

5b a) 3/13/0333/FP and b) 3/13/0334/LC – Demolition of the Roebuck Hotel and erection of 2no 3 bedroom houses, 8no 4 bedroom and 4no 5 bedroom houses together with associated access, car parking, landscaping and related work at The Roebuck Hotel, Baldock Street, Ware, SG12 9DR for One Property Group and Akerron Hotel Group Ltd

Date of Receipt: a) 02.04.2013
b) 22.04.2013

Type: a) Full - Major
b) Conservation Area Consent
– Demolition

Parish: WARE

Ward: WARE – CHRISTCHURCH

RECOMMENDATION:

a) That, subject to the applicant or successor in title entering into a legal agreement pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

- A financial contribution of £57,920 towards primary education
- A financial contribution of £69,356 towards secondary education
- A financial contribution of £6,942 towards nursery education
- A financial contribution of £1,286 towards youth services
- A financial contribution of £3,518 towards library services
- The provision of fire hydrants in accordance with the current HCC Planning Obligations Contributions Table
- A financial contribution of £10,450 towards parks and public gardens
- A financial contribution of £18,620 towards outdoor sports facilities
- A financial contribution of £2,870 towards amenity green space
- A financial contribution of £2,456 towards children and young people
- The provision of 15% of the dwellings to be built to 'Lifetime Homes' standards
- £300 standard monitoring fee

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

1. Three year time limit (IT12)
2. Approved plans (2E10) – 185/001/000, 185.200, 185/202B, 185/203B, 185/204B, 185/206.
3. Sample of Materials (2E12)
3. Hard Surfacing (Roads, Driveways) (3V21)
4. Levels (2E05)

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5. Boundary Walls and Fences (2E07)
6. Refuse disposal facilities (2E24)
7. Contaminated land survey and remediation (2E33)
8. Construction hours of working – plant and machinery (6N07)
9. Prior to the commencement of any works, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority and thereafter be implemented in accordance with these details. The 'Construction Traffic Management Plan' shall identify details of: i) the phasing for the development of the site including all highway works, ii) methods for accessing the site, including construction vehicle numbers and routing, iii) location and details of wheel washing facilities, iv) parking areas and materials storage areas clear of the public highway.

Reason: To ensure that the satisfactory management of construction traffic in the interests of highway safety.

10. Existing access closure (Wadesmill Road) (3V05)
11. Prior to the first occupation of the development hereby permitted, all access, junction and maneuvering arrangements shall be completed in accordance with the approved plans.

Reason: In the interests of highway safety.

12. Provision and retention of parking spaces (3V23)
13. Prior to the first occupation of the development hereby permitted, the footway fronting the development onto Wadesmill Road shall be widened to 2.0m and shall be constructed to the specification of the Highway Authority.

Reason: To ensure a satisfactory access appropriate to the development in the interests of public safety and convenience.

14. Cycle Parking facilities (2E29)
15. Tree/hedge retention and protection (4P05)
16. Tree/natural feature protection: fencing (4P07)

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17. Tree protection: excavations (4P09)
18. Landscape design proposals (4P12) b, c, d, f, h, i, j, k and l
19. Landscape Works implementation (4P13)
20. Programme of archaeological work (2E02)
21. Sustainable drainage (2E43)
22. The development hereby permitted shall only be carried out in full accordance with recommendations as contained within the approved Flood Risk Assessment (FRA) Report Reference No. P880-001 dated February 2013 or any amendments as agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of flooding in accordance with ENV19 of the Local Plan.

Directives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. You are advised to contact Mark Montgomery at Hertfordshire Constabulary (Tel 01707 355227) to discuss the development adhering to 'Secured By Design' standards.
3. Highway Works (amended to contact Highways at County Hall, Hertford Tel 0300 123 4047).
4. (19SN) Street Naming and Numbering
5. (28GP) Groundwater Protection Zone (Musley Lane)
6. (32BA) Bats
7. (08PO) Planning Obligation)

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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 and in particular Policies SD2, BH1, BH2, BH3, BH6, TR2, TR7, TR14, EDE2, ENV1, ENV2, ENV3, ENV11, ENV16, ENV19, ENV21, IMP1), the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the pre-application advice given is that permission should be granted.

b) The Director of Neighbourhood Services be authorised to **GRANT** Conservation Area Consent in respect of 3/13/0334/LC subject to the following conditions:

1. Three year time limit (1T12)
2. Conservation Area (demolition) (8L12)
3. Conservation Area (clearance of site) (8L13)

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 National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the pre-application advice given is that listed building consent should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract and comprises an irregular shaped parcel of land approximately 0.35ha in size and located on the edge of Ware Town Centre and within the Ware Conservation Area. On the site is the Roebuck Hotel, comprising a 2½ storey Victorian building centrally positioned with a 1970s 3 storey extension projecting towards the northern boundary. Vehicular access is currently located to the northern end of the site onto Wadesmill Road

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with car parking located to south and west sides.

