

3/12/2164/FP – Enhancement of Tudor Square – amended proposal at Tudor Square, Ware. SG12 9XF for Ware Town Council.

Date of Receipt: 11.01.2013

Type: Full – Minor

Parish: WARE

Ward: WARE – CHRISTCHURCH

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10). Insert:- First Stage Hard Landscaping (Revised June 2014); Topographic Survey; Axonometric View 1; Axonometric View 2; OS Site.
3. Lighting details (2E27)
4. Programme of archaeological works (2E02)
5. Prior to the commencement of works, the applicant shall submit detailed engineering drawings and plans which shall also include the specification and samples of surface materials. The works to the Square shall ensure access is maintained as indicated within the diagrams.

Reason: In the interests of the appearance and quality of the works within this part of the Conservation Area and to ensure that the paving scheme is well designed, robust and fit for purpose in accordance with policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007.

6. Hard / Soft landscaping design (4P12) (a) (e) (f) (i) (j) (k)
7. Landscaping Implementation (4P13)
8. The details of any sculpture to be erected within the Square, in association with the development hereby permitted, shall be submitted to and as approved in writing by the local planning authority prior to its installation. The development shall then be carried out in accordance with the approved details.

Reason: Having regards to the appearance of the public square and the Ware Conservation Area and in accordance with Policy ENV1 and BH6

of the East Herts Local Plan April 2007.

9. Prior to the commencement of works, the applicant shall submit tracking diagrams to indicate how vehicle access is maintained to adjacent businesses and would provide for the erection of market stalls and associated loading. The works to the Square shall thereafter ensure that access is maintained as indicated within the approved diagrams.

Reason: To ensure that the scheme is well designed and has considered how to allow for essential servicing and emergency vehicle access in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (O10L) - add "Separate Highways Consent is required for works within the adopted Highway."
2. The applicant is advised that a Mural Wall on the east side of the Square would require Listed Building Consent as the curtilage boundary wall to Rankin House is part of its listing.

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 (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); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the other material considerations in this case is that permission should be granted.

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1.0 Background:

- 1.1 The application site is a significant public space located to the north and rear of the main High Street in Ware. It links West Street with the main Parish Church, St Mary's and Crib Street and lies centrally within the historic town centre and the town's Conservation Area. Restaurants and other businesses front onto the Square on its northern and western sides.

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- 1.2 The Square measures about 40m deep, from the rear of High Street businesses to the frontage of the flats and restaurants on the north side of the square, and measures about 40m wide from the Jacoby's Restaurant on its west side to Rankin House on its east. The form of the space was created when an area for the relocated weekly market was provided as part of the approved permission for a mixed development of new shops, houses and flats in 1998. The site had previously comprised a Telephone Exchange building and car parking.
- 1.3 Access to the Square is from a controlled drop down bollard in Rankin Street and along the carriageway of West Street which is paved in blue engineering bricks. While natural stone paving was laid for the more peripheral areas of the new square, part used as outdoor seating area by Jacoby's, the greater majority of the area was paved with an expanse of blue engineering bricks.
- 1.4 The market proved to be less popular in Tudor Square than hoped and therefore much of it relocated to the High Street where many stalls are now set up on market days. That said, a few key stallholders continue to locate in Tudor Square. By its size and rather functional appearance, designed for the market, it appears more like a car park and lacks character. A competition in 2003 to provide a feature within the square resulted in a proposal for a water feature and planning permission for a new Swan Sculpture with associated new landscaping was granted in 2008. However this was never implemented.
- 1.5 Ware Town Council, as applicant, has an aspiration that the area should be a pleasant space that local people can sit in, enjoy their lunch break or take a rest from shopping.
- 1.6 The proposals which are significantly redesigned from the first submissions in January last year, with the design input of a Landscape Architect, are understood to have been subject of separate local consultation as well as formal public consultation under the planning application. The amended scheme from March this year, envisages repaving the area with granite setts and Yorkstone slabs in a pattern of 3 circles marked by new tree planting and seating. Kerbs will be removed making it easier for disabled access. The design should still cater for events such as the Dickensian evening or a craft market and provisions are also made for cycle parking, lighting and essential street furniture.
- 1.7 Funding to enhance the open space has been made available by East Herts Council and is also provided from S106 agreements in the town. It is also understood funds are to be committed by Ware Town Council.

2.0 Site History:

2.1 The relevant planning history for the site is as follows:

- 3/86/1483/DC. Demolition of existing buildings. Erection of new mixed use buildings and provision of public car park. Withdrawn. 28 July 1987.
- 3/94/0924/OP. Demolition of Telephone Exchange and Construction of New Town Square Retail and Residential Development. Withdrawn 25 Nov 1997.
- 3/98/0418/FP. 9 Houses, 15 flats, Retail Units comprising 585sqm and Construction of a Public Square . Approved with conditions. 29 July 1998.
- 3/04/1248/FP. Change of use of land for the purpose of holding public markets. Approved with conditions. 18 August 2004.
- 3/06/0159/FP. Installation of water feature and ancillary works and additional landscaping proposals. Approved 7 May 2008.

