

## DEVELOPMENT MANAGEMENT COMMITTEE – 27 APRIL 2016

<b>Application Number</b>	3/16/0315/FUL
<b>Proposal</b>	Demolition of existing buildings and proposed residential development of 10 new houses with associated landscaping and parking.
<b>Location</b>	The John Gilpin, London Road, Ware, SG12 9LX
<b>Applicant</b>	Regenta Development
<b>Parish</b>	Ware CP
<b>Ward</b>	Ware – Chadwell

<b>Date of Registration of Application</b>	9 February 2016
<b>Target Determination Date</b>	10 May 2016
<b>Reason for Committee Report</b>	Major application
<b>Case officer</b>	David Snell

### **RECOMMENDATION:**

That planning permission be **GRANTED** subject to a Section 106 agreement and the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 The proposal seeks permission for the demolition of an existing public house that has been vacant for some time and the erection in its place of 10 houses.
- 1.2 There is no objection in principle to the demolition and redevelopment proposal which would make a positive contribution to the Council's 5 year housing supply. The size, layout and design of the buildings are considered to be acceptable having regard to the context of the site and the surrounding area, and the highway, parking and drainage aspects of the development are considered to be satisfactory.
- 1.3 The proposal would result in the loss of a community facility on the site and the employment associated with that use. This would potentially be to the detriment of the economic and social dimension of sustainability and some negative weight is therefore attached to this issue.
- 1.4 Overall, however, it is considered that the positive aspects of the proposal outweigh any harm associated with it and the development would therefore be acceptable having regard to local and national planning policy.

## **2.0 Site Description**

- 2.1 The site comprises a 0.28ha parcel of land fronting London Road which is currently occupied by a vacant two storey public house. The site is otherwise predominantly hard surfaced to provide outdoor seating and an extensive car parking area around the building.
- 2.2 Other than on its main frontage to London Road, the site is bounded by residential properties and is relatively flat, although the land slopes upwards at the rear to Grange Gardens. The residential properties to the south and west within Grange Gardens are mid/late twentieth century and include a three storey block of flats to the west of the site.
- 2.3 The site adjoins but is not within Ware Conservation Area.

## **3.0 Background to Proposals**

- 3.1 The application proposes the demolition of the existing public house building and associated outbuildings and the erection of residential development of 10 x 2.5 storey dwellings (8 x 4 bed and 2 x 3 bed) with associated landscaping and parking.
- 3.2 In total, 27 parking spaces are proposed with the main access to the site remaining from London Road. Two parking spaces would be accessed off Gilpin Road (to the rear of numbers 78-80) to the south east of the site.

## **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:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>
Loss of employment site and community facility	Section 1	EDE2 LRC11
The layout, design and external appearance of the proposed building	Section 7	ENV1, ENV2
Highway implications	Section 4	TR2, TR4, TR7
Neighbour impact		ENV1

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

## **5.0 Emerging District Plan**

- 5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

## **6.0 Summary of Consultee Responses**

- 6.1 The Highway Authority does not wish to restrict the grant of planning permission, and comment that the access arrangements are acceptable in principle. In respect of the two parking spaces accessed from Gilpin Road, they note that these would not be accessible for both ingress and egress in a forward gear. Whilst this is not ideal, given that it only serves two spaces and, under the previous public house use the access would have been likely to have been used more intensively, this is considered acceptable. The Authority notes that an active frontage onto Grange Gardens could have some design and streetscape benefits, although they recognise the benefits of providing the new pedestrian link from Grange Gardens to London Road. This would improve connectivity in the area and contribute towards sustainable travel.

The Authority considers that trip generation resulting from the proposed development would be acceptable and that parking provision would be satisfactory given the site's location close to Ware town centre and the railway station.

