

a) 3/12/1409/FP and b) 3/12/1410/LB - Change of use of 2 no. Class B1 office buildings to create 12 no. 1 and 2 bed residential dwellings at 6 and 7 Bluecoats Avenue, Hertford for Bluecoats Joint Venture

Date of Receipt: a) 29.08.2012
b) 29.08.2012

Type: a) Full – Major
b) Listed Building - Other

Parish: HERTFORD

Ward: HERTFORD – CASTLE

RECOMMENDATION:

- (a) That subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:
1. Provision to ensure that this permission is only implemented in place of, and not in addition to, the previous proposal, approved under ref 3/11/0824/FP. (Such that, if the earlier permission is implemented, this permission shall not be valid and if this permission is implemented, the earlier permission is revoked).
 2. The provision of £5,454 towards primary education
 3. The provision of £2,946 towards secondary education
 4. The provision of £1,362 towards nursery education
 5. The provision of £96 towards youth
 6. The provision of £1,236 towards libraries
 7. The provision of £7,651 towards outdoor sports facilities.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission under ref 3/12/1409/FP subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E10) 'L100 P1, L101 P0, L500 P6, L900 P0, DPP1825711, 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'

a) 3/12/1409/FP, b) 3/12/1410/LB

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 not withstanding 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.

a) 3/12/1409/FP, b) 3/12/1410/LB

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

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007 and in particular SD1, SD2, HSG1, TR1, TR7, TR14, EDE2, ENV1, ENV2, BH6) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

b) The Director of Neighbourhood Services be authorised to **GRANT** listed building consent in respect of 3/12/1410/LB subject to the following conditions:

1. Listed Building - Three Year time limit (2E14)
2. Listed Building - new window (8L03)
3. Listed Building - new door (8L04)
4. Listed Building - new plasterwork (8L05)
5. Listed Building - new rainwater goods (8L09)
6. Listed Building - making good (8L10)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular the National Planning Policy Framework. The balance of the considerations having regard to those policies is that listed building consent should be granted.

a) 3/12/1409/FP, b) 3/12/1410/LB

_____ (140912FP.LP)

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 northeastern corner of the wider Bluecoats site.
- 1.3 The application seeks planning permission and listed building consent for the change of use of these 2 buildings from Class B1 office use to Class C3 residential, proposing 12 units with 18 parking spaces.

2.0 Site History:

- 2.1 The most recent history is LPA 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 – hence this current application.
- 2.2 The 8 dormitory buildings on Bluecoats were initially constructed for use as pupil boarding accommodation for Bluecoats School in the late 17th 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.
- 2.3 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 3/85/1077/FP, 3/86/0420/RP and 3/85/1076/LB.
- 2.4 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.

a) 3/12/1409/FP, b) 3/12/1410/LB

- 2.5 A single storey link between buildings 7 and 8 was granted under LPA 3/95/1365/FP and 3/95/1306/LB.
- 2.6 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 3/11/0165/FP.

3.0 Consultation Responses:

- 3.1 The Council's Conservation Section have commented that the layout would ensure that the historic fabric and layout of the site remains and that the proposed landscaping and improvements to the boundary treatment on Mill Road would enhance the setting of the historic complex and as such raise no objections to the proposal.
- 3.2 The County Planning Obligations Unit has confirmed that financial contributions are sought for primary and secondary education, nursery education, youth and libraries.
- 3.3 Hertfordshire Highways have commented that they do not wish to restrict the grant of permission.
- 3.4 The Council's Housing Section have not commented but previously stated that as the number of units proposed is 12 and as the site is not over 0.5 hectares, the applicant does not need to provide an affordable housing element.
- 3.5 The Council's Environmental Health Section advise that any permission shall include conditions in respect of hours of working.
- 3.6 The County Historic Environment Unit have commented that the scheme is unlikely to have an impact upon significant heritage assets.
- 3.7 No comments have been received from the Councils Landscape or Waste Section.