- 1.2 The site is elevated from its immediate surrounds, which mainly consist of residential dwellings, and is visible on the northern and southern approaches along Wadesmill Road/Baldock Street. It is bounded to the north by three storey perimeter blocks of dwellings whilst two storey terraces principally comprise those dwellings to the west. To the east and running along Baldock Street is a red brick listed wall that sits in the foreground of the grade II listed Thunder Hall. The southern side of the site is considerably more open and contains the majority of the site's trees.
- 1.3 The proposed development follows on from a pre application enquiry and comprises the demolition of the hotel and its replacement with 14no dwellings of three distinct designs, including a mixture of detached, semi-detached and terraced units. Four of the dwellings would be 3-storey (Plots 4, 5, 6 and 7), eight would be 2½-storey (Plots 1, 2, 3, 8, 9, 10, 11 and 12 and two would be 2-storey (Plots 13 and 14) in height. Each dwelling would be served by a minimum of 2no car parking spaces and each dwelling, with the exception of Plot 13, would be served by a single entry garage. The vehicular access from Wadesmill Road has been relocated slightly further to the south. The existing crossing would be removed and the footway reinstated.

2.0 Site History:

- 2.1 The Council's planning records indicate that the site has been in use as a hotel for a significant period of time. Planning application records indicate applications for small scale extensions, signage and improved accessibility arrangements between the years of 1987 and 1999. These include:

- a ground floor atrium extension (3/87/1790/FP)
- internally illuminated signs (3/88/2217/AD and 3/89/0289/AD)
- an extension of the kitchen and banqueting suite (3/89/1292/ZA); and
- a pedestrian and disabled person's access (3/99/1203/FP).

It would appear that the large extension to the north side was constructed before 1987, its design suggesting a 1970s build. There have been no applications on the site in the last 10 years.

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3.0 Consultation Responses:

- 3.1 County Highways do not wish to restrict the grant of permission subject to conditions to secure a construction management plan to include any phasing of the development, methods for accessing the site, locations for wheel washing facilities and associated parking and storage areas. Other conditions recommended relate to the closure of the existing access, hard surfacing and the widening of the footway on Wadesmill Road. The Highways Officer considers that the application is likely to reduce impact on the highway network. There are no reasons to justify an objection of highway safety or capacity grounds in this edge of centre development. Widening the footway to ensure sightlines exiting the site fall within the widened footway bearing in mind this is a principal road and will provide a pedestrian safety benefit as the existing footway width is below standard.
- 3.2 The County Historic Environment Unit advise that the development is likely to have an impact upon heritage assets of archaeological and historic interest and recommend that a condition is included to secure the implementation of a programme of archaeological work.
- 3.3 The Conservation Officer has recommended that permission be granted. The proposed layout reflects the 'green' suburban character in the immediate area. The relationship between the houses and open space presents a mix of hard and soft edges to the street in addition to glimpses of development within the site. The scale of the development is a mix of between two and three storeys which is reflective of the wider area whilst each block is limited to a maximum of three units to which the overall mass is addressed with projecting bays, gable ends, distinct mullions and chimney stacks. The design reflects the wider character of Ware. They recommend that high quality materials are used including red brickwork, natural slate roofs, high quality timber windows, red brick garden boundaries and natural stone pavings.

In response to the Conservation Area Consent for Demolition, the Conservation Officer also recommends approval. The Roebuck Hotel is not seen to enhance or reflect the essential character of the surrounding Conservation Area and its demolition would have little or no impact on the immediate and wider character subject to the replacement development being of high quality reflective of the character of the area.

- 3.4 The Council's Environmental Health unit has advised that any permission granted should include conditions relating to hours of working and soil decontamination.

