

5a 3/11/1627/FO - Vary condition 2 of planning permission 3/09/0939/FP relating to the external materials of construction to allow landscaping along the front elevation in place of timber cladding – retrospective, at The Riverside Garden Centre, Lower Hatfield Road, Bayford, Hertford, Herts, SG13 8XX for Riverside Garden Centre Ltd

Date of Receipt: 14.09.2011

Type: Variation of Condition - Major

Parish: BAYFORD, HERTFORD

Ward: HERTFORD – CASTLE, HERTFORD – RURAL SOUTH

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following condition:

1. Full details of the proposed landscaping shall be submitted for approval within two months of the date of this decision. The landscaping shall thereafter be maintained to a height of 2m above ground level in accordance with the approved planting details, or such alternative planting as may be agreed in writing with the local planning authority.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, and ENV2. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The Riverside Garden Centre is an established garden centre with ancillary restaurant activities located on the edge of the River Lea within the Metropolitan Green Belt to the south west of Hertford. A new garden centre and restaurant building (Ref: 3/09/0939/FP) was approved in September 2009 and completed soon after. The site is accessed from Lower Hatfield Road with a car parking area to the front of the building. The surrounding area is predominantly rural in character, with the only immediate neighbour being a detached house 'Burrowfield' to the east, separated by mature tree screening.

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- 1.2 The new building was approved under reference 3/09/0939/FP subject to a number of conditions including the requirement for approval of materials of construction. To improve the appearance of the building it was agreed that a timber clad finish for the front elevation, rather than a panel wall cladding (metal) would be applied. This did not unfortunately happen due, the applicant states, to a default by the contractor.
- 1.3 The applicant has more recently provided new planting beds along the front elevation of the building as well as to the west side of the car park. They argue that the planting largely screens views of the building and request that this be agreed as a variation of the planning condition as it addresses the original reason for the condition.

2.0 Site History:

- 2.1 The site was previously known as Kingfisher Nurseries, and originally only sold produce grown on site. A number of new buildings were granted permission in the 1970s and 80s, including a new farm shop. Then in 1996, permission was granted to remove an earlier condition that prevented the sale of produce not originating from the nursery (3/96/1641/FO). The garden centre has since continued to expand.
- 2.2 In December 2005, retrospective permission was granted for a part change of use of the land to a bistro, with a new covered outdoor seating area (reference 3/05/2129/FP).
- 2.3 Retrospective permission was then refused in November 2006 for the retention of a caravan on site (3/06/1735/FP) and an appeal was subsequently dismissed. An earlier outline application for a dwelling on site was refused in 2001 (3/01/1762/OP) given the location of the site within the Green Belt and within a floodplain.
- 2.4 Permission was then granted in September 2009 for a new garden centre and restaurant building under reference 3/09/0939/FP. It is condition 2 of this permission that the owner is now applying to amend which relates to approval of external materials of construction.

3.0 Consultation Responses:

- 3.1 The Environment Agency were contacted but did not wish to be consulted or make comment on this application.

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3.2 The Council's Landscape Officer recommends permission. The planting provides an effective screen to the building, although the species has been chosen for its vigorous growth rather than a palette of more appropriate alternatives.

4.0 Town/Parish Council Representations:

4.1 Bayford Parish Council have yet to make comment on the application at time of writing.

4.2 Hertford Town Council have no objection, although were disappointed to note that the application was retrospective. However members considered that the landscaping was an improvement that softened the effect at the front of the building.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 Hertford Civic Society object to the change and do not agree with the applicant's view that the planting is natural and attractive. The planting has an unnatural appearance and is manifestly trying to hide something. The metal building is still seen for what it is and does nothing to preserve the rural character of the Green Belt. Planting is notoriously difficult to retain in a satisfactory condition in perpetuity. They ask that the building be finished as originally permitted.

5.3 Councillor L Haysey has also made an objection to the proposed change arguing similarly that the building is of an industrial design in the green belt and the condition was imposed to improve its appearance. Plants do not always survive and can be removed. They are not a permanent or acceptable solution to improving the visual aspect of this building.

