

5e (a) 3/13/0368/FP and (b) 3/13/0369/LC – Demolition of outbuildings and covered yard adjoining the river, erection of a single house, alterations and extensions to convert former sorting office to 11 houses, refurbishment of office building, external works and appropriate hardscaping at Land to rear of, 57, High Street, Ware, Hertfordshire, SG12 9AD for Keith Ashman, White Hart Developments.

Date of Receipt: 25.03.2013

Type: Full – Major

Parish: WARE

Ward: WARE – CHRISTCHURCH

RECOMMENDATION:

(a) That, subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

Financial contributions of:

- £32,594 towards Secondary Education;
- £30,880 towards Primary Education;
- £4,199 towards Nursery Education
- £632 towards Youth;
- £2,419 towards Libraries;
- £4,216 towards Parks and Public Gardens;
- £11,657 towards Outdoor Sports Facilities;
- £1,798 towards Amenity Green Space;
- £1,711 towards Children and Young People;
- Fire Hydrant;
- Monitoring fee.

Planning Permission be **GRANTED** for the application submitted under reference 3/13/0368/FP subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) –(NB1, A001, A011, A010, A012, A100, A101, A102, A103, A010, A100, A110, A120, A121, A122, A123, A130, A131, A132, A200)
3. Boundary walls and fences (2E07)
4. Materials of construction (2E11)

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5. Hard surfacing (3V21)
6. Programme of archaeological work (2E02)
7. Prior to the commencement of the development the reclamation of the site shall be carried out in accordance with the details contained within the Phase 1 Desk Top Study Report, February 2013 and any amendments to this report which shall be agreed in writing by the Local Planning Authority. Upon completion of the works, and prior to the occupation of the development, a validation report shall be submitted and agreed in writing by the Local Planning Authority.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

8. Landscape design proposals (4P12) (i,j,k,l)
9. Landscape works implementation (4P13)
10. Tree protection: excavations (4P09)
11. Hours of working - plant and machinery (6N05)
12. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and
 - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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Reason: In the interests of the management of surface water flows and in accordance with Policy ENV21 of the East Herts Local Plan Second Review, April 2007.

13. In respect of the proposed new dwelling shown as Block C on approved drawing number A100, notwithstanding the provisions of Article 3 of the Town and Country (General Permitted Development Order) 1995 (as amended), no development as specified in Schedule 2, Part 1, Classes A, E and F shall be undertaken without the prior consent, in writing, of the Local Planning Authority.

Reason: The specific circumstances of this site warrant the Local Planning Authority having control over any further development and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

14. Prior to the commencement of the development a scheme for the provision and management of a buffer zone alongside the River Lea shall be submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include details of the extent and layout of the buffer zone which will be free from development, details of a planting scheme and details of naturalising of the river bank. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect and enhance the ecological value and habitat of the river and to reduce the risk of flooding in accordance with Policies ENV18 and ENV19 of the East Herts Local Plan Second Review April 2007.

15. The development shall be carried out in accordance with the details given within the Flood Risk Assessment, December 2012 and in particular the finished floor levels shall be set no lower than 34.18 metres above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding in accordance with Policy ENV19 of the East Herts Local Plan Second Review April 2007.

16. The proposed window openings to the rear (east) elevation of the maltings building shall be fitted with obscured glass and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining properties, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

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Directives:

1. Highway Works (06FC2)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. Groundwater protection zone (28GP) (Musley Lane)
5. Unsuspected contamination (33UC)
6. Asbestos (34AS)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (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.

(b) That Conservation Area Consent be **GRANTED** for the application submitted under reference 3/13/0369/LC, subject to the following conditions:

1. Listed Building three year time limit (1T14)
2. 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) Order 2012 (as amended). The balance of the considerations having regard to those policies is that conservation area consent should be granted.

(036813FP.NB)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract and is situated

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within the built up part of Ware and within the town's Conservation Area.

