

## DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2017

<b>Application Number</b>	3/16/1039/FUL
<b>Proposal</b>	Change of use and conversion of public house to 3 self-contained residential units and conversion of adjacent building back to a dwelling with first floor rear extension
<b>Location</b>	1-3 The Bourne, Ware, SG12 0PU
<b>Applicant</b>	Yellowbrick Properties
<b>Parish</b>	Ware CP
<b>Ward</b>	Ware – Christchurch

<b>Date of Registration of Application</b>	13 July 2016
<b>Target Determination Date</b>	7 September 2016 – ETA until 13 January 2017
<b>Reason for Committee Report</b>	Minor planning application, referred to the Committee at the request of Cllr Ballam
<b>Case Officer</b>	Lisa Page

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 The proposal seeks permission for the conversion of the existing public house into 3 self-contained residential units and the conversion of an adjacent building back to a dwelling.
- 1.2 There is no objection in principle to the proposal which would make a positive contribution to the Council's 5 year housing supply and the internal layout of the proposed dwellings and amenity for future occupiers and neighbouring properties is considered acceptable. It is also considered that the lack of on-site parking provision in this case would be acceptable, given the former use of the building; the need to find a viable use for the heritage asset, and the edge of town location of the site, close to services and public transport provision. The proposed development is also considered acceptable in relation to ecological and flood risk issues.
- 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 the Grade II Listed former Cannon Tavern Public House (PH) and an adjacent 2 storey building that formerly was a dwellinghouse, but which has most recently been used in connection with the PH (accommodating the WC facilities for the public house at ground floor and part of the public house residential accommodation at first floor level).
- 2.2 The ground floor of the main building was in use as the PH and the first floor as a 3 bedroom flat. The buildings front immediately onto The Bourne with Milton Road on the western boundary with the PH.
- 2.3 The site is located within a residential area on the edge of Ware town centre and within the Ware Conservation Area.

## **3.0 Background to Proposal**

- 3.1 The Public House has been vacant since 2014 and it is understood to have been advertised for freehold sale since that date.
- 3.2 The current proposal is to convert the 2 storey former dwellinghouse on the eastern side of the site back into that use, together with a first floor rear extension. The PH building is proposed to be converted into 3 x 2 bed flats.
- 3.3 As with the current use, there is no off street parking provision at the site.

## **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF); the adopted East Herts Local Plan 2007 and the pre-submission version of the District Plan:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>District Plan Pre-Submission Version</b>
Principle of the loss of the use and conversion of No. 3 back to a residential	Section 1 and 6	EDE2, LRC11, ENV1	ED1
Layout and design	Section 7 and 10	ENV1	DES3
Amenity for future occupiers and neighbouring properties	Section 7 and 10	ENV1	DES3
Ecology	Section 11	ENV16	NE3
Flood Risk	Section 10	ENV19, ENV21	WAT1, WAT5
Highway matters and Parking	Section 7	TR7	TRA1, TRA3

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

## **5.0 Emerging District Plan**

5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan has recently been completed and the detail of the responses is now being considered by Officers. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the detail of the responses to the consultation is yet to be considered.

## **6.0 Summary of Consultee Responses**

6.1 HCC Highway Authority – Does not wish to restrict the grant of permission. It comments that the proposal is acceptable in principle from a highways context, being well located for all modes of transport and it does not envisage that there will be an impact compared to its existing use. It comments that parking considerations are for the LPA to determine.

6.2 Environment Agency – No objection.

- 6.3 Thames Water – comments with no objection with regard to sewerage infrastructure capacity.
- 6.4 EHDC Conservation and Heritage Advisor – comments that the layout and design will ensure that maximum historic fabric is retained.
- 6.5 HCC Historic Environment Advisor – comments that the proposal is regarded as likely to have an impact upon heritage assets of archaeological interest and recommends that any permission shall include a condition to sufficiently provide for investigation.
- 6.6 Herts Ecology – Comment that, following the submission of a Bat Survey, bats should not be considered a constraint to the proposal.
- 6.7 EHDC Environmental Health Advisor – advises that any permission shall include conditions for unsuspected contamination, hours of working for plant and machinery and in respect of asbestos.
- 6.8 EHDC Environmental Services – comments that provision should be made for 1 x 1100 litre bin for domestic refuse and 3 x 240 litre bins for recycling. Access to the bin store should be no more than 25 metres from where the freighter can stop to access the bins and access must be a flat level surface.

## **7.0 Town Council Representations**

- 7.1 Ware Town Council objects to the proposed development. It comments that the proposal will exacerbate existing parking problems in the area.

