

Chessington Garden Centre

in the Royal Borough of Kingston upon Thames

planning application no. 06/10321/FUL

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000

The proposal

Redevelopment to provide 4,896 sq.m. built floorspace and 1,095 sq.m. open-sided floorspace for use as a garden centre, together with extended open sales area, relocation of existing growing houses, car parking and access.

The applicant

The applicant is **Chessington Nurseries Ltd**, and the architect is **Malcolm Scott Consultants Ltd**.

Strategic issues

The principle of the proposal raises serious strategic concern, with the scale of the development on **Green Belt** considered unacceptable.

Recommendation

That Kingston upon Thames Council be directed to refuse planning permission, for the reasons set out in this report.

Context

2 On 12 December 2006 Kingston upon Thames Council consulted the Mayor of London on an application for planning permission for the above uses at the above site. This was referred to the Mayor under Category 3D of the Schedule of the Order 2000: *“Development on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan and which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.”*

3 On 14 February 2007 the Mayor considered planning report PDU/0398b/01, and subsequently advised Kingston upon Thames Council that the scale of development proposed within the Green Belt was unacceptable in principle. In addition, concerns were raised with regard to energy and sustainability, design, access and transport.

4 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 5 July 2007 Kingston upon Thames Council decided that it was minded to grant planning permission for the revised application, and on 3 September 2007 it advised the Mayor of this decision. This was received and validated on 7 September 2007. Under the provisions of the Town & Country Planning (Mayor of London) Order 2000 the Mayor may direct Kingston upon Thames Council to refuse planning permission, and has until 23 September 2007 to notify the Council of such a direction. This report sets out the information needed by the Mayor in deciding whether to direct refusal.

5 The Mayor of London's decision this case, and his reasons, will be made available on the GLA website www.london.gov.uk.

Update

6 The Mayor's previous report on this case concluded that the scale of proposed development in the Green Belt was unacceptable in principle. Concerns were also raised with regard to design, energy and sustainability, access and transport. GLA officers have subsequently met with the applicant, and additional information in support of the application has been submitted. This includes additional information with regard to energy and sustainability and access, as well as further information regarding the nurseries employees, two case law examples where applications have been granted for garden centre developments on Green Belt land, and additional letters of support for the proposals.

Green Belt

7 As stated in the Mayor's previous report on this case the proposal represents inappropriate development in the Green Belt, as set out in paragraph 3.4 of Planning Policy Guidance Note 2: Green Belts. Inappropriate development is, by definition, harmful to the Green Belt, and therefore there is a strong policy presumption against the proposals. Paragraph 3.2 of PPG2 states that "*Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*". Policy 3D.8 of the London Plan states that "*There is general presumption against inappropriate development in the Green Belt, and such development should not be approved except in very special circumstances*". This approach is consistent with PPG2. The very special circumstances case is therefore fundamental to the acceptability of the proposal.

8 The Council, in determining the application, stated that the applicant has proved very special circumstances to justify the proposed development in the Green Belt. These are listed in the committee report as:

- Large-scale specialist garden centres in this area tend to be located on Green Belt land as all the countryside is designated Green Belt.
- Unsuitability/incompatibility of the use with the town centre.
- Reduction of the visual impact of the development due to its design and proposed landscaping and tree planting.
- Improvement of the quality of the local environment through reduction in waste water from the site through recycling of surface run off, grey water, and foul water.
- Reduction in energy consumption and enhanced energy efficiency.

- Encouragement of insect and bird life, through the introduction of the sedum roof, nature area and extensive tree planting.
- Promotion of nature study.
- Provision of recycling facilities.
- Increase in local employment.
- Highway improvements, including for pedestrians.
- Provision of a unique, exemplary and environmentally responsible development, to inspire greater awareness of issues of sustainability and human impact on the environment.

9 In addition, the Council has accepted that the proposals will not have an adverse impact on visual amenity.

10 When considering this proposal at consultation stage, the Mayor's report gave detailed comment on the acceptability or otherwise of each of the applicants' special circumstances cases, the majority of which are the same as those given above. The Mayor concluded that the majority of the very special circumstances put forward by the applicant are either policy requirements, for example reduction in energy efficiency, or are measures to mitigate against the impact of the development, for example highway measures, and as such do not constitute very special circumstances. This exercise is repeated and expanded below. As part of the consideration of the proposal, a relevant appeal decision has been considered. Chessington Nurseries Ltd lodged an appeal on the grounds of non-determination of an application to use the field to the north of the site for car parking. Although the application that was subject to appeal is a different application to the one considered here, the current application also proposes the use of this field for car parking, and therefore the appeal decision contains relevant policy considerations and principles that have been established on this site, and as such is a material consideration. The Inspector refused planning permission in 2002.

Large-scale specialist garden centres in this area tend to be located on Green Belt land as all the countryside is designated Green Belt and unsuitability/incompatibility of the use with the town centre.

