	4,154m <sup>2</sup>	21,726m <sup>3</sup>	6.7m
% increase	-58%	-35%	3%
<b>Council's figures</b>	<b>Footprint</b>	<b>Volume</b>	<b>Height</b>
Existing	11,190m <sup>2</sup>	34,200m <sup>3</sup>	6.5m
Proposed	5,050m <sup>2</sup>	24,264m <sup>3</sup>	6.7m
% increase	-54%	-29%	3%

43. In referencing spatial awareness, the applicant refers to the existing built form of the village of Hare Hatch and the opportunity to enhance openness of the site as part of the proposal. In terms of visual considerations, there is no dispute that there is a reduction of between 29 and 35%.
44. Paragraph 19 of the 2019 appeal decision for the retail floorspace noted the following with respect to openness:

*The proposed sales area would mainly be contained within glasshouses. Whilst permanent these buildings, by virtue of the thin aluminium frames and extensive use of glass, are lightweight in nature and are not of substantial construction. With regard to the smaller outdoor element of the sales area, with the items proposed to be sold there would be a slight reduction in openness. If it is as popular as hoped for the sales area would also make the site busier with noticeably more visitors. This would manifest itself in increased car parking associated with visitors, staff employed in the sales area and more deliveries which would also adversely affect openness. However, the temporary three-year nature of the permission sought lessens the harm to openness that would be caused.*

45. The Transport Statement submitted with the subject application suggests that there will be increased traffic movements on surrounding roads and into the site. There is also anticipated to be additional staff. With a significant increase in retail and café floorspace comes additional deliveries of goods, even when accounting for the benefits of the allotment gardens. Second, as advanced in paragraphs 76-79, whilst the southern and western areas of the site are opened up, there is additional bulk and building height closer to the A4. The permanence and greater impression of bulk that comes with this affects the openness both within the site and from outside. These two aspects render the proposal inappropriate in terms of a consideration of openness.

*If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

46. In the 2019 appeal decision, the Inspector found that a temporary planning permission would be harmful but allowed it on the basis of very special circumstances. The appeal decision notes the following circumstances:
- Customers' expectations, re-building of the nursery, allowing increased range and choice to customers to compete with other surrounding businesses
  - Popularity and value to the community: Numerous letters in support of the proposal
  - Employment: Providing job security for existing employees and three additional FTE positions and positions for younger people
47. The applicant has argued that the proposal is not inappropriate development but has included their own very special circumstances if there is disagreement on this point. These include the following:

- Wholesale removal of poor-quality glasshouse structures and improvement of the built form
- Landscape and Green Belt improvements
- Net gain in biodiversity
- Economic benefits to the rural economy and the diversification of a long-standing rural business
- Enhancing customer expectations
- Community benefits including a mix of facilities and charitable use
- Employment and training (particularly for young people);
- Carbon storage woodland
- Viability and sustainability of an unsustainable existing business and opportunity to compete with local businesses
- Popularity and value to the community
- There are other garden centres in the Green Belt in the borough
- Other less desirable uses may be established in the future, including residential housing, a care home or a food store
- There has been an abuse of process by the Council
- A refusal could result in other negative outcomes or a derelict site through abandonment

48. Some of the aforementioned justification could be considered very special circumstances, either because they are consistent with the findings of the inspector in the 2019 appeal decision or they are relevant to the circumstances of the application. For instance, there remains community support, in the form of representations in favour of the development. The expansion of the business would also bring employment benefits, both during construction and use.
49. Paragraph 84 of the NPPF also supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses. In this respect, the sustainability and viability of the development is a relevant consideration and the Council has not disputed the conclusions reached in the Agricultural and Viability Assessment submitted with the application. Benefits of the scheme, include community use of the fields and playground, charitable intentions of the allotments and carbon capture from significant tree planting can be viewed as very special circumstances.
50. Considerations such as the fact that there are other garden centres in the borough or the potential for other uses on the site are not relevant planning considerations because each application is considered on its own merits (including whether it is within the Green Belt). Other garden centres along the A4 benefit from planning permission whereas the application site has never had a planning permission for such use. Biodiversity net gain is (or soon will be) a legislative requirement as part of the planning application process and so cannot be a very special circumstance. To argue that alternate undesirable uses or abandonment are potential outcomes is irrelevant to the application even if they are possible. Indeed, the site was put forward for inclusion in the Local Plan update for retail, café and care home use but not included because of the siting in the Green Belt. The relevance of referring to the abuse of process finding is also unclear but clearly irrelevant.
51. Overall, there are some very special circumstances that weigh in favour of the scheme, but not to the extent that they would outweigh the harm arising from the inappropriate development and the impact upon the spatial openness of the site and its surrounds.



