

- a) 3/14/1841/FP – Mixed use development including the conversion of the former McMullens Brewery to 7 No. residential apartments and business and community units and
- b) 3/14/1842/LB – Mixed use development including the conversion of the former McMullens Brewery to 7 No. residential apartments and business and community units at 26 Old Cross, Hertford, Herts, SG14 1RD for White Hart Developments
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Date of Receipt: a)13.10.2014
b)13.10.2014

Type: a) Full – Major
b) Listed Building Consent

Parish: HERTFORD

Ward: HERTFORD – BENGEO

RECOMMENDATIONS:

- a) That planning permission be **GRANTED** in respect of application 3/14/1841/FP subject to the following conditions:
1. Three Year Time Limit (1T12)
 2. Approved plans (2E10)
 3. Parking provision and retention (3V23)
 4. Prior to the commencement of the development hereby permitted, a scheme for the repair and refurbishment of the business and community use spaces shall be submitted to and approved in writing by the local planning authority. The business and community spaces shall thereafter be repaired and refurbished in accordance with the approved details prior to the first occupation of the residential units hereby permitted.

Reason: To ensure that the business and community spaces are made available for their approved use having regard to the employment designation of the site; the previous permission for a mixed use of the site, and in accordance with national policy in the NPPF.

5. Before first occupation of the development, all access and junction arrangements serving the development shall be completed in accordance with the approved in principle plan (Vehicle and Pedestrian Access; Drawing No. 4635-414P1), and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning

Authority and in the interests of highway safety.

6. Construction of the development hereby approved shall not commence until details of construction vehicle movements and construction access arrangements are submitted to and approved by the Local Planning Authority.

Reason: To ensure that the impact of construction vehicles on the local road network is minimised in the interests of highway safety and the free flow of traffic on the highway.

7. Construction hours of working (6N07)
8. Prior to its construction, details and samples of the finishing materials to be used in the construction of the proposed dormer window shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development, and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

9. Prior to the commencement of development details of the roller shutter situated at the entrance to the car park shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development, and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

10. Prior to occupation of any part of the building for a community use details of the proposed management of that use shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the effective ongoing management and use of the building and the appearance of the development in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

11. The open courtyard area identified on drawing No.4636.0151Rev:P2 shall not be used at any time for the parking of vehicles associated with the development hereby approved.

Reason: In the interests of the appearance of the site; the setting of the

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listed building and to ensure that it is available for its approved community use having regard to Policies ENV1 and TR7 of the East Herts Local Plan Second Review April 2007 and national guidance in the NPPF.

Directives:

1. Other Legislation (01OL)
2. Relationship with Listed Building (26LB) (LPA Ref 3/14/1842/LB).
3. Street Numbering and naming (19SN)

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 pre-application advice given is that permission should be granted.

- b) That, in respect of application 3/13/1683/LB, Listed Building Consent be **GRANTED** subject to the following Conditions:
1. Listed building three year time limit (1T14)
 2. Prior to its construction, details and samples of the finishing materials to be used in the construction of the proposed dormer window shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained in accordance with national planning policy guidance set out in section 12 of the NPPF.

3. Prior to the commencement of development details of the roller shutter situated at the entrance to the car park shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained in accordance with national planning policy guidance set out in section 12 of the NPPF.

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the National Planning Policy Framework. The balance of the considerations having regard to those policies and the previously approved Listed Building Consent ref: 3/08/1784/LB is that Listed Building Consent should be granted.

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1.0 Background

1.1 The application site is shown on the attached Ordnance Survey extract and comprises the former McMullen's Brewery adjoining the Sainsbury's store and situated between Hartham Lane and the access road to the retained brewery. The site is situated within Hertford Conservation Area and the building is grade II listed.

1.2 The approved applications for the original redevelopment of the Brewery site proposed the following uses for the building:

Basement	Community/Gallery use	485 sq.m.
	Business use	322 sq.m.
Ground floor (north)	Business use	210 sq.m.
Ground floor (south)	Business use	335 sq.m.
	Community/business use	104 sq.m.
Ground floor (south) Including courtyard	Community/Gallery use	357 sq.m.
First floor	Business use	188 sq.m.
Second floor	Business use	149 sq.m.
Third floor	Business use	58 sq.m.
Fourth floor	Business use	82 sq.m.

1.3 The total floor area devoted exclusively to business use, excluding common areas, was 1134 sq.m with a further 104 sq.m for community or business use and 825 sq.m for community/gallery use, 25% of which comprised the open courtyard.

1.4 The current proposal is for a mixed development with the adaptation of the north building and its basement for residential use. Part of the south building would be adapted to form garaging for the residential use. The total residential floor area would be 1249 sq.m in the north building together with 218 sq.m for garaging in the south building. The area comprising residential use amounts to approximately half of the floor area of the listed building. The remainder of the site would be used as follows:

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Ground floor (south) Including courtyard	Community/Gallery use	357 sq.m.
Ground floor (south)	Community/Business use	201 sq.m.
Basement	Community/Business use	816 sq.m.

