

a) 3/15/0231/FUL – Conversion of existing Maltings buildings to comprise 16 dwellings. Demolition of existing 20C wing. Erection of 7 new dwellings together with associated access, car parking, landscaping and related works; and

b) 3/15/0232/LBC – Change of use and alterations to existing Maltings buildings to create 16 no. dwellings and demolition of existing 20C wing. at Brewery Yard, Watton Road, Ware, SG12 0AB for Brewery Yard Properties Ltd

Date of Receipt: a) 05.02.2015
b) 05.02.2015

Type: a) Full - Major
b) Listed Building Consent

Parish: WARE

Ward: WARE ST MARYS

RECOMMENDATIONS:

- a) In respect of application 3/15/0231/FUL. That, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:
1. A contribution of £538 index linked - towards the enhancement of sports facilities at Ware Young Peoples Centre.
 2. A contribution of £3,636 index linked - towards the enhancement of Ware Library.
 3. A provision that if the development is not completed by 31st December 2017 a Viability Review in respect of affordable housing contributions will be triggered.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission, subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E10)
3. Samples of materials (2E12)

Reason: Details are required to be approved prior to commencement to ensure that the appearance of the development will be satisfactory having regard to Policies ENV1 and BH6 of the East Herts Local Plan Second Review 2007.

4. Hard surfacing (3V21)

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Reason: Details are required to be approved prior to commencement to ensure that the appearance of the development will be satisfactory having regard to Policies ENV1 and BH6 of the East Herts Local Plan Second Review 2007.

5. Parking provision and retention (3V23)
6. Lighting details (2E27)
7. Communal TV facilities (2E28)
8. Boundary Walls and fences (2E07)
9. Landscaping design proposals (4P12)

Reason: Details are required to be approved prior to commencement to ensure the provision of amenity afforded by appropriate landscape design, in accordance ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review 2007

10. Landscape works implementation (4P13)
11. Before the development commences, all access and junction arrangements serving the development shall be completed in accordance with the approved in principle plan (Site Access Routes; Drawing No. 13/AG/WRB/22E), and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To ensure that prior to the commencement of the development satisfactory access to the site is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development plan.

12. Prior to installation details of the proposed entrance gates to be installed on the Buryfields entrance and on the Wotton Road and Mill Close accesses shall be submitted to and approved by the Local Planning Authority. The gates shall thereafter be installed in accordance with the approved detail and shall remain in operation unless otherwise agreed in writing by the Local Planning Authority. The access arrangements shall at all times permit pedestrian and cycle access to and through the site along these access routes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent through vehicular traffic and maintain pedestrian and cycle access having regard to Policies SD1(a) and TR2 of the East

Herts Local Plan Second Review April 2007.

13. Programme of archaeological work (2E02)
14. The development shall be carried out in accordance with the mitigation strategy as detailed in Section 5 of the Preliminary Ecological Appraisal and Bat Report September 2013 (concerning Bats and Swifts) prepared by ELMAW Consulting.

Reason: To safeguard wildlife habitats in accordance with NPPF policy and the Conservation of Habitats and Species Regulations 2010.

15. Construction vehicle movements (3V26)

Reason: To ensure that prior to the commencement of development the impact of construction vehicles on the local road network is minimised.

16. Wheel washing facilities (3V25)

17. Construction hours of working (6N07)

18. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Peter Brett Associates Ref: 29324/001, RevA, January 2015) and the following mitigation measures detailed within the FRA:

a) Finish floor levels are set no lower than 300mm above the 1 in 100 chance in any year including an allowance for climate change flood level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period that may subsequently be agreed in writing by the Local Planning Authority.

Reason: To reduce risk of flooding to the proposed development and future occupants.

Directives:

1. Other Legislation (01OL)
2. The proposed works will result in disturbance/damage/loss of known bat roosts and mitigation measures will be required to safeguard bats – these are suggested in the Preliminary Ecological Appraisal and Bat

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Report dated September 2013 prepared by ELMAW Consulting. These must be carried out under the legal conditions of a European Protected Species development licence that shall be obtained from Natural England.

3. Relationship with Listed Building (LPA Ref 3/15/0232/LBC)
4. Archaeological interest (04A1)
5. Street Numbering and naming (19SN)

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 pre-application advice given is that permission should be granted.