11 There is a general presumption against development on the Green Belt in both the London Plan and PPG2. The need to protect the Green Belt, in particular the substantive weight given to harm of the Green Belt in PPG2, paragraph 3.2, is not outweighed by the need to expand the existing garden centre at a scale that encroaches on the Green Belt. It is difficult to justify that retail expansion of this size on the Green Belt. The existing, and the proposed redeveloped garden centre, includes a restaurant area and general retail sales area that go far beyond the sale of plants and other traditional garden centre or nursery goods. The use of the restaurant is not restricted to garden centre users, and together with the sale of goods that are not exclusive to garden centres, it is therefore not accurate to argue that these use must be located on the Green Belt. In this respect, a special case is not made for this scale of expansion on the grounds that this is a particular specialist retail use.

Reduction of the visual impact of the development due to its design and proposed landscaping and tree planting.

12 The square meterage of the garden centre is doubling as a result of these proposals. There is a 212% increase in built structures, (3,816 sq.m. buildings, plus 1,095 open-sided structures), a 265% increase in existing car parking area (an additional 7,371 sq.m.), and a 164% increase in sales area (an additional 3,454 sq.m.). Therefore the development represents more than just limited infilling or redevelopment, but constitutes a significant expansion. It is not possible for such

an increase in development to reduce the visual impact of the garden centre. Any screening of tree planting will not protect the open nature of the land. For example, as the field to the north is open at present, the proposal to screen the car park with trees may assist in minimising the view of the car park, but will adversely impact on the openness of the site at present. The sales area, and to some extent the parking areas, will inevitably include signage, lighting, fixtures and fittings, which will not appear open. The development will harm the visual amenity and openness of the Green Belt at this location, and therefore this very special circumstances argument put forward by the applicant, and supported by the Council, is not accepted.

13 The applicant, and the Council's committee report have argued that screen landscaping will be used to minimise the visual impact of the proposal. As discussed above, whilst the use of landscaping along Leatherhead Road may soften the impact of built structures, it would not maintain the open character, which is fundamental to the purpose of Green Belt.

14 This is supported by the appeal decision which refused planning permission for the use of this Green Belt land for car parking (similar to the parking proposals in this current application). The Planning Inspector noted that *"In my view the car park would present a more manicured, suburban appearance than an open grass field... But even if the landscaped car park were accepted as a benefit in visual terms, that would not be reason enough to grant permission because Green Belts are safeguarded for their openness and to protect the countryside from encroachment: the quality of the landscape is not relevant to the inclusion of land within a Green Belt or to its continued protection"*.

Improvement of the quality of the local environment through reduction in waste water from the site through recycling of surface run off, grey water, and foul water.

15 The London Plan requires all strategic developments to include sustainable design and construction measures, including the need to conserve water (Policy 4B.6 and the Mayor's Supplementary Planning Guidance: Sustainable Design and Construction). In addition, London Plan Policy 4A.11 states that the Mayor will, and boroughs should have proper regard to the impact of proposals on water demand and existing capacity, including the use of grey water recycling systems and rainwater harvesting. This element of the proposal is therefore a policy requirement and should not be seen as representing a very special circumstance.

Reduction in energy consumption and enhanced energy efficiency.

16 The London Plan requires all strategic developments to include energy efficient and renewable energy measures (Policies 4A.8 and 4A.9). This policy requirement is proposed to be strengthened and expanded by the draft Further Alterations to the London Plan, which requires developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures and prioritising decentralised energy, including renewables. This element of the proposal is therefore a policy requirement and should not be seen as representing a very special circumstance.

Encouragement of insect and bird life, through the introduction of the sedum roof, nature area and extensive tree planting.

17 The London Plan requires all strategic developments to include sustainable design and construction measures, including the need to *"conserve and enhance the natural environment, particularly in relation to biodiversity"*, this includes the use of green and brown roofs. (Policy 4B.6 and the Mayor's Supplementary Planning Guidance: Sustainable Design and Construction). This element of the proposal is therefore required by policy and should not be seen as representing a very special circumstance.

Promotion of nature study.

18 London Plan Policy 3A.21 states that the provision of different types of education facilities should take into account the protection of the Green Belt. The education centre forms only part of the development proposal, the majority of which is large-scale expansion of a retail centre. The promotion of nature study is not the reason for expansion, but simply an element of it. Therefore the inclusion of an educational use, whilst laudable, does not constitute a very special circumstance and justify the loss of Green Belt for the redeveloped garden centre.

Provision of recycling facilities.

19 The provision of public recycling facilities on the proposed car park, which would comprise a series of collection bins on currently open Green Belt land, is not an essential or integral part of a garden centre activity, and cannot be considered a very special circumstance.

Increase in local employment.

20 Increasing local employment should not outweigh the protection of the Green Belt, and is not therefore considered a very special circumstance.

Highway improvements, including for pedestrians.

21 The highway improvements included within the proposals are a requirement of the development to mitigate its impact on the strategic road network, and should not therefore be considered a very special circumstance. This is supported by the appeal decision that refused planning permission in 2002 for the use of Green Belt land for car parking (similar to the parking proposals in this current application). The Inspector noted that *"... road improvements to mitigate the harmful effects of generated traffic are a common requirement in respect of any substantial development, and any resultant safety benefits are not circumstances which in my view can reasonably be described as very special"*.

