

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 11th March 2026

Application Number	3/25/0763/FUL
Proposal	Change of use of land from blocked paved pedestrian area to provide 2 police vehicle car parking spaces, marked with studs and a sign (by way of Hertfordshire County Council Traffic Regulation Order).
Location	Block Paved Area Of Tudor Square Ware Hertfordshire SG12 9XF
Parish	Ware Town Council
Ward	Ware Priory

Date of Registration of Application	29 April 2025
Reason for Committee Report	Development relates to council owned land and objections have been made which are material to the development proposed.
Case Officer	Daniel Clark

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 The proposal seeks planning permission for the change of use of land from a block paved pedestrian area to provide two police vehicle parking spaces. The parking spaces would be marked with road markings and a sign.
- 1.2 The application has been amended from that originally submitted following comments received from the Council's Conservation Team. A re-consultation has been undertaken, and comments are summarised later in this report.
- 1.3 The main considerations for the proposal are:
- Principle of Development
 - Design, Layout, and Impact on Heritage Assets
 - Neighbour Amenity
 - Highways and Parking

- Archaeology
- Biodiversity Net Gain
- Other matters

1.4 The main issue for consideration is whether the proposed development is appropriate having regard to policies contained in the East Herts District Plan 2018 and the National Planning Policy Framework.

2.0 Site Description

2.1 The application site covers an eastern portion of Tudor Square, to the north of West Street. The site is situated in Ware Town Centre and lies in the Primary Shopping Area. The site is also within the Plan Area for the adopted Ware Neighbourhood Plan and lies within an Area of Archaeological Significance. The site is within the Ware Conservation Area and surrounded by other Listed Buildings, which are found to the south of West Street and the east of the application site.

3.0 Planning History

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/87/2104/DC	Erection of shops flats and offices with associated car parking	Approved subject to conditions	03.02.1998
3/98/0418/FP	Erection of 9 houses, 15 flats, retail units comprising 585sq.m. floor space, and construction of public	Approved subject to conditions	29.07.1998

	square.		
3/04/1248/FP	Change of use of land for the purpose of holding public markets	Approved subject to conditions	23.08.2004
3/12/2164/FP	Enhancement of Tudor Square-amended proposal	Approved subject to conditions	25.06.2014
3/17/2669/FUL	Enhancement of town square with hard landscaping, trees, planting and seating.	Approved subject to conditions	04.01.2018

4.0 **Main Policy Issues**

4.1 The following policies in the National Planning Policy Framework (NPPF) and the adopted East Herts District Plan 2018 (DP) are considered relevant.

Main Issue	NPPF	DP policy
Principle of Development	Section 7	RTC2 CFLR8
Character and Appearance	Section 12	DES4
Neighbour amenity	Section 12	DES4
Heritage Implications	Section 16	HA1 HA3 HA4 HA7
Highways Implications	Section 9	TRA2

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

5.0 **Summary of Consultee Responses**

- 5.1 HCC Historic Environment Unit: were consulted and concluded the development would be unlikely to have a significant impact on heritage assets of archaeological or architectural interest.
- 5.2 EHDC Conservation and Urban Design Team: were consulted and raised no objections to the scheme.
- 5.3 HCC Highway Authority: were consulted and raised no objections subject to informatives.
- 5.4 Historic England: No comment.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Ware Town Council Representations

No comments received.

7.0 Summary of Other Representations

- 7.1 The application has been advertised by neighbour consultation with letters sent to adjacent residents. A press notice and site notice were also issued.
- 7.2 There have been 18 objections and 1 comment of support. The main reasons for objections are summarised below:
- Police vehicles can use other car parks
 - What would happen to the markets that use the square
 - Car emissions would ruin the environment
 - Tudor Square is a community hub and pedestrian zone, not for parking
 - Too dangerous to put cars in the middle of a busy pedestrian area
 - Elderly patients park outside the dental practice using blue badges, the police parking will impact their access to the practice
 - Police parking spaces will block access for deliveries to Prezzo.
- 7.3 The comment made in support of the proposed development can be summarised as follows:
- Supports anything that enhances police presence in the town.

