

8A 3/10/1500/FO - Variation of Condition 16 of planning permission ref. 3/07/2005/FP to read "the former garage wall adjacent to the eastern boundary of the site shall be repaired to a height of 3.5m high from the Century Road elevation. The garage wall shall be repaired in accordance with details set out in drawing 10/1465/007A prior to the first occupation of the development." at former Charvill Bros, Baldock Street Ware for McCarthy and Stone R L Ltd.

Date of Receipt: 18.08.10

Type: Amendment of condition - Major

Parish: WARE

Ward: WARE - CHRISTCHURCH

RECOMMENDATION

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

1. The development to which this permission relates shall be begun within a period of six months commencing on the date of this notice.

Reason : To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Prior to any building works being commenced samples of the external materials of construction including rainwater goods for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

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

3. Prior to the commencement of bricklaying, a sample panel of brickwork shall be provided on the site and shall be formally approved in writing by the Local Planning Authority. The panel shall be retained as a reference for all external brickwork within the development.

Reason: In the interest of achieving a high quality of design and finish for the development in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national guidance in PPS1.

4. Cycle parking facilities shall be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

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Reason : To encourage the use of cycles as means of transport, in accordance with policies TR13 & TR14 and Appendix II of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of work detailed drawings of new doors, windows, roof eaves and shopfronts at a scale of not less than 1:20 shall be submitted to, and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved plans and specification.

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

6. The proposed window openings on the first and second floor windows in the north elevation shall be fitted with obscured glass, and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. Details of facilities to be provided for the storage, removal and including provisions for waste recycling of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

8. Prior to the first occupation of the development hereby permitted, the existing vehicular access shall be permanently closed and the kerbs and (footway/verge) reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

9. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with policy

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TR7 and Appendix II of the East Herts Local Plan Second Review April 2007.

10. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure (b) Hard surfacing materials (c) Planting plans (d) Schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

11. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

12. A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

13. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995, the areas shown for landscaping on the plans approved hereby shall be retained and maintained as open landscaping, and shall not be developed enclosed or used in any way that is detrimental to that character.

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Reason: To ensure the continuity of amenity value afforded by the approved landscaping, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 1995 the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

15. Notwithstanding the provisions of the General Permitted Development Order 1995, the commercial units to the Baldock Street frontage shall be used for either A1 (shop), A2 (professional and financial services), B1 (office) or D2 (health) uses only.

Reason : To ensure the use respects the amenities of nearby residents and in accordance with Policy ENV1 of the East Herts Local Plan Adopted Second Review April 2007.

16. The former garage wall adjacent to the eastern site boundary shall be repaired in accordance with details as set out in drawing 10/1465/007A prior to the first occupation of the development. Rendered wall panels shall match the approved render for the sheltered housing development or as may otherwise be agreed in writing by the local planning authority.

Reason: In the interest of the appearance of the development and the Conservation Area and in accordance with Policies ENV1 and BH6 of the East Herts Local Plan April 2007.

17. Prior to the commencement of the development, details of methods for accessing the site and provisions for construction traffic access, associated parking areas and storage of materials shall be submitted to and as approved in writing by the local planning authority.

Reason: To ensure that adequate parking provision is retained at all times in accordance with Policy TR7 of the adopted East Herts Local Plan April 2007.

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18. Prior to the first occupation of the development works for the disposal of surface and foul water shall have been provided on site in accordance with details first submitted to and as approved in writing by the local planning authority.

Reason: In the interests of securing the satisfactory drainage of the site.

19. Finished internal ground floor levels for the development shall be set at a minimum 37.15m AOD although there shall be no overall increase in the building ridge and eaves heights indicated on the approved section drawings T579/1465/027A and T579/1465/029.

Reason: In the interests of securing the development against surface water run off.

20. Prior to the first occupation of the development repairs to the north boundary wall shall be carried out in accordance with a schedule of repairs submitted to and as approved in writing by the local planning authority.

Reason : In the interests of the appearance of the development within this part of the Ware Conservation Area and in accordance with Policies ENV1 and BH6 of the adopted East Herts Local Plan April 2007.

21. No plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason : To safeguard the amenities of residents of nearby properties, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

22. Wheel washing facilities shall be established within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such facilities, shall be established prior to the commencement of demolition or construction and shall be kept in operation at all times during demolition and construction works.

Reason: To prevent the tracking out of materials onto the highway in the interests of highway safety.

23. Prior to the first occupation of the development the applicant shall provide for the provision of Traffic Regulation Orders to secure appropriate parking controls along the Baldock Street (prohibiting loading/waiting) and Coronation Road (prohibiting waiting at any time) frontages.

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Reason: In the interests of the safe and convenient uses of the public highway.

24. Prior to the commencement of above ground development, the applicant shall submit details of enhanced insulation measures and the use of Heat Recovery Ventilators for the building.

