

**5c 3/13/0513/FP – Demolition of existing buildings and erection of 3no 1 bedroomed flats, 5no 2 bedroomed flats, 6no 2 bedroomed houses, 1no A1 retail unit with 4no offices above and 3no units for A1, A2 or B1 use and associated ATM, car parking and landscaping at Former Co-op Site, Star Street, Ware, SG12 7AA for Mr P Roberts**

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**Date of Receipt:** 02.04.2013

**Type:** Full – Major

**Parish:** WARE

**Ward:** WARE – CHRISTCHURCH

**RECOMMENDATION:**

That, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

Financial contributions to Herts County Council of:

- £ 6,776 towards Secondary Education;
- £ 8,852 towards Primary Education;
- £ 1,958 towards Nursery Education
- £ 160 towards Youth facilities;
- £ 1,706 towards Libraries.

Financial contributions to East Herts Council of:

- £3,404 towards Parks and Public Gardens;
- £9,430 towards Outdoor Sports Facilities;
- £1,455 towards Amenity Green Space;
- £1,133 towards Children and Young People;
  
- The provision of a fire hydrant
- The appropriate Monitoring fee.

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

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) – (248/P/008C, 248/P/007B, 248/P/006B, 248/P/005B, 248/P/004A, 248/P/003C, 248/S/102, 248/S/101A, 248/S/100)
3. Boundary walls and fences (2E07)

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4. Samples of Materials (2E12)
5. Hard surfacing (3V21)
6. Programme of archaeological work (2E02)
7. Prior to the commencement of the development a Construction Traffic Management Plan to include details of phasing for the development, methods of accessing the site, details of construction vehicle numbers and routing, details of wheel washing facilities and spaces for construction vehicle parking and storage of materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plan.

Reason: In the interests of highway safety and capacity and to ensure that the impact upon the local road network is minimised.

8. Prior to the first occupation of the development all access and junction arrangements serving the development shall be completed in accordance with the approved plans to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory access in the interests of highway safety.

9. Existing access closure (3V05)
10. Landscape design proposals (4P12) (i, j, k, l)
11. Landscape works implementation (4P13)
12. The proposed development shall be carried out in accordance with mitigation and compensation measures detailed within the 'Bat Emergence and Mitigation Report', July 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that favourable conservation of the species is maintained, in accordance with the aims of Policy ENV16 of the East Herts Local Plan Second Review April 2007.

13. Hours of working - plant and machinery (6N05)
14. Contaminated land survey and remediation (2E33)
15. Prior to the commencement of development, details of the piling

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method or other foundation design and an assessment in respect of the risk to groundwater shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the agreed details.

Reason: In the interests of the protecting the subsurface and groundwater from pollutants and new contaminants in accordance with policy ENV20 of the East Herts Local Plan Second Review, April 2007.

16. All HGV service deliveries to the premises from Star Street shall only be made between the hours of 22:00hrs to 07:00hrs.

Reason: In the interests of highway safety and the free and safe flow of traffic and in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007

17. The demolition works hereby approved relate to all of the existing buildings within the application site with the exception of the section shown in blue on Plan No. 248/S/100 which shall be retained and any 'making good' of this building shall be carried out using materials which closely match those used in the existing building, to the satisfaction of the Local Planning Authority.

Reason: To secure the retention of this non-designated heritage asset and to ensure that it is properly maintained, in accordance with national planning policy guidance set out in section 12 of the National Planning Policy Framework.

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.

