

**a) 3/15/0524/FUL and b) 3/15/0525/LB – Change of use of part of second floor of Millars Three to create 14no 1 bedroomed flats with mezzanine upper floor at Millars Three, Southmill Road, Bishop’s Stortford, CM23 3DH for Reedside Ltd.**

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**Date of Receipt:** 16.03.2015

**Type:** a) Full – Major  
b) Listed building consent

**Parish:** BISHOP’S STORTFORD

**Ward:** BISHOP’S STORTFORD - CENTRAL

### **RECOMMENDATION**

a) That, subject to the signing of a s.106 legal agreement securing the following financial contributions:-

- £6,636 towards health care provision;
- £448 towards nursery provision and the relocation and expansion of Appletree pre-school;
- £13,355 open space contribution towards changes and alterations to Bishop’s Park and Wayetmore Castle Gardens including, *inter alia*, improving access and developing sports/leisure opportunities for local people, and the provision of play space for children and young people.

planning permission be **GRANTED** in respect of 3/15/0524/FUL subject to the following conditions:-

1. Three year time limit (1T121)
2. Prior to the commencement of development, a scheme providing for the insulation of the proposed dwellings against the transmission of noise and vibration to and from the dwellings shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details prior to the first occupation of any of the dwellings.

Reason

In order to ensure an adequate level of amenity for residents of the new dwellings and adjacent occupiers in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

3. Cycle Parking Facilities (2E293)
4. Approved plans (2E103)

## 3/15/0524/FP and 3/15/0525/LBC

### **Informatives:**

1. Other legislation (01OL1)
2. Street Naming and Numbering (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 2015. The balance of the considerations having regard to those policies is that permission should be granted.

b) That listed building consent be **GRANTED** in respect of application 3/15/0525/LBC subject to the following conditions:-

1. Listed building three year time limit (1T141)
2. Prior to the commencement of the development hereby permitted, detailed drawings of any secondary glazing to be installed shall be submitted to and approved in writing by the local planning authority and thereafter the development shall accord with the approved details.  
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 National Planning Policy Framework.
3. 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) Order 2015. The balance of the considerations having regard to those policies is that listed building consent should be granted.

## **3/15/0524/FP and 3/15/0525/LBC**

### **1.0 Background**

- 1.1 The application site lies to the south of the main retail area of Bishop's Stortford and contains three separate maltings buildings, Millars 1, 2 and 3. Millars 3 is the central building and is a four storey red bricked building which fronts onto Southmill Road. This building, as with the other Millars buildings, is a long building which stretches from the road frontage with Southmill Road to the north towards the River Stort.
- 1.2 The front section of the central maltings building is known as Maurice House, and the rear section is known as Millars Three. Two floors (the second and third floors) of Maurice House have recently been converted into 10 residential flats, following the grant of planning permission in June 2013 (Ref:3/13/0279/FP). The remainder of the building is occupied predominantly by office type uses. Across the wider site, there are a variety of land uses including a mosque, restaurants, hot food takeaways, a gymnasium and dance studios.
- 1.3 The application site is shown on the attached OS survey plan.
- 1.4 The proposed development seeks permission to convert the second and third floor of the northern part of the Millars 3 building into 14no. one bed apartments. The level of accommodation serving the proposed residential apartments is typical of town centre apartments with a modest bedroom space and an open plan lounge/kitchen area. No external alterations to the building are proposed and the ground and fourth floors are proposed to remain in commercial use.
- 1.5 In terms of parking provision, the applicant indicates that 10 car parking spaces were allocated to the 10 flats at Maurice House, but only two of the tenants currently occupying those flats have cars. The applicants propose to retain those 10 spaces and to provide 5 additional spaces, such that there would be a total of 15 parking spaces for the 24 flats in the building. The allocated parking would be provided at the front of Maurice House and at the side of Millars Three. A cycle store is also proposed to serve the development.

### **2.0 Site History**

- 2.1 There is a significant amount of planning history relating to the Millars Three building. The following table provides some information in respect of the most relevant planning history:-

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<b>LPA Reference</b>	<b>Description</b>	<b>Decision</b>
3/83/0635/LB	Conversion of malting kiln and mating floor area into office and theatre with retail area.	Approved with conditions
3/83/0636/FP	Change of use of part of ground floor from storage to retail.	Approved with conditions
3/83/0353/FP	Change of use of storage space to industrial artists studio and hairdressing and beauty salon.	Approved with conditions
3/86/0074/FP	Change of use of part of mezzanine and part second floor to offices showroom storage and reception purposes.	Approved with conditions
3/98/1270/FP	Change of use of part of existing building from D2 leisure/assembly to B1 light industrial/ offices. Extension of snooker hall into remaining part of bowling area.	Approved with conditions
3/13/0279/FP and 3/13/0280/LB	Conversion of second and third floors at Maurice House to 10no. self-contained flats with insertion of 2no. new timber windows	Approved with conditions
3/13/0409/FP	Change of use of part of Millars One into a gymnasium.	Approved with conditions
3/13/1060/AD	2no externally illuminated fascia signs and 2no non illuminated fascia signs.	Approved with conditions
3/13/1553/LB	2 no. externally illuminated fascia signs and 2 no. non-illuminated fascia	Approved with conditions

### **3.0 Consultation Responses**

- 3.1 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that the application will have no impact from a highway point of view as there will be no intensification of use and no alterations are proposed to the existing access onto Southmill Road. The Highway Authority comments that the parking provision should be considered by the local planning authority.
- 3.2 The Councils Environmental Health unit advises that any permission which the Planning Authority may give should include a condition relating to soundproofing of the proposed units. The application site is located within a mixed use area and therefore the noise profile and resultant effect of the site must be considered.
- 3.3 The Conservation Officer recommends that permission be granted. The interior has been heavily altered in the past and makes little, if any, contribution to the significance of the building. Amended plans have been submitted during the application process which includes an amended

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mezzanine level which creates a double height lounge space adjacent to the windows.

- 3.4 Hertfordshire Fire and Rescue Service comment that access for fire fighting vehicles should be in accordance with Building Regulations and the access route should achieve a minimum capacity of 15 tonnes. A turning head should be provided and water supplies should be in accordance with British Standards.
- 3.5 Thames Water comments that there is no objection in regards to sewerage infrastructure capacity.
- 3.6 The County Council's Spatial Planning and Economy Unit Minerals and Waste Team comment that development should seek to encourage sustainable management of waste in the construction phase of the development.

### **4.0 Town Council Representations**

- 4.1 Bishop's Stortford Town Council objects to the planning application and comments that there is insufficient parking and the resulting effect on the surrounding area will be detrimental. The Town Council also comments that there is insufficient infrastructure to support the development and the development will be hazardous to pedestrians.

### **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:-
- SD2 Settlement Hierarchy
  - EDE2 Loss of Employment Sites
  - TR7 Car Parking – Standards
  - TR14 Cycling – Facilities Provision (Residential)
  - ENV1 Design and Environmental Quality
  - ENV19 Development in Areas Liable to Flood
  - ENV25 Noise Sensitive Development

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6.2 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also material considerations in the determination of the application.

### **7.0 Considerations**

7.1 The planning considerations relevant to this application relate to the following matters:-

- The principle of development;
- The impact on the character, appearance and setting of the listed building;
- The impact on the amenities of neighbouring properties;
- Parking provision;
- Flood Risk.

#### The principle of development

7.2 The site is located within the built up area of Bishop's Stortford wherein there is no objection to the proposed development in principle.

7.3 However, the building is currently used (or last used) for employment purposes, and policy EDE2 of the adopted Local Plan seeks the retention of existing employment uses. The loss of an employment use will only be permitted if:-

- the retention of the premises for employment use has been fully explored without success;
- the proposed use does not impact on the amenity of the adjacent area or nearby occupiers; and
- access, parking and services are satisfactory

7.4 In respect of the first element of policy EDE2, the applicant has provided supporting information from a local estate agent. The information submitted sets out that the relevant part of the building has been offered to let since November 2013 by Coke Gearing and, prior to that, by Mullocks Wells. The premises have been advertised in the local paper, on the estate agents website and other related websites and a marketing board has been erected at the premises. The marketing exercise has resulted in only one short term license on one of the smallest suites within the building and that company left the site after just five months. The information from the estate agent sets out that there is an abundance of vacant offices in the locality.

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- 7.2 Having regard to the information submitted, Officers are of the opinion that sufficient marketing evidence has been submitted to show that there is little or no interest in the continued use of the premises for office purposes. Accordingly, the proposal complies with policy EDE2(a) of the Local Plan. The other requirements of policy EDE2 are discussed later within the report.
- 7.3 It is also relevant to consider the recent changes to 'permitted development' rights that have been introduced by the Government. The change of use of a building which is currently used as offices (Use Class B1a) to a dwelling is now permitted without the need to obtain planning permission, subject to a number of criteria being met and the submission of an application to the local planning authority for a determination as to whether prior approval will be required as to transport/highway matters; contamination risks and/or flood risks.
- 7.4 Development is not permitted, however, if the building is listed and therefore, in the case of Millars 3, planning permission is still required. The Government has introduced these changes to ensure that the best use is made of empty and underused buildings and, whilst planning permission is still required in this instance, weight should be attached to the Government's desire, in principle, to make use of empty or underused office buildings for residential purposes.

#### Character, appearance and historic fabric of the building

- 7.5 The proposed development involves the complete refurbishment of the relevant part of the second floor and its conversion to provide 14 flats. The external appearance of the building will remain largely unchanged however.
- 7.6 As noted by the Conservation Officer, the plan form of the building has been altered significantly in the past and is not now important to the building's significance. The application plans have been amended during the application process and include a large open void space which will assist in retaining some of the building's historic and industrial character. No external alterations to the building fabric are proposed and the development will not, result in any significant harm to the historic fabric of the listed building.
- 7.7 Whilst Officers have identified above that the proposed development will not result in significant harm to the fabric of the building itself, the Council must also consider the impact of the proposed development on the wider character of the area and the setting of the listed buildings.
- 7.8 A key element of the character of the wider Millars site is found in the use of the existing buildings on the site, which is a mixture of predominantly

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retail/office/commercial development. This provides an identity to the site and links it to the site's industrial past. The historical use of the Maltings building would have related to the industrial processes used in converting cereal grain into malt by soaking it in water. The existing predominantly commercial character of the buildings is the link to that historical past and relationship with the River Stort. The buildings have, and continue to be used for commercial type activities, which see an activity to the site during normal working hours. The provision of a less vibrant use – residential dwellings - would, to some extent, alter the commercial/industrial character and historical significance of the listed buildings. However, with the retention of other commercial uses within the building, and within the wider site, Officers are satisfied that the resulting mixed use would nevertheless not significantly harm that historic character.

- 7.9 A significant proportion of Millars Three, including the ground floor element, where the business element of the building will be more readily apparent to pedestrians walking through the site, will remain in employment and business use. When put into context of all the buildings within the Millars complex, Officers do not consider that residential conversion of two floors of Millars Three, as proposed in this application, will result in a significant impact on the setting of the listed buildings.

#### Parking provision

- 7.10 The proposed development, comprising of 14no. 1bed flats will require, as a maximum, 17.5 vehicular spaces in accordance with policy TR7 of the Local Plan. However, only 5 additional parking spaces are proposed – in addition to the 10 provided for the 10 flats in Maurice House. There would therefore be a total provision of 15 spaces for the 24 flats in the building. That equates to 0.6 spaces per flat. The restricted level of parking does not weigh in favour of the development.
- 7.11 Officers are also mindful of the concerns raised by the Town Council who object to the planning application on parking grounds. Concern is raised that vehicular parking is already an issue at the premises and the Millars complex as a whole and the proposed residential use of part of the building will lead to further pressure on parking spaces to the detriment of existing businesses and highway safety.
- 7.12 The site is nevertheless located in a highly sustainable location, in transport terms, with good access to public transport, including the train station and bus terminal which are around a 5 minute walk. The site is located centrally within the town and has a good catchment for walking and cycling and good access to public parking within the town centre. There are various parking restrictions on the public highway in the vicinity of the site which will reduce



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any impact on the local highway network. Officers are aware of the various constraints of the Millers complex in terms of parking provision, and understand that parking is allocated to various parts of the buildings and the management/enforcement of such parking is the responsibility of the freeholder/management company who operate the site. Any impact on parking within the Millers complex as a result of this proposed development would be the responsibility of the owners/management company who operate the site. It should also be noted that County Highways do not raise any objection to the development on parking grounds.

- 7.13 Having regard to those considerations, Officers consider that the level of parking is acceptable and in accordance with policy TR7 and EDE2c) of the Local Plan.
- 7.14 Policy TR14 of the Local Plan requires the provision of cycle storage for residential development. Given that there is some under provision of parking on site for the development and the concerns raised by third parties and the Town Council and, taking into account the requirements of policy TR14, Officers consider that it is reasonable and necessary to require the provision of cycle provision, which can be agreed through a planning condition.

#### Neighbour amenity

- 7.15 No representations from neighbouring residential or other premises have been received. Millars Three is located between Millars One and Two which comprise of a mixture of employment and leisure type uses. Officers do not therefore consider that the change of use of part of Millars Three will result in significant harm to the amenity of any residential properties.
- 7.16 The employment and leisure type uses of Millars One and Two mean that it is important to ensure that an appropriate level of amenity is provided for future residents. As noted by the Environment Health Officer, in the interests of the amenity of future residents of the proposed development, it is considered to be necessary and reasonable to require further information as to the means of attenuation of the residential units to protect against noise.

#### Flood Risk

- 7.17 The site is located within a flood zone area – however, the proposed change of use is at the second floor of the building and there will not therefore be any significant conflict in terms of flooding in accordance with policy ENV19 of the Local Plan.

Other Matters

- 7.18 Officers acknowledge the comments from the County Council Planning Obligations Team – the County Council recommends contributions relating to a local nursery. The proposed development involves the provision of 10no. one bed flats and Officers consider that the provision of such small residential units may attract families with young children. The contribution as recommended by the County Council meets the tests in Regulation 122 of CIL Regulations 2010.
- 7.19 The comments from the NHS are noted who recommend a financial contribution towards health care provision. Whilst the size of the units is modest, the size of the units is a determining factor in assessing the likely demand on health care provision (as with education and other contributions referred to above) and Officers therefore consider that a financial contribution towards health care provision, as requested by the NHS, is considered to meet the tests in Regulation 122 of the CIL regulations 2010.
- 7.20 With regards to District contributions, having regard to the Planning Obligations SPD there is a requirement for the following contributions:-
- £2,900 towards parks and public gardens;
  - £8,034 towards sports facilities;
  - £1,235 towards amenity green space;
  - £1,186 towards children and young people.
- 7.21 The Council's PPG17 audit identifies that there are deficiencies in the provision of parks and public gardens, outdoor sports facilities, amenity green space and facilities for children and young people. However, what must be considered is whether there is a need for such contributions arising from the development now being considered and where such contribution would be focused in order to mitigate against the impact of the development.
- 7.22 The Council's Environmental Services team, who are responsible for the maintenance and allocation of contributions towards such matters, have identified that, within the locality of Bishop's Stortford, there is potential to utilise the funds towards two projects in the capital programme to make improvements to other nearby sites:-
1. Bishop's Park is approximately 2km from the site by foot where there are plans to make some significant changes to the park; improving access and developing sports/leisure opportunities for local people. There is considerable scope to improve the play area at this site.

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2. Waytemore Castle Gardens is 1.5km from the site. The Council is developing a scheme to improve the park on a large scale and again, could incorporate the provision of play into these plans if funding was to become available.

7.23 Having regard to the requirements outlined in the Planning Obligations SPD, and the identified areas in the PPG17 audit and the specific areas identified within the locality of the site, the contributions outlined above are considered to meet the CIL tests.

### **8.0 Conclusion**

- 8.1 The proposed development involving conversion of the existing building into residential units is within the built up area of Bishop's Stortford where, in principle, there is no objection to development. The development site is in a highly sustainable location and will ensure the long term viable use of the building without substantial harm to the historic fabric or setting of the listed building.
- 8.2 The proposed development will assist the Council in meeting its five year supply of housing in a sustainable town centre location and will have short term economic benefits associated with the construction phase of the development. The level of parking is acknowledged to be below the standards in the Local Plan which does not weigh in favour of the development. However, any impact in relation to parking is outweighed by the positive way in which the development will address the five year land supply and the related social and economic impacts that the development will bring. There will be no significant impact on neighbour amenity or flood risk.
- 8.3 For the reasons set out above Officers recommend that planning permission and listed building consent are granted subject to the signing of a s.106 legal agreement and conditions as set out at the head of this report.