

**5e a) 3/13/0940/FP and b) 3/13/0941/LB – Alterations and change of use of two Class B1 office buildings to create 14no. 1 and 2 bed residential dwellings at Buildings 6 and 7, Bluecoats Avenue, Hertford, Herts, SG14 1PU for Bluecoats Joint Venture**

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**Date of Receipt:** 31.05.2013

**Type:** Full – Major

**Parish:** HERTFORD

**Ward:** HERTFORD – CASTLE

**RECOMMENDATION:**

(a) 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 the additional financial contributions:

1. The provision of £504 towards primary, secondary and nursery education, youth care and libraries;
2. The provision of £1,146 towards outdoor sports facilities.

planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E10) L900 P7, L500 P8, DPP 18257 11, A380 P0, A382 P0, A381 P0, L100 P2, L101 P0, L110 P1, L102 P8, L200 P1, L201 P1, L111 P1, M951 P0, M950 P0, L202 P1, M900 P0, M902 P0, M910 P0, M911 P0, M952 P1, M901 P0, A385 P0.
3. Prior to the first occupation of any dwellings hereby approved, details of all boundary walls, fences or other means of enclosure, including samples of materials where appropriate, shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

**Reason:** In the interests of privacy and good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. Communal TV facilities (2E28)
5. Retention of parking space (3V20)
6. Landscape works implementation (4P13) – amend to ‘the approved details shown on drawing no. DPP 182 11 prior to the occupation of the

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flats hereby permitted.

7. 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)

#### 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 permissions granted under lpa references 3/12/1409/FP and 3/13/0711/FO is that permission should be granted.

- (b) The Director of Neighbourhood Services be authorised to **GRANT** listed building consent in respect of 3/13/1941/LB subject to the following conditions:
  1. Listed Building - Three Year time limit (2E14)
  2. Listed Building - new window (8L03)

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3. Listed Building - new rainwater goods (8L09)
4. Listed Building - making good (8L10)

### **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) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the Listed Building Consent granted under lpa reference 3/12/1410/LB is that listed building consent should be granted.

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### **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, and 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.
- 1.4 The current applications again seek permission for the change of use of the buildings to residential use, but now propose 14 units in the form of 1 and 2 bed residential dwellings. This increase in units would be achieved by the further internal subdivision of the buildings to create 2 additional 1 bedroom dwellings, one in each block, compared to the previous approval.

### **2.0 Site History:**

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- 2.1 The relevant planning history for the site is as follows:-
- 2.2 Members will recall that authorisation was given at the July 2013 Development Management Committee meeting to approve the variation of the earlier approved plans in respect of landscaping agreed under LPA reference 3/12/1409/FP.
- 2.3 Planning permission and Listed Building Consent was originally 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.
- 2.4 Earlier applications, made under lpa references 3/11/0824/FP and 3/11/0825/LB, granted permission 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.
- 2.5 The 8 dormitory buildings on Bluecoats were initially constructed for use as pupil boarding accommodation for Bluecoats School in the late 17<sup>th</sup> 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.
- 2.6 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.
- 2.7 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.
- 2.8 A single storey link between buildings 7 and 8 was granted under lpa references 3/95/1365/FP and 3/95/1306/LB.
- 2.9 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:**

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- 3.1 Environmental Health has recommended a condition that relates to construction hours of working.
- 3.2 The Hertfordshire Constabulary has raised concerns regarding the fire escape provision at the rear aspect of each floor and in particular the internal doors that open up onto the staircases. They recommend that the doors are certified to LPS 1175 SR2 and any accessible windows should be certified to PAS 24:2012 standard and use 6.4mm laminated glass.
- 3.3 The Landscape Officer has recommended approval and indicated that the landscape details are acceptable and sufficient to discharge the condition placed upon the original approval.
- 3.4 The County Planning Obligations Unit has requested financial contributions towards local services and the provision of a fire hydrant on site.
- 3.5 The Conservation Officer has recommended approval. They have commented that the proposed internal demolition works would have a limited impact on the value of the heritage assets. The new internal works include partitions and infilling existing doors which would affect circulation, however would be reversible and would enable a long term viable use of the building. In summary the conversion of the units is considered to be acceptable and the treatment of the elevations would be in keeping with the character of the heritage assets.
- 3.6 English Heritage does not wish to comment on the proposal and recommend that the application is determined in accordance with national and local policy and on the basis of the Council's expert conservation advice.
- 3.7 County Highways do not wish to restrict the grant of permission. They comment that the proposed change of use of the buildings from office space to 14 flats is unlikely to intensify the use of the site from a highways aspect. No new or altered vehicular access arrangements are proposed, however, the proposed parking setup is somewhat unclear. Section 1.4 of the Design and Access Statement states that "it is proposed to utilise 18 existing spaces by reassignment to the residential properties", yet the introduction of the same document states that "reconfiguring the existing car park arrangement" will take place. At the current site the spaces marked numbers 14 to 18 on drawing number L500/P8 are tight to access, and only some of the parking spaces numbered 1 to 12 are currently in place. Nevertheless, from a

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highways aspect they have no objections given the central location of this development. If 18 properly accessible spaces are provided this is more than sufficient to ensure that the public highway is not adversely affected.

