

5c 3/13/0711/FO – Change of use of 2no. Class B1 office buildings to create 12no. 1 and 2 bed residential dwellings - variation of approved plans in respect of landscaping agreed under LPA reference 3/12/1409/FP at Buildings 6 and 7, Bluecoats Avenue, Hertford, Herts, SG14 1PU for Bluecoats Joint Venture

Date of Receipt: 09.05.2013

Type: Removal of Onerous Condition
– Major

Parish: HERTFORD

Ward: HERTFORD – CASTLE

RECOMMENDATION:

That, subject to the applicant or successor in title entering into a deed of variation in respect of the existing legal agreement previously agreed under LPA reference 3/12/1409/FP to include reference to this application, planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T121)
2. Approved plans (2E10) 'L100 P1, L101 P0, L500 P8, L900 P0, DPP1825711 Rev b , A385 P0, L102 P0, L110 P0, L111 P0, L200 P0, L201 P0, L202 P0, M900 P0, M901 P0, M902 P0, M910 P0, M911 P0, M950 P0, M951 P0, M952, P0'
3. Refuse disposal facilities (2E24)
4. Communal TV facilities (2E28)
5. Retention of parking space (3V20)
6. Prior to the commencement of the development, and notwithstanding the details shown on the submitted plans, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure/boundary treatments (b) Hard surfacing materials (c) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (d) Planting plans (e) Written specifications (including cultivation and other operations associated with plant and grass establishment) (f) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (g) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

7. Landscape works implementation (4P13)
8. Prior to the commencement of the development hereby permitted, details of the arrangements to be implemented to ensure the management and maintenance of any non-adopted common areas of the site, including the roads and parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, those arrangements, which may constitute the formation of a Management Company, shall be implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter remain implemented in perpetuity unless alternative arrangements are submitted to and agreed in writing by the Local Planning Authority.

Reason: To secure the long term maintenance of the common areas and roads and in the interest of residential and visual amenity in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation
2. Street Name and Numbering (19SN4)
3. You are advised that in respect of Condition 6, Officers consider that the Mill Road boundary should be enhanced by an appropriately designed wall.

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 the planning permission granted under LPA reference 3/12/1409/FP is that permission should be granted.

1.0 Background:

- 1.1 The site lies towards the north-east of Hertford as shown on the attached Ordnance Survey Plan. The existing buildings form part of a group of 8 former school dormitory buildings, which are predominately in office use.
- 1.2 To the North East and South East beyond Mill Road is the Tesco store and parking, to the North and South lie buildings 5 and 8 – both in office use. To the West are Bluecoat buildings 1 - 4, which are also in office use. Vehicular access to the site is provided by Bluecoats Avenue to the West, accessed from the public highway off Mill Road to the north-eastern corner of the wider Bluecoats site.
- 1.3 Planning permission was granted for the change of use of the buildings from Class B1 office use to Class C3 residential, comprising 12 units with 18 parking spaces in March 2013, under LPA reference 3/12/1409/FP. The current application seeks permission to vary Condition 2 of this planning permission which requires the development to be carried out in accordance with the approved plans. The current proposal seeks to vary approved plan numbers L500 P7 and DPP1825711 in order to create a set back between the communal garden and building 8 which is outside of the application site.

2.0 Site History:

- 2.1 The relevant planning history for the site is as follows:
- 2.2 Planning permission and Listed Building Consent was granted under LPA references 3/12/1409/FP and 3/12/1410/LB for the change of use of these 2 buildings from Class B1 office use to Class C3 residential, comprising 12 units with 18 parking spaces.
- 2.3 Earlier applications made under LPA references 3/11/0824/FP and 3/11/0825/LB, wherein permission was granted for the change of use of Buildings 7 and 8 to create 12. No 1 and 2 bed units. Following that permission, an occupier for building 8 for office use was found and this led to the application 3/12/1409/FP to change the use of building 6 instead of building 8.
- 2.4 The 8 dormitory buildings on Bluecoats were initially constructed for use as pupil boarding accommodation for Bluecoats School in the late 17th

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Century. This use continued until the site was vacated by the school in 1985, and has since been re-occupied by office, commercial and sheltered housing uses.