Provision of a unique, exemplary and environmentally responsible development, to inspire greater awareness of issues of sustainability and human impact on the environment.

22 As discussed above, the environmental and sustainability elements of the proposals are London Plan policy requirements, and as such should not be considered very special circumstances.

23 The Council has not provided sufficient analysis as to why these points constitute very special circumstances. The Council has argued that matters *"such as improved design, enhanced sustainability and recycling facilities may be considered potential benefits from the development. These matters lead to a reduction in the impact on Green Belt"*. This is not supported. As illustrated in detail above, the majority of the applicant's very special circumstances arguments revolve around policy requirements, and are not special features of this development. In addition, it is not understood how a 212% increase in built structures, a 164% increase in open sales area, and the location of recycling facilities on open Green Belt land, would lead to a reduction in the impact on Green Belt, as accepted by the Council.

24 PPG2 establishes five purposes of including land in Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- 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.

25 Paragraph 1.7 of PPG 2 states that *“The purposes of including land in Green Belts are of paramount importance to their continued protection”*. The site is located between the Chessington World of Adventures development site and Chessington, and Malden Rushett. As the Council’s proposals map illustrates, this site is important in preventing sprawl, and currently stops Chessington from merging with Malden Rushett. Increased development on this site, and the associated loss of openness, is therefore against the purposes of Green Belt land in preventing sprawl. The Planning Inspector in the appeal decision relating to this site stated that this piece of Green Belt land was *“highly sensitive”*, and *“specifically valuable in maintaining the separation between those built up areas and particularly vulnerable to encroachment”*.

26 The applicant has provided further justification for the development based on the conditions proposed by the Council. These include:

- Use of the site only as a garden centre and nursery, with ancillary restaurant and nature education and community centre; and
- In the event of the buildings becoming redundant, they and the associated car parks shall be demolished and all resultant demolition materials shall be removed from the site.

27 It is not considered that either of these conditions will reduce the impact of the development on Green Belt or alter the principle of the development.

28 PPG2 and London Plan Policy 3D.8 both advocate that any changes to Green Belt should be made through the development plan process. If the Council supports the development of the site, as indicated by its resolution to grant planning permission, it should therefore propose alterations to the Green Belt boundary through the development plan, rather than taking a development control approach to the sites development. This can either involve the de-designation of the site, or the designation of the site as a proposal site, which would allow for limited infilling, similar to the Chessington World of Adventure site to the north. Whilst this is the correct approach, it is not necessarily one that would be supported by the Mayor. Consideration of a change in boundary, or designation, to the Green Belt would be provided at the time of the Council’s submitted proposals for its local development framework.

Energy

29 The applicant has submitted further information detailing their proposal to replace the existing plant with sustainable technology as well as address the needs of the new development. The proposal includes biogas CHP system for the existing development, ground source heating and cooling for the new development, together with wind and photovoltaics to complement the CHP system. The total predicted carbon dioxide savings against Part L building regulations will be 34% from renewables. This exceeds the draft Further Alterations to the London Plan target, and is therefore supported. The applicant is considering an alternative biomass rather than biogas CHP should the former not be selected. The applicant could have extended the CHP system to serve the new development, rather than the proposed ground source heat pumps, however on balance the current scheme accords with London Plan policy. The Council has included a condition requiring the details of the energy system to be approved in consultation with the GLA. This will secure the delivery of the savings proposed.

Design

30 The Mayor has previously raised concerns with regard to the design of the proposals. These concerns largely revolve around the interface of the development with the road. The current proposals are internalised and do not address the main frontage. The applicant has submitted further information regarding the rationale for the design, which centres around an attempt to reduce the impact of the development, and therefore minimise its impact on the openness of the

Green Belt. In design terms an approach which seeks to minimise the development on Green Belt is logical. However, this does not preclude a street frontage. The development will, without doubt, be visible from the road. As such it should address this main frontage by locating its main access point at the front of the development. This is in accordance with London Plan Policy 4B.1, which states that the Mayor will ensure that developments are legible and attractive to look at.

Access

31 The Mayor has previously raised questions regarding the accessibility of the proposals, and sought clarification to ensure the proposals were in accordance with London Plan Policy 4B.5. The applicant has provided further clarification regarding inclusive design, and the Council has included a condition, which will secure adequate access and facilities for people with disabilities, including wheelchair accessible toilets. Further details are also provided within an informative. It is disappointing that a specific condition was not included with regard to blue badge holders, as requested by the Mayor previously. However, the Council has included a condition requiring a green travel plan, which includes a parking strategy. Disabled parking, its management and review should be fundamental to this plan.

Transport for London's comments

32 Transport for London is satisfied that all issues raised previously have been resolved.

London Development Agency's comments

33 When the Mayor considered this scheme previously, the LDA did not raise serious strategic objection to the proposal. However the LDA requested that the Council fully consider the potential for harm on existing centres in terms of PPS6. The LDA notes that the Council, in its committee report, indicates that in its opinion the application has satisfactorily demonstrated accordance with PPS6. The LDA is satisfied that the Council has considered this issue.