\_\_\_\_\_ (051313FP.NB)

**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract and is situated within the built up part of Ware and within the town's Conservation Area.
- 1.2 The site occupies an area at the junction of Star Street and Bowling Road. Opposite the site is the Navigator Public House, a furnishing store and a bathroom store. To the eastern side of the site is Bowsher Court, a mainly 4 storey residential development and to the rear the site adjoins a public car park.
- 1.3 The site is currently occupied by redundant buildings which were previously used by the Enfield Highway Cooperative Bakery for dairy storage and distribution. However, the buildings have now been vacant for a number of years.
- 1.4 The proposal is for the demolition of the majority of the existing buildings and for a mixed use development of the site to provide 3no 1 bedroomed flats, 5no 2 bedroomed flats, 6no 2 bedroomed houses, 1no A1 retail unit with 4no offices above and 3no units for A1, A2 or B1 use.
- 1.5 Members will recall that this application was originally reported to the June Development Management Committee where Members resolved to grant planning permission for a similar scheme, subject to the signing of a Section 106 agreement. A copy of that previous report is attached as **Essential Reference Paper 'A'**.
- 1.6 Since then, and prior to the signing of the agreement or any decision being issued in respect of that proposal, amended plans have been received which propose changes to the scheme to reflect market needs for the residential and commercial units. The application has therefore been referred back to the committee for further consideration.
- 1.7 The number of residential units proposed remains the same as previously, although the size of the units proposed has changed. The

residential floor space has now decreased to allow for a larger retail unit within the south west corner of the site, with offices above. Additional commercial floor space would be accommodated within a larger building to the western site boundary. This part of the building is designed with a contemporary linking section with a series of flat roofs that would connect into a two storey projection that would have a dual pitched roof.

- 1.8 The remaining elevations are unchanged from the previous scheme with the exception of some additional windows on the north elevation and the repositioning of some of the fenestration to the east elevation compared to the plans that were previously considered by Members. An ATM machine is also now proposed within the Star Street elevation.
- 1.9 As previously, the proposal seeks to retain the existing brick built facade which displays the Enfield Highway Cooperative Bakery sign and to extend above, and to the side and rear of this facade. The proposed development would form a U-Shaped building that would be 3 storeys in height where it would front onto Star Street and continuing at that height into Bowling Road, before reducing to 2 storeys. The proposed extension, above the existing façade, would be of art deco influence with the use of elongated fenestration to the front elevation and flat roofed dormer style projections within the eaves of the roof. The remaining building is designed using a mix of more traditional features such as gable ended front projections, pitched roofed dormers and sash windows with stone cills and brick lintels.
- 1.10 The vehicular access into the site is, as with the earlier scheme, proposed to be taken from Star Street and would lead under an archway into the rear courtyard area where 17 parking spaces would be provided together with 6 small enclosed garden areas for the dwelling houses. 14 of the parking spaces are proposed to be used for the residential units with 3 spaces for the larger retail unit.

## **2.0 Site History:**

- 2.1 The relevant planning history for the site is as follows:
- 2.2 Planning permission was granted in 1991 for the removal of an external staircase, the provision of a new staircase and other works under LPA reference 3/91/0456/FP.
- 2.3 In 1991 outline permission was refused for the demolition of existing buildings and the erection of 3 storey sheltered accommodation under LPA reference 3/91/0184/OP.

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2.4 In 1987 outline permission was refused for the demolition of existing buildings and the erection of a retail store under LPA reference 3/87/2071/OP.

### 3.0 Consultation Responses:

3.1 A full re-consultation has taken place in respect of the amended plans. As a result of this consultation the following responses have been received:

3.2 County Highways have stated that their previous comments still stand. However, in addition to this, a condition is recommended, which was put forward for the adjacent premises, to control deliveries from occurring at peak hours.

3.3 Councillor A Warman has commented that he would oppose any proposals to demolish the existing wall with the co-op bakery signage.

3.4 The County Planning Obligations Unit has requested revised financial contributions towards local services and the provision of a fire hydrant on site.

3.5 The Herts Historic Environment Unit has advised that that previous advice on the application remains unaltered.

3.6 The Environment Agency have commented that the advice and conditions given within their previous letter still address their concerns.

3.7 The Herts Biological Records Centre have commented that they agree with the recommendations within the bat report and therefore recommend that the mitigation and compensation measures are conditioned to be complied with.