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- 3.5 The Council's Landscape Officer is yet to return comments and these will be updated prior to the Committee meeting.
- 3.6 Affinity Water wishes to notify the applicant that the site is located within the groundwater Source Protection Zone (SPZ) of Musley Lane Pumping Station.
- 3.7 Hertfordshire Biological Records Centre initially required the submission of a Bat Survey. In response to the submitted Survey, HBRC have confirmed that there was no evidence of bats or evidence of their presence within the Survey and are satisfied that the development can be determined accordingly.
- 3.8 The Environment Agency have reviewed the applicant's Flood Risk Assessment (FRA). They state that the FRA makes reference to a potential borehole on site, a historic use that could have led to ground contamination. As such, a Preliminary Risk Assessment (PRA) in relation to groundwater and contaminated land is required. This needs to ensure that any potential contamination can be remediated. Furthermore, it is recommended that the two central houses (Plots 8 and 9) are moved back out of the flood zone, reducing the number of people and properties at risk of flooding. A PRA has since been submitted by the developer and is currently being reviewed by the Environment Agency. Any further comments will be updated prior to the Committee meeting.
- 3.9 The Council's Engineers state that the development appears to show a net decrease in the amount of impermeable areas being created with consequent decrease in the risk of flooding to the surrounding areas and within the development.
- 3.10 The Housing Development Manager at East Herts Council states that the scheme is under the threshold to require an affordable housing provision.
- 3.11 The Planning Obligations Unit at Herts County Council has sought planning obligations towards education, library and fire and rescue services (reflected in the above S106) to minimise the impact of the development on Hertfordshire County Council Services for the local community. The contributions sought, including those sought by EHDC in respect of open space, have been passed to the developer.
- 3.12 The Crime Prevention Design Advisor advises that the proposed development is well laid out with good levels of natural surveillance. Recommends that planting for privacy is incorporated with all bushes

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capable of a maximum growth height of 1 metre and any trees maintained such that their canopies do not grow any lower than two metres. Supports the development and suggests the developer contact Hertfordshire Constabulary to achieve 'Secured by Design' accreditation.

3.13 The Minerals and Waste Team at Herts County Council have recommended that the re-use of unavoidable waste and the use of recycled materials is encouraged where appropriate.

4.0 Town Council Representations:

4.1 Ware Town Council objects on the grounds of loss of the hotel, loss of amenity, loss of employment and overdevelopment. It registers concerns regarding the number of properties accessing and egressing onto Watton Road.

5.0 Other Representations:

5.1 Councillor J Wing has objected to the demolition of the Roebuck Hotel. The hotel has a significant role as part of the business and social infrastructure of the town.

5.2 The application has been advertised by way of press notice, site notice and neighbour notification.

5.3 In response to the FP and the LC applications, 10 letters of objection and 1 letter of support have been received from neighbouring occupiers. The content of the objections raised can be summarised as follows:

- The Roebuck is the only hotel in Ware and brings visitors/business to the town;
- Loss of jobs;
- Overdevelopment;
- Last remaining reasonably priced hotel in Ware;
- New development should preserve or enhance the character and appearance of the Conservation Area;
- Ware needs a reasonably priced hotel;
- Overbearing impact resulting from the difference in height;
- Overlooking from Plot 3, Plot 13 and Plot 14;
- Loss of light;
- New tree roots could cause structural problems/subsidence;
- Concern about loss of wall;

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- Concern about the new access;
- Increase in noise;
- Could put pressure on parking space in Gladstone Road;

The letter of support considers the scheme would be an imaginative and attractive development.

6.0 Policy:

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

SD2	Settlement Hierarchy
HSG6	Lifetime Homes
TR2	Access to New Developments
TR7	Car Parking Standards
TR14	Cycling - Facilities Provision (Residential)
EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Trees and Hedgerows
ENV19	Development in Areas Liable to Flood
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH2	Archaeology Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH6	New Developments in Conservation Areas
IMP1	Planning Conditions and Obligations

6.2 In addition, the National Planning Policy Framework (NPPF) is of relevance in the determination of the application.

7.0 Considerations:

7.1 The main considerations in the determination of the planning application (3/13/0333/FP) relate to:

- The loss of the hotel as an employment use;
- Design, Layout, Scale and Density having regard to the character and appearance of the Conservation Area;
- Parking and Access;
- Neighbour Amenity;
- Landscaping;

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- Flood Risk;
- Financial Considerations; and
- Other matters

7.2 The main consideration in the determination of the Conservation Area Consent application (3/13/0334/LC) relates to:

- The impact on the Conservation Area arising from the demolition of the hotel.

The loss of the hotel as an employment use

7.3 The site is located within the built up area of Ware wherein residential development is acceptable in principle. The application site is previously developed land and is considered by Officers to represent a sustainable location for the development of housing. As with all major developments for residential housing, Officers have attributed appropriate weight in the planning balance to the Council's current lack of a 5 year land supply. This development would result in a moderate contribution to housing supply, and this weighs in favour of residential development of the site.

7.4 For the purposes of this section of the report, the hotel is considered to be an employment use and thus Policy EDE2 of the Local Plan is engaged. Policy EDE2 outlines as a point of principle that development which would result in the loss of an existing employment site, or one that was last in employment use, will only be permitted subject to the submission of evidence to demonstrate that the retention of the site for employment use has been fully explored without success, evidence of which must be provided. This policy is broadly consistent with the National Planning Policy Framework, which identifies an economic role to sustainable development and outlines the governments commitment to ensuring the planning system does everything it can to support sustainable economic growth.

