

5d 3/12/1906/FO – Variation of condition 14 of planning permission 3/04/0082/FP to allow the removal of 12 wooden posts originally erected for landscaping purposes at Fusion Court, Broadmeads, Ware, SG12 9HS for Fusion Management Co (Ware) Ltd

Date of Receipt: 14.11.2012

Type: Full – Major

Parish: WARE

Ward: WARE – CHADWELL

RECOMMENDATION:

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

1. All soft landscaping originally agreed under condition 14 of permission ref: 3/04/0082/FP and shown on drawing no.90-102 (except for any directly associated with the posts the subject of this revision) shall be retained. Any trees or plants that, within a period of 24 months from the date of this permission, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as is reasonable practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a high standard of design and good quality landscaping is maintained, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and national guidance in section 7 of the National Planning Policy Framework.

Directive:

1. Other legislation (01OL1)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies ENV1 and ENV2) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

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3/12/1906/FO

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It comprises a residential development of 89 flats and associated parking, landscaping and amenity space. The development was granted permission on appeal in January 2007 under application ref: 3/04/0082/FP.
- 1.2 Condition 14 of the planning permission required the agreement of a scheme of hard and soft landscaping to be implemented as part of the development. Accordingly, a scheme was agreed and this included twelve 'climbing' posts with horizontal projecting beams of approximately 2.5m in height. These were erected in a landscaped area along the western boundary of the site, partially overhanging the car parking in this area.
- 1.3 Based on the documentation submitted to discharge this condition, it appears that these posts were intended to provide a structure for climbing plants which would have partly hung over the parking area and thereby softened its appearance. However, at the time of the officer's site visit in December of last year, the posts were bare with no sign of climbing plants having taken to them.
- 1.4 The applicant states that the posts have proven to be a continual maintenance problem, with two having fallen down at the time of the application. They contend that they do not serve any practical purpose, nor provide any visual enhancement of the site, unfortunately having the appearance of a gibbet.
- 1.5 The current proposal therefore is to remove the remaining posts from the site.

2.0 Site History:

- 2.1 In January 2007 planning permission was granted on appeal for the residential development of 89 flats, parking, amenity space and landscaping works (ref: 3/04/0082/FP).

3.0 Consultation Responses:

- 3.1 The Councils Landscape Officer has no objection to the proposal on landscape grounds.

4.0 Town Council Representations:

4.1 Ware Town Council has no objections to the proposal.

5.0 Other Representations:

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

5.2 No responses have been received as a result.

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, government guidance provided in the National Planning Policy Framework is relevant, in particular section 7 'Requiring good design'.

7.0 Considerations:

7.1 The determining issue in this case is whether the proposed alteration to the agreed landscaping scheme for this development would be acceptable in accordance with policies ENV1 and ENV2 of the adopted Local Plan.

7.2 The inverted L-shaped timber posts, the subject of the application, are sited in the landscaped area along the west boundary of the site wherein there are existing established trees. They are structures of quite heavy timber construction, with some visibility from outside the site, including the towpath to the north. The posts are each separate, individual structures, rather than being linked together to form a canopy over the parking area.

7.3 Whilst most of the approved landscaping details have been provided satisfactorily, these timber posts have not successfully achieved their intended purpose and, rather than supporting climbing plants to soften the appearance of the development, they now appear somewhat awkward and do not assist in improving the overall appearance of the site. They make no significant contribution to the character of the site and their design does not specifically relate to any other element of the

development. Officers therefore consider that their removal would not be harmful to the character of the site, and would probably enhance it.

- 7.4 The variation of this condition effectively grants a new planning permission for the development (even though of course it already exists) and officers have considered whether any of the original conditions need also to be imposed on this latest application. However, most of the original conditions related to works to be carried prior to the commencement of the development and are clearly no longer relevant; others required the approval of works or materials which have been satisfactorily provided on site. Condition 14 did require on-going landscape maintenance for a period of 5 years from completion of the development. Given that the development was constructed during 2009, Officers consider it appropriate to re-impose a landscape maintenance condition on the development which will ensure the continued maintenance of the existing landscaping on the site for a further two years.

8.0 Conclusion:

- 8.1 The removal of the wooden posts from the site would not, in Officers opinion, be harmful to its character or appearance. The posts have proven to be difficult to maintain and have no benefit without the associated planting, which has proven to be unsuccessful. The landscape officer has no objection to their removal and Officers consider that the retention of the posts is not justified, particularly as other soft landscaping within the site is effective.
- 8.2 It is therefore recommended that planning permission be granted for the removal of the posts subject to a condition requiring the maintenance of the remaining soft landscaping for a further two years (to accord with the timescale given in the original permission).