

DEVELOPMENT MANAGEMENT COMMITTEE – 11 NOVEMBER 2015

Application Number	3/15/1756/FUL
Proposal	Change of use from B1 office to C3 residential comprising 13no flats, related external alterations, and ancillary development.
Location	Church House, Church Street, Ware
Applicant	Astute Electronics Ltd
Parish	Ware
Ward	Ware Christchurch

Date of Registration of Application	26 August 2015
Target Determination Date	27 November 2015
Reason for Committee Report	Major application

RECOMMENDATION:

That planning permission be **GRANTED**, subject to conditions.

1.0 Summary

- 1.1 The residential redevelopment of the site would make a contribution to the Council's identified housing land shortfall. It is located sustainably close to the town centre in Ware. These aspects of the proposal attract significant positive weight. Prior Approval has been granted previously in relation to a residential conversion of the building, this must also be given positive weight in the consideration.
- 1.2 The proposals result in the loss of commercial floor space, to the potential detriment of the economic dimension of sustainability. Some limited negative weight is assigned to this issue. The amenity created for new occupiers is limited in some respects, but not dissimilar to that which would be expected in a central location. Some negative weight is assigned.
- 1.3 With regard to impact of the proposals on the appearance of the area, adjacent listed buildings and the Conservation Area, and in relation to parking, the proposals are considered to be acceptable.
- 1.4 Overall it is considered that the positive aspects of the proposals outweigh any harm and the development would therefore be acceptable having regard to local and national planning policy.

2.0 Site Description

- 2.1 The site is occupied by a three-storey office building located on the corner at the junction of Church Street with Crib Street. The site is within the Ware Conservation Area.
- 2.2 The site is occupied by a three-storey office building located on the corner at the junction of Church Street with Crib Street. The site is within the Ware Conservation Area.
- 2.3 In addition to the office building and yard to the rear, a separate parking area on the south side of Church Street also forms part of the site.

3.0 Background to Proposals

- 3.1 The proposals follow a Prior Approval submission for the conversion of the building into 13 flats (ref: 3/14/1108/PO) in August of last year. The prior approval process has been enabled following changes to permitted development rights which allow the conversion of existing office uses to residential, with the approval of the Council required only in relation to a limited number of matters. Prior approval has been granted.
- 3.2 This application also seeks permission for 13 flats. However, as an amendment to the previous scheme, there would be external alterations to the building including the addition of dormer windows to the mansard roof, and the replacement of windows throughout. It is these changes that now require that a full planning permission is sought

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007.

Key Issue	NPPF	Local Plan Policy
Principle of development, delivery of housing and loss of employment use	Para 7, 8, 14, 17 Section 6	HSG1, EDE2
Design of development and its impact on the surrounding area	Section 7 Section 12	ENV1, BH5
Residential amenity	Section 7	ENV1

Section 106 and affordable housing contributions	Para 203	IMP1, HSG3
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Other relevant issues are referred to in the 'Consideration of relevant Issues' section below.

5.0 Emerging District Plan

5.1 The emerging District Plan assigns a town centre boundary and this site lies within, but immediately adjacent to the boundary of that. At this stage only limited weight can be accorded to the policies of the emerging District Plan.

6.0 Summary of Consultee Responses

6.1 Hertfordshire County Council's Property section have confirmed that they are not seeking any planning obligation contributions on this site.

6.2 Historic England have no comment on the application.

6.3 The County Council's Highways section comment that the application is acceptable from a highways context.

6.4 The Council's Environmental Health section have recommended conditions relating to hours of construction work and the potential for the discovery of unsuspected contamination.

6.5 The County Council's Flood Risk section have requested a condition to confirm that site drainage is adequate to cater for all realistic rainfall events.

6.6 Thames Water have no objections to the proposed development.

6.7 The Council's Waste Services have requested confirmation that space for bin storage is included within the development.

6.8 The Council's Conservation Officer has no comment on the application.

6.9 Hertfordshire Fire and Rescue have provided comments on the necessary standards to be met for access and water supply at the site.

6.10 The Environment Agency has no comment on the application.

7.0 Town Council Representations

7.1 Ware Town Council has no objection to the proposed development.

8.0 Summary of Other Representations

8.1 1 objection has been received citing grounds of insufficient parking and a loss of employment land.

8.2 1 further comment has been received recommending that double yellow lines be laid along Church Street to limit parking on the street.

