

**9. FULL APPLICATION – CHANGE OF USE AND INTERNAL REFURBISHMENT OF THE FIRST AND SECOND FLOORS OF AN EXISTING MILL BUILDING TO CREATE A TWO BEDROOM DWELLING WITH DEDICATED GROUND FLOOR ACCESS AT THE MILL, SOFTWATER LANE, BRADWELL (NP/DDD/1115/1079, P.6890, 417334 / 381271, 18/01/2016/AM)**

**APPLICANT: MR RICHARD MORLEY**

**Site and Surroundings**

The application site is located within the centre of Bradwell and includes a three storey vernacular mill building and an adjoining modern single storey industrial building with vehicular access and parking to a yard from Netherside and a secondary pedestrian access from Softwater Lane.

The applicant currently occupies the ground floor of both buildings as a workshop where he runs a joinery business. The first and second floors of the mill building were formerly occupied by the applicant as ancillary storage but are currently vacant.

The mill building straddles Bradwell Brook and the whole of the application site is located within Flood Zones 2 and 3. The application site is also located within the designated Bradwell Conservation Area.

The nearest neighbouring properties are dwellings on Softwater Lane to the south and north and the dwellings adjacent to the yard facing towards Netherside.

**Proposal**

This application proposes to convert the first and second floors of the existing vernacular mill building to a dwelling which would be occupied by the applicant.

The plans show that the building would be converted without any extensions or new window or door openings. Existing windows and doors would be replaced and repaired on a 'like for like' basis with new timber frames. New cast metal rainwater goods would be installed.

Access to the proposed dwelling would be from the yard and from the pedestrian door onto Softwater Lane to a hall on the ground floor to provide access to the first and second floors. Two bedrooms and a bathroom would be provided at first floor with open plan living space on the second floor.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions or modifications.**

- 1. Statutory three year time limit for implementation.**
- 2. Development to be carried out in accordance with specified approved plans.**
- 3. The existing joinery workshop shall be retained ancillary to the dwelling hereby approved and the approved dwelling and existing workshop shall be retained within a single planning unit.**
- 4. Development to be carried out in accordance with approved Flood Risk Assessment and specified mitigation measures.**

5. **The dwelling shall not be occupied until two dedicated off street parking spaces have been provided and maintained thereafter free from any impediment to their designated use throughout the lifetime of the development.**
6. **Removal of permitted development rights for domestic extensions and alterations.**
7. **Conversion to be within the shell of the building only with no rebuilding.**
8. **Prior to the first occupation of the dwelling hereby approved, or in accordance with an alternative timescale which shall have first been submitted to and approved in writing by the Authority, a superfast broadband (fibre optic) connection shall be installed and made available for use by the occupants of the dwelling.**
9. **Architectural specifications and design details including approval of window design, black metal rainwater goods on brackets, no external meter boxes.**

### **Key Issues**

- Whether the proposed development is acceptable in principle.
- Whether the proposed development would conserve and/or enhance the existing building and its setting within the designated Conservation Area.

### **Relevant Planning History**

1987: Planning permission granted conditionally for retention of joiners workshop.

1989: Planning permission granted conditionally for alterations to joiners shop.

2015: Planning application for change of use of first and second floors of existing mill building to create a two bedroom dwelling with dedicated ground floor access withdrawn prior to determination.

### **Consultations**

Highway Authority – Raise no objection and make the following comments.

Vehicular access to the parking spaces associated with the dwelling is via the car park access serving the existing premises. This emerges within the signal controlled junction and is afforded with substandard visibility. However subject to the use remaining ancillary to and in association with the existing premises, it is not considered that a highway objection would be sustainable.

Please include the following conditions on any consent granted:

1. The premises shall remain ancillary to and in association with the existing authorised operations on site.
2. The premises the subject of the application shall not be occupied until 2 dedicated off street parking spaces have been provided and maintained thereafter free from any impediment to their designated use throughout the life of the proposals.

Flood Risk Team – Refers the Authority to standing advice.

District Council – No response to date.

Parish Council – Make the following comment.

The Parish Council support the application provided that a section 106 legal agreement is attached to any permission granted to restrict the occupation of the dwelling to local need, first occupied by the applicant and then retained for local need housing in perpetuity. The Parish Council opposes the use of the dwelling as an open market dwelling. The Parish Council also recommend that two parking spaces are provided and retained throughout the lifetime of the development.