7.5 In seeking to address this policy, the application is supported by a Marketing Report prepared by a commercial property consultant. The broad findings of this report are as follows:

- The hotel is a loss making business that is subsidized by the larger hotel group. This position is unsustainable and if it was run in isolation it would have failed years ago;
- The hotel needs to spend a substantial amount of money over the next 18 months to maintain its 3 star rating and to remedy defects

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in the structure of the building – detailed costings indicate that the structural works (excluding professional fees) would require £1,638,000 of investment.

- Average occupancy rates and room rates are far below the national average and continue to fall;
- A comprehensive but discrete marketing campaign has been conducted since the beginning of 2012 with some 30 national hotel operators offered the site with none showing any interest;
- The hotel market is depressed in any case, and will remain so into the foreseeable future;
- There is available office space in Ware in more advantageous locations. Likely rental prices would not make refurbishment or redevelopment of the site for this purpose viable; and
- The location of the hotel is not suited to retail, industrial or mixed use.

7.6 It is clear that The Roebuck Hotel has suffered from a lack of investment in recent years such that a substantial amount of money is required to bring the hotel into full repair and allow it to be commercially viable. There is, of course, some justification for the loss of the hotel arising from its present condition, which is not considered to enhance the character or appearance of the Conservation Area although this will be discussed later in the report. Officers do not dispute the figure of £1,638,000 that would be required to retain the hotel's 3 star rating. Occupancy rates for the hotel show an average for the full year to December 2012 of 53.4% with an Average Room Rate (ARR) of around £49.00. This compares to a national average occupancy rate of 70% and national ARR of £78.52. Due to this decline in occupancy, employment figures at the hotel have fallen from 65 full and part time employees to 33 currently employed.

7.7 Officers note that the Roebuck is a loss making business subsidized by a larger hotel chain. The poor physical and structural condition and difficult trading conditions have combined to contribute to the hotel's decline. These factors should, in Officers view, attract significant weight when balancing whether to allow the loss of an employment use as they act as a substantial obstacle in achieving the 'sustainable' economic growth that the NPPF encourages. Officers consider that it is not the intention of Policy EDE2 of the Local Plan to protect loss making businesses which do not contribute to sustainable economic growth - provided that their retention has been fully explored.

7.8 In this regard, Officers note that the hotel has been marketed since the beginning of 2012. The marketing strategy was designed to increase

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awareness of the hotel whilst not indirectly impacting upon the existing hotel operation. It is described in the Marketing Report as a comprehensive but discrete campaign. It included a letter asking for 'expressions of interest' sent to approximately 150 matched applicants, the creation of polished sales details which included glossy photographs, a location plan, description and current status of the hotel, and internet advertising including on the web. A guide price of £2,000,000 was provided.

- 7.9 In addition, details of the hotel were sent out directly to approximately 30 hotel operators. The Marketing Report states that none of these operators expressed an active interest in a site of this size in Ware. In addition to the specific marketing of the Roebuck, the Marketing Report also details other marketing campaigns that have been carried out by the hotel's owners Akkerron Hotel Group. These show that other hotels in Nottingham and Southampton with higher occupancy rates and ARR's have similarly struggled to attract serious commercial interest.
- 7.10 In contrast to a lack of commercial interest in the Roebuck, four offers were received from residential house builders. An Update on the Marketing Report dated May 2013 confirms that no offers have been received and nor has there been any further interest except from those keen to utilize the site for residential development.
- 7.11 The Marketing Report also seeks to address the unsuitability of the site for office, retail or industrial purposes. With regard to an office use, Officers recognize that the ongoing economic uncertainty continues to cast a shadow over the UK office market and this is reflected in the level of development activity currently taking place. In Officer's experience, demand in the market has been limited to existing office buildings, usually let on short term tenancies rather than large purpose built offices that this site could provide for. Furthermore, there is already an abundance of vacant office premises in Ware and nearby Hertford in addition to other offices located closer to the main road networks and central London. As such, Officers agree that market conditions do not present the level of demand to support large scale office development on the site.
- 7.12 In regard to a retail use, there has been a notable shift in retail trends that has continued in 2012/13 as retailers move away from small towns such as Ware and concentrate on larger shopping centres, out of town locations and online retailing. The location of the site away from Ware town centre and within a residential environment is not ideal for retail development, which could harm the character of the Conservation Area. The Conservation Area and surrounding residential housing would also preclude industrial development on the site.

