

# Public Document Pack



Chairman and Members of the  
Development Management  
Committee

Your contact: Peter Mannings  
Extn: 2174  
Date: 13 October 2014

cc. All other recipients of the  
Development Management  
Committee agenda

Dear Councillor,

## **DEVELOPMENT MANAGEMENT COMMITTEE – 15 OCTOBER 2014**

Please find attached the following reports which were marked “to follow” on the agenda for the above meeting:

6. Planning Appeal: Redevelopment to Provide a New College Building and Enabling Residential Development of 50 Dwellings, Car Parking, Associated Access and Landscaping Including Demolition of Existing Buildings at Hertford Regional College, Scotts Road, Ware: Ref 3/13/1762/FP (Pages 3 – 54).
8. Items for Reporting and Noting (Pages 55 – 56).

(D) Planning Statistics.

Please bring these papers with you to the meeting next Wednesday.

Yours faithfully,

Peter Mannings  
Democratic Services Officer  
East Herts Council  
[peter.mannings@eastherts.gov.uk](mailto:peter.mannings@eastherts.gov.uk)

**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 15 OCTOBER 2014  
**TIME** : 7.00 PM

## EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 15 OCTOBER 2014

### REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

PLANNING APPEAL: REDEVELOPMENT TO PROVIDE A NEW COLLEGE BUILDING AND ENABLING RESIDENTIAL DEVELOPMENT OF 50 DWELLINGS, CAR PARKING, ASSOCIATED ACCESS AND LANDSCAPING INCLUDING DEMOLITION OF EXISTING BUILDINGS AT HERTFORD REGIONAL COLLEGE, SCOTTS ROAD, WARE: REF 3/13/1762/FP

---

WARD(S) AFFECTED:      WARE CHADWELL

---

#### Purpose/Summary of Report:

- To update Members in relation to the current circumstances regarding the above appeal and to enable the position of the Council to be considered in the light of further relevant information.

<b><u>RECOMMENDATIONS FOR DECISION That:</u></b>	
<b>(A)</b>	<b>In relation to reasons for refusal 1 and 3, the Council continues to prepare its case in relation to the forthcoming appeal with authority delegated to Officers to deal with matters arising as detailed in recommendation (C);</b>
<b>(B)</b>	<b>In relation to reason for refusal 2, the Council does not pursue a case on this matter in relation to the forthcoming appeal and informs the appellant of its position; and</b>
<b>(C)</b>	<b>The Head of Planning and Building Control, in consultation with the Chairman of the Committee and a Ware Ward Member, be authorised to engage with the appellants in relation to all matters relevant to the appeal and to formulate, alter, amend and update the Council's statement and evidence to be submitted to the appeal inquiry.</b>

#### 1.0 Background

- 1.1 Members will recall that the development proposals were considered at the 5 February 2014 meeting of this Committee. A

copy of the report submitted to that meeting is attached as **Essential Reference Paper 'B'** to this report. The recommendation submitted at the time was that the proposals could be approved. After considering the matter, Members resolved to refuse planning permission for the reasons that are set out below:

- 1) The element of the development comprising the apartment block at the northern end of the site fronting Hertford Road would have an unacceptable impact on the character and appearance of the street scene and the surrounding area by reason of its height, scale, bulk and design. The proposal is thereby contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
- 2) Insufficient parking is proposed for the residential element of the development which would result in additional pressure on already restricted parking provision in the local area, harmful to the amenities of existing and future residents. The proposal is thereby contrary to policies TR7 and ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
- 3) The proposed development makes insufficient provision for affordable housing and therefore fails to address the demand for such housing within the District contrary to policy HSG3 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

1.2 An appeal has now been submitted in relation to the decision. The appellants have requested, and the Planning Inspectorate has agreed, that the matter is dealt with by means of a public inquiry. The commencement date for the inquiry has now been confirmed as 24 February 2015. The appellants have also requested that the Council reassesses its position in relation to the reasons for refusal. It considers that the Council is in an unreasonable position in relation to refusal reasons 2 and 3.

1.3 Following that decision a further application was submitted in March 2014 for the redevelopment of the college facilities in isolation. Members considered that matter and authorised the grant of planning permission, at the 30 April 2014 Development Management Committee meeting. This was approved under Ipa reference 3/14/0411/FP. Works have commenced on site in

connection with this permission.

## 2.0 Update

- 2.1 In determining that the appeal should follow the inquiry procedure, The Planning Inspectorate stated that the reason for this was that housing land supply is likely to be an issue. The Council's current position in respect of housing land supply is set out in this report.
- 2.2 The National Planning Policy Framework (NPPF) sets out the requirement for the Council to identify the supply of land for five years worth of housing against its identified needs. Since the refusal of planning permission the most recent Annual Monitoring Report (AMR) has been published. The AMR predicts land supply for the 2014/15 to 2018/19 five year period. With an annual requirement of 660 new homes (the figure remaining in use prior to the introduction of updated District Plan figures) 3.4 years of supply are identified. This takes into account the requirement for a 5% buffer, brought forward from later in the forthcoming plan period.
- 2.3 As indicated, the AMR is based on the requirement figures that remain in place from the previous East of England Regional Plan. That Plan is now revoked and the Council has consulted on a draft District Plan with an annual requirement of 750 dwellings. Given the stage in the preparation of the plan, little weight should be assigned to this higher figure at this stage, but it can be used in robust assessments of the Councils land supply position.
- 2.4 The table below was presented to the Committee in a report to its last meeting dealing with development proposals at Buntingford. Whilst the sites under consideration are different, the overall land supply position remains the same. It tests a range of scenarios against the 660 and 750 target figures and with buffer levels of 5% and 20%. Members will note that only in one scenario is a level of 5 years supply achieved.

	Predicted supply	Number of years of supply			
		At 660 per year + 5%	At 660 per year + 20%	At 750 per year + 5%	At 750 per year + 20%
Current AMR projections	2340	3.4	3.0	3.0	2.6
AMR projections plus further permissions and reassessment in relation to BSN	3430	5.0	4.3	4.4	3.8

2.5 However, even in the circumstances where the greatest level of supply is demonstrated in the table, previous under supply has not been factored in. Recent appeal decisions which have dealt with this issue have set out that this under supply should be included within the 5 year period being assessed. Of course, economic conditions generally in the last five years have meant that delivery of new housing has been restricted. Completions figures demonstrate an under supply of 960 dwellings over the period. When this is factored into the figures in the above table it is the case that 5 year supply cannot be demonstrated in any of the range of scenarios tested. This position has been acknowledged by the Council and it is not seeking to demonstrate otherwise.

2.6 Taking that into account the NPPF sets out a presumption in favour of sustainable development. For decision making this means that “where the development plan is absent, silent, or relevant policies are out of date”, planning permission should be granted unless any adverse impacts of doing so “would significantly and demonstrably outweigh the benefits”. Whilst the policies in the Local Plan 2007 are considered largely to be consistent with the NPPF, there is a recognised deficiency in that the Local Plan does not identify adequate land to enable a five year supply of land for housing development.

2.7 Therefore, at the forthcoming Inquiry, the Council will need to demonstrate that the proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal, most significantly the contribution that it would make

to housing land supply.

### 3.0 Assessment of the Councils Current Position

3.1 As set out above, planning permission was refused on the basis of three reasons. Officers have reassessed below the evidence available in relation to each of these and can advise as follows:

#### Reason 1: Character and Appearance

- 3.2 The refusal reason relates specifically to the proposed apartment block at the northern end of the residential element of the proposals. Members will be aware that there currently exists a building of some height, visibility and presence at that location. It is one of the buildings which comprises the current further education use on the site. It is located in an elevated position above the Hertford Road frontage, is readily visible and of a basic design and appearance. It appears that there is general agreement that the redevelopment of the site of this building is to be welcomed.
- 3.3 To the east of this part of the site are the existing larger scale buildings on the college site which have been implemented as part of the first phase of its redevelopment. These are more closely related to the Hertford Road frontage, being set lower and closer to it.
- 3.4 To the west of this part of the site are the conventional residential dwellings on Scotts Road, adjacent Hertford Road and on Hillside further to the west. These are conventional designs, well established and generally on plot sizes which allow a range of garden and landscape planting. The scale of the individual residential buildings is smaller than that of the existing college building or proposed apartment block.
- 3.5 North of the site is the Conservation Area boundary (the site being just outside), is the open land around the New River and, beyond that, further commercial and residential apartment buildings.
- 3.6 Officers are aware of the concern that Members previously expressed in relation to the impact that the proposed apartment building would have. Whilst the scale of the existing building in this location was acknowledged, Members were concerned that the particular siting of the new building, bringing it further toward the Hertford Road frontage and its modern design, would

exacerbate its impact.

- 3.7 The impact that this element of the proposed development is likely to have has been assessed again. It is concluded that it is appropriate to continue to advance a case at the forthcoming inquiry that the proposals do indeed have a harmful impact in this respect. The refusal reason is clear and focussed and Officers recommend that no change be made in the Councils position in relation to it.

Reason 2: Parking provision

- 3.8 The reason for refusal that relates to insufficient parking is in respect of the residential element of the proposals only. The harmful impact identified is an amenity one in that the additional parking demand generated by the proposals will put further pressure on parking availability in the area thereby causing greater competition for limited and restricted parking provision.
- 3.9 The proposal is to provide 72 parking spaces for the 50 dwellings. Maximum parking provision that would be required to accord with the policy as set out in the Councils Parking Supplementary Planning Document (SPD) is 99.75 spaces. This is made up as follows:

Unit size (bedrooms)	Number of units	Max parking spaces per unit type (as per SPD)	Total spaces to meet max requirements
2	28	1.5	42
3	11	2.25	25.75
4	11	3	33
TOTAL			99.75

- 3.10 Members may recall that in assessing the parking provision proposed Officers applied the 50 – 75% reduction in provision that the SPD allows for within Zone 3, wherein the site is located. This results in a requirement for 50 – 75 parking spaces (given the maximum 100 requirement above).
- 3.11 Officers acknowledge that the 25 – 50% reduction (referred to as a 50-75% provision within the report) does fall under the ‘non-residential’ section of the SPD. However, the residential section of the SPD does make it clear that parking provision must be assessed having regard to locational characteristics which include



the proximity to shops, jobs and local services as well as public transport services.

