

LOCATION:	Windlesham Garden Centre, London Road, Windlesham, Surrey, GU20 6LL,
PROPOSAL:	Demolition of existing glass house and other buildings on site and the erection of a replacement building within A1 use. (Retrospective)
TYPE:	Full Planning Application
APPLICANT:	Mr David Holmes
OFFICER:	Emma Pearman

This application would normally be determined under the Council's Scheme of Delegation. However, the application has been reported to the Planning Applications Committee at the request of Cllr. Victoria Wheeler due to concern that the proposal is inappropriate development within the Green Belt. Reference is made to the Castle Grove Nursery application and dismissed appeal (ref. 18/1118) having regard to the loss of glasshouses and the need for very special circumstances.

RECOMMENDATION: GRANT, subject to conditions

1.0 SUMMARY

- 1.1 The application site comprises part of Windlesham Garden Centre, which lies on the northern side of the A30, outside the settlement area of Windlesham and within the Green Belt. The application site which is the subject of this application comprises a building to the rear of the garden centre site, as well as the parking area immediately in front. The application seeks retrospective permission for the replacement of a retail glasshouse with another retail building.
- 1.2 The proposal is considered acceptable in Green Belt terms, as the new building is not considered to be materially larger than the previous building, and is in the same use. The new building is therefore an exception under paragraph 149 of the NPPF and not inappropriate. The new building is also an improvement in character terms from the previous dilapidated glasshouse building. There have been no objections to the proposal and the proposal is considered acceptable in terms of its impact on residential amenity and highways and parking.
- 1.3 Another application presented at this Committee (21/0901) considers other elements of recent development at the site, including the resurfacing and layout of the parking area within this application site. There is also further development at the wider garden centre site which is unauthorised and enforcement are currently investigating this. However, development outside this application site, and the fact that the application is retrospective are not relevant planning reasons to refuse this application. It is therefore proposed for permission, subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises part of Windlesham Garden Centre, which is located on the northern side of the A30. The garden centre lies to the north-west of the settlement area of Windlesham and within the Green Belt. The application site incorporates an area to the back of the Garden Centre, where the replacement building which is the subject of this application has been constructed, as well as the car parking area in front of the building and the access from the site to the A30. The remainder of the garden centre site comprises various buildings in retail or café/restaurant use, outdoor displays of plants and glasshouses, and car parking areas.
- 2.2 The site adjoins Hilliers Nursery to the east, and there is open land to the rear (north), west and south, with some residential properties close to the boundaries, particularly to the front of the site. Development along this part of the A30 is sporadic, given its Green Belt designation.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There are a large number of applications relating to the Garden Centre as a whole. The site was previously partly a plant nursery, although was granted a Certificate of Existing Use in 1971 as a garden centre and the planning history shows that in the 1980s it was operating as part nursery and part garden centre, with many of the former nursery buildings being converted to retail at that time. The most relevant applications are set out below.
- 3.2 11/0230 Erection of a replacement walkway and bedding canopies to a maximum height of 3.5 metres and a timber entrance canopy following re-roofing of existing garden centre retail glasshouse, following demolition of timber structure
Granted 28.6.11 [not implemented]
- 3.3 11/0943 Erection of replacement retail glasshouse and entrance canopy and walkway following demolition of existing retail glasshouse and timber walkways

Granted 16.3.12 [not implemented]
- 3.4 17/0110 Outline application for the erection of 9 dwellings (7 market houses, 2 affordable) with driveways and garages and associated access improvements (including parking to serve Homestead Cottages) and a drainage pond following demolition of existing garden centre buildings. Access and layout only to be agreed.

Granted 30.6.17 [not implemented]
- 3.5 20/1022/FFU Erection of a detached building (Class E) for use as pools and spas office following demolition of existing with external display area

Application under consideration
- 3.6 21/0901/FFU Demolition of part of the existing building, erection of a single storey glass house extension (use Class E) and designation of a smoking area with associated alterations, resurfacing of existing car park with associated

lighting and creation of a raised veranda and porch to the existing farm shop (retrospective)

Application under consideration and reported elsewhere on this agenda.

