

## DEVELOPMENT MANAGEMENT COMMITTEE – 8 FEBRUARY 2017

<b>Application Number</b>	a) 3/16/2151/FUL b) 3/16/2152/LBC
<b>Proposal</b>	Conversion of existing Maltings building to 12 residential units with associated off-street parking
<b>Location</b>	Central Maltings, 14 New Road, Ware, SG12 7BS
<b>Applicant</b>	Mr M Warner
<b>Parish</b>	Ware CP
<b>Ward</b>	Ware Christchurch

<b>Date of Registration of Application</b>	a) 21 September 2016 b) 20 September 2016
<b>Target Determination Date</b>	a) 21 December 2016 b) 20 December 2016
<b>Reason for Committee Report</b>	Major
<b>Case Officer</b>	Susie Defoe

### **RECOMMENDATION**

- a) In respect of application ref: 3/16/2151/FUL planning permission be **GRANTED**, subject to a legal agreement and the conditions set out at the end of this report.
- b) In respect of application ref: 3/16/2152/LBC listed building consent be **GRANTED** subject to the conditions set out at the end of this report.

### **1.0 Summary**

- 1.1 Planning permission and Listed Building consent are sought for the change of use of the Grade II listed Central Malting building into 12 residential units, with associated on-site parking. The applications are a re-submission of proposals previously permitted in February 2014 which would provide 9no. three bedroom units and 3no.two bedroom units. Repairs and alterations are proposed to the building to effect the change of use and parking, cycle and refuse storage areas would be provided to the rear and front of the site, utilising existing hard surfaced areas. The existing access arrangements would be revised and improved.
- 1.2 The principle of the residential conversion of the building has previously been accepted by the Council and remains acceptable in policy terms given the town centre location of the site.
- 1.3 Whilst the proposal would result in the loss of an existing employment use within part of the building, it is considered that its continued use for

employment purposes would not represent the most appropriate use of the building, given its very restricted access and the existence of residential units in the northern Maltings. The residential conversion of the building is considered to better preserve the heritage asset and this position has already been accepted by the Council in granting planning permission and listed building consent in 2014.

- 1.4 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.
- 1.5 It is considered therefore that the positive aspects of the proposed residential conversion and restoration of the listed building are such that they would outweigh any harm resulting from the proposed conversion.

## **2.0 Site Description**

- 2.1 The application site is shown on the OS extract, and is located on the eastern side of New Road. It forms one of a range of three listed Maltings buildings situated within Ware Conservation Area.
- 2.2 To the north of the application site is the North Maltings building converted to 12 residential units in 2014 and beyond that is the listed Christ Church and Christs Church Primary School. To the east lies the Health Centre and residential properties along Bowling Road and to the south is the southern Maltings Building, occupied by Ware Arts Centre.
- 2.3 The site itself consists of a Grade II listed Maltings building of timber and brick construction. Its existing use is for industrial purposes, currently used as a car spray and repair centre with some offices to the rear of the building. The interior space is divided into a large void middle section, with timber framed weatherboard, and two storey sections to the front and rear of the building. There are two chimney flues inserted in the main roof of the building to facilitate the current use of the building. Access to the site is via a cobbled access from New Road, with an historic wall enclosing the land at the front of the site.
- 2.4 Existing car parking and garages occupy areas to the rear, side and front of the site, accommodating approximately 30 cars. The access to the rear of the site is along a shared drive with the southern Maltings.

### **3.0 Background to Proposal**

- 3.1 This application seeks permission for the conversion of the listed 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 and the cowls on the roof would be retained and repaired as part of the proposal. The ground floor would provide bedroom accommodation for eight of the residential dwellings with a lounge and kitchen accommodation at first floor. The eastern and western end units Nos. 1, 2, 11 and 12 would have a more traditional internal arrangement with bedroom space at first floor.
- 3.2 The open courtyard area to the rear of the building would provide eight allocated parking spaces and a sedum roofed cycle storage shed. To the front of the building either side of the shared access there is provision for 7 additional parking spaces with a sedum roofed refuse storage shed. The proposed plans indicate that the existing site access from New Road would be reformed but no specific details have been submitted with this application.
- 3.3 Planning permission and listed building consent for this proposal was first approved in 2008. Since then the development has been re-submitted in 2010, and 2013. The details of this current re-submission remain the same as the previously approved planning permissions and listed building consents.