8.0 Consideration of Issues

Principle of Development

- 8.1 The application site lies within the built-up area of Ware and as such there is no objection in principle to development providing it is in accordance with the relevant policies of the East Herts District Plan 2018.
- 8.2 Tudor Square has recently been re-configured following planning permission granted under planning permission ref. 3/17/2669/FUL which permitted the enhancement of the town square with hard landscaping, trees, planting and seating. Tudor Square now acts as a public open space utilised by pedestrians, and hosts markets for members of the public. At the time of writing, there are two separate markets held in the square. These include:
- Ware Retail Market held every Tuesday 8:00 – 18:00
 - Tudor Square Market held on the 3rd Sunday of each month
- 8.3 Officers note that the market times, dates and quantity may change in the future. The above dates and times have been confirmed with the EHDC Licencing and Enforcement Team.
- 8.4 Neighbour representations have raised concerns about the loss of a pedestrian zone and how the parking spaces would interact with the markets currently held in Tudor Square. These comments are acknowledged.
- 8.5 Policy CFLR8 of the East Herts District Plan states, proposals that result in the loss of uses, buildings or land for public or community use will be refused unless:
- (a) An assessment has been undertaken which has clearly shown that the facility is no longer needed in its current form; or
 - (b) The loss resulting from the proposed development would be replaced by enhanced provision in terms of quantity and/or quality in a sustainable location; or
 - (c) The development is for an alternative community facility, the need for which is clearly outweigh the loss.

- 8.6 The parking proposed is intended to serve the police office that was established in Tudor Square in 2021. This facility functions as a local operational base for the Safer Neighbourhood Team, enhancing the visibility and responsiveness of policing services within the town. While the office does not include a public-facing reception or front desk, it enables officers to be deployed efficiently and to respond swiftly to incidents and community concerns.
- 8.7 A supporting statement submitted during the determination period of the application highlights that the police office currently lacks any on-site parking provision, this is said to hinder the operational efficiency of the officers, as they are required to walk a considerable distance to access their vehicles, which are parked remotely. This delay can impede their ability to respond promptly to urgent matters. The request for dedicated parking within Tudor Square is therefore intended to address this operational shortfall.
- 8.8 Given the established use of Tudor Square as a public open space and its continued active use, such as hosting markets, officers do not consider the open space is no longer needed in its current form. While the needs for the parking spaces are noted, the proposed change of use to police vehicle parking would result in the loss of part of this public space. Furthermore, no replacement or enhancement of open space provision has been proposed to mitigate this loss. As such, the proposal would lead to a net loss of land that is currently used for public use without mitigation.
- 8.9 However, it should be acknowledged that the area subject to the proposed change of use comprises a relatively small section of the wider Tudor Square. While this would result in the partial loss of land currently accessible for public use, the majority of the square would remain unaffected and continue to operate as a functional and valued communal space.
- 8.10 The applicant's agent has agreed to a planning condition that would prohibit the use of the parking spaces on designated market days. However, officers do not consider this necessary as police have the right to park where required and the Highway Authority as part of the PTRO would have further controls. Nevertheless, officers consider the public functions of the Square can be retained despite the limited loss of space.
- 8.11 Officers consider the proposal would give rise to a modest degree of conflict with Policy CFLR8 of the District Plan. Although there would be a minor reduction in the overall availability of open space, Tudor Square

would retain its capacity to host markets and continue to serve as a meaningful and accessible area for community use.

Design, Layout, and Impact on Heritage Assets

- 8.12 Tudor Square acts as an open space utilised by pedestrians and hosts markets for members of the public. The square is occupied by hard landscaping, featuring rounded design paving, trees, planting and seating.
- 8.13 The site is located in the Ware Conservation Area. As such there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that development proposals preserve or enhance its character or appearance. This will be assessed below.
- 8.14 The site is also within the setting of the Grade II Listed Rankin House to the east and 96 and 96A High Street to the south, as well as within the setting of the Grade II* Listed Churchgate House 15 West Street to the west, and Gilpin House, 84 High Street also to the south.
- 8.15 Policy DES4 of the District Plan states that:
- I. All development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals will be expected to:
 - a) *Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features, having due regard to the design opportunities and constraints of a site.*
- 8.16 The Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the local planning authority to preserve and enhance the historic environment, including buildings, special features and Conservation Areas. The specific historic environment policies within the NPPF are contained within paragraphs 202-221.
- 8.17 The NPPF requires the consideration of a proposal's impact on a heritage asset's setting and significance. Any harm must require clear and convincing justification and will be weighed against any public benefit of the development.