- 1.5 The proposal would result in the loss of 1134 sq.m of business floor space.
- 1.6 The proposed 7 No. residential units would be accommodated at basement, ground, first, second, third and fourth floor levels and would comprise 3 x three bed, 3 x four bed, and 1 four bed unit.
- 1.7 6 car parking spaces and cycle storage are proposed within a garage at ground floor level with access off Hartham Lane via an existing opening, gated by a roller shutter.
- 1.8 New roof lights are proposed and a small dormer window on the south west elevation of the north block.

2.0 Site History

- 2.1 The relevant planning history for the site is as follows:

3/08/1528/FP – Mixed use redevelopment of part of the McMullens Brewery site, comprising a food store and conversion of the former brewery building to provide elements of the food store, including the café, offices and commercial space, community space, associated car parking and landscaping, riverside walk, re-naturalisation of river bank, bridge link to the town centre, re-routing of Hartham Lane and associated provision of new access and servicing points was granted on the Secretary of State in January 2009.

3/08/1529/LB and 3/08/1530/LC – The related Listed Building and Conservation Area consents were granted on 14th January 2009.

3/10/2047/FO – varied the consent to amend the brewery layout to provided a small museum of brewing linked to the store and a ground floor retail unit was approved as well as the Community Use spaces on the ground and basement levels.

3/14/0992/FO – Variation of condition 16 (opening hours). Approved 9th January 2015.

3.0 Consultation Responses

- 3.1 The Historic Environment Unit observe that the scheme is unlikely to have any impact on below ground archaeological remains.
- 3.2 The Council's Conservation Officer comments that the Brewery building is grade II listed and makes a positive contribution to the character and appearance of Hertford Conservation Area. The building is a landmark building and it is a focal point in views up Hartham Lane from the lane and elsewhere within the Conservation Area. The principle of residential conversion is accepted. The proposals are sympathetic to the heritage asset. The architects are Conservation Accredited and the proposals follow good conservation principles. The one weakness (from a design perspective) is the insertion of the dormer window that appears a rather domestic feature on this industrial building and adds clutter to the plain roof slope. However, it is noted that a 1934 image (Figure 7 of the Heritage Statement) shows a roof gable feature at this point. So perhaps a dormer/gablet that looks less domestic in character but remains fairly small scale could be supported. Other added features such as glass canopies and wire staircases are sympathetic additions. The car park entrance off Hartham Lane using a previously altered window opening alters the rhythm of the elevation to some degree but is acceptable. The roller shutter is not ideal but if considered to be acceptable details should be provided. The principle of the conversion is supported but I would like to see the form of the roof dormer amended, or omitted.
- 3.3 Hertfordshire Highways have no objection, subject to a condition.
- 3.4 The Head of Communications, engagement and cultural services comments that "the site could be put to valuable use for the community, arts and start-up businesses. There are a number of expressions of interest at this stage.....clearly substantial refurbishment works are required to bring the spaces into viable use and it is the economics of this work and any lease terms that are critical to realising the envisaged use".

4.0 Town Council Representations

- 4.1 Hertford Town Council raise objection. This building, when refurbished as a protected listed structure was supposed to be kept as a heritage site, therefore a commercial venture for residential use was not considered appropriate.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 One letter of representation has been received from The Ironbridge Institute Association for Industrial Archaeology who observe that there is no doubt that residential use is the most secure long term use of the building but rarely the most suitable. The original proposed use as offices and community space was a more suitable re-use. The changes proposed will have a significant adverse impact on the external appearance of the buildings as well as the brewing equipment. The present proposals can only be justified if they are essential for the preservation of the building and to secure its future. Therefore the Association objects to the application. If permission is granted, a condition requiring the reinstatement of the blocked up window to the west of the proposed new door opening should be imposed.
- 5.3 No other responses have been received.

6.0 Policy

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

SD1	Making Development more Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites not Allocated in this Plan
HSG6	Lifetime Homes
TR2	Access to New Developemnts
TR7	Car Parking Standards
TR14	Cycling – Facilities Provision (Residential)
EDE1	Employment Areas
STC1	Development in Town Centres and Edge of Centres
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime
BH1	Archaeology and New Development
BH6	New Developments in Conservation Areas
HE8	Employment Areas – Hertford
IMP1	Planning Conditions and Obligations

- 6.2 The National Planning Policy Framework and Planning Practice Guidance is also of relevance to the determination of the application. In

particular Section 1 Building a strong economy, Section 7 Design and Section 12 Enhancing the historic environment.

