

(a) 3/14/1594/FO – Variation of condition 2 (approved plans) of planning permission 3/12/1955/FP (the demolition of existing outbuildings and the renovation of the former Victorian school) to provide an additional 3 car park spaces to support additional classroom mezzanine level; and

(b) 3/14/1593/LB – Installation of new timber and steel floor to form a mezzanine level within the existing building creating additional classroom space and addition of new painted metal railings and gates to match existing (modifications to 3/12/1956/LB) – amended position of stairwell and further amendment to mezzanine floor at Musley Infants School, Musley Hill, Ware, Hertfordshire, SG12 7NB for Musley Hill School Ltd

Date of Receipt: (a) 01.09.2014
(b) 01.09.2014

Type: (a) Variation of condition
(b) Listed Building Consent

Parish: WARE

Ward: WARE – TRINITY

RECOMMENDATION:

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

1. Three year time limit (1T12)
2. Approved plans (2E10) – Location; 1324 PL00B; 1324 PL01B; 1324 PL02; 1324 PL03D; 1324 PL04D; 1324 PL05; 1324 PL06C; 1324 PL07D; 1324 PL08A; 1324 EX.01C.
3. Prior to the occupation of any of the residential units hereby approved, the existing railings to the north and west sides of the school building shall be fully repaired and refurbished in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the whole site and to ensure the historic and architectural character of the building is adequately restored in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. Hard Surfacing (Roads, Driveways) (3V21). Amend “Prior to occupation...”
5. Boundary Walls and Fences (2E07)

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6. Approved accesses only (3V04)
7. Pedestrian visibility splays (2.0m x 2.0m) (3V10)
8. Provision and retention of parking spaces (3V23)
9. Existing access closure (Musley Hill) (3V05)
10. Cycle Parking facilities (2E29). Amend "Prior to occupation.."
11. Withdrawal of P.D (Schedule 2, Part 1 Classes A, B, C and E) (2E23)
12. Landscape design proposals (4P12) b, c, d, e, f, l, j, k and l
13. Landscape Works implementation (4P13)
14. Construction hours of working – plant and machinery (6N07)
15. The carports hereby approved shall remain open structures for the lifetime of the development hereby approved.

Reason: To ensure the continued provision of off street parking facilities in the interests of highway safety in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

16. Contaminated land survey and remediation (2F33)

Directives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. Highway Works (amended to contact Highways at County Hall, Hertford Tel 0300 123 4047).
3. (26LB) Relationship with Listed Building Consent
4. (19SN) Street Naming and Numbering
5. (28GP) Groundwater Protection Zone (Musley Lane)

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Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and Class J of the General Permitted Development Order as amended is that permission should be granted.

(b) That listed building consent be **GRANTED** subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10) – 1324 PL00B; 1324 PL01B; 1324 PL02; 1324 PL03D; 1324 PL04D; 1324 PL05; 1324 PL06C; 1324 PL07D; 1324 PL08A.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that listed building consent should be granted.

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1.0 Background

- 1.1 The application site is shown on the accompanying O.S site plan and is the former Infants School building at Musley Hill in Ware. The building has been vacant for many years. A planning permission was granted in 2006 after the school was vacated, to convert it to a new Community Hall with 2 new dwellings, however this was never implemented.
- 1.2 Members may recall that more recently, in August last year, permission was granted for the provision of 7 dwellings at the site as an alternative development of the site which would also enable the repair of the school building and bring it back into use for educational purposes.

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This permission is currently being implemented.

- 1.3 The current listed building application seeks consent for the insertion of a mezzanine floor within the listed school building. The applicant has stated that a nursery (Willow Wood) for 56 children is interested in the building but needs the additional space to meet OFSTED standards. The inserted mezzanine would increase the floor area of the building to 2586 sq ft.
- 1.4 A marketing report advises that the existing building, at 1736 sq ft, is too small for a nursery use and modern day practices. The ideal size for Ware would be premises of 3- 4000 sq ft. It says that only one enquirer has been interested in the building at the proposed size, even with the mezzanine added, as it is at a minimum size requirement.
- 1.5 The current planning application seeks permission for revisions to the plans previously approved under ref: 3/12/1955/FP - which is currently being implemented on site. The insertion of a mezzanine floor is actually internal work that would not constitute development requiring planning permission. However, there are consequential revisions to the plans that require permission such as the provision of 3 additional parking spaces to allow for the additional size of nursery. These spaces have been further amended during the course of the application, as have the plans for the mezzanine floor to open up the space around key windows of the school building.

