

- 5d a) 3/10/1466/FP - Conversion of existing building to form 9 no. three bedroom and 3 no. two bedroom houses and creation of associated off-street parking, and
b) 3/10/1467/LB - Conversion of existing building to form 9 no. three bedroom and 3 no. two bedroom houses at
Central Maltings, New Road, Ware Herts SG12 7BS for Mr M J Warner

Date of Receipt: (a) 12.08.10
(b) 12.08.10

Type: (a) Full – Major
(b) Full - Other

Parish: WARE

Ward: WARE - CHRISTCHURCH

RECOMMENDATION

- A) That, subject to the applicant or successor in title entering into a legal obligation pursuant to S.106 of the Town and Country Planning Act 1990 by midday on the 30 November 2010 to cover the following matters:
1. Financial contributions:
 - Secondary education of £45,628
 - Youth Services of £856
 - Libraries of £2,720
 - Amenity Green Space £1,626
 - Maintenance of Amenity Green Space £4,573
 - Amenity Space for children/young people £1,561
 - Maintenance of Children/young people amenity space £2,995
 - Recycling Facilities £864
 - Highways Contributions (First Strand) £12,735
 - Accessibility Contributions (Highways Second Strand) £7,500
 2. A financial contribution to cover the cost of providing or provision of a fire hydrant at this site.
 3. A financial contribution of £300 per clause of the obligation to cover the cost of monitoring.
 4. the implementation of a scheme of works, to be previously submitted and agreed, which will ensure an improvement to the adequacy of the vehicular and pedestrian access to the site and visual improvement to the setting of the building and the conservation area.

3/10/1466/FP and 3/10/1467/LB

The Director of Neighbourhood Services be authorized to **GRANT** planning permission subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Complete Accordance (2E10)
4. Samples of materials (2E12)
5. Lighting details (2E27)
6. Communal TV facilities (2E32)
7. Retention of parking space (3V20)
8. Construction parking and storage (3V22)
9. Landscape works implementation (4P13)
10. Landscape maintenance (4P17)
11. Construction hours of working plant and machinery (6N07)
12. Prior to the commencement of development hereby permitted, details shall be submitted to and approved by the local planning authority of a) the improved vehicular and pedestrian access arrangements to the site (including treatment to the frontage wall) and b) a landscaping scheme for the improvement of the parcel of land to the front (west) of the site. The development shall thereafter be carried out in accordance with those approved details and the agreed scheme implemented prior to the first occupation of any of the residential units to be created and thereafter retained.

Reason: To address highway safety and the character and appearance of the conservation area in accordance with policies ENV1 and TR2 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other Legislation (01OL)
2. Relationship with Listed Building (26LB)
(LPA ref: 3/08/1784/LB)

3/10/1466/FP and 3/10/1467/LB

3. Highway Works (05FC)
4. Planning Obligation (08PO)
5. Street Numbering (19SN)

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007) and in particular policies SD1, HSG3, HSG6, EDE2, TR7, TR14, ENV1, ENV2, BH6, and IMP1 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

- B) Where the legal agreement referred to in recommendation (A) is not completed by midday on 30th November 2010, the Director of Neighbourhood Services be authorised to **REFUSE** planning permission for the following reason:-
1. The proposal fails to make adequate financial provision for infrastructure or access improvements necessary to support the proposed development. The development is thereby contrary to policy IMP1, ENV1 and TR2 of the East Herts Local Plan Second Review April 2007.
- C) That in respect of application 3/10/1467/LB Listed Building Consent be **GRANTED** subject to the following conditions:-
1. Three year Time Limit (1T14)
 2. Samples of materials (2E12)
 3. Listed Building New windows (8L03)
 4. Listed building New doors (8L04)
 5. Listed Building New brickwork (8L06)
 6. Listed Building New rainwater goods (8L09)
 7. Listed Building making Good (8L10)