This forms Reason for Refusal 1 and is explored further in the planning balance in paragraphs 133-139.

### Sustainability

52. Policies CP1, CP6 and CP11 of the Core Strategy permit development where it is based on sustainable credentials in terms of access to local facilities and services and the promotion of sustainable transport. Being in the Green Belt, the site lacks any ready access to facilities and services and the site is located in an area with very poor sustainability credentials. Public transport is almost non-existent, with the services provided not meeting the Council's standard for a good bus service. Cycling on Bath Road is also unattractive because of high traffic levels, significant speeds and a lack of lighting and infrastructure. Most, if not all, customers would need to drive to the premises.
53. The proposal would reinforce the heavy reliance upon private car travel in an area that is poorly serviced by public transport and through Twyford town centre which is an Air Quality Management Area. The Transport Statement submitted in support of the application also demonstrates that there will be an increase in trip movements. However, in the appeal decision for 173316, the Inspector noted that:

*'Nurseries are of necessity located in rural areas. Moreover, by the nature of what they sell the majority of customers have to travel by car in order to take home the plants and related items they have bought. Therefore, whilst policy CP6 of the Core Strategy supports granting planning permission where a choice of sustainable transport options is available, given the nature of a horticultural nursery, such provision is not appropriate in this instance.'*

54. By extension, this applies to garden centres but only to a degree. There are other similar retail uses in the near vicinity and the consideration of the sequential test in paragraph 58 concludes that an out of town location is broadly acceptable in terms of the NPPF. On this basis, there is insufficient justification to refuse the application on these grounds.
55. Input from the Council's Highways Officer has noted that the application is supported by a framework travel plan statement. The document sets out interim mode share and targets with the final mode shares and targets set following surveys undertaken six months after opening. It includes a travel plan co-ordinator. Whilst no budget was mentioned in the framework, the full travel plan will include how it will be resourced and managed. There is broad support of the contents and intent of the Travel Plan although it should include an action plan, more on potential initiatives and linking into the Borough's MyJourney initiative. These aspects could be conditioned.

### Retail development

56. Policy TB16 of the MDD Local Plan and paragraph 90 of the NPPF require a sequential test and retail impact test to ensure that the vitality and viability of the borough's town/district centres are not compromised by new town centre uses outside of these areas. Policy TB16 sets a threshold of 500m<sup>2</sup> and paragraph 90 sets the threshold at 2500m<sup>2</sup>. The garden centre exceeds both requirements when ignoring the temporary retail permission. Policy TB18 of the MDD does allow retail development outside development limits where it is connected and economically

relates to the primary holding, is ancillary in nature and there would be no adverse impact upon other retail areas.

57. Paragraph 87 of the NPPF requires a sequential test, the direction being main town centre uses to town centres, then in edge of centre locations. Only if suitable sites are not available in those locations should out of centre sites be considered.
58. The application was submitted with a sequential test. It considers 32 alternative centre and edge of centre sites within the boroughs of Wokingham, Reading, Bracknell Forest and the Royal Borough of Windsor and Maidenhead. The overall conclusion of the sequential test is that it is not possible for the proposed development to be accommodated on any identified alternative sites in a town centre or local centre within the catchment area. Based on the information, it is considered that there are no other suitable and available alternative sites within the defined catchment area. This includes a recognition that garden centres are, by their nature, often situated in edge of centre, out of centre, or even countryside locations that require a certain type of floorspace compared to traditional in centre retail uses.
59. A retail impact assessment was included with the application. It states that the existing nursery and garden shop draw customers from a wide and dispersed area, including linked visits to other garden centres. The study does not make the case that there is a need for comparison good or garden centre floorspace. Within the catchment area, the assessment has identified the main centres that the proposals would likely draw trade from. It additionally follows the principle that like competes with like and so has identified the following out of centre garden centres: Dobbies, The Berkshire Gardner (formerly Ladds) and Wargrave Nursery Plant Centres and the Big Plant and Knowl Hill Nurseries close to Hare Hatch and other similar facilities in the wider area.
60. The applicant's Retail Assessment and Planning Statement state that the goods which are intended to be sold from the garden centre are predominantly specialist in nature, ancillary and related to the wider horticultural activities of a plant nursery. In this regard there would be little direct comparison with traditional retail offering within town centres. However, the Retail Assessment does acknowledge that the proposals would comprise between 670–955m<sup>2</sup> for sale of giftware and clothing. These goods are likely to have a retail impact, and any future diversification of products sold could also impact on in centre locations.
61. The retail impact assessment quotes typical garden centre trading densities as being around £1,250-£2,000/m<sup>2</sup>. Non-food retail is quoted as having a £4,000/m<sup>2</sup> as a mid-point for town centre locations. Forecasting information projects £875m<sup>2</sup> trading density. This is markedly lower than typical garden centres and no detail has been provided to explain this, but on the face it seems unrealistic. Notwithstanding, the retail impact assessment uses a figure of £1,600 in the middle of this range for the purposes of a 'realistic' trader diversion assessment, and also includes a 'worst case' scenario which applies the £4,000m<sup>2</sup> estimate for ordinary retail to the maximum potential floorspace (955m<sup>2</sup>) for the clothing and giftware elements of the proposals. This is considered a reasonable approach. In both scenarios trading impact on centres within the catchment is less than 1%.
62. Based on the evidence shown, it is considered that the proposal would have no adverse impact on the viability and vitality of existing retail centres. The assessment

