

5. S.73 APPLICATION FOR THE VARIATION OF CONDITION 2 ON NP/SM/0621/0598 AT DAINS MILL, ROACH ROAD, UPPER HULME (NP/SM/0422/0514, ALN)

APPLICANT: MR MICHAEL JONES

Summary

1. The application is for a new metal balcony at first floor level on the front, south facing elevation of the historic former corn mill building; and for a new post and rail fence to the south of the building.
2. The balcony would cause harm to the significance of the mill as a non-designated heritage asset. The harm is not outweighed by any public benefits.
3. The application is recommended for refusal.

Site and Surroundings

4. The application site is located in open countryside approximately 300m to the north of the hamlet of Upper Hulme. The site is located within the steep sided valley bottom of Back Brook.
5. Dains Mill is a former water-powered corn mill (with separate detached corn drying store). It is a two-storey structure constructed in natural gritstone with a pitched roof and an adjoining waterwheel house. There are also water management features associated with the mill, including a mill pond to the north of the building.
6. A public right of way runs in a north-south orientation along a track between the two buildings.
7. The site lies outside of the Upper Hulme Conservation Area.
8. Planning permission was granted in July 2021 for the conversion of the mill to a single open market dwelling (NP/SM/0422/0514). It is understood that works are now underway. Planning permission was also granted later in June 2021 for the conversion of the drying store (now known as the 'Kyle' building) to a further single open market dwelling (NP/SM/0321/0302).

Proposal

9. This is a section 73 application which seeks to vary condition no.2 on planning permission ref NP/SM/0422/0514. Condition no.2 is the condition that specifies the approved plans and it reads as follows:
 10. *'The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plan no.s L100-P2, L103-P5, L104-P2, L105-P3, L106-P2, L109- P3, L110-P2 and L118-P3 subject to the following conditions or modifications.'*
11. The proposals are to substitute in amended plans that include the erection of a balcony on the front façade of the building at first floor level, together with new fencing along the front (south) boundary of the property.
12. The balcony would measure 7m long by 1.6m deep. It would be supported on three reclaimed metal columns in classical 'Corinthian' style. There would be a black iron balustrade atop the balcony, with vertical uprights and a handrail above.

13. The balcony would be accessed from a first floor doorway, which will serve a bedroom.

RECOMMENDATION:

- 14. That the application be REFUSED for the following reasons:**

The balcony, by virtue of its position, size and design would cause harm to the significance of Dains Mill, which is a non-designated heritage asset. The harm would not be outweighed by any public benefits. Consequently the proposals are contrary to Core Strategy policies GSP3 and L3, Development Management policies DMC3, DMC5, DMH7 and DMC10 and advice in the Authority’s Adopted Supplementary Planning Documents ‘Conversion of Historic Buildings’ and ‘Alterations and Extensions’.

Key Issues

15. Impact on the significance of Dains Mill as a historic water powered corn mill.

History

16. 2004 Restoration of derelict water mill – granted subject to conditions (NP/SM/1203/0923).
17. 2006 Change of use of restored water mill to holiday accommodation - granted subject to conditions (NP/SM/0106/0032).
18. December 2017 – planning permission granted to lift condition 4 on NP/SM/0106/0032 to allow the mill to be occupied as an open market dwelling (NP/SM/1017/1042).
19. June 2021 – planning permission granted for change of use of the adjacent corn drying store (now known as Kyle building) to residential use and holiday let (NP/SM/0321/0302).
20. July 2021 – planning permission granted for change of use of Dains Mill to residential and holiday let with external alterations (NP/SM/0321/0297).
21. October 2021 – pre-application enquiry submitted with regard to erection of stables and double garage (Enq 43987).
22. April 2022 – planning application submitted for erection of stables, fencing and two car parking spaces – yet to be determined (NP/SM/0422/0523).
23. April 2022 – planning application submitted for erection of double garage – yet to be determined (NP/SM/0422/0516).

Consultations

24. **Highway Authority** – no response
25. **District Council** – no response
26. **Parish Council** – no response

27. **Authority's Conservation Officer** – *'The applications seek to vary condition 2 of the approved Planning permission for the above property relating to the plans for the scheme. In particular, the applicant seeks to retain a large balcony from an earlier scheme that was subsequently amended before approval was granted. A large balcony was initially proposed on the south elevation at first floor level with access from a former loading door to what was originally a Corn Mill. Conservation objected on the grounds that this non- traditional feature would cause harm to the significance and character of this non designated heritage asset.*
28. *The proposed external balcony will introduce a residential feature that will dominate the south elevation of the building, substantially harming its architectural and historic character, appearance and setting. It will be overtly large and out of proportion given the modest size of the former mill building. Previous comments stand. The proposed cast iron columns that would support the balcony are brought from another mill in Stockport. This kind of columns were often used in textile mills and this is a corn mill which historically never had cast iron columns which are a feature of the Victorian industrial age to support upper floors carrying heavy loads. The corn mill pre-dates this period and although substantially rebuilt has origins to the C17th as the heritage statement submitted in support of the approved application indicates. The cast iron columns are inappropriate as is the balcony.*
29. *The applicant has commented on the inability to open the doors inwards on the approved scheme at first floor level and that this is due to floor height difference. Is it possible to cut back the floor internally sufficient to allow a door to open inwards and then provide an internal step to reach the rest of the floor? The floor itself is not original historic fabric, but a later insertion. This should be explored.*
30. *There is no objection to the post and rail fencing as proposed to the front of the building.'*