3.0 Consultation Responses:

- 3.1 The County Archaeologist has requested a programme of archaeological work. The site is in an Area of Archaeological Significance with evidence of late Iron Age settlement and a later Roman Town. Tudor Square is the western part of an unusual double market place dating from the late 12th century.
- 3.2 County Highways have advised that in principle they support the improvement of the area and that any works to the highway will require highways consent. However, they originally objected to the removal of bollards as it is not clear how vehicles will be prevented from parking on the Highway section of Tudor Square; this concern is not addressed by the amended plans. The Highways authority would wish to see the kerbs retained as an edge to the block paved carriageway. They also note it is not clear how the servicing and turning arrangements for existing businesses would operate.
- 3.3 The East Herts Landscape Officer objected to the original scheme recommending the input of a landscape architect or urban designer. In relation to the amended scheme, he has given his support to the

current proposal which he views as bold and imaginative, reinventing Tudor Square as a multi functional open space within the town core. The new trees will soften, enclose and enhance the visual quality of the square. Some smaller unit paving such as granite setts, yorkstone setts or blue brick pavers are more suitable for trafficked areas, so it is proposed that materials can be reconsidered at the detailed conditions stage.

- 3.4 The East Herts Conservation Officer says Tudor Square is currently dominated by hard surfacing and the presence of bollards and cars detracts from its character. The proposal is a well considered design and an inviting user friendly multi functional public space will benefit the setting of listed buildings in the immediate area and providing an additional layer of character to the wider Conservation Area.
- 3.5 Feedback from the East Herts Market Manager, who has met with the applicant, is that he is now satisfied that the scheme can accommodate the traders that use the square at the moment. It is requested that a loading bay be designated at the front of the square for use on market days, Tuesdays, only.

4.0 Town Council Representations:

- 4.1 Ware Town Council is the applicant in this case.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification both when originally submitted and in respect of the subsequent amended design.
- 5.2 One letter of objection to the first submitted scheme was received from the Dental practice at 23-24 Tudor Square. It raised a concern about a planter and long bench and access for patients and emergency vehicles (now removed in the amended plans).
- 5.3 A letter of objection to the amended plans was received from a local resident and accompanied by a petition signed by 11 residents, mostly in Tudor Square, a business and 2 stall users.
- 5.4 The petition requests that businesses and residents of Tudor Square have their say in the enhancement process and that East Herts Council take into consideration the impact of these changes to local businesses and residents working and living conditions. It mentions limited access to homes; increased noise from people using benches not only during

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the day but into the early hours often drunk and antisocial. Businesses need access for deliveries and noise from people/ youths would put off customers to the restaurants.

- 5.5 The resident's letter and a DVD relates to problems within the Square. They refer to noise complaints in the past due to a bar exceeding its licence hours. The resident favours the proposed greenery, but placing benches in the area will allow people to loiter until the early hours causing much disturbance and the use of the square as a glorified Beer Garden. Existing noise on a Friday and Saturday is a growing concern, so to add benches where people can congregate will increase this problem. It is alleged that restaurants will be concerned about groups of youths alienating new customers in the area. Residents need a space to load and unload vehicles and restaurants need a space for deliveries. Residents were originally allowed 10 minutes but this has been cut to 3 minutes to unload. Adequacy of access for emergency vehicles is also questioned. They wish to make an alternative proposal which removes benches, widens gaps between trees and increases the visibility of the restaurants.

6.0 Policy:

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

SD1 Making Development More Sustainable
ENV1 Design and Environmental Quality
ENV2 Landscaping
ENV3 Planning Out Crime – New Development
BH3 Archaeological Conditions and Agreements
BH6 New Developments in Conservation Areas
LRC1 Sport and Recreation Facilities
LRC3 Recreational Requirements in New Residential Developments
IMP1 Planning Conditions and Obligations

- 6.2 In addition to the above the National Planning Policy Framework is a material consideration in determining this application.

7.0 Considerations:

- 7.1 The main issues to consider in the determination of this application are firstly whether the proposed design and layout of the space meets the requirements of local and national planning policy for good design and secondly whether this design relates to and respects the heritage interests of the Conservation Area and setting of listed buildings.

- 7.2 The impact of the development on adjoining businesses and the amenity interests of neighbours are also relevant planning considerations.

