

## **DELEGATED REPORT**

Application Reference:14/1294/FUL

Address: Swan House (formerly Comet House), Homestead Road, Rickmansworth, Hertfordshire, WD3 1FX

Proposal: Variation of Condition 2 (development to be used solely for B1 (Office) purposes) of planning permission 8/123/88 (Office development with ancillary car parking and replacement of public car park) to remove restriction in relation to Swan House

Case Officer: Claire Williams

Expiry Date: 02.10.2014

Recommendation: Approval

Plan Nos: TRDC001 (Location Plan), TRDC002 (Swan House Plan), Plan B1 (Lower Level Car Parking), Plan B2 (Upper Level Car Parking)

### **1. Relevant Planning History**

- 1.1 8/123/88 Office block, car parking, replacement public car park. Approved 07.04.1988 and implemented.
- 1.2 08/0455/FUL Four storey front infill extension to create additional office space - Withdrawn 28/05/2008.
- 1.3 08/1351/FUL Four storey front infill extension to create additional office space- Approved 26.08.2008.
- 1.4 11/1075/FUL Renewal of Planning Permission 08/1351/FUL - Four storey front infill extension to create additional office space - Approved 07.07.2011.
- 1.5 14/0930/PREAPP - Deletion of condition 2 of planning permission ref 8/123/88 which restricts the use of the premises to offices (in relation to Swan House).

### **2. Site Description**

- 2.1 The application site comprises Swan House, Drake House and a multi storey car park situated on an island site bounded to the north by Park Road, to the east and south by Homestead Road and to the west by Rectory Road. To the west of the application site is Rickmansworth Station and approximately 150 metres to the south of the application site is Rickmansworth High Street.
- 2.2 Swan House is a four storey office building which was formerly known as the Comet House. It is noted that Swan House is shown as Comet House on the submitted plans. It extends to 2,810 sqm and benefits from 111 basement car parking spaces. The office block is sited centrally between the public car park to the west and Drake House located to the east. The building has been vacant since Comet went into administration at the end of 2012.
- 2.3 Drake House is a four storey office building occupied by Vocalink. It extends to 3,622 sqm and provides 140 car parking spaces. The public car park is located opposite Rickmansworth Station.
- 2.4 The application site falls within the Central Valley Rivers landscape area and lies adjacent to the Rickmansworth Town Centre Conservation Area.

### **3. Detailed Description of Proposed Development**

- 3.1 The application seeks to vary Condition 2 attached to planning permission 8/123/88 to remove the B1 Office use restriction from Swan House. Condition 2 reads:

'1294

- 3.2 The application is accompanied by a marketing report and marketing material.

#### **4. Consultee Responses**

- 4.1 Hertfordshire Property Services: No comments were received.
- 4.2 National Grid: 'Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works'.
- 4.3 Hertfordshire Highways: 'Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

The Application proposes amendments to the previous planning condition restricting the use of the building to business (Class B1) use. The proposed change in use will result in new travel and traffic issues that will need to be considered as part of any future planning application for the site. The Highway Authority has not identified any significant highway related concerns with the proposed amendment and therefore does not raise any objection to the application'.

- 4.4 Local Plans: 'Swan House (formerly Comet House) and neighbouring Drake House currently have permission for B1 Use (Offices). A condition requiring planning permission for any change from B1 Use was attached to the original planning permission granted in 1988. Swan House has been vacant since Comet went into administration in late 2012. Drake House is currently occupied by Vocalink. The current application (14/1294/FUL) does not seek to change the existing B1 use at Drake House.

Policy CP6 of the adopted Core Strategy (2011) states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment areas within the District. Rickmansworth Town Centre is identified as a key employment area by the policy. However Policy CP6 goes on to state that office space will be released from employment use where it is expected to be surplus to employment needs across the plan period as supported by an up to date Employment Land Study. The Employment Land Study Update (2010) reflects the findings of earlier studies (Employment Land Study (2005) and London Arc Study (2009)) and concludes that there is likely to be an oversupply of office floorspace in the District across the plan period (up to 2026).

Saved Policy E3 of the Three Rivers Local Plan (1996 - 2011) states that sites identified on the Proposals Map will be safeguarded for business, industrial and storage or distribution development subject to compliance with relevant policies. Swan House is not identified by the Local Plan Proposals Map as a safeguarded business/industrial site. In addition the Site Allocations Local Development Document (Main Modifications version January 2014) does not allocate Swan House as an employment site. Therefore Swan House is not specifically safeguarded for business use.

Taking the above into account and provided the application satisfies other relevant considerations, including Development Management Officers being satisfied that the marketing information/statement from Knight Frank LLP demonstrates that all reasonable steps have been

taken to find a new B1 occupier, the Local Plans team have no objection to the proposal to vary condition 2 (development to be used solely for B1 (Office) purposes) of planning permission 8/123/88 to remove the restriction from Swan House'.