- 3.12 The location is generally convenient for the town centre and transport services and therefore Officers considered that weight could be given to a potential reduction of this nature. Having regard to this, and the fact that the Council's parking standards are only given as a maximum number, the 25 – 50% reduction was used by way of guidance to establish a broad minimum parking provision that would be acceptable. This approach has been taken with other Major planning applications within the District, including some that have been considered by Inspectors at appeal. In further assessments set out in this report, to ensure robustness, testing has been undertaken in relation to the potential maximum provision.
- 3.13 Members will be aware that parking restrictions apply to the surrounding roads. All of them are controlled by some form of parking restriction. Scotts Road, from which the access into the residential site would be taken, is in some parts subject to a restriction that there can be no waiting at any time and the remaining road does not allow for any waiting 09:00 – 20:00. Warner Road, which adjoins Scotts Road from the south, is restricted to no waiting 09:00 – 18:30 and 09:00 – 20:00 applies further along this road in an easterly direction. Other surrounding roads, including Little Acres, Myddleton Road, Scotts Close, The Grotto, Cedar Close and Walton Road are all subject to similar restrictions, some of which require no waiting Monday-Friday 10:00 – 11:00 and 15:00 – 16:00.
- 3.14 Against this background, Officers have tested the likely impact of the development further in two ways. Firstly by separating out the apartment parking provision from that for the remainder of the site and secondly by assessing census information in relation to vehicle availability and therefore potential demand for parking.
- 3.15 Firstly then, if the two elements of the scheme are separated, 28 spaces are proposed for the apartment element of the scheme. The remaining 44 spaces are provided for the conventional housing proposals (33 external spaces and 11 garages). The provision can be judged against the maximum requirements as follows:

Apartments					
Unit size (bedrooms)	Number of units	Max parking spaces (as per SPD)	Total spaces required	Total spaces provided	Ratio spaces: unit
2	28	1.5	42	28	1.0
Housing					
3	11	2.25	25.75	18	1.64
4	11	3	33	26	2.36

This assessment, against the maximum requirements set out in the SPD, shows a shortfall of 14 spaces for the apartment element of the proposals. For the housing the 44 spaces provided meet the maximum requirements of the SPD exactly. A further assessment can be undertaken using information relating to actual vehicle availability.

- 3.16 This assessment is made against information from the 2011 Census. This provides useful information in relation to vehicle availability and therefore sets out evidence in relation to the likely actual pressure that will arise on parking provision as a result of the development proposals.
- 3.17 Information from the Census sets out vehicle availability on a ward basis. A comparison between this and information for Ware as a whole, indicates lower levels of vehicle availability in the Chadwell Ward. However, applying the Ware town figures (higher availability figures and therefore a more robust assessment) indicates a potential vehicle availability of 39 vehicles for the apartments and 27 for the houses. Against this figure there would be oversupply for the housing element (44 spaces provided) and undersupply for the apartments (28 spaces provided).
- 3.18 Against this information, which does show the potential for greater demand than supply, a consideration is then required of the harm which it may lead to. As indicated above, the concern of Members was the impact on amenity that this demand would result in for existing and future residents. Given the parking restrictions in the area, this has been considered on the basis of the demand generated by the apartment element of the proposals only and then on a day time impact (generally when existing on road parking restrictions are in place) and an evening/ weekend impact (when they are not).

- 3.19 During the daytime, whilst clearly residents and vehicles will remain on site, it is likely that parking demand will be reduced. If a minimum of 11 residents are away from the site with their vehicles then provision would be adequate. There would be no greater pressure on parking than currently exists. In addition, of course, at this time the on road restrictions would prevent parking on the local roads.
- 3.20 At the evenings and weekends parking restrictions are not in place. For testing it has been assumed that all potential vehicles will be present. To assess parking availability at this time, two recent parking surveys have been undertaken (Monday 15 September at 9pm and Sunday 28 September at 3pm). These showed limited parking taking place on most local roads and with no vehicles parked on the lower part of Scotts Road adjacent to the site.
- 3.21 It is acknowledged that this survey work is limited in extent, however it demonstrates that, on those occasions there was parking availability in local roads outside of restricted times. As a result, the introduction of additional parking which would cause little inconvenience to existing residents and it is likely that there would be capacity for future residents.
- 3.22 Having assessed the additional information, Officers consider that the Council will be able to provide limited evidence to substantiate that the proposed parking provision would be unacceptable and would result in harm to the amenities of existing and future residents. Members are asked to bear in mind that the assessments carried out here are robust ones, they make no allowances for the sustainable location of the proposed development, the awareness of parking provision that potential purchasers would have and the potential that some limited additional provision could actually be achieved within the site.
- 3.23 Given the above, it is recommended that the Council does not pursue the case in respect of the 2<sup>nd</sup> reason for refusal that relates to parking provision.

*Reason 3: Affordable Housing*

- 3.24 Members will recall that 6% of the units are to be provided as affordable housing. This would provide 3 affordable units on the site. The applicant has explained that, in order to achieve the necessary funding from the residential development to enable the

redevelopment of the College site, providing all of the appropriate financial contributions towards local services and making a full 40% affordable housing contribution would render the scheme unviable.

- 3.25 Since the submission of the appeal the appellants have provided the Council with an updated viability assessment to demonstrate that once the capital that is required to fund the building works within the college site is subtracted, that sufficient funds would not be available to provide any additional affordable housing. The appellants have confirmed that the capital is still required to fund the redevelopment of the college site and therefore the contribution that can be made towards affordable housing remains at 6%.
- 3.26 To achieve robustness in the Councils assessment of this matter, Officers have engaged a further independent consideration of the viability appraisal. This has raised a number of issues that Officers are exploring with the appellants. These relate to the cost, value and funding assumptions made in the viability assessment. In addition, Officers are further assessing the policy basis on which the appellants have determined that much of the value secured from the site should be assigned toward the enhancement of further education.
- 3.27 The refusal reason as it stands relates solely to the inadequate provision of Affordable Housing. It is implicit in the refusal reason, that this situation has come about as a result of the assumptions that have been made by the appellants in their viability assessment work and in relation to how funds realised as a result of the development should be utilised.
- 3.28 As indicated, at this stage Officers are continuing to explore a number of these issues with the appellants. In advance of further conclusions in relation to them it is recommended that the Council continues to present a case in relation to the refusal reason.

#### 4.0 Conclusion

- 4.1 The first reasons relates to a visual and character impact. Following reassessment it is concluded that it is appropriate to continue to advance a case through the appeal in relation to this reason. Reason three continues to be subject to exploration and assessment with the appellants. At this stage, it is recommended that Officers continue to explore these issues and report back to

Members through the delegation arrangement set out in the recommendation to this report and below.

- 4.2 In addition to concluding matters that remain subject to further exploration, to ensure that the Council is in a suitable position to respond to these and tailor its case as appropriate in respect of the inquiry, delegated authority is sought for Officers to further formulate, alter, amend and update the Councils case as appropriate in the run up to the inquiry. It is suggested that this delegated authority would be in consultation with the Chairman of the Committee and a Member who represents a Ware ward.
- 4.3 In relation to the second condition (impact of parking demand on amenity), the conclusion of this reassessment, using specific and relevant further information, is that there is limited evidence to substantiate a case demonstrating harm.

#### 5.0 Implications/Consultations

- 5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

Planning Application – 3/13/1762/FP.

Contact Member: Councillor M Alexander, Deputy Leader and Executive Member for Community Safety and Environment. [malcolm.alexander@eastherts.gov.uk](mailto:malcolm.alexander@eastherts.gov.uk)

Contact Officer: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.  
[kevin.steptoe@eastherts.gov.uk](mailto:kevin.steptoe@eastherts.gov.uk)

Report Author: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.  
[kevin.steptoe@eastherts.gov.uk](mailto:kevin.steptoe@eastherts.gov.uk)

This page is intentionally left blank

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS:

Contribution to the Council's Corporate Priorities/ Objectives	<p><b>Place – Safe and Clean</b></p> <p>This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p><b>Prosperity – Improving the economic and social opportunities available to our communities</b></p> <p>This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	No further consultation in advance of this report.
Legal:	Report addresses implications of an appeal submitted under the Town and Country Planning Act.
Financial:	Addressing planning appeals is a cost implication for the Council. It is appropriate to reassess the position of the Council to ensure that it is robust and that the risk of claims of unreasonable position are balanced against the extent of harm which it has been concluded that development proposals have.
Human Resource:	None.
Risk Management:	It is appropriate to reassess the position of the Council to ensure that it is robust and that the risk of claims of unreasonable position are balanced against the extent of harm which it has been concluded that development proposals have.
Health and wellbeing – issues and impacts:	None.

