

Location:           **The Rose Gardens  
Cambridge Road  
Hitchin  
Hertfordshire  
SG4 0JX**

Applicant:           **Mr david Lazenby**

Proposal:           **Erection of external canopy following removal of  
existing marquee.**

Ref. No:             22/01657/FP

Officer:             **Anne McDonald**

**Date of expiry of statutory period : 15.08.2022**

#### **Reason for Delay**

The application has had a statutory extension granted until the end of October and the delay is due to officer workload and the committee timetable.

#### **Reason for Referral to Committee**

The application has been called into Planning Control Committee by Cllr Dennis-Harburg for the following reasoning:

*“Looking at the plan I have concerns that this is outward expansion, and in addition with the current extension into the car park which has no planning consent or application I would be minded to consider this to do continued harm to the green belt. Although adding a roof to an existing retail area seems at first glance not to cause additional harm the addition of a permanent structure does increase the built site density. There are also concerns, based on past conduct of the business, that the addition of this covered area may change its retail use and the products previously in that space could be migrated into the carpark. The knock-on of this is that the grassed overflow car park will need to be used by more vehicles. Of course the business can run itself as it pleases, but residents have serious concerns about the conduct of this business and what feels to them to be constant expansion. They believe this is causing harm to the natural environment.*

*When I met with residents on site they also expressed concerns that expansion and a transition from traditional plant and organic based garden services to more of a furniture/gift retail business could increase the number of cars attending the site. The entrance and exit is at a difficult angle directly opposite the access road to their homes off Cambridge Road. There are already safety concerns at busy times of day around priority for entering and exiting the road at these junctions. Increased traffic caused by expansion of a popular and successful business increases the risk to the community. Therefore whether as part of this application or one in future consideration to the access and egress of the Garden Centre and its revision must be given.*

*If officers are minded to approve the application I therefore request it be called in to the Planning Committee”.*

**List of Plans:**

A-PL-200/P08 – Location plan;  
A-PL-201/P01 – Existing site plan;  
A-PL-202/P01 – Existing floor plan;  
A-PL-203/P01 – Existing roof plan;  
A-PL-204/P02 – Existing elevations.  
A-PL205/P05 – Proposed site plan;  
A-PL206/P04 – Proposed floor plan;  
A-PL207/P04 – Proposed roof plan;  
A-PL208/P05 – Proposed elevations;

**1.0 Policies**

**1.1 National Planning Policy Framework February 2019:**

1.2 In general and with regard to:

Section 2 – Achieving sustainable development;  
Section 6 – Building a strong, competitive economy;  
Section 12 – Achieving well-designed places;  
Section 13 – Protecting Green Belt land.

**1.3 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 2 – Green Belt;

**1.4 North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Proposals Map**

SP5 – Countryside and Green Belt;  
SP9 – Design and Sustainability;  
D1 – Sustainable design

**2.0 Site History**

2.1 There is an extensive planning history for this site. Of relevance to this application is:

21/00768/FP – Erection of retail building within existing external retail area and additional infill canopies – Conditional Permission.

21/03016/FP – Side extension to provide additional retail building following demolition of existing detached outbuilding – Conditional permission.

22/00911/FP – Erection of external canopies and relocation of 2 existing canopies at existing retail garden centre – Refused.

2.2 The two conditional permissions listed above to date have not been commenced on site.

### 3.0 **Representations**

3.1 **HCC Highways** – does not wish to restrict the grant of planning permission.

3.2 The application has been advertised with site and press notices and neighbour notification letters. Replies have been received from / representing six households with one reply submitted on behalf of a group of neighbours. Key reasons for objection are:

- As this proposal is extending out into the open part of the site, I consider this is inappropriate development in the Green Belt.
- Application 22/00911/FP was declined for this reason.
- There is a marquee at the site and there is no planning history for it. Therefore, this structure is inappropriate development in the Green Belt.
- I can understand that some covered areas are needed to protect plants from frost or sun but the new canopies are only required because the garden centre has chosen to use the now enclosed area for the sale of goods some very removed from gardening such as hot tubs and teddy bears. These areas could easily be used for the sale of plants.
- This is the fourth application in just over a year since the site was taken over by the British Garden Centres group and the new owners have significant ambitions. The commercial need must be balanced against the preservation of the openness of the Green Belt.
- Whilst the NPPF is clear that extension to existing buildings in the Green Belt will sometimes be acceptable nowhere is retail identified as a use appropriate in the Green Belt.
- There is no supporting assessment of the applicant's perception of the physical and visual impacts of the proposal or any attempt to explain what might happen in the future.
- We have calculated that the amount of area to be covered is 61.7% which must be considered as substantially reducing the openness of the part of the Green Belt.
- We object to the use of the parking spaces for the storage of goods and the then the need and use of the field as an overflow car park. This creates additional visual clutter that is detrimental to the character and openness of the Green Belt.
- Object to only a site notice being posted to the earlier application as neighbours may well have commented if they has been aware of the applications.