## **8.0 Summary of Other Representations**

- 8.1 Eleven letters have been received in response to the consultation process and the representations received can be summarised as follows:

- Pleased to see the pub being redeveloped in principle
- Loss of PH unacceptable – is part of the local character of the area
- Parking on street in the area is already at full capacity – this development will exacerbate the parking situation
- Cramped and over-developed.
- Density too high – and is out of character with the area
- Concern with impact of internal works on the building

## 9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/87/2092/FP	Extensions and alterations	Granted with Conditions	23.02.1988
3/84/0611/FP	Extensions and alterations	Granted with Conditions	22.05.1984

## 10.0 Consideration of Relevant Issues

### Principle of the development

- 10.1 The site lies within the built up area of Ware where, in accordance with Policy SD2 of the Local Plan, development is to be concentrated. There is no objection to the creation of residential properties in principle; the main issue in this case is in respect of the loss of the use of the building as a public house.
- 10.2 Policy EDE2 of the Local Plan states that, where a development will cause the loss of an existing employment site, or one that was last in employment use, it will only be permitted where the retention of the site for employment use has been fully explored without success. Similarly, under Local Plan policy LRC11, consideration needs to be given as to whether the loss of the use as a community facility is justified. Policy LRC11 indicates that the applicant should demonstrate that the facility is no longer needed, and that there is insufficient demand for its retention or for another suitable alternative community facility to be provided at the site.
- 10.3 The application has been submitted with some evidence in response to the requirements of the above policies. A statement from McMullen details the history of the site and previous investment into the Public House. It also outlines the annual barrelage since 1983, and a steady decline of barrelage is clearly seen since 2002. This justification is further supported by a letter from a local estate agent which details that the building has been empty since 2014 after the local brewery considered it to no longer be economically viable. The property has been advertised for freehold sale since that date. They also state that, internally, the building is in need of improvement and has limited bar floor space and dining facilities. The physical limitations of the building

for a viable Public House or similar use with limited kitchen and eating area are evident, and furthermore the site is on the far edge of the town centre wherein there are many other Public Houses.

- 10.4 When read as a whole, Officers are content that there has been sufficient evidence of marketing of the building for commercial use and adequate justification has been given as to the reasons why the property is not generating interest and why it cannot be retained for this, or another similar use.
- 10.5 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.
- 10.6 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.
- 10.7 The former use of the site offered a 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 for residential development is considered to be acceptable and in accordance with policies EDE2 and LRC11.
- 10.8 Positive weight is also given to the proposed development in securing an acceptable long-term use of the heritage asset in accordance with national planning policy contained in the NPPF.
- 10.9 In respect of the conversion of No. 3 The Bourne back to its former use as a 2 storey dwellinghouse, this is considered acceptable and respects the character and appearance of the locality.

#### Layout and design

- 10.10 The site layout proposed, with the exception of the 2 storey rear extension to No. 3 The Bourne, remains as for the existing development. There is appropriate access for all the units and the size and siting of the cycle store and bin store is acceptable, utilising an existing single storey projection at the rear of the public house.

- 10.11 Limited external changes are required to effect the change of use - where these have been introduced, they relate to windows and doors sited at the rear of the buildings and these are of an appropriate design to reflect the character and appearance of the existing building. The existing fencing on Milton Road is visually poor and is to be replaced. A condition is recommended in respect of this in order to secure a more acceptable boundary treatment.
- 10.12 A 2 storey rear extension is proposed to No. 3 The Bourne to enable a more spacious layout to be provided for the resulting residential property. The extension is of an appropriate size, scale and design that would respect the character and appearance of the building, and its surroundings.
- 10.13 Overall, the layout and design of the conversion, extension and alterations respect the character and appearance of the listed building and its setting, and that of the wider Conservation Area. Consideration of the acceptability of the alterations on the significance of the listed building is being considered under application 3/16/1040/LBC.

Impact on the amenity of future occupiers and neighbouring amenity

- 10.14 In respect of the impact upon future occupiers, the conversion of No. 3 Bourne Road back to a 2 storey dwellinghouse is acceptable with adequate access, internal layout and external amenity space. Unit 1, within the former public house, has access from The Bourne into a 2 bed flat which provides an acceptable level of accommodation and layout. Unit 2 takes its access from the rear (shared with Unit 3) and equally has an acceptable layout for a 2 bedroom unit. A modest rear outdoor courtyard is proposed for the shared use of the 3 units. Access to the proposed cycle and bin store is also provided from within this courtyard.
- 10.15 The application was initially submitted with 2 x 1 bed units within the rear element of the former public house building. However, following concerns expressed by Officers, the plans have been amended to create 1 x 2 bed unit (Unit 3). At ground floor level, that unit has a kitchen and living room with 2 small bedrooms and bathroom within the roofspace at first floor. The somewhat limited size of these rooms at first floor is noted. However, the Council has no minimum standards for internal accommodation and that proposed within this site is considered, on balance, to be acceptable incorporating a shower room and an en-suite to the master bedroom. Adequate daylighting is provided through the use of rooflights and the size of the bedrooms

compares reasonably well to those within the adjacent terraced houses to the east of the site.