5.4 A long letter of objection, with attachments, has been received from the neighbour at Burrowfield which is necessarily summarised. Representations of a civil nature are made that the application encroaches on the neighbour's property and that no consent will be given for this. Points of more planning relevance are made as follows:-

- Original decision granted in error
- 5th or 6th retrospective application at this site
- Development has no resemblance to that granted
- The red line excludes other sides of the car park

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- Car park levels have been raised 450mm
- The application will threaten the adjacent home with flooding
- Disputes the issue of contractor's default and litigation
- The details should have been approved *prior to development*
- There is black sludge in the lower end of Bayford Brook

5.5 1 letter of support has been received from residents in Hertingfordbury arguing that the planting is inspirational and attractive and that the addition of timber cladding would be an unnecessary cosmetic ploy, especially given the fenestration to the right of the front elevation. New boarding would also add to maintenance costs. They react to objections from the Civic Society and the local member suggesting this could lead to further costly planning appeals, as well as objecting to the continuing campaign by the neighbour at Burrowfield.

6.0 Policy:

6.1 The relevant saved Local Plan policies in this application include the following:

ENV1 Design and Environmental Quality
ENV2 Landscaping

6.2 In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), and Planning Policy Guidance 2 Green Belts are of relevance.

7.0 Considerations:

7.1 This application relates to the agreed finish of the new Garden Centre building which was approved with a timber cladding.

7.2 The applicant states that the reason this has not happened is due to a contractors default and, while little further evidence is submitted of this dispute, Officers have no reason to doubt the facts.

7.3 In any event, the main planning issue to consider in determining this application is whether the proposed landscaping negates a need to complete the building in the approved external finish and whether this is a satisfactory long term solution.

7.4 Issues and objections related to flooding or other alleged enforcement matters are not of relevance to the determination of this application and the Environment Agency sees no relevance of the application to Flood

Risk Assessments. In my view, the planting bed can, if anything, absorb rainfall and slow water run off.

Appearance and Design

- 7.5 The site is within a relatively open and isolated situation in the Countryside and with regards to the design and finish of buildings there is not consequently such an established pattern of finish. The surroundings are open and landscape dominant so this provides some flexibility to agree both the details of finishes and the principle of new planting.
- 7.6 The design of the replacement garden centre building, even with the timber cladding, is relatively functional in its appearance as was accepted due to the other considerations such as the presence of the pre-existing building. It is not a structure that requires the original planned materials to be readily visible based on the quality of its architecture.
- 7.7 Since the original grant of planning permission the front elevation of the building has become more effectively screened from the main road by additional frontage planting. It is seen from within the front car park and as approached by the main entrance. The applicant has exercised the option of adding planting to the car park area and, as this is not development, it is not a matter requiring planning permission.
- 7.8 In general, Officers would agree with the Civic Society's view that a proper finish for buildings is more persuasive than introducing planting that has to screen it from view. In this case, however, the planting can be reasonably expected to be maintained given the nature of the business, and the fact that it will promote the business itself by a well planted attractive front setting.
- 7.9 A planning condition is recommended to ensure that there is an ongoing requirement to maintain planting in accordance with agreed details and this is quite reasonable having regard to the tests of Circular 11/95 given the need to protect the appearance of the site and the development and the visual amenity of the Green Belt. This will safeguard the appearance and landscaping of the site in accordance with the provisions of Policies ENV1 and ENV2 of the adopted Local Plan.

8.0 Conclusion:

- 8.1 The principal issue to consider in this case is whether the additional planting addresses any harm to the quality of the development or the

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visual amenity of the Green Belt if the approved timber cladding is not introduced.

- 8.2 In Officers view, the planting reasonably achieves this. The proposed variation of the condition would ensure the benefit of the additional planting that has taken place at the front of this site and safeguards the amenity of the site and its surroundings within the Green Belt.
- 8.3 Subject to the planning condition as set out, the application is therefore recommended for approval.