This page is intentionally left blank



**5b 3/13/1762/FP – Redevelopment of site to provide a new college building and enabling residential development of 50 dwellings, car parking, associated access and landscaping including demolition of existing buildings at Hertford Regional College, Scotts Road, Ware, Herts, SG12 9JQ for Hertford Regional College and Charles Church**

---

**Date of Receipt:** 30.09.2013

**Type:** Full – Major

**Parish:** WARE

**Ward:** WARE – CHADWELL

**RECOMMENDATION:**

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:

- The provision of 6% Affordable Housing in the form of 3 x 2 bed flats on a shared ownership basis
- The submission of a Green Travel Plan
- Financial contributions to Herts County Council of:
  - £89,256 towards Secondary Education;
  - £ 90,938 towards Primary Education;
  - £14,249 towards Nursery Education;
  - £1,816 towards Youth;
  - £8,441 towards Libraries;
  - £49,875 toward sustainable transport
- Financial contributions to East Herts Council of:
  - £16,060 towards Parks and Public Gardens;
  - £44,455 towards Outdoor Sports Facilities;
  - £6,852 towards Amenity Green Space;
  - £6,525 towards Children and Young People;
- A £300 Monitoring fee per clause.
- A mechanism for reviewing the financial viability assessment should the development not commence within 18 months of the date of the committee resolution.

planning permission be **GRANTED** subject to the following conditions:

### 3/13/1762/FP

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) (11-106 (01) 001, 111-106 (01) 002, 1-106 (G25) 001, 11-106 (G11) 001, 11-106 G09-001, 11-106 G08- 002, 11-106 G08- 001, 11-106 G07- 004, 11-106 G07- 003, 11-106 G07- 002, 11-106 G07- 001, PH171-PL04 A, PH171-ST-01 E, PH171-ST-02 C, PH171-AP1-01 C, PH171-AP1-05 A, PH171-PL03 A, PH171-AP1-03 B, PH171-AP1-04 E, PH171-PL05A, PH171-HT-01 A, PH171-HT-01a A, PH171-HT-02 A, PH171-HT-03 C, PH171-HT-04 B, PH171-HT-05 A, PH171-HT-06 A, PH171-PL-02 F, PH171-AP1-02 C, PH171-LS01 A, PH171-LS-02; MMD-325760-L-DR-00-XX-0004 P2, MMD-325760-L-DR-00-XX-0005 P2; PH171-PL07
3. Prior to the commencement of works above ground level (excluding demolition) for the college buildings hereby approved, samples of the external materials of construction for the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. Prior to the commencement of works above ground level (excluding demolition) for the residential buildings hereby approved, samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. Prior to the first occupation of any dwellings hereby approved, details of all boundary walls, fences or other means of enclosure relating to the residential development, shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

Reason: In the interests of privacy and good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

### 3/13/1762/FP

6. Prior to the first occupation of any of the new college building hereby approved, details of all boundary walls, fences or other means of enclosure relating to the college development, shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

Reason: In the interests of privacy and good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. Prior to the commencement of works above ground level (excluding demolition) for the residential development hereby permitted all materials to be used for hard surfaced areas within the residential site including roads, driveways and car parking areas shall be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

8. No development or groundworks (except demolition) shall take place in connection with the proposed college development until the applicant has secured the implementation of a programme of archaeological work, for that part of the site, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

9. No development or groundworks (except demolition) shall take place in connection with the proposed residential development until the applicant has secured the implementation of a programme of archaeological work, for that part of the site, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.

### 3/13/1762/FP

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

10. Prior to the first occupation of the new college building, all accesses and junction arrangements serving the college development shall be completed in accordance with the approved in principle drawing number MMD-325760-L-DR-XX-0005, unless otherwise agreed in writing, and constructed to the Local Planning Authority's satisfaction.

Reason: To ensure the provision of accesses appropriate for the development in the interests of highway safety and convenience.

11. Prior to the first occupation of the new residential buildings, all accesses and junction arrangements serving the residential development shall be completed in accordance with the approved in principle drawing number PH171-PL02 Rev B, unless otherwise agreed in writing, and constructed to a specification of the Local Planning Authority's satisfaction.

Reason: To ensure the provision of accesses appropriate for the development in the interests of highway safety and convenience.

12. Prior to the first occupation of the new College buildings hereby permitted, the existing vehicular access onto Walton Road, where not incorporated into the new access, shall be permanently closed and the kerbs and footway/verge reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

13. Prior to the first occupation of the new residential buildings hereby permitted, the existing vehicular access to Scotts Road, where not incorporated into the new access, shall be permanently closed and the kerbs and footway/verge reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

14. Concurrent with the construction of each access to this site (listed below) and unless otherwise agreed in writing by the local planning authority, visibility splays of 2.4 metres X 43 metres shall be provided in both directions. These splays shall be permanently maintained, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level: i) At the existing access to the site from Scotts Road. ii) At the new access to the site from Scotts Road. iii) At

the amended access to the site from Walton Road. iv) At both access points to/from the proposed layby arrangement onto Walton Road.

Reason: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety.

15. Before the new and amended accesses are each first brought into use by the new development, triangular vision splays shall be provided on each side of the new accesses and shall measure 2.0m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2.0m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility for and of drivers entering or leaving the site in the interests of pedestrian safety.

16. Prior to the first occupation of any of the new residential buildings, all on-site vehicular areas, including (but not limited to) internal access roads, forecourts, garages, carports and external parking spaces, shall be accessible, surfaced and fully completed in accordance with drawing number PH171-PL02 Rev B and carried out in a manner to the Local Planning Authority's approval. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

17. Prior to the first occupation of the new college buildings, all on-site vehicular areas, including (but not limited to) internal access roads, forecourts and external parking spaces, shall be accessible, surfaced and fully completed in accordance with drawing number\_MMD-325760-L-DR-XX-0005 (or any subsequent amended plan agreed in writing by the local planning authority) and shall be carried out in a manner to the Local Planning Authority's approval. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

**3/13/1762/FP**

18. Prior to the commencement of development (including demolition) for the new college buildings, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of: phasing for the development of the site, including all highway works; methods for accessing the site, including construction vehicle numbers and routing; location and details of wheel washing facilities; associated parking areas and storage of materials clear of the public highway.

Reason: in the interests of highway safety.

19. Prior to the commencement of development (including demolition) for the new residential buildings, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of: phasing for the development of the site, including all highway works; methods for accessing the site, including construction vehicle numbers and routing; location and details of wheel washing facilities; associated parking areas and storage of materials clear of the public highway.

Reason: in the interests of highway safety.

20. Prior to the commencement of the development (including demolition) for the new College buildings a 'Parking Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. This plan shall provide details of parking that will be available for users of the college during the construction work. Thereafter the construction of the development shall only be carried out in accordance with the approved plan.

Reason: To ensure that adequate off-road parking provision is available to meet the continuing needs of the College in the interests of highway safety.

### 3/13/1762/FP

21. Prior to the commencement of the development (including demolition) for the new residential buildings a 'Parking Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. This plan shall provide details of parking that will be available for users of the college during the construction work. Thereafter the construction of the development shall only be carried out in accordance with the approved plan.

Reason: To ensure that adequate off-road parking provision is available to meet the continuing needs of the College in the interests of highway safety.

22. Construction hours of working - plant and machinery (6N07)

23. Prior to the commencement of the development (except demolition) for the new College building, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

24. Prior to the commencement of the development for the new residential buildings hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

25. Retention of parking space (3V20)

26. Vehicular use of garage (5U10) - plural

27. Notwithstanding Condition 2 (approved plans), prior to the

commencement of the residential development, full details of both hard and soft landscape proposals for this part of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables. 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.

28. Notwithstanding Condition 2 (approved plans), prior to the commencement of the college development, full details of both hard and soft landscape proposals for this part of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables. 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.

29. Landscape works implementation (4P13)

30. Tree/hedge retention and protection (4P05)

31. Details of any external lighting proposed in connection with the college development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this part of the development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

32. Details of any external lighting proposed in connection with the



residential development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this part of the development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

33. No development (except demolition) shall commence on site until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) and any further site investigation works required on site post demolition, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of these site investigations and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site is partially located in Source Protection Zone 1, which delineates an area of high groundwater sensitivity around a public

### 3/13/1762/FP

drinking water supply borehole, where contaminants could reach the borehole within 50 days. This condition is required to protect groundwater quality in the underlying principal aquifer that supports these drinking water supplies in accordance with policy ENV20 of the east Herts local Plan Second Review April 2007 and national policy in the NPPF.

34. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent the contamination of groundwater in accordance with policies ENV20 (Groundwater Protection) and ENV21 (Surface Water Drainage) of the East Herts local Plan Second Review April 2007 and national policy in the NPPF.

35. The development hereby permitted (except demolition) shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (titled: Ware Campus; reference: 3226140501A) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding; to improve and protect water quality and improve habitat and amenity in accordance with policy of the East Herts Local Plan Second Review April 2007 and national policy in the NPPF.

#### Directives:

1. Groundwater protection zone (28GP) (Musley Lane pumping station)
2. Street Naming and Numbering (19SN)
3. BATS (32BA)
4. Unsuspected contamination (33UC)
5. Asbestos (34AS)

6. This planning permission gives no entitlement to affect the public right of way that is adjacent to south east boundary of the application site which should remain undisturbed and unobstructed at all times.
7. In respect of Condition 27 (landscape proposals) the Council expects the new tree and hedge planting to the north and west site boundaries to be carried out using established species grown to a height to be agreed by the Planning Authority.

### 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 is that permission should be granted.

\_\_\_\_\_ (176213FP.NB)

#### **1.0 Background:**

- 1.1 The application site is shown on the attached OS Map. It is located within the southern part of Ware, within the built up area of the town and is mostly outside of the Conservation Area. The boundary of the Conservation Area lies directly north of the site.
- 1.2 Outside the site, but within the College's ownership to the north east, is the Grade II\* Listed Amwell House. Within the application site is the Grade II Listed Summer House and outside the site, but close by to the south west, is the Grade 1 Listed Scotts Grotto, all of which previously formed part of the former gardens of Amwell House.
- 1.3 The existing College buildings front onto Hertford Road which itself adjoins the New River to the north with the railway line beyond this. The existing vehicular access into the College is off Scotts Road to the west and the existing exit from the site leads into Walton Road to the east.
- 1.4 Scotts Road to the west is mainly comprised of detached dwelling

### 3/13/1762/FP

houses which front the road but are generally all set back with driveways to the front. Most of these neighbouring dwellings are sited on higher ground than Scotts Road which itself also rises fairly steeply in a north to south direction.