4.0 Town Council Representations:

- 4.1 Hertford Town Council raise an objection and comment:-

'Objections were raised to the change of use and the loss of employment premises.'

a) 3/12/1409/FP, b) 3/12/1410/LB

5.0 Other Representations:

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 One letters of representation has been received from a current tenant on the estate raising objections in terms of:
- The already high pedestrian traffic through the site, which will be increased by the proposal and result in potential to cause serious accidents;
 - Increased traffic movements with only one access point. No adequate measures to facilitate safe entrance and exit to the estate
 - Insufficient parking spaces and bays not accessible;
 - Asks Council to consider the listed status of the building, effect of waste and refuse and suitability of the drainage system.

6.0 Policy:

- 6.1 The relevant 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.
- 6.3 In addition, the Council has relevant adopted Supplementary Planning Documents and Studies including:
- Affordable Housing and Lifetime Homes 2008
 - Open Space, Sport and Recreation 2009
 - Planning Obligations 2008
 - Vehicle Parking Provision at New Developments 2008

a) 3/12/1409/FP, b) 3/12/1410/LB

- Employment Land and Policy Review and Retail and Town Centre Studies, 2008

7.0 Considerations:

7.1 The main considerations in the determination of the planning application (3/12/1409/FP) relate to:

- The principle of residential conversion at the site and loss of B1 employment space;
- Impact upon neighbour's and future occupiers amenity;
- Highway implications;
- Impact upon the Conservation Area and setting of Listed Buildings; and,
- Other matters

7.2 The main considerations in the determination of the listed building application (3/12/1410/LB) relate to:

- Impact upon the character and appearance of the Listed Building and their setting

Principle of development / Loss of employment

7.3 The site is located within the town of Hertford wherein policy SD2 of the Local Plan applies. This states that development will generally be concentrated in the main towns of the district, which includes Hertford. However the proposal would result in the loss of an existing employment site and one that was last in employment use. Policy EDE2 part a), states that in such situations, planning permission will only be permitted where the retention of the premises for employment use has been explored fully without success, evidence of which must be provided.

7.4 The application has been submitted with a Marketing Report. This outlines that the office accommodation across the wider Bluecoats site has been marketed and offered as a whole or in part from late 2007. Such marketing has, and still does, include prominent 'to let' advertisements boards at the main Bluecoats entrance and to the Mill Road side of the site, a mailing exercise to around 1050 companies and organisations within East Herts District and neighbouring Authorities; details of the buildings are recorded on the EGI Commercial Property Website and 3 other such websites; and details recorded on the then (2007) joint agents website (Davies & Co and Lambert Smith Hampton) - though more recently now solely Davies and Co; and a colour brochure has been produced.

a) 3/12/1409/FP, b) 3/12/1410/LB

- 7.5 In terms of building 6, the ground and first floor became vacant in March 2012 and the second floor in September 2011. For building 7, this became vacant in September 2011, with the occupier re-located within one of the 6 remaining office buildings in Bluecoats. Overall within the wider Bluecoats complex, there is vacant accommodation at building 4 - second floor, building 5 – ground and first floor and, of course, the application site at building 6 and 7 are vacant on all three floors.
- 7.6 There have been significant rental incentives of short term leases offered and the buildings are being offered at competitive local market rates, and yet the buildings remain largely vacant. Responses back from potential occupiers who have viewed the premises comment that they do not provide for open plan space and that there are limited disabled facilities. In accordance with part a) of policy EDE2, I am satisfied that the retention of the premises for employment use has been explored fully without success.
- 7.7 The previous application for change of use from office to residential at buildings 7 and 8 accepted the justification for the loss of some employment at Bluecoats. However, Officers do not consider that there is justification for the cumulative loss of 3 of the employment buildings, and therefore it is recommended that the legal agreement reflect this and have a mechanism to ensure that the previous permission (which included the use of Building 8) is not also implemented.

Impact upon neighbour's and future occupier's amenity

- 7.8 In respect of the impact on neighbours' amenity, due to the internal layouts of the buildings, and the relationship with the neighbouring properties – currently in office use, there would be no unacceptable impact to neighbours from overlooking, loss of light or similar.
- 7.9 With regard to the levels of amenity that the development will provide for future occupiers, I am satisfied that the layout of the scheme maintains appropriate distances between adjoining buildings with acceptable internal layout of rooms and relationships with parking and amenity areas, to result in an acceptable degree of amenity being achieved.