3/10/1466/FP and 3/10/1467/LB

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan) and in particular policies HE9 and HE10 of national planning guidance PPS5. The balance of the considerations having regard to those policies and other material considerations is that Listed Building Consent should be granted

_____ (146610FP.SD)

1.0 Background

- 1.1 The application site is shown on the attached OS extract and is situated on the eastern side of New Road to the rear of number 14 and an area of EHDC resident's car parking. It forms one of a range of three listed former Maltings buildings situated within the Ware Conservation Area.
- 1.2 To the north of the site is the North Maltings building, and beyond that Christ Church, a Grade II listed Church and Christ Church Primary School. To the east is a local Health Centre and residential properties, and to the south is a further Maltings building, comprising the Ware Arts Centre and bar/ function centre 'Waggers' which backs onto the Kibes Lane public car park.
- 1.3 The building the subject of this application is a Grade II listed three storey building of brick and timber construction. Its previous authorised use was for light industrial purposes, most recently used as a car repair centre with a small discount shop to the rear of the premises. The interior space is divided into a large middle section of brick, flanked by a timber framed weatherboard section at first floor level to the west. The middle section is divided by pilasters into bays pierced by windows on three short floors. The property is currently vacant. Access to the site is from New Road, with a historic brick wall fronting the site to the north of the access.
- 1.4 Existing car parking provision and garages occupy areas to the rear (east) of the site and in front of the malting building (on its west side) providing space for approximately 15 cars in total with a cycle store.
- 1.5 The submitted scheme seeks permission for the conversion of the building to 12 dwellings, 9 three bedroom units and 3 two bedroom units. Eleven of the units would have a home office facility on the second floor within the roof space. The ground floor would provide bedroom accommodation for eight units with the lounge and kitchen areas at first floor. The eastern and western end units 1, 2, 11, and 12 would have bedrooms on the first floor.

3/10/1466/FP and 3/10/1467/LB

- 1.6 There is no private amenity space directly provided for the residential units and no soft landscaped areas within the site. An open courtyard at the eastern end of the site would provide eight allocated parking spaces and a cycle store. To the west of the building is allocated parking for seven spaces and refuse storage.
- 1.7 No detailed provision for an improved access arrangement onto New Road for the range of Maltings buildings is set out in the proposals. However, land is included in the application site which could accommodate such improvements. It currently appears that it is to be retained, as the existing parking area for other businesses. No details are provided as to its intended use following the conversion of the building.

2.0 Site History

- 2.1 The building was built in the early 19th century as a range of three Maltings buildings. The site has an established use for light industrial purposes, the building being sub-divided into several units.
- 2.2 Planning history on the site appears to have commenced with a permission granted in 1978 under ref: 3/78/0121/FP for the continued operation of the buildings for light industrial use.
- 2.3 A further planning permission was granted in 1980 under ref: 3/80/0304/FP for the subdivision of the Maltings site from operation as a whole unit to operation as three separate light industrial units.
- 2.4 There had been a further permission granted on the site in 1991 under ref: 3/91/0491/FP for the renovation and upgrading of the eastern end of the central malting building. The building has since remained in operation as a vehicle repair centre with evidence of dilapidation and disrepair for several years.
- 2.5 A new planning application and listed building consent under references 3/08/1783/FP and 3/08/1784/LB for the conversion of the existing building to form 9 no. three bedroom and 3 no. two bedroom houses and creation of associated off street parking with revised vehicular access. Members may recall that these applications were first reported to the committee at its meeting of 11 February 2009 where Officers recommended that permission be refused due to the impact of the works on the character of the building and the poor amenity for potential residents. Members did not share these views and the proposals were initially deferred from that meeting to enable officers to negotiate further with the applicant to secure some improvement to the proposals.