4.0 THE PROPOSAL

- 4.1 The application seeks permission for the erection of a replacement building, following demolition of the existing retail glasshouse. The application is retrospective in that the building has already been constructed, however the interior was still undergoing construction and the building was not yet occupied when an officer site visit was undertaken.
- 4.2 The building is 49.5m in length and 13.6m in width approximately. It has a dual pitched roof with an eaves height of 3m and ridge height of 5m. The building is finished in timber cladding with a grey powder coated steel roof, windows and doors. There is a small services cupboard of 0.5m depth to the rear (south-western side) and panels on the roof which are to let light through. To the front there are three sets of large glass doors, one for each unit, and there are small doors on the back and sides.
- 4.3 Internally, the building is split into three approximately equal sized units, and there are a row of WCs on the southern end, accessed via external doors.
- 4.4 It is noted that the submitted application seeks retrospective permission for development already carried out. Whilst it is the Council's view that planning permission should be in place before development is undertaken, section 73A of the Town and Country Planning Act 1990 as amended enables applicants to submit an application for planning permission for development already carried out. Government guidance confirms that such applications must be considered in the normal way i.e. based on all the relevant material planning considerations. It would not be appropriate to refuse an application on the grounds that it is retrospective.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | No objection, subject to conditions for a Construction Transport Management Plan and one of the available parking spaces to be fitted with a fast charge Electric Vehicle charging point (see Annex A) |
| 5.2 | Council's Environmental Health Officer | No objection |
| 5.3 | Thames Water | No objection as long as surface water is disposed of following the sequential approach; no objection with regard to waste water and sewage treatment capacity. Would like an informative attached regarding groundwater discharge into public sewers. <i>[Officer comment: The applicant has confirmed that there is no change to existing drainage]</i> |
| 5.4 | County Archaeological Officer | No objection due to past ground disturbance at this site |
| 5.5 | Windlesham Parish Council | No objection |

6.0 REPRESENTATION

6.1 A total of 13 letters of notification were sent out on the 23rd July 2020. At the time of preparation of this report no letters of representation have been received.

7.0 PLANNING CONSIDERATION

7.1 The application is considered against the relevant policies, which are Policies CP2, CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP), the Windlesham Neighbourhood Plan 2018-2028, and the National Planning Policy Framework (NPPF). The main issues to be addressed in the consideration of this application are:

- Principle of the development and the impact on the Green Belt
- Impact on character
- Impact on residential amenity
- Highways and parking
- Impact on infrastructure

7.2 Principle of the development and the impact on the Green Belt

7.2.1 Paragraph 138 of the NPPF states that the Green Belt serves five purposes, which are to check the unrestricted sprawl of built up areas; to prevent neighbouring towns merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.2.2 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

7.2.3 The table below shows the existing and proposed footprint and volume of the building (existing includes covered attached walkway):

	Existing	Proposed	% increase
Footprint	615m ²	674m ²	10%
Height	3.2m	5m	-
Volume	1859m ³	2736m ³	47%

7.2.4 The government does not define what constitutes a material increase in size and this Council does not have an adopted local policy defining this. An assessment therefore has to be made on a case-by-case basis. The increased footprint of the proposal is relatively minor. This would equate to an increase in width of 2.5m and an increase in depth of 0.6m. The height and volume increase would be as a result of the change in roof form as previously there was a valley in the middle of the roof. Whilst this adds additional bulk, this is only readily apparent from the end elevations and visually overall the quantum of size increase is not significant. Therefore, in the officer's opinion, the building is not materially larger than the one replaced.