- 6.2 The Lead Local Flood Risk Authority (LLFA) has no objection to the proposal on flood risk grounds and they comment that the drainage statement represents an acceptable drainage strategy for the site. They recommend a condition to secure the implementation of that strategy and the mitigation measures detailed within it.
- 6.3 The Council's Engineer comments that the site lies within Flood Zone 1 (lowest flood risk). The existing site is mainly impermeable and the Officer notes that the development will increase the permeable areas of the site by the provision of residential gardens and soft landscaping. Some sustainable drainage measures (SuDS) are proposed within the

site, such as permeable paving, but it is considered that higher quality SuDS such as green roofs to the dwellings, basin ponds and filter strips and swales should be included to accord with the Councils adopted Surface Water Drainage Strategy (SFRA) and reduce the risk of surface water flooding to residents in the future.

- 6.4 The Environment Agency has no comments to make on the proposals.
- 6.5 The Council's Conservation Team raises no objection to the proposals, commenting that the footpath link to Grange Gardens would enhance permeability of the locality by providing route options for existing residents.
- 6.6 The Council's Landscape Officer has no objection, subject to landscaping and hard surfacing conditions.
- 6.7 The Herts Police Crime Prevention Advisor supports the application, commenting that the development has been designed with security in mind.
- 6.8 Natural England has no comments to make on the proposals.
- 6.9 The County Archaeologist advises that the site has potential to contain archaeological remains and recommends a condition to safeguard potential heritage assets.
- 6.10 The Council's Environmental Health team has no objections, subject to conditions
- 6.11 Herts and Middlesex Wildlife Trust comments that the submitted strategy for bats avoids impacts and they recommend approval subject to a condition.
- 6.12 Herts Ecology comment that the Preliminary Ecological Appraisal (June 2015) found that the site had little ecological significance. However, the presence of bats cannot be ruled out and a precautionary bat directive is recommended.

## **7.0 Town Council Representations**

- 7.1 Ware Town Council objects to the proposal on grounds of overdevelopment, safety concerns about access/egress onto London Road by a busy roundabout and bus change over location. However,

they welcome the provision of a path connection between Grange Gardens and London Road.

## 8.0 Summary of Other Representations

8.1 The application has been advertised by neighbour consultation and a site notice. 9 responses have been received including a response from the Ware Society and these representations can be summarised as follows:

- Inadequate parking provision will exacerbate problems in the area
- Access too close to roundabout
- The area is compact and already fully populated
- Overdevelopment
- Out of character with surrounding housing density
- Burden of noise, disruption and heavy vehicles during construction
- It is understood that the applicants are in meaningful discussion with Riversmead HA in respect of the provision of a footpath link to Grange Gardens
- The Ware Society comment that the proposal is a big improvement on the previous scheme and they are happy with it, subject to the retention of frontage trees

## 9.0 Planning History

9.1 The relevant planning history for the site can be summarised as follows:

Ref	Proposal	Decision	Date
3/15/2023/FUL	Demolition of existing buildings and proposed residential development to form 10 new semi detached houses and a detached B1 office.	Withdrawn	November 2015
3/15/1508/FUL	Proposed residential development of 11 new houses, with associated landscaping and parking and change of use of 1 existing residential property to form B1 office space	Withdrawn	

## **10.0 Consideration of Relevant Issues**

10.1 The main considerations in this case are:

- Principle of the proposed development
- Loss of employment site and community facility
- Design and layout
- Highways and parking
- Neighbour impact
- Existing trees
- Surface water drainage
- Section 106 obligation

### Principle

10.2 The site lies within the built up area of Ware and, in accordance with policy SD2 and HSG1 of the Local Plan, there is no objection in principle to the proposed residential development, subject to detailed considerations. Furthermore, it is acknowledged that the Council cannot currently demonstrate a 5 year housing land supply and that significant positive weight should be given to the benefits of the proposal in providing new housing in this sustainable location. Paragraph 14 of the NPPF indicates that applications for sustainable new housing development should be approved “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits” of provision. It is therefore necessary to consider other material planning considerations in this case and to weigh those against the significant benefit of the proposals in terms of housing provision.

### Loss of community facility and employment site

10.3 Policy LRC11 of the Local Plan Policy LRC11 seeks to ensure the retention of community facilities such as public houses unless suitable alternative facilities are provided on site or in the catchment area or that there is no longer a need or demand for the facility.