3/10/1466/FP and 3/10/1467/LB

- 2.6 The proposals were presented again to the 1 July 2009 meeting of the committee where it was resolved that, subject to the completion of a s106 agreement, planning permission and listed building consent could be granted. As well as financial contributions, the legal agreement was to secure improvement to the access arrangements to New Road. The legal agreement was subsequently signed on 10 February 2010. A copy of the reports to the 1 July and 11 February 2009 meetings are attached as appendix A.
- 2.7 Members may recall that a similar proposal to convert the adjoining Northern Maltings into 12 dwellings (Ref: 3/08/1178/FP & 3/08/1179/LB) was refused in October 2008 on grounds relating to the harmful external treatment of the building, and the unsatisfactory access arrangements onto New Road. This application was dismissed on appeal, but the Planning Inspector did not support the reason for refusal relating to the access. A subsequent amended proposal (3/09/1892/FP and associated LB application) was submitted to the LPA and approved subject to a Section 106 Agreement on the 18 February 2010.

3.0 Consultation Responses

- 3.1 The Ancient Monuments Society comments that there is no change to the number of units although the orientation of 4 units 1,2,11 and 12 has been altered to retain the original internal central dividing wall. Other historic features, such as the cast iron column, vertical ladder indentations, notable oak framing and timber marks are retained. It is pleasing to note that the proposed design enables original and historic features to be incorporated into the conversion layout. The problem remains of the arrangements for access to so many units (12) where a less dense conversion would present fewer problems.
- 3.2 They further comment that the group of three maltings is an important feature in Ware's townscape and malting history it is good that the interior features are retained but it is essential that the exterior setting of this Malthouse is not compromised so that all three maltings retain their character.
- 3.3 The Conservation Officer comments that the present application proposal relates to the existing permissions ref: 3/08/1783 and 3/08/1784/LB to convert the existing Maltings into residential use. The only new element in this instance is the revision of access and parking layout and these revisions do not impact on the visual amenity of the Conservation Area or the setting of the listed building.

3/10/1466/FP and 3/10/1467/LB

- 3.4 Having visited the building to assess its physical condition as well as inspecting its historic features which embody its significance, the conservation officer's view is that the previously approved scheme is more sympathetic to the character of this heritage asset and the building will benefit from being returned to long-term active use.
- 3.5 The Conservation Officer recommends that the application is approved subject to conditions to protect the historic fabric of the malthouse during conversion.
- 3.6 Thames Water advises that they have no objections to the planning application. They do draw the applicant's attention to the need to address Surface Water Management on the site.
- 3.7 Environmental Health advises that any permission which the planning Authority may give shall include conditions regarding: Noise insulation: Air Quality: Hours of working: Soil decontamination and Refuse disposal facilities.
- 3.8 The Environment Agency considers that the planning permission should only be granted for the proposed development subject to conditions for a preliminary risk assessment, with site investigation report. As regards Flood Risk sustainable surface water management, and recommend a Sustainable Drainage System (SuDS).
- 3.9 The County Planning Obligations Officer identifies that financial contributions are required to minimise the impact of the development on County Council Services in respect of Secondary Education (£45,628), Libraries (£2,720), Youth (£856) and fire hydrant provision.
- 3.10 Hertfordshire Constabulary comments that there will be no provision of social housing within the development. As such our comments will only be to request that the building should comply with the general terms of Secured by Design standards in order to reduce the opportunity for crime to flourish within the site.
- 3.11 County Highways recommend refusal of the proposal on the basis of the use of the access in its non improved state. Disappointment is expressed that the application has been submitted without the modifications and improvements to the access. It is acknowledged that permission has been granted for the reuse of the northern Maltings building without associated access improvements but when the matter was dealt with at appeal, the Inspector referred to the access improvements to be achieved by a previous scheme for the central Maltings (this site). It is considered that the Highway Authority would be failing if it did not secure this opportunity to improve

3/10/1466/FP and 3/10/1467/LB

access arrangements. However, if Members take the view that the traffic associated with a residential use would be preferable to that associated with the previous authorised use then a range of conditions are suggested.