7.2.5 In terms of use, the previous use of the glasshouse now replaced was retail use, as the building housed plants and other items for sale and most recently was occupied by a single ancillary concession – Pools and Spas Windlesham. The public were able to enter the building and browse these items. The proposed use for the new building is also retail with some ancillary WC facilities, and as such it is considered that the building is in the same use as previously. This is further confirmed by the planning history, which includes the officer's report for 11/0943, which was a very similar application for a replacement glasshouse, in which the officer described the use of the existing building as retail and not horticulture. Planning application 11/0230 included re-roofing of this glasshouse, and it was described as a "retail glasshouse". Outline application 17/0110 also accepted that the existing buildings on the site constituted previously developed land and therefore were not agricultural. It is considered that a condition can be imposed to ensure the building's use is retail as proposed and as such the proposal remains appropriate in this location.

7.2.6 Whilst the previous building was comprised of glass, this does not prevent it being considered to be previously developed land (PDL), as it is the use and not the materials that determine whether a building can be considered to be previously developed or not. The definition of PDL in the NPPF is as follows:

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.

Thus, the loss of retail glasshouses on this PDL site and the Green Belt assessment is fundamentally different to the Castle Grove Nursery, Chobham decision (ref. 18/1118) which was not a PDL site but resulted in the loss of an appropriate Green Belt use i.e. agricultural glasshouses with an inappropriate residential use (see Annex B for a copy of the Inspector's Decision Letter). In this current submission the Council has already accepted the use of this building as retail in previous decisions, and the current use is retail and as such the replacement of the building for one in the same use is not considered inappropriate under NPPF 149d).

7.2.7 Given the size of the building, it is also below the threshold requiring a retail impact assessment as set out by paragraph 90 of the NPPF. It is noted also that the increased floor area is limited. It is not considered therefore that the proposal would impact on the vitality and viability of the nearest town centres.

7.2.8 It is therefore considered that the building is not inappropriate development in the Green Belt, and the principle of the retail development in this location is acceptable.

7.3 Character and design

7.3.1 Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning decisions should ensure that developments add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate landscaping. They must also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 states that permission should be refused for development of poor design that fails to take the

opportunities available for improving the character and quality of an area. The National Design Guide puts an increased emphasis on the importance of development schemes to fully understand, respect and comply with local context.

- 7.3.2 Policy CP2 of the CSDMP states that the Borough Council will require development to ensure that all land is used efficiently within the context of its surroundings, and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.3.3 Policy WNP3.1 of the WNP states that planning applications will be supported which embody quality design features including sustainable materials, high thermal and energy efficiency, and a low maintenance and carbon footprint.
- 7.3.4 The new building is at the back of the Windlesham Garden Centre site, behind other buildings and as such is not visible from any public viewpoints, only from within the Garden Centre complex. The building is clad in a light coloured wood, with a dark grey corrugated steel roof and dark grey PVC doors on the front elevation. The building complements the other existing garden centre buildings and is not considered to be out of character in its context. The previous building was in a dilapidated state and as such the new building is an improvement in this regard. While its height has increased slightly, the height and design is very similar to the other garden centre buildings and as such it does not appear out of place.
- 7.3.5 The building is therefore not considered harmful to character and is in line with the above policies.

7.4 Impact on residential amenity

- 7.4.1 Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy DM9 of the CSDMP states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.4.2 Policy WNP2.2 of the WNP states that planning applications for new developments which respect the separation between buildings and the site boundaries, and the privacy of adjoining owners, will be supported unless it can be demonstrated that they will harm or detract from the local character. Principle 8.1 of the RDG states that developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted
- 7.4.3 The building is located towards the back of the site, and the nearest residential properties are Lavershot Hall, approximately 132 metres to the west and Lavershot Cottage, approximately 58 metres to the south-west. Given the large separation distances, even with the proposed slight height increase it is not considered that there would be any harmful impacts on amenity for either of these neighbouring properties as a result. The building is also still to be used for retail and as such the proposed use is not likely to generate any additional noise compared to the use of the previous building. The use is proposed to be restricted to retail by condition, which will also assist in preventing harm to amenity that could otherwise arise from a change of use.
- 7.4.4 It is therefore considered that the proposal is acceptable in terms of its impact on residential amenity, and in line with the above policies.