10.4 Policy EDE2 states that development which would cause the loss of an existing employment site or one that has last been in employment use will only be permitted subject to the following criteria being met:

- The retention of the site for employment use has been explored without success and evidenced
- The proposed use does not have a significant impact on amenity

- Access, parking and servicing arrangements are satisfactory.
- 10.5 In support of the application, however, the applicants have submitted a letter from the former owners of the site McMullen and Sons Ltd. This advises that the last major refurbishment of the public house was carried out in 2009 at a cost of £46,000. At the time of its closure the premises employed a full time manager and 9 other staff equating to 5 full-time equivalent staff. The manager retired after 26 years service and the remaining staff were offered alternative employment in other outlets. Notwithstanding regular investment and experienced staff the turnover of the premises fell year by year and by 2005 it was 30% below a benchmark that the company would normally consider viable. This increased to 33% by the time of the closure in November 2014. The premises were marketed by multi-national agents CBR who contacted a number of other pub operators known to be active in the market. No interest was shown by another public house operator. Indeed during marketing interest was shown only by the current applicant and a retirement home developer. The applicant has confirmed that the former owner's McMullen are unable to provide additional information.
- 10.6 Given the above, the ongoing development of a new facility by McMullen at nearby Chadwell Springs golf course and the opening of the hotel and public house/restaurant facility nearby at Marsh Lane it is considered that there is little likelihood that the site would be attractive to a public house operator.
- 10.7 Paragraph 22 of The NPPF advises that the long term protection of employment sites should be avoided where there is no reasonable prospect of the site being used for that purpose and applications for alternative uses should be treated on their merits having regard to market signals and the relative need for alternative uses to support sustainable communities.
- 10.8 The site could potentially be used for other employment uses. However, given its location within a compact residential area and the availability of other employment premises in nearby designated Employment Areas it is considered that there is no reasonable prospect of this.
- 10.9 The former use of the site offered limited level of employment opportunity. Therefore having regard to the above circumstances and taking into account the current shortfall in 5 year housing land supply

the use of the site residential development is considered to be acceptable and in accordance with policies EDE2 and LRC11.

### Design and layout

- 10.10 The density of the proposed development at 36 dwellings per hectare (dph) is considered to be compatible with surrounding development.
- 10.11 The layout of the site is generally considered to be satisfactory. Officers consider that the re-orientation of plots 1 and 2 so that they would provide an active frontage onto Grange Gardens, would improve the overall layout, but it is acknowledged that this would result in an awkward layout in terms of private amenity space and parking provision for those units. On balance, it is not considered that the currently proposed siting would be unacceptable or have any significant detrimental impact on the streetscape in Grange Gardens.
- 10.12 The remaining plots, with the exception of plot 10, are proposed with fairly long rear gardens and their siting and general layout is considered acceptable. Plot 10 is somewhat more constrained, with its rear garden partially behind number 78 London Road and its parking spaces accessed off Gilpin Road. Officers have carefully considered the resulting relationship with number 78 London Road (as referred to later in the report) but have concluded that, given the orientation of the properties and the distance between them, that the siting of plot 10 is acceptable.
- 10.13 The design of the houses is of good quality and acceptable within the context of the age and variety of surrounding development. A reasonable level of new planting is proposed on the site frontage and within the parking area and along the boundaries of the site. Varied roof heights provided added visual interest to the proposed development.
- 10.14 A new dwarf wall and rail is proposed across the frontage of the site to replace the existing wall which is in poor condition. The new wall is to extend along the part of the north east boundary of the site that is within the public realm. The site will therefore remain relatively open on its public realm frontages.
- 10.15 Historically there has been a permissive pedestrian route through the pub car park linking Grange Gardens with London Road. The layout proposes to maintain a pedestrian link route in the northwest corner of the site that, together with the provision of a pathway along the north



western side of the site (within an area of land alongside Grange Gardens owned by Riversmead Housing Association) will provide an enhanced pedestrian link between existing residential development in Grange Gardens and London Road. The developer has agreed to the provision of a financial obligation to secure the provision of this pathway as set out at the end of this report.