- 10.16 Turning to the impact of the proposed development on neighbouring properties, Officers are content that the layout is such that there would be no unacceptable impact on neighbours from overlooking, loss of light, outlook or similar.

#### Ecology

- 10.17 An initial inspection survey has been undertaken. This shows that no bats, or evidence of them, were found in the property which, in any event, was considered unsuitable for bats to use for roosting. No further surveys are considered necessary and Officers are content that bats should not be considered a constraint to the proposal in accordance with Policy ENV16 of the local Plan.

#### Flood Risk

- 10.18 The site lies partly within Flood Zone 2 and 3a as defined by the NPPF, having a medium to high probability of flooding. The application has been submitted with a Flood Risk Assessment (FRA) which adequately demonstrates that the development will be safe for its lifetime and will not increase flood risk elsewhere. Officers are therefore content that flood risk matters have been fully addressed in accordance with Policy ENV19.

#### Parking

- 10.19 The proposal results in the creation of 4 x 2 bed units. As with the existing use, due to the site constraints, there is no off street parking.
- 10.20 The proposed use would, in accordance with the Council's adopted parking standards, require a maximum of 6 parking spaces. The emerging parking standards would require between 6 and 8 parking spaces. However, it is important to note that the existing use for a public house, with a bar area of 58sqm and a 3 bed flat, would generate a requirement for a maximum of 20 spaces in accordance with those standards – plus additional employee parking. The residential use of the site would therefore result in a reduction in demand for on-site parking provision compared to the current use.
- 10.21 Officers note that the parking generated by the former PH use may not, in practice, have attracted 20 vehicles due to its location within a residential area where patrons would be more likely to walk to the



premises. However it would not have been unreasonable to assume that the PH did generate a parking requirement for at least 6 vehicles when taking into account the flat and employees.

10.22 The concerns from local residents and the Parish Council regarding on street parking congestion are noted. However Officers do not consider that the difference between the parking requirements for the existing use and proposed use would be significant. Furthermore, considering that the site lies on the edge of the town centre; that there are current parking restrictions in the area; and that the proposal provides for a secure cycle store, the proposed residential use is considered acceptable. It is also material to note that it is likely that any re-use of the building would result in the generation of some demand for off street parking provision.

## **11.0 Conclusion**

11.1 In respect of the loss of the public house, Officers are content that there has been sufficient evidence of marketing of the building for commercial use and adequate justification of the reasons why the building is not generating interest for commercial re-use in accordance with policies EDE2 and LRC11 of the Local Plan.

11.2 The layout and design of the development is well considered, respects the character of the original building and provides for an acceptable level of amenity for future occupiers and neighbouring properties. The development would secure the future good repair of the heritage asset and cause no adverse impact to the character, appearance and setting of the building and the wider Conservation Area.

11.3 In respect of parking Officers do not consider that the difference between the parking requirements for the existing use and the proposed use would be significant. A refusal on parking grounds would not therefore be justified.

11.4 The proposal has also been demonstrated to have no adverse impact upon protected species or on flood risk. It is therefore recommended that planning permission be granted subject to conditions.

## **Conditions**

1. Three year time limit (1T121)
2. Approved plans (2E103)

3. Programme of Archaeological work (2E02)
4. Landscape design proposals (4P12) - b), e) and f)
5. Landscape works implementation (4P13)
6. Construction hours of working (6N05)

### **Informatives**

1. Other legislation (010L)
2. Street name and numbering (19SN)
3. Read in conjunction with LBC (25LB) Insert '3/16/1040/LBC'
4. Unsuspected contamination (33UC)
5. Asbestos (34AS)

### **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; 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****Residential Development**

<b>Residential density</b>	<b>133 units/Ha</b>	
	Bed spaces	Number of units
Number of existing units demolished	3	1
Number of new flat units	2	3
Number of new house units	1	
	2	1
	3	
	4+	
<b>Total</b>		<b>4</b>

**Affordable Housing – N/A****Residential Vehicle Parking Provision**

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.50	4
3	2.25	
4+	3.00	
<b>Total required</b>		<b>6</b>
<b>Proposed provision</b>		<b>0</b>

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	
2	2.00	8
3	2.50	
4+	3.00	
<b>Total required</b>		<b>8</b>
<b>Accessibility reduction</b>	<b>75-100%</b>	<b>6-8</b>