- 3.12 Housing Development comment that the number of units provided falls below the threshold where the Council can require affordable housing.
- 3.13 East Herts Engineers comment that the site is entirely situated within Zone 1 and therefore away from fluvial flood risk zones (Zones 2 and 3) and the site has no historical records of flooding. The existing site appears mostly impermeable and the proposals suggest that this will largely be unchanged. The site has scope for an above ground sustainable drainage system (SuDS) features within the landscaped areas mentioned in the Design and Access statement.
- 3.14 There is limited information provided with regard to surface water management, I consider that the development has insufficient means to deal with surface water generated by the site for effective disposal within the site.
- 3.15 The County Archaeologist believes that the position and nature of the proposed development is such that it should be regarded as likely to have an impact on significant archaeological remains and recommends approval subject to the addition of conditions for archaeological recording, investigation of remains and the production of an archive report.
- 3.16 The Landscape Section comments that there are no landscape proposal submitted with the proposal which therefore fails to meet the aspirations of policies ENV2 and ENV11 of the Local Plan. No landscape scheme is provided to make the proposal, in terms of outdoor space, attractive, useful, or environmentally responsible.
- 3.17 In terms of landscape design this proposal fails to meet the minimum benchmark required and consideration should be given to the cumulative effect of similar developments if permission is granted where no consideration is given to make landscape improvements to / enhancement of external space and the public realm, and the potential consequences of setting precedence. Therefore the proposal is recommended for refusal

4.0 Town Council Representations

- 4.1 Ware Town Council objects to the proposed change of use of the Maltings to residential development on the grounds of insufficient parking, concern about the access into New Road.

3/10/1466/FP and 3/10/1467/LB

4.2 It is also considered that the proposed carriageway would deny 'Waggers' access to their premises, fire exits and for deliveries.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification. There is one letter of objection from the agents acting for the owner of the North Maltings raising the following concerns/objections over the following issues:-

- The revised scheme does not include any details relating to the vehicular access onto the site.
- The planning Inspector's conclusion on the appeal for the Northern Maltings was that the building could be converted to residential use, making use of the existing access; this was accepted knowing that a similar application had been deposited by the Central Maltings that sought to improve the access.
- The revised application does not include any detail for access and would question the validity of the application, especially in the light of the comments from committee members when the application for the North Maltings was discussed.
- It is clearly in the interests of all parties if the access to the site is constructed in the spirit of the original approval of the Central Maltings and something on which his clients would be happy to engage and assist the owner.

6.0 Policy

6.1 The saved policies of the East Herts Local Plan Second Review April 2007 considered most relevant in this case are:

- SD1: Making Development More Sustainable
- HSG3: Affordable Housing
- HSG6: Lifetime Homes
- EDE2: Loss of Employment Sites
- TR7: Car Parking Standards
- TR14: Cycling facilities
- ENV1: Design & Environmental Quality
- ENV2: Landscaping
- BH6: New Developments in Conservation Areas
- IMP1: Planning Obligations

3/10/1466/FP and 3/10/1467/LB

This also includes policies HE9 and He10 of National Planning Guidance PPS5.

7.0 Considerations

- 7.1 The determining issues in this case relate to (a) the justification for the loss of the employment provision on the site, (b) the form, layout, design and sustainability of the scheme and its impact on both the Listed Building itself and the character and appearance of the Conservation Area, c) parking and access issues and d) any necessary financial contributions required to mitigate for the impact of the development on local services and infrastructure. In this case it is appropriate to concentrate on changes to the proposals that have been made subsequent to the previous approval and their impact on the scheme.

Loss of Employment Use

- 7.2 This issue was considered previous and the view was taken that the retention of the premises for employment purposes would not be the most appropriate use and that a residential conversion would be a more sensible option. This issue is addressed in full in the previous reports attached.