Officer Note: During the course of the previous application, which was withdrawn, the Parish Council stated that while it was aware that this application might be seen to technically be non-compliant with Neighbourhood Plan policy LE1 that this policy was primarily intended to apply to businesses currently trading and not to properties which have been empty for a long time and that it is felt that this application is an enhancement which would be of overall benefit to the village.

Environment Agency – Raise no objections in principle and recommend that if planning permission is granted that a condition is imposed to require the development to be carried out in accordance with the submitted Flood Risk Assessment, Flood Risk statement and Flood Evacuation Plan.

### **Representations**

Two representations have been received to date. Both letters support the application on the grounds that the proposal will significantly improve a property that is in danger of becoming decaying and derelict.

### **Main Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, CC1, CC5, HC1, and E1

Relevant Local Plan policies: LC4, LC5, LC8, LT11 and LT18

Relevant Neighbourhood Plan policies: H3, H5, LE1, LE3, T2, E2 and E4

### **National Planning Policy Framework**

The National Planning Policy Framework (the Framework) says at paragraph 115 that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage in National Parks. The English National Parks UK Government Vision and Circular makes clear that the Government considers it inappropriate to set general housing targets within National Parks and that policies should instead seek to secure conservation and the provision of housing to meet local need.

Paragraph 54 says that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local need, particularly for affordable housing. Paragraph 51 says that applications to change to residential use from commercial buildings should normally be approved provided that there are not strong economic reasons why such development would be inappropriate.

Paragraphs 128 to 134 of the Framework say that when considering impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 100 says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary it should be made safe without increasing flood risk elsewhere. Paragraph 103 says that development proposals must demonstrate that the development has been sited in areas of lowest flood risk and that development is appropriately flood resilient and resistant, including safe access and escape routes where required and any residual risk can be safely managed, including by emergency planning.

### Development Plan

The Bradwell Neighbourhood Plan now forms part of the development plan within the Bradwell neighbourhood area and its policies should therefore be afforded full weight in the determination of this application.

Policy LE1 in the Plan is relevant and says that proposals for the change of use of buildings from employment to non-employment uses will only be supported where:

1. It can be demonstrated that the existing use is no longer economically viable; and
2. the site has been marketed at a reasonable price for at least a year and in an appropriate manner and no other suitable employment or service trade uses or interest in acquisition has been expressed; or
3. It can be demonstrated that employment use of the site is detrimental to the living conditions of residents or unacceptable in terms of the impact on the building or landscape character of the National Park; or
4. Permitted development rights allow for such changed.

LE1 reflects Core Strategy policy E1 D which says that in towns and villages the Authority will safeguard existing business land or buildings, particularly those which are of a high quality and in a suitable location. Where premises are considered to be no longer appropriate, opportunities for enhancement will be sought, which may include re-development to provide affordable housing or community uses. E1 C says that Home working will be encouraged provided that it is at an appropriate scale.

H1 encourages the provision of local need affordable housing within the neighborhood area and H3 says that development to meet Bradwell's housing need should be located within the built area of Bradwell. H5 sets out detailed criteria when considering housing development including appropriate design and layout, responding to local character, appropriate garden and amenity space, bin storage areas, and appropriate detailing for any meter boxes, flues, rainwater hoods and lighting schemes.

Policy E2 in the Neighbourhood Plan says that new development must contribute to local character by retaining a sense of place appropriate to its location. Developers are encouraged to support proposals with a building for life assessment and development proposals must be designed to retain or where appropriate replace dry stone walls and trees and hedgerows. E4 says that proposals for the conversion of buildings to residential or holiday accommodation will only be supported in cases where there is a minimal alteration of the external fabric, curtilage and access to the building and there is no proposed or potential intrusive and detrimental impact on the landscape character of the National Park.

These policies reflect Core Strategy policies HC1, GSP3 and L3 and saved Local Plan policies LC4, LC5 and LC8 in seeking to promote affordable housing to meet eligible local need and high quality design in accordance with the Authority's adopted design guidance. These policies also seek to ensure that all development conserves and where possible enhances the significance of the National Park's cultural heritage which includes the designated Bradwell Conservation Area and the setting of any nearby listed buildings or scheduled monuments.