includes realistic assumptions about the type and diversity of goods sold for the purposes of the impact analysis which appropriately factors in non-garden related retail floorspace in a realistic manner. The assessment therefore appears to offer a worst-case view which is considered reasonable and proportionate.

## **Character of the Area**

### Policy context

63. Paragraph 170(b) of the NPPF requires that planning applications enhance the natural and local environment by '*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*'
64. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high-quality design. RD1 of the Borough Design Guide SPD requires that development contribute positively towards and be compatible with the historic or underlying character and quality of the local area. RD2 relates to protecting existing features and characteristics, RD3 seeks to retain the setting and RD5 requires consistency in building form in the village.
65. There are also numerous non-residential guidelines in the Borough Design Guide, including:
  - NR1 states development should respond to key characteristics of the site
  - NR2 states that proposals should improve the area
  - NR3 requires a positive arrival impression for all modes of transport
  - NR5 notes that height, bulk and massing should respond to the local context
  - NR9 states that large floorplates must be designed to minimise potential impact upon the character of the area
  - NR12 requires consideration of boundary treatments
66. RD11 notes that replacement buildings may be appropriate in the countryside where there is no adverse increase in scale, form or footprint and where there are environmental improvements. As a reference, a 50% increase in volume for a one storey development in a permanent lawful use in the countryside, is acceptable when compared with the original building.

### Landscape character area

67. The site is located within Area H1 (Wargrave-Twyford Arable Chalk Lowland) of the Landscape Character Assessment Area. It is a moderate quality landscape of moderate sensitivity, with a modest capacity for change, consisting of the following characteristics:
  - A distinctly flat to gently shelving landform, consisting of arable farmland and horticultural polytunnels, and plant nursery enclave at Hare Hatch. Linear transport corridors including A4 creating a sense of disturbance in an otherwise peaceful landscape and often remote landscape of open views.

- The key issues include hedgerow loss and soil erosion, expansion of poly tunnels leading to visual intrusion, along with commercial development pressures along Bath Road which could result in the loss of rural and settlement intactness.
68. The landscape strategy is to enhance the existing landscape character and condition through management, particularly along Bath Road and to preserve the gaps and identity of settlements.
69. Area G1 is to the east of the site and comprises:
- A sloping and gently undulating landform of mixed small to medium arable and pastoral fields Numerous small woodland blocks and roadside belts of BAP priority habitat lowland mixed deciduous woodland, characteristically a combination of oak, ash and hazel, many of which are ancient. A scattered rural settlement pattern and intervening landscaped parkland, An intimate landscape with a strong sense of enclosure.
  - The key issues spread of hobby farms leading to loss of traditional features such as hedgerows and hedgerow trees. Temporary fencing and structures resulting in a decline in rural intactness. Changes in deciduous woodland structure through loss of species diversity of the traditionally coppiced woodlands. The expansion of the coniferous element of woodlands in the past has resulted in a change in woodland character.
70. The landscape strategy to conserve and enhance the existing character; the agricultural landscape, scattered semi-natural woodlands, and parkland landscapes, the robustness of which has declined and to retain open views to the prominent wooded horizon of the adjacent character area. In terms of development, the aim is to conserve the sparse settlement pattern and historic built form of the villages, hamlets, farmsteads and manors.