### **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 and the adopted East Herts Local Plan 2007:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>Pre-submission District Plan policy</b>
Principle of development		SD2,	INT1
The layout, design and external appearance and neighbour impact	Section 7	ENV1	HOU11 DES3
Impact on heritage assets and Conservation Area	Section 12	BH1 BH2 BH3	HA1 HA4 HA7

		BH5	
Loss of employment use	Section 1	EDE2	ED1
Landscape impact	Section 11	ENV2 ENV11	DES2
Parking and Highway impact	Section 11	TR7	TRA1 TRA2 TRA3

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

## **5.0 Emerging District Plan**

5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 September 2016. Consultation on the Plan has recently been completed and the detail of the responses is now being considered by Officers. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the details of the responses to the consultation are yet to be considered.

## **6.0 Summary of Consultee Responses**

6.1 HCC Highway Authority comments that it does not wish to restrict the grant of planning permission subject to planning conditions.

It notes that this is a resubmission of the planning approval ref: 3/13/1682/FP and that the access arrangements to the development (and the preliminary designs) remain outstanding. It notes that condition 5 of the previous 2013 approval is still applicable to the application relating to the access details and recommends that the condition be applied to the present application.

The Highway Authority does not wish to restrict permission. However, this would be predicated upon the satisfactory resolution to the access arrangements to the development, via the provision and discharge of the aforementioned planning condition.

- 6.2 Lead Local Flood Authority comments that the revised Flood Risk Assessment and SuDs (Sustainable Drainage System) demonstrate a feasible surface water drainage strategy based on the discharge into the Thames surface water sewer. The LLFA recommends planning conditions to be attached to any grant of planning permission.
- 6.3 EHDC Engineering Advisor comments that the provision of green roofs for the cycle and refuse storage sheds would support biodiversity with further SuDs provision provided in the form of rainwater harvesting.
- 6.4 Thames Water comments that it is the applicant's responsibility to make proper provision for surface water drainage. Surface water should be attenuated or regulated into receiving public network through on or off-site storage.
- 6.5 EHDC Housing Development Advisor comments that the application does not trigger an affordable housing contribution requirement.
- 6.6 EHDC Conservation and Heritage Advisor comment that the scheme is identical to the previously submitted proposals and they support the renewal of Listed Building consent.
- 6.7 Historic England comments that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's Conservation advice.
- 6.8 HCC Development Services Team requests financial contributions in respect of the following matters:
- Secondary education towards expansion of Presdales Secondary school 6 Form entry
  - Youth services contribution towards Ware Young Peoples Centre
  - Provision of fire hydrants
- 6.9 EHDC Environmental Health Advisor advises that any permission granted should include conditions for a contaminated land survey and remediation to be carried out, with other conditions regarding hours of working and noise attenuation.
- 6.10 HCC Herts Ecology comments that there is no known ecological interest at the site and that this is supported by the ecological survey submitted with the application which indicates that several surveys have been carried out with no evidence of bats being found.

6.11 EHDC Environmental Services comment that the limit of collection distance for collection of bins is 25m from a provided bin store to New Road where the freighter can stop, access to the site is currently not feasible.

6.12 HCC Fire and Rescue Services comment that access for fire fighting vehicles and water supplies should be provided.

## **7.0 Town Council Representations**

7.1 Ware Town Council have no objections to the proposed development.

## **8.0 Summary of Other Representations**

8.1 Seven representations have been received in response to the proposals and those can be summarised as follows:

- Increased parking pressure in area due to inadequate parking provision on site
- Need to retain free access for residents of the North Maltings
- Windows in rear elevation should be obscured to protect privacy of North Maltings residents
- The owners of the North Maltings site object to the application and indicate that they do not intend to permit entry onto their land to implement the development.