- 1.5 Adjoining the rear (south) of the site is Scotts Close, a small cul-de-sac of two storey and 1 ½ storey dwellings.
- 1.6 Walton Road to the east comprises a mix of detached and terraced dwellings which front onto the street.
- 1.7 The application site is currently occupied by the Hertford Regional College, an education facility for students over the age of 16. The College benefits from both the application site in Ware and a second campus in the neighbouring borough of Broxbourne.
- 1.8 During 2012/13 the Ware campus employed 216 members of staff and 1012 students attended the College. The College provides vocational, professional and academic qualifications at levels including Basic Skills, NVQ, work based learning and higher education. The Planning Statement submitted with the application explains that the College works with up to 400 local employers in the region and assists with placing hundreds of unemployed people into work each year.
- 1.9 In 2006 planning permission was granted for the redevelopment of the College. However, the previously approved proposals were only partially implemented due to the withdrawal of Government funding. Many of the buildings that remain on site were constructed in the 1960/70s. The College states that these existing buildings are in poor physical condition and have poor access for the disabled, poor acoustic separation, unsatisfactory heating, lighting, ventilation, and they suffer from over heating and glare in the summer and do not comply with current standards in terms of fire separation and means of escape.
- 1.10 The College now proposes Phase 2 of the redevelopment of their education facilities within the site and have recently secured a £3.5 million Government grant towards the project. This funding is dependent upon 'match funding' being secured from other sources and a condition that the new College building is open by September 2015. In order to secure the additional funding required the College propose to consolidate their teaching spaces and release land within the western section of their site to be developed for residential purposes.
- 1.11 The redevelopment of the existing College site proposes the erection of a 3 storey teaching block located centrally within the site to the rear of

### 3/13/1762/FP

Amwell House. A landscaped courtyard is thereby created between Amwell House and the new teaching block. A car park is proposed to the south east part of the site adjacent to Walton Road, this together with other existing areas of parking would provide 177 car parking spaces within the College.

- 1.12 The proposed enabling residential development proposes a total of 50 dwellings. A four storey apartment block (amended and reduced from five storeys during the course of the application) comprising of 28 units is proposed to the north west corner of the site and would replace the existing four storey flat roofed College building. A total of 22 detached and semi-detached dwellings are also proposed to the south of the apartment block.
- 1.13 The proposed apartment block would form an L-shaped building fronting Hertford Road. The building is staggered and would be set back from the boundary with Hertford Road by varying distances between 7.6 and 8.5 metres. This siting is forward of the existing building which appears to retain a set back of approximately 11 metres. Balconies are proposed to each of the apartments which would project an additional 2 metres from the front of the building.
- 1.14 The apartment building is designed with a series of pitched roofs which form four main blocks. The two central blocks would reach a ridge height of 14.7 metres and the ridge of the roofs to the adjoining blocks either side would drop to approximately 13.9 metres.
- 1.15 28 parking spaces are provided for the apartments by way of undercroft parking and hard surfaced areas to the rear of the block.
- 1.16 The 9 dwelling houses proposed to the rear of the apartment block would face west towards Scotts Road and would be set back by approximately 14 – 17 metres from this highway. These dwellings would be 2 ½ storeys in height with the 2<sup>nd</sup> floor accommodation provided within the roof space, served by a single dormer window within each of the front roof slopes.
- 1.17 Two pairs of semi-detached dwellings are proposed fairly centrally within the site and close to the boundary between the residential and College parts of the site, these dwellings would be 2 ½ and 3 storeys in height.
- 1.18 The remaining dwellings would face north with the flank elevation of plot 50 facing towards Scotts Road with a 6 metre set back from this boundary. These dwellings would have rear gardens that would extend up to the existing southern site boundary with the neighbouring

### **3/13/1762/FP**

dwelling in Scotts Close where there is an existing high brick wall and Leylandi trees behind. These dwellings would be 3 storeys in height.

- 1.19 33 no. parking spaces are provided for the houses within private driveways and parking areas that would be constructed adjacent to the Scotts Road boundary. Integral garages provide additional spaces for some of dwellings.

#### **2.0 Site History:**

2.1 The relevant planning history for the site is as follows:

2.2 Planning permission was granted in 2006, under lpa reference 3/06/1175/FP for the redevelopment of the site comprising the demolition of 11 buildings and construction of 3 new linked buildings together with associated car and cycle parking, footpaths and landscaping. This permission has been partially implemented.

2.3 The site has been subject to a number of previous applications for new College buildings within the site and minor extensions and alterations to the existing buildings, however the above permission granted in 2006 is considered to be the only recent application that is relevant to the current proposal.

#### **3.0 Consultation Responses:**

3.1 The Hertfordshire Constabulary have commented that the College proposal would meet Secured by Design standards, however, concerns have been raised in respect of the proposed residential development which have been discussed with the architect and should now be able to be overcome as follows:

- Access could be gained from public spaces right up to the windows of the private properties and therefore 'hostile planting' should be considered to prevent this;
- Gates offering access to the rear of the dwellings should be positioned further forward so that they are in view;
- Lighting should be introduced to the undercroft parking areas.

In respect of the revised plans, they comment that the reduction in parking spaces by two could lead to conflict between residents as to who uses the spaces which could also lead to further conflict through onto street parking.

3.2 Natural England has no objection to the proposal and comment that it

### 3/13/1762/FP

would be unlikely to affect bats. The development may provide opportunities to incorporate landscape and biodiversity enhancements.

- 3.3 The County Council Minerals and Waste Team has commented that site waste should be re-used where possible.
- 3.4 The County Obligations Unit has requested financial contributions towards education, nursery, youth and library services.
- 3.5 Affinity Water have advised that the site is located within the groundwater Source Protection Zone of Musley Lane pumping station and that construction works should be carried out in accordance with the relevant British Standards and Best Management Practices.
- 3.6 Environmental Health has recommended conditions in respect of construction hours of working, contamination, piling works and air quality.
- 3.7 The Herts Biological Records Centre (now known as Hertfordshire Ecology) have commented that they agree with the ecological surveys that have been carried out which conclude that the site is at best of low ecological value. Landscape planting should incorporate native species of trees and shrubs that offer a food source to wildlife and the recommendations detailed in the ecology report should be conditioned.
- 3.8 The Conservation Officer initially recommended refusal of the application based upon the plans that were originally submitted due to design concerns in respect of the dwelling houses and more significant concerns in respect of the design approach of the new apartment block. They stated then that the apartment block should be of a more distinctive design while reflective of its more contemporary neighbouring buildings.
- 3.9 The Conservation Officer has now however recommended approval to the amended proposals. They comment that the new college building is considered to be acceptable, it reflects the design of Phase 1 and poses little or no harm to the visual character or the immediate setting of Amwell House, a Grade 2\* listed building.

The residential development is set back from Scotts Road which is reflective of the existing built form and the individual design, mass, scale and siting of the dwellings are considered to be acceptable.

In respect of the proposed apartment block they comment that the principle of a replacement building is acceptable. The mass, scale,

orientation and design of the proposal should reflect the character of the wider conservation area and the more immediate area which includes the high quality architecture of the College to which the new building would directly relate. In considering the mass, scale and orientation of the proposal these elements are predetermined by the existing building, in particular the height which in conjunction with its elevated position should be considered carefully and not exceed the existing.

Due to the prominence of the location, the topography of the land, the character of the neighbouring Conservation Area to which this site provides views and the associated heritage assets, the overall design approach should reflect its valued position. In this respect the revised scheme which is more reflective of the adjacent college building is considered to compliment its immediate setting as the mass, scale, design and use of materials reflect the design principles associated with the wider site and as such Conservation Area.

While it is recognised that the current design does not necessary adopt a traditional approach the suggested proportion, rhythm between solid and void, use of materials and form completes the distinct 'row' or built form which addresses Hertford Road and terminates views from the wider Conservation Area.

- 3.10 The Herts and Middlesex Wildlife Trust have commented that the recommendations detailed in the ecology report should be carried out and that the developer should aim to enhance biodiversity at the site.
- 3.11 The Environment Agency (EA) originally objected to the proposal as the Flood Risk Assessment (FRA) and drainage strategy were inadequate. However, following further submissions by the applicant, the EA has now removed this objection and recommend that planning permission is granted subject to conditions, including those relating to surface water drainage and groundwater protection measures.
- 3.12 The County Historic Environment Unit has commented that the proposal is likely to have an impact on heritage assets of archaeological interest and therefore a condition should be imposed to require a programme of archeological work to be agreed and implemented.
- 3.13 The Council's Engineers have commented that the site is located within flood zone 1 and that the Flood Risk Assessment indicates that the current large area of impermeable surfacing would be reduced. Sustainable Drainage Systems (SUDs) have been shown; however the use of underground SUDs should be avoided as they tend to increase



risk of flooding in the future due to maintenance difficulties.

- 3.14 County Highways do not wish to restrict the grant of permission subject to conditions and a financial contribution towards sustainable transport. Their comments can be summarized as follows:

#### Accesses

In respect of the proposed vehicular accesses County Highways have commented that the access points onto Scotts Road and Walton Road are acceptable and sufficient visibility splays can be achieved and should be secured by condition. The amount of traffic along Scotts Road is expected to decrease with the proposed residential use taking an access from this highway and the College now using Walton Road. Traffic movements would increase at the Walton Road and Hertford Road access. However, the capacity assessments that have been carried out have been found to be robust and show that the junction will continue to operate at an acceptable capacity. In respect of visibility from Walton Road onto Hertford Road, this is somewhat restricted in both directions, but there is no notable accident history at this location over the past 3 years, and the likely level of increased traffic using this junction as a result of the proposal is not significant enough to justify any improvements.