Core Strategy policies L1 and L2 require all development to conserve or where possible enhance the landscape character of the National Park in accordance with the Landscape Strategy and Action Plan along with the National Park's biodiversity. CC1 requires all development to build in resilience to and mitigate the causes of climate change and CC5 A says that development which may have a harmful impact upon functionality of floodwater storage or surface water conveyance or which would unacceptably increase flood risk will not be permitted unless adequate compensatory measures can be secured.

LT11 and LT18 state that safe access and adequate parking provision is a pre-requisite of any development within the National Park. Neighbourhood Plan policy T2 says that the removal of any current car parking facilities, both public and private will be strongly opposed.

## **Assessment**

### **Principle**

This application proposes the conversion of the first and second floor and part of the ground floor of the existing former mill building to create a two bedroom dwelling. The applicant owns and occupies the existing buildings on the site as a joinery workshop and has stated that he would occupy the proposed dwelling and live above the workshop.

The existing joinery workshop is located within the ground floor of the traditional mill building and the adjoining modern building. The first and second floors of the mill building are empty and the applicant advises that these areas have been used for storage in the past but are no longer needed. Officers observed at the site visit that these parts of the mill building are disused and consider that these areas would be unlikely to provide for efficient storage or work areas due to the lack of level access and narrow staircases which lead up from the ground floor.

The independent use of the first and second floor of the mill building for an employment use unconnected to the joinery workshop would not be feasible due to the poor access which would be through the active joinery workshop space and given potential disturbance from noise and vibrations from the workshop due to the close proximity.

Having had regard to the above, together with the fact that the existing workshop on the ground floor of the building would be retained and the Parish Council's comments on the application of Neighbourhood Plan policy LE1, it is not considered that the proposal would result in the loss of an employment use or that the Authority should seek to safeguard the first and second floors of the former mill building for alternative employment uses.

In these circumstances E1 D says that opportunities for enhancement will be sought and that this may include the provision of community facilities or affordable housing. Policy HC1 C says that housing can be accepted where it is required to achieve conservation or enhancement in settlements or of valued vernacular or listed buildings.

The Parish Council has made it clear that it would not support the creation of an open market dwelling in this case and that any dwelling would need to be restricted to affordable housing to meet eligible local need in perpetuity through the imposition of a S.106 legal agreement. In this case the proposed dwelling would be occupied by the applicant with the intention that the existing workshop would be retained ancillary to the dwelling. There is no evidence that the

applicant is in need of affordable housing and the applicant has made clear that he considers that the imposition of a local need occupancy restriction is unnecessary.

The proposed dwelling would be within the former mill building which is an attractive vernacular building located in a prominent position within the heart of the designated Bradwell Conservation Area. The three storey mill straddles the watercourse and by virtue of its design, materials and relationship to the historic development of the village it is considered that the building does make a positive contribution to the Conservation Area and therefore should be considered to be a valued vernacular building.

Policy HC1 C would offer support in principle for the change of use of the former mill building to a single market dwelling whereas policy E1 D says that changes of use of existing employment buildings may provide opportunities to provide affordable housing.

However, the relationship between the proposed dwelling and the joinery workshop which is to be retained is considered to be a critical consideration. Given the very close relationship, shared parking and access through the building it is considered that the occupation of the proposed dwelling independently from the workshop either as an unrestricted or local need dwelling would be inappropriate because occupants would not have sufficient level of residential amenity.

The applicant has made clear that his intention is to occupy the dwelling and continue to operate the joinery business. This would be an appropriate solution because the occupant of the proposed dwelling would retain control over the operation of the workshop which would overcome the amenity issue. Therefore, on balance and having had regard to all relevant policies, it is considered that the proposed dwelling would be acceptable in principle provided that a planning condition was imposed upon any permission to require the joinery workshop to remain ancillary to the dwelling and for the two uses to be retained in a single planning unit.

It follows that it would not be necessary to restrict the occupancy of the proposed dwelling to local need affordable housing. If circumstances were to change in the future in respect to the use or closure of the joinery workshop then the Authority would be able to re-assess the occupancy of the dwelling and whether there was any scope for further enhancement of the site at the time any subsequent planning application is submitted.

#### Design and impact upon the Conservation Area

The submitted plans show that the proposed conversion would take place within the shell of the existing mill building without any extensions or new openings proposed. The existing timber windows would be removed and replaced with new timber frames to match the existing and the existing timber door to Softwater Lane would be re-furbished. New black metal rainwater goods are also proposed.