3.8 No other additional comments have been received from consultees in respect of the amended plans. The previous comments that were received in respect of the original plans submitted remain relevant to the consideration of the current proposal and are detailed below:

3.9 Environmental Health has recommended conditions which relate to construction hours of working and contaminated land.

3.10 County Highways does not wish to restrict the grant of permission. They comment that in a highway context this planning application for residential development on the site of this former Co-op site is not likely to significantly increase traffic generation on the highway network.

There are no highway reasons that would justify an objection on highway safety or capacity grounds to this town centre development and this access, although not ideal, is an improvement to the existing access which is nearer to the junction of Bowling Road. They note that there is currently a bench located in the return of the wall on Star Street and should the Town Council/Planning Authority wish to retain this facility it could be relocated to the west of the new entrance. This would aid pedestrian visibility by ensuring the pedestrian walk line was in line with the bus shelter and further away from the building line. The existing bus cage (hatched lining on the highway itself) would conflict with the proposed access and a condition is recommended to require this to be relocated and for Kassel kerbing to be carried out to improve accessibility. Other conditions are recommended to require details to be agreed such as a Construction Traffic Management Plan.

- 3.11 Hertfordshire Constabulary has commented that the applicant should consult with the Police Design Service to ensure that all of the units are built to the approved standard of 'Secured by Design'. They do not however either support or oppose the application.
- 3.12 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.
- 3.13 The County Planning Obligations Unit has requested financial contributions towards local services and the provision of a fire hydrant on site.
- 3.14 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.
- 3.15 The Herts and Middlesex Wildlife Trust has commented that further surveys are required in respect of bats and birds and the applicant should seek to achieve biodiversity gain.
- 3.16 The Environment Agency comment that as the site is under a hectare and within Flood Zone 2 the Planning Authority are responsible for assessing the Flood Risk Assessment (FRA). The current FRA contained within the Contaminated Land Report seems inadequate and therefore conditions are required in respect of ground water contamination.

- 3.17 The Conservation Officer recommends approval and comments that the existing brick built building with the facade fronting onto Star Street is considered to be a non-designated heritage asset. The proposed design has taken account of the key characteristics of the asset, immediate setting and wider character of the area. The proposed first floor development above the retained facade of the depot which includes the associated signage; reflects art deco principles associated with the asset which in turn emphasises the asset within its immediate and wider setting. In addition the part retention of the exterior wall on the return is encouraging as it ensures the stability, and as such integrity, of the retained facade.

The carriage archway providing vehicular and pedestrian access to an internal courtyard provides the transition between the different design styles within the proposal. The use of material and the design approach to the wider development is more reflective of the commercial / industrial character of Ware, which allows the development to sit comfortably in the wider area and contributes to views within the Conservation Area.

In summary, the proposed mixed use development which incorporates a non-designated heritage asset makes a positive contribution to the character and appearance of the immediate and wider Conservation Area which in turn promotes a sense of place.

- 3.18 The Council's Landscape Officer has recommended approval and has commented that the proposals are non-contentious in landscape terms. Details of the proposed boundary treatment to the Kibes Lane car park are required and a full landscape plan by condition.
- 3.19 The Herts Biological Records Centre comment that a bat survey has been undertaken and evidence has been found of a small number of old droppings from bats. Although the buildings are considered to be of medium potential for bats one of the buildings has not been surveyed and therefore further surveys are required to take place. Technically, the LPA should not determine the application as it has not been confirmed whether the site forms a bat roost.

In response to the representation received from Herts and Middlesex Butterfly Conservation they confirm that there are records of the White-Letter Hairstreak butterfly in the area. However, in respect of the Elm tree they comment that this kind of tree is widely distributed throughout north and east Herts and its loss in itself would not be considered a reason for refusal. They consider that it would be difficult to demonstrate that the potential loss of both food plant and butterfly



would be of high significance to this species survival in Hertfordshire.

**4.0 Town Council Representations:**

4.1 Ware Town Council previously commented that they had concerns in respect of insufficient parking provision. A representation has been received in respect of the amended plans which states that they will be unable to comment until after the 21<sup>st</sup> October 2013. Any further comments received from the Town Council will be reported to Members at the Committee meeting.