- b) That, in respect of application 3/15/0232/LBC, Listed Building Consent be **GRANTED** subject to the following Conditions:
 1. Listed building three year time limit (1T14)
 2. Listed building (new brickwork) (8L06)
 3. Listed building (new windows) (8L03)
 4. Listed building (new doors) (8L04)
 5. Listed building (new boarding) (8L07)
 6. Listed building (new rainwater goods) (8L09)
 7. Listed building (making good) (8L010)

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the National Planning Policy Framework and in accordance with the Town and Country

Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012. The balance of the considerations having regard to those policies is that Listed Building Consent should be granted.

_____ (023115FUL.DJS)

1.0 Background

- 1.1 The application site is shown on the attached Ordnance Survey extract and is sited to the rear of properties fronting the west side of Baldock Street with Watton Road to the north and Mill Close and Priory Street to the south. The site comprises the former Brewery Yard, the South Central and South Maltings buildings and a further building in the south east of the site. The Maltings buildings are grade II listed and the site lies within Ware Conservation Area close to Ware town centre.
- 1.2 The applications propose the conversion of the two Maltings buildings and the further building on the site. A new building will be constructed at the northeastern side of the site and an addition will be made to the south eastern building. Modern additions to the Maltings buildings will be demolished. 16 residential units are to be provided in the converted buildings and a further 7 residential units in the new buildings. This gives 23 units overall comprising 18 two bedroom and 5 three bedroom two and three storey houses.
- 1.3 Vehicular access is proposed via existing access points off Watton Road and Mill Close, with pedestrian access also onto Baldock Street and Buryfields. Four integral garages and 29 car parking spaces are proposed.

2.0 Site History

- 2.1 The application site has remained vacant for a number of years having in the past been used as a builders merchants. There is no planning history relevant to the current applications.

3.0 Consultation Responses

- 3.1 English Heritage: Do not wish to comment advising that the application should be determined in accordance with national and local policy.
- 3.2 Hertfordshire CC (Highways): are satisfied that the inclusion of gates on the Watton Road and Mill Close vehicular accesses to the development will prevent any through traffic. They raise no objections to the proposal, subject to the imposition of conditions.

- 3.3 Hertfordshire CC (Archaeology): advise that the site lies in an Area of Archaeological Significance as defined in the Local Plan. The site has potential to contain archaeological remains of prehistoric and Roman date, in particular, though it is possible that evidence of Saxon, medieval and earlier. Post-medieval date may also be present. Although the site has suffered disturbance from previous development the scheme is likely to impact on heritage assets of archaeological interest. In this case an appropriately worded condition would be sufficient to provide the level of investigation that this proposal warrants.
- 3.4 Hertfordshire CC (Ecology): advise that the proposal will result in disturbance/damage/loss of known bat roosts. Appropriate survey methodology, evaluation and analysis has been carried out by consultants. The mitigation strategy detailed in Section 5 of the Preliminary Ecological Appraisal and Bat Report 2013 (concerning bats and Swifts) is sufficient to deal adequately with bats from a planning perspective.
- 3.5 The Environment Agency: raise no objections on flood risk grounds, subject to the imposition of a condition.
- 3.6 Conservation Officer: Comments were received during the pre-application process summarised as follows:

The site comprises a collection of maltings buildings circa late 1840's and partly rebuilt in the late 19th century, after 1880 and later extended in the 20th century. The two main maltings buildings being Listed Grade II. The significance of the buildings is found in the external elevations which have distinctive features including, tile hung conical kiln roofs with a conical boarded cowl on top to the lower west end, hoists, segmental headed windows and a projecting storage unit. Internally the kiln and malt store are intact, including tie plates designed by local craftsmen and the typical internal proportion of an industrial unit. The historic value of the complex is found in the role of the buildings in the history of Ware, use of local materials, internal and external proportion which contribute to the buildings interpretation as historic industrial units.

Concern was raised about the provision of recessed balconies to Building 1 but it is recognised that these are not uncommon within the immediate setting as they have been introduced on surrounding heritage assets. The proximity of the neighbouring building is clearly an issue in terms of overlooking and introducing interior light. The use of light wells and the blocking up of some windows will have limited impact

on the heritage asset as the external appearance is maintained.

Concerns raised regarding the fenestrations on units 4, 12 and 13 in Building 2 have been addressed by the removal of balconies, a door and the retention of arched lintel windows. The alterations are considered to be sympathetic to the heritage asset.