34 The LDA welcomes the applicant's agreement to provide initiatives to create training opportunities for local people and to address other barriers to employment, including childcare. The Council has included a commitment to these initiatives within the s.106 agreement. The Council should ensure these initiatives include opportunities for residents and local businesses during construction as well as the completed development, including supply of goods and services.

Response to consultation

35 The Council received a number of responses to its consultation exercise for this proposal. In addition, the Mayor and the GLA have received a number of representations direct. Elmbridge Borough Council, the CPRE (Campaign to Protect Rural England), Surrey County Council and Epsom and Ewell Borough Council have all written to Kingston upon Thames Council objecting to the proposal on the grounds of loss of Green Belt, and a lack of demonstrable very special circumstances. Three letters of objection, and four letters/emails in support were received from local residents. In addition, 2000 statements of support were lodged with the previous application.

36 The CPRE has written to GLA officers supporting the comments made in the Mayor's previous report regarding the unacceptable loss of Green Belt land, and asking the Mayor to direct the Council to refuse the application. Tony Arbour, Assembly Member for Kingston upon Thames has written to the Mayor in support of the application.

Legal considerations

37 Under the arrangements set out in article 5 of the Town and Country Planning (Mayor of London) Order 2000 the Mayor has the power to direct the local planning authority to refuse permission for a planning application referred to him under article 3 of the Order. In doing so the Mayor must have regard to the matters set out in article 5(2) of the Order, including the principle purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

Financial considerations

38 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 8/93 (*'Award of Costs in Planning and Other (including Compulsory Purchase Order) Proceedings'*) emphasises that parties usually pay their own expenses arising from an appeal. In the present case it is anticipated that a public inquiry would last for up to two weeks. The Mayor's own costs may exceed £30,000 for counsel and £20,000 for specialist research, advice and expert witnesses. Other costs can be absorbed within already agreed budgets provided that additional cover is not required for the Planning Decisions Unit.

39 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

Conclusion

40 The proposal on Green Belt land constitutes inappropriate development, as detailed in the London Plan and PPG2. The applicant has not demonstrated that very special circumstances exist that outweigh the harm that will be caused to the Green Belt. A previous Planning Inspector has referred to this land as *"highly sensitive"*. This view is supported, and the loss of this land for retail purposes is not acceptable. The applicant is seeking a 212% increase in built structures on this site, which is significantly beyond the existing scale of development on the site. GLA officers have advised the applicants since 2004 that only limited infilling at a scale and massing similar to the existing built development on site would be acceptable, and that very special circumstances have not been demonstrated.

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planning report PDU/0398b/01

14 February 2007

Chessington Garden Centre

in the Royal Borough of Kingston upon Thames

planning application no. 06/10321/FUL

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000

The proposal

Redevelopment to provide 4,896 sq.m. built floorspace and 1,095 sq.m. open-sided floorspace for use as a garden centre, together with extended open sales area, relocation of existing growing houses, car parking and access.

The applicant

The applicant is Chessington Nurseries Ltd, and the architect is Malcolm Scott Consultants Ltd.

Strategic issues

The proposal constitutes inappropriate development on **Green Belt**, and will also result in the loss of land of **biodiversity** value. The applicant has not provided an acceptable very special circumstances case. Notwithstanding the overdevelopment on green belt, there are also concerns regarding **design, sustainability, access** and **energy**. Further **transport** modelling is required, and measures to overcome barriers to work should be secured.

Recommendation

That Kingston Upon Thames Council be advised that the scale of the proposal in the Green Belt is unacceptable.

Context

1 On 12 December 2006 Kingston Upon Thames Council consulted the Mayor of London on a proposal to develop the above site for the above uses. Under the provisions of the Town & Country Planning (Mayor of London) Order 2000 the Mayor has the same opportunity as other statutory consultees to comment on the proposal. This report sets out information for the Mayor's use in deciding what comments to make.

2 The application is referable under Category 3D of the Schedule of the Order 2000: "Development on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan and which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building."

3 If Kingston Upon Thames Council subsequently decides that it is minded to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct the Council to refuse permission.

4 The Mayor of London's comments on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The 4.9 hectare site is located on the A243 Leatherhead Road. The site is bounded to the south, east and north by open space, and by the A243 and Chessington Woods to the west. To the north of the site is located Chessington World of Adventures, a leisure park, and Chessington town Centre. The site currently comprises of Chessington Nurseries garden centre, which includes buildings, an open sales area and car parking, and open space.

Details of the proposal

6 Chessington Nurseries Ltd is seeking full planning permission for the redevelopment of the site to provide an extended garden centre, with additional car parking and revised entrance. The architect is Malcolm Scott Limited. The proposal includes a nature conservation centre and public recycling facilities. The table below details the existing and proposed floorspace of the garden centre.

