

**3/14/0707/FP – Demolition of outbuildings and covered yard adjoining the river, erection of a single house, alterations and extensions to convert former sorting office to 11 houses, refurbishment of office building, external works and appropriate hardscaping at Land to rear of, 57, High Street, Ware, Herts, SG12 9AD for Keith Ashman, White Hart Developments**

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**Date of Receipt:** 06.05.2014

**Type:** Full – Major

**Parish:** WARE

**Ward:** WARE – CHRISTCHURCH

**RECOMMENDATION:**

That, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

Financial contributions of:

- £32,594 towards Secondary Education;
- £30,880 towards Primary Education;
- £632 towards Youth;
- £2,419 towards Libraries;
- £4,216 towards Parks and Public Gardens;
- £11,657 towards Outdoor Sports Facilities;
- £1,798 towards Amenity Green Space;
- £1,711 towards Children and Young People;
- Fire Hydrant;
- Monitoring fee of £320 per clause

planning permission be **GRANTED** for the application submitted under reference 3/14/0707/FP subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) –(A001, A010, A011, A012, A100, A101,A102, A103, A110, A120, A121, A122, A123, A130, A131, A132, A133, A150, A200, A301)
3. Boundary walls and fences (2E07)
4. Materials of construction (2E11)
5. Hard surfacing (3V21)

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6. Programme of archaeological work (2E02)
7. Prior to the commencement of the development the reclamation of the site shall be carried out in accordance with the details contained within the Phase 1 Desk Top Study Report, February 2013 and any amendments to this report which shall be agreed in writing by the Local Planning Authority. Upon completion of the works, and prior to the occupation of the development, a validation report shall be submitted and agreed in writing by the Local Planning Authority.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

8. Landscape design proposals (4P12) (i,j,k,l)
9. Landscape works implementation (4P13)
10. Tree protection: excavations (4P09)
11. Hours of working - plant and machinery (6N05)
12. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - include a timetable for its implementation; and
  - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of the management of surface water flows and in accordance with policy ENV21 of the East Herts Local Plan

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Second Review, April 2007.

13. In respect of the proposed new dwelling shown as Block C on approved drawing number A100 and notwithstanding the provisions of Article 3 of the Town and Country (General Permitted Development Order) 1995 (as amended), no development as specified in Schedule 2, Part 1, Classes A, E and F shall be undertaken without the prior consent, in writing, of the Local Planning Authority.

Reason: The specific circumstances of this site warrant the Local Planning Authority having control over any further development and in accordance with policies ENV9 and BH6 of the East Herts Local Plan Second Review April 2007.

14. Prior to the commencement of the development a scheme for the provision and management of a buffer zone alongside the River Lea shall be submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include details of the extent and layout of the buffer zone which will be free from development, details of a planting scheme and details of naturalising of the river bank. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect and enhance the ecological value and habitat of the river and to reduce the risk of flooding in accordance with policies ENV18 and ENV19 of the East Herts Local Plan Second Review April 2007.

15. The development shall be carried out in accordance with the details given within the Flood Risk Assessment, December 2012 and in particular the finished floor levels shall be set no lower than 34.18 metres above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding in accordance with Policy ENV19 of the East Herts Local Plan Second Review April 2007.

16. The proposed window openings to the rear (east) elevation of the maltings building shall be fitted with obscured glass and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining properties, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

Directives:

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1. Highway Works (06FC2)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. Groundwater protection zone (28GP) (Musley Lane)
5. Unsuspected contamination (33UC)
6. Asbestos (34AS)
7. Bats (32BA)

### 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 amendments made to the previously refused scheme made under lpa reference 3/13/1368/FP is that permission should be granted.

\_\_\_\_\_ (070714FP.NB)

#### **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract and is situated within the built up part of Ware and within the town's Conservation Area.
- 1.2 The site is located to the south of the High Street and adjoins the northern bank of the River Lea. The site is currently occupied by a brick built maltings building dating from 1848 which was previously used as a sorting office for the Post Office. Adjoining the maltings building to the north is a more recently constructed brick flat roofed extension. Adjoining the maltings building to the south is an open framed brick and corrugated workshop building with a post-war gazebo building located up to the boundary of the site with the river.
- 1.3 The original maltings building is considered to contribute to the historic

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and built character of Ware and as such Officers consider that it can be treated as a non-designated heritage asset.