- 1.2 The site is located to the south of the High Street and adjoins the northern bank of the River Lea. The site is currently occupied by a brick built maltings building dating back from 1848 which was previously used as a sorting office for the Post Office. Adjoining the maltings building to the north is a more recently constructed brick flat roofed extension. Adjoining the maltings building to the south is an open framed brick and corrugated workshop building with a post-war gazebo building located up to the boundary of the site with the river.
- 1.3 The original maltings building is considered to contribute to the historic and built character of Ware and as such Officers consider that it can be treated as a non-designated heritage asset.
- 1.4 The proposal is for the conversion of the existing maltings building into 11No. 3 bedroom dwellings, the conversion of the building adjoining the north of the maltings into an office and the construction of a new dwelling to the south of the maltings.
- 1.5 The proposed alterations to the existing maltings building to facilitate its conversion include the raising of the ridge of the existing roof by approximately 0.5 metres and the introduction of a number of windows, doors and roof lights. New windows, roof lights and external cladding is proposed to the office building to the north of the maltings building.
- 1.6 The proposed new dwelling would extend from the southern flank of the existing maltings building. The new dwelling is of a contemporary design with large areas of glazing and a mix of render and timber cladding for the external materials.
- 1.7 The new dwelling would be set back by a distance of approximately 6 metres from the boundary with the river and would benefit from amenity space to the front and side of the dwelling with a small detached gazebo to the south western corner of the site.
- 1.8 Two parking spaces are proposed for the office building and 8 spaces are proposed for the dwelling houses.

2.0 Site History:

- 2.1 There is no relevant planning history for the site.

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3.0 Consultation Responses:

- 3.1 County Highways do not wish to restrict the grant of permission. They comment that the proposal is acceptable in highway terms as it is within a town centre location which is well located for all modes of transport and no increase in vehicular movement is proposed. They would not wish to see an increase in vehicular movements over and above the existing use as the access is of a single width onto the High Street where there is poor visibility. They confirm that the existing flat archway access is only suitable for use by cars and vans.
- 3.2 Natural England comment that the proposal is unlikely to affect any statutorily protected sites.
- 3.3 The Herts Biological Records Centre comment that a bat survey was conducted in August 2012 which found no bats or bat roost sites, however does recommend the retention of mature Ash, Lime and Sycamore trees and that light is controlled within the site after the development is completed. They recommend that these recommendations are required to be carried out by a condition of any planning permission granted.
- 3.4 The Wildlife Trust comment that the recommendations within the bat report should be secured by condition.
- 3.5 Affinity Water has commented that the site is located within the groundwater Source Protection Zone of Musley Pumping Station and that the relevant British Standards and Best Management Practices should be adopted.
- 3.6 The County Planning Obligations Unit has requested financial contributions towards local services and the provision of a fire hydrant on site.
- 3.7 The Herts Historic Environment Unit has commented that the development could impact upon heritage assets of archaeological and historical interest and therefore the applicant must secure a programme of archeological work.
- 3.8 The Council's Engineers comment that the site is situated partially within flood zones 2 and 3 which relate to historical flood incidents in 1947 and 1968. It is possible that the property could be affected by flooding generated by surface water run off from the High Street and other neighbouring properties. It may be possible to reduce the flood risk at the site by reconstructing the access roads and landscaped

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areas with permeable paving, adding a green roof onto the new dwelling and retrofitting rain water harvesting within the roof of the former sorting office building.

- 3.9 The Canal and River Trust has no objections to the proposal subject to a condition to require details of drainage to be submitted to ensure that this would not result in any pollution into the waterway.
- 3.10 Environmental Health has recommended conditions that relate to construction hours of working and contaminated land.
- 3.11 The Conservation Officer has recommended approval. They comment that the principle of the residential conversion of the maltings building is considered to be acceptable and the increase in roof height is considered to have little impact on the architectural interpretation of the building when balanced against the benefits of securing its retention and restoration. The introduction of a contemporary designed dwelling to a traditional form and proportion is considered appropriate in this situation.
- 3.12 English Heritage comment that while in principle the conversion of the former sorting office might contribute to the preservation of the character of the Conservation Area, the construction of the proposed house would not and they therefore question the appropriateness of what is proposed. Although the proposed new dwelling would replace an existing structure the plans suggest that its presence in the riverscape would be considerably more obtrusive than the structure that it would replace.
- 3.13 The Council's Landscape Officer has recommended refusal as an arboricultural report with a method statement for construction is required in respect of the Ash tree that is on the neighbouring site. The outline landscape proposals are acceptable and fairly non-contentious.
- 3.14 The Environment Agency has objected to the proposal and comment that as the proposal fails the sequential test permission should be refused. They have reviewed the Flood Risk Assessment (FRA) and agree that this shows that it would be unlikely that flood water would reach the building during the 1 in 100 year plus climate change flood. However, the site is still within Flood Zone 2 (land which has between a 1 in 100 and 1 in 1000 annual probability of flooding) and therefore if there are other sites at lower risk of flooding where this development should go then permission should be refused. The Environment Agency have confirmed that the sequential test need only be applied for the proposed new dwelling sited to the south of the existing maltings

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building.