#### Highways and parking

- 10.16 The previous withdrawn scheme proposed 16 parking spaces for the 10 houses proposed. Parking provision has however since been increased and the application now proposes 27 parking spaces with the majority being accessed via London Road in the position of the current access. Two parking spaces are accessed from Gilpin Road as previously mentioned. The adopted parking standard would require a maximum of 29 spaces and the emerging District Plan standard would require parking provision with the range of 23-30 spaces for the Accessibility Zone 4 site.
- 10.17 The provision of 27 spaces per dwelling across the site is considered to be acceptable having regard to the public transport accessibility of the site. The site lies within Accessibility Zone 4 but is on the border with Zone 3. The site is within walking distance of Ware town centre and it has good access to public transport connections being on the bus routes running along London Road and close to Ware Station.
- 10.18 Concern has been raised regarding the use of the London Road access and its relationship to the bus stop and bus change over area. However, this access has been in use for the public house for many years and the Highway Authority has confirmed that, whilst traffic generation patterns may change as a result of the development, there is not considered to be any material impact on the highway. There is suitable visibility at the access and it remains acceptable in respect of the proposed residential use.

#### Neighbour impact

- 10.19 The majority of the proposed development would have no impact on surrounding properties. The flank wall of the proposed house on plot 10 is sited along the side boundary of No.78 London Road at a distance of 2m from the boundary (an increase of 1m over the previous withdrawn application) and 6m from the closest part of the dwelling. Landscape screening is proposed along the boundary and, given the orientation of

the properties and the lack of fenestration on the south east elevation of the site, the relationship is considered to be satisfactory.

#### Existing trees

- 10.20 The proposal includes the retention of existing mature Pine trees along the frontage of the site and this will assist to assimilate the development in the surrounding area and is welcomed. A condition is recommended to secure their retention and their protection during construction works.

#### Surface water drainage

- 10.21 The proposal will result in a significant reduction in hard surfacing on the site and the replacement of existing impermeable hard surfaces with permeable materials.
- 10.22 The Lead Local Flood Risk Authority (LLFA) is satisfied that sufficient detail has been provided to demonstrate that the drainage statement represents an acceptable drainage strategy for the site. They recommend a condition to secure the implementation of that strategy and the mitigation measures detailed within it.
- 10.23 The Council's Engineer has suggested that higher quality sustainable drainage measures, including flat green roofs to the dwellings, basin ponds and filter strips and swales should be considered as part of the proposals. However, given that the proposal represents an improvement on the current drainage situation; is in a low risk flood zone; and bearing in mind the advice of the LLFA on the suitability of the proposed drainage scheme, Officers do not consider that the lower quality of the SuDS proposed in this case would significantly or demonstrably outweigh the benefits of the proposal in terms of housing provision.

#### Section 106 Obligation

- 10.24 The proposed layout provides a pedestrian route through the north west corner of the site allowing a formal link to be created between Grange Gardens and London Road. However, that pedestrian route would currently cross a grassed area in the ownership of the Housing Association and Officers consider that the provision of a formal footpath across that area of land would significantly improve pedestrian connectivity and accessibility in the area. A S.106 financial obligation is

therefore considered appropriate, necessary and reasonable to mitigate the impact of the proposals in the surrounding area.

- 10.25 The suggested contribution would be provided in accordance with the accessibility contributions identified in the Council's Planning Obligations SPD 2008 (£500 per parking space provided) and is considered to meet the necessary tests in the CIL Regulations. The land in question to the north west side of the site is owned by Riversmead Housing Association and the works would need to be subject to their agreement. If this does not ultimately prove possible, Officers consider that the financial obligation can be used to support the improvement of pedestrian links to the town centre in association with funding achieved through the nearby Premier Inn development.