The retention of Building 3 units 24-26 is encouraging as it has merit within the complex and it is recognised that the number of roof lights has been reduced to the minimum necessary.

As a general comment it was previously requested that the number of roof lights be reduced as the number was considered excessive. However, it is noted that the number has been reduced, but the possibility of additional windows to replace this light source has not been explored.

- 3.7 The Housing Officer: expresses disappointment that the scheme is unable to support a contribution to affordable housing but accepts the viability position.

4.0 Town Council Representations

- 4.1 Ware Town Council have no objection but are concerned in relation to the disturbance to the residents in Black Swan Court and Mill Close.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Six replies have been received from nearby residents and a response from the Ware Society raising the following objections:
- The proposed access route through Mill Close and then Priory Street would become a rat run for avoiding traffic the High Street, especially with the opening of the Asda store
 - Mill Close road is not considered to be wide enough for two way traffic
 - Residents parking bays in Mill Close have poor visibility of passing traffic
 - Close to adjoining properties/loss of privacy and residential amenity
 - Inadequate access

- Inadequate parking provision/Increased use of the already inadequate surrounding residents parking will cause a bigger parking problem
- Pollution, noise and light nuisance for residents of Mill Close from passing cars
- Potential problem of maintenance of the Buryfield Malting building from this adjoining site

5.3 The application has been amended to include gates on the Watton Road and Mill Close vehicular accesses to the development to prevent through traffic. Residents were re-consulted. Two of the above residents responded but no new issues were raised.

6.0 Policy

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

ENV1	Design and Environmental Quality
ENV2	Landscaping
EDE1	Employment Areas
ENV16	Protected Species
BH1	Archaeology and New Development
BH6	New Developments in Conservation Areas
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable housing
HSG6	Lifetime Homes
TR14	Cycling – Facilities Provision (Residential)
SD1	Making Development more Sustainable
SD2	Settlement Hierarchy
STC1	Development in Town Centres and Edge of Centres
TR2	Access to New Developments
TR7	Car Parking Standards
IMP1	Planning Conditions and Obligations

6.2 The National Planning Policy Framework and National Planning Practice Guidance are also of relevance to the determination of the application. In particular, Section 7 Design and Section 12 Enhancing the historic environment.

7. Considerations

7.1 The main planning issues to be considered in the determination of this application are:

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- The impact on Ware Conservation Area and the listed buildings and the acceptability of the design and landscaping of the proposed residential conversion and new build proposals having regard to policies ENV1 and BH6 and the NPPF
- Impact on amenity of neighbouring properties and the quality of residential accommodation and amenity for the residents of the proposed development
- The contribution of the residential accommodation to housing supply and affordable housing
- Highways, access and parking
- Protected species

Design, layout and heritage considerations

- 7.2 The protection of the two listed Maltings building is an important part of the historic heritage of the town and an important consideration. The buildings having remained empty for a number of years and have been subject to consequent deterioration. It is therefore important that a new use is found for the buildings in order to secure their future preservation and the rehabilitation of the site.
- 7.3 The proposed residential conversion with complementary new build proposals have been the subject of extensive pre-application discussions involving input and support from the Council's Conservation Officer and the Hertfordshire Design Review Panel. It is considered that the proposals follow good conservation principles and that the integrity of the listed buildings is maintained with sympathetic alterations and well designed, additional new build houses.
- 7.4 The works will keep the external form of the listed buildings largely as existing. However, the proposals include the blocking up of some windows, new window openings, the insertion of garage doors and the insertion of roof lights and recessed balcony roof windows. These alterations are not insignificant but they are necessary to achieve a reasonable level of amenity and to facilitate the residential conversion.
- 7.5 The internal open area of the site is fairly restricted given the need to provide adequate car parking and vehicular circulation. A shared surface arrangement is proposed for vehicles and pedestrians in permeable block paving interspersed with tree and grass/shrub

planting. It is considered that the hard surface material and planting, subject to the quality of material and detailing, will provide a good setting for the development.