4.0 Town Council Representations:

4.1 Ware Town Council objects to the proposal on grounds of insufficient parking provision on a site that has restricted access from the High Street.

5.0 Other Representations:

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 1 No. letter of objection has been received from the neighbouring building society. The content of this representation can be summarised as follows:

- The existing access has a height restriction of 3.6 metres and a width of 2.6 metres;
- There is no provision for vehicles to pass pedestrians exiting from the first and second floor offices above the building society;
- Permission should be refused due to insufficient car parking provision, overcrowding of the site and increased use of an unsuitable access on highway safety grounds.

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
HSG7	Replacement Dwellings and Infill Housing Development
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime-New Development
ENV4	Access for Disabled People
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV18	Water Environment
ENV19	Development in Areas Liable to Flood

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ENV20	Ground Water Protection
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH6	New Developments in the Conservation Area

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 part of Ware, wherein new development is acceptable in principle. The determining issues for this proposal are therefore as follows:

- Flood Risk;
- The size, scale, height, form, siting, layout and design of the proposal and its impact upon the character and appearance of the Ware Conservation Area;
- Loss of Employment;
- Neighbour amenity;
- Landscaping and trees;
- Parking and access;
- Demolition of the existing buildings and the impact of this upon the character and appearance of the Conservation Area.

Flood Risk

7.2 The majority of the application site is located within Flood Zones 2 and 3, except for the northern section of the maltings building and the adjoining flat roofed extension which is in Flood Zone 1. The remaining maltings building is located within Flood Zone 2 and the adjoining buildings to the south are partly in Flood Zone 2 and partly in Flood Zone 3.

7.3 The Environment Agency initially informed the Council that a sequential test would need to be applied for the proposal due to its location within Flood Zones 2 and 3. As sequential testing is not required for the conversion of existing buildings in Flood Zone 2 it was agreed that this should be applied in respect of the proposal for the 1 new dwelling to the south of the site. As it would appear from the Council's records that the new dwelling is proposed within land designated as Flood Zone 2, with its associated garden land being within Flood Zone 3 it is questionable whether a sequential test is in fact required to be carried

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out. Officers have nevertheless carried out the sequential test and have confirmed to the Environment Agency that the proposal fails this test as there are a considerable number of sites that could accommodate 1 dwelling that are in Flood Zone 1 in Ware or within the East Herts District as a whole.

- 7.4 The Environment Agency has responded with the recommendation that planning permission should be refused as the sequential test has been failed. However, the applicants Flood Risk Assessment (FRA) states that the site would not be at any risk to flooding due to the land levels being higher than the land to the other side of the river and as the permeability of the site would improve with the proposal. Officers returned to the Environment Agency to request that they consider the FRA and whether the site is at risk of flooding due to the circumstances of the site. Their latest response is that they agree that the FRA shows that it would be unlikely that flood water would reach the building during the 1 in 100 year plus climate change flood. However, the site is still within Flood Zone 2 and according to this designation it forms land which has between a 1 in 100 and 1 in 1000 annual probability of flooding. The Environment Agency has stated that they are currently in the process of updating their modeling for this area on the River Lea and therefore it is likely that their information will change in the near future.
- 7.5 Having regard to the evidence put forward within the FRA, and in particular evidence that the site is not at risk of flooding due to the land levels at the site compared to those on the other side of the river, Officers do not consider that it would be reasonable to refuse planning permission on flood risk grounds. Such a refusal would, in effect, be based solely upon the location of the proposed new dwelling within Flood Zone 2 and its garden within Flood Zone 3 and not on the actual risk of flooding. The FRA shows that the site is unlikely to flood and the Environment Agency concurs with this conclusion. Officers do not therefore have any evidence to contradict the evidence within the FRA that the site is not at risk of flooding and therefore do not consider that the council would be in a position to justify a refusal of the planning application on flood risk grounds.

Size, scale, height, form, siting, layout and design

- 7.6 The alterations proposed to the maltings building are of a modest nature and scale, with the increased ridge height being the most significant change that is proposed. The development would retain the original character and appearance of the maltings building whilst enabling its restoration and long term retention which would be to the

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benefit of the character and appearance of the Conservation Area.