Reason : To ensure the energy efficiency of the building and sustainable design within the development in accordance with Policy SD1 and ENV1 of the adopted East Herts Local Plan.

Directives

1. Other Legislation.
2. Boundary wall. None of the works shall prejudice the repair of the north boundary wall the details of which are subject to provisions of separate planning conditions.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, HSG3, TR7, EDE2, ENV1, ENV2, BH6 and LRC3 and national guidance in PPS1 and PPS5. The balance of the considerations having regard to those policies and the (other material considerations relevant in this case) is that permission should be granted.

_____ (150010FO.TH)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It comprises the land of the former Charvill's Garage and Showroom on the corner of Baldock Street and Coronation Road to the north of Ware town centre.
- 1.2 The land has been cleared of its buildings and subject of decontamination works although the building programme has been delayed by the economic downturn. The applicant is now discharging planning conditions with a view to making a commencement by the end of the year.
- 1.3 The original planning permission (3/07/2005/FP) for 39 sheltered units included provision for a new wall along the east site boundary to provide privacy for residents in Century Road which back onto the site.

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2.0 Site History

2.1 Previous planning applications at the site of relevance are:

- 3/07/2005/FP Redevelopment to form 39 "Category 11" type sheltered apartments for the elderly with associated communal facilities together with two commercial units. Approved 21st Dec 2007.
- 3/07/1736/FP: Engineering works to enable remediation of the site. Approved 8th Oct 2007.

3.0 Consultation Responses

3.1 The Conservation Officer has no objections subject to the agreement of brick samples, render infill and method of repair to north boundary wall.

3.2 County Highways have no objection.

3.3 Thames Water have no comments on the application.

3.4 The Environment Agency has assessed the application as low risk and will not be providing comments.

4.0 Ware Town Council Representations

4.1 Ware Town Council has no objection to the application.

5.0 Other Representations

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

5.2 One letter of representation have been received from the resident of 2 Court Lodge in The Bourne who is concerned about how the wall will abut their own old wall requiring careful work.

6.0 Policy

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

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| ENV1 | Design and Environmental Quality |
| BH6 | Development in Conservation Areas |

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6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Statement 1, Delivering Sustainable Development,
Planning Policy Statement 5: Planning for the Historic Environment

7.0 Considerations

7.1 The variation of condition seeks to permit the adaptation of an existing rear wall of the former garage building, rather than the construction of a new boundary wall which was required by the original planning condition to permission (3/07/2005/FP). The main issues to consider are whether the retained wall will satisfactorily provide for neighbour amenity and privacy and the details of its design and appearance.

7.2 As this application proposes to vary a condition on permission 3/07/2005/FP, the effect of granting consent gives a new permission to the applicant. Similar conditions are therefore again recommended as per the original planning permission 3/07/2005/FP. The applicant is close to implementing the scheme and it is not considered reasonable or necessary to give the applicant a further three years permission. Condition 1 has therefore been re-worded to require commencement within six months of the date of this decision i.e. by 21st April 2011. The S106 signed for the permission 3/07/2005/FP and its provisions continue to apply.

Neighbour amenity

7.3 The retained garage building wall is an existing and known feature for all the residents in Century Road who back onto the site and who during the course of the original application sought the provision of a screening wall to be included. The amendment has raised no neighbour objections and the impact of the existing wall on the immediate residents is if anything reduced as the new boundary wall may have been positioned about 1m closer to these dwellings according to the site boundary ownership. I therefore consider there will be no harm to neighbour amenity as a result of the variation.

Design details

7.4 The wall will be retained by the provision of new buttresses and these are to be clad in the approved brick as for the main development. A condition of the wall infill panels is that the render should match that of the main building. A coping stone will be placed on the top of the wall.

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- 7.5 The details are acceptable to the Conservation Officer and will result in a wall as attractive as the provision of a new wall. The approach reduces the amount of building work, disruption and resources involved so provides a more sustainable approach to development. An area for landscaping between the wall and the car park is indicated and will be subject of details to be agreed under the landscaping condition.
- 7.6 The repair of the older red brick wall on the north boundary is one of the existing planning conditions and this should not be disturbed by the retained garage wall. There is a requirement for party wall agreements too which protect the neighbour's interests.
- 7.7 The details will satisfactorily integrate with the remainder of the development to secure the enhancement of this part of the Ware Conservation Area without detriment to the amenities of adjacent residents. There is therefore no objection on design grounds to the change.

8.0 Conclusion

- 8.1 The site is part of an approved development for 39 sheltered housing units and the amendment of the condition satisfactorily provides for the appearance of the development and the amenity of neighbours which was the intention of the original planning condition.
- 8.2 I therefore recommend the grant of permission subject to the full list of original planning conditions as listed.