The proposed changes would not alter the structure of the building and subject to appropriate detailing for the replacement windows these changes along with the new rainwater goods would improve the visual appearance of the building and give it a more unified appearance compared to the existing situation where the condition of the existing windows varies significantly. No changes to the curtilage of the building are proposed.

It is considered that the proposed development would result in a modest enhancement to the character and appearance of the building and its setting within the Conservation Area in accordance with policies GSP3, L3, LC4, LC5, LC6 and Neighbourhood Plan policies H5, E2 and E4.

If permission is granted a condition is recommended to remove permitted development rights for various alterations and extension to the building. This is considered to be essential in this case because such development could harm the valued character and appearance of the former mill

and the Conservation Area, contrary to the reasons why this development is considered to be acceptable in principle.

### Other Issues

The application site is located within Flood Zones 2 and 3. The proposed development would create a new use which is more vulnerable to flooding. The National Planning Policy Framework says that in these circumstances where development is necessary it should be made safe without increasing flood risk elsewhere and that development proposals must demonstrate that the development has been sited in areas of lowest flood risk and that development is appropriately flood resilient and resistant, including safe access and escape routes where required and any residual risk can be safely managed, including by emergency planning.

As the proposal is for the change of use of an existing building there is no alternative site where the development could take place. The agent has prepared a Flood Risk Assessment to demonstrate that the proposed development would be flood resilient and resistant with safe access and escape routes. The Environment Agency have been consulted on the application and Flood Risk Assessment and raise no objection subject to the imposition of conditions to secure that the development is carried out in accordance with the proposed Flood Risk Statement and Flood Evacuation Plan.

Having had regard to the advice from the Environment Agency, Officers are satisfied that the proposed development would be safe during times of flood in accordance with policies CC1 and CC5 and the National Planning Policy Framework. It is important to note that the proposed safe escape route relies upon access through the workshop to the front yard and that this would not be available if the proposed dwelling was separated from the workshop.

The application proposes that parking spaces would be provided on the front yard in a space which would be shared with the workshop. The Highway Authority have stated that the access to the yard emerges within the signal controlled junction and is afforded with substandard visibility but advise that provided that the proposed dwelling remains ancillary to the existing premises it is considered that any objection on the grounds of highway safety would be unsustainable.

Officers agree with the Highway Authority that provided that the dwelling remains ancillary to the workshop that any increase in vehicle movements from the site would not be significant enough to raise highway safety concerns. The use of the dwelling independently to the workshop would be more likely to generate additional vehicle movements because these would be in addition to movements generated by employees to the site.

There are no objections to providing two parking spaces on the front yard provided that these are retained for use in perpetuity in accordance with advice from the Highway Authority and it is also noted that the Parish Council also considered this to be necessary.

Given the lawful use of the mill building the development falls outside of the Authority's criteria for requiring a protected species survey. The roof of the mill is in good condition and was re-roofed approximately twenty years ago and in the absence of any other evidence it is considered unlikely that there are any bats or other protected species that use the building and could be affected by the proposed development. If permission is granted a footnote would be recommended to inform the applicant of the law in regard to protected species and their obligations in carrying out the development.

Finally, Neighbourhood Planning Policy LE3 states that all new residential properties should be served by a superfast broadband (fibre optic) connection unless it can be demonstrated that this would not be possible, practical or economically viable. The agent has advised that the North East side of Bradwell does not yet have access to this service but that informal consultation with British Telecom has indicated that this service will become available in the next 12 to 18 months.

It is therefore recommended that a condition is imposed upon any permission to require the proposed dwelling to be provided with a superfast broadband connection in accordance with LE3.

### **Conclusion**

It is considered that subject to the imposition of a planning condition which requires that the existing workshop be retained ancillary to the proposed dwelling and within a single planning unit that the proposed development is acceptable in principle and would result in development which would provide a modest enhancement to the character and appearance of the former mill and its setting within the Conservation Area.

The occupation of the proposed dwelling (either as a market dwelling or a local need dwelling) is considered to be in appropriate on the ground of amenity, flood risk and highway safety. It is therefore considered to be inappropriate to seek to impose a S.106 legal agreement as suggested by the Parish Council.

Therefore subject to the imposition of conditions to secure the occupancy of the dwelling, implementation of flood risk mitigation, parking and design details it is considered that, on balance, the proposal is in accordance with the Development Plan. In the absence of other material considerations the proposal is therefore recommended for approval.

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

#### **List of Background Papers** (not previously published)

Nil