	Existing (sq.m.)	Proposed (sq.m.)
Garden centre and nursery buildings	3,755	6,937
Pets and aquatic centre	394	394
Storage building	230	230
Open-sided sales structure	0	1,095
Nature education centre	0	634
Open sales area (hardstanding)	5,376	4,415
Open sales area (gravel and plant benches/beds)	0	4,415
Car park tarmac	4,480	6,235

Car park gravel	0	5,616
Car parking spaces	176 spaces	380 spaces
Delivery area	1,840	1,697
Recycling area	0	656
Total	16,075	32,322

Case history

7 In December 2003 Chessington Nurseries Ltd submitted an application for redevelopment of the garden centre to Kingston Upon Thames Council. This was referred to the Mayor on 9 March 2004. Following discussions with the Council and GLA officers the applicant withdrew the application. The Mayor did not formally consider the scheme, although concerns were raised by GLA officers with regard to inappropriate development on green belt. The scheme considered here is largely identical to the 2003 proposals.

Strategic planning issues and relevant policies and guidance

8 The relevant issues and corresponding policies are as follows:

- Green Belt/MOL *London Plan; PPG2*
- Urban design *London Plan; PPS1*
- Biodiversity *London Plan; the Biodiversity Strategy; PPS9*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; ODPM Planning and Access GPG*
- Equal opportunities *London Plan; draft Meeting the spatial needs of London's diverse communities SPG*
- Sustainable development *London Plan; PPS1, PPS3; PPG13; PPS22; Draft PPS1 Supplement: Planning and Climate Change; the Mayor's Energy Strategy; Sustainable Design and Construction SPG*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13; Land for Transport Functions SPG*
- Parking *London Plan; the Mayor's Transport Strategy; PPG13*

9 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Kingston Upon Thames Unitary Development Plan 2005 and the 2004 London Plan (with 2006 Alterations).

10 The Further Alterations to the London Plan, which have undergone public consultation, are also relevant material considerations.

Green Belt

11 The site is designated as Green Belt in the Kingston Upon Thames Unitary Development Plan 2005. The proposal represents inappropriate development in the Green Belt, as set out in paragraph 3.4 of Planning Policy Guidance Note 2: Green Belts. Paragraph 3.2 of PPG2 states that "Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Policy 3D.8 of the London Plan states that “*There is general presumption against inappropriate development in the Green Belt, and such development should not be approved except in very special circumstances*”. This approach is consistent with PPG2.

12 The applicant has put forward a very special circumstances argument. However, the reasons provided by the applicant are not sufficient to outweigh the harm caused to the Green Belt by the proposals, and should not be considered as very special circumstances. Each reason is explained in detail below:

- *That this is the only site where such expansion of the garden centre is feasible.* There is a general presumption against development on the Green Belt in both the London Plan and PPG2. The need to protect the Green Belt, in particular the substantive weight given to harm of the Green Belt in PPG2, paragraph 3.2, is not therefore outweighed by the need to expand the existing garden centre at a scale that encroaches on the Green Belt.
- *That there will be a reduction in the visual impact of the site due to careful design and tree planting.* The square meterage of the garden centre is doubling as a result of these proposals. There is a 212% increase in built structures, (3,816 sq.m. buildings, plus 1,095 open-sided structures), a 265% increase in car parking area (an additional 7,371 sq.m.), and a 164% increase in sales area (an additional 3,454 sq.m.). Therefore the development represents more than just limited infilling or redevelopment, but constitutes a large expansion. As the field to the north is open at present, the proposal to screen the car park with trees may assist in minimising the view of the car park, but will adversely impact on the openness of the site at present. The sales area, and to some extent the parking areas, will inevitably include signage, lighting, fixtures and fittings, which will not appear open. Therefore the development will harm the visual amenity and openness of the Green Belt at this location.
- *That there will be an improvement to the local environment through energy efficiency measures and the reduction of carbon dioxide and energy consumption.* The London Plan requires all strategic developments to include energy efficient and renewable energy measures (Policies 4A.8 and 4A.9). This element of the proposal is therefore required by policy and should not be seen as representing a very special circumstance.
- *That there will be a reduction in surface run-off from buildings and hardstandings through water recycling measures.* The London Plan requires all strategic developments to include sustainable design and construction measures, including the need to conserve water (Policy 4B.6 and the Mayor’s Supplementary Planning Guidance: Sustainable Design and Construction). This element of the proposal is therefore required by policy and should not be seen as representing a very special circumstance.
- *The encouragement of insect and plant life through the introduction of sedum roof, nature area and extensive tree planting.* The London Plan requires all strategic developments to include sustainable design and construction measures, including the need to conserve and enhance the natural environment, particularly in relation to biodiversity, and the inclusion of green and brown roofs. (Policy 4B.6 and the Mayor’s Supplementary Planning Guidance: Sustainable Design and Construction). This element of the proposal is therefore required by policy and should not be seen as representing a very special circumstance.
- *The inclusion of a nature education centre, therefore promoting the study of local plant life.* London Plan Policy 3A.21 states that the provision of different types of education facilities should take into account the protection of the Green Belt. Therefore the inclusion of an educational use, whilst laudable, does not constitute a very special circumstance and justify the loss of Green Belt.

- *The inclusion of public recycling facilities.* The provision of public recycling facilities, which would comprise collection bins, cannot be considered a very special circumstance.
- *That there will be an increase in local employment.* Increasing local employment should not outweigh the protection of the Green Belt, and is not therefore considered a very special circumstance.
- *Improvements to highway and pedestrian safety.* The highway improvements included within the proposals are a requirement of the development to mitigate its impact on the strategic road network, and should not therefore be considered a very special circumstance.