#### Landscape visual assessment

71. The application was supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA judges the quality and condition, and the sensitivity of the landscape of the site and surrounding area as medium and the Council's Trees Officer concurs with this conclusion.
72. The LVIA judges the magnitude of effect on the landscape as permanent and low, which is also agreed as the proposals rationalise built form within the site and that built form is of a similar height and use and an improved character and spatial layout. The landscape will contain many enhancements that will improve the character and quality of the site within its rural setting.
73. The assessment of the significance of effect is judged as slight/adverse initially due to the temporary impact of construction on the character area. In the long term, it will not result in any significant adverse level of effect on the character and quality of the landscape overall and support is given on these grounds.
74. Of the 15 viewpoints none, will receive a significant level of visual effect. Receptors at VP7 Wakefield Cottage receive a moderate/adverse effect from the current development. A further four receptors will continue to receive a slight adverse visual effect from the garden centre, and six slight and neutral. Once the development is

built and the landscape enhancements implemented this will help the scheme to integrate with its surroundings.

75. The Council's Trees and Landscape Officer concludes that there will be a beneficial change in landscape and visual openness in respect of the green belt, due to a spatial change within the site, with an overall beneficial change in the visual and spatial openness in respect of the green belt. However, a consideration of built form, bulk and scale remains a separate consideration.

#### Built form

76. Notwithstanding the visual landscape assessment submitted by the applicant, it is necessary to consider the overall bulk and appearance of the development within the site. NR5 of the Borough Design Guide SPD notes that height, bulk and massing should respond to the local context and the prevailing heights in the area.
77. NR2 of the Borough Design Guide aims to ensure that proposals improve the area. In this sense, the removal of many aging or dilapidated glasshouses and their consolidation into one garden centre building is viewed as an improvement to the site. However, NR9 states that large floorplates must be designed to minimise potential impact upon the character of the area
78. Against the backdrop of the smaller glass greenhouses (height generally to 3.1m) along the eastern and southern edges of the site, the farm shop is the dominate building on the site, with a footprint of about 380m<sup>2</sup>, eaves height of 5m and ridge height of 6.6m. It is true that there is a net reduction in volume, but much of it comes from glasshouses which have an open glass appearance which suits the lawful and permitted horticultural use and many of which should be demolished when no longer required for horticulture. These glasshouses are mostly located to the southern and eastern end of the site away from the northern and western roadside boundaries.
79. The proposed garden centre building would extend east from the farm shop building with a slightly higher ridge and eaves height. Inclusive of the existing farm shop building but excluding the existing glasshouses, the footprint would increase by approximately 725% to 3300m<sup>2</sup>. It would be 68m along its north west elevation and 48m along its north east elevation and the height would be about 2.6m higher than the existing glasshouses. It would not extend any closer to the A4 than the existing glasshouses but because of its increased height and footprint as well as its solid nature (as distinct from the glasshouses), it would be a much more prominent feature in the site and when viewed from the A4. This forms the primary basis for the imposition of Reason for Refusal 2. As a comparison, Dobbies on the opposite side of the A4 has an eaves height of 2.7m and ridge height of 4.9m and the footprint of the main building is 3350m<sup>2</sup>.



View from outside the site at the corner of London Road and New Bath Road



View from inside the site near the service yard within the site

### Parking

80. P2 of the Borough Design Guide SPD ensures that parking is provided in a manner that is compatible with the local character. NR10 states that car parking is to be unobtrusive and landscaped and NR11 requires that servicing be screened.
81. The car park and service yard occupies largely the same footprint as the existing car park but with some additional tree planting and the removal of the existing shed in the service yard. The existing row of trees to the existing car park will be retained and protected. There is a net improvement to the appearance of the area. The woodland area to the north acts as an overflow car park and once established would provide some additional screening to parked vehicles beyond that already provided by the boundary hedgerow. On the expectation that the overflow car park will be used on limited occasions, there is no objection on character grounds.

### Design and materials

82. NR8 and RD6 of the Borough Design Guide SPD states the elevations are to be well composed, proportioned and detailed and RD7 requires that materials, colours and details respond to the distinctive elements of the locality. The garden centre building will comprise mid/dark green metal cladding roof and walls, with glazing to the elevations and particularly to the main entrance. When accounting for the existing horticultural glasshouses and the barn like farm shop, the continuation of these

materials is not opposed. The café will include timber cladding which is also acceptable.