- 1.4 Members may recall that planning permission was refused in June 2013, for the demolition of the outbuildings and covered yard adjoining the river; the erection of a single house; alterations and extensions to convert the former sorting office to 11 houses; refurbishment of office building; external works and appropriate landscaping. The reasons for refusal given by the Development Management Committee were as follows:
1. The proposed new build dwelling at the southern end of the site is considered to be of an inappropriate design that fails to respect the character and appearance of the surrounding area including the adjacent river setting and the Ware Conservation Area. The proposal is thereby contrary to policies HSG7, ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
  2. The proposed development is on land that is subject to flood risks, and due to the availability of other reasonably available alternative sites on sequentially preferable land with a lower risk of flooding, the proposal fails the sequential test. The proposal is thereby contrary to policy ENV19 of the East Herts Local Plan Second Review April 2007, and national planning policy guidance in section 10 of the National Planning Policy Framework.
- 1.5 This previously refused scheme was dismissed at appeal in February 2014. It should be noted that the Inspector disagreed with the Council's decision in respect of the second reason for refusal relating to flood risk. However, they did raise other concerns and dismissed the appeal on the basis that the new dwelling would fail to preserve or enhance the character and appearance of the Conservation Area. A copy of the appeal decision is attached to this report as **Essential Reference Paper 'A'**.
- 1.6 The current proposal is for the conversion of the existing maltings building into 11 No. 3 bedroom dwellings, the conversion of the building adjoining the north of the maltings into an office and the construction of a new dwelling to the south of the maltings.
- 1.7 The proposed alterations to the existing maltings building to facilitate its conversion include the raising of the ridge of the existing roof by approximately 0.5 metres and the introduction of a number of windows, doors and roof lights. New windows, roof lights and external

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cladding is proposed to the office building to the north of the maltings building.

- 1.8 The proposed new dwelling would extend from the southern flank of the existing maltings building. The design of the new dwelling has changed following the previously refused scheme that was dismissed at appeal. Traditional materials are now proposed to be used, brick at ground floor and black timber boarding at first floor and slate for the roof. The size of the dwelling has also been reduced. The ridge height of the dwelling has been reduced by 1 metre, the eaves of the roof have been reduced by 2 metres and a set back of 2.6 metres would be retained from the front elevation of the maltings building. Compared to the previous proposal, the main part of the dwelling has now been set back a further 3 metres, therefore 9 metres in total from the boundary with the river and has a gable projection extending a further 2 metres from this elevation.
- 1.9 Two parking spaces are proposed for the office building and 8 spaces are proposed for the dwelling houses.

### **2.0 Site History:**

- 2.1 Planning permission was refused in July 2013 for the demolition of outbuildings and covered yard, erection of a single house, alterations and extensions to convert former sorting office to 11 houses, refurbishment of office building, external works and appropriate hardscaping under lpa reference number 3/13/0368/FP. The reasons for refusal given by the Council are set out above. The proposal was dismissed at appeal in February 2014 and the Inspector in their decision disagreed with the Council's decision and concluded that an objection on flood risk grounds was not justified. However, the Inspector did raise other concerns and dismissed the appeal on the basis that the new dwelling would fail to preserve or enhance the character and appearance of the Conservation Area. A copy of the appeal decision is attached to this report as **Essential Reference Paper 'A'**.

### **3.0 Consultation Responses:**

- 3.1 County Highways do not wish to restrict the grant of permission. They comment that the proposal is acceptable in highway terms as it is within a town centre location which is well located for all modes of transport and no increase in vehicular movement is proposed. They would not wish to see an increase in vehicular movements over and above the existing use as the access is of a single width onto the High

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Street where there is poor visibility.