13 The application site sits directly to the south of Chessington World of Adventures. This is designated as a proposal site in the Green Belt in the Council's UDP. The quantum of development on that site has reduced the quantity and quality of the Green Belt in the south of the borough. Development on the garden centre site will serve to further erode the Green Belt in this location.

14 The proposals will see a doubling of size of the garden centre on this Green Belt site. As such, the development is inappropriate. The applicant's case for very special circumstances, as outlined above, is not acceptable. Any plans for the redevelopment of the garden centre should fall within the existing built envelope, be of the same height and scale of the existing buildings, and not impact on the openness or visual amenity of the Green Belt.

Urban design

15 Notwithstanding that the proposal currently fails to protect the visual amenity and openness of the Green Belt, and represents a large extension of the existing facility, the current layout also raises urban design concerns. The proposal fails to address the A243 frontage, with the garden centre entrance addressing the car park, rather than the road. In addition, the location of the car park towards the front of the site further downgrades any improvement in quality to be gained at the entrance or street frontage by these proposals. The location of the children's play area, and the restaurant service yard adjacent to each other, and at the front of the site, also raises concerns and should be reconsidered.

Biodiversity

16 The application site directly abuts two Sites of Importance for Nature Conservation (SINC) as identified through the adopted procedures for London¹. The southern and central western boundaries are contiguous with the Jubilee Meadows Borough SINC, while the southwest boundary is contiguous with the Jubilee Woods Metropolitan SINC and Local Nature Reserve. Across the Leatherhead Road is a further Borough SINC, Chessington Wood.

17 The application includes a supporting design statement, informed by an ecological survey report. This includes a detailed habitat survey and an assessment of the site's importance for protected species. The ecological survey confirms that the grassland to be replaced by the car park and buildings is of interest for its biodiversity. Plants recorded here would indicate a community of damp grassland species typical of semi-improved meadows over London clay. The presence of this substantiates the strategic issue over loss of Green Belt.

18 Whilst the inclusion of an environmental education/nature interpretation centre as part of the redevelopment is welcomed, particularly given the proximity of several sites of wildlife interest, it is not considered that the loss of an area of locally important damp grassland habitat within Green Belt is acceptable.

¹ Policy, criteria and procedures for identifying nature conservation sites in London. Adopted by the Mayor as a firm basis for the London Biodiversity Strategy. First adopted by the LEC in 1994, by LPAC in 1995, and recommended in RPG3 in 1996

Equal access

19 London Plan Policy 4B.5 states that *“Boroughs should require development proposals to include an Access Statement showing how the principles of inclusive design, including the specific needs of disabled people, have been integrated into the proposed development, and how inclusion will be maintained and managed”*. The applicant has submitted an access statement. Whilst this contains some useful information on how the site will be accessed, it is not clear if the necessary design standards are being followed, for example will the pedestrian crossway, entrance, and walkways, be appropriately designed and wide enough for wheelchairs and pushchairs to pass easily. View 7 in the design statement appears to show a step between the car park and the entrance to the garden centre, which raises concerns. In addition, it is not clear whether the children’s play area and the education centre will be designed to be accessible to disabled children. Further clarification and information is required.

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33 In principle the LDA has no objection to the proposed development. However the Council should satisfy themselves that the development will not harm the viability and vitality of existing town centres, and that the sequential test assessment and retail impact assessment submitted with the application addresses the relevant tests in PPS6.

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Local planning authority's position

35 The Council will consider a report on this case on 19 February 2007. The case officer has indicated a favourable recommendation.

Legal considerations

36 Under the arrangements set out in article 3 of the Town and Country Planning (Mayor of London) Order 2000 the Mayor has an opportunity to make representations to Kingston Upon Thames Council at this stage. If the Council subsequently resolves to grant planning permission, it must allow the Mayor an opportunity to decide whether to direct it to refuse planning permission. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's comments unless specifically stated.

Financial considerations

37 There are no financial considerations at this stage.

Conclusion

38 The proposal on Green Belt land constitutes inappropriate development, as detailed in the London Plan and PPG2. The garden centre will double in size, a growth that cannot be considered limited infilling. The very special circumstances case submitted by the applicant is not acceptable. The impact of the development will also harm land of biodiversity value. The application is not therefore acceptable in strategic planning terms. The proposals for redevelopment should not exceed the existing built envelope and scale of the current garden centre.

39 Notwithstanding the overdevelopment on Green Belt, concerns are also raised regarding the design and the layout of the proposals, which do not address the street frontage, but are largely inward looking. Further information is required on accessibility and sustainability, and measures to overcome barriers to work should be secured by the Council. In addition, the applicant should submit further information to illustrate that the sustainable energy measures have been maximised in technical terms, and that they can be delivered. The Council should include a condition on any planning permission to secure the implementation of the proposed measures.

40 TfL considers this scheme to be acceptable, taking into account the outer London location and the nature of goods sold at the site. The mitigation measures and financial contribution included within the proposals are predicted to improve congestion and pedestrian and cyclist safety. However, further modelling work is required to understand the impact of the development on the surrounding road network.