#### Parking

The Highway Authority would not wish to see a routine increase to roadside parking in the vicinity of the site and therefore it is important that the development provides sufficient parking to ensure this situation is avoided. However, it is also important to ensure that there is not an overprovision of on-site parking space, which would otherwise discourage the use of sustainable travel to/from the site.

The total parking allocated to the college reduces by 5, compared to the current provision, from 182 spaces to 177. This is not ideal, but it would be difficult to argue that this relatively small reduction will have a significant impact on the free and safe flow of traffic on the public highway. The Highway Authority is also mindful that the site lies within a relatively accessible location, and that the majority of roads and junctions in the vicinity of the site are 'protected' by roadside parking restrictions.

Residential parking provision is 76 spaces (*please note this was based on the original plans submitted for 54 dwellings*). When applying East

Herts District Council parking guidance, a maximum provision of 106 spaces has been calculated. However, the policy allows for a reduction of 25 to 50% in zone 3 locations such as this. The proposed provision of 76 spaces therefore accords with this. This level, combined with the measures outlined in the Travel Plan, and the reasonably good accessible location means it again would not be justified to refuse the scheme on parking levels from a highways aspect.

- 3.15 The Council's Landscape Officer has recommended approval of the application. In respect of the impact upon trees they have no objection on arboricultural grounds and have stated that the trees to be removed along Scotts Road are not within a conservation area and the trees do not meet the required criteria for the making of a Tree Preservation Order.

There will be a short term loss in terms of vegetation along Scotts Road, however, this is compensated for by new tree planting and there will be a net long term gain in amenity value provided by the proposed new planting.

They agree with the Tree Survey and Arboricultural Impact Assessment in that there will be moderate landscape implications as a result of the removal of trees 'eighteen trees, three areas of trees and three groups of trees require removal to facilitate the proposed development. Of these trees only five are of moderate quality with the remainder being of poor quality/longevity.' In order to mitigate for the perceived landscape loss a detailed scheme of landscaping including planting of large species trees has been produced which will improve the overall arboricultural value of the site.

The development proposal is generally acceptable in landscape terms.

On the non residential part of the development Drawing MMD-325760-L-DR-00-XX-0005 Rev P1 is acceptable in landscape and arboricultural terms provided the yew tree, T33, of the tree schedule is shown as retained (as an amendment). The revised drawing MMD- 325760-L-DR-))-00-XX-0005 rev P2 does show the yew tree T33 as retained, but also shows a changed parking layout within the immediate vicinity of the tree that will have adverse impact on the root system.

- 3.16 The Council's Housing Development Manager expresses disappointment at the 6% provision of affordable housing as there is a housing need in Ware for rented affordable housing, but they do understand that the College is a key resource for learning and training in the District.

**4.0 Town Council Representations:**

4.1 Ware Town Council objects to the proposal on the following grounds:

- The height, appearance and design of the apartment block is out of character with existing properties;
- Proximity of the apartment block to Hertford Road;
- The proposed balconies will protrude by 2 metres and will be only 2.9 metres from the highway which will detract from the appearance of the gateway to Ware;
- The proposed residential development would overlook existing properties;
- The infrastructure, particularly water and sewerage is inadequate to cope with this scale of development;
- Possible damage to Grade I listed building (Scott's Grotto) from the construction;
- Loss of trees;
- The existing road network is inadequate to deal with the increased volume of traffic which would result from the development;
- Road safety issues resulting from the increase in traffic – a further traffic report should be carried out at peak time, not in May when students are off for exams;
- Ware Town Council is disappointed that, despite local councillors having held meetings with the architects, the changes to the plans have been minimal;
- Ware Town Council is disappointed that the plans to be considered are believed to contain the following inaccuracies:

- PH 171-ST-01 – Front Elevations A – The drawing shows the new build to have the same ground base line as the existing building (no excavation down to the front as per previous plans). The new build is shown to have an equal height to that of the existing old building:-Both are shown as 14.7 metres. The existing building is no more than 14 metres in height.

- the position of the building is confusing PH171-AP1-04 – This drawing shows the front of the main building at 4.9 metres from the Highway with the front of protruding balconies to be 2.9 metres from the Highway.

-PH171-AP1-05 shows the front of the main building at 7.5 metres from the Highway and the front of the protruding balconies to be 5.5 metres from the Highway.

-The existing building is situated at 11.8metres from the highway. These measurements, assume the balconies to be a depth of 2

metres protruding from the building as shown on the drawing.

- PH171-AP1-04: Front Elevation A and Side Elevation B:  
A shows the ground base line of the new build down to the Highway Level at 3.35 metres  
B shows the ground base line of the new build down to the Highway Level at 2.65 metres

However, should planning permission be granted, Ware Town Council requests that the following conditions be imposed:

- a. Piling methods should not damage existing buildings, particularly Scott's Grotto.
- b. Lights in the car park should not shine into existing houses.
- c. Construction hours should be limited to between 8am and 6pm.

## **5.0 Other Representations:**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. Following the receipt of amended plans in December 2013 a full re-consultation took place with letters sent to all neighbours, consultees and other third parties who had already commented on the proposal, allowing a further 21 days for additional comments to be made in respect of the amended plans.

5.2 Letters of representation have been received from 38 No. local residents which include representations from the Scotts Road Residents Committee and The Ware Society. The comments received can be summarised as follows:

- The proposed apartment block would be brought forward of the front elevation of the existing building;
- The apartment block would tower over pedestrians and vehicles and appear overbearing and incongruous;
- The design of the apartment block would not enhance the area;
- A block of apartments on the corner of Hertford Road and Scotts Road is inappropriate;
- The proposed balconies are an unacceptable protrusion into the highway;
- The proposed density is too high;
- Opportunities should be taken to reduce the existing college buildings which are out of keeping with the south side of Ware instead of replicating their size and scale;
- The existing trees and landscaping should be retained to soften the buildings;
- The ecological report states that of most value are the existing

- mature trees which are to be removed;
- The loss of the majority of trees is unnecessary and unacceptable;
- The loss of trees to Scotts Road would result in a loss of privacy to the dwellings opposite;
- Queries in respect of whether the infrastructure in Ware can support the new residents;
- The proposals would increase traffic onto both Scotts Road and Walton Road;
- The proposal will exacerbate the existing problems with the 'rat run' between Hoe Lane and the surrounding roads;
- Additional traffic will exacerbate the dangerous junction of Hertford Road and Walton Road and cause hazards for school children and other pedestrians;
- Waiting times at the junction of Scotts Road and Hertford Road are already long and will increase with the additional vehicles using the development;
- The data from the traffic surveys are not accepted as they were carried out in the summer term when students were away revising therefore surveys should be taken October/November when a more representative number of students, staff and visitors attend the college;
- One side of Scotts Road should be regulated at all times to ensure that there is sufficient space for vehicles to pass;
- Construction vehicles should use London Road and not Hoe Lane and Walton Road and should not park in the roads;
- Ware already has a high proportion of flats which is adversely affecting the local demographic;
- The proposed apartments would set a precedent for this side of Ware;
- Two storey dwellings like the others within Scotts Road would be more appropriate;
- Family houses are needed to accommodate young families moving from the existing flats in the area;
- The proposed parking provision is inadequate and the proposals would exacerbate existing parking problems in the area;
- The proposal would result in a reduction in student parking spaces from 182 to 177;
- A residents parking scheme and allowing the new residents to park within the college during evenings and weekends would allow the existing parking problem to be addressed;
- The planning permission granted for the redevelopment of the college site in 2006 proposed car parking where dwellings are now proposed. The existing modern large building was only approved as the tall building on the corner of Scotts Road and Hertford road

would be demolished. Allowing the college to be developed in phases has allowed an overdevelopment of the site;

- The proposed timescales for the development over several years will result in unacceptable disruption for residents;
- Care must be taken during demolition in case of asbestos being present;
- Are there any covenants on the land that require it to be used for educational purposes?;
- The proposal is short sighted and the residential land should be retained to meet the college's future needs;
- There is a well known shortage of secondary schools places in the area which this site could accommodate;
- Concerns in respect of emergency vehicles accessing the site through Scotts Road;
- The building materials proposed are inappropriate;
- Concerns in respect of the future ownership and maintenance of the landscaping to the boundary of the site with the rear of the dwellings in Scotts Close;
- 3 storey dwellings to the rear of Scotts Close would be higher than the existing 4 storey building and new phase 1 building at the bottom of Scotts Road and would create overlooking into the rear of the dwellings in Scotts Close;
- Existing properties in Scotts Road and Scotts Close will lose their panoramic views across Ware, will be overlooked and experience a loss of outlook effecting the amenity, environment and value of the neighbourhood;
- Piling may be required and the development could cause damage to the neighbouring dwellings;
- Impact on wildlife including bats;
- The development would increase noise and other disturbances to neighbours;
- The headlights of vehicles using the new accesses would cause light disturbance;
- The construction works could cause damage to the Grade 1 and 2 listed structures nearby and in particular Scotts Grotto where ground piling was stopped several years ago at 36 Scotts Road as the shock waves were damaging this Grade 1 listed building;
- There are no measures to protect the listed apple store/summer house;
- The need for the development is questioned as the existing college buildings are underutilised and can be readily upgraded;
- The motivation for the development is to make money to develop the college not to improve the town of Ware;
- Parking restrictions must be enforced during construction and

heavy vehicles should not be accessing the site during unsociable times;

- Community involvement should have commenced earlier than July;
- Concerns regarding potential noise and light disturbance from the car park to the residents in Walton Road;
- Trees should be planting to the boundary with Walton Road;
- The flats face north and will receive little sunlight;
- The flats should be built to lifetime home standards and the 'future lift' shown on the plans should be installed;
- The design is traditional and ordinary and does not respond to the neighbouring buildings including the well designed new college buildings, a good quality modern design would be far better with a lower flat or low pitched roof;
- The (*now previous*) plans for a 5 storey block and excavating into the bank would be inappropriate;
- The plans are inaccurate and show the existing building height to be 14.7 metres when it is in fact 14 metres.