- 3.2 Natural England comment that the proposal is unlikely to affect any statutorily protected sites.
- 3.3 Affinity Water has commented that the site is located within the groundwater Source Protection Zone of Musley Pumping Station and that the relevant British Standards and Best Management Practices should be adopted.
- 3.4 The County Planning Obligations Unit has requested financial contributions towards local services and the provision of a fire hydrant on site. They have confirmed that recent forecasts on need and use of nursery provision in the local area shows that a contribution towards this service is no longer required.
- 3.5 The Herts Historic Environment Advisor has commented that the development could impact upon heritage assets of archaeological and historical interest and therefore the applicant must secure a programme of archeological work.
- 3.6 The Council's Engineers comment that the site is situated partially within flood zones 2 and 3 which relate to historical flood incidents in 1947 and 1968. It is possible that the property could be affected by flooding generated by surface water run off from the High Street and other neighbouring properties. It may be possible to reduce the flood risk at the site by reconstructing the access roads and landscaped areas with permeable paving, adding a green roof onto the new dwelling and retrofitting rain water harvesting within the roof of the former sorting office building.
- 3.7 The Canal and River Trust has no objections to the proposal subject to a condition to require details of drainage to be submitted to ensure that this would not result in any pollution into the waterway.
- 3.8 Environmental Health has recommended conditions that relate to construction hours of working and contaminated land.
- 3.9 The Conservation Officer has recommended approval. They comment that the principle of the residential conversion of the maltings building is considered to be acceptable and the increase in roof height is considered to have little impact on the architectural interpretation of the building when balanced against the benefits of securing its retention and restoration. The introduction of a contemporary designed dwelling to a traditional form and proportion is considered

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appropriate in this situation. The impact of the proposed demolition of the ancillary buildings on the Conservation Area is minimal, when balanced against the proposed replacement structure which is considered to enhance the surrounding area.

- 3.10 English Heritage comment that the burgage plot running down from the High Street and the collection of gazebos on the river frontage both make an important contribution to the Conservation Area and both are pertinent to the consideration of this application. The question raised with the current application is whether it overcomes the Inspector's concerns that the previous scheme would have detracted from the character of the Conservation Area. The new house is now proposed to be set back further from the river and would be of a relatively quiet character. The design would result in a less obtrusive design than was previously proposed, however, the building would nevertheless be large and be sited closer to the river than other buildings on plots nearby.
- 3.11 The Council's Landscape Officer has recommended approval. Whilst they do not raise any concerns in respect of the impact that the proposal would have upon existing trees, a tree survey should have been carried out. It is recommended that conditions are imposed to require an arboricultural method statement to be submitted and approved prior to the construction works commencing.
- 3.12 The Environment Agency has objected to the proposal as it does not include proposals to restore and naturalise the river bank. They comment that they seek to restore and enhance the watercourses where possible. In order to overcome their objection a proposal to re-grade and re-naturalise the bank of the river Lea should be provided with a plan to show enhancements, a planting scheme and perhaps features such as an artificial otter holt. They comment that a sequential test should be applied for the site in respect of flood risk.

#### **4.0 Town Council Representations:**

- 4.1 Ware Town Council objects to the proposal on grounds of removal of trees, detrimental to river scene and the character of the historic gazebos, lack of parking, access and egress, overdevelopment and exiting onto the zig zags near the zebra crossing.

#### **5.0 Other Representations:**

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

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- 5.2 No representations have been received from local residents or businesses; however comments have been received from The Ware Society.
- 5.3 The Ware Society have raised concerns that the access is too narrow; that it comes out onto the zig zag lines next to the crossing; the parking would be inadequate; tree felling could affect the river bank and existing trees should be protected during construction . They comment that the demolition of brick walls outside the site would allow a more suitable access for delivery vehicles via Burgage Lane.

### **6.0 Policy:**

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

SD2	Settlement Hierarchy
TR2	Access to New Developments
TR7	Car Parking – Standards
EDE2	Loss of Employment Sites
HSG7	Replacement Dwellings and Infill Housing Development
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime-New Development
ENV4	Access for Disabled People
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV18	Water Environment
ENV19	Development in Areas Liable to Flood
ENV20	Ground Water Protection
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH6	New Developments in the Conservation Area

- 6.2 The provisions of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also of relevance to this application.