## **9.0 Planning History**

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/08/1783/FP 3/08/1784/LB	Conversion of existing building to 12 residential units with associated off-street parking and revised vehicular access.	Granted with Section 106 agreement and Conditions	10.02.2010 01.07.2009
3/10/1466/FP 3/10/1467/LB	Conversion of existing building to 12 residential units with associated off-street parking and revised vehicular access.	Granted with Section 106 agreement	17.11.2010 19.11.2010

		and Conditions	
3/13/1682/FP 3/13/1683/LB	Conversion of existing building to 12 residential units with associated off-street parking and revised vehicular access.	Granted with Section 106 agreement and Conditions	03.02.2014 10.01.2014

## 10.0 Consideration of Relevant Issues

10.1 The site lies in a sustainable location within the town centre of Ware wherein there is no objection in principle to the proposed development. Furthermore, the principle of the residential conversion has been accepted by the Council previously, subject to legal obligations and conditions and these earlier permissions are a material consideration of significant weight in this case. There have been no material changes in site circumstances since the previous permissions were granted and the policies of the emerging District Plan broadly reflect those of the adopted Local Plan in respect of this particular proposal. As previously, the determining issues in this case therefore relate to :

- a) The justification for the loss of employment use on the site.
- b) The form, layout and design of the scheme
- c) The impact of the proposal on the listed building, it's setting; the character and appearance of the Conservation Area, and neighbour amenity
- d) Parking and access issues, and
- e) Any financial contributions necessary to mitigate the impact of the proposed development on local services and infrastructure.

### Loss of Employment Use

10.2 The loss of the employment use at the site has previously been accepted within the permissions granted in 2008, 210 and 2013. Officers remain of the view that the retention of the premises for employment purposes would not be the most appropriate use of the building, given its very restricted access arrangements, and the view that a residential conversion would enable the proper repair, restoration and longer term maintenance of the listed building. This approach has proved to be successful in the case of the adjacent residential conversion of the North Maltings and Officers remain satisfied that the

benefits of the proposed development in this respect would outweigh the limited loss of employment at the site.

Design, layout; impact on listed building and neighbour amenity

- 10.3 The proposed design, form and layout of the proposal remains as considered previously and Officers are satisfied that the proposed scheme remains acceptable in this respect.
- 10.4 In the 2008 application, the approved scheme proposed a detailed landscape treatment of the land to the front of the site, enclosed by the historic boundary wall onto New Road. This met the aspirational requirement to improve the poor access arrangements to the site and open up important public views of the historic group of listed Maltings buildings, improving and enhancing their impact on the Conservation Area. Although these details were absent from the 2010 and 2013 applications, the drawings were annotated with a reference to reforming the access area, and this is repeated in the current applications. The details submitted in 2008 related to the reduction of the historic wall to 600mm to improve visibility at the road junction; the widening of the shared access into the site; restoration of the historic cobbled road; the provision of a footpath and the landscaping of the parcel of land to enhance the visual amenity of public views through the site.
- 10.5 Officers remain of the view that these improvements are a key part of the proposed conversion proposals which would ensure appropriate access arrangements to the site and enhance the setting of the listed Maltings buildings. As previously, therefore, it is considered necessary and reasonable to impose a condition to secure the submission of details in respect of these improvements, and their implementation, prior to the first occupancy of the proposed development.
- 10.6 It is material to note that an application to develop this part of the site for new housing (2 x three bedroom houses) has recently been dismissed on appeal (ref: 3/16/0531/FUL). The inspector commented that the proposed dwellings “would obscure both existing views of the Maltings and those views that will result from the lowering of the boundary wall. This would negatively affect the way they are experienced from New Road”. The retention of this area for access improvements to the Maltings site therefore remains achievable and, as mentioned above, is considered necessary and reasonable in order to achieve a high quality development at this site.