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- 7.13 Officers recognize the importance of retaining a mix of uses in Ware and note that a viable and functioning hotel can play an important role in adding to the range of services and attracting people to the town. However, there is a strong argument that the Roebuck is no longer operating at a level which is sustainable. To aid Officers assessment, verbal advice was sought from MPA Consulting, who are specialists in the hotel industry in terms of identifying need and demand forecasting. They acknowledge that the overall occupancy rate and average room rate (ARR) for the Roebuck is low but, more critically in terms of its overall sustainability in business terms, it is the large amount of investment required, the significant competition in the budget market and the size of the site that make the business unattractive for hotel operators. MPA advise that the size of the hotel (49 rooms) is simply not large enough for budget hotel operators to invest in, while the amount of investment required to provide premium facilities would deter most high end investors. MPA advise that even with £1.7m worth of investment, the hotel would not get anywhere near the average room rate which may have attracted investment by other commercial hotel operators.
- 7.14 Officers have considered the evidence before them with regard to the existing hotel and consider that there is little scope going forward for a sustainable hotel business on the site. Furthermore, Officers accept that all reasonable attempts have been made to secure the continued employment use of the site in accordance with Policy EDE2 of the Local Plan.

The impact on the Conservation Area arising from the demolition of the hotel

- 7.15 Notwithstanding the planning merits of the new build scheme, Conservation Area Consent is sought solely to demolish the hotel and consideration needs to be given solely as to the impact this would have on the character and appearance of the Conservation Area.
- 7.16 The hotel is located on Baldock Street within Area 3 of Ware's Conservation Area. Area 3 primarily focuses on Collett Road, to which the hotel provides a terminating vista to the west. The character of Baldock Street to the north of the High Street is mostly of 19th century residential expansion, which includes large residential properties set back from the street addressed by tall brick boundary walls and mature vegetation.
- 7.17 The Roebuck is elevated above the street due to the topography of the land and presents an exposed brick hotel with a staggered 3-storey wing extension projecting to the north which also addresses the street. The

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two elements of the building do not integrate particularly well in terms of their respective design, style or choice of materials. A modern conservatory, also fronting onto Baldock Street, appears dated and adds to the contrast between the old and new sections of the building.

- 7.18 Due to its mass, scale, orientation and design, The Roebuck is not considered to enhance the character and appearance of the Conservation Area. The removal of the building would provide the opportunity to provide a quality development that reflects the prominence of this gateway site on the edge of the Ware Town Centre. As such, Officers have no objection to the removal of the building, subject to a replacement development being of high quality to reflect the character of the area.

Design, Layout, Scale and Density

- 7.19 Local Plan policies relating to environment, design and conservation issues can be found within policies ENV1 and BH6 of the Local Plan. A high standard of design is expected from all development proposals (policy ENV1), and this approach is reflected in the NPPF which places great importance on the quality of design. Policy ENV1 requires that development be compatible with the structure and layout of the surrounding area, complement the existing pattern of street blocks and relate well to the massing and height of adjacent buildings and the surrounding townscape.
- 7.20 The site is within the Ware Conservation Area. Policy BH6 requires new developments in Conservation Areas to be sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the general character of the area. Those open spaces, trees and other landscape features materially contributing to the character or appearance of the area should not be significantly affected to their detriment, historically significant features should be retained wherever possible and important views should be respected.
- 7.21 The proposed development would introduce 14no residential dwellings within the site. The dwellings are informally arranged and variation is provided in terms of their height, design and layout. Each dwelling would have adequate amenity space and be served by off street parking spaces. In Officers view, the layout would not result in an overdevelopment of the site, which can comfortably accommodate 14 dwellings. Density equates to approximately 35 dwellings per hectare which is appropriate given the character of the surrounding area. The introduction of 3-storey dwellings is also considered appropriate given the existence of linear blocks of 2 and 3 storey residential dwellings to

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the north and west and the fact that the hotel building is partly 3-storeys in height. The 3 storey dwellings are limited to one part of the site and would not appear unduly prominent from important views of the site from the south. I note that the 3 storey dwellings at plots 4 and 5 are more contained within a central part of the development site.

- 7.22 In terms of layout, the development reflects the green suburban character in the immediate area. The presence of all of the dwellings will be softened by existing and proposed landscaping. To avoid a repetitive and imposing presence within Baldock Street, the dwelling blocks are limited to a maximum of 3 terraces and a mixture of hard and soft edges are evident between plots 6 and 12. This results in the gardens of plots 8 and 9 fronting the street, which aids in providing glimpsed views to the rear of the site from Baldock Street and helps to incorporate the whole development into the wider area. Privacy for the gardens at plots 8 and 9 will be afforded by the raised height from street level and the retention of a protected tree adjacent to the street.
- 7.23 By fronting plots 8 and 9 towards the rear of the site, this engages these dwellings with plots 13 and 14, ensuring some relationship between the frontage dwellings and those to the rear.
- 7.24 The site access has also been modified since pre application stage, it being relocated slightly further south to allow for the three detached dwellings to the northern part of the site. This is favoured by Officers as it reduces the amount of hardstanding within the site and improves connectivity. Cul-de-sacs are common nearby, not least at Gladstone Close to the west.
- 7.25 In terms of design, the development would introduce three distinct dwelling types. The Conservation Officer is satisfied with the designs, which reflect the wider character of Ware and, at 2-3 storeys, reflect the period of C19th–C20th domestic architecture evident nearby. However, as noted in her comments above, she recommends a high quality material palette and favours the introduction of brickwork rather than render. Materials samples would be required with any grant of planning permission.
- 7.26 Overall, the development is considered to be sympathetic to the character of the Conservation Area and the removal of the hotel and its replacement with the proposed development would enhance the overall appearance of the area. Accordingly, the proposal is considered to comply with Local Plan policies ENV1 and BH6 and guidance contained within the NPPF.