83. NR3 requires a positive arrival impression for all modes of transport. The main entrance has been remodelled, a pedestrian entrance is included to the north of the site, internal pedestrianization is included, additional tree planting is provided in the car park and the main entrance to the building is largely inviting. No objection is raised on these grounds.

#### External lighting

84. Paragraph 180 of the NPPF aims to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. There are no specific details of external lighting but given its Green Belt location, it would be important to minimise any lighting schemes to protect ecological aspects and dark skies. These details could form a condition of consent.

#### **Accessibility (incorporating The Public Sector Equality Duty (Equality Act 2010))**

85. The Council is required to have due regard to its obligations under the Equality Act 2010, including age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Policy CP2 of the Core Strategy also seeks to ensure that new development contributes to the provision of sustainable and inclusive communities, including for aged persons and the disabled.
86. There is no indication or evidence that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities. The submitted plans indicated that level access is afforded through the site and given the open plan arrangement, no impediment to access through the building. There is provision for accessible toilets in the café and within the existing office building. The provision of 13 disabled car spaces accords with the minimum standards. Accordingly, there would be no significant adverse impacts and no objection raised.

#### **Neighbour Amenities**

87. Policy CP3 of the Core Strategy aims to protect neighbouring amenity and Policy CC06 and Appendix 1 of the MDD Local Plan requires that development protect noise sensitive receptors from noise impact.
88. At the intersection of London and Bath Roads, the only adjoining residential properties are at 1 and 2 Wakefield Cottages in the north eastern corner and Loggers Leap in the south western corner although the latter is within the same ownership of Hare Hatch Sheeplands. Most of the property boundaries adjoin non-residential areas, with a nursery to the south west and open land to the south and east. At its minimum, the built form of the garden shop building will be 4.2m from the eastern boundary with a maximum building height of 6.6m, which is sufficient to ensure that there are no adverse levels of dominance to Wakefield Cottages. Whilst there will be increased activity associated with the retail and café uses (including vehicle movements), it is well contained within the site and sited amongst the backdrop of other garden centres and the background noise of the A4. On this basis, no in-principle objection is raised.

## **Access and Movement**

### Parking

89. Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum off street car and cycle parking standards, including provision for charging facilities. Retail floorspace has a parking requirement of 1 space per 20m<sup>2</sup> and café floorspace is applied at a rate of 1 space per 5m<sup>2</sup>. The proposed garden centre and café would require in the vicinity of 321 spaces.
90. The car park will be broadly in the same location as existing, with 192 spaces but with an additional overflow parking area to its north within the woodland area comprising of 91 spaces. The Council's Highways Officer is comfortable with the total provision of 283 spaces. As the proposed development involves a reduction in floor space, the parking ratio is improved from 1 space per 47m<sup>2</sup> to 1 space per 20m<sup>2</sup>. All the spaces are 5m x 2.5m in accordance with the standards.
91. 13 disabled spaces are provided which meets the standard. The spaces are provided at the entrance which is supported. 20 motorcycle spaces are provided which is well in excess of the standard.
92. There would be 28 electric vehicle charging spaces (14 passive and 14 active) located within the main car park which accords with the standards. Some spaces would need to be provided for the disabled parking and location of passive spaces would need to be shown. The infrastructure for the passive places would be installed as part of construction and the process of monitoring and bring forward the passive spaces into operation would need to be included in a parking management plan. Subject to these details by condition, no objection is raised.
93. There are six cycle spaces within the service yard and 18 visitor spaces at the southern side of the car park. The total provision accords with the minimum standards. The location of the visitor cycle parking could be better suited in terms of visibility and convenience for customers but it is not unreasonable. Final details would be conditioned.

### Access

94. Policy CP6(f) of the Core Strategy seeks an enhancement of road safety.
95. The existing access would be used with amendments to improve manoeuvrability at the entrance. Visibility splay distances will suit in excess of the 85th percentile speed of 28-33mph on London Road. Swept paths for HGVs are provided and are acceptable. The number of daily deliveries would be low and usually in a van or 10m lorry (not an articulated lorry) and outside of peak periods. Conflict with customer vehicles is not anticipated. Swept access to the car park for a large vehicle is also acceptable.
96. There is no pavement on the eastern side of London Road limiting pedestrian access through the vehicle access. However, a new entrance is introduced from New Bath Road to the north with access through the car park, which is a positive outcome. In



the absence of any detail, pedestrian and cycle directional signage would need to form a condition of consent.