### **7.0 Considerations:**

- 7.1 The site is located within the built up part of Ware, wherein new development is acceptable in principle. The determining issues for

this proposal are therefore as follows:

- Flood Risk;
- The size, scale, height, form, siting, layout and design of the proposal and its impact upon the character and appearance of the Ware Conservation Area;
- Loss of Employment;
- Neighbour amenity;
- Landscaping and trees;
- Parking and access;
- Demolition of the existing buildings and the impact of this upon the character and appearance of the Conservation Area.

7.2 The Inspector's decision to dismiss the recent appeal at the site is an important material consideration that must be given significant weight in the determination of the current application. Therefore, whilst each of the above issues will be revisited and considered in turn below, the determining issue ultimately should be whether the current proposal sufficiently overcomes the concerns raised by the Inspector in their decision to dismiss the appeal.

#### The Inspector's Decision

7.3 As mentioned earlier in this report, the appeal Inspector did not agree with the Council's decision to refuse the previous application on flood risk grounds. However, the appeal was dismissed solely due to the failure of the new dwelling to preserve or enhance the character and appearance of the Conservation Area. Some of the key points raised by the Inspector are outlined below:

*'...it seems to me that the size and scale of the structure would itself be obtrusive and, in spite of the other contemporary buildings in the vicinity, that the extent of the glazing and render would accentuate its incongruous and discordant impact along this section of the river bank. The riverside façade would extend across some 2/3 of the site and, together with the small gazebo, present a largely built-up frontage when seen from the towpath on the opposite bank. That would contrast with, and interrupt the rhythmic series of, small Listed gazebos amongst verdant gardens that characterises this section of the river bank and it would obscure appreciation of the elongated space beyond those structures typical of these ancient burgage plots.'*  
(paragraph 12)

*'...the horizontal glazed box-like projection would appear particularly*

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*incongruous amongst the gables and modest structures nearby. And, in my view, the white render and expanse of glazing would accentuate that harmful effect.’ (paragraph 12)*

7.4 It should be noted that the proposal for the conversion of the maltings building and the office building remain unchanged and that the Inspector did not raise any concerns in respect of these parts of the proposal. Therefore, it is only the amendments made to the new dwelling that need to be considered in order to determine whether the current proposal has overcome the concerns raised within the Inspector’s decision.

7.5 The Inspector’s concerns in respect of the new house that was previously proposed can be dealt with under the following headings:

- The size and scale of the new dwelling;
- The extent of the glazing and render;
- The largely built-up frontage when seen from the towpath that would obscure appreciation of the elongated space typical of ancient burgage plots;
- The previously proposed horizontal glazed box-like projection.

#### **Size and scale**

Reductions have been made to the height, width and depth of the proposed new dwelling. The dwelling has been set back from the river so that a space of 9 metres would be retained between the main dwelling and the boundary with the river and 7 metres would be retained to the end of the gable projection. The overall footprint of the building has been reduced by 50sqm which appears to be a 37% reduction.

Officers consider that the reductions made to the size of the dwelling significantly improves its appearance and allows it to appear more subservient to the maltings building. Officers consider the reductions made to the dwelling sufficiently overcome the concerns raised by the Inspector in respect of size and scale.

#### **Glazing and render**

The extent of glazing and render has been reduced and furthermore, the previous proposal for an aluminium roof and elevations has now been revised to adopt a more traditional approach of brick, timber boarding and slate. Officers consider that this more traditional approach to materials, together with the reductions made to the size

and depth of the dwelling would allow it to appear as a more subservient addition to the existing maltings building, overcoming the Inspector's concerns that the building would appear incongruous amongst the modest structures nearby.