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planning report PDU/0398b/01

14 February 2007

Chessington Garden Centre

in the Royal Borough of Kingston upon Thames

planning application no. 06/10321/FUL

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000

The proposal

Redevelopment to provide 4,896 sq.m. built floorspace and 1,095 sq.m. open-sided floorspace for use as a garden centre, together with extended open sales area, relocation of existing growing houses, car parking and access.

The applicant

The applicant is Chessington Nurseries Ltd, and the architect is Malcolm Scott Consultants Ltd.

Strategic issues

The proposal constitutes inappropriate development on **Green Belt**, and will also result in the loss of land of **biodiversity** value. The applicant has not provided an acceptable very special circumstances case. Notwithstanding the overdevelopment on green belt, there are also concerns regarding **design, sustainability, access** and **energy**. Further **transport** modelling is required, and measures to overcome barriers to work should be secured.

Recommendation

That Kingston Upon Thames Council be advised that the scale of the proposal in the Green Belt is unacceptable.

Context

41 On 12 December 2006 Kingston Upon Thames Council consulted the Mayor of London on a proposal to develop the above site for the above uses. Under the provisions of the Town & Country Planning (Mayor of London) Order 2000 the Mayor has the same opportunity as other statutory consultees to comment on the proposal. This report sets out information for the Mayor's use in deciding what comments to make.

42 The application is referable under Category 3D of the Schedule of the Order 2000: "Development on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan and which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building."

43 If Kingston Upon Thames Council subsequently decides that it is minded to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct the Council to refuse permission.

44 The Mayor of London’s comments on this case will be made available on the GLA website www.london.gov.uk.

Site description

45 The 4.9 hectare site is located on the A243 Leatherhead Road. The site is bounded to the south, east and north by open space, and by the A243 and Chessington Woods to the west. To the north of the site is located Chessington World of Adventures, a leisure park, and Chessington town Centre. The site currently comprises of Chessington Nurseries garden centre, which includes buildings, an open sales area and car parking, and open space.

Details of the proposal

46 Chessington Nurseries Ltd is seeking full planning permission for the redevelopment of the site to provide an extended garden centre, with additional car parking and revised entrance. The architect is Malcolm Scott Limited. The proposal includes a nature conservation centre and public recycling facilities. The table below details the existing and proposed floorspace of the garden centre.

	Existing (sq.m.)	Proposed (sq.m.)
Garden centre and nursery buildings	3,755	6,937
Pets and aquatic centre	394	394
Storage building	230	230
Open-sided sales structure	0	1,095
Nature education centre	0	634
Open sales area (hardstanding)	5,376	4,415
Open sales area (gravel and plant benches/beds)	0	4,415
Car park tarmac	4,480	6,235
Car park gravel	0	5,616
Car parking spaces	176 spaces	380 spaces
Delivery area	1,840	1,697
Recycling area	0	656
Total	16,075	32,322

Case history

47 In December 2003 Chessington Nurseries Ltd submitted an application for redevelopment of the garden centre to Kingston Upon Thames Council. This was referred to the Mayor on 9 March 2004. Following discussions with the Council and GLA officers the applicant withdrew the application. The Mayor did not formally consider the scheme, although concerns were raised by GLA officers with regard to inappropriate development on green belt. The scheme considered here is largely identical to the 2003 proposals.

Strategic planning issues and relevant policies and guidance

48 The relevant issues and corresponding policies are as follows:

- Green Belt/MOL *London Plan; PPG2*
- Urban design *London Plan; PPS1*
- Biodiversity *London Plan; the Biodiversity Strategy; PPS9*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; ODPM Planning and Access GPG*
- Equal opportunities *London Plan; draft Meeting the spatial needs of London's diverse communities SPG*
- Sustainable development *London Plan; PPS1, PPS3; PPG13; PPS22; Draft PPS1 Supplement: Planning and Climate Change; the Mayor's Energy Strategy; Sustainable Design and Construction SPG*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13; Land for Transport Functions SPG*
- Parking *London Plan; the Mayor's Transport Strategy; PPG13*

49 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Kingston Upon Thames Unitary Development Plan 2005 and the 2004 London Plan (with 2006 Alterations).

50 The Further Alterations to the London Plan, which have undergone public consultation, are also relevant material considerations.

Green Belt

51 The site is designated as Green Belt in the Kingston Upon Thames Unitary Development Plan 2005. The proposal represents inappropriate development in the Green Belt, as set out in paragraph 3.4 of Planning Policy Guidance Note 2: Green Belts. Paragraph 3.2 of PPG2 states that *"Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"*. Policy 3D.8 of the London Plan states that *"There is general presumption against inappropriate development in the Green Belt, and such development should not be approved except in very special circumstances"*. This approach is consistent with PPG2.