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Parking and Access

- 7.27 Policy TR2 states that highway proposals will be assessed against standards set out in Hertfordshire County Council's Roads in Hertfordshire Design Guide, 2001 and Policy TR7 states that car parking provision will be assessed in accordance with the District Council's car parking standards.
- 7.28 Appendix II of the Local Plan states that for a Zone 3 location such as this, a maximum parking provision of 39 spaces can be provided for the 14no dwellings proposed. The scheme provides 34 off street spaces with each dwelling being provided with a minimum of 2no spaces and every dwelling except plot 13 being provided with a detached garage. The site is on the north west fringe of the town centre, within walking distance of local services including shops and schools. It is also accessible by bus with stops located a short distance from the site on Baldock Street and Wadesmill Road. Ware Station is an approximate 15 minute walk. In Officers view, and having regard to the site's sustainable location, 34 spaces is considered an appropriate number. Cycle parking facilities can be provided by planning condition.
- 7.29 The application is supported by a Transport Statement that identifies existing and expected vehicle movements and considers movements and maneuvering within the site. It is anticipated that vehicles movements would be reduced in comparison with the existing hotel use, an assessment that is supported by County Highways. Furthermore, adequate turning space is provided within the site to cater for emergency and refuse vehicles.

Members will note that the access to the site has been relocated slightly further to the south. This has the benefit of reducing the length of the access road into the site and the amount of resulting hardstanding when compared to the existing use and that proposed at pre application. The Transport Statement indicates that junction visibility splays appropriate to a major road are achievable in both directions from the new access point. It is noted that to improve visibility and accessibility, County Highways propose that the footway is widened to ensure sightlines exiting the site fall within the widened footway. Bearing in mind this is a principal road and widening the footway will provide a pedestrian safety benefit, Officers have included this as a recommended condition.

- 7.30 It is noted that County Highways do not consider that there is any justification to object to the application on highway safety or capacity grounds. Offices are content that the proposal is acceptable in terms of highway safety, capacity and parking provision.

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Neighbour Amenity

- 7.31 Policy ENV1 of the Local Plan requires development proposals to respect the amenity of occupiers of neighboring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.
- 7.32 In terms of future occupiers, Officers are satisfied that the new dwellings would be well appointed, spacious and provide a good standard of indoor and outdoor amenity space. Refuse storage and garaging is discretely included.
- 7.33 In terms of nearby occupiers, the most affected neighbours are located on Gladstone Road to the west, with the closest affected dwellings being located at No.35 (shown as No.20 on the site plan) and No.37 Gladstone Road. I note that both these neighbours have expressed what might be referred to as broad support for the redevelopment of the site but have expressed concerns that include an overbearing impact, loss of light, overlooking and the structural integrity of the boundary wall.
- 7.34 Officers note that there is a height difference between the application site and the dwellings on Gladstone Road. In terms of No.37 Gladstone Road, I note this dwelling is located within 1.5m of the boundary of the site and that there is a separation, at the closest point, of approximately 5.0m between this dwelling and the nearest dwelling on the site – Plot 3. The layout would result in a pinch point between the two dwellings that is quite close, although I note that the side elevation of No.37 would orient away from Plot 3 as its projects forward. Whilst there has been some concern raised about the outlook from the side facing window of this dwelling, which I understand to be a habitable bedroom, the position of Plot 3 some 7.0m behind this window would not give rise to a harmful overbearing impact. Similarly, whilst a 3-storey dwelling is proposed at Plot 4, this would be some 14.0m from the side of No.37 and would be on the plot of the existing 3-storey hotel. As such, I do not consider that this relationship would be significantly different or unacceptable.
- 7.35 I note that the rear facing windows of No.37 would be afforded a clear view of the side elevation of Plot 3, which would slightly orient towards the boundary. However, there would be no windows to the side of Plot 3 that would give rise to an overlooking impact. Whilst there may be some views of No.37 from the front facing windows of Plot 3, the line of sight towards No.37 is far from direct and would not result in a significant overlooking impact in Officers view. Whilst some overbearing would occur, the existing wall which divides the two sites already encloses the