In addition to the representations received from local residents 8 No. letters of support have been received from local businesses, education facilities and from the Leader of the Borough of Broxbourne which can be summarised as follows:

- The college buildings need to be updated;
- The future success of the college is essential to the economy of Ware and the wider area;
- The college provides essential training to meet the employment need of local businesses and provides apprenticeship schemes with local businesses.

## **6.0 Policy:**

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

SD2	Settlement Hierarchy
TR2	Access to New Developments
TR7	Car Parking – Standards
EDE2	Loss of Employment Sites
HSG1	Assessment of Sites not Allocated in the Plan
HSG3	Affordable Housing
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime-New Development

### 3/13/1762/FP

ENV4	Access for Disabled People
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV21	Surface Water Drainage
ENV24	Noise Generating Development
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH6	New Developments in the Conservation Area
LRC11	Retention of Community Facilities
IMP1	Planning Conditions and Obligations

6.2 The provisions of the NPPF are also of relevance to this application.

### **7.0 Considerations:**

7.1 The site is located within the built up area of Ware wherein there is no objection in principle to new educational and residential development. Therefore, Officers consider the determining issues for this application to be as follows:

- The loss of the existing College buildings and facilities;
- The acceptability of the proposed new College building in respect of siting, size, scale, form and design;
- The acceptability of the proposed new residential buildings in respect of siting, size, scale, density, form and design;
- Access and highway safety;
- Parking provision;
- Neighbour Amenity;
- Landscaping.

#### The loss of the existing College buildings and facilities

7.2 Policies EDE2 and LRC11 of the Local Plan aim to ensure that development proposals would not result in the loss of employment and community facilities. The College forms an important employment and community facility within Ware.

7.3 It is noted that the College's existing Children's Care and Health department has recently been relocated to the Broxbourne campus and as a result of this the student and staff number are expected to decline. However, the purpose of the current proposal is to improve the quality and efficiency of the existing buildings in order to continue to attract students and employers and secure the long term retention of the



College facility on this site.

- 7.4 Officers acknowledge that the redevelopment of the site could offer wider benefits to the local area by the removal of existing buildings of poor appearance at the site and by facilitating the retention of the College as a community use on the site which offers opportunities for education and employment for local people. It is therefore considered that the proposal provides significant public benefits and accords with the aims of Policies EDE2 and LRC11 which seek the retention of existing community and education facilities.
- 7.5 The existing buildings to be demolished are currently outdated buildings of a poor appearance which appear out of keeping with the high quality architecture that has been implemented within Phase 1 of the College development. There are no objections to the proposed demolition of these buildings.

The proposed College building - siting, size, scale, form and design

- 7.6 The proposed new College building would be sited to the rear of Amwell House and to the east of the large modern College building constructed during the Phase 1 building project.
- 7.7 The building is designed to a high standard and is of a contemporary style that reflects that of the recently constructed Phase 1 buildings.
- 7.8 A courtyard area is proposed in-between the proposed new building and the existing College buildings which would be a benefit to the scheme that would create an attractive space for students and staff to enjoy.
- 7.9 Having regard to the comments received from the Conservation Officer, the proposed new College building and the associated works are considered to form improvements to the existing College site. By removing the unsympathetic 1960s building at the rear of Amwell House and creating a larger landscaped courtyard, the proposal would significantly enhance the setting of the Listed Buildings within the site.

The proposed residential buildings - siting, size, scale, density, form and design

- 7.10 A total of 50 dwellings, 28 apartments and 22 houses are proposed to an area that is 0.73 hectares in size. Officers consider that, given the sustainable location of the site close to the town centre and transport networks, that the proposed density is acceptable in principle. The

### 3/13/1762/FP

dwelling houses are sited on plot sizes that would not detract from the character and appearance of the area and would provide adequate amenity space for future occupiers.

- 7.11 The proposed apartment building would replace an existing 4 storey block which forms part of an existing College building. The existing building forms a prominent feature within the street scene and across the valley floor. Together with the other 1960/70s buildings at the site, it is considered to be of a poor appearance which has a negative impact upon the character and appearance of the area and the setting of the Conservation Area. The existing buildings that occupy the site, and the benefits that the proposed scheme would bring in replacing these, are a material consideration in favour of the application that Officers consider should be afforded significant weight particularly given the prominent location of parts of the site and their close proximity to Listed Buildings and the Conservation Area.
- 7.12 Whilst it is acknowledged that the proposed apartment block would be sited forward of the existing building, this would not be by a substantial amount and the building would still be set back from the neighbouring College buildings.
- 7.13 The apartment building is proposed to be constructed up to the height of the existing building, which is shown to be approximately 14.7 metres high. An independent survey carried out on behalf of the Council however shows that the existing building is 14.51 metres in height, when measured from ground level to the north west front corner of the building, and 14.57 metres high when measured from ground level to the north east front corner of the building. Whilst this would mean that the proposed new building could be 13 -19 cms higher than the existing, Officers do not consider that such a limited difference in height, especially as the roof of the new building would be pitched, would be noticeable. Furthermore, the new building is less bulky than the existing and it is proposed with a pitched roof which would mean that the height of the front elevation of the building would be reduced compared to the existing building. The eaves of the roof of this building would reach a height of approximately 11.6 metres, 2.5 - 3 metres below the eaves of the existing building, after which the roof of the building would pitch away from Hertford Road.
- 7.14 The existing 4 storey building has a continuous front elevation to Hertford Road which is only broken up by the mix of materials. The proposed front elevation has a fragmented design which is broken into four main blocks with small linking sections. A mix of materials comprising mainly brick and render with a small section of boarding is proposed for this front elevation. However, it should be noted that the

precise choice of materials is a matter that would usually be agreed through the discharge of conditions. The fragmented design of the front elevation and the roofs, together with the indicative mix of materials and the balconies create interest to the building and achieve a structure that Officers consider to be an improvement in terms of its size, scale and appearance compared to the existing building that occupies the site.

- 7.15 Concerns raised by neighbours and the Town Council in respect of the proposed balconies have been considered. Balconies offer valuable amenity space for residents living in flats that can improve their quality of life. Whilst balconies are not a common feature within this part of the town, this is because the surrounding area is occupied by College buildings and single dwelling houses. However, balconies are common features within modern developments of flats such as this, they provide interest in the elevation and added amenity for the residents, and Officers do not consider there to be any reasonable planning grounds to object to the provision of balconies within this proposal.
- 7.16 Officers consider that a sensible approach has been taken to concentrate the higher density part of the development within the northern part of the site which fronts onto the road and has a closer relationship with the adjacent College buildings than those within the surrounding residential areas. This has enabled the remaining site to be developed for lower density housing which is more reflective of the dwelling houses that are found adjacent to the this part of the site within Scotts Road.
- 7.17 The proposed dwelling houses are of simple design with traditional features including pitched roofs, bay windows and gable ended projections which would allow the dwellings to assimilate well into the character of the neighbouring residential area within Scotts Road.
- 7.18 A row of ten of the dwelling houses would face towards Scotts Road which would create an active street scene. The nine dwellings which occupy Plots 42-50 would be sited closer to the boundary with Scotts Road and would be three storeys in height. When considering the impact that these dwellings would have upon the character and appearance of the street scene and the amenities of the neighbouring occupiers to the south in Scotts Close, it is important to understand that these dwellings would be constructed from the existing ground levels within this part of the site. Whilst outside the application site Scotts Road continues to rise from a north to south direction, inside the site the land levels reduce considerably to where there is an existing car park used by the College.

- 7.19 Using survey details of the existing site, Officers estimate there to be a decline of approximately 2-3 metres from Scotts Road to the existing ground level from which the buildings would be constructed. Therefore, most of the ground floor of these three storey dwellings would not be visible from Scotts Road with approximately 4.7 - 5.7 metres of the flank elevation up to the eaves of the roof protruding above Scotts Road, giving a similar appearance to a two storey dwelling. Having regard to the ground levels within the site relative to Scotts Road, Officers consider that the impact of the proposed three storey dwellings upon the character and appearance of the area would be acceptable. In respect of the impact upon neighbour amenity, this will be considered within the relevant section below.
- 7.20 Having considered the details of the proposal, the comments received from neighbours, the Town Council and the Conservation Officer, Officers are satisfied that the proposed siting, size, scale, density, form and design of the residential development is acceptable. Despite a concern raised by one neighbour and the previous comments received from the Conservation Officer that the opportunity should have been taken to create an innovative contemporary design for the apartment block to reflect the high quality design of Phase 1 of the College buildings, Officers consider that the current proposal, which has traditional pitched roofs would nevertheless form a sympathetic addition to the neighbouring College site. Furthermore, the amended plans that were received in December 2013 show significant improvements to the design, appearance and reduced bulk of the apartment block compared to the scheme that was originally submitted.