Design

- 7.3 The design for the Square has been developed over a period of time as a collaboration of design professionals, including the Council's landscape officer. The current proposed design of circular paving patterns includes 3 rings in the square. This, with the landscaping proposed, is considered to break down the rather awkward geometry of the square creating a more intimate space. The paving adds visual interest to the floorspace without being too dominant a pattern. The priority was to introduce more tree planting while maintaining the square's function for markets and other events. Granite and Yorkstone are proposed to be used in the square, although this will be subject to detailed consideration with regards to the impacts of vehicles. In any event, it is considered that the works will provide a much more attractive finish than the existing extensive and functional blue brick surface.
- 7.4 The proposed design is intended to increase the attractiveness of the area bringing more people into Tudor Square and making fuller use of the space as a public amenity for the benefit of the town and the town centre. It will clearly look far less like a car park. The current appearance itself encourages car parking both authorised and unauthorised, and the design will therefore naturally discourage this.
- 7.5 Other potential additions to the square could be a sculpture or a mural wall and the details of these can be agreed by planning condition, or in the case of the mural, will require listed building consent.
- 7.6 As the National Planning Policy Framework (NPPF) sets out at para 56
- “Good Design is a key aspect of sustainable development, is indivisible from good planning, and should positively contribute to making places better for people”.*
- 7.7 The proposal accords with this priority, and by providing a high quality public space it also promotes a healthy community - another priority of the NPPF (para 69).
- 7.8 No objections have been received to the principle of enhanced design and there is almost unanimity of view that the proposed scheme will

enhance the quality and attractiveness of the area. The Highways Officer's concerns about parking are not likely to affect a significant area of the Highway, nonetheless additional measures such as a few retained bollards, or provision of street furniture can be provided under the details of the planning conditions to deter any unauthorised access.

Conservation/Heritage

- 7.9 The space in its current form detracts from and certainly doesn't contribute as positively to the Conservation Area as it could. As the applicant describes it, the existing square has the appearance of a car park and is a rather soulless space.
- 7.10 It is also an area with listed buildings on three sides and, given the nature of the proposed designs, it is considered that the proposal will enhance the settings of these heritage assets.
- 7.11 The Council's Conservation and Landscape Officers have both given support to the proposals. The Conservation Officer considers they will enhance the setting of nearby listed buildings as well as the Conservation Area. The scheme therefore accords with the priorities of local and national policy to preserve and enhance Heritage Assets.

Business Access

- 7.12 A concern has been raised by a resident about access to the local businesses. One objective has been that the design is intended to maintain essential deliveries and the market manager confirms that this will be possible for the market stalls. No objection has been received directly from adjoining businesses to the scheme although one has signed the petition. In response to objection the Town Council has commented that access will be no worse than at present for emergency or business vehicles.
- 7.13 The County Highways Officer has queried access too and therefore, given that it is important to demonstrate that the design provides for essential access, it is recommended that tracking diagrams be submitted and approved under a planning condition.

Neighbour Amenity

- 7.14 The issues raised are a material planning consideration. The Square has been a rather quiet area for much of the time since it was created about 13 years ago, and not as successfully used as a public space including at times vacancy of retail units around the Square. It is

understandable that residents of flats around the Square will have concerns about the proposed change, and inevitably by making a place more attractive and popular this will attract more activity and to a degree increase noise within the area. However it is a large public square and was always designed with this in mind. Residents overlook the space but also have quieter private outlook to the rear. The increased presence of the public will, in Officers' view, naturally police the area so antisocial behaviour should be no more of an issue than it is at present.

- 7.15 No objection has been received from the Crime Prevention officer. The issue of late night noise or drinking is one that could relate to the existing area and should be monitored and managed. However it is not a valid reason to deny the general public the proposed seating in a more attractive public space and the Town Council has commented in response to objection that the seating is integral to the design.

8.0 Conclusion:

- 8.1 The application has been prepared over a period of time with separate public consultation carried out by Ware Town Council as well as the consultations for this planning application.
- 8.2 The proposals respond to the opportunity to enhance and encourage enjoyment, safety and attractiveness of a main town centre public space. This will be to the enhancement of the town centre and this part of the Ware Conservation Area.
- 8.3 The objections to the scheme are limited in number and extent and reflect a concern about the anticipated change as the area becomes more busy and successful. While this is understandable it does not amount to grounds for refusal. The proposal accords with national guidance in the NPPF which says that local planning authorities should support town centre vitality, plan positively for their future and promote high quality public spaces. As Tudor Square becomes a more attractive and popular place this will be good for its businesses as well as public enjoyment of the area and Officers consider that this will naturally discourage anti-social behaviour by the policing presence of larger numbers of the public. The issue of late night disturbance is a problem that can occur with the existing square and is similarly a matter for general of policing and management of the Square.
- 8.4 The general principle of enhancement is supported by local and national policies. The proposals will, in the view of officers, ensure a more distinctive and attractive public space , that will allow for multiple

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uses, and will become a more greatly valued asset for the town. Some details may require refining and it is appropriate for planning conditions as proposed to enable this. In particular to ensure essential vehicle access and to ensure robust approaches to the details of paving.

- 8.5 The application is therefore recommended for approval subject to the planning conditions as set out above.