### Traffic

97. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy CP6(e) seeks to mitigate any adverse effects upon the local and strategic transport network that arise.
98. A Transport Statement was submitted with the application. Observed flows for the existing site were collected in September 2021 and the TRICS database was used to calculate the forecast trips from the proposed development with other representative sites and figures from Saturday movements (busiest of the days) included. The only trips during the AM and PM peak periods will be staff.
99. The net increase in traffic activity is estimated at 63 movements in the network peak hour (approximately 1 movement per minute). Against the daily fluctuations of traffic on the local roads, the anticipated impact is not severe and the Council's Highways Officer has not raised objection.
100. In the absence of a Construction Method Statement or Management Plan, the document would be conditioned. It is required because of the scale of the development and its location on a busy connector road.

### **Trees and Landscaping**

101. Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character.
102. A tree survey schedule and Arboricultural Assessment and Method Statement including a Tree Protection Plan were submitted with the application. A Landscape Strategy and Preliminary Ecological Appraisal and Biodiversity Impact Assessment were also provided. There are 53 trees (including 27 Category B and 22 Category C trees) within the site with seven proposed for removal and two proposed for relocation. Accounting for replacement planting in the woodland and elsewhere within the site, there is a significant increase in tree planting and the Council's Trees Officer is supportive.
103. The roadside boundaries are marked with a hedgerow. There are some trees within/close to the hedge that are mostly Horse Chestnut, which are to be maintained and enhanced with native hedge and copse planting. The maintenance will enhance the visual quality of the boundary along with new tree planting along this boundary that maintains visibility whilst enhancing the view, as would be conditioned.
104. All of the proposed structures are outside of the root protection areas of the retained trees, including the row of Indian Bean trees in the car park, which will be retained. When recognising the replacement planting, the Council's Trees Officer raises no objection to the tree removal or the level of arboricultural information

105. The wildflower meadow and the provision of play and recreation areas in the gardens and play area being supportive of policy. Managing the existing trees to achieve optimum contribution to biodiversity and carbon capture is acceptable. Additional mature trees along the northern boundary but at suitable distances to retain permeability and a view into the site from passers by would need to form part of a revised landscape scheme. Additional mixed scrub and hedgerow is included to the farm field and allotments.
106. The woodland at the northern part of the site with *Paulownia tomentosa* is unacceptable because it is contrary to the recommendations within the Landscape Character Area. *Paulownia* would look out of place and be potentially invasive in the landscape. The alternate species, as would be conditioned, is native Hazel (*Corylus avellana*), or a native mix of shrubs and trees, especially fruiting varieties that will encourage biodiversity. These still provide good rates of carbon capture and in any event, a final species mix would be negotiated as part of a conditioned landscape scheme.
107. The site layout incorporates landscape features and elements that would need to be subject to further details as conditioned in a landscape layout/strategy plan. This includes details of how the northern woodland area would operate as an overspill car park, equipment in the play area, hard landscape elements, native trees and bushes on the boundary and treatments in the allotments.

## **Ecology**

108. Section 15 of the NPPF aims to protect and enhance biodiversity. Policy CP7 of the Core Strategy states that development which may harm habitats or, species of principle importance will be resisted. Policy TB23 of the MDD Local Plan requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.
109. The application is supported by a Preliminary Ecological Appraisal Survey report (Pleydell Smithyman, October 2021) and an accompanying Biodiversity Impact Assessment spreadsheet.

## **Bats**

110. Only one of the buildings has been identified as having bat roost potential and it is to be retained. The Council's Ecology Officer agrees that no further survey information is required or that there are likely to be any adverse effects on the bat population.

## **Other Mammals**

111. Hedgehog and Badger have been recorded locally and may be active on site at the time of any construction works. Mitigation measures to reduce the risk of harm are included within a conditioned CEMP.

## **Amphibians**

112. A risk assessment of the potential to adversely affect Great Crested Newt using the Natural England rapid risk assessment tool has been undertaken. It is agreed that

even if a population of Great Crested Newt is discovered in the identified ponds, the subject site is sufficiently remote to result in no adverse effects on the local population. Further survey work or mitigation is unnecessary.

### Reptiles

113. The ecological report recognises that there are habitats on site that present suitable foraging and resting places for the widespread reptile species. Nearly all of these habitats and resting places would be subject to some disturbance, albeit where biodiversity enhancements are proposed.
114. The proposed habitat changes would likely result in an improvement in terms of suitability for reptiles and it is concluded that there will be a long-term minor benefit for reptiles. There remains a risk to individual animals during construction but this could be adequately mitigated by the implementation of precautionary measures as covered in a CEMP.