Access and highway safety

- 7.21 County Highways are satisfied with the proposed access arrangements. They acknowledge that volumes of traffic would increase as a result of the development but that there is sufficient capacity to ensure that the impact of this would not be unacceptable.
- 7.22 A new drop off area is proposed off Walton Road which would help to ease congestion by providing a facility for vehicles to pull off the highway which is a benefit of the proposal.
- 7.23 In accordance with advice received from County Highways, Officers have recommended a condition to require the submission of a Construction Traffic Management Plan. This plan would require details to include the route of construction traffic in order to seek to minimise disturbance to the public highway.

### 3/13/1762/FP

- 7.24 The concerns raised by neighbours in respect of the traffic surveys being carried out during the summer term when a number of students are away from the College are noted. Officers have discussed this with County Highways who have commented that in the Transport Assessment the figures for Hertford Road (A119)/Walton Road were 0.110 in the am peak and 0.205 in the pm peak. For the Walton Road/College Access the figures were 0.145 in the am peak and 0.052 in the pm peak. All these figures fall well below the 0.85 figure which is considered the point when congestion and queuing starts to become problematic. Therefore, there would have to be a very large increase indeed to traffic flows to reach the 0.85 figure, and therefore they very much doubt that any extra traffic associated with college activities at other times of the year would push the figure even close to this.
- 7.25 Having regard to the comments received from County Highways, Officers consider there to be no reasonable grounds to raise an objection to the proposal based upon the proposed accesses, volumes of traffic and highway safety.

#### Parking

- 7.26 177 No. parking spaces are proposed to be provided within the College site, which is a reduction by 5 compared to the current arrangement. When assessing the parking provision proposed for the College it is important to note the existing and proposed staff numbers that have been given within the supporting Planning Statement. This states that staff and student numbers have declined since 2005 and were expected to decline again this academic year. The staff numbers for 2012/13 was 216 and are expected to have declined to 176 for 2013/14 and student numbers for 2012/13 were 1012 and are expected to be 683 for 2013/14.
- 7.27 Having regard to the comments received from County Highways, the sustainable location of the site, which is adjacent to a bus stop and a train station, and the predicted reduction in staff and student numbers, Officers consider that the reduction in parking for the College by 5 spaces would not be unacceptable.
- 7.28 72 No. parking spaces are proposed, including 11 garage spaces, within the proposed residential site. The maximum recommended parking spaces as identified by Appendix II of the Local Plan for the proposed residential development as a whole is 99.75. The Vehicle Parking SPD then allows for a 50-75 % provision within Zone 3 which is where the site is located. 50-75 % of the maximum standard would be 50-75 parking spaces. The proposal for 72 parking spaces is therefore

within this recommended standard.

- 7.29 Officers are aware of historical and ongoing parking problems within the residential roads that surround the College. The neighbouring roads are controlled by single and yellow lines which results in overspill parking from the College occurring within the roads further away from the site itself that are not controlled by Traffic Regulation Orders. Whilst Officers are sympathetic to the parking pressures that are evident within the local area, the parking provision made within the residential site accords with the standards set out within the Council's Vehicle Parking SPD. Furthermore, the site is in a highly sustainable location within the District which is on the edge of the town centre and directly adjacent to bus stops and a train station. Having regard to these circumstances and the comments received from County Highways, Officers consider there to be no grounds to refuse planning permission on insufficient parking provision.
- 7.30 A suggestion made by a local resident that a Traffic Regulation Order to introduce a residents parking permit scheme would help to ensure that residents are able to park and have priority over visitors to the College has been considered by Officers. The Council's Parking team has confirmed that there are currently no formal requests for a residents parking scheme within this area. Whilst it is acknowledged that there could be benefits to a residents parking scheme, this would mainly be to address existing parking issues as opposed to being necessary as a direct consequence of the development currently proposed. Officers therefore do not consider it to be necessary or reasonable to make the provision of such a scheme a requirement of the permission being granted, which would be at the expense of financial contributions towards local services.
- 7.31 Having regard to the concerns raised by neighbours and the parking constraints within the surrounding area, Officers have recommended conditions to secure the retention of the parking spaces shown and the vehicular use of the garages.
- 7.32 County Highways initially recommended a condition to require that all of the parking spaces for the College are retained and made available onsite during the construction works. However, Officers have discussed a more flexible approach to this which has led to the above condition requiring the submission of a Parking Management Plan in order to agree the level of parking that would be available on site during the construction process. As some of the construction works would take place outside of term time it would be unreasonable to expect all of the parking spaces to remain within the site during these times.

Neighbour Amenity

- 7.33 The new College building would be set back from the boundary with Walton Road by approximately 18 metres and as such whilst the new building would be clearly visible from the neighbouring properties, Officers do not consider that it would have an unacceptable impact upon the amenities of the occupiers of these dwellings. The increased level of car parking proposed adjacent to Walton Road could lead to additional activity and disturbance to these neighbours. However, having regard to the use of the site as a College where most of the activity associated with the site takes place during sociable hours, Officers do not consider the College proposal to be unacceptable in respect of the impact upon neighbour amenity.
- 7.34 With regards to the impact that the proposed residential development would have upon the amenities of neighbouring residents, Officers would comment as follows.
- 7.35 In respect of the proposed apartment block, the flank elevation of this building would be sited approximately 35 metres from the front elevations of Nos. 2 and 4 Scotts Road to the west. The existing 4 storey building is located in a similar position and is of a greater depth and with more windows to this elevation than the building that is currently proposed. The proposed apartment building would therefore have a similar, if not reduced, impact upon the amenities of these neighbours in respect of outlook, light, privacy and any overbearing impact.
- 7.36 The dwelling houses that are proposed to the rear of the apartment block that would face west towards Scotts Road would be set back by a minimum distance of 34 metres from the front elevations of the neighbouring dwellings houses in Scotts Road. When comparing the distances retained between the fronts of dwelling houses within the surrounding area, this spacing appears to be generous and would be sufficient to ensure that the new dwellings would not have an unacceptable impact upon the amenities of the neighbouring occupiers.
- 7.37 The 3 storey dwellings that occupy Plots 42-50 to the southern part of the site and would back onto the dwellings in Scotts Close are a recurring concern within the comments received from neighbouring residents. The dwellings located to the northern side of Scotts Close, as well as some of the dwellings within Scotts Road, currently enjoy views across the existing College site and across the town. The 3 storey dwellings would inevitably affect these views. However, the loss of individual private views is not a material planning consideration and

cannot therefore be taken into account in the determination of the current application. The determining issues in respect of the impact of the dwellings upon the amenities of neighbouring residents is in respect of outlook, light, privacy and whether an overbearing impact would be caused.

- 7.38 The rear elevations of Plots 42-50 would face towards the southern boundary of the site which adjoins the rear gardens of Nos. 1, 2 and 3 Scotts Close. These neighbouring dwellings are orientated at an angle from Scotts Close so that their rear elevations face north east. The existing survey plan suggests that there is approximately a 5m decline in land levels within the site where these new dwellings would be constructed compared to the ground level within the neighbouring properties in Scotts Close. This would mean that it would largely be the 2<sup>nd</sup> floor parts of the dwellings that would protrude above the retaining boundary wall above which there is some screening from the existing Leylandii.
- 7.39 A distance of approximately 13.5 metres would be retained between the rear elevations of the dwellings within Plots 42-50 and the boundary of the site with the neighbours in Scotts Close. If the Leylandii were to be removed or cut back this relationship would allow some overlooking into the rear gardens of these neighbouring dwellings. However, the distance proposed of approximately 13.5 metres from the dwellings to the boundaries with the existing neighbours would not be unacceptable and would not be an unusual relationship between residential properties within a built up area such as this. This is shown by the 10.5 metres distance retained between the rear elevation of No. 6 Scotts Close, and the boundary with its neighbour at No. 3 Scotts Road. As the rear elevations of the neighbours in Scotts Close are orientated to face north east this would also ensure that no direct views could be achieved into the living accommodation between these neighbouring properties.
- 7.40 Having regard to the siting of the dwellings to the north of the neighbours in Scotts Close the development would not result in an unacceptable loss of light. Having regard to the distances maintained between the properties and the orientation of the dwellings in Scotts Close, Officers consider that the proposal would not result in an unacceptable loss of outlook or an unacceptable overbearing impact.
- 7.41 It is acknowledged that the proposed residential development would result in a change to the character of the site, its use and the activities associated with this and a change to the positions of existing buildings which would inevitably have some impact upon the amenities of neighbouring occupiers and particularly those closest to the site in



Scotts Close. However, it is the degree of this impact that must be assessed and a decision made in respect of whether this impact caused would result in unacceptable harm that would justify the refusal of planning permission. Whilst acknowledging that the development would have some impact upon the amenities of neighbouring occupiers Officers consider that this impact would not be unacceptable in this case.

### Landscaping

- 7.42 Officers are satisfied with the landscape proposal in respect of the new development to the College itself. However, in respect of the landscape proposal for the residential part of the site, the impact of this upon the surrounding area would be more significant.
- 7.43 The plans submitted propose the removal of all the existing trees and other planting along the north and west boundaries of the site. The existing trees along Scotts Road make a positive contribution to this street scene. However, an assessment has been made in respect of the quality of these trees by the applicant and the Council's Landscape Officer and they have concluded that the majority of the existing trees are of poor quality/longevity and that their short term loss would be compensated for by a planting scheme that would improve the overall arboricultural value of the site. The Landscape Officer has noted that the site is not within a Conservation Area and the trees do not meet the criteria of a Tree Preservation Order. The existing trees are therefore not protected and could be removed without notice.
- 7.44 Having considered the comments received from the Landscape Officer, Officers are concerned that, should the Council seek the retention of the existing trees then this would form only a short term gain and that in the long term the trees could be lost through damage, disease etc. A condition is recommended to require further landscape proposals to be submitted and agreed by the Planning Authority and a directive is recommended to clarify that the new tree and hedge planting to the north and western site boundaries is already established so that the effect of the planting will be instant.
- 7.45 Whilst the concerns raised by neighbours and the Town Council in respect of the loss of trees is understood, having considered the information that is available and in particular the comments received from the Landscape Officer, Officers consider the proposal to remove the existing trees and to replace them with established planting is acceptable.

