

Item No. 14**SCHEDULE B**

APPLICATION NUMBER	CB/09/05342/FULL
LOCATION	Flitwick Mill, Greenfield Road, Flitwick, Bedford, MK45 5BE
PROPOSAL	Full: Conversion of existing mill to dwelling.
PARISH	Flitwick
WARD	Flitwick West
WARD COUNCILLORS	Cllr D Gale & Cllr S Male
CASE OFFICER	Mary Collins
DATE REGISTERED	08 July 2009
EXPIRY DATE	02 September 2009
APPLICANT	Mr & Mrs D Whelan
AGENT	C W & R C Shrimplin, Architects and Town Planners
REASON FOR COMMITTEE TO DETERMINE	Assistant Director, Development Management consider it prudent to refer the application to committee
RECOMMENDED DECISION	Full Conditional Approval

Site Location:

Flitwick Mill is a redundant water powered corn mill with attached mill house which dated from the late eighteenth/early nineteenth century and has been subsequently extended. It is listed Grade II as a rare surviving example of the complete milling process, demonstrating the continuing process of expansion and development of mills in the nineteenth century. The complete water system remains as does the attached Mill House (miller's house) which is Grade II listed and associated outbuildings.

The watermill is a timber framed structure, clad with horizontal weatherboarding. The timber superstructure stands on a brick base and has a timber framed and boarded pitched roof covered with slates. The brickwork extends from the ground floor to the first floor. Above this are three further levels which are weather boarded. The waterwheel is cast iron "overshot" design. The mill pond is located to the south of the building and is fed from the River Flit. The lucam (the timber framed housing for the sack loading hoist for the delivery of corn) to the north elevation projects out over the mill yard.

The Mill building itself lies within the Flitwick Settlement Envelope on its far eastern tip off Greenfield Road. The remainder of the site is outside the Settlement Envelope in the Green Belt.

The Application:

Planning Permission is sought for the conversion of the mill to one residential dwelling and for the creation of a new vehicular access.

An application for listed building consent has also been received ref. CB/09/05343/LB.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1	Delivering Sustainable Development
PPG 2	Green Belt
PPS 3	Housing
PPS 9	Biodiversity and Geological Conservation
PPG 15	Planning and the Historic Environment
PPG 16	Archaeology and Planning
PPS 23	Planning and Pollution Control

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Mid Bedfordshire Local Plan First Review 2005 Policies

DPS6 - Criteria for extensions

NC3 - County Wildlife Sites and Local Nature Reserves

Planning History

MB/07/01836/LB	Listed Building Consent: Conversion of existing mill into residential dwelling. Refused: 21/01/09. Appeal pending.
MB/07/01837	Full Conversion of existing Mill into one residential dwelling and the creation of a new vehicular access. Refused: 21/01/09. Appeal pending.
CB/09/01137/LB	Listed Building: Alteration of curtilage listed outbuilding. Including the insertion of external doors and skylights. (Part retrospective). Approved: 03/08/09

Representations: (Parish & Neighbours)

Flitwick TC

Members object to this application on the grounds of loss of heritage, concerns regarding vehicular access/egress and change of use from a Mill to a dwelling. The Town Council would like to see the building retained as a heritage site with the Mill being refurbished to its original state and understand that a charitable trust is being set up by an outside Group.

Flitwick Preservation Group (Friends of Flitwick Mill)

Reaffirm views as set out in the written submission to the planning committee of January 2009.

Maintain that the proposal does not represent the best or most cost-effective way to preserve and safeguard its long term future.