- 8.18 Policies HA1 and HA4 of the East Herts District Plan aim to preserve and where appropriate enhance the historic environment and the character and appearance of Conservation Areas. Policy HA7 of the District Plan states that proposals will only be permitted where they preserve and enhance the architectural or historic character, or significance of a building and its significance.
- 8.19 The application proposes a change of use for a portion of land approximately 5m by 5m. The portion of land lies to the east side of the Square, directly adjacent to a raised planter feature. Specifically, the proposal seeks to repurpose this area to accommodate two designated parking spaces for police vehicles. Access to Tudor Square is gained via West Street.
- 8.20 At present, both West Street and Tudor Square fall within a designated Pedestrian Zone, which is governed by a Permanent Traffic Regulation Order (PTRO), imposed by HCC Highway Authority. This order regulates vehicular access, parking, and waiting within the zone. However, the rising bollard that was originally installed to enforce these restrictions has been non-operational for an extended period. As a result, the existing PTRO is effectively no longer enforceable. It is therefore proposed by the HCC Highway Authority that the current PTRO be formally revoked and replaced with a revised order that no longer relies on the use of a rising bollard for enforcement.
- 8.21 The proposed works in this application are contingent upon the implementation of a new PTRO, which would formally permit the creation of two dedicated police parking bays. Upon submission, the proposals aimed to clearly delineate the bays using both surface markings and vertical signage. The ground markings were intended to comprise white and yellow lines, clearly defining the extent of each bay. In addition, an upright sign approximately 2.3 metres in height would be positioned adjacent to the bays, stating that stopping or parking is prohibited at all times except for police-operated vehicles.
- 8.22 The Conservation Team were consulted and their comments have been taken into consideration below.
- 8.23 Due to the modest scale of the proposed sign, this element of the scheme is considered to have a negligible impact on the character and appearance of the Conservation Area and the setting of the Listed Buildings.
- 8.24 However, objections were raised regarding the proposed parking bays. As noted above, the bays were to be marked with white dotted lines. The

rectangular painted form of the bays was considered to conflict with the distinctive rounded paving design in Tudor Square. Consequently, the bays were deemed incompatible with the circular paving pattern introduced in 2017 to enhance the area's visual quality. The use of white paint against the darker paving, combined with the dotted layout, was considered to create an incohesive and visually confusing appearance within the Square.

- 8.25 It was concluded that introducing marked bays would detract from the visual quality of the paving, which currently makes a positive contribution to the character of the Conservation Area. This would result in less than substantial harm. Furthermore, the bays were considered to adversely affect the setting of the Listed Buildings, also amounting to less than substantial harm to their significance.
- 8.26 In response to these concerns, amended plans were submitted, replacing the painted markings with silver studs. Following re-consultation, the Conservation Team withdrew their objection, as the studs, by reason of their discreet size, neutral colour, and circular form, were considered to complement the existing paving pattern rather than compete with it. The revised scheme is therefore considered to preserve the character and appearance of the Conservation Area and maintain the setting of the Listed Buildings, as the studs are regarded as a subtle and reversible intervention, ensuring that the visual impact on the heritage assets would be minimal.
- 8.27 In conclusion, the proposal is considered to comply with Policies DES4, HA1, HA4, and HA7 of the adopted East Herts District Plan, as well as the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of Section 16 of the NPPF.

