

UTT/14/3788/FUL (Wendens Ambo)

(Referred to Committee by Cllr Menell: Reasons: Overdevelopment, highway hazards and inadequate parking).

PROPOSAL: Revisions to roof line to create 1 No. residential unit, extension to southern elevation, including lift shaft, addition of dormer windows to roof; alterations to main entrance on western elevation to create glazed atrium.

LOCATION: The Mill, Bearwalden Business Park, Royston Road, Wendens Ambo.

APPLICANT: Mr R Wells (c/o BRD Tech Ltd)

AGENT: BRD Tech Ltd

EXPIRY DATE: 16 February 2015

CASE OFFICER: Mr C Theobald

1. NOTATION

1.1 Within Development Limits / Ground Water Protection Zone.

2. DESCRIPTION OF SITE

2.1 The site comprises a two and three/four storey slate and red brick former flour mill building with later added recessed northern extension of imposing appearance incorporating a lower ground floor last used for B1 office purposes which stands parallel with the London to Cambridge railway line on the eastern side of the private service road leading down into the Bearwalden Business Park from Royston Road. The mill building across all of its levels has recently been converted to residential apartments with the exception of an office suite located at the northern flank end of the later extension which does not form part of the application site, whilst commercial and industrial premises are located to the immediate south of the site. A large office building currently stands vacant to the immediate north-west of the site across the service road close onto Royston Road (Mill House).

3. PROPOSAL

3.1 This proposal relates to the provision of one additional 2 bedroomed residential apartment for this comprehensive residential conversion scheme where the scheme would now incorporate 17 No. units in total where the additional unit proposed (Unit 17) would be provided at second floor level within the northern section of The Mill, the extension of Units 5, 10 and 15 as existing 1 bedroomed apartments to form three additional two bedroomed units at three storey level at the southern end of the building over a new basement store, the provision of a new internal lift to all floors, a new full height glazed entrance atrium to the front of the building and new roof dormers at the northern end to facilitate Units 16 and 17, together with fenestration improvements.

4. APPLICANT'S CASE

Letter dated 15 December 2014 from the applicant's agent as follows:

- 4.1 “The extension of the building is limited to the southern end of the new block. It will allow our client to install a lift within the building to allow access to all floors in accordance with Council policy. It also allows the extension of the habitable space, but does not in itself increase the number of the proposed units. At present, the roof over the newer wing of the building is at two heights. The higher roof is an open void that will easily accommodate a two bedroomed apartment. If the adjacent roof were to be raised, a second two bedroomed apartment in this space can be achieved, thus this part of the proposal adds new apartment space to the scheme. The extension will be built in a brick and bond to match existing, the roof will be finished in a tile to match existing and the window size and distribution would match existing. A bank of dormer windows have been added to both the east and west facing roof slopes to create the new habitable space and to adequately ventilate and fenestrate it. At present, there are 18 No. car parking spaces on the site over which my client has control, plus others on the site that are occupied on a more casual basis. It has been agreed that this number of spaces is adequate for 16 No. units and the addition of a single residential unit to this building [to create 17] will not affect the existing approved car parking on the site. A substantial area for private amenity space is not provided for within this scheme, although there is an area within the site that will be retained as open green space and it is felt that the market will decide if the amenity space provided in this rural location is adequate or not”.

Email received from applicant’s agent to the Council dated 19 February 2015 as follows:

- 4.2 “I can confirm that my client now owns the adjacent parcel of land to the south of The Mill building. This was not the case when we submitted the application and so is not shown in blue on the submitted plan. This space may well be able to be used for plant to serve the existing building and for additional car parking if deemed necessary. With regard to the new apartment at second floor level, I confirm that this will be the 17th unit on the site. As the proposed apartment is adjacent to a railway line, we will specify additional acoustic control measures to line the roof and walls against any external noise from passing trains. This will be in the form of additional specialist acoustic lining to the extended walls and to the underside of the new roof”.

