

5h a) 3/12/1955/FP and b) 3/12/1956LB – Demolition of the existing outbuildings and renovation of the former Victorian School. Development of the former school playground and outdoor space for 5no 4 bed dwellings and 2no 2 bed flats at Musley Infant School, Musley Hill, Ware SG12 7NB for Musley Hill Development Ltd

Date of Receipt: a) 09.11.2012
b) 09.11.2012

Type: a) Full – Minor
b) Listed Building – Other

Parish: WARE

Ward: WARE – TRINITY

RECOMMENDATION:

- a) The Director of Neighbourhood Services be authorised to **GRANT** planning permission under planning ref: 3/12/1955/FP subject to the following conditions:
1. Three year time limit (1T12)
 2. Approved plans (2E10) – 1299 PL01; PL02; PL03 G; PL04 A; PL05 A; PL07 A; PL08 A; PL09 B; PL10 B
 3. Prior to the occupation of any of the residential units hereby approved, the listed school building, the Fives Court and the existing railings to the north and west sides of the school building shall be fully repaired and refurbished in accordance with a scheme 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)
5. Boundary Walls and Fences (2E07)
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)

a) 3/12/1955/FP and b) 3/12/1956/LB

10. Wheel washing facilities (3V25)
11. Construction parking and storage (3V22)
12. Cycle Parking facilities (2E29)
13. Withdrawal of P.D (Schedule 2, Part 1 Classes A, B, C and E) (2E23)
14. Landscape design proposals (4P12) b, c, d, e, f, l, j, k and l
15. Landscape Works implementation (4P13)
16. Construction hours of working – plant and machinery (6N07)
17. 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

18. Prior to the commencement of the development hereby approved, further survey work shall be undertaken to confirm the presence/absence of bats in accordance with the recommendations as set out in the Bat Inspection Report compiled by CSa Environmental Planning dated March 2013. The findings of these surveys shall be used to inform an appropriate bat mitigation strategy; the details of such shall be submitted to and agreed in writing by the Local Planning Authority. The approved mitigation measures shall then be carried out prior to the commencement of the development hereby permitted.

Reason: To mitigate against the potential presence of bats, a protected species, in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

19. 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

a) 3/12/1955/FP and b) 3/12/1956/LB

- 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)

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 is that permission should be granted.

- b) The Director of Neighbourhood Services be authorised to **GRANT** listed building consent in respect of 3/12/1956LB subject to the following conditions:
1. Listed Building Three year time limit (IT14)
 2. Samples of Materials (2E12)
 3. Listed building - making good (8L10)
 4. Repairs Schedule (8L11)
 5. Conservation Area (demolition) (8L12)
 6. Conservation Area (clearance of site) (8L13)
 7. Prior to the commencement of the works to the listed building hereby approved, further precautionary survey work shall be undertaken to confirm the presence/absence of bats in accordance with the recommendations as set out in the Bat Inspection Report compiled by CSa Environmental Planning dated March 2013. The findings of these surveys shall be used to inform an appropriate bat mitigation strategy, the details of such shall be submitted to and agreed in writing by the

a) 3/12/1955/FP and b) 3/12/1956/LB

Local Planning Authority. The approved mitigation measures shall then be carried out prior to the commencement of the works hereby permitted.

Reason: To discharge the Council's and applicants legal duties in respect of European Protected Species under the Habitats Directive and mitigate against any potential harm to bats.

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 and the pre-application advice given is that listed building consent should be granted.

_____ (195512FPLB.TA)

1.0 Background:

- 1.1 Members will recall that this application was previously reported to the Development Management Committee of 22 May 2013, where it was deferred. This was to enable Officers to investigate whether the development proposed is the minimum necessary in financial terms to generate sufficient funds to provide for the repair and restoration of the listed school building and to ensure that it would provide for a long term viable use of the listed building. Members also raised concerns during the meeting regarding highway safety and access. The previous report is attached at Essential Reference Paper A.
- 1.2 Having regard to the concerns raised by Members, the applicant instructed Chartered Surveyors to undertake a 'Development Appraisal' in relation to the financial viability of the scheme. The applicant has also now provided a Highways Statement. A small change is proposed to the development comprising of a 1.0m iron railing boundary fence to enclose the school playground adjacent to the parking spaces. Having regard to the new information submitted, neighbouring occupiers, Local Councillors, the Town Council and County Highways have all been re-consulted.
- 1.3 The applicant has asked that the Development Appraisal be independently assessed by the District Valuation Service (DVS) on behalf of the Council. The DVS has advised in relation to the methodology of the submitted report and with regard to what amount of

a) 3/12/1955/FP and b) 3/12/1956/LB

development would still enable a viable scheme to be implemented.