7.5 Impact on highways and parking

- 7.5.1 Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location; that safe and suitable access to the site can be achieved for all users, and any significant impacts from the development on the transport network or on highway safety can be mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.5.2 Policy CP11 of the CSDMP seeks to direct new development to sustainable locations, and states that development that will generate a high number of trips will be required to demonstrate that it can be made sustainable to promote travel by sustainable modes of transport. Policy DM11 of the CSDMP states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.5.3 The site plan shows that the car park for the site as a whole now has approximately 151 spaces, compared to 111 spaces on the previous site plan. This appears to be as a result of re-marking the spaces rather than any gain in the overall area of the car park. Whilst it has been re-surfaced, this issue is covered by the application 21/0901/FFU and this application does not seek permission for the resurfacing element. It is not considered that the replacement of this building with a slightly larger building divided into three smaller units is likely to result in any significant additional numbers of cars to the site.
- 7.5.4 The County Highway Authority has been consulted and has not objected (see Annex A) subject to conditions which include a fast charging point for electric vehicles, and a Construction Management Plan for the construction period of the development. However, the development has unfortunately already been completed and as such the Construction Management Plan condition is now not relevant.
- 7.5.5 The proposal is therefore considered acceptable in terms of its impact on highways and parking, and in line with the above policies.

7.6 Impact on infrastructure

- 7.6.1 Policy CP12 of the CSDMP states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.
- 7.6.2 Details of infrastructure projects that are to be funded through CIL are outlined in the Regulation 123 list, which includes open space, transport projects, pedestrian safety improvements among others. These projects do not have to be related to the development itself.
- 7.6.3 Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. This development is CIL liable, with the charge paid on the increase in floorspace between the demolished building and new building. The final figure would need to be agreed following the submission of the necessary forms.

8.0 POSITIVE/PROACTIVE WORKING AND PUBLIC SECTOR EQUALITY DUTY

- 8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraph 38 of the NPPF. This included 1 or more of the following:-
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
 - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
 - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
 - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.
- 8.2 Under the Equalities Act 2019, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. The planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this Duty.

9.0 CONCLUSION

- 9.1 The application seeks retrospective permission for a replacement building towards the rear of the Windlesham Garden Centre complex. The building is not considered to be materially larger than the original and it is in the same retail use. The proposal is therefore not inappropriate development in the Green Belt. The new building is also considered acceptable in terms of its impact on character, residential amenity, highways and parking, and infrastructure. It is therefore recommended that permission is granted, subject to conditions.

10.0 RECOMMENDATION

GRANT, subject to the following conditions:

1. The proposed development shall remain in accordance with the following plans both received 9.3.22:
 - Proposed site layout plan MDL-1333-PL23 C
 - Proposed retail units MDL-1333-PL22 C (including materials as shown on this plan)

Reason: For the avoidance of doubt and in the interests of proper planning and as advised in ID.17a of the Planning Practice Guidance.

2. The use of the building hereby approved shall be retail (Class E(a) of the Use Classes Order 1987 (as amended)) ancillary to the garden centre outlined in blue on the Location Plan MDL-1333-PL20A received 20.7.20. The building shall be used for no other purpose without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of preventing harm to the Green Belt by reason of inappropriateness and harm to openness, and preventing impacts on residential amenity, in accordance with Policy DM9 of the Surrey Heath Core Strategy and

Development Management Policies 2012 and the National Planning Policy Framework.

3. The development hereby approved shall not be occupied unless and until at least one of the available parking spaces is provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority, and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, and to promote sustainable forms of transport in accordance with the requirements of Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. This decision was based on the following plans submitted with the application:
 - Existing Greenhouse MDL-1333-PL-21 C received 15.3.22
 - Proposed Retail Units MDL-1333-PL-22 C received 9.3.22
 - Existing and Proposed Site Layout Plans MDL-1333-PL-23C received 9.3.22
2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrast ructure.html>
for guidance and further information on charging modes and connector types