- 10.7 As regards the impact of the proposed development on the historic fabric and setting of the listed building, these were all fully considered within the previous applications and were found to be acceptable. The Councils' Conservation Officer has reviewed the details of the scheme and supports the renewal of the Listed Building consent. Historic England comment that the listed building consent can be determined on the basis of national and local policy guidance and in accordance with the Council's Conservation Advice.
- 10.8 Officers are satisfied therefore that the proposals are acceptable in terms of their impact on the heritage assets on the site and its surroundings.
- 10.9 The concerns expressed by residents of the Northern Maltings in respect of potential overlooking from the development are noted. However, the fenestration proposed within this application remains as approved previously and is considered to be acceptable given the limited size of windows and the relationship between the two buildings.

#### Parking provision and access

- 10.10 The proposed development would provide 15 allocated parking spaces, with a potential for two further parking spaces within the landscaped frontage area, subject to satisfactory details being secured by condition.
- 10.11 The Councils adopted parking standards would require the provision of a maximum of 25 parking spaces, whereas the emerging standards would require between 14-28 spaces. The provision of 15 parking spaces (and potentially 17 depending on the details of the proposals for the frontage of the site) would fall within the range set out in the emerging standards and, given the town centre location of the site, and the existence of the previous permissions; this is considered to be acceptable. The Highway Authority has no objections to the proposal subject to conditions regarding surfaced areas, the provision of a 'Construction Traffic Management Plan' and the inclusion of a condition requiring access details to be submitted and approved.

#### Lead Local Flood Authority

- 10.12 The Lead Local Flood Authority (LLFA) initially objected to the proposal due to insufficient information in respect of the surface water drainage of the site. However, further submissions from the applicant have addressed these omissions and the LLFA have now removed their objection, subject to conditions requiring further details to be submitted

regarding surface water drainage and that it is carried out in accordance with the consultants submitted report.

### Ecology

- 10.13 There are no biological data records for the site, which has been subject to repeated bat surveys in the past to support earlier applications, and it has been established that there is no evidence of bats, or their roosts, at the site currently. A bat survey was submitted with this application and that further confirms that there is no evidence of bats at the site.

### Planning Obligations

- 10.14 The number of units proposed (12) falls below the threshold for the provision of affordable housing as set out in policy HSG3 of the adopted Local Plan. Policy HOU3 of the emerging District Plan (which would potentially require the provision of affordable housing for a development of 11 to 14 dwellings) cannot be given any significant weight at this stage of the Plan process and, in any event, given the previous permissions granted on the site, and the listed status of the building, it is considered that a requirement for affordable housing would be unreasonable in this case.
- 10.15 Policy IMP1 requires that, as part of the development scheme, appropriate provision is made in mitigation for the impact of the proposals on local infrastructure. The previous approvals were supported by a Section 106 legal agreement, in respect of both HCC contributions towards sustainable transport measures, Nursery, Primary and Secondary education, Youth and Library facilities and in respect of East Herts contributions regarding amenity green space, amenity space for youth and children, recycling facilities and accessibility contributions. Some of those contributions are no longer considered to meet the tests of current legislation and are now superseded by the requirements set out below.
- 10.16 The County Council have confirmed that they seek contributions for Secondary Education towards expanding Presdales Secondary School to 6 forms of entry (£24,653) and contributions to provide sports equipment under Youth Service for Ware Youth Centre of (£482). None of the other contributions previously sought by the County Council are now required.

10.17 In addition, contributions are considered necessary and appropriate towards improvements for the community centre at the Southern Maltings (£2,820), recycling facilities (£864) and accessibility contributions for on-site parking spaces (£7,500). These are considered to meet the relevant CIL tests and are based on the Council's adopted Planning Obligation SPD.

## **11.0 Conclusion**

11.1 In summary, Officers consider that the proposed scheme, which is essentially a renewal of the 2013 approvals, will result in a redevelopment of the listed building for residential use in a sustainable location that provides a high standard of design and internal layout. It would enhance and preserve the architectural details, setting and historic character and appearance of the heritage asset and improve the appearance of the Conservation Area.

11.2 Accordingly, it is recommended that both planning permission and listed building consent be approved subject to the required legal agreement.