- 7.7 The alterations proposed to the flat roofed extension to the north of the maltings building would modernise this building, which is considered to be appropriate as this already forms a modern addition. Together with the contemporary design of the new dwelling to the south, the resulting office building would create a juxtaposition with the traditional maltings building which would emphasise and enhance the appearance of this heritage asset.
- 7.8 In respect of the proposed new dwelling, the concerns raised by English Heritage have been considered. It is acknowledged that most of the neighbouring properties benefit from long rear gardens that extend up to the river with small gazebos along the boundary. However, the maltings building has occupied the site since 1848 and therefore this site has not benefited from a large undeveloped area adjacent to the river for some time. The proposed new dwelling would replace existing buildings at the site and would not result in a loss of any undeveloped or open space at the site. The existing buildings that would be replaced are generally of a poor appearance and are of a similar height to the new dwelling. The proposed dwelling would be set back from the river, unlike the existing buildings which extend up to its northern boundary, and overall would appear more attractive and less intrusive compared to the existing buildings.
- 7.9 The proposed new dwelling is of a contemporary design which would create a contrast with the traditional maltings building. The proposed modern dwelling would add to the existing mix of building styles that are visible from the towpath along the river to the south which includes a number of other contemporary buildings within the area. The Conservation Officer has commented that the introduction of a contemporary designed dwelling to a traditional form and proportion is appropriate in this situation.
- 7.10 The existing gazebo is substantially larger than the historic gazebos which occupy many of the neighbouring sites. The proposal to demolish the existing modern gazebo and to construct a new smaller gazebo, would improve the contribution that the site makes to the character and appearance of the Conservation Area and the setting of the nearby listed gazebo buildings.
- 7.11 Officers consider that the proposed alterations to the existing buildings and the new dwelling form appropriate developments that would facilitate the re-use of an existing redundant site and enable the repair and preservation of the existing maltings building. The size, scale,

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siting and design of the proposed new dwelling is considered to be acceptable and would form an enhancement to the setting of the maltings buildings and the character and appearance of the wider Conservation Area.

Loss of Employment

- 7.12 Policy EDE2 states that development which would cause the loss of an existing employment site, or one that was last in employment use, will only be permitted where the retention of the premises for employment use has been fully explored without success.
- 7.13 The applicant has submitted a report from a commercial estate agent which states that the existing maltings building has been vacant or underutilised since the post office left the site 20 years ago. They comment that the building is not in a regular state of repair and that substantial works would be required to bring it back into a commercial use. Concerns are raised in respect of the type of occupier that could use the site due to the restricted access and the long narrow form of the building. They conclude that the site is not to a marketable commercial standard.
- 7.14 County Highways have confirmed within their comments that the existing access is only suitable for cars and vans and therefore this is likely to prevent the use of the site for storage or heavy industrial uses.
- 7.15 Having regard to the number of years that the maltings building has been vacant for; the extent of works that would be required to the building which would affect the viability of its redevelopment, and the physical constraints of the site, Officers consider that it would be unrealistic to expect the building to be reused for commercial purposes. Furthermore, the benefits that the proposed development would bring in securing the restoration and retention of this building as a heritage asset is given substantial weight in the consideration of the acceptability of this proposal.
- 7.16 The current proposal would retain the existing vacant flat roofed office building which extends from the north of the maltings building. The proposal is for this building to be refurbished and reused as B1 office space. This part of the proposal would provide new employment opportunities at the site.
- 7.17 Having regard to the above considerations and the fact that the proposal would not result in a loss of employment at the site but would create new jobs with the refurbishment of the office building, Officers

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consider that the proposed development satisfies Policy EDE2.