- 2.5 Looking specifically at buildings 6 and 7, planning permission and listed building consent to change the dormitory buildings to Class B1 office use was granted under LPA references 3/85/1077/FP, 3/86/0420/RP and 3/85/1076/LB.
- 2.6 In the following years planning permission was granted on appeal in 1987 for the Tesco store on the schools former playing fields and the Mill Road link was constructed as part of this.
- 2.7 A single storey link between buildings 7 and 8 was granted under LPA references 3/95/1365/FP and 3/95/1306/LB.
- 2.8 There have been no other applications of relevance. However, an application for the change of use of the Gate House to the south west of the application site, within the former school site was granted permission for a change of use from B1 office to C3 dwellinghouse, under LPA reference 3/11/0165/FP.

3.0 Consultation Responses:

- 3.1 The Council's Landscape Officer recommends approval and states that the proposal is non-contentious in landscape terms.

4.0 Town Council Representations:

- 4.1 Hertford Town Council object to the proposal and comment that they objected to the proposed change of use due to the loss of the employment premises.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 No representations have been received.

6.0 Policy:

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

SD1	– Sustainable development
SD2	– Settlement Hierarchy
HSG1	– Assessment of unallocated sites for housing development
TR1	– Traffic reduction in new developments
TR7	– Car parking standards
TR14	– Cycle facility provision (residential)
EDE2	– Loss of employment sites
ENV1	– Design and environmental quality
ENV2	– Landscaping
BH6	– New development in Conservation Areas
IMP1	– Planning Conditions and obligations

6.2 The National Planning Policy Framework (NPPF) is also of relevance.

7.0 Considerations:

7.1 As already stated, planning permission was granted in March 2013 for the change of use of buildings 6 and 7 from Class B1 office use to Class C3 residential; comprising 12 units on the site. The considerations relating to the principle of the change of use, the loss of the existing employment premises on the site, neighbour amenity, highway safety and the impact upon the setting of the listed buildings and the conservation area are contained within the Officer report for the previous application which is attached as **Essential Reference Paper A** to this report. As there have not been any significant changes in circumstances or policy since the previous application was determined all of the considerations in respect of the proposed change of use remain the same and as such are adequately addressed within the attached report.

7.2 The determining issue in relation to this application is therefore the acceptability of the proposed variation to the approved plans which relates to a revised area of communal garden space.

The proposed variation

7.3 The approved plan numbers L500 P7 and DPP1825711 show areas of landscaped communal gardens in the areas between buildings 6 and 7 and buildings 7 and 8. In respect of the proposed communal garden space between buildings 7 and 8, the approved plans show this area to extend up to the rear projecting wall of building 8. The current proposal is to create a set back between building 8 and the communal garden. The set back would be mostly 2 metres wide increasing to 5 metres in part.

- 7.4 Officers understand that the set back is required due to land ownership issues as building 8 is subject to a separate ownership and use.
- 7.5 Whilst the current proposal would result in a reduction to the size of the communal garden space, this would be by a modest amount and together with the communal garden area that would remain between building 6 and 7, sufficient amenity space would remain at the site to meet the needs of the new dwellings. The communal garden spaces remain a benefit of the proposal which is not often achievable for flatted developments such as this within town centre locations.
- 7.6 The proposed variation to the approved garden area would not compromise the approved development. The development would achieve a high standard of design and layout and would not result in a detrimental impact upon the character and appearance of the Hertford Conservation Area or the setting of the Listed Buildings.

Legal agreement and conditions

- 7.7 The permission granted in March 2013 was subject to a Section 106 agreement which required the payment of financial contributions to a wide range of services and for other matters. This application does not increase the number of dwellings proposed and therefore no additional financial contributions are required. However, as this application seeks to vary the permission, to ensure that this application is linked to the previous legal agreement and the financial contributions the applicant has committed to, it is necessary to require a variation of the legal agreement to include reference to this permission.
- 7.8 The previous grant of permission was also subject to a number of conditions. At the time of writing this report, none of the conditions attached to the previous decision have been discharged, and therefore it is reasonable and necessary to attach all of the previous conditions to this permission.

8.0 Conclusion:

- 8.1 The proposed amendment to the approved plans is considered to be acceptable and there are no significant changes in circumstances or policy that would justify a different decision being made in respect of the principle of the change of use of the buildings and other matters to that made on the recent planning permission granted under LPA reference 3/12/1409/FP.
- 8.1 It is therefore considered that the development complies with the

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relevant policies of the Local Plan and the NPPF and it is recommended that planning permission be granted subject to the applicant or successor in title entering into deed of variation in respect of the existing legal agreement previously agreed under LPA reference 3/12/1409/FP.