5. RELEVANT SITE HISTORY

- 5.1 Prior approval deemed not required (permitted user change) in March 2014 under the provisions of Part 3, Class J of the GPDO for the change of use and conversion of The Mill from Class B1 Offices to C3 (Dwelling houses) comprising 14 No. one and two bedroomed apartment units consisting of seven units on the ground floor, five units on the first floor and two units on the second floor (UTT/14/0733/P3JPA).
- 5.2 Four storey south flank extension (to include lower ground floor level) of The Mill building to form a three storey lift shaft, additional apartment lobbies, lower ground floor store with additional apartment bedrooms above at upper ground, first and second floor levels to create 3 No. additional two bedroomed units for the building conversion scheme as a whole, glazed entrance atrium and raising of the existing roof of the two storey section of the building at its northern end to create additional apartments withdrawn September 2014 (UTT/14/2227/FUL).
- 5.3 Prior approval deemed not required (permitted user change) on 11 December 2014 under the provisions of Part 3, Class J of the GPDO for the change of use and conversion of The Mill from Class B1 (Offices) to Class C3 (Dwelling houses) comprising 16 No. apartments consisting of thirteen 2 bedroom units and three 1

bedroom units with addition of a series of skylights for the apartments proposed at second floor level within the front and rear roof planes (UTT/14/3091/P3JPA). This subsequent prior notification as submitted by the same applicant for sixteen units thus represented an increase of two additional residential units for The Mill building overall compared to the prior notification submitted under UTT/14/0733/P3JPA for fourteen units as previously submitted.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ULP Policy S3 – Other Settlement Boundaries
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN8 – Vehicle Parking Standards
- ULP Policy H9 – Affordable Housing
- ULP Policy ENV11 – Noise Indicators
- ULP Policy ENV12 – Ground Water Protection

6.3 Wendens Ambo Parish Plan 2012

7. PARISH COUNCIL COMMENTS

Object:

- 7.1 General: Wendens Ambo Parish Council is objecting to this application on the grounds of overdevelopment. We believe that if granted this application will result in a poor quality of life/amenity in the village. We have serious concerns about the resulting lack of parking for this additional flat and also the 16 other flats being developed. An increase in the number of dwellings at The Mill site will increase safety issues for pedestrians and for other users of the access road to the Bearwalden Business Park. We believe the current provision for parking spaces does not meet Essex County Council's Parking Standards adopted by Uttlesford District Council in 2009 - 2 parking spaces per unit. We also have concerns about the arrangement (or lack thereof) for waste water drainage from the site.
- 7.2 Overdevelopment: The proposal for alterations to the roof to accommodate another 2-bed dwelling within a building which already has 16 dwellings is excessive and to the detriment and overall quality of the building. The windows proposed on the east and west elevations are unsightly as are the proposed changes to the roof line, and are therefore to the detriment of the appearance of the building. The same is true of the proposal for black-boarding on the north elevation and the addition to the building of a large glass atrium. Individually, and as a whole, these conflicting elements detract from the physical attractiveness of a building which is prominent in the village. The result is reduced amenity.
- 7.3 Highway Safety: The Parish Council also objects to the external extension for a lift on the grounds that this is a further reduction in the ground area available for parking. The impact will be insufficient spaces for residents and visitors to The Mill site and the likelihood of dangerous and unacceptable parking along the top of the access road to the Bearwalden Business Park. We note that Essex County Council (Highways) has