**5.0 Other Representations:**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. As a result of the consultation on the amended plans the following additional representations have been received:

5.2 The Ware Society have commented that although they have no desire to see a derelict site in a prime location they object for the following reasons:

- Overdevelopment of the site: there are too many dwellings within this confined space;
- The design of the dwellings are not appropriate to the site, more care should be taken to present a frontage that will look as similar to the dairy site in its 'heyday' as possible, using modern construction materials and reclaimed materials;
- Concerns in respect of the increase in traffic to the area, especially during peak times when school children could be endangered;
- The Elm trees close to the site provide a habitat for the White Letter Hairstreak butterfly.

5.3 Herts and Middlesex Butterfly Conservation state that they would be interested to know the final outcome in respect of landscaping.

5.4 The previous comments that were received in respect of the original plans submitted remain relevant to the consideration of the current proposal and are detailed below:

5.5 14 No. letters of representation have been received from local residents and businesses. 2 No. of these letters form objections and 12 No. are letters of support. The content of these representations can be summarised as follows:

- Objection with regards to the residential houses on the Bowling Road frontage due to loss of sunlight/daylight to the ground floor apartments in Bowsher Court;
- The bulk and massing of the new houses in Bowling Road do not relate well to the massing and height of adjacent buildings and the surrounding townscape;
- The design is architecturally fragmented and does not represent good quality design;
- Concerns regarding the loss of the Huntington Elm Tree and the categorisation of this tree;
- The tree to be removed is a haven for nesting birds and other wildlife;
- The number of units should be reduced in order to reduce the height of the buildings;
- Overlooking into a number of dwellings within Bowsher Court;
- Increases to traffic;
- Concerns regarding the brands that would occupy the commercial units and the Planning Authority should control the type of retailers who occupies these units;
- Concerns regarding the overdevelopment of the town;
- The development of this site is long overdue and will enhance this part of Ware;
- The mix of uses and the proposal for commercial units at ground floor is supported to encourage foot fall;
- The retention of the co-operative signage is supported.

5.6 The Ware Society object to the proposal based on the destruction of a habitat for the White-Letter Hairstreak butterfly which would occur as a result of the proposal to fell the existing Huntington Elm Trees.

5.7 A response has been received from Herts and Middlesex Butterfly Conservation who has commented that the site is insignificant except for one major factor, that there is a large Elm tree on the boundary of the site. There are several records since 2007 of the White-Letter Hairstreak butterfly which the existing Elm tree will support.

## 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
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
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 as set out within the previous report to committee attached as Essential Reference Paper 'A'. The determining issues in respect of this amended proposal are therefore as follows:

- 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;
- Impact upon protected species;
- 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.

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

7.2 The form, size, scale, and height of the amended proposal remain very similar to that which the Council previously supported in its June 2013 resolution to grant permission. It would be largely 3 storeys in height; however it reduces to 2 storeys as the building extends into Bowling Road. As the majority of the surrounding buildings are also 3 storeys in height, with the exception of Bowsher Court, which is mostly 4 storeys.

Officers consider that the height of the proposed development is acceptable and would appear sympathetic to the character of the surrounding area. The overall size, scale and amount of development proposed at the site is significantly smaller than that at the adjacent site to the east, Bowsher Court and Members were supportive of the relationship between the two developments within the previous proposal.