### **Burgage plot**

The modern gazebo that was proposed with the previous scheme has now been removed from the proposal and the width of the new dwelling has been reduced to allow a 2.6 metre set back from the front of the maltings building. These amendments, together with the demolition of the existing workshop buildings within the site would open up the plot and allow views from the towpath through the site and to the rear of the buildings within the High Street. Whilst it is unfortunate that a gazebo is no longer proposed to be provided within the site, it is important that the space to the front of the maltings building is opened up to overcome the Inspector's concern and that the remaining river frontage of the site remains open. Furthermore, the glazed gable projection proposed to the southern elevation could be considered to form a modern interpretation of a gazebo as it creates a space for the residents of the dwelling to enjoy views of the river. Officers are satisfied that the current proposal overcomes the Inspector's concerns in respect of this matter and recognise the benefits that the proposal will bring with the demolition of the existing work shop buildings which will allow views from the river into the historic burgage plot.

### **Glazed projection**

The glazed box-like projection referred to within the Inspector's decision appears to be the wrap-around front and side projection that formed part of the previous proposal. The removal of this projection has overcome the Inspector's concern in respect of this part of the proposal and the current design has been simplified resulting in a design that is more discreet within the plot and subservient to the maltings building.

In summary, Officers consider that the changes made to the proposal since the previously refused scheme has resulted in significant improvements to the appearance of the new dwelling adjacent to the river. Having regard to the benefits of the proposal which would secure the restoration and preservation of the historic maltings building and the demolition of the modern workshop buildings which are constructed up to the river bank, Officers are satisfied that the current proposal would provide an enhancement to the character and

appearance of the Conservation Area and would therefore overcome the Inspector's concerns.

### Flood Risk

- 7.6 Whilst part of the site is located within Flood Zone 3, the proposed new dwelling is now entirely located within Flood Zone 2. The northern section of the maltings building and the adjoining flat roofed extension are in Flood Zone 1.
- 7.7 The Environment Agency has once again commented that a sequential test should be carried out at the site in respect of flood risk. However, the Inspector in their decision considered that the previous proposal, which was closer to the river, would not necessarily require a sequential test. The Inspector commented that as the proposal relates to the redevelopment of previously developed land in a town centre and as the Flood Risk Assessment (FRA) demonstrates that the scheme would not itself be at serious risk of flooding, nor exacerbate flood risks elsewhere, that an objection on flood risk grounds would not be warranted.
- 7.8 Notwithstanding the Inspector's decision in respect of this matter, Officers acknowledge that should a sequential test be applied for just the single new dwelling, that this would fail as there are other sites within Ware and the neighbouring town of Hertford that are within Flood Zone 1, that could accommodate one dwelling. However, the FRA that has been submitted by the applicant states that the site would not be at any risk to flooding due to the land levels being higher than the land to the other side of the river and as the permeability of the site would improve with the proposal.
- 7.9 Therefore, having regard to the evidence submitted within the FRA that the site is not at risk of flooding; the Inspector's decision on a proposal that would have been closer to the river, and that the Inspector had no concerns in respect of flood risk, the refusal of planning permission on flood risk grounds would not be justified in this case.
- 7.10 The objection received from the Environment Agency in respect of the failure of the proposal to restore and naturalise the river bank is somewhat surprising considering that they did not object on these grounds in the case of the previous proposal and as this issue was not raised by the Inspector during the appeal. The Environment Agency within their previous response considered that it was sufficient to impose a condition in respect of this matter, similar to Condition 14

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above, which required details to be agreed of a buffer zone between the development and the river bank. This condition is considered to be sufficient to secure improvements to the river bank and Officers consider that it would be entirely unreasonable and unjustified to introduce this new issue at this stage and to refuse planning permission on these grounds.

#### Size, scale, height, form, siting, layout and design

- 7.11 The alterations proposed to the maltings building are of a modest nature and scale, with the increased ridge height being the most significant change that is proposed. The development would retain the original character and appearance of the maltings building whilst enabling its restoration and long term retention which would be to the benefit of the character and appearance of the Conservation Area.
- 7.12 The alterations proposed to the flat roofed extension to the north of the maltings building would modernise this building, which is considered to be appropriate as this already forms a modern addition. The resulting office building would create a juxtaposition with the traditional maltings building which would emphasise and enhance the appearance of this heritage asset.
- 7.13 In respect of the proposed new dwelling, this has already been considered above in the section of this report that sets out the changes made to the proposal since the Inspector's decision to dismiss the appeal.
- 7.14 Officers consider that the proposed alterations to the existing buildings and the new dwelling form appropriate developments that would facilitate the re-use of an existing redundant site and enable the repair and preservation of the existing maltings building. The size, scale, siting and design of the proposed new dwelling is considered to be acceptable, overcomes the Inspector's concerns with the previous scheme and would form an enhancement to the setting of the maltings buildings and the character and appearance of the wider Conservation Area.