The following additional comments were also received:

'Place Shaping Policy PSP1 (Development in the Principal Town (Rickmansworth)) of the adopted Core Strategy (2011) states that development in Rickmansworth will maintain the overall amount of existing employment floorspace in the town, including the general supply of office accommodation in the town centre. Policy CP6 (Employment and Economic Development) of the Core Strategy (2011) states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment areas within the District. Rickmansworth Town Centre is identified as a key employment area by the policy. However Policy CP6 goes on to state that office space will be released from employment use where it is expected to be surplus to employment needs across the plan period as supported by an up to date Employment Land Study.

The Employment Land Study Update (2010) reflects the findings of earlier studies (Employment Land Study (2005) and London Arc Study (2009)) and concludes that across the District as a whole there is likely to be an oversupply of office floorspace across the plan period (up to 2026). However, in specific reference to Rickmansworth, the 2010 Study concludes that in general office sites in Rickmansworth should be protected and that the loss of office land to other uses should be minimised."

- 4.5 London Underground: 'I can confirm that London Underground Infrastructure Protection has no comment to make on this planning application for change of use.'

## **5. Neighbour Consultation**

- 5.1 Site Notice Expired: 12.08.2014      Press Notice Expired: 22.08.2014

No. consulted: 2

No. of responses: 1

- 5.2 Summary of responses: Not in accordance with local and national policy; if permission is granted the office block is likely to be converted into residential use which would have a significant impact on the town centre in terms of loss of employment opportunities and reduction in parking spaces and would result in no provision for affordable housing and CIL/ S106 contributions; no evidence of the Council monitoring changes of use within the Principal town; will the proposal lead to Drake House being vacated.

## **6 Relevant Local and National Planning Policies**

- 6.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2 The Three Rivers emerging Local Plan is currently being drawn up. The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Policies PSP1, CP1, CP6, CP8, CP10 and CP12 are relevant to this application.

- 6.3 The Development Management Policies Local Development Document (Development Management Policies LDD) was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Policy DM13 and Appendix 5 are relevant.
- 6.4 The Site Allocations Local Development Document (SALDD) Proposed Submission (November 2012) was submitted to the Government on 21 June 2013. A Planning Inspector has been appointed to undertake an independent examination into the soundness of the document. The Inspector's final report is likely to be received in autumn 2014 and the SALDD adopted later in 2014.
- 6.5 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

## **7. Analysis**

### Employment and Economy

- 7.1 The application site is located in Rickmansworth Town Centre, a key employment area. Policy CP6 of the Core Strategy (adopted October 2011) states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment areas within the District.
- 7.2 Policy CP6 of the Core Strategy (adopted October 2011) states that the Council will support sustainable development that releases office space from employment use where it is expected to be surplus to employment needs across the plan period as indicated by an up to date Employment Land Study. Policy PSP1 of the Core Strategy (adopted October 2011) states that development in Rickmansworth will maintain the overall amount of existing employment floorspace in the town, including the general supply of office accommodation in the town centre.
- 7.3 The Site Allocations Local Development Document (Main Modifications version January 2014) allocates sites for housing, employment, retail, open space, education and community uses. The application site is not identified in the SALDD and therefore Swan House is not specifically safeguarded for a particular use.
- 7.4 Planning application 8/123/88 was granted planning permission subject to a condition restricting the use of the development solely to office use (Class B1). The decision notice states that the Local Planning Authority would wish to reconsider the position in the event of a change in circumstances or the nature of the use, the Local Planning Authority therefore felt it reasonable to impose this condition to control future use of the buildings.
- 7.5 In November 2012, Comet was placed in administration and subsequently Swan House was returned to the then landlord. A marketing report was submitted with the planning application and sets out the different approaches that have been undertaken by Knight Frank to market the office building. Approaches include the erection of letting boards, website advertising and the circulation of a marketing brochure to agents in the North West M25 market area. The report concludes that despite carrying out extensive marketing campaigns since the end of 2012, Knight Frank have been unable to let the building. The market is starting to improve but it is Knight Frank's opinion that office occupiers in the future would be attracted to established business parks and core office locations.

7.6 The Local Plans department have been consulted on the proposal and has raised no objection to the variation of Condition 2 attached to planning permission 8/123/88. The fact that Swan House has been vacant since the end of 2012 and has been marketed from this point of time and not been let, demonstrates that the building is surplus to employment needs. Furthermore the site is not specifically allocated as an employment site. Therefore while adopted Core Strategy Policies PSP1 and CP6 would generally seek the retention of B1 (office) space, it is considered that the variation of Condition 2 would not significantly undermine the local economy, so as to justify refusal of the current application in recognition of the submitted marketing information and status of the site which is not formally designated as employment land. In addition the variation to Condition 2 would have no impact on the B1 Office use restriction that applies to Drake House. Overall it is considered that the proposed variation of condition is acceptable and in accordance with Policy CP6 of the Core Strategy (adopted October 2011).