### Species specific enhancements

115. No species-specific enhancements have been proposed and the Council's Ecology Officer seeks species enhancements relevant to hedgehogs, bats, birds, and reptiles to be incorporated in the areas of soft landscaping, as conditioned.

### Biodiversity Net Gain

116. The Biodiversity Impact Assessment has been undertaken in the most recent Defra metric 3.0 calculator. Taking into account habitat enhancement measures the ecological report posits the headline change of a 26.44% in habitat units and a 564.22% change in hedgerow units.
117. The Council's Ecology Officer has reviewed the findings and departs from the findings in the following areas:
- a) A moderate strategic significance of a local strategy for biodiversity (rather than the high as specified) because of a lack of justification
  - b) A poor condition in the summer flowering butterfly and bee meadow mix (rather than moderate as specified) because it is shaded or in very thin marginal strips
  - c) A poor condition for the broadleaved woodland (rather than moderate) because it is to be dominated by a non-native species that will be frequently cut
  - d) Rounding to 1m<sup>2</sup> (rather than 100m<sup>2</sup>) as expected in the calculator
  - e) The length of native species rich hedgerow is reduced to reflect where it forms part of the mixed scrub and will not be maintainable as a distinct hedgerow
118. Accounting for these errors, the proposal still demonstrates biodiversity net gain figures of +10.50% for habitats and +483.45% for hedgerow such that it is likely to be able to provide a habitat net gain on-site. This is reliant upon the soft-landscaping detail and an ongoing Landscape Environmental Management Plan (LEMP) being secured to bring the enhancements into effect.

## **Security and Crime Prevention**

119. Paragraphs 92 and 130 of the NPPF are supportive of designs that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
120. The Crime Prevention Officer at Thames Valley Police was consulted. No in-principle objection is raised, subject to clarification of specific security measures are proposed, (including lighting and CCTV around unused night time areas) and access through the gates (such as electronic fob access). This would form a condition in the event of an approval.

## **Sustainable Design**

121. Policy CC04 of the MDD Local Plan and the Sustainable Design and Construction SPD require sustainable design and conservation. The proposal involves the demolition of lightweight (and partly dilapidated in many areas) and reconstruction of a new garden centre building. It is of relatively simple form typical of warehouse type developments and would be appropriate on sustainability grounds. The ridgelines of the new garden centre building run east-west allowing south facing rooflights and implementation of solar panels. Fabric insulation (including glazing), airtightness and energy conservation standards in the building regulations will be met.
122. The building design is complemented by landscape features including the allotments, wildflower meadow and woodland planting. The suggestion in the Design and Access Statement is that an acre of *Paulownia tomentosa* can absorb 103 metric tons of CO<sub>2</sub> per year, compared to most species which can absorb 1.1 to 9.5 metric tons. Whilst the comments of the Trees Officer in paragraph 106 seek alternative Hazel planting, the outcome remains a positive aspect and will accord with the Council's climate emergency intentions.
123. Policy CC05 of the MDD Local Plan encourages renewable energy and decentralised energy networks, with encouragement of decentralised energy systems and a minimum 10% reduction in carbon emissions for developments in excess of 1000m<sup>2</sup>. With the use of solar panels, this would likely be exceeded and this would be applied by condition.

## **Waste Storage**

124. Policy CC04 of the MDD Local Plan requires adequate storage and collection arrangements for general waste, recycling, green waste and food waste. The Planning Statement refers to the continued management of waste in the service yard, which is acceptable, including in terms of access and turning space. Final details of the storage structure, if any, would form a condition of consent.

## **Flooding and Drainage**

125. Policy CC09 of the MDD Local Plan requires consideration of flood risk from historic flooding and Policy CC10 requires sustainable drainage methods and the minimisation of surface water flow.

126. A Flood Risk Assessment was submitted with the application. The site and access is within Flood Zone 1 and the proposal represents no additional flood risk or vulnerability. It is therefore acceptable in terms of Policy CC09.
127. With a reduction in overall building footprint and the use of gravel in the car park, there is a net reduction in the impermeable areas of the site and this would likely result in an improvement in on site infiltration and peak runoff rates. The Council's Drainage Officer raises no objection on these grounds.