2.0 Site History

2.1 The following planning history is of relevance:

- 3/06/1581/FP. Demolition of outbuildings, erection of Two 3 bedroom residential dwellings and erection of extension to existing building for community use. Granted with conditions 25 Oct 2006.
- 3/12/1955/FP. The demolition of existing outbuildings and the renovation of the former Victorian school. The development of the former school playground and outdoor space for 7 new dwellings with associated parking and amenity space. Granted with conditions. 14 Aug 2013.
- 3/13/2019/FO. Variation of condition 18 (Bats) and removal of duplicate condition 19 of approved application 3/12/1955/FP Granted 23 Dec 2013.

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3.0 Consultation Responses

- 3.1 County Highways have noted the 3 parking spaces for the additional floor area and have no objection to the application.
- 3.2 The Conservation Officer commented on an earlier version of the proposals and recommended refusal advising that “In principle a mezzanine is considered to have limited impact on the significance of the heritage asset and is a reversible change which will not harm the building fabric. However it was recommended at pre - application stage that the scale be reduced to allow for appreciation of the volume of the space and also to reduce the impact on fenestration. The amended scheme has addressed concerns with the east window but not the west window or the scale”.
- 3.3 Since this comment was made the plans have been amended to improve the relationship with the west window and your Officers consider this respects a sketch suggestion provided by the former Conservation Officer that sets any mezzanine floor back from the main windows.
- 3.4 The County Archaeologist has no objection to the plans.
- 3.5 The Environmental Health Officer has no objections but requests retention of conditions on hours of working and land contamination.
- 3.6 Herts Ecology has no objection to the plans.

4.0 Town Council Representations

- 1.1 Ware Town Council have objected to the application indicating that additional parking spaces will create additional vehicle movements in an already congested area. Adding the upper floor will also increase the number of pupils attending the nursery, thus creating even more traffic movement; increases in on-street parking in an already congested area which is also a local bus route.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Councillor J Wing objects to the application as he did to the original permission. He considers that the modification should have been identified before the applicant made the earlier application and that the

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applicant then claimed to have an occupant for the nursery building. He refers to numerous local residents that feel the level of development will result in traffic and additional parking pressure. His request that the application be referred to the Development Management Committee has been agreed by the Chairman.

5.3 No other representations have been received.

6.0 Policy

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

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|------|----------------------------------|
| TR7 | Car Parking – Standards |
| ENV1 | Design and Environmental Quality |
| ENV2 | Landscaping |

6.2 The National Planning Policy Framework (NPPF) and Planning Policy Guidance (NPPG) are also a material consideration.

7.0 Considerations

7.1 The application is made following the grant of planning permission for the new housing development at the site which has facilitated the repair of the listed school building at the site.

7.2 The proposed educational use of the school building is lawful in planning terms and the continuation of an education use is viewed positively. In general, the best use of a heritage asset will be for the purpose it was originally designed. In this case such a small building needs adaptation for a modern educational use.

7.3 As stated above, the mezzanine floor would not of itself require planning permission, and could be provided as subsequent work to the scheme (as internal work is not development). Planning permission is required at this stage as the plans are at variance from the approved scheme for the school. The additional parking to provide 3 spaces at the site also requires planning permission and is a variation of the approved plans. The insertion of the floor requires listed building consent as an alteration to the character of the listed building.

7.4 The internal spaces of the school are well lit by the existing high windows particularly those within the main east and west gables to the principal central school room. Insertion of a floor will always be harmful to the appreciation of the height and volume of the internal space. The

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appreciation of the space is, however, to be weighed against other considerations such as the public benefit of achieving a school use and continuing the educational use of the site. In discussions with Conservation Officers it was suggested that a compromise could be agreed by pulling the mezzanine floor area back from the main windows. The proposal as amended does this on the east side, albeit including a stairwell at this point, as well as on the west.

- 7.5 The physical fabric of the school building has been repaired and brought into a useable condition by the works carried out under the approved planning permission. These are, to all intents and purposes, now completed. This means that the building can be marketed as ready for occupation.
- 7.6 A marketing report explains that a full marketing campaign has been conducted since mid-2013. Particulars were sent to the agent's database of individuals who had registered an interest in the site. An electronic marketing campaign targeted at D1 uses, mostly nursery schools and childcare, was undertaken. The report notes advantages such as the location, generous parking and play area and the attractiveness of the refurbished property.
- 7.7 The applicant refers to a key disadvantage, raised on many occasions, that at 1736 sq ft the building is considered to be too small for modern educational use and falling below the minimum standard for national and regional operators. The provision of the new floor would however bring the accommodation up to 2586 sq ft - nearer to the optimum size needed for nurseries/childcare of approximately 3,000 to 4,000 sq ft (278 – 371 sqm).
- 7.8 The determining issues in the consideration of these applications are therefore as follows:
- The principle of a mezzanine floor and its impacts on a heritage asset, the listed school building and its setting
 - The impacts of an intensification of the use and the weight that can be granted to planning considerations such as parking for proposed internal works;

Principle of development / impact on listed building

- 7.9 In considering the application for Listed Building Consent, the relevant consideration is the impact of the proposal on the character of the listed building which, in accordance with the NPPF, is to be weighed against the benefit of securing a viable optimum use.