Neighbour Amenity

- 8.28 Policy DES4 of the District Plan seeks that proposals do not result in detrimental impacts to the amenity of future occupiers or neighbouring residents.
- 8.29 Given the nature and scale of the proposed development, officers do not consider the works would give rise to a material adverse impact on the occupiers of neighbouring properties by reason of loss of light, overshadowing, overlooking or overbearing impacts. Officers therefore consider that the proposed development would not conflict with Policies DES4 of the East Herts District Plan 2018.

Impact on Highways

- 8.30 Policy TRA2 of the District Plan outlines that proposals should ensure that safe and suitable access can be achieved for all users.
- 8.31 The Highway Authority have been consulted on the proposal and do not object to the proposed scheme. Within their response, they highlight the site is subject to a Permanent Traffic Regulation Order (PTRO), which restricts vehicular movements within Tudor Square to pedestrians only, with the exception of vehicles engaged in loading activities.
- 8.32 The proposed two vehicle parking bays would be accessed via West Street. Several residents have submitted representations expressing concern about the potential safety implications of introducing vehicle parking within an area that is predominantly pedestrianised.
- 8.33 In response to the issues, the applicant's agent provided further clarification to address the perceived safety risks. Their submission explained that operational procedures have been considered, particularly in relation to how police vehicles would respond to incidents when parked in the proposed bays. It was noted that police officers using these vehicles are highly trained and that vehicle speeds would remain low until the vehicles exit the pedestrian zone. It is considered that the police officer training would not result in the operation of these spaces being materially different to police intervention in public locations. Based on this information, it is considered that the proposed change of use and associated parking arrangements are unlikely to result in any significant harm to pedestrian safety within Tudor Square.
- 8.34 It is also relevant to note that the area is already used for loading purposes in accordance with the existing PTRO. The Highway Authority have confirmed that the proposed location of the parking bays, as illustrated on drawing number HCC/TS/01 Rev 1, would not interfere with permitted ongoing loading activities. Furthermore, the Highway Authority has indicated that the presence of marked police vehicles in this location could serve a beneficial role in discouraging unauthorised vehicular access, thereby supporting the enforcement of the PTRO and maintaining the pedestrian-focused nature of the square.
- 8.35 The additional information provided by the applicant, and the nature of existing use under the PTRO, it is considered that the proposal would not compromise highway or pedestrian safety. On balance, the scheme

is deemed acceptable in terms of access and movement and aligns with the objectives of Policy TRA2 of the District Plan.

Impact on Heritage Assets of Archaeological Interest

- 8.36 Policy HA3 of the District Plan outlines where development is permitted on site containing archaeological remains, planning permission will be subject to conditions requiring appropriate excavation and recording in advance of development and the subsequent storage and display of material.
- 8.37 As noted earlier in this report, the site lies in an Area of Archaeological Significance. The Historic Environment Unit at Hertfordshire County Council confirmed the development is unlikely to have had a significant impact on heritage assets of archaeological interest. As a result, the proposal complies with District Plan Policy HA3.

Biodiversity Net Gain

- 9.0 The applicants have claimed the works are exempt from the mandatory biodiversity net gain (BNG) requirements. Given the proposal comprises of the change of use of land currently covered by hardstanding, the works would not result in the loss of any on-site habitat over 25 sq.m, or loss of linear habitats over 5 metres. As such, officers are content the scheme is exempt from the requirement to provide the mandatory BNG.

Other matters

- 10.0 Representations from neighbouring residents have suggested police vehicles could be accommodated in alternative locations. These comments are noted. However, based on the evidence submitted as part of the application, it is apparent that the proposed location for the parking bays is strategically important due to its immediate proximity to the police office situated within Tudor Square. The close location of these bays would facilitate operational efficiency by allowing officers to be deployed to respond promptly to incidents, emergencies, and wider community concerns. The provision of dedicated parking in this location is therefore considered to support the effective functioning of local policing services.
- 10.1 Concerns have been raised regarding the potential environmental impact of the proposed parking bays, specifically in relation to vehicle

emissions. While these concerns are acknowledged, officers do not consider that emissions generated from vehicles using the two additional parking spaces would result in a level of environmental harm that would justify refusal of the application. The scale of the proposal is limited, and the associated emissions are not considered to be significant in the context of the wider urban environment.