Highway matters

- 7.10 As confirmed by Herts Highways, there are no objections in principle to the proposed development which makes use of the existing car parking and access from the public highway. It is noted that the proposal could

a) 3/12/1409/FP, b) 3/12/1410/LB

well result in a reduction in traffic movements, particularly given the sustainable location close to the town centre, other local amenities and public transport.

- 7.11 Internally the vehicle turning areas are acceptable and in respect of parking, the 18 spaces for the 12 dwellings is considered acceptable and generally in line with the Council's parking standards, which outlines that the maximum space provision to be 16.5 spaces. Although there is an over provision, the spaces are existing on site and the layout does reduce the amount of hard surfacing around the building and given that the over provision is slight, it is considered acceptable in this case.

Impact upon the Conservation Area / character and appearance of Listed Buildings and their setting

- 7.12 In terms of the impact on the listed buildings and their setting, the amended plans would ensure that the historic plan form of the buildings is retained with no loss of historic fabric. Furthermore, the proposed treatment of elevations is in keeping with the character of the building and overall the development would be sympathetic to the character and appearance of the buildings and their setting.
- 7.13 The removal of some of the extensive hard surfacing and the introduction of two internal soft landscaped amenity areas, together with a condition to secure improvements to the Mill Road boundary treatment (currently unattractive fencing which harms the setting of this listed group), will improve the character and appearance of the Conservation Area and have a positive impact upon the setting of the listed buildings. It is considered that these improvements are necessary and reasonable and should be secured by planning condition. This accords with national planning policy which seeks to ensure that development proposals improve the setting of heritage assets where possible, as set out in the NPPF.
- 7.14 The residential use can be achieved satisfactorily with no requirement for additional boundary division that would disrupt the pattern of the site and harm the setting of this important town group.

Other matters

- 7.15 In terms of S106 matters, Officers consider that, in order to satisfactorily mitigate for the impact of the new residential development, financial contributions would be needed towards open space provision (children and young people and outdoor sports facilities); primary education; secondary education; nursery education, youth and library services. The proposal has been assessed in the light of Reg.122 of the Community Infrastructure Levy Regulations (2010), and it is considered

a) 3/12/1409/FP, b) 3/12/1410/LB

that such contributions meet the relevant tests in the legislation. Furthermore, and as outlined in Para 7.7 above, it is also considered necessary to have a mechanism in the legal agreement to ensure that the previous consent cannot be implemented in addition to this permission.

- 7.16 There is no requirement for affordable housing, (as per Policies HSG3 and HGS4) as the site does not propose 15 or more dwellings nor is it over 0.5 hectares. The proposal is for 12 dwellings (or 13 if including the recent approved conversion of the Gate House to the south). This number is considered to provide a comfortable layout of units within the listed buildings.
- 7.17 A request for affordable housing would, however, be triggered if other buildings within the Bluecoats site were converted to residential, as the threshold taken cumulatively with this application and that approved at the Gate House, would be exceeded. This is further justification for ensuring that this permission can only be implemented in place of and not in addition to the earlier permission ref 3/11/0824/FP (which included permission to convert Building 8).

8.0 Conclusion:

- 8.1 To conclude, I consider that the principle of residential development is accepted at this site and that the retention of the premises for employment use has been explored fully without success.
- 8.2 The scale and layout of the dwellings is sympathetic to the listed buildings and the development would not create an adverse impact upon the amenity of neighbours or future occupiers, nor would it create an adverse highway safety impact. The design and layout of the scheme has had regard to the opportunities for improving the character and quality of the area and enhancing the significance of the heritage asset. The proposal has been considered with regard to the policies of the Local Plan and the National Planning Policy Framework.
- 8.3 The balance of the considerations having regard to those policies is that planning permission and listed building consent should be granted subject to the legal obligations and conditions set out at the commencement of this report.