- 7.3 The proposed building that would extend above the existing fascia with the co-operative signage is considered to reflect the art deco principles associated with this fascia which would emphasise this as a non-designated heritage asset. The remainder of the development, as previously, benefits from traditional features such as gable ended front projections, pitched roofed dormers and sash windows with stone cills and brick lintels. A mix of boarding, brick work and render is proposed for the elevations. The design features, materials and varying ridge heights create a development that would appear fragmented. Whilst the concerns raised by neighbouring occupiers in respect of this fragmented design are duly noted, Officers consider that this design adds interests to the appearance of the development and would result in a high quality design that would appear sympathetic to the character and appearance of the surrounding Conservation Area.
- 7.4 In respect of the siting and layout of the proposed development, it would, as previously proposed, be built up to the southern boundary of the site with the footway along Star Street and would be set back by a minimum distance of 7 metres from the footway along Bowling Road. This siting in relation to Star Street is considered to be appropriate in order to continue the commercial frontage from the town centre to the west of the site. The set back from Bowling Road would be of a sufficient size to enable the frontages of these dwellings to be softened by some landscaping, whilst also creating an attractive frontage that would contribute to the Bowling Road Street Scene.
- 7.5 The use of an archway from Star Street to lead into the car parking area within the centre of the site is an appropriate approach to ensure that only one vehicular access is required in the interests of highway safety, and that the frontages of the site are occupied by buildings which is a typical situation for a town centre location such as this.
- 7.6 The new addition to the rear of the larger retail unit has been sensitively designed to ensure that the building would not be detrimental to the appearance of the courtyard to the rear of the development, or the views that would be obtained into the site from the north.

- 7.7 The proposal to retain the existing wall with the co-operative signage is, as before, a benefit of the scheme. The proposal is now to retain the co-operative signage intact beneath new signage for the retail store. This is an approach which has been agreed elsewhere within the District and Officers consider it to be an appropriate method of securing the retention of the older signage whilst not undermining the advertising needs of a future occupier. However, the details of this part of the proposal will be considered in full once an application for Advertisement Consent has been submitted.
- 7.8 The proposed ATM machine would be within a new part of the building and would not result in any harm to the character and appearance of the frontage onto Star Street.
- 7.9 Having regard to the comments received from the Conservation Officer, the proposed size, scale, height, form, siting, layout and design of the proposed development is considered to be acceptable and would result in a development that would enhance this part of the Conservation Area.

#### Loss of Employment

- 7.10 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.
- 7.11 The proposal would retain employment at the site in the form of 1 retail unit, four offices and 3 units at ground floor which are proposed for A1, A2, B1(a), B1(b), or B1(c) uses. As the site has been vacant for some time it would be difficult to compare the number of employees that the previous use would have had to the current proposal. Whilst evidence of the site being marketed for purely commercial purposes has not been provided, the period of time that the site has been vacant for suggests that the redevelopment of the site for such purposes has not been found to be viable. It is noted that the current proposal is for additional commercial floor space than that previously proposed, which Officers consider to be an additional benefit of the scheme that would create further employment opportunities within the town centre.
- 7.12 Having regard to the sustainable location of the site, within the town centre, and the employment opportunities that the four commercial units would bring to a vacant site, Officers consider that the proposed mixed use development is appropriate in this case. Furthermore, some weight should be given to the other benefits of the proposal such as the

enhancements that would be made to the character and appearance of the Conservation Area and the potential additional footfall to this part of the town centre.

- 7.13 Having regard to the above considerations and the fact that the proposal would not result in a loss of employment at the site, Officers remain of the view that the proposed development, as previously, satisfies policy EDE2.

Neighbour amenity

- 7.14 As previously proposed, the new dwellings that would front onto Bowling Road would have windows at ground, first and second floor level facing towards the windows of the neighbouring residential properties in Bowsher Court. It should be noted that the amended plans propose the replacement of French doors with a Juliet style balcony with a stand window to one part of the east elevation and the replacement of a window with French doors with a Juliet style balcony to another part of this elevation.
- 7.15 At the closest point, a space of approximately 22 metres would be retained between the windows to the proposed new development and those on the existing building at Bowsher Court. Whilst it is acknowledged that this relationship could cause some limited overlooking of the neighbouring properties in Bowsher Court, it is not considered sufficient to justify the refusal of planning permission. Officers remain of the view that the relationship between the proposed new dwellings and the existing dwellings at Bowsher Court would not be an unusual one and would in fact be similar to that between other properties nearby, including that between the southern elevation of Bowsher Court and the new residential properties that front onto the southern side of Star Street, where a distance of approximately 19 metres is retained between neighbouring windows. Members were also supportive of this relationship in resolving to grant permission for the previous scheme.
- 7.16 As the proposed building would be higher than the existing derelict workshop buildings, it is acknowledged that this could result in some impact in terms of light into the neighbouring dwellings in Bowsher Court. As the site is located to the west of these dwellings, however, any loss of light would be limited and restricted mainly to that currently enjoyed during the late afternoons and evenings. Officers consider that any loss of light that would occur to these neighbouring properties would not be to an unacceptable degree and would not result in unacceptable living conditions for the occupiers of these dwellings so as

to justify the refusal of planning permission. The Committee's previous resolution to grant permission is, of course, a material consideration of significant weight in this respect.