52 The applicant has put forward a very special circumstances argument. However, the reasons provided by the applicant are not sufficient to outweigh the harm caused to the Green Belt by the proposals, and should not be considered as very special circumstances. Each reason is explained in detail below:

- *That this is the only site where such expansion of the garden centre is feasible.* There is a general presumption against development on the Green Belt in both the London Plan and PPG2. The need to protect the Green Belt, in particular the substantive weight given to harm of the Green Belt in PPG2, paragraph 3.2, is not therefore outweighed by the need to expand the existing garden centre at a scale that encroaches on the Green Belt.
- *That there will be a reduction in the visual impact of the site due to careful design and tree planting.* The square meterage of the garden centre is doubling as a result of these proposals. There is a 212% increase in built structures, (3,816 sq.m. buildings, plus 1,095 open-sided structures), a 265% increase in car parking area (an additional 7,371 sq.m.), and a 164% increase in sales area (an additional 3,454 sq.m.). Therefore the development represents more than just limited infilling or redevelopment, but constitutes a large expansion. As the field to the north is open at present, the proposal to screen the car park with trees may assist in minimising the view of the car park, but will adversely impact on the openness of the site at present. The sales area, and to some extent the parking areas, will inevitably include signage, lighting, fixtures and fittings, which will not appear open. Therefore the development will harm the visual amenity and openness of the Green Belt at this location.
- *That there will be an improvement to the local environment through energy efficiency measures and the reduction of carbon dioxide and energy consumption.* The London Plan requires all strategic developments to include energy efficient and renewable energy measures (Policies 4A.8 and 4A.9). This element of the proposal is therefore required by policy and should not be seen as representing a very special circumstance.
- *That there will be a reduction in surface run-off from buildings and hardstandings through water recycling measures.* The London Plan requires all strategic developments to include sustainable design and construction measures, including the need to conserve water (Policy 4B.6 and the Mayor's Supplementary Planning Guidance: Sustainable Design and Construction). This element of the proposal is therefore required by policy and should not be seen as representing a very special circumstance.
- *The encouragement of insect and plant life through the introduction of sedum roof, nature area and extensive tree planting.* The London Plan requires all strategic developments to include sustainable design and construction measures, including the need to conserve and enhance the natural environment, particularly in relation to biodiversity, and the inclusion of green and brown roofs. (Policy 4B.6 and the Mayor's Supplementary Planning Guidance: Sustainable Design and Construction). This element of the proposal is therefore required by policy and should not be seen as representing a very special circumstance.
- *The inclusion of a nature education centre, therefore promoting the study of local plant life.* London Plan Policy 3A.21 states that the provision of different types of education facilities should take into account the protection of the Green Belt. Therefore the inclusion of an educational use, whilst laudable, does not constitute a very special circumstance and justify the loss of Green Belt.
- *The inclusion of public recycling facilities.* The provision of public recycling facilities, which would comprise collection bins, cannot be considered a very special circumstance.
- *That there will be an increase in local employment.* Increasing local employment should not outweigh the protection of the Green Belt, and is not therefore considered a very special circumstance.

- *Improvements to highway and pedestrian safety.* The highway improvements included within the proposals are a requirement of the development to mitigate its impact on the strategic road network, and should not therefore be considered a very special circumstance.

53 The application site sits directly to the south of Chessington World of Adventures. This is designated as a proposal site in the Green Belt in the Council's UDP. The quantum of development on that site has reduced the quantity and quality of the Green Belt in the south of the borough. Development on the garden centre site will serve to further erode the Green Belt in this location.

54 The proposals will see a doubling of size of the garden centre on this Green Belt site. As such, the development is inappropriate. The applicant's case for very special circumstances, as outlined above, is not acceptable. Any plans for the redevelopment of the garden centre should fall within the existing built envelope, be of the same height and scale of the existing buildings, and not impact on the openness or visual amenity of the Green Belt.

Urban design

55 Notwithstanding that the proposal currently fails to protect the visual amenity and openness of the Green Belt, and represents a large extension of the existing facility, the current layout also raises urban design concerns. The proposal fails to address the A243 frontage, with the garden centre entrance addressing the car park, rather than the road. In addition, the location of the car park towards the front of the site further downgrades any improvement in quality to be gained at the entrance or street frontage by these proposals. The location of the children's play area, and the restaurant service yard adjacent to each other, and at the front of the site, also raises concerns and should be reconsidered.

Biodiversity

56 The application site directly abuts two Sites of Importance for Nature Conservation (SINC) as identified through the adopted procedures for London². The southern and central western boundaries are contiguous with the Jubilee Meadows Borough SINC, while the southwest boundary is contiguous with the Jubilee Woods Metropolitan SINC and Local Nature Reserve. Across the Leatherhead Road is a further Borough SINC, Chessington Wood.

57 The application includes a supporting design statement, informed by an ecological survey report. This includes a detailed habitat survey and an assessment of the site's importance for protected species. The ecological survey confirms that the grassland to be replaced by the car park and buildings is of interest for its biodiversity. Plants recorded here would indicate a community of damp grassland species typical of semi-improved meadows over London clay. The presence of this substantiates the strategic issue over loss of Green Belt.

58 Whilst the inclusion of an environmental education/nature interpretation centre as part of the redevelopment is welcomed, particularly given the proximity of several sites of wildlife interest, it is not considered that the loss of an area of locally important damp grassland habitat within Green Belt is acceptable.

Equal access

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