declined to comment on this application, but we would draw attention to Uttlesford District Council's policies on parking and on highway safety as we believe that they do apply. We cite the Planning Application - Mill House (UTT/14/3843/FUL) which is also located at Bearwalden Business Park as an example. It is unreasonable to apply different sets of criteria to sites which are adjacent to each other and share an access road. An increase in the number of residential units at The Mill will increase safety issues for pedestrians and for other users of the access road to the Bearwalden Business Park. The current provision for parking does not meet Essex County Council Parking Standards adopted by Uttlesford District Council for 2 spaces per dwelling. There are no pavements – either on the south side of Royston Road or on the road accessing the Bearwalden Business Park. This access road is the access for both The Mill site and the residential development proposed at the Mill House site. Pedestrians at present face an unlit, blind crossing point (across Royston Road) adjacent to the hump-backed bridge in Royston Road. This will not change. The Royston Road is particularly busy in both directions during work and school commuting hours, and has a large number of vehicle movements of in/out traffic to/from Audley End Station. The road accessing the Bearwalden Business Park is currently used by workers arriving at the Business Park. In addition there are a number of large articulated multi-axle delivery vehicles turning into the site and passing the entrances of both The Mill site and the Mill House site. In addition, because of a pay to park scheme within the Bearwalden Business Park, there is an increasing number of rail commuters arriving to park in the Business Park in the morning and leaving for home in the evening.

7.4 Drainage: There is no mains drainage in Wendens Ambo on the west side of the railway line (London/Cambridge). This point is not understood by the Applicant as the application states clearly that drainage is via a sewer. There are various rumours but no hard evidence to confirm that waste water from the numerous buildings in the Bearwalden Business Park is processed by a number of treatment plants within the site. In any event, the output from these treatment plants eventually is discharged into the adjacent river. There is a variety of wildlife resident on the river banks, including Kingfisher birds which are specifically protected by law. Local residents are complaining about the odours which are now to be found in the area of the river and this suggests that the current treatment facilities are inadequate. This is the situation before either the dwellings at The Mill site or the dwellings at Mill House are occupied.

7.5 Suggested Conditions: If this planning application is granted, we respectfully request that permission is granted with the following conditions:

1. Provision for 2 spaces per unit - applied to the whole development.
2. Financial provision for pedestrian crossing/safety scheme for residents of The Mill.
3. Financial or other contribution towards Affordable Housing. We believe that there is an attempt to circumvent the normal procedure which would require an appropriate contribution to affordable housing. We believe that given the total number of dwellings (17) now proposed, a contribution is required. However no mention of this has (as we understand) been made. We suggest that this point should be pursued. We highlight – Reference - Uttlesford District Council's Developer Guide – Item 2.7 as rules which we believe apply in this case. Item 2.7 is shown below for clarity –
Reference – Uttlesford District Council's Developers Guide Item 2.7 *“2.7 Developments which are contrived to try and avoid the clear policy requirements will be resisted. The Council will expect the schemes to comply with policy requirements as if the schemes were submitted jointly as one proposal. For example: a development of 14 houses at a very low density, out of character with the surrounding area, will be resisted. A scheme for 7 houses which has been broken down into applications for individual units in order to avoid affordable housing contributions will be resisted. The sub-division of sites into*

two or more smaller developments in an attempt to avoid a higher provision of affordable housing will be resisted.“

4. Careful attention including consultation with Anglian Water should be given to the safe treatment and disposal of waste water from this site.

8. CONSULTATIONS

Network Rail

8.1 Network Rail strongly recommends that the developer contacts its Asset Protection Anglia Team prior to any works commencing on site as the site is located adjacent to Network Rail's boundary and operational railway infrastructure.

ECC Highways

8.2 The Highway Authority has no comments to make on this proposal from a highway and transportation perspective as it is not contrary to relevant transportation policies contained within the Highway Authority's Development Management Policies adopted as County Council Supplementary Guidance in February 2011 and ULP Policy GEN1.

UDC Environmental Health Officer

8.3 This building is adjacent to the railway line and industrial premises. The following condition is recommended to protect occupiers from noise: The apartment shall be designed to protect occupiers from external noise with provision for ventilation to the following targets: Living rooms (07:00-23:00) not exceeding 35dB LAeq, Bedrooms (23:00-07:00) not exceeding 30dB LAeq and 45dB LA max.