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rear garden of No.37 and means that the more reliable light source is derived from the north-west, which remains uninterrupted and would ensure continued afternoon/evening sunshine. Plot 3 would be located, at its closest point to No.37, a distance of over 2.0m from the shared boundary and Officers consider that this gap would mitigate for the difference in height in terms of any overbearing impact. Overall, Officers do not consider the relationship between the two dwellings would be unduly harmful. Whilst Plot 3 would come into close proximity with the wall dividing the two dwellings, there is no reason to suggest that this would cause any structural problems or otherwise harm the integrity of this structure.

7.36 With regard to No.35 Gladstone Road, this neighbour has mainly raised concerns about a perceived overlooking impact from Plots 13 and 14. I note that neither plots 13 or 14 would have any windows on their side elevations and as such, these dwellings have been designed to reduce the potential overlooking impact that could occur. I note that the first floor window on the rear projection at No.14 would perhaps afford the most direct views towards No.35, but this would be some 12.0m from the closest point at No.35 and would not allow for direct views into the rear garden areas or habitable windows at this dwelling. Similarly, whilst rear facing windows at plot 13 would be located only 3-4m from the shared boundary, these windows would face away from No.35 and as such would not be afforded views towards the amenity areas of this dwelling. I note that the neighbour has concerns that the tree coverage would not obscure views year round, and it is certainly true that the vegetation would provide better protection in the summer months. However, some obstruction would also occur during the winter and, having regard to the layout and orientation already described, Officers are content that the relationships would not compromise the privacy of this neighbour nor cause a harmful overbearing impact.

7.37 There are other occupiers located within reasonable proximity of the site boundaries but Officers consider that No's 37 and 35 Gladstone Road are the most significantly affected. The relationship between the proposed dwellings and other neighbouring occupiers is also considered to be acceptable and accordingly, Officers are content that the development complies with Policy ENV1 of the Local Plan with regard to neighbour amenity.

Landscaping

7.38 Policy ENV2 of the Local Plan expects development proposals to retain and enhance existing landscape features and provide compensatory planting where losses are unavoidable. Policy ENV11 endeavours to

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ensure maximum retention of existing hedgerows and trees. Policy BH6 states that new developments in Conservation Area will be permitted where those open spaces, trees and other landscape features are retained wherever possible.

- 7.39 One of the features of the site, particularly to its southern end, is the array of trees that add to the green character. It is generally considered that this character can be retained as part of the development scheme through appropriate retention and replanting. The site contains four trees protected by Tree Preservation Orders, including 3 lime trees to the rear/west of the site and a single lime tree which fronts onto Baldock Street. The layout of the site has sought to protect these trees. Plots 8 and 9 are set in from the boundary with Baldock Street which has allowed for the root protection area of this tree to remain free from the development footprint. This is similarly the case with plot 14, which is set in from the boundary and helps to protect root structures.
- 7.40 Some trees, particularly to the southern end of the site, are proposed for removal and, whilst new trees are proposed, there is a need to ensure that suitable replanting is provided and an appropriate hard and soft landscaping scheme is agreed. Officers recommend that this can be dealt with by conditions. The accompanying Arboricultural Feasibility Report indicates the most significant trees proposed for removal are not fully mature and still have the potential to grow considerably larger, causing problems due to their position within raised beds. As such, their removal and replacement is considered acceptable.
- 7.41 Officers also consider that conditions to require details of boundary treatments and hard surfacing materials are required to ensure the development respects the character and appearance of the area. Whilst the landscaping of the site is considered broadly acceptable, the formal comments of the Council's Landscape Officer are yet to be received and these will be updated to Members prior to the Committee Meeting.

Flood Risk

- 7.42 The southern side of the application site is located within Flood Zones 2 and 3. The Technical Guidance in the NPPF indicates that a residential use is an appropriate form of development within Flood Zones 1 and 2. The overall aim is to steer new development towards Flood Zone 1. Only where there are no readily available sites within Flood Zones 1 and 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the vulnerability of the land to flood risk and applying the Exception Test if required.