- 7.6 A listed wall is located to the north east boundary of the site. Whilst the proposals do not directly affect the wall, they will have an impact on its setting. That effect is considered to be beneficial in that, rather than enclosing the currently unused site, it will provide a boundary to the proposed new build residential use.
- 7.7 Overall it is considered that the proposals represent an acceptable approach to the conversion of the buildings and maintain the historical and architectural integrity of them. The hard and soft landscaping seeks to ensure that the competing demands of vehicle circulation and parking, pedestrian circulation, softening by planting and drainage are all achieved in a satisfactory way. The impact on the Conservation Area is considered to be beneficial by opening up and improving the visual quality of this area.
- 7.8 The potential for commercial re use of the units has been tested by the owners through marketing. No significant interest has been generated that would either be likely to translate itself into clear offers for the purchase or occupation of the building. In addition, careful consideration would have to be given to the potential impact on the amenity of adjoining occupiers, if a commercial use came forward.

Amenity Impacts

- 7.9 The treatment to the northern elevation of the south central Malting (adjacent to the northern boundary of the site and Buryfield Maltings) is proposed to include the insertion of light wells through the roof and into the first floor of the building. These will be enclosed spaces into which the residents of the new units will be able to walk and through which light will be received from above. Four of the six light well spaces will have openings to the north to increase light received.
- 7.10 The building is no more than 2m distant from the Buryfield Malting building to the north. As it already exists, any amenity impact created as a result of the proximity of the building to Buryfield Maltings to the north is already experienced. Any additional privacy impact as a result of new residents being able to view the building to the north at a close proximity is avoided by ensuring that any openings to the light well areas are not placed adjacent to window openings to Buryfield to the north. Amendments have been made to the scheme to remove new conventional window openings where these had a direct relationship

with the windows in the Buryfield maltings to the north. Roof lights have been used instead.

- 7.11 At ground floor a number of courtyards are created again through which new residents would receive light and through which they can view out toward the Buryfield malting to the north. Privacy impact is avoided as the Buryfield building has no adjacent windows at ground floor level.
- 7.12 The southern building on the site is located further from the site boundary (approx. 5m) and, to the south is the non-residential telephone exchange building. External garden areas are created in this space – and existing and new openings at ground and first floor level allow views onto this space. As there is no residential use to the south here, there is no amenity impact.
- 7.13 The new building located in the north eastern part of the site has windows placed to the north, south and west elevations. These are at ground, first and second floors. To the north, there is a separation distance of some 11m (at the closest) to the adjoining buildings to the north in use as a builder's merchant. From the eastern most of the new units however extensive glazing at first and second floor will allow views at close proximity (approx. 3m) to the north east and the rear of units on Baldock Street.
- 7.14 To the rear of 27 and 29 Baldock Street is a small area laid out as a garden. It is well maintained and clearly valued as a small outside space. This is unlikely to be significantly impacted upon by views available from the new units to the north, as those views would be had at a tight angle, reducing the perception of overlooking.
- 7.15 To the rear of 31 Baldock Street is a curtilage enclosed by a wall of listed status and of some height – over 4m generally. Permissions have been granted for the residential use (two flats) of the area to the rear of no 31. One is at ground floor only, the other at ground and first. The remainder of the limited curtilage to the rear of no 31 forms the outside amenity space. It is not clear whether these units are currently occupied. The wall will prevent a poor inter-relationship at ground floor – obstructing any views. At first floor, it is likely that views from the proposed units 19, 20 and 21 will be possible over the wall and toward those residential uses. Unit 19 extends to a second floor. However, because of the height of the wall, views down to the ground floor unit will be restricted. The ground and first floor unit is at a greater distance and the views are at an angle. Given the proposed extent of glazing to the rear elevation of the proposed units, there would be some clear perception of overlooking by occupiers in the flats to the rear of 31, if

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there are any. Some weight must be given to the harm that is potentially caused here.

- 7.16 The front of the easternmost new unit (no 21) will have glazing and a balcony area which will enable views, at 45degrees, over the rear of the plot of 27 Baldock Street. This area of land is used for vehicle parking for the shop premises. There are no eastern facing flank windows proposed.
- 7.17 The last building is that retained to the south east. This is to be converted into a single unit and, to its western end, an element of new build is proposed which will create a further unit. At its closest, this new build element comes to within 5m of the southern boundary of the site. Immediately beyond the boundary here are the residential units of 12 to 17 Mill Close. However, these present a blank façade to the application site.
- 7.18 The building to be converted and the new build element will have window openings to the south at ground, first and second floor. To the east there is a ground floor door opening only. To the west, subsidiary openings will allow views to the rear of plot 15 (at approx. 7m distant) or to the non-residential telephone exchange. These are considered to comprise an acceptable relationship.
- 7.19 With regard to the amenity created for potential new occupiers, this is limited by virtue of the nature of the proposals. Occupiers of units 3 to 8 in the north west building will have very limited private space and light penetration to the north of the buildings. This is where the existing building is located very close to the Buryfield Malting to the north. To the south the units will open out onto the shared central area, but will receive light into the units from this side.
- 7.20 All the other units to be created will have some greater element of private amenity space, albeit limited to most of the units. This arrangement is not unusual however and has been implemented in relation to a number of the other conversions of previous malting buildings in the town.