9 REPRESENTATIONS

9.1 None received. Notification period expired 28 January 2015.

10 APPRAISAL

10.1 The issues to consider in the determination of the application are:

- A Principle of development (NPPF and ULP Policy S3);
- B Access (ULP GEN1);
- C Design (ULP Policy GEN2);
- D Whether parking arrangements would be satisfactory (ULP Policy GEN8);
- E Noise Generators (ULP ENV11);
- F Other Matters: Affordable Housing (ULP Policy H9), Drainage.

A Principle of development (NPPF and ULP Policy S3).

10.2 As previously explained above in the Relevant Site History section, it is the case and important for Members to appreciate that sixteen of the seventeen residential units originally proposed for this residential conversion scheme at the top end of Bearwalden Business Park are subject to a permitted user change made under two previous prior notification submissions to the Council from B1 Offices to C3 Dwelling houses (residential) under the provisions of Part 3, Class J of the GPDO where this new legislative provision to relax some of the existing planning rules for change of use came into force on 30th May 2013 whereby planning permission for the residential conversion of The Mill building is thus not required. Under this provision, it should be noted that a local planning authority can only have due regard to (a) transport and

highways impact of the development, (b) contamination risks and (c) flooding risk subject to procedural requirements being met when assessing whether the prior approval of the local planning authority will be required for B1 to C3 change of use under such prior notification submissions. It should be emphasised that ECC Highways did not object to these two prior approval notifications. The building is not considered to be at either contamination or flood risk.

- 10.3 As such, it will be seen that the principle of the change of use of The Mill to residential use at this commercial location within development limits for the village has already been determined by this permitted change of user procedure and consideration of the planning merits of the current planning application is therefore restricted to the proposed additions and alterations as submitted, described and as aforementioned where external roof changes proposed to provide the additional apartment unit (Unit 17) would not make the unit otherwise permitted development under the Class J permitted user procedure, and various fenestration changes as indicated in association with the conversion. It should be noted that a similar Class J B1 to C3 use prior approval has been given by the Council to a 1980's extension to The Mill House comprising 6 No. apartments where this building is located immediately to the north-west of The Mill building (i.e. the current application site), although work on that conversion scheme under this permitted user change has yet to commence and where reference is made to this permitted conversion by the Parish Council in its representations to the current application.
- 10.4 Due consideration has been given in this respect with reference to the current proposal to the Wendens Ambo Parish Plan 2012 and section 10 in particular ("Planning and Development") where this plan constitutes Council approved guidance in determining planning applications for the Parish. It is noted at paragraph 10.2 of the document in respect of the types of buildings that it identifies should be converted to residential use in the village that "*Focus should be on developments that support the conversion of redundant buildings and single dwellings in controlled areas*". Notwithstanding the extensive representations made by the Parish Council against the current application, which are noted, it is the case that the redundant Mill building represents such a building conversion where the additional unit proposed to make the 17th unit for the conversion scheme would be contained within the footprint of the building. Furthermore, the NPPF at para 17 (Core Principles) states that new development should "encourage the re-use of existing resources, including the conversion of existing buildings".

B Access (ULP Policy GEN1).

- 10.5 Vehicular access to the site is via the private service road which leads down past the mill building from Royston Road to the lower end of the Bearwalden Business Park. Clearly, given the commercial nature of the immediate area, there is a high level of commercial traffic which uses the service road and which passes the site to gain access to the commercial and industrial units beyond. Whilst the comments of the Parish Council are noted regarding the highway safety of the proposed development where it states that the future occupants of The Mill as pedestrians would be required to use this road to link up with Royston Road and then possibly walk back down to the train station on the other side of the railway line, it should be stressed once again that the current planning application represents an increase of only one additional unit on the sixteen residential units which already have permitted user status under Class J and as such it would be difficult to make a cogent argument in support of the contention that the application should be refused on highway grounds on this basis under ULP Policy GEN1. Furthermore, it should be stressed that a pedestrian bridge exists over the railway line immediately to the south of the site linking Bearwalden Estate with the

train station situated directly opposite meaning that future occupants would be able to access the station without necessarily having to walk around on Royston Road should this facility remain available to the occupiers of the development. The proposal would therefore comply with ULP Policy GEN1 in this regard.