### **Permitted Development Changes**

7.7 The Government's drive for growth and housing has resulted in changes to the General Permitted Development Order. During the Government's consultation on the relaxation of permitted development regulations in the last couple of years, it has been recognised that there are offices built in locations where the demand for office space has moved on or the need is for buildings with higher specifications that are better able to deliver for modern business. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into force on 30 May 2013. With the proposed variation of Condition 2 the uses set out below could be applicable to Swan House:

#### *Part 3- Changes of Use*

- Class J: 'Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (Offices) of that schedule'.
- Class K: 'Development consisting of a change of use of a building and any land within its curtilage to use as a state funded school or a registered nursery, from a use falling within Class B1 (business), C1 (hotels), C2 (residential institutions), C2A (secure residential institutions) and D2 (assembly and leisure) of the Schedule to the Use Classes Order'.

#### *Part 4- Temporary Buildings and Uses*

- Class C: 'The use of a building and any land within its curtilage as a state funded school for a single academic year'.
- Class D: 'Development consisting of a change of use of a building and any land within its curtilage-
  - (a) to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of that Schedule to the Use Classes Order,
  - (b) from a use falling within Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), Class A5 (hot food takeaways), B1 (Business), D1 (non-residential institutions) and D2 (assembly and leisure) of that Schedule, for a single continuous period of up to two years beginning on the date the building and any land within its curtilage begins to be used for one of the flexible uses'.

- 7.8 By varying the condition attached to planning application 8/123/88, the applicant could potentially convert Swan House into the uses set out in paragraph 7.7 without requiring planning permission. Given the application site is located within the Principal Town of the District, a very sustainable location with excellent transport networks and a range of services and facilities, it is not considered appropriate to restrict future uses on the site through attaching a condition to any grant of planning permission.
- 7.9 All financial contributions (Section 106 payments and Affordable Housing Contributions) that would normally be compulsory for a residential scheme under planning permission would not be required. As a result, the Council would lose out on such payments. Whilst this is acknowledged, this was not the specific reason why the condition was attached. Consequently, given the circumstances, it would be unreasonable for the Local Planning Authority to prevent the variation of the condition on the basis that financial contributions would not be received.

### **Other Issues**

- 7.10 In terms of highways, the Highways Authority was consulted on the scheme and raised no objection as there would be no impact on the highway.
- 7.11 The proposed variation of condition would not result in any demonstrable harm to residential amenity or visual amenity within the street scene.

## **8. Recommendation**

### **That PERMISSION BE GRANTED subject to the following conditions:**

#### **8.1 Conditions**

- C1 The development hereby permitted shall be maintained in accordance with the following approved plans: TRDC001 (Location Plan), TRDC002 (Swan House Plan), Plan B1 (Lower Level Car Parking), Plan B2 (Upper Level Car Parking), 4196/1F (Car Park Level -1), 4196/2F (Car Park Level -2), 4195/3/E (Site Plan), 4196/4I (Floor Plans Level 0, 1 and 2), 4196/5I (Floor Plans Level 4 and Roof), 4196/6G (Elevations), 4196/7E (Elevations and Sections), 4196/8/C (Public Car Park Plans and Sections), 4196/103J (Car Park Level -2), 4196/104/J (Car Park Level -1), 4196/108C (Elevations), 4196/23 (Public Car Park Elevations), RM100 (Proposed Ground Floor Alterations), 8818/2.03G (Public Car Park Floor Plan), 8818/2.07, 8818/2.08, 8818/2.09, 8818/2.10P (Public Care Park Elevations), 4196/SK.13 (Additional Floor Area Level 3 Block B), 4196/SK.19 (External Arrangement of Handrails, Chillers and Flues at Roof Level), 4196:26 (Landscaping Scheme), 4196:27 (Soft Landscape Courtyard Details), 4196:28 (Landscape Scheme Elevations), 4196 A3/1 (Roof Plant Ridge), 029428910/SK1 (Part Elevation Existing), 029428910/SK2 (Existing Elevations), 029428910/SK3 (Proposed Front Elevations), 029428810/SK4 (Proposed Elevations).

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP1, CP1, CP6, CP8, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013)..

- C2 The development hereby permitted, excluding Swan House, shall be used solely for purposes included in Class B1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose whatsoever without the prior permission in writing of the Local Planning Authority.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C3 The parking and turning spaces shown on the approved plans shall be kept permanently available for the use of employees and visitors to Swan House (if Swan House is to be used for a B1 office use) and Drake House unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

## 8.2 Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by application form; the relevant form is available on the Council's website ([www.threerivers.gov.uk](http://www.threerivers.gov.uk)). Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements 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 applicant and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.