- 7.17 The impact that the proposed development would have upon neighbouring occupiers has again been carefully considered, having regard to the details of the proposal and the comments received from neighbouring occupiers. It is acknowledged, as is the case for most development proposals, that the proposal will have some impact upon the neighbouring occupiers. However it is the degree of this impact that must be considered. Officers consider that, as previously, the proposed development would not result in an unacceptable degree of impact upon the amenities of neighbouring occupiers in this case.

Impact upon protected species

- 7.18 Two Bat Reports have been submitted with the application which explain that surveys have been undertaken and that whilst evidence has been found of a small number of old droppings it was concluded that in all likelihood bats did not have a roost within the site, although it was acknowledged that bats from outside do venture into the site to forage and feed. The most recent report, dated July 2013 recommends that a precautionary approach is adopted for the demolition of the existing buildings at the site and that compensation measures are implemented such as a feeding perch and bat boxes.
- 7.19 Having regard to the two bat surveys that have been carried out at the site it would appear that the proposed development would not cause harm to any existing bats or their roosts within the site. As the site appears to be used for feeding bats it is however considered to be necessary and reasonable in this case to require the implementation of the mitigation and compensation measures detailed within the July 2013 report, in order to ensure that favourable conservation of the species is maintained.
- 7.20 The concerns that have been raised in respect of the threat to the White-Letter Hairstreak butterfly that would arise with the removal of the existing Elm Trees have been considered. Having regard to the comments made by HBRC that it would be difficult to demonstrate that the potential loss of both food plant and butterfly would be of high significance to this species' survival in Hertfordshire, Officers are of the opinion that there would not be sufficient grounds to refuse planning permission due to the loss of these trees and the impact that it would have upon the White-Letter Hairstreak butterfly.

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- 7.21 Members will note that the earlier scheme also resulted in the loss of the Elm Trees on the site, but this was not felt to be of such concern to the habitat of this species that warranted the refusal of planning permission.

#### Landscaping and trees

- 7.22 The proposal would, as mentioned above, result in the loss of two existing Elm Trees at the site. Whilst these existing trees do have some amenity value and contribute to the appearance of the existing site, Officers consider that the overall enhancements to the site and the wider area that the proposal would lead to would outweigh the harm caused by the loss of these trees. Having regard to these circumstances, the recommendation for approval that has been received from the Landscape Officer and the overall increase in soft landscaping at the site that could provide compensatory planting, Officers consider the loss of these trees to be acceptable.

#### Parking and access

- 7.23 The vehicular access into the site is, as previously, proposed to be taken from Star Street. The proposed access would be sited approximately 12 metres west of the existing access into the site. County Highways have confirmed that the proposed access is preferred to the existing and that the proposed development is not likely to significantly increase traffic generation on the highway network.
- 7.24 Whilst the concerns raised by local residents and the Ware Society in respect of additional traffic are duly noted, having regard to the scale of development that is proposed, Officers do not consider that it would generate a significant increase in traffic particularly when compared to the previous commercial use of the site.
- 7.25 In respect of parking provision, the site would provide 14 spaces for the residential units, 1 for each dwelling. The site is located within Parking Zone 2, wherein Appendix II of the Local Plan recommends a maximum parking provision of 13.75 spaces for the residential properties. The proposal therefore accords with the provisions of the Local Plan in this respect. The concern raised by the Town Council in respect of insufficient car parking spaces is duly noted. However, having regard to the town centre location of the site which is close to the train station and adjoins a public car park to the rear and as the proposal would provide the maximum provision recommended within the Local Plan, Officers consider this to be acceptable.