- 10.6 A lift is being provided as part of the current application to serve the proposed units on the upper floors where this facility would be in addition to the existing staircase. The introduction of this facility would clearly be an additional benefit to occupants of the new building and would as a consequence conform with the Council's SPD "Accessible Homes and Playspace".

C Design (ULP Policy GEN2).

- 10.7 The proposal introduces various design changes to the mill building which were not included as part of the prior notification submissions as these would not have benefited from permitted development. The original mill building dates back to 1897, although is not listed, whilst the site itself is not included within the conservation area for the village. Notwithstanding this, the building has an imposing and austere presence within its setting commensurate with a former industrial building of this type having strong vertical proportions and also good retained and undisturbed architectural features, including the use of red brick with Flemish bonding and curved soldier coursing above the series of windows at all levels within the original building, although not in the later northern end extension.
- 10.8 The proposed changes would introduce a front atrium screen feature with grey metal framing over a newly laid out front reception entrance at the interface of the two and three storey building elements extending up to the roof eaves of the building incorporating a new glazed roof. Whilst this new entrance feature would have a contemporary design and appearance, its introduction would complement and contrast with the otherwise continuous red brick frontage of this historic building where its 2½ storey glazed height would echo the strong vertical proportions of the building as a whole. The proposed lead flat roofed dormers for the two storey northern extension of the building as shown would be an appropriate dormer specification in keeping with the traditional appearance of the building. The proposed four storey extension to the original mill building at its southern end where this would include the lower ground level would have slender vertical proportions with matching slate and red brick and would be subordinate in scale with the size and proportions of the original building with matching roof pitch. The extension would incorporate outward facing blind window openings with matching arched heads in vertical series where this fenestration detailing would also be appropriate. No design objections are therefore raised to the proposal as presented under ULP Policy GEN2 where the specification finishes would be of high quality.
- 10.9 It is accepted that the additional apartment unit proposed (Unit 17) would not in and of itself enjoy any practical outside amenity space where this would normally be a design requirement under ULP Policy GEN2. However, as repeatedly stated, the conversion of this building to residential use with the exception of this unit has been undertaken under permitted development rights and in the circumstances it would be extremely difficult to enforce this amenity requirement for the 17th and final unit of the scheme where part of the sales literature for this new prestigious development is that the site is situated immediately adjacent to the train station convenient for commuting and for travelling.

D Whether parking arrangements would be satisfactory (ULP Policy GEN8).

- 10.10 Resident parking for the conversion scheme at The Mill would be along the forecourt in front of the recessed northern section of the building and along a line of parking which exists directly opposite the building across the service road. The conversion scheme overall involves 17 No. apartment units where the extension of Units 5, 10 and 15 as proposed by the current application would make all of the units across the development two bedroomed in size meaning that ordinarily the scheme would require a total of 34 No. parking spaces (17 x 2) under current parking standards as two bedroomed units. The two areas of indicated parking combined on the proposed site layout drawing has an indicated total of 31 No. parking spaces, meaning that this parking provision falls short of current parking standards by three spaces. Again, it has to be emphasised that the parking provision for this residential conversion scheme has been considered by ECC Highways to be acceptable under the previous prior notification process where it was additionally stated as an informative for prior notification UTT/14/3091/P3JPA that: *"It is noted that the documents do not show any parking provision for the proposal, but there is adequate space within the application site to comply with the requirements of the current parking standards"*. This assessment was based upon the plans which were available for that notification where it should be noted that such information to be provided is less stringent than for a planning application.
- 10.11 The applicant's agent has stated in an email to the Council dated 19 February 2015 that the adjacent cleared parcel of land on the south side of The Mill building not previously within the applicant's control and ownership has now been purchased and that this land could be utilised for additional resident parking if required. This rectangular strip of land in question could quite easily in practice in terms of available area make up the slight net deficiency in parking spaces currently available at the site in order to make the development as a whole fully compliant with current parking standards if it were so used (or for Unit 17 in particular) even if some associated plant was placed on this land, whilst it should also be highlighted that The Mill conversion has been very much orientated towards the commuter market where a likely reliance in part on the train station for commuting could mean that a dependence upon two cars per apartment unit may be not be an essential requirement. It is therefore considered that the proposal conforms to ULP Policy GEN8.