## **11.0 Conclusion**

- 11.1 The site lies in the built-up part of Ware wherein there is no objection in principle to new residential developments. The site is considered to be in a sustainable location with easy access to public transport facilities and town centre services/facilities. Given the Council's lack of a 5 year housing supply, the presumption in favour of sustainable development set out in paragraph 14 of the NPPF applies, and development proposals that accord with the development plan should be approved without delay. The provision of 10 residential units will make a positive contribution towards the Council's 5 year housing supply and weighs in favour of the scheme.
- 11.2 Although the scheme will result in the loss of a community facility and some associated employment provision, Officers are satisfied from marketing submissions and the constraints of the site, that the site can no longer be retained for that use. The proposal is therefore considered to comply with Local Plan policies LRC11 and EDE2.
- 11.3 In terms of scale, parking provision, drainage, layout and design, Officers are satisfied that the scheme is acceptable and that it would not result in any significant or demonstrable harm to the surrounding area. Although an objection remains in respect of the sustainability of surface water drainage, Officers do not consider the drainage proposals to be unacceptable, and there will be a net gain in permeability across the site. No harm would arise to residential amenity and Officers therefore consider the proposal to represent a sustainable form of development in accordance with the NPPF, and permission is

recommended subject to the following Section 106 obligations and conditions.

**Legal agreement**

- A financial obligation of £13,500 (index linked) for the provision of a footpath link to Grange Gardens or the improvement of pedestrian routes to the town centre.

**Conditions:**

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Samples of materials (2E12 amended reason 'Prior to above ground works')
4. Boundary walls and fences (2EO7)
5. External lighting (2E27 amended reason 'Prior to installation')
6. Wheel washing facilities (3V25 amended reason 'Details are required prior to demolition and construction to' )
7. Construction hours of working – plant and machinery (6N07)
8. Hard surfacing (3V21 amended reason 'Prior to installation')
9. Prior to first occupation of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Retained historic landscape features (b) Planting plans (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

10. The existing mature trees on the London Road frontage of the site shall be retained and protected from damage resulting from construction works to the satisfaction of the Local Planning Authority in accordance with BS5837:2012.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

11. Landscaping works implementation (4P13)

12. If the construction works include piling then prior to the commencement of development, a method statement detailing the type of piling and noise emissions shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the approved details.

Reason: Details are required prior to commencement to safeguard the amenities of the occupiers of surrounding residential properties in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007.

13. The presence of any significant unexpected contamination that becomes evident during the development shall be brought to the attention of the Local Planning Authority.

Reason: To ensure adequate protection of human health, the environment and water courses in accordance with Policy ENV25 of the East Herts Local Plan Second Review April 2007.

14. The development hereby permitted shall be carried out in accordance with the drainage statement prepared by WSP dated January 2016 ref: 70013260 and the following mitigation measures as detailed within the surface water drainage strategy:

- Implementing appropriate SuDS measures giving priority to above ground measures such as permeable paving as shown on drawing 3260/D/003 included at Appendix H of the drainage strategy.
- Attenuation must be provided to ensure that there is no increase in surface water run off volumes for all rainfall events

up to and including the 1 in 100 year + climate change event.  
Attenuation to be provided in permeable pavements.

- Infiltration of surface water run-off from the sub-base of the permeable pavements into the ground.
- Written confirmation by the Environment Agency showing that direct infiltration from permeable pavements into Ground Water Protection Zone 2 must be provided.

Reason: To prevent flooding by ensuring satisfactory disposal of surface water from the site in accordance with policy ENV21 of the east Herts Local Plan Second Review April 2007.

15. Programme of archaeological work (2E02) amended reason to 'The programme of archaeological work is required prior to commencement to'

Informatives:

1. Other legislation (01OL).
2. Bats (32BA).
3. The applicant is encouraged to seek to achieve 'Secured by Design' accreditation and further details of this can be obtained from Herts Constabulary at [mark.montgomery@herts.pnn.police.uk](mailto:mark.montgomery@herts.pnn.police.uk)

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 2015. The balance of the considerations having regard to those policies is that permission should be granted.

**KEY DATA**

<b>Residential development</b>	
Units	10 (8 x 4 bed and 2 x 3 bed)
Density	36 dph

<b>Parking</b>	<b>Spaces</b>
Proposed	27
Local Plan Standard	Maximum 29
Emerging District Plan Standard Accessibility Zone 4	In the range 23 to 30