9.0 Planning History

Ref	Proposal	Decision	Date
3/14/1108/PO	Change of use from offices to 13 flats	Prior Approval required and granted	August 2014

10.0 Consideration of Relevant Issues

Principle of development, delivery of housing and loss of employment land

- 10.1 The NPPF requires that the Council should be in a position to demonstrate the ability to deliver housing land to cover 5 years of demand. At present it is unable to do so and, in that respect, the Council's Local Plan policies are out of date. In these circumstances the NPPF requires that permission should be granted for sustainable development, unless the impact of doing so would significantly and demonstrably outweigh the benefits.
- 10.2 Local Plan policy HSG1 requires, among other considerations, that new residential development should be well sited having regard to access to services, local infrastructure and the specific constraints of the site. The site is located close to the town centre, within walking distance of shops, services, public transport and all other facilities provided in the town centre. On the basis of location it can be considered to perform well in sustainability terms.
- 10.3 There is an economic dimension to sustainability and the NPPF seeks to support this. Policy EDE2 of the Local Plan states that, among other considerations, the loss of an existing employment site will only be

permitted where the retention of the premises for employment use has been explored fully without success.

- 10.4 In this respect, the applicant points to para 22 of the NPPF which sets out that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The applicant considers there is no realistic prospect in this case as the value of a residential conversion, already enabled through the prior approval process, will ensure that use will be implemented regardless of a decision in this case.
- 10.5 Whilst the position of the applicant in this matter is noted, along with the 'fallback' position with regard to the ability to implement a residential conversion regardless, it is considered that the conclusion reached, that there would be no prospect of commercial reuse, is not necessarily well founded. In the absence of testing, it is considered that some negative weight must be assigned to the proposals in this respect.
- 10.6 The provision of housing, whilst modest in numbers overall, would play a part in contributing to the supply of land for housing in the District and can be given significant positive weight. The site is well located and, in those terms, represents sustainable development.

Design and impact on surrounding area

- 10.7 Local Plan policy ENV1 requires, among other considerations, new development to achieve a high standard of design, to be compatible with the layout and character of the surrounding area and to make suitable provision for the amenities of future occupiers. These requirements are reflected in the general approach of the National Planning Policy Framework, in particular in the requirement to achieve a high standard of design. Policy BH5 of the Local Plan requires that alterations to an unlisted building within a Conservation Area should be sympathetic to the building itself, and the general character and appearance of the wider area.
- 10.8 The building would generally be retained in its present form, with the most significant alteration being the introduction of the dormer windows on the slopes of the mansard roof. Although these would be quite large, they would be in proportion with the glazing to the ground and first-floor elevations. The visual impact of these changes are acceptable, in accordance with Local Plan policy ENV1.
- 10.9 The building is of relatively modern appearance, in contrast to the generally historic character of other properties on Church Street and

Crib Street. In this respect the building as it exists is not considered to be key to the character of the Conservation Area. The result of these proposals are considered to have the same impact in relation to the Conservation Area and therefore the duty to ensure that area is preserved or enhanced, is met.

- 10.10 There are listed buildings located to the immediate north, the Albion PH, and to the east of the site, former Chapel. Given the current visual relationship with these buildings, it is considered that the proposed changes to the building do not have a further harmful impact on the setting or integrity of those adjacent listed buildings.

Residential Amenity

- 10.11 With regard to amenity, there must be an expectation that amenity will be limited in the conversion of a building in this location. A basement flat is proposed (two bed) which will be generous in internal space, but with single aspect to a lightwell. At ground floor, four flats are proposed, two with an aspect only onto the Crib Street/ Church Road frontage. Of the two further flats, one would have dual aspect and the fourth would have aspect only at the rear of the building. This arrangement would be replicated at first and second floor.
- 10.12 There is no on-site amenity space proposed as part of the development. This is not uncommon for town centre locations and for flatted developments. However, purpose designed schemes usually have the ability to build in at least some element of softening landscaping or provide separation to adjacent roads. An existing tree located in the parking area to the rear of the building is to be retained. With regard to open space facilities, the site is close to open space at Buryfield Recreation Ground, as well as the playground and other facilities in the vicinity of Ware Priory.
- 10.13 There is little difference between the layout approved through the prior approval process and that now proposed. A unit previously proposed as a 'bedsit' has now become a one bed flat through the use of further sub-division.
- 10.14 It is considered that residents in the scheme would have some limitations on amenity consequent on the proposals coming through the conversion of a building. However, it would not be dissimilar to that to be expected in a central location. Some, but very limited, negative weight is assigned in this respect.