E Noise Generators (ULP ENV11)

- 10.12 The site backs onto the main London to Cambridge railway line with the railway station located opposite and there would normally be a requirement under ULP Policy GEN2 relating to design for the reasonable residential amenities of the occupants of the mill building conversion to be considered. However, it should be emphasised that noise is not one of the three specifically identified issues that falls to be considered under the Class J prior notification process and where the current proposal only relates to the provision of one additional unit for this conversion scheme over and above the sixteen units already subject to this permitted user change and where the proposed extensions to Units 5, 10 and 15 relate to existing provided units to provide extra bedrooms.
- 10.13 Environmental Health have been consulted on the proposal and have requested a noise mitigation condition be imposed should Members be mindful to grant planning permission. However, it is considered that it would not be appropriate in the circumstances to impose this condition given the above, although the applicant's agent has been approached on this subject and has advised that the level of noise reduction required would be able to be achieved through enhanced sound insulation measures (see email dated 19 February 2015 above at Section 4 – Applicant's Case). The proposal would therefore comply with ULP Policy ENV11 in this respect.

F Other Matters: Affordable Housing, Drainage.

- 10.14 The proposal includes one additional unit of market housing for this residential conversion development where the requirement for affordable housing provision does not apply and where in any event the sixteen apartments already provided for the scheme under the prior notification process are exempted from this requirement (ULP Policy H9). It is therefore not possible to collect affordable housing contributions for this scheme and for the current application in particular as the Parish Council request.
- 10.15 Concern has been expressed by the Parish Council that there is an inadequate drainage system in the area and that the proposed development would exacerbate this situation. Furthermore, it has been stated that there is no mains drainage on the west side of the railway line. Whilst this position has not been properly established, nor how waste for the previous B1 use of the building was dealt with, it is nonetheless not disputed. The applicant's agent has stated that foul waste for the conversion will be to a new foul waste treatment plant on the site that will discharge into the existing run-off system. Whilst the comments about a lack of mains drainage is noted, it would be necessary for the applicant to obtain any necessary discharge consents from the appropriate waste authority at the relevant time where no specific drainage objections are therefore raised to the proposal in this respect.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The principle of the residential conversion of The Mill Building has already been established under the Class J prior notification process (prior approval not required) where the current proposal relates only to one additional residential unit for the site;
- B Vehicular access to the site is well established with a direct pedestrian link across to the railway station, whilst the internal lift to be provided for the development would conform with current Council policy relating to access and mobility;
- C The design and appearance of the additions and alterations as shown would be acceptable;
- D Resident parking at the site would be close to or would meet current parking standards;
- E It would be unreasonable to impose a noise condition against measured background railway noise for Unit 17 (and the extensions to Units 5, 10 and 15) for the reasons stated;
- F Drainage at the site can be satisfactorily resolved.