#### **4.0 Town Council Representations:**

4.1 Hertford Town Council objects to the change of use and loss of employment land.

#### **5.0 Other Representations:**

5.1 The applications have 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 a material consideration in the determination of the application.

#### **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

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and the conservation area have already been considered and accepted by the Council in principle. These are contained within the Officer report for the previous application which is attached as Essential Reference Paper A to this report.

- 7.2 The current proposal for 2 additional units (one in each block) requires consideration in respect of any additional impact that the increased density would have on neighbour amenity; highway safety, and the impact upon the setting of the listed buildings and the conservation area.

#### Neighbour Amenity

- 7.3 The immediate neighbouring buildings within Bluecoats Avenue are currently in office use, the nearest residential property being some 50 metres away to the south and within a similar distance to the west and north of the site are Bluecoats Court and Chauncy Court. Having regard to these distances, and as the majority of the operational works proposed would be internally within the building, Officers consider that the proposal would not have a harmful impact upon the amenities of neighbouring occupiers. Furthermore, the additional two residential units would not result in a substantial increase in activity at the site that would cause disturbance to the neighbouring properties.
- 7.4 The proposed development would therefore not result in an unacceptable impact upon the amenities of neighbouring occupiers.

#### Highway Safety and Parking

- 7.5 County Highways have confirmed that the proposed access and parking arrangements for the site are acceptable; although the size of some of the parking spaces is somewhat tight. 18 spaces are proposed for the 14 residential units, which is considered to be sufficient provision having regard to the sustainable location of the site close to the town centre and the bus and railway stations. The parking provision made on site has not increased with the additional two residential units. However, Officers do not consider that an increased provision would be necessary or justified in this case given the sustainable location of the site.

#### Setting of Listed Buildings and Conservation Area

- 7.6 The proposed additional two units involve some further internal alterations to the Listed Buildings, mainly comprising of additional partitions. The Conservation Officer has confirmed that they find the

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proposed works to the listed building to be acceptable. The proposed additional units would have a limited impact upon the historic and architectural value of the heritage assets and the change of use as a whole would facilitate the continued use of the buildings.

- 7.7 The removal of some of the extensive hard surfacing and the introduction of two internal soft landscaped amenity areas, will improve the character and appearance of the Conservation Area and have a positive impact upon the setting of the listed buildings. Officers have previously suggested that the existing fence to the eastern site boundary should be replaced with a red brick wall to further enhance the setting of the listed buildings and the Conservation Area. The applicant's agent has verbally confirmed that they are willing to provide a new wall and therefore a condition is recommended for further details to be submitted in respect of this.

#### Other Matters

- 7.8 Officers understand that the financial contributions towards local services that were required as part of the previous permission granted for 12 residential units have already been paid. In accordance with Policy IMP1 of the Local Plan, additional financial contributions are required to those already paid to allow for the additional 2 residential units, as set out at the head of this report. The applicant has confirmed that they are willing to commit to entering into a deed of variation to the existing legal agreement in respect of these matters.
- 7.9 There is no requirement for affordable housing on this site as the proposal falls short of the Council's threshold for affordable housing provision, which is 15 units or more as set out within Policy HSG3.
- 7.10 A condition was attached to the previous planning permission to require a landscape scheme to be submitted and agreed by the Planning Authority. A full landscape plan has now been submitted (Drawing No. DPP 182 11) and the Landscape Officer has confirmed that they consider this to be acceptable. Officers therefore consider that the previous condition to require a landscape scheme is no longer necessary, although one requiring its implementation prior to occupation is recommended.
- 7.11 A condition was attached to the previous listed building consent to require details of new doors to be submitted. These details have now been provided with the current application and are considered to be acceptable by Officers and therefore this condition is also no longer necessary.



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### **8.0 Conclusion:**

- 8.1 The principle of the change of use of the existing buildings to residential use has been established with the previous permissions granted and there are no significant changes in circumstances or policy that would justify a different decision being made in respect of this. The impact of the proposed additional two residential units upon the surrounding area, in particular in respect of neighbour amenity, setting of the listed buildings and the conservation area and highway safety is considered to be acceptable.
- 8.2 It is therefore considered that the development complies with the relevant policies of the Local Plan and the NPPF and it is recommended that planning permission and listed building consent be granted subject to conditions and 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.