### 4.0 **Planning Considerations**

#### 4.1 **Site and Surroundings**

4.1.2 Established garden centre business positioned on the west side of the A505 between the towns of Hitchin and Letchworth Garden Cite. The site is within the Green Belt.

#### 4.2 **Proposal**

4.2.1 This is a full application for the erection of an external canopy area following the removal of the existing marquee.

4.2.2 The proposed canopy area in this application is an area 23m long by 8m wide and is positioned adjacent to the main pathway through from the car park to the main building. The proposed canopy has a domed / curved shaped roof, with a maximum height of 3.7m and edge / eaves height of 2.7m and is open sided.

#### 4.3 Key Issues

4.3.1 The key issues in this instance are the whether the works are acceptable or not in the Green Belt.

4.3.2 Section 13 of the NPPF set out Green Belt policy, which seeks to protect the openness of the Green Belt. 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 sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it complies with the exceptions sets out under (a) – (g) of that paragraph. Part (g) states:

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development; or*

*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

4.3.3 Looking at the planning history, applications 21/00768/FP and 21/03016/FP were both considered to propose works that would be the 'limited infilling' at the garden centre and were approved on that basis. Both of these applications proposed areas of works that were inside of the existing building or canopy line of the garden centre, and yes, whilst new areas of roof will be seen when the development is completed, the roofs will sit within the context of the built form at the site and not have a greater impact on the openness of the Green Belt than the existing garden centre buildings and structures. Application 22/00911/FP proposed a significantly larger area of canopy. This application proposed to erect a roughly 'U' shaped area of canopy around the whole of the open plant sales area. This was considered to extend out into the open part of the site and was refused planning permission on the basis that there would be harm on openness.

4.3.4 I acknowledge that there are developments at the site which do not have the benefit of planning permission. These are the use of the field as an over flow car parking area and the erection of the marquee. The Council's Enforcement Team are aware of these issues and these matters are under consideration and are outside of the scope of this application.

4.3.5 This application has been submitted to over come the marquee issue as the proposed canopy is in the part of the location where the marquee is. In my view this application needs to ignore the presence or impact of the marquee as it is unauthorised, and assess this proposal on its own merits.

4.3.6 Paragraph 147 (g) states that the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, is acceptable in the Green Belt subject to the works not having a greater impact on openness than the existing development. In my view this proposal, due to it being sited adjacent to the existing pathway canopy and in front of the main shop building, is

a minor and subservient development on the land in accordance with paragraph 147 (g) advice. The proposed works being set against / in front of / next to the existing roof form on the site means that the new canopy will be seen within that context and not as the outward extension in to the Green Belt in my view. As a result, I do not conclude that there would be any undue adverse harm on openness as a result of this development.

- 4.3.7 The proposed canopy in real terms will result in the removal of the marquee, which is a larger and higher structure on the site and in real terms will result in an increase in openness. However, as the marquee is not an authorised structure no material weight in the application can be given this consideration.
- 4.3.8 As the canopy is to stand over existing retail floorspace at the garden centre there is no change of use proposed by the application and no requirement for any additional car parking.
- 4.3.9 I note the concerns from the neighbours that the products at the garden centre contain garden accessories such as hot tubs and gifts such as teddy bears. How the garden centre operates in terms of the products they sell is outside of the consideration of this application. However, it is common for garden centres to sell a range of garden furniture, accessories, home furnishing items and gifts as well as plants.
- 4.3.10 The application is not proposing any changes to the point of access with the highway and highways raise no objection to this application.

#### Conclusion

- 4.3.11 The proposed canopy is considered to be works that comply with the provisions of paragraph 147 (g) of the NPPF and no objection is raised to the application.

#### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### **6.0 Recommendation**

- 6.1 That planning permission GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans

listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The development hereby permitted shall be built in external materials and colour to match the existing canopies unless otherwise agreed in writing by the LPA.

Reason: To protect the visual amenities of the locality.

### **Proactive Statement**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.