#### Loss of Employment

- 7.15 Policy EDE2 states that development which would cause the loss of an existing employment site, or one that was last in employment use, will only be permitted where the retention of the premises for employment use has been fully explored without success.

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- 7.16 The applicant has submitted evidence that the existing maltings building has been vacant or underutilised since the post office left the site 20 years ago. They comment that the building is not in a regular state of repair and that substantial works would be required to bring it back into a commercial use. It is noted that there are constraints in respect of the type of occupier that could use the site due to the restricted access and the long narrow form of the building.
- 7.17 Having regard to the number of years that the maltings building has been vacant for; the extent of works that would be required to the building which would affect the viability of its redevelopment, and the physical constraints of the site, Officers consider that it would be unrealistic to expect the building to be reused for commercial purposes. Furthermore, the benefits that the proposed development would bring in securing the restoration and retention of this building as a heritage asset is given substantial weight in the consideration of the acceptability of this proposal.
- 7.18 The current proposal would retain the existing vacant flat roofed office building which extends from the north of the maltings building. The proposal is for this building to be refurbished and reused as B1 office space. This part of the proposal would provide new employment opportunities at the site.
- 7.19 Having regard to the above considerations and the fact that the proposal would not result in a loss of employment at the site but would create new jobs with the refurbishment of the office building, Officers consider that the proposed development satisfies Policy EDE2.

#### Neighbour amenity

- 7.20 The majority of the neighbouring properties to the north and west of the application site are commercial premises. However, to the east there are a number of residential properties including those within Water Row which front directly onto the rear wall of the maltings building. Each of these neighbouring dwellings have both ground floor and first floor windows within 5 metres of the maltings building. The existing building has a number of false window openings within its rear elevation and some obscure glazed windows. The proposal would result in the addition of a number of windows within this rear elevation. Whilst these windows would serve a void area that is described as indoor 'amenity' space, planning permission would not be required to make internal alterations which would enable this space to be used as part of the habitable rooms within the new dwellings. Officers therefore consider it to be necessary and reasonable to impose a

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condition to require the new window openings to this rear elevation to be obscure glazed in order to protect the privacy of the neighbouring occupiers.

- 7.21 The new dwelling house does not have any windows within its east facing elevation and therefore would not impact upon the privacy of the neighbouring dwellings in Water Row and their garden space. The new dwelling would replace existing buildings that are of a poor appearance and are of a similar height and scale. Officers therefore consider that the proposed new development is likely to improve the impact upon the neighbouring occupiers in respect of their outlook and any overbearing impact.
- 7.22 Subject to a condition to require the new windows to the rear elevation of the maltings building to be obscure glazed, Officers are satisfied that the proposed development would not result in an unacceptable impact upon the amenities of neighbouring occupiers.

#### Landscaping and trees

- 7.23 The existing site is occupied by buildings and hard surfacing and there are no existing trees on site. However, there are a number of trees within the neighbouring site to the west, including a large Ash tree sited close to the south western boundary of the site. The Council's Arboricultural Officer has confirmed that consent has already been granted for the felling of this Ash tree due to the damage that it was causing to a neighbouring wall. The concerns raised by the Town Council and the Ware Society in respect of the loss of trees are noted. However, no trees are proposed to be removed within the site and having regard to the comments received from the Landscape Officer, it is considered that the existing nearby trees outside of the site can be adequately protected by the condition that has been recommended to require the submission of details of excavation works and the design of the foundations to ensure that existing trees are protected during the course of the construction works.