Design, layout and sustainability issues

- 7.3 Again this issue was considered as part of the previous applications to convert the building. There was some concern with regard to the impact of the proposed conversion on the character and appearance of the building the character of the conservation area and the amenity that would be created for the future occupants of the building. As above however, these issues were considered at length previously and the scheme was ultimately considered not to be unacceptable with regard to these issues. New national guidance in PPS5 has been taken into account, but it is not considered that the issues to be addressed are of a different nature such that a different conclusion should now be drawn.
- 7.4 In their previous form, the proposals established a detailed treatment to the land to the west end of the site. This met the aspiration for access improvements to the site but also, played an important part in opening up views into the site, improving and enhancing its impact in the conservation area and enabling the provision of an element of landscaping. Whilst those details are not now shown, the land on which they were to be implemented remains part of the application site and it appears reasonable to require the implementation of the same or a similar treatment now.

3/10/1466/FP and 3/10/1467/LB

Parking Provision and Access

- 7.5 Parking provision was considered previously. The ultimate arrangements were for the 15 spaces now shown on this proposal, and two visitor spaces provided within the frontage area for the site (where no express treatment is now shown). Now proposed then are 15 spaces only.
- 7.6 The previous treatment to the frontage area included the reduction in height and relocation of the frontage wall (to improve visibility and open up views into the site), to relocate the vehicular carriageway to enable the provision of a footway to its southern side (a safety improvement), the implementation of hard and soft landscaping (to improve the character and appearance of this frontage area) and the provision of two visitor parking spaces (as indicated above). These works were required both by the legal agreement and referred to in a condition on the decision notice.
- 7.7 The issue of the poor visibility of the access onto New Road has not been overcome by this proposal. The tall historic wall to the north of the access is shown to be retained and the access surface is not improved or widened, there is no footpath access proposed for pedestrians living in the residential development as provided in the approved 2008 scheme. Members will note the concern of the Highway Authority with regard to this.
- 7.8 However, the land on which the improved access arrangements were to be implemented, does form part of the application site. It appears to offices that, given the beneficial impact of the proposals previously on the character of the area and the conservation area and for highway safety reasons, then the same or a similar treatment should be sought. A condition therefore is suggested and the matter should be included in any legal obligation agreement such that these matters are addressed and improvements implemented.
- 7.9 It is clear that the Planning Inspector, when dealing with the appeal relating to the northern maltings, also appreciated this beneficial impact. When dealing with the access issue she set out that *“the existing conditions are likely to be temporary, as there is a very real prospect of improved access arrangement with the redevelopment of the middle malthouse”*.
- 7.10 In summary therefore, although the scheme for the development of this central maltings site does not include details for the treatment of the parcel of land to the front of the site, to improve the highway access with details of a landscaping scheme. It is considered on balance that these details can reasonably be dealt with by the addition of suitably worded condition to be attached to a recommendation to grant supported by the provisions of the S106 agreement.

3/10/1466/FP and 3/10/1467/LB

Planning Obligations

- 7.11 The number of units proposed (12) falls below the threshold for the provision of affordable housing as regards the provisions of policy HSG3.
- 7.12 Policy IMP1 requires that as part of a development scheme, developers will be required to make appropriate provision and mitigation for the impact of the development on the infrastructure of the locality.
- 7.13 The applicants have expressed agreement to entering into a S.106 agreement in respect of HCC contributions towards sustainable transport measures, secondary education, youth and library facilities and in respect of the relevant East Herts contributions regarding amenity green space, amenity space for children/ youth, recycling facilities and accessibility contributions.

8.0 Conclusion

- 8.1 In summary, officers consider that the proposed scheme will result in a redevelopment of the site that provides a high standard of design and internal layout, that would relate well to, and preserve the architectural details, setting and historic character and appearance of the Listed Building and the surrounding built environment of the Conservation Area subject to the conditions as set out to include the details of the improve highway access arrangements.
- 8.2 Officers are satisfied that the access arrangements, parking and highway safety matters can be addressed by the addition of suitably worded condition.
- 8.3 Accordingly, it is recommended that planning permission be granted, subject to the conditions suggested at the head of this report, and to the necessary S106 agreement.