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“In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation” (para131)

- 7.10 Your Conservation Officers have advised that they do not object in principle to the insertion of the mezzanine floor as it can be done without harm to the fabric of the building and is a reversible change. They recommended that the floor be set away from windows to enable the full height of the room spaces, as well as the windows, to be appreciated. The various amendments made to the plans have been done to achieve this set back although they have reduced the available room within the mezzanine floor, the applicant has been prepared to make this compromise.
- 7.11 The amended plans now provide a full height void space to the west window and a void space including the rising stairwell within the main east window. This effectively accords with the advice of the Conservation Officer.
- 7.12 While the ideal may be to retain a full open interior, your Conservation Officers have agreed the change and it also ensures a building is brought into use which is an important consideration. In Officers view the insertion of the mezzanine floor results in less than substantial harm to the heritage asset and is outweighed by the benefit of securing the use, in accordance with the NPPF guidance:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (para 134)

- 7.13 Accordingly your Officers recommend that there is a justified case for the alteration and that this accords with national planning guidance on the protection of heritage assets. Considerations of parking impacts are not relevant to the determination of the listed building consent application.

Planning application to vary approved plans

- 7.14 The main planning issues to consider are whether the provision of the mezzanine floor is acceptable having regard to the intensification of the use of the site, for instance in impacts on parking and amenity, and whether the additional parking arrangements are acceptable in highways terms and in their impacts on the setting of the listed building.

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- 7.15 The fact that a subsequent planning permission would not be required for the insertion of the floor is also of relevance and that in such case the local planning authority would have no ability to secure additional parking provision. This is a consideration that supports the grant of planning permission.
- 7.16 The application, in view of the known concerns about parking in the area, has included an additional 3 parking spaces. The approved scheme for the site provided 9 spaces for use by the converted school which was considered reasonable when the original planning permission was granted, albeit no figures were available on numbers of school children at that time.
- 7.17 The current proposal would add the mezzanine floor, although not all of the new space is for classrooms. At a rough estimate it is expected to provide for an additional 20 – 25 children at the site (based on the OFSTED standard quoted of approximately 2.5sqm per child).
- 7.18 The maximum parking provision required under the Council's Adopted Parking Standards based on the SPD figure of 1 space per 4 school children, for a school of 56 children would be 14 spaces. The increased space and numbers would suggest an additional 5 spaces. The provision of 3 extra spaces, and 12 spaces overall, for the proposed school building is deemed to be reasonable and acceptable.
- 7.19 It should be noted that, although there is on street parking congestion in the vicinity of the site, no residents have written to object to the proposed additional floorspace. County Highways have also not objected.
- 7.20 In making this judgement, weight is given to the constraints of the site to provide car parking in a manner which does not harm the setting of the listed building. The layout of the new parking spaces is sensitive to the setting of the listed building, allowing some retention of the garden areas on the east side of the building and also to surface the parking with granite setts.
- 7.21 If the Council accepts the case for Listed Building Consent to be granted then it would be unwise to refuse planning permission for an alteration that of itself will not constitute development if implemented independently.
- 7.22 The proposed use should be viewed positively in terms of the tests of sustainable development as it will secure the long term use and repair of a heritage asset and the wider benefits of employment, a local

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service and economic activity of a new nursery operation.

7.23 If refused, then it may lead to a long period of vacancy and possibly less attractive reuse options in planning terms for the school building.

8.0 Conclusion

8.1 To conclude the proposed alteration to the listed building by the introduction of the new floor, as amended, is considered to be in accordance with your Conservation Officers advice and an acceptable alteration that will enable the continued educational use of the building as a nursery.

8.2 While there is some impact on the appreciation of the internal spaces of the listed building, the amendments retain voids up to the full height of the ceiling and the appreciation of the main windows within the main classroom of the building. Approval of the scheme accords with the balance of considerations advised by the NPPF.

8.3 The requirement for planning permission only exists at this stage as the new floor is at variance from the approved planning permission and the approved plans. However planning permission would not be required at a later stage following full implementation of the scheme. In view of this, as the case of listed building consent is sound, it is considered far more desirable to approve a planning scheme that provides for some additional parking and in an appropriate manner when the option could be to secure no more than already approved.

8.4 If the educational use of the building does not continue it isn't clear how long the building may remain unused or to what extent other more public uses of the building will be possible. The nursery will also provide new employment opportunities, which is a positive planning consideration. There is a known tenant for the use awaiting the agreement of the Council.

8.5 Accordingly it is recommended that planning permission be granted to the variation of the plans and listed building consent, subject to the conditions as set out. Existing planning conditions are carried over from the original as the effect of permission in this case would be to grant a new planning permission.