

**5a a) 3/13/0279/FP and b) 3/13/0280/LB – Conversion of second and third floors at Maurice House to 10no. one bed self contained flats with insertion of 2no. new timber windows at Millars Three, Southmill Road, Bishop’s Stortford, CM23 3DH for Reedside Ltd**

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**Date of Receipt:** 20.02.2013

**Type:** Full – Major

**Parish:** BISHOP’S STORTFORD

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

**RECOMMENDATION:**

a) That planning permission be **GRANTED** 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) insert – Mill-Site-Plan-005; Mill3-Plan-001; Mill3-Plan-002; Mill3-Plan-003 Rev A; Mill3-Plan-004; Mill3-Plan-005;

**Directives:**

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 (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the ‘saved’

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policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD2, EDE2, TR7, TR14, ENV1, ENV19, ENV25); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies is that permission should be granted.

- b) That listed building consent be **GRANTED** subject to the following conditions:
1. Listed building three year time limit (1T141)
  2. Listed building (new windows)(8L035)
  3. 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.

4. 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) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies is that listed building consent should be granted.

\_\_\_\_\_ (130279FP.MP)

#### **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.

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Millars 3 building is occupied by predominantly office type uses. However, across the site there are a variety of land uses including a mosque, restaurants, hot food takeaways, a night club and dance studios. The application site is shown on the attached OS survey plan.

- 1.2 The proposed development seeks consent to convert the second and third floor of the southern part of the Millars 3 building, known as Maurice House, into 10no. one bed apartments. Access to the residential units will be via the same entrance which serves the existing building on the south elevation. The level of accommodation serving the residential apartments is typical of town centre apartments with a modest bedroom space and either an open plan lounge/kitchen area or separate rooms. The only operational development associated with the proposed development involves the insertion of two windows to provide light and air to two bedrooms on the flank elevation of the building. The application proposed the provision of ten parking spaces to serve the development.

### **2.0 Site History:**

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

<b>LPA Reference</b>	<b>Description</b>	<b>Decision</b>
3/87/0684/LB	Two way aerial	Approved with conditions
3/88/1546/AD	Painted lettering on timber background	Approved with conditions
3/88/1545/LB	Timber painted sign externally illuminated	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
3/83/0635/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

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3/83/0353/FP	Change of use of storage space to industrial artists studio and hairdressing and beauty salon.	Approved with conditions
3/08/0221/LB	Provision of air conditioning condenser unit housing to south east elevation	Approved with conditions
3/08/0534/FP	Provision of air conditioning condenser unit housing to south east elevation	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
3/05/0333/OP	Two storey pre-fabricated steel-framed car park with vehicular ramp access.	Withdrawn
3/98/1271/LB	Internal alterations to provide 2no. staircases/fire exists and toilet facilities and the replacement of floor windows.	Approved with conditions
3/98/1487/FP	Ventilation plant cover	Approved with conditions
3/98/1906/LB	Proposed installation of external spiral staircase and fire exit floor at first floor level.	Approved with conditions
3/99/0096/FP	Proposed installation of external spiral staircase and fire exit floor at first floor level.	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 to convert Offices to residential accommodation in a town centre location 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 accesses onto Southmill Road.