- 10.2 Concerns regarding the potential implications of the spaces, specifically in relation to whether they might obstruct delivery access to Prezzo. Prezzo is situated along the northern boundary of Tudor Square, positioned to the north of the proposed parking bays. Due to street furniture raised planters, bins, benches and signs within the square access by vehicles up to the restaurant is not possible. Officers are satisfied that the introduction of these parking spaces would not impede access into Tudor Square, being set away from West Street and directly to the south of a planting feature. The Highway Authority have outlined that the location of the bays would not impact the ability of delivery vehicles to operate within the square. It is considered that adequate space would remain within the square to allow delivery vehicles to enter, manoeuvre safely, and exit without undue difficulty. The proposed arrangement is therefore not anticipated to have a detrimental effect on delivery operations for Prezzo.
- 10.3 In relation to the potential impact of the police parking bays on access to the dental practice located to the east of the site, particularly regarding elderly patients. According to information provided by the applicant's agent, who holds the position of Highways Operational Manager at Hertfordshire County Council, it is understood that, under the current Permanent Traffic Regulation Order (PTRO), no vehicular access is permitted to the square, including for disabled users. Consequently, any parking currently taking place in the square for dental practice customers is not authorised. However, should the proposed new PTRO be implemented, it is anticipated that access provisions would be revised to allow for appropriate drop-off and pick-up arrangements. Notwithstanding this potential change, officers are satisfied the introduction of two police parking bays would not materially affect the ability of disabled or elderly patients to access the dental practice. It is important to note that general parking for the dental practice is not permitted under either the existing or proposed PTRO, and this position would remain unchanged.

11.0 Planning Balance and Conclusion

- 11.1 In determining the overall acceptability of the proposed development, those factors weighing against the proposal must be considered against

those weighing in favour of the development, regarding the policies of the adopted development plan and other relevant material considerations.

- 11.2 The proposal creates some conflict with Policy CFLR8 of the East Herts District Plan. In this case, the scheme involves the change of use of part of Tudor Square from public open space to designated parking bays, resulting in a loss of land solely in use in connection with the Square. No compensatory measures or alternative provision have been proposed. Consequently, the development would result in a net reduction in publicly accessible land, which is contrary to the objectives of Policy CFLR8.
- 11.3 However, the land affected by the proposed change of use represents only a small proportion of the overall Tudor Square area. The above ground features proposed would not negatively impact the function of the public space, the proposed development would create minor conflict with District Plan Policy CFLR8. The space would continue to function for its primary uses with modest impact on public spaces.
- 11.4 Furthermore, it is considered that the proposal would present a public benefit in the enhanced ability for the police service to respond to local emergencies. On balance, the application is considered acceptable in relation to Policy CFLR8 of the District Plan.
- 11.5 The proposed development would not result in any visual harm to the character and appearance of either the Ware Conservation Area or nearby Listed Buildings. This is due to the modest scale and neutral design of the proposed above ground elements of the proposal.
- 11.6 There are not considered to be any unacceptable impacts on neighbouring amenity from overbearing impacts, loss of outlook, overshadowing, or loss of privacy.
- 11.7 The scheme is not considered to compromise highway or pedestrian safety. The development is unlikely to have had a significant impact on heritage assets of archaeological interest.
- 11.8 Overall, it is not considered that the factors which weigh against the proposed development outweigh those identified benefits of the development and as such, the planning balance falls in favour of the proposed development. The proposal therefore accords with the relevant policies of the East Herts District Plan 2018, the adopted Ware Neighbourhood Plan, the Planning (Listed Building and Conservation

Areas) Act 1990, and the NPPF. It is therefore recommended that conditional planning consent be granted.

RECOMMENDATION

That planning permission be **GRANTED subject** to the conditions set out below.

Conditions

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason

To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. The parking bay studs and parking signage hereby approved shall be constructed in the materials specified on the submitted plans.

Reason

In the interests of the appearance of the development and in accordance with Policy DES4 of the East Herts District Plan 2018.

Informatives

1. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.
2. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

3. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

4. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.