#### Parking and access

- 7.24 In respect of parking provision, the site provides 8 spaces for the residential properties and 2 spaces for the office. Appendix II of the Local Plan recommends that a maximum parking standard of 27.75 spaces is provided for the residential properties. Whilst such a short fall in parking provision would ordinarily raise concerns, the provision of additional parking onsite would not be appropriate given the Highway Authority's concerns that any additional traffic movements

would be detrimental to highway and pedestrian safety. The site is located in a sustainable location within the town centre of Ware, within easy reach of services, employment, public transport and public car parks. Officers consider the parking provision proposed on site to be acceptable but, in any event, consider that the benefits of the proposal in securing the restoration and the retention of the maltings building would outweigh the dis-benefits of the shortfall in parking provision. Furthermore, as any additional parking spaces on site could give rise to additional vehicular movements into and out of the site and Officers do not consider that the provision of additional parking would be appropriate in this case.

- 7.25 The concerns that have been raised by the Town Council and the Ware Society in respect of the existing access and the parking provision proposed have been considered. County Highways do not object to the use of the existing access as they consider that the proposal would be unlikely to increase the vehicular movements compared to an alternative commercial use of the site. Whilst the constraints of the existing access are understood, having regard to the comments received from County Highways, and the Inspector's decision on the previous proposal, Officers do not consider that the refusal of planning permission on highway/pedestrian safety grounds would be justified in this case.
- 7.26 Whilst it is acknowledged that the existing access is not ideal for refuse and emergency vehicles, the applicant has confirmed that the Fire Officer has no objections to the proposal subject to all of the units being fitted with sprinkler systems. This is a matter that would be dealt with at a Building Regulations stage. It is noted that that provision for a fire hydrant within the site is made within the draft Section 106 agreement.

Demolition of the existing buildings and the impact of this upon the character and appearance of the Conservation Area

- 7.27 The application that has been submitted proposes the demolition of the existing brick and corrugated buildings and the white timber clad structure which adjoin the southern flank of the maltings building. Whilst the existing building is not currently considered to cause any significant harm to the character of the Conservation Area, as this is a modern building which is of a size and scale that is out of keeping with that of the historic gazebos nearby, its demolition would equally not cause any harm to the Conservation Area. It is noted that the Conservation Officer has no objections to the proposed demolition. Furthermore, the Inspector only raised concerns previously in respect

of demolition where there would not be a suitable replacement scheme (as they noted that the existing structure currently provides screening of the unsightly workshop buildings behind). The workshop buildings to be demolished are of poor appearance and currently fail to make any positive contribution to the character and appearance of the Conservation Area. Officers therefore have no objections to the demolition of these buildings.

### Other Matters

- 7.28 In accordance with Policy IMP1 financial contributions are required, as set out at the head of this report, to mitigate against the pressures that the development would bring to local services. The applicant has confirmed that they are willing to commit to entering into a Section 106 agreement in respect of these matters.
- 7.29 There is no requirement for affordable housing on this site as the proposal falls short of the Council's threshold for affordable housing provision, which is 15 units or more as set out within Policy HSG3.

### **8.0 Conclusion:**

- 8.1 Whilst the concerns that have been raised by the Town Council and the Ware Society are noted, the Inspector dismissed the recent appeal at the site due solely to concerns in relation to the scale and appearance of the new dwelling. Therefore, as there appear to have been no other changes in circumstances since the appeal was determined which would justify a different decision being made, the determining issue for the current proposal relates to whether the Inspector's concerns have been overcome.
- 8.2 Officers consider that the changes made to the proposal since the previously refused scheme has resulted in significant improvements to the appearance of the new dwelling adjacent to the river. Furthermore, weight should be given to the benefits of the proposal which include the economic opportunities brought with the refurbishment of the office building, securing the restoration and preservation of the historic maltings building and the demolition of the modern workshop buildings which are constructed up to the river bank.
- 8.3 Officers are satisfied that the current proposal would provide an enhancement to the character and appearance of the Conservation Area and would overcome the Inspector's concerns and therefore recommend approval of the application for planning permission subject to the applicant entering into a Section 106 agreement and the

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conditions set out at the head of this report.