- 7.46 The comments made by the Landscape Officer in respect of the retention of the existing Yew tree within the College development and a revised layout for the parking spaces to protect the root protection zone of this tree are noted. The applicant has been asked to amend the plans to show a revised parking layout which should be carried out prior to the Committee meeting taking place. Officers will update Members in respect of any amended plans received prior to the commencement of the meeting.

Flood Risk

- 7.47 In respect of the objection received from the Environment Agency, Officers are satisfied that the development would not increase the risk of flooding through surface water drainage as the proposal would result in a reduction in impermeable surface area therefore actually reducing the risk of flooding. Furthermore, it should be noted that the site is located in Flood Zone 1, outside of the areas subject to historical flooding. Notwithstanding this the applicant submitted an updated FRA following the advice received from the Environment Agency and this has enabled the Agency to remove its original objection. Officers therefore consider that the proposal is now acceptable in terms of flood risk.

Planning Obligations

- 7.48 In accordance with Policy IMP1, financial contributions towards local services are sought from the applicant. The necessary contributions are outlined at the head of this report and the applicant has confirmed that they are willing to enter into a Section 106 agreement to commit to these obligations.
- 7.49 Policy HSG3 states that an affordable housing provision of up to 40% is expected on a site of this size. The current proposal includes a 6% contribution towards affordable housing. That would provide 3 affordable units on the site. The applicant has explained that, in order to achieve the necessary funding from the residential development to enable the redevelopment of the College site that it is not viable to provide the Council with all of the necessary financial contributions towards local services and make a full 40% affordable housing contribution. The applicant has submitted a viability assessment to demonstrate their case in respect of affordable housing and this has been assessed by the Council's expert advisors who concur with the figures submitted by the applicants.

- 7.50 Officers are satisfied that the benefits that the proposal would bring, in

terms of supporting the retention of the College and improving the appearance of the site, would outweigh the harm caused by the failure to provide a full 40% affordable housing contribution.

- 7.51 The College forms an important education and employment facility within the town and indeed within the District. The existing College buildings that are proposed to be demolished and replaced as part of the proposed development are of a poor appearance and no longer meet the needs of the College. The redevelopment enables a significant enhancement to the setting of Amwell House, the main listed building on the College site. The proposals for Phase 2 of the redevelopment of the College would improve the facilities and make them more attractive for future students, employees and businesses that work with the College, help to secure the retention of the College within Ware in the long term.
- 7.52 Officers acknowledge that the redevelopment of the site offers wider benefits to the local area by the removal of existing buildings of poor appearance at the site and by facilitating the retention of the College as a community use on the site which offers opportunities for education and employment for local people. Significant weight has been given to these benefits of the proposal and as such, Officers consider that the provision of 6% affordable housing on this occasion is justified.

Other Matters

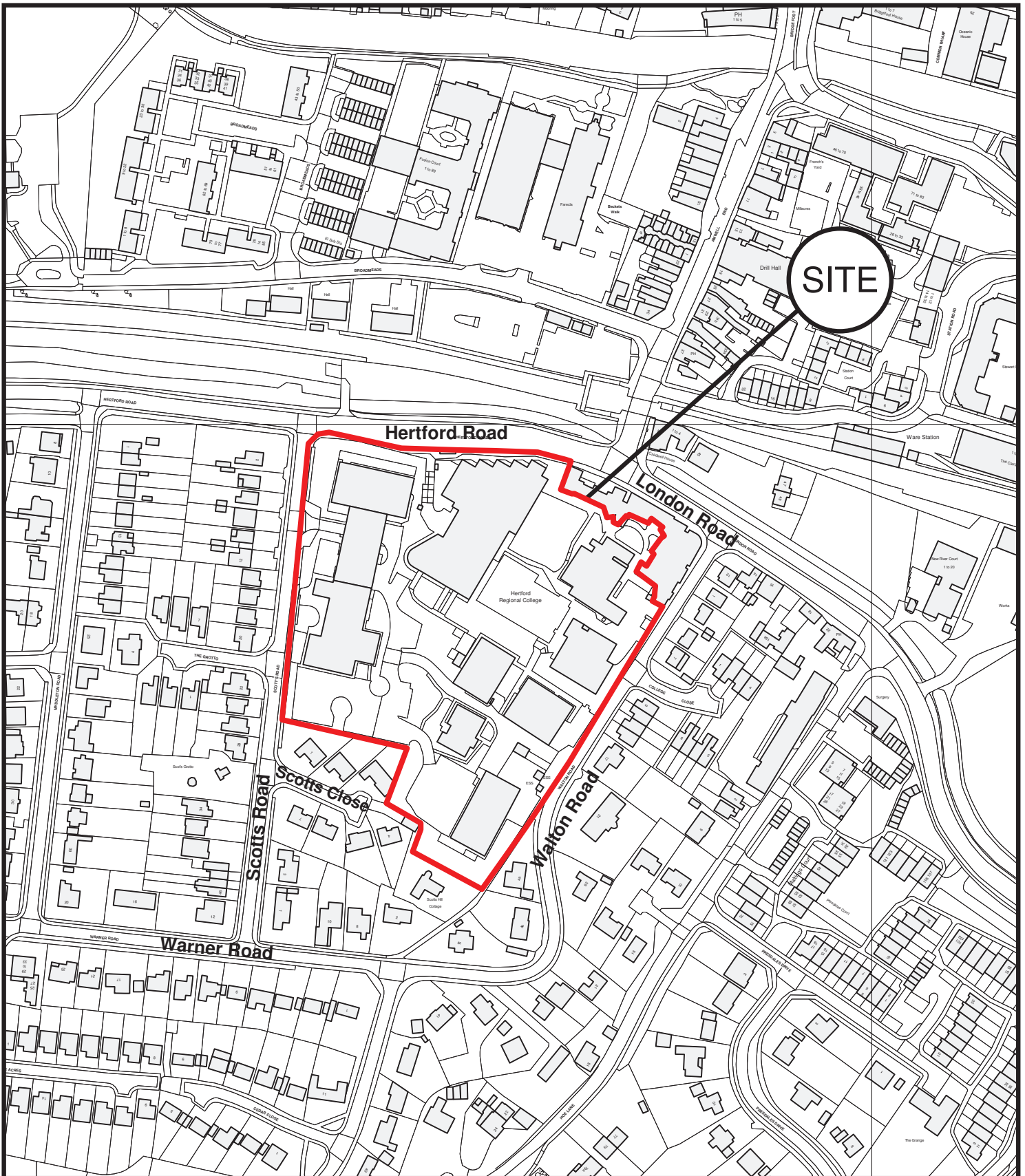
- 7.53 Having regard to the comments received from Hertfordshire Ecology that, at best, the site is of low ecological value, Officers are satisfied that the proposed development would not have an unacceptable impact upon protected species and their habitats.
- 7.54 In respect of the inaccuracies referred to in the Town Council's comments Officers have discussed this with the architect and are satisfied from the information currently available that the plans are now accurate. In respect of the height of the apartment block this has now been clarified by the survey undertaken on behalf of the Council. In respect of the distances between the proposed apartment block and the highway, the architect has confirmed that this does vary between the blocks which are staggered by their design and also due to the angle of the building and the angle of the road. A new plan has been submitted (drawing number PH171-PL07) to demonstrate the distances proposed between the building and the northern boundary of the site. In respect of the ground base line for the apartment block the architect has stated that both views given on plan No. PH171-AP1-04D were correct but appear different as the views from the street would be

### **3/13/1762/FP**

different compared to the close up view of the side of the building that is shown on the side elevation plan. Notwithstanding this, a revised plan (drawing number PH171-AP1-04 E) has now been submitted so that both views relate to that seen from Hertford Road.

#### **8.0 Conclusion:**

- 8.1 Having considered the details of the proposal and the representations made by consultees and third parties and the amended plans received Officers recommend approval of the application for planning permission subject to the applicant entering into a Section 106 agreement and the conditions set out at the head of this report.



This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made  
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings  
 Reproduced from the Ordnance Survey map data with the permission of the controller of Her Majesty's Stationery Office Crown Copyright  
 2009 East Herts Council. LA Ref: 100018528



**East Herts Council**  
 Wallfields  
 Pegs Lane  
 Hertford  
 SG13 8EQ  
 Tel: 01279 655261

**Address: Hertford Regional College, Scotts Road, Ware, SG12 9JQ**  
**Reference: 3/13/1762/FP**  
**Scale: 1:2500**  
**O.S Sheet: TL3513NE**  
**Date of Print: 21 January 2014**

This page is intentionally left blank

DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance for  
August 2014

(calculated from April 2014)

	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15
Total Applications Received	216	406	603	831	1016	1189						

Percentage achieved against Local and National Targets	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Targets for Local Performance (set by East Herts)	National Targets (set by Government)	
Major %	67%	86%	80%	72%	69%	100%							Major %	60%	60%
Minor %	95%	89%	89%	89%	83%	89%							Minor %	80%	65%
Other %	94%	93%	94%	93%	94%	88%							Other %	90%	80%

Appeals	Apr-14	#####	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15
Total number of appeal decisions (Monthly)	3	10	8	3	5	3						
Number Allowed against our refusal (Monthly)	1	3	1	0	2	0						

Total number of appeal decisions (Cumulative)	3	13	21	24	29	32						
Number Allowed against our refusal (Cumulative)	1	4	5	5	7	7						

AGENDA ITEM NO. 8D

Agenda Item 8

This page is intentionally left blank