2.0 Consultation Responses:

- 2.1 County Highways have assessed the Highways Statement and do not wish to alter their earlier comments raising no objections to the proposal. Members will recall that County Highways do not wish to restrict the grant of permission, subject to conditions. They request S106 contributions of £8,000 towards kerbing works and £7,500 for a new bus shelter.
- 2.2 The Councils Conservation Officer has commented verbally that the change introducing the boundary fencing is considered to have no unacceptable impact on the setting of the listed buildings on site.
- 2.3 The Council's Landscape Officer does not wish to object to the iron railing boundary fence. Members will recall that the Landscape Officer previously recommended that planning consent is granted subject to landscaping conditions.

3.0 Town Council Representations:

- 3.1 Ware Town Council have not commented in response to the additional information. Members will recall that the Town Council previously objected to the proposals on the grounds of insufficient parking and overdevelopment of the site.

4.0 Other Representations:

- 4.1 Members will recall that Councillor J Wing had objected to the planning application and listed building application. In response to the Development Appraisal, Councillor Wing has responded setting out his view that a lower level of development would provide sufficient funds to allow the school building to be restored and is sceptical of the figure given for school building restoration costs and with regard to the basis for the amount paid for the purchase of the site.
- 4.2 Members may also recall that 24 letters of objection from neighbouring occupiers were received in relation to the original plans. Following clarification from the developer of the use of the school building as a Day Nursery and changes to increase the amount of parking for the building, 12 neighbours have written to maintain their objection to the amended plans.

a) 3/12/1955/FP and b) 3/12/1956/LB

4.3 In response to the latest consultation, two further letters have been received. The letters reiterate earlier expressed concerns regarding parking and highway safety and impact on the listed building, the details of which are summarised in the previous report.

5.0 Considerations:

Viability

- 5.1 Members will be aware that the catalyst for the improvements to the listed school building comes from the developer being able to secure the development of the overall site. The Development Appraisal sets out that the revenue from the residential development will fund the renovation of the school. However, in reaching a decision on the matter it is appropriate for the Council as decision maker to weigh any harm arising from the development against the benefits of renovating the former school and securing an active use of the listed building.
- 5.2 The District Valuation Service has undertaken an assessment of the Developer Appraisal following their own research into both current sale values and costs. The DVS have found the build costs of the new dwellings projected by the developer to be slightly high. Following their assessment, the scheme as proposed would produce a developer profit of 12.71% rather than a profit of 5% as highlighted by the developer. However, they note that a 12.71% profit still represents a deficit of £126,421 when compared with the acknowledged industry benchmark of 17%. As such, the DVS do not regard the scheme as a financially attractive one and categorically state that any attempt to reduce the amount of development would only have the effect of increasing the deficit, making the scheme even less attractive.
- 5.3 Officers are aware of the considerable risks inherent in all development projects particularly those of this size and have regard to the vulnerable market conditions in which the developer is operating.
- 5.4 The concerns raised by Councillor Wing in relation to the purchase cost of the site and the figure to restore the school are noted. However, the DVS have undertaken their own independent research and are satisfied that the agreed purchase price is reasonable taking into account the site's development potential. They have also accepted the developers assessed cost for the repair works to the school.
- 5.5 As is often the case with assessments of this nature, whilst there can be a difference of professional opinion in relation to various elements of the costs and fees, it is the overall balance of costs and revenue that

a) 3/12/1955/FP and b) 3/12/1956/LB

the Council should primarily concern itself with. In this case, there may be a view that the renovation costs are high. However, it is acknowledged that the overall profit to be generated by the development is low when compared to the industry standard. Adjustment in one of these areas of cost will be matched by an adjustment in the other and therefore the overall impact is very likely to be broadly neutral.