Housing supply/Affordable housing

- 7.21 Appropriate weight should be given to the shortfall in the Council's 5 year housing land supply. The provision of 23 residential units would provide a contribution to the shortfall in housing supply would must weigh in favour of the proposal.

- 7.22 In accordance with Policy HGS3 the proposal would be required to contribute up to 40% affordable housing. It was understood from pre-application discussions that a contribution would be made. However, a Viability Report has been submitted that concludes that the residual value of the scheme cannot support an affordable housing contribution.
- 7.23 The report has been reviewed by the District Valuation Service on behalf of the Council who agree with this conclusion. They comment that this is due to the high cost of renovation and the conversion of the listed buildings. Clearly this weighs against the proposals. Review of the viability position, and hence any impact in the uplift of value generated by the site, will be ensured by the requirements of the proposed legal agreement.

Highways, access and parking

- 7.22 Internal garaging space is to be provided within four of the two bedroom houses. An additional 29 parking spaces are proposed, with four of those spaces being located in front of the garages. Policy TR7 and Appendix ii of the current Local Plan would require a maximum of 38.25 spaces. The emerging parking standards would require 48.5 spaces, however, its zone 3 location enables consideration to be given to a reduction of up to 50% (down to 24.25 spaces).
- 7.23 The internal garage spaces do not comply precisely with the Council's size standards. However, they only fall short in width terms by 0.2m for half of their length.
- 7.24 The location is central in the town, close to services and facilities and within walking distance of transport facilities. Whilst the shortfall in the headline levels of space provision is noted, the reduction permissible in the emerging standards, which reflects the central location, serves to indicate that only limited negative weight should be assigned in relation to this issue. The constrained nature of parking provision in the area is noted. It is acknowledged that the proposals may lead to some additional pressure being placed on this.
- 7.25 Vehicular access will be via gated accesses from Watton Road and Mill Close. This will prevent through traffic between Watton Road and Mill Close. A further benefit and opportunity of the site's development is to secure a pedestrian connection from Buryfields and the new Asda store to the west and to Baldock Street to the east. Pedestrian access will otherwise be from Watton Road, Mill Close and Baldock Street. The access arrangements are considered to be satisfactory.

Protected species

- 7.26 A preliminary consultant's appraisal was carried out in September 2013 identified that the site was occupied by bats and swifts. It is considered that the mitigation measures identified in Section 5 of the consultant's report are sufficient to deal adequately with bats from a planning perspective. The development will require a European Protected Species licence issued by Natural England.

Section 106 Obligation matters

- 7.27 The development will deliver the following financial contributions:
- A contribution of £538 index linked – towards the enhancement of sports facilities at Ware Young Peoples Centre.
 - A contribution of £3,636 index linked – towards the enhancement of the adult area at Ware Library.
- 7.28 It is only considered appropriate to secure these contributions in this case, as a justification for them can be demonstrated and because additional contributions would have a further harmful impact on the viability of the scheme.

8. Conclusion

- 8.1 The proposals will regenerate a neglected part of the Conservation Area, bringing back into use and safeguarding the future maintenance of important listed buildings. This is assigned considerable positive weight. They will also deliver a number of units to assist with housing land supply in the district. In the current position, where less than 5 years supply can be demonstrated, this is also afforded some considerable weight. New connecting pedestrian links with the town centre will also be provided for the benefit of residents and the wider public.
- 8.2 With regard to the layout of the development and the provision of parking, these elements of the development are considered to be acceptable. In amenity terms, the proposals will have some impact on neighbouring occupiers, or will result in the provision of limited garden and outdoor spaces, and limited amenity for new occupiers. Whilst some weight is assigned to this, it is not considered to outweigh the benefits of the proposals.
- 8.3 The proposals accordingly are recommended for approval.