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- 7.43 A Sequential Test must be carried out for this proposal because a Sequential Test has not been carried out for this development at Local Plan level. Applying a sequential analysis reveals that there are other sites both locally and in the surrounding district that could accommodate housing and are sequentially preferable as they are not within Flood Zone 3. This information has been conveyed to the Environment Agency. The EA object to the introduction of housing development within Flood Zone 3 where there are other reasonably available sites in areas with a lower probability of flooding.
- 7.44 However, in Officers view there are mitigating factors that should be taken into account when assessing the suitability of the site for development. This forms part of the consideration of the Exception Test, which is required because the development would introduce a 'more vulnerable' use within Flood Zone 3. The accompanying Flood Risk Assessment indicates that there is only a 10% increase in the footprint of the development within the indicative floodplain as compared to the existing hotel. Furthermore, the majority of the development is not predicted to be affected by flooding and as such, safe access and egress should be possible during a flood event. Another relevant factor in reducing flood risk is the fact that the amount of impermeable areas would be significantly reduced as a result of the development proposal and a condition can ensure that sustainable drainage techniques are used.
- 7.45 In addition, the development site is raised in level significantly from Baldock Street to the east, the residential dwellings to the west and indeed from Ware Town Centre as a whole. The Flood Risk Assessment identifies the wall to the south and western edge of the site which bounds the site from the lower dwellings on Gladstone Road as an informal flood defence. Consequently, the flow route into the development site would be blocked from the south and west.
- 7.46 The Flood Risk Assessment does identify that an additional 47sq m of development footprint would fall within the floodplain. Accordingly, a number of measures should be undertaken to protect the new dwellings, including lowering the level of the garden at plot 4, the ground floor level of all the dwellings should be raised in relation to current ground levels and the widespread use of sustainable drainage systems (SuDs).
- 7.47 Officers consider, having regard to the Flood Risk Assessment, that the site can be safely developed and is not at risk of flooding. However, an appropriate condition is recommended to ensure that the recommendations as outlined in the Flood Risk Assessment are incorporated into the design of the development.

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- 7.48 The Exception Test also requires it to be demonstrated that the development provides wider sustainability benefits that outweigh flood risk. Having regard to the limited flood risk identified by the Flood Risk Assessment, Officers are satisfied that the provision of much needed housing on a brownfield site that enhances the character and appearance of the Conservation Area and protects natural resources would provide these benefits. Whilst some concern has been raised about the location of plots 8 and 9 by the Environment Agency in that they are located within the floodplain and could be pushed back towards Baldock Street, this layout retains a lime tree protected by a tree preservation order and therefore provides other benefits. Other sustainability benefits identified by the developer include the use of ground source heat pumps, combined heat and power and solar gain from the south facing aspects and the use of recyclable resources.
- 7.49 It is noted that the Flood Risk Assessment did identify that an historic borehole could have previously led to ground contamination. As a result, the Environment Agency has requested that a Preliminary Risk Assessment be submitted. This has been prepared by the applicant and is currently being reviewed by the EA. Their comments will be updated to Members before the forthcoming Committee Meeting.

Financial Considerations

- 7.50 The proposed development triggers the need for a number of financial contributions and obligations. Herts County Council have requested financial contributions towards primary education, secondary education, nursery education, youth services, library services and the provision of fire hydrants.
- 7.51 In terms of East Herts Council planning obligations, it is considered reasonable to request contributions towards parks and public gardens, outdoor sports facilities, amenity green space and children and young people. The provision of 15% of the dwellings to be built to 'Lifetime Homes' standards has also been requested.

Other matters

- 7.52 A Bat Survey was latterly submitted with the application following a request by Herts Biological Records Centre. The survey did not identify the presence or likely presence of bats within the hotel building and HBRC have withdrawn their objection and stated that the development can proceed accordingly. The site is not located within close proximity to any designated wildlife site and is of limited ecological value. As such, Officers are content that the development is compliant with Policy ENV16

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of the Local Plan.

7.53 It is noted that the County Council's Archaeologist has recommended that a scheme of archaeological investigation be carried out and an appropriate condition has been included in the recommendation.

8.0 Conclusion:

8.1 In summary the proposal will result in the demolition of an existing hotel within the Ware Conservation Area and its replacement with 14no dwellings. The hotel has limited historic or architectural merit and its removal is not considered to cause harm to the character of the Conservation Area. Whilst it is regrettable that the proposal would remove an employment use, the application has demonstrated that all reasonable attempts have been made to explore the retention of the hotel and examine other possible employment uses. The proposed development is appropriately designed and scaled so as to enhance the character and appearance of the Conservation Area and would provide much needed housing.

8.2 The overall scheme would protect the amenities of nearby occupiers and secure sufficient car parking. Highway safety would not be compromised. Subject to appropriate protection measures for existing trees and a hard and soft landscaping scheme being agreed, the proposal would be acceptable with regard to landscape character.

8.3 In terms of flood risk, whilst the proposal is partly located in Flood Zone 3, there are mitigating factors that would ensure the flood risk emanating from the development scheme would not be unacceptable.

8.4 The development is therefore considered acceptable subject to conditions and the signing of a S106 agreement for financial contributions.

8.5 Having taken all matters into consideration, Officers recommend that planning permission and Conservation Area Consent be granted.