Neighbour amenity

- 7.18 The majority of the neighbouring properties to the north and west of the application site are commercial premises. However, to the east there are a number of residential properties including those within Water Row which front directly onto the rear wall of the maltings building. Each of these neighbouring dwellings have both ground floor and first floor windows within 5 metres of the maltings building. The existing building has a number of false window openings within its rear elevation and some obscure glazed windows. The proposal would result in the addition of a number of windows within this rear elevation. Whilst these windows would serve a void area that is described as indoor 'amenity' space, planning permission would not be required to make internal alterations which would enable this space to be used as part of the habitable rooms within the new dwellings. Officers therefore consider it to be necessary and reasonable to impose a condition to require the new window openings to this rear elevation to be obscure glazed in order to protect the privacy of the neighbouring occupiers.
- 7.19 The new dwelling house does not have any windows within its east facing elevation and therefore would not impact upon the privacy of the neighbouring dwellings in Water Row and their garden space. The new dwelling would replace existing buildings that are of a poor appearance and are of a similar height and scale. Officers therefore consider that the proposed new development is likely to improve the impact upon the neighbouring occupiers in respect of their outlook and any overbearing impact.
- 7.20 Subject to a condition to require the new windows to the rear elevation of the maltings building to be obscure glazed, Officers are satisfied that the proposed development would not result in an unacceptable impact upon the amenities of neighbouring occupiers.

Landscaping and trees

- 7.21 The existing site is occupied by buildings and hard surfacing and there are no existing trees on site. However, there are a number of trees within the neighbouring site to the west, including a large Ash tree sited close to the south western boundary of the site. The Landscape Officer's concerns in respect of this tree are duly noted. The applicant has confirmed that special methods for the foundations for the new dwelling will be required due to the close proximity of the river, and that they would also ensure that the roots of the nearby trees are avoided.

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Officers consider that a condition to require details of excavation works and the design of the foundations will be sufficient to ensure that the work would not damage the roots of neighbouring trees.

Parking and access

- 7.22 In respect of parking provision, the site provides 8 spaces for the residential properties and 2 spaces for the office. Appendix II of the Local Plan recommends a maximum parking standard of 27.75 spaces is provided for the residential properties. Whilst such a short fall in parking provision would ordinarily raise concerns, the provision of additional parking onsite would not be appropriate given the Highway Authority's concerns that any additional traffic movements would be detrimental to highway and pedestrian safety. The site is located in a sustainable location within the town centre of Ware, within easy reach of services, employment, public transport and public car parks. Officers consider the parking provision proposed on site to be acceptable but in any case consider that the benefits of the proposal in securing the restoration and the retention of the maltings building would outweigh the dis-benefits of the shortfall in parking provision. Furthermore, as any additional parking spaces on site could give rise to additional vehicular movements into and out of the site and Officers do not consider that the provision of additional parking would be appropriate in this case.
- 7.23 The concerns that have been raised by the neighbouring business and the Town Council in respect of the existing access have been considered. County Highways do not object to the use of the existing access as they consider that the proposal would be unlikely to increase the vehicular movements compared to an alternative commercial use of the site. Whilst the constraints of the existing access are understood, having regard to the comments received from County Highways, Officers do not consider that the refusal of planning permission on highway/pedestrian safety grounds would be justified in this case.

Demolition of the existing buildings and the impact of this upon the character and appearance of the Conservation Area

- 7.24 The application that has been submitted for Conservation Area Consent proposes the demolition of the existing brick and corrugated buildings and the gazebo which adjoin the southern flank of the maltings building. Whilst the existing gazebo is not currently considered to cause any significant harm to the character of the Conservation Area, as this is a modern building which is of a size and scale that is out of keeping with that of the historic gazebos nearby, its demolition would equally not cause any harm to the Conservation Area. The remaining buildings to

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be demolished are of poor appearance and currently fail to make any positive contribution to the character and appearance of the Conservation Area. Officers therefore have no objections to the demolition of these buildings and recommend that Conservation Area Consent is granted for this work.

Other Matters

- 7.25 In accordance with Policy IMP1 financial contributions are required, as set out at the head of this report, to mitigate against the pressures that the development would bring to local services. The applicant has confirmed that they are willing to commit to entering into a Section 106 agreement in respect of these matters.
- 7.26 There is no requirement for affordable housing on this site as the proposal falls short of the Council's threshold for affordable housing provision, which is 15 units or more as set out within Policy HSG3.

8.0 Conclusion:

- 8.1 The proposal to redevelop the existing redundant commercial site is considered to be acceptable and would enhance the character and appearance of the Conservation Area.
- 8.2 The demolition of the existing buildings at the site is considered to be acceptable.
- 8.3 The proposed mix of uses and the design of the development would bring opportunities to the site that could benefit the local economy and improve the appearance of the site and the surrounding Conservation Area.
- 8.4 Having considered the details of the proposal and the representations made by consultees and third parties, Officers recommend approval of both applications for planning permission and conservation area consent subject to the applicant entering into a Section 106 agreement and the conditions set out at the head of this report.