Representations

31. Six letters of support have been received raising the following points:
- The development would be of benefit to the local area.
 - The development is reasonable in all respects.
 - The original part of the mill should be maintained.

Main Policies

32. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3
33. Relevant Local Plan policies: DMC3, DMC5, DMC10, DMH7

National Planning Policy Framework

34. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the Local Plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Local Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Local Plan and more recent Government guidance in the NPPF.
35. Paragraph 176 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
36. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
37. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It advises that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
38. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case being the Conservation Area), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
39. Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Main Development Plan Policies

Core Strategy

40. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.

41. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
42. DS1 - *Development Strategy*. Supports extensions and alterations to dwellinghouse in principle, subject to a satisfactory scale, design and external appearance.
43. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.

Development Management Policies

44. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context.
45. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals.
46. DMC10 – *Conversion of a heritage asset* states (amongst other things) that conversion will be permitted provided that the new use can be accommodated without changes that adversely affect its character.
47. DMH7 - *Extensions and alterations*. States (amongst other things) that extensions and alterations to dwellings will be permitted provided that the proposal does not (i) detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings.
48. Further advice is given with the Authority's recently adopted Supplementary Planning Document (SPD) on the '*Conversion of Historic Buildings*' and also an SPD on '*Alterations and Extensions*'.

Assessment

Principle of Development

49. Policy L3 is clear that development must conserve and where appropriate enhance or reveal the significance of historic assets and their setting. Policy DMH7 allows for alterations to a residential dwelling in principle. The main issue is the impact of the proposed balcony on the character and appearance of the former mill building.
50. Planning permission was granted in 2021 for the conversion of the mill to a residential dwelling as an exception under Core Strategy policy HC1, in order to secure the conservation and enhancement of the building as a historic former corn mill. It is vital therefore that the scheme continues to deliver a conservation benefit. The impacts of the proposed balcony on the significance of the former mill is discussed below.

Impact on the significance of the former mill building

Background

51. When planning permission was sought back in 2021 for the conversion of the mill building to a dwellinghouse, the originally submitted plans showed the construction of a balcony in the same location and of a similar size and design to that currently proposed. We raised concerns about the harmful impact of such a structure on the character and appearance of the building and the plans were subsequently amended to omit it and included instead, a very modest 'Juliet' style balcony (as a safety feature) within the width of the first floor door opening.
52. A balcony was also proposed (and approved) on the rear (north) elevation to provide amenity space and to prevent access to the mill race below. This balcony would appear at ground floor level and would not be prominent due to rising land levels to the rear and it was accepted that safety through fencing of the mill race was necessary.
53. We took the view that both of these structures (the Juliet balcony and the rear ground level balcony) would cause some minor harm to the significance of the heritage asset but that the public benefits of securing a long term sustainable use of the building outweighed this 'less than substantial harm'. The acceptance of the Juliet balcony in particular was very much a compromise as without it the character of the building would have been better conserved.
54. The officer's delegated report at that time also noted that the submitted plans did not show any space set aside for residential curtilage in association with this sizeable 5-bedroomed property. The reports stated '*The area to the north of the building, around the mill pond forms an important part of the setting of the mill and domestication of this whole area would cause unacceptable harm to the character and setting of the mill. We have made several attempts to agree a defined, modest residential curtilage that is drawn tightly up to the building. This is because if insufficient garden space is provided at the design stage it is likely that future owners (especially if the property is used a full time dwelling) will expand their domestic activity into this area in an uncontrolled manner. The applicant seems adamant however that the rear balcony is sufficient to serve the needs of the development.*' Consequently we appended a condition that required that none of the area to the north of the building is to be used as residential curtilage. There is space to the south (front) of the mill building to provide a garden area.