### **Employment Skills**

128. Policy TB12 of the MDD Local Plan requires an employment skills plan (ESP) with a supporting method statement for major development such as the subject application. It is intended to provide opportunities for training, apprenticeship, or other vocational initiatives to develop local employability skills required by developers, contractors, or end users of the proposal.
129. Based on the total floorspace, the employment skills plan would generate a need for five community skills support positions (eg work experience or CSCS training courses), two apprenticeships and two jobs. If for any reason, the obligation is not delivered, a contribution in lieu totalling £15,000 is required. This is based on the cost of the Council supporting the employment outcomes of the plan. Both scenarios would be incorporated into a s106 legal agreement.

### **Site Contamination**

130. With a historic horticultural use, there is no known contamination of the site.

### **Nuclear Zone**

131. The site is within the special case zone of the Burghfield Atomic Weapons Establishment but there are no specific implications for this proposal and no objection is raised.

### **Community Infrastructure Levy**

132. It is anticipated that the development would be CIL liable as there is a net increase in retail floorspace, both in terms of permanence (against the previous temporary permissions) and overall floorspace. It is payable at £50/m2 index linked.

### **CONCLUSION**

133. Paragraph 8 of the NPPF sets out that achieving sustainable development means that development should satisfy three overarching objectives in relation to economic, social, and environmental benefits.
134. There are economic benefits in the scheme and this is clearly evident with an expansion of the existing business. It includes short term construction jobs and job creation associated with the future use (including for younger persons). However, it needs to be borne in mind that this is an area which enjoys very high levels of employment. There is also support for local businesses through the use of local

contractors and producers. More broadly, there is stimulation to the economy of the local area and increased competition resulting in benefits for customers. It attracts moderate weight.

135. Social benefits are evident in terms of the community support that the proposal has garnered. In excess of 380 submissions were received (although they are from a wide area and some do not live within the local community), many citing the community feel of the business, the friendly staff and the social and mental health benefits that the proposed development would bring. A children's play area and allotment gardens for charitable purposes would have clearly apparent benefits. This attracts minor weight.
136. In terms of environmental benefits, there are several additional aspects to the development that contribute to a wider environmental benefit. The woodland planting aids in carbon capture and screening of the site whilst the wildflower meadow contribute to a wider net biodiversity net gain for the site. The redevelopment of the site also brings about a renewal of the site by removing dilapidated structures although a rundown visual appearance is not sufficient justification to redevelop a site on its own. Moreover, some of the glasshouses would have to be removed if the use is changed or abandoned.
137. In addition, it is worthwhile to consider the 2011 application for a garden centre even though it involved a larger scale development. It was refused for six reasons, with the following summary outlining any change in stance with respect to the assessment of the subject application:
  - a. Poor site sustainability – The inspector in the 2019 appeal recognised that horticultural nurseries are rural enterprises by their nature and that cars are needed to transport goods. By extension, this applies to garden centres but only to a degree. There are other similar retail uses in the near vicinity and on this basis, there is insufficient justification to refuse the application on these grounds.
  - b. Increase in retail floorspace was inappropriate development in the Green Belt – The 2011 application predated the NPPF and was assessed against PPS2 when paragraph 149(g) did not exist. However, the Council maintains that the site does not constitute previously developed land and the principle of the development remains unacceptable as noted in Reason for Refusal 1
  - c. Loss of openness to the rural setting by virtue of bulk and nature of buildings and hard paving – There is a net reduction in volume in the subject scheme but a taller and more visible built form which weighs against the proposal. This forms Reason for Refusal 2.
  - d. Retail impact upon Twyford Town Centre – The Council has reviewed the retail impact assessment and raises no objection.
  - e. Lack of Flood Risk Assessment – An FRA has been provided with the subject application
  - f. Increased use of substandard access onto London Road – There are improvements to the main vehicular entrance in terms of manoeuvrability and visibility and the Council's Highways Officer has no objection to the scheme
138. The adverse impacts of granting planning permission relate to the retail intensification of and within the site, including traffic generation, deliveries, movement of goods, staff and customers. These impacts are heightened because of the location

within the Green Belt. There is harm to the openness brought about by the more permanent impression of the buildings and their increased height and siting closer to the road and the increase in activity.

139. In summary, the scheme does not accord with the Development Plan and the NPPF insofar as it involves inappropriate development and a degree of harm to the openness of the Green Belt and the character of the countryside. The economic, social and environmental benefits are not sufficient to outweigh the impacts and this is outlined in Reason for refusal 1 and 2. Reason for refusal 3 relates to a lack of an Employment Skills Plan, solely based on the absence of a legal agreement.

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