RECOMMENDATION – CONDITIONAL APPROVAL

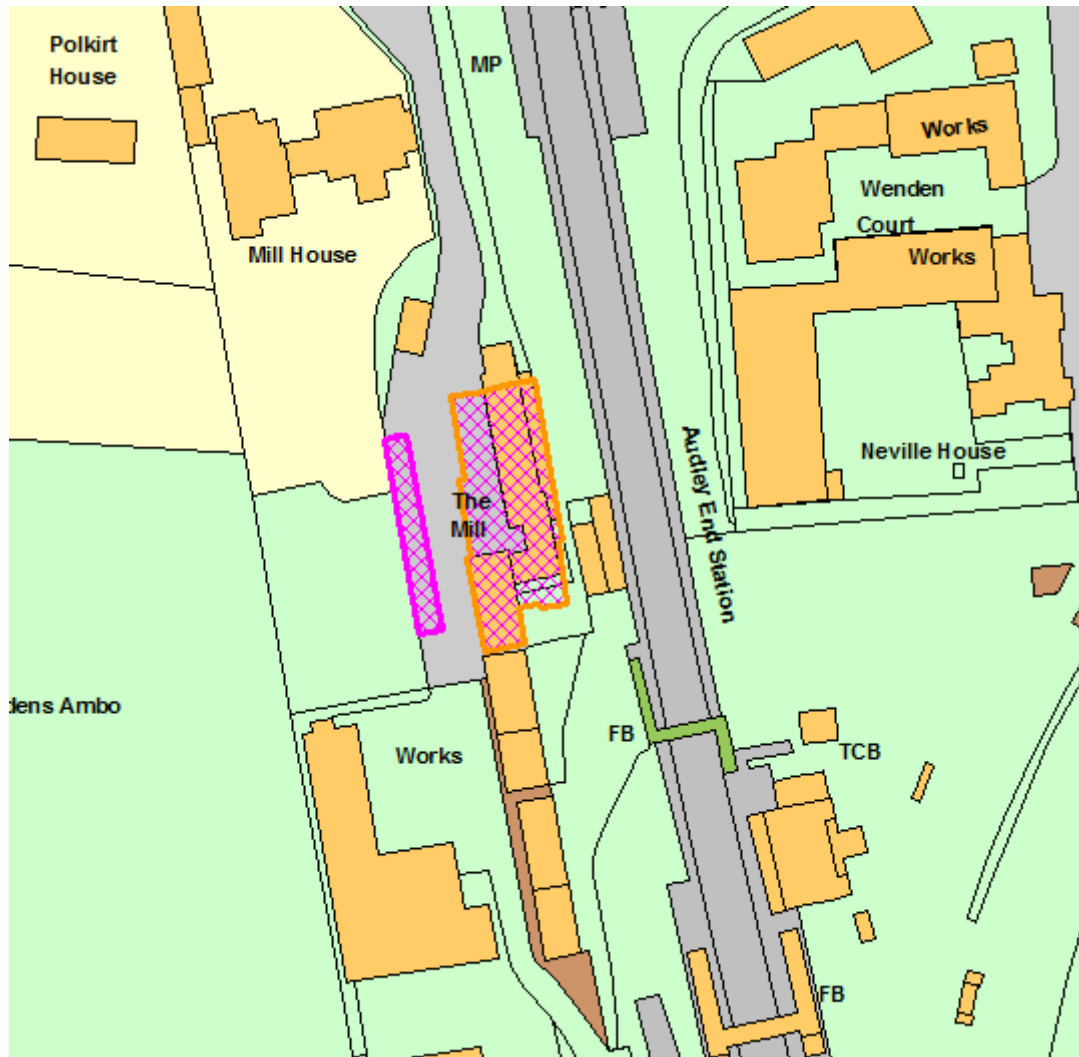
Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The area of cleared land to the immediate south of The Mill building shall be made available for the laying out and parking of at least three resident car parking spaces measuring 5.5m x 2.9m in size in connection with the development hereby permitted prior to occupation of the dwelling(s) and shall continue to be made available and maintained for this sole purpose thereafter in connection with the approved development.

REASON: To ensure that the development complies with the Council's adopted parking standards in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/3788/FUL

Address: The Mill Bearwalden Business Park Royston Road Wendens Ambo



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2015

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