Analysis

55. A Heritage Assessment submitted with the original planning application explains that the current Dains Mill possibly dates from the early 17th century. The Assessment states that '*Dain's Mill is an example of the older, traditional, type of corn mill which used a waterwheel to power mill stones. As a mill whose fabric dates back to the early 17th century it is one of the oldest such standing structures in Staffordshire.*' It was owned by the Harpur Crewe Estate until the early 1950's. In 1946 the mill was substantially damaged following a violent storm and it then fell into disrepair. In 2004 planning permission was granted for its restoration.
56. A detailed archaeological building assessment carried out before the restoration works in 2004 indicates that the south elevation (where the proposed balcony would be erected) dates from between 1640/80 and 1720/60 and highlights details such as the red sandstone walls, large sandstone quoins and doorway architraves and arched cart entrance. All of these features contribute to the significance of the building. Although parts of the mill have been re-built the report states '*The mill has been rebuilt using the*

original collapsed stonework on site and has been restored with extreme accuracy and authenticity under the direction of the Peak District National Park Authority.'

57. The Authority's SPD on the Conversion of Historic Buildings states that the guiding principle behind any conversion is that the new use should respond to the character, form and function of the building, rather than the building being made to fit the new use. It goes on to say that garden areas or outdoor sitting areas are best accommodated in small walled enclosures where these exist, or where they can be added discreetly without adversely affecting the setting.
58. In this case the proposed external balcony would introduce a residential feature which by virtue of its prominent position, substantial size, and design, would dominate the south elevation of the building, significantly harming its architectural and historic character, appearance and setting. The structure would extend across virtually the full width of this section of the building and would mask and harm the legibility of the stonework and other historic features that are present on the elevation and which are described in the Heritage Assessment.
59. Information submitted with the application states that the cast iron columns that would support the balcony would be brought in from another mill in Stockport. These kind of columns were often used in textile mills. Dains Mill is a corn mill which historically never had cast iron columns. They are a feature of the Victorian industrial age, used to support upper floors carrying heavy loads. This corn mill pre-dates that period as described above. The cast iron columns are therefore wholly inappropriate.
60. As well as the structure itself, the balcony would facilitate the presence of chairs/tables and general domestic activity at an elevated level against this principle and prominent elevation, which again would domesticate and cause harm to the significance of the building.
61. The application comments on the inability to open the doors inwards on the approved scheme at first floor level and that this is due to floor height differences. The application states that this means that the approved Juliet balcony cannot be implemented. Our view is that there are other, less harmful options that could be employed to resolve this issue, including possibly cutting back the floor internally (the floor is not historic), or keeping the door fixed shut (there are several other window openings in the room concerned which can provide any necessary ventilation).
62. The agent states that the second reason the balcony is required is because the Authority has appended a condition that prevents use of the land to the north of the mill as domestic curtilage and that consequently there is insufficient outdoor space for a five-bedroomed dwelling. As outlined above this was a point that arose during the course of the original application less than 12 months ago and the applicant did not see this as an issue at that time. Notwithstanding that, there is space within the surfaced area to the south of the mill (between the building and the line of the proposed post and rail fence), as well as on the rear balcony. Together these provide a relatively modest area, but it is adequate to serve the need of the development. We take this view in the context of the SPD on Conversions which states that '*in some cases it may prove impossible to provide much in the way of garden space*'. Any perceived need for additional outdoor living space is a private benefit that does not outweigh the harm that has been identified above.
63. The second part of the scheme is to erect a post and rail fence to the front (south) of the building, on a line diagonally from the south east corner of one bay of the building, across the front yard to the eastern boundary of the site. The purpose of the fence is presumably to enclose the domestic curtilage and one of the approved parking spaces. Although drystone walls are a more traditional boundary feature in this area, we consider that a

post and rail fence, being a more lightweight structure, would help to maintain the open character of the mill frontage better than a stone wall in this particular case. Subject to a condition that it be stained a dark brown colour the proposed fence would not harm the setting of the mill building.

64. In conclusion the proposed balcony would cause significant harm to the historic and architectural significance of the this former mill building, contrary to policies GSP3, L3, DMC3, DMC5, DMH7 and DMC10 and advice in the Authority's Supplementary Planning Documents. There are no public benefits that would offset or outweigh this harm.

Other Considerations

Impact on Amenity

65. The only neighbouring property is the former drying room (now known as the 'Kyle' building) which sits 23m to the west of the site of the proposed balcony, By virtue of the separation distance, the presence of the intervening bays that form the remainder of Dains Mill and the fact that the balcony would face away from the dwelling concerned, the development would not cause harm to the amenity of the Kyle Building as a result of any overlooking or noise generation.

Conclusion

66. The balcony, by virtue of its position, size and design would cause harm to the significance of Dains Mill, which is a non-designated heritage asset. The harm would not be outweighed by any public benefits. Consequently the proposals are contrary to Core Strategy policies GSP3 and L3, Development Management policies DMC3, DMC5, DMH7 and DMC10 and advice in the Authority's Adopted Supplementary Planning Documents 'Conversion of Historic Buildings' and 'Alterations and Extensions'.

67. Consequently the application is recommended for refusal.

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

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