## **Legal Agreement**

- Secondary Education contribution of (£24,653) towards the expansion of Presdales School to 6 forms of entry
- Youth service contribution of (£482) towards support of Ware Young Peoples Centre
- A financial contribution of (£2,820) towards community improvements at the Southern Maltings.
- A financial contribution of £864 towards recycling facilities
- A financial contribution of £7,500 towards accessibility provision (£500 per parking space).

### **a) Application Ref: 3/16/2151/FUL – Conditions**

1. Three year time limit (1T12)
2. Programme of Archaeological Work (2E02)
3. Approved Plans (2E10) – 9123/SK/005H; 9123/P/101C; 9123/P/102D and 1841-01 (surface water drainage strategy)
4. Samples of materials (2E12)

5. No development shall take place until a detailed scheme for the alterations to the site access, including the alteration of the front boundary wall; the provision of a footpath adjacent to the access and the treatment of the land adjacent to the access and bollards along the access road has been submitted to approved in writing by the Local Planning Authority. The approved works shall be carried out prior to the first occupation of any of the units hereby permitted.

Reason: To ensure that the development preserves and enhances the character of the surrounding area and the setting of the nearby listed buildings in accordance with policies ENV1 and BH6 of the Local Plan and in the interest of highway safety.

6. Lighting Details (2E27)
7. Communal TV Facilities (2E32)
8. Contaminated land survey and remediation (2E33)
9. The development hereby permitted shall be carried out in accordance with the approved surface water drainage strategy carried out by MTC Engineering reference 1841-DS dated November 2016 and the mitigation measures detailed within the Flood Risk Assessment and shown on drawing 1841-01.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and the NPPF.

10. Provision and retention of parking spaces (3V23)
11. Construction parking and storage (3V22)
12. Cycle parking facilities (2E29) 'in accordance with Plan No 9123/SK/005/L
13. Landscape works implementation (4P13)
14. Landscape maintenance (4P17)
15. Construction hours of working, plant and machinery (6N07)

### Informatives

1. Other legislation (01OL)
2. Relationship with Listed Building (26LB) ( 3/16/2152/LBC)
3. Highway Works (05FC)
4. Planning Obligations (08PO)
5. Street Numbering and naming (19SN)

### Summary of Reason 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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies and the previous approval ref: 3/13/1682/FP is that permission should be granted.

#### b) Application ref: 3/16/2152/LBC – Conditions

1. Listed building 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 weatherboarding (8L07)
7. Listed Building – rainwater goods (8L09)
8. Listed Building – making good (8L10)

### Summary of Reason 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 2015. The balance of the considerations having regard to those policies and the previous approval ref: 3/13/1683/LB is that listed building consent should be granted.

**KEY DATA**

Residential Development

<b>Residential density</b>	<b>72 units/Ha</b>	
	Bed spaces	Number of units
Number of existing units demolished	0	0
Number of new house units	1	
	2	3
	3	9
	4+	
<b>Total</b>		<b>12</b>

Affordable Housing - N/A

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.50	4.5
3	2.25	20
4+	3.00	
<b>Total required</b>		<b>25</b>
<b>Proposed provision</b>		<b>15</b>

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	6
3	2.50	22
4+	3.00	
<b>Total required</b>		<b>28</b>
<b>Accessibility reduction</b>	<b>50-100%</b>	

Resulting requirement		14-28 spaces
Proposed provision		15 – 17 spaces

Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

<b>Obligation</b>	<b>Amount sought by EH Planning obligations SPD</b>	<b>Amount recommended in this case</b>	<b>Reason for difference (if any)</b>
Affordable Housing	N/A	N/A	N/A. Threshold not met
Parks and Public Gardens	£3,816.10	£0	No project identified
Outdoor Sports facilities	£10,568.75	£0	No project identified
Amenity Green Space	£1,625.61	£0	No project identified
Provision for children and young people	£1,560.97	£0	No project identified
Community Centres and Village Halls	£2,820	£2,820	Support for community centre in South Maltings
Recycling facilities	£864	£864	n/a
Accessibility contributions	£7,500	£7,500	n/a