- 5.6 The professional advice the Council has received then sets out that, from the information to hand, even a small reduction in value to be derived from the development could affect the fine margins and make the scheme even less attractive to any developer. Officers note that although the 12.71% profit is more than the 5% anticipated by the developer, it is still short of the industry standard of 17%. A 12.71% profit margin is considered reasonable to accommodate for the uncertainty in the market and to make the development worthwhile for the owner and applicant. Furthermore, Officers note that whilst the DVS have accepted the figures provided by the developer with regard to the sales value of the dwellings, they do state that the figures are slightly optimistic, especially when compared with the last completed sales in 2011 at the similarly modern development adjacent at Sandeman Gardens.
- 5.7 In light of the above, Officers do not consider that it is reasonable to seek to reduce the quantum of dwellings proposed. This would serve to make the scheme less attractive to any developer seeking to take the site forward and could compromise the much needed restoration and remediation works to the school.

Highways

- 5.8 In light of Members concerns about highway safety, a Highways Statement has been submitted in support of the development. The Highways Statement reviews existing site conditions and illustrates that the site is accessible to key services, local amenities and by a range of transport modes.
- 5.9 The Highways Statement acknowledges that public objections have been received in relation to the development, most notably the concerns regarding the lack of parking for the school and the possibility that residents of the new dwellings will park their cars on Sandeman Gardens in preference to the application site.
- 5.10 In terms of car parking, the Highways Statement considers the provision of 9 spaces for the Day Nursery to be reasonable and adequate, having

a) 3/12/1955/FP and b) 3/12/1956/LB

regard to the size constraints of the Victorian school building and the extensive network of neighbourhood pedestrian links within the immediate area. It may reasonably be assumed, it states, that some of the parents/carers will walk to the site to drop off and collect their children.

- 5.11 In addition to the parking provision, there are also two bus stops (one NW bound and one SE bound) located within immediate vicinity of the application site on Homefield Road. A regular service is provided (30 min interval in the day) linking the site with Ware town centre and Hertford. To assist vehicles entering and exiting the site safely, on street parking is restricted immediately adjacent to the Victorian school building on Homefield Road and access to the development would not interfere with regular bus movements on Homefield Road. It should be noted that the new access point would benefit from the appropriate visibility splays, which can be secured by planning condition. It is acknowledged that the LPA cannot control where future residents park their cars. It is reasonable to assume however that most people would prefer to park their cars in safe and secure designated spaces away from the street. Parking off the site would tend to be less reliable in terms of its availability.
- 5.12 County Highways support the proposal and the findings in the Highways Statement and overall, Officers are content that there is sufficient parking proposed to support the development and that the development would not put significant additional pressure on the highway network. Parking provision accords with relevant planning policies.

Design Changes

- 5.13 As noted above, the only change in the design would be to erect a 1.0m iron railing boundary fence to enclose the school playground adjacent to the parking spaces. This is a sensible proposal that would separate the amenity area of the school from the parking area. In terms of impact on the character of the area, the fencing would be contained within the site with limited impact on the wider character of the area. In terms of its impact on the listed building, provided suitable fencing is agreed by condition, it is considered that this would not harm the character or setting of the listed building. Accordingly, Officers raise no objection to this small change.

6.0 Conclusion:

- 6.1 Having regard to the above considerations and those set out in the previous report, it is necessary to weigh up the benefit which arises

a) 3/12/1955/FP and b) 3/12/1956/LB

from the development against the harm that is caused. It is acknowledged that the proposals introduce further development into the vicinity of the listed school buildings and therefore have visual and other impacts. Against this, the benefit of bringing the former school buildings back into beneficial use must be assigned considerable weight. Officers remain of the view that harm, so far as it occurs, is outweighed by the benefit here. It is concluded then that a further reduction to the amount of development would have the impact that the proposals, with the associated benefits, would be unlikely to be implemented. It is recommended that planning permission and listed building consent are granted subject to the conditions outlined at the head of this report.