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- 7.26 An additional 3 parking spaces would be provided in this amended scheme to serve the retail unit. As the proposed retail unit would form a small convenience store, and having regard to the site's town centre location, Officers are satisfied that no further parking provision would be necessary. The public car park adjoining the rear of the site can be used for customers and employees of the retail and office units.
- 7.27 The condition suggested by Highways in respect of the relocation of the bus cage is noted. However, this would be the subject of a s.278 agreement between the Highway Authority and the developer in any event and Officers do not consider it reasonable or necessary to replicate that requirement in a planning condition.
- 7.28 An additional condition is recommended by County Highways in respect of the amended plans to restrict the delivery hours along Star Street. A similar condition was imposed upon a planning permission granted at the adjacent site, 12 B High Street (Ipa reference 3/12/1511/FP). Having regard to the comments received from County Highways, the restriction placed on the adjacent property and the location of the site close to a junction along a key road link in and out of the Ware, Officers consider it to be reasonable and necessary to restrict the hours of delivery in this case in the interests of highway safety.

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

- 7.29 The majority of the existing buildings at the site 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 Members will recall that Conservation Area consent was granted for the demolition of these buildings at the June committee, subject to a condition ensuring the retention of the existing brick façade onto Star Street which includes the co-operative signage and which has been recognised by the Conservation Officer as an undesignated heritage asset.
- 7.30 Officers have again sought the retention of this facade which will identify the heritage of the site and its previous use. A condition is again recommended to require this facade to be retained, in the interests of clarity.

#### Other Matters

- 7.31 The site lies within flood zone 2 and a Flood Risk Assessment has been submitted with the application. That assessment is not sufficiently

detailed in respect of land contamination and the protection of groundwater quality and therefore a condition is recommended to ensure that further details in this respect are submitted. Whilst, in terms of flooding assessment, there are sequentially preferable sites for residential development in the District, Officers consider that this site meets the Exceptions test under the NPPF Technical guidance in that there are clear benefits in securing the redevelopment of this important site within the Conservation Area. As such, Officers are satisfied that the benefits of the scheme, together with the mitigation measures contained in the FRA, will result in an acceptable and appropriate development in this area.

- 7.32 In accordance with Policy IMP1 financial contributions are required, as set out at the head of this report, to mitigate 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.
- 7.33 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.
- 7.34 The proposed use of 3 of the commercial units are A1, A2, B1(a) B1(b) or B1(c). Officers do not recommend that the mix of uses for these units is restricted anymore than the description of the development would do in order to encourage these units to be occupied as soon as possible to a use that is viable and suits the market's needs. Furthermore, it is noted that the recent changes to Permitted Development rights now allow for a more flexible approach where changes of use can occur from A1, A2, A3, A4, A5, B1, D1 and D2 uses to A1, A3 or B1 uses without the need for planning permission for units of this size. The units would not be able to convert to residential use under new permitted development rights as it was not in Class B1(a) office use in May 2013 or last in a Class B1(a) (office) use.
- 7.35 The concerns raised by a local resident in respect of the brand of retailer intended to occupy the units is noted. However, Members will be aware that the Local Planning Authority can only control the use of the unit and not the specific occupier involved.

## **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. The previous resolution to grant

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permission for a very similar scheme is a material consideration of significant weight in this case.

- 8.2 The demolition of the existing buildings at the site is also considered to be acceptable, subject to the retention of the façade of the building referred to in the report.
- 8.3 The proposed mix of uses and the design of the development would bring opportunities to the site that would benefit the local economy and improve the appearance of the site and the surrounding Conservation Area. This development would therefore support economic growth in the town and the provision of housing in a sustainable location as supported by national planning policy in the NPPF. Substantial weight must therefore also be given to those factors.
- 8.4 Having considered the details of the proposal and the representations made by consultees and third parties to the amended plans received, Officers continue to recommend that planning permission is granted subject to the applicant entering into a Section 106 agreement and the conditions set out at the head of this report.