

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	251391
Site Address:	Former Dobbies Garden Centre, 166 Hyde End Road, Shinfield, RG2 9ER
Expiry Date:	8 July 2025
Proposal: Application for non-material amendment to planning consent 212717 to allow change of the wording of condition 2 to include the details of the proposed phasing of the redevelopment.	

PLANNING HISTORY

Application No.	Description	Decision & Date
203425	Application for a certificate of existing lawful development for Dobbies Retail Garden Centre Use Class E(a), Display or retail sales of goods, other than hot food Use Class E(b) Sale of food and drink for consumption (mostly) in premises.	Approved 29/07/2021
212717	Full planning application for redevelopment of the site to provide a new garden centre retail development incorporating restaurant/cafe, food hall and veterinary practice with ancillary works including car parking, access, outdoor display areas and landscaping, following demolition of existing buildings.	Approved 21/07/2022
223560	Application for submission of details to comply with the following condition of planning consent 212717 dated 21/07/2022 Condition 13 Electric Vehicle Charging Strategy. 27 Construction phase Emergency Plan 28 End User Emergency Plan. 37 Archaeology plan.	Approved 27/01/2023
250838	Application for non-material amendment to planning consent 212717 to allow change of the wording of conditions 11 and 12 to exclude works of demolition for the development.	Approved 04/04/2025
250950	Application for submission of details to comply with the following condition of planning consent 212717 dated 21/07/2022. Part Discharge Condition 38. Phasing.	Split decision 29/04/2025
250953	Application for submission of details to comply with the following condition of planning consent 212717 dated 21/07/2022. Part discharge of condition 29 relates to landscape and trees.	Split decision 13/05/2025
250952	Application for submission of details to comply with the following condition of planning consent	Split decision 21/05/2025

	212717 dated 21/07/2022. Part Discharge Condition 26. Contamination.	
250951	Application for submission of details to comply with the following condition of planning consent 212717 dated 21/07/2022. Part Discharge of condition 16 relates to the provision of accommodation for all site operatives, parking and turning within the site during the demolition and construction periods.	Split decision 03/06/2025

APPRAISAL

Is the proposed change non-material?

Yes	☒
No	☐

The applicant is seeking a non-material amendment to amend the approved planning consent Ref. 212717, specifically the wording of condition 2 attached to the planning permission, to include the details of the proposed phasing of the redevelopment of Dobbie's Garden Centre in Shinfield.

It is proposed that the redevelopment will be carried out in 5 phases, with Phases 1 & 2 involving demolition of smaller structures within the site and construction of temporary access to the rear, Phase 3 seeking demolition of smaller structures near the front of the site, construction of the new garden centre followed by the demolition of the existing garden centre once the new building is completed. This is so the existing commerce can continue to trade whilst development is taking place. Phase 4 would involve the construction of additional parking area and preparation of soft landscaping to the front, and lastly Phase 5 would see the access works, and completion of the car parking and hard/soft landscaping.

Allowing the development to be phased in the above way would not result in any material impact or re-assessment of the application and therefore is non-material in nature. Furthermore, it would benefit the local community as it would allow the existing business to continue to trade through the construction of the new garden centre.

Consequently, the description of development needs to be amended to reflect this is now a phased development, from:

Full planning application for redevelopment of the site to provide a new garden centre retail development incorporating restaurant/cafe, food hall and veterinary practice with ancillary works including car parking, access, outdoor display areas and landscaping, following demolition of existing buildings.

To:

Full planning application for the phased redevelopment of the site to provide a new garden centre retail development incorporating restaurant/cafe, food hall and veterinary practice with ancillary works including car parking, access, outdoor display areas and landscaping, following demolition of existing buildings.

It is widely understood that under S73 of the Town and Country Planning Act (1990) cannot allow for changes to the description of a development, as dictated by *Finney v Welsh Ministers & Ors* [2019] EWCA Civ 1868 case law. However, a description amendment via S96a is an appropriate and accepted route to make changes to the description.

Under S96a, the local planning authority has the power to impose new conditions or to remove/ alter existing conditions if necessary as a result of the NMA. Condition 38 of the planning permission Ref. 212717 requires the submission of a phasing plan. This condition has been partially approved for Phase 1 under discharge of conditions application Ref. 250950. As the phasing plan to show all phases has been submitted as part of this current application, it is considered necessary to amend the wording of condition 38 to ensure compliance with this plan.

Condition 38 to read as follows:

The development hereby permitted shall be carried out in accordance with the approved phasing schedule contained within plan numbered 11809 L 003 Rev D, unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interest ensuring that the development is undertaken in a comprehensive manner. Relevant policies: CP1, CP3 and CP6 of the Core strategy.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Recommendation:	Approve – the change is non-material.
Date:	19 June 2025
Earliest date for decision:	N/A

Recommendation agreed by: (Authorised Officer)	Connor Corrigan
Date:	19.06.25