7.0 Considerations

7.1 The main planning issues to be considered in the determination of this application are:

- The loss of employment space and the creation of residential development contrary to Local Plan Policies EDE1 and HE8
- The implications of and acceptability of the proposed residential conversion for the heritage interest of the brewery having regard to policies ENV1 and BH6 and the NPPF
- The quality of residential accommodation and amenity for the residents of the proposed development
- The contribution of the residential accommodation to housing supply
- Highways, access and parking

Loss of employment space

7.2 The Local Plan Policy is based on studies and evidence and seeks to ensure that a sustainable balance of employment, residential and other uses is retained within the town and district. As part of the Council's forward planning work, the Hartham Lane area was assessed in Halcrow's 2008 Employment Land Study as "Green" meaning it is a high priority area for the retention of employment.

7.3 The applicants were requested to provide evidence of the marketing of the site in order to demonstrate that the approved office and community uses are not in demand. Submissions have been made by the applicant that there is no market demand for commercial use. They conclude that office use would be the most suitable Class B use for the listed brewery buildings and that Hertford is currently oversupplied with office space. Further that much of the vacant office space has been marketed for more than six months.

7.4 The applicant further submits that a lot of the vacant office floor space is purpose built and of a higher quality than that which could be accommodated in the brewery building. In a saturated market it is office

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space with the best specification that will be sold in preference to other space.

- 7.5 Little factual evidence has been submitted regarding the marketing of the site but the building has remained totally vacant since the completion of the Sainsbury's development in June 2012.
- 7.6 There have been no approaches to Officers by prospective future occupiers for commercial use.
- 7.7 The application proposes that a significant part of the building (1017 sq.m) will remain in either business or community use with a further 357 sq.m for gallery/community use. This also enables the courtyard space to be retained in a more public use with access to and appreciation of the heritage asset. A condition is recommended to ensure that this is to be managed to encourage the use on a sustainable basis. This replaces the original Section 106 obligation.
- 7.8 The loss of prospective business floor space is regrettable, but it is important to recognise that the proposal would not result in the loss of currently useable business floor space or current employment opportunities, the floor space under consideration having not as yet been adapted for such a use. It remains the case that the substantive works of repair and adaptation internally would be required in order to bring forward the business and community uses, and Officers consider it reasonable, in the interests of securing a sustainable mixed use development, that these works are carried out prior to the occupation of the residential units. In that way, the business and community use spaces will be far more attractive to potential occupiers and this will ensure, as far as possible, that a successful mixed use scheme can be delivered in accordance with the aims and objectives of the NPPF and the adopted policies of the Local Plan.

Heritage considerations

- 7.9 The protection of this landmark listed building as an important part of the historic heritage of the town is clearly an important consideration as recognised by the Inspector in considering the previous appeal.
- 7.10 The building has remained empty since brewing activity ended in 1995 and it suffered from internal and external deterioration, a degree of vandalism and theft. The Sainsbury's development has secured the repair of the building externally, but its future upkeep is not secure. It is therefore important that a new use is found for the building and that its occupation is secured. This would secure its future preservation and

maintenance.

- 7.11 The architects involved with the residential conversion proposal are Conservation accredited and it is considered that the proposals follow good conservation principles.
- 7.12 The works will keep the external appearance of the building largely as existing. Proposed roof lights are considered to be acceptable.
- 7.13 A dormer window is to be inserted in the roof slope of the south west elevation of the north block. Whilst this appears rather domestic in appearance it is small and sits comfortably at a low point on the slope just above the eaves. The design of the dormer is also reflective of the windows below it. It is also noted that an image from 1934 included in the applicant's Heritage Statement shows a gable feature at this point in the roof slope.
- 7.14 Other additional features such as glass canopies to the front elevation and wire staircases are sympathetic contemporary additions to the listed building.

Housing supply

- 7.16 Appropriate weight should be given to the shortfall in the Council's 5 year housing land supply. Whilst only 7 residential units would be provided the contribution to the shortfall in housing supply would weigh in favour of the proposal.

Highways, access and parking

- 7.17 Six covered car parking spaces are proposed for the development of 7 units comprising a mix of unit size ranging from two to four bedrooms. Policy TR7 and Appendix II of the Local Plan would require a maximum of 8.75 spaces. In addition 7 covered cycle parking spaces are proposed. The proposed access is from Hartham Lane.
- 7.18 Having regard to the constraints of the site and the proximity to local amenities and public transport, this provision and the proposed access arrangements are considered to be satisfactory.

8.0 Conclusion

- 8.1 Whilst this loss of potential business floor space is regrettable, it is considered that it is unlikely that there is a reasonable prospect of this element of the original proposal being brought forward in the immediate

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future or indeed the foreseeable future.

- 8.2 That being the case considerable weight should be given to securing the long term use of the brewery building for an alternative use thereby securing the preservation and upkeep of this important historic building. It is considered that the current proposal would be far more likely to achieve that aim.
- 8.3 That being the case and, on balance, the application is recommended for approval, subject to the conditions listed at the head of this report.