Since the resubmitted applications are identical to the original rejected proposals and there has been no change in legislation submit that the proposal to convert the mill to a domestic residence does not satisfy planning guidance PPG15

A formal meeting was held on 16th May with the owner of the mill to explore the possibility of working together to achieve an outcome that would preserve the mill and respond to the interests of Flitwick and the wider area. Unfortunately it was not possible to reached a shared view of the future of the mill. Whilst respect the rights of the owner to pursue his proposals, remain convinced the best way of safeguarding the future of the mill is as a working mill and heritage centre. No response received

Adjoining Occupiers

Consultations/Publicity responses

The Wildlife Trust Awaiting response
Natural England Awaiting response
English Heritage Awaiting response
Society of Protection of Ancient Buildings (Mills Section) Awaiting response

Flitwick Local History Society Support the application in view of what may occur should the whole project be further deferred. Would like to emphasise the importance of retaining the machinery and if possible the display of the machinery so that it can be seen by future generations. In an ideal world the restoration of the mill to its former working life would be admirable but suspect that funding and expertise needed to carry this out

Ampthill and District Preservation Society This historic building should be preserved and the proposed change of use with alterations may be the most expedient and cost effective way of achieving this. Consider it highly desirable that the milling machinery should be preserved and maintained.

Archaeology Dating to the 18th century Flitwick Mill (HER 1061) represents one of the best surviving examples of a watermill

complex of this type within Bedfordshire and it is likely that it lies at a site of an earlier mill, probably dating at least to the medieval period.

No objection in principle to the conversion of the building, given its local and regional significance, recommend that adequate recording of the structure take place prior to conversion. In addition the associated works including the creation of new access and parking have the potential to have an impact on any buried archaeological deposits present at the site. Therefore these remains would need to be satisfactorily investigated and recorded should the proposed development take place. Recommend conditions are imposed.

Environmental
Health

As it is proposed to change the existing use to residential, it is essential that any land contamination is identified and remediated to a satisfactory standard to ensure that the land and buildings are suitable for their proposed end residential use. Recommend remediation condition is attached to any planning consent granted for residential change of use for this site.

Highways
Beds IDB
Env. Agency
Application

Awaiting response
Awaiting response
Awaiting response
No response received

advertised 17/07/09

Site Notice posted 16/07/09
No response received

Determining Issues

The main considerations of the application are;

1. Background
2. Principle of conversion to dwelling
3. Visual impact upon the character and appearance of the Grade II listed building, the setting of the listed building and appearance of the surrounding area generally
4. Amenity issues
5. Contamination issues
6. Impact upon neighbouring residential amenity
7. Wildlife implications
8. Archaeological remains
9. Unilateral Undertaking

Considerations

1. Background

Applications for Planning permission and Listed Building Consent for the conversion of the Mill to residential use were refused at the Development Control Committee of the Mid Bedfordshire District Council held on 14th

January 2009.

The Members resolved that the applications should be refused as the proposed change of use of the mill into a single dwelling was considered to be detrimental to this statutorily Grade II Listed Building by way of its impact on the character of the building. As such the proposal was considered to be an insensitive reuse of the building and contrary to the guidance given in paragraph 3.13 of PPG 15: Planning and the Historic Environment 1993.

It was considered that the restoration of the Mill to working order would be a more appropriate use for the mill. The Friends of Flitwick Mill presented ideas for an alternative scheme for the use of the mill as a heritage centre and visitor attraction encompassing demonstrations of milling and renewable energy technology, educational activities for local schools and adults, an information centre for visitors to Flitwick and Flitton Moors, local community facilities with meeting rooms, exhibition/gallery space, office space and a tea room.

However since that time, the Friends of Flitwick Mill have met formally with the owner of the mill to explore the possibility of working together but have been unable to achieve a shared view of the future of the Mill. As such it appears that there are no plans to form a charitable trust to purchase and preserve the mill and that no progress has been made in bringing forward any alternative scheme for renovation and repair.

This application is identical to that previously refused and an application for Listed Building Consent has also been resubmitted for reconsideration.

Officers remain of the opinion that in order to achieve a realistic and timely repair and renovation of the Mill, its conversion to a dwelling and the reintroduction of an active use should be supported as a mechanism to ensure the renovation and upkeep of this important historic building which is highly distinctive structure on the edge of the urban area of Flitwick. These resubmitted applications are therefore supported by officers.