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- 3.2 The Hertfordshire County Council Estates and Asset Management Team recommend that financial contributions be required with any grant of permission. The County Council recommends contributions relating to primary education (£930); secondary education (£470); youth (£30) and libraries (£770). The County Council comment that the contributions sought meet the relevant tests in Regulation 122 of the CIL Regulations 2010 and are necessary to make the development acceptable in planning terms, directly relate to the development and; are fairly and reasonably related in scale and kind to the development.
- 3.3 Environmental Health advises that any permission which the Planning Authority may give should include a condition relating to a noise attenuation assessment. The Environmental Health Officer comments that the application site is located in close proximity to Zenchi Nightclub and a number of local food and drink premises. Residents of Swallow Court, John Dyde Close frequently voice concerns regarding noise from customers queuing, standing outside and departing the night club nearby and similar issues would be envisaged for prospective occupiers of the proposed residential development.
- 3.4 The Environment Agency comments that the development is located within Flood zone 3b. The residential use of existing built footprint may not be considered unacceptable in Flood Zone 3b if it can be demonstrated that the existing building would not flood. The Environment Agency comment that, if the Council determine that the proposal is suitable for Flood Zone 3b, the standing advice from the Environment Agency would be relevant.
- 3.5 The Conservation Officer recommends that permission be refused. Maurice House forms the west and street elevation of the Millars Three complex which consists of red brick with dark blue brick banding and slate roof. The west elevation addresses South Street and Southmill Road and the building sits centrally between Millars One and Millars Two, both of which are two storey weatherboarded mill buildings with pitched roof and architectural detail reflective of their historic uses. The collection of the Millars buildings dictate the historic industrial site and association with the River Stort. The significance of the buildings is considered to be the association with Bishop Stortfords industrial past, the proportion and architectural features associated with its former use.
- 3.6 The Conservation Officer acknowledges that, in considering the planform of the proposal it is accepted that there will be little or no loss of historic fabric. The built character of the site is found in the use of the buildings which is predominantly commercial, retail and institutional providing an identity and uniqueness to the industrial past. The proposal

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to include a less vibrant residential use to two floors of the building, which is prominent by virtue of the relationship of the building with Southmill Road and South Road will result in a detrimental impact on the present character of the site and how it is experienced.

#### **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 comment that there are many small businesses in Millars Three and insufficient parking will be detrimental to those businesses.

#### **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 have been received which objects to the development on the working conditions and productivity of office units below the proposed flats; the impact on parking provision within the site and surroundings and; the impact on security associated with the office use.

#### **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

6.2 The National Planning Policy Framework is also of relevance to the proposed development.

#### **7.0 Considerations:**

7.1 The site is located within the built up area of Bishop's Stortford where in principle there is no objection to the proposed development. As such

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the planning considerations relevant to this application relate to the following matters:

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

#### Use issues

- 7.2 Outside of the identified Employment Areas the Councils policy EDE2, seeks the retention of an existing employment use and 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.
- 7.3 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 related part of the building has been offered to let since February 2012 and there are various other parts of the Millars complex currently being advertised. 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 five viewings, none of which proceeded to make an offer or discuss terms at any length. The estate agent also confirms that across Bishop's Stortford there is approximately some 25,000 sq ft of office accommodation available and it is generally accepted amongst estate agents that the market for office accommodation is depressed.
- 7.4 Having regard to the information submitted, Officers are of the opinion that sufficient marketing of not only the premises being considered but other premises across the Millars complex 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 below.
- 7.5 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

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Class B1a) to a dwelling is now permitted, 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. 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, some weight should be attached to the Governments desire to make use of empty or underused office buildings for residential purposes.

#### Impact on fabric of listed building

- 7.6 The proposed development incorporates a conversion of the existing building into residential units – as noted by the Conservation Officer such a conversion will not lead to significant alteration or harm to the plan form of the existing listed building. The proposed development does involve the provision of two new windows to the flank elevation – however no objections are raised by the Conservation Officer in respect of that element of the application and the windows are of identical proportions and appearance to existing windows serving the building. Having regard to those considerations and, taking into account the comments from the Conservation Officer, it is considered that the proposed development will not result in any significant harm to the historic fabric of the listed building.
- 7.7 That said, no details of the two windows have been provided and, in the interests of the historic fabric and architectural significance of the listed building, Officers do consider that it is necessary and reasonable to attach a planning condition relating to this matter.

#### Character and appearance

- 7.8 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 on the wider character and setting of the listed buildings.
- 7.9 As noted by the Conservation Officer a key element of the character of the site is found in the use of the existing buildings on the site which is a mixture of retail/office/commercial development which provides an identity to the site and links it to the sites industrial past. The historical use of the Maltings building would have related to the industrial processes in converting cereal grain into malt by soaking it in water.

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The buildings key character is, as noted by the Conservation Officer, the link to that historical past and relationship with the River Stort which is to the north of the site. The buildings have, and continue to be used for commercial type activities, which sees an activity to the site during normal working hours. The Conservation Officer raises concern that the provision of a less vibrant use – residential dwellings, will alter the character and historical significance of the listed buildings to the detriment of the wider setting of the listed buildings.

- 7.10 The NPPF defines the setting of a heritage asset (which would include grade II Listed Buildings, such as Millars 3) as ‘the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.’
- 7.11 The proposed development involves the conversion of a modest part of the existing building – within the application form the applicant submits that the existing part of Millars 3 (Maurice House) has a floor area of around 800 square metres and the two floors proposed to be converted are around 400 square metres. As such, around half the floor area of Maurice House will be converted into residential units. However, Maurice House is just one part of the entire building of Millars 3 which has a far greater floor area. Officers therefore consider that the impact of the change of use of the two floors of Maurice House must be considered in that context and also the wider context of the two other Maltings buildings, Millars 1 and 2. When put into context of all the buildings within the Millars complex, Officers do not consider that residential conversion of two floors of Maurice House will result in a significant impact on the setting of the listed buildings.
- 7.12 Paragraph 134 of the NPPF sets out that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.13 The Conservation Officer has acknowledged that there is no harm to historic fabric and Officers do not consider that the harm to the setting of the listed buildings can be considered as ‘substantial’ when taken into context with the scale of the three Millars buildings together. Officers have identified above that the applicant has shown through marketing of the premises that no other viable alternative business have been found. In such circumstances, the provision of a residential development which secures the long terms viable use of the building does, in Officer opinion, weighs heavily in favour of the development proposal and accords fully with paragraph 134 of the NPPF and policy

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EDE2(b).

### Parking provision

- 7.14 The proposed development comprising of 10no. 1bed flats will require, as a maximum 12.5 vehicular spaces, in accordance with policy TR7 of the Local Plan. The proposed development incorporates the provision for 10 spaces and there is therefore some under provision. Officers are further mindful of the concerns raised by a third party occupier of the existing Millars 3 building and 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.
- 7.15 The site is 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 any impact on the local highway network. Officers are aware of the various constraints of the Millers complex in terms of parking provision – Officers 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.
- 7.16 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.
- 7.17 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

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- 7.18 The comments from a third party are acknowledged in respect of the impact on business uses within the existing Millars complex both during construction and occupation in terms of noise and general disturbance. Whilst there may be some impact on the existing business uses during construction phase any such impact will be temporary. There may also be some impact in terms of noise and general disturbance during occupation of the residential units; however it is common for residential units to be located in close proximity to B1 office uses and Officers do not consider that there will be a significantly detrimental impact that would warrant the refusal of planning permission.
- 7.19 The comments from the Environmental Health Officer are noted – there is an existing nightclub use within Millars 1 and Officers acknowledge that there may be some impact on future residents of the development during the evening and early morning from noise and general disturbance associated with that use and the other nearby restaurants, takeaway outlets etc. However, planning permission for the nightclub part of Millars 1 has been granted for a change of use to a gym (LPA reference 3/13/0409/FP) and the future of that part of Millars 1 is not therefore clear. Nevertheless, 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. Such information may also reduce any potential impact on other businesses within Millars 3.

#### Flood Risk

- 7.20 The site is located within a flood zone area – however, the proposed change of use is at the second and third floors 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

- 7.21 Officers acknowledge the comments from the County Council Planning Obligations Team – the County Council recommend contributions relating to education, libraries and youth. However, the proposed development involves the provision of 10no. one bed flats and Officers do not consider that the provision of such small residential units are likely to attract families with children and the impact on County Council service provision is unlikely to be significant. In this respect, Officers do not consider that the contributions recommended by the County Council meet the tests in Regulation 122 of CIL Regulations 2010 and Officers do not therefore recommend that they are included within any grant of

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permission.

#### **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 allows for sufficient parking provision and is close proximity to the town centre amenities and public transport facilities. There will be no significant impact on neighbour amenity or flood risk.
- 8.3 For the reasons set out above Officers therefore recommend that planning permission and listed building consent are granted.