Section 106 and affordable housing contributions

- 10.15 The area of the site overall is around 0.08 hectares, and the proposal is for a total of 13 new dwellings. This is below the thresholds of 15 houses and 0.5 hectares at which a contribution to affordable housing is sought by the Councils policy.
- 10.16 The policy would normally require Section 106 contributions at District and County level. However, the County Council have confirmed that it is not making any request for contributions from this development.
- 10.17 With regard to the DC contributions, its policy position predates the amendment to permitted development rights that enables conversion of office buildings. In light of the previous determination that the building can be converted to 13 flats without requiring planning permission, Officers consider that financial contributions cannot reasonably be sought in this case. Whilst this will place some additional burden on services provided by the Council without the benefit of additional funding, the impact will be marginal in this case.

Parking provision

- 10.18 The application site lies in zone 3 in the Councils current Parking provision SPD. Its reasonably central location is demonstrated by the fact that it is adjacent to zone 2 in the centre of Ware. A development of this scale is expected to make provision for 17.75 parking spaces, in accordance with the parking standards set out in the Local Plan. 17 spaces are proposed, which is the current parking provision for the offices.
- 10.19 The Councils emerging standards would require the provision of up to 18 spaces. Little weight can be assigned to this policy at this stage.
- 10.20 The County Council's Highways Officer has indicated that he expects parking demand at the site to be lower with the proposed residential use than the existing employment use.
- 10.21 Parking provision is considered acceptable and, in this respect, some, but limited, positive weight can be applied on the basis of the indication from the County Council that parking demand, and therefore any impact, is likely to be reduced as compared to the employment use of the building.

Other considerations

- 10.22 Provision would be made on site for a refuse store in the yard to the rear of the building. This is in line with the existing arrangements for refuse storage.
- 10.23 In terms of flood risk the site lies within Flood Zone 1, around 75 metres from the nearest point falling within Flood Zone 2/3. Officers are satisfied that at this distance, even allowing for the creation of a basement flat, that the development would be acceptable on flooding grounds.

11.0 Conclusion

- 11.1 The application site comprises a modern office building and its associated land, sustainably located, close to the town centre of Ware. Whilst retention for employment purposes would be policy compliant, this seems most unlikely given that the conversion of the building to residential use can be carried out without requiring planning permission.
- 11.2 The residential re use of the building adds to the supply of land available for housing in the district.
- 11.3 The proposals are considered acceptable in relation to their impact on identified heritage assets.
- 11.4 Whilst there are some limitations in relation to the amenity to be created for new occupiers, this is not dissimilar to that which would be expected in a centrally located residential development.
- 11.5 Parking provision for the development would be acceptable.
- 11.6 Officers conclusion and recommendation, weighing all relevant and material issues in the balance, is that planning permission can be granted for the proposed development, subject to the conditions set out below.

Conditions

1. Time limit (1T121)
2. Approved plans (2E101)
3. Materials of construction (2E111)

4. Retention of parking spaces (3V202)
5. No building hereby permitted shall be occupied until details of surface water drainage works have been submitted to and approved in writing by the local planning authority and the surface water drainage works have been completed in accordance with those details. The details submitted must include the results of an assessment of the potential for disposing of surface water by means of a sustainable drainage system. Where a sustainable drainage scheme is to be provided, the submitted details must also:
 - i. 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;
 - ii. include a timetable for its implementation; and
 - iii. 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 Second Review, April 2007 and national planning policy guidance set out in section 10 of National Planning Policy Framework.

Directives:

1. Other legislation (01OL1)
2. Street naming and numbering (19SN5)
3. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.
4. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to

suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means should be used at all times. The applicant is advised to consider “The control of dust and emissions from construction and demolition Best Practise Guidance” produced in partnership by the Greater London Authority and London Councils.

5. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that surface water discharge from the site shall not be detrimental to the existing sewage system.
6. Your attention is drawn to the comments of Hertfordshire Fire and Rescue in their letter of the 1st September 2015 in which they set out the minimum acceptable standards for new residential development with regard to emergency service access and water supply requirements.

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, the previous decision on application ref: 3/14/1108/PO is that permission should be granted.

KEY DATA

Residential Development

Site Area	0.08Ha
Residential density	163 units/Ha

	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	7
	2	6
	3	0
Number of new house units	1	0
	2	0
	3	0
	4+	0
Total		13

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	3	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	8.75
2	1.50	9
3	2.25	0
4+	3.00	0
Total required		17.75
Proposed provision		17

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	11
2	2.00	12
3	2.50	0
4+	3.00	0
Total required		23
Accessibility reduction	25-100%	
Resulting requirement		0 – 18
Proposed provision		17