2. Principle of development

The Mill building itself lies within the Flitwick Settlement Envelope and the conversion of the premises to residential use is acceptable in principle in this location. The mill meadow to the south of the mill is considered to be garden land in association with The Mill House and therefore a change of use of the land to residential use is not required.

Planning Policy Guidance 15 paragraph 2.18 advises that the principle of change of use of listed buildings is acceptable in principle : *New uses may often be the key to a building's or area's preservation, and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life. The same provisions on change of use should apply to historic buildings as to all others. Patterns of economic activity inevitably change over time, and it would be unrealistic to seek to prevent*

such change by the use of planning controls.

3. Visual impact upon the character and appearance of the Grade II listed building, the setting of the listed building and appearance of the surrounding area generally

There are a number of external changes that are proposed to the building to enable its renovation and then conversion to a single residential unit.

External works:

Replacement of all existing windows and new weatherboarding.

Ground floor:

- Insertion of door in east elevation.
- Remove existing window to south elevation and replace with door and construction of new additional footbridge from new door.
- Replace stable door to north elevation with new window above timber panel.
- Lower head and cill of existing window opening and replace with larger window

First floor:

- Insertion of new window to north, south and east elevation.
- Remove high level window in east elevation

Second floor:

Insertion of two windows to north elevation, two windows to south elevation and two windows to east elevation

Attic

The existing window in the gable to the north elevation is to be replaced for a smaller window

The requirements of modern day residential use are very different from that of a traditional working mill. The building was never intended to be lived in but to house milling machinery and carry out an industrial process. As such the change of use to residential use will inevitably impact on the character of the mill building.

The external appearance of the Mill will be changed, to some extent by the insertion of new windows and openings. The new openings are to be of a similar size and design to the existing windows and due to the scale of the building the openings are not considered to give the mill an overly domestic appearance. The addition of a new footbridge to the south elevation is not considered to be an intrusive feature to a water mill. Due to its low level in relation to the building, it will have only a minimal visual impact.

The scheme proposed would slightly alter the external appearance of the building but it would still read as a Mill. To maintain the setting of the listed building and the public views across the water meadow, permitted development rights will be removed for the erection of washing lines and other domestic paraphernalia.

The creation of a new access with a shorter driveway and area of hardstanding within the application site is considered to reduce the visual impact that the conversion to residential use would have on the setting of the listed building and subject to the sensitive use of materials will not have a detrimental impact on the setting of the listed building.

4. Amenity issues.

Private amenity space has not been identified on the submitted site plan. However, it is considered that there is sufficient area within the site.

The area to the front of the building which is currently grassed should remain open so not to detract detrimentally from the setting of the listed building. This area is outside the Settlement Envelope and within the Green belt. Fences and other means of enclosure would not be visually appropriate in this location. Other garden equipment such as children's play equipment and clothes lines in this location would also be incongruous on the edge of open countryside and would impact detrimentally on the setting of the listed building. A condition will be imposed to ensure the control of domestic paraphernalia

5. Contamination issues

The mill is a redundant industrial building and there is potential for land contamination to have arisen, both internally and externally. The site is identified on the Council's database of potentially contaminated sites due to its industrial use. As it is proposed to change the existing use to residential, it is essential that any land contamination is identified and remediated to a satisfactory standard to ensure that the land and buildings are suitable for their proposed end residential use.

6. Impact upon neighbouring residential amenity

The Mill House adjoins the mill premises and is situated at right angles. New windows are to be inserted to the eastern end of the mill. Due to the oblique angle between the windows proposed in the Mill and the existing ones in The Mill House it is considered that there will not be a detrimental loss of privacy to the occupiers of either dwelling.

There will be some overlooking across the driveway to the front of The Mill House. This area is not considered to be private amenity space and a degree of overlooking to the front of the property is inevitable.

7. Wildlife implications

As the mill is a pre 1914 building within 400 m of water and woodland, there is a likelihood of roosting bats. It is essential that the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, is established before the planning permission is granted, otherwise all material considerations may not have been addressed in making the decision (*Paragraph 99 of Circular 99 which accompanies*

This resubmitted planning application was accompanied by a bat survey which was carried out in September 2008 and which was accompanied the previous refusal of permission.

The bat and owl survey carried out concluded that there was no evidence of the presence of barn owls. The report finds a "medium" probability that the building has been used as a feeding roost by bats, on the evidence of four old droppings and scattered lepidoptera (moth and butterfly) wings. To compensate for the loss of a feeding perch a mitigation strategy is recommended and the report recommends that three bat boxes are erected once work on the mill has been completed.

No further surveys have been carried out since. Although response has not been received from Natural England at the time of writing this report, it is considered that conditions regarding mitigation should be imposed as previously recommended.

The Mill building is less than 40 metres from Flitwick Moor SSSI and the application site adjoins Flitwick Moor. Flitwick Moor is the largest area of wetland in Bedfordshire and is prominent for its botanical and invertebrate interest, as well as being important for mosses, liverworts and breeding birds. It is considered that the proposal will not have a damaging impact on features of wildlife value as the development relates mostly to the conversion of the Mill and no other buildings or operations are proposed within the curtilage of the Mill which adjoin the SSSI and County Wildlife Site.

Although response has not been received from the Wildlife Trust, their response to the previous application was to recommend that a condition to ensure that no damage is caused to Flitwick Moor by any discharge or storage of materials or waste, or by direct disturbance is imposed if planning permission is granted.

8. Archaeological remains

There is a strong possibility that earlier mills existed at the site, probably back to the medieval period. Buried archaeological deposits are likely to survive from earlier uses of the site. The new access and conversion will have an impact on any archaeological deposits below ground and it is important that they are properly investigated and recorded. Conditions regarding investigation and recording will be imposed.

9. Unilateral Undertaking

The Planning Obligations Strategy, wherein the construction or creation of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by Mid Bedfordshire District Council on 20th February 2008 and has been operative since 1st May 2008. The Draft Supplementary Planning Document was subject to a six week public

consultation period between 6th July and 17th August 2007.

In accordance with national planning policy contained in PPS1, Local Planning Authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, in the form of services and health care, for example.

This involves all new residential proposals having to enter into either a Section 106 Legal Agreement or a Unilateral Undertaking to provide contributions towards the impact of new developments within the Mid Beds area.

A Unilateral Undertaking was not required for the original application as it was received in November 2007 prior to the adoption of the strategy. In this instance as the proposal relates to the repair and renovation of a Building at Risk, a Unilateral Undertaking is likely to make the scheme unviable and as the building already needs considerable funds to renovate it and bring it back into an active use to ensure its long term preservation, a Unilateral Undertaking is not considered to be appropriate.

Conclusion

In light of the above considerations application is recommended for approval.

Reasons for granting

The proposal is in conformity with PPG 15 as the external and internal alterations and additions to the listed building would not have an unacceptably adverse effect on its architectural or historic interest, as the development does not unacceptably adversely affect the setting of a listed building and the change of use would not have an unacceptability detrimental effect on the architectural or historic interest of the building, its setting and the long term preservation of the building. The proposal is in accordance with the provisions of PPG16 Archaeology and Planning, paragraph 30 as any material of archaeological interest which exists on the site is safeguarded. The proposal is in conformity with PPG 2 as it does not impact on the openness of the Green Belt.

The proposal is in conformity with Policy DPS6 as the proposal does not seriously harm the amenities of neighbours and there is no unacceptable impact upon the character and appearance of the street scene or general locality. It is in conformity with policy NC3 as the development is not likely to have an adverse impact upon the nature conservation interests of a SSSI or County Wildlife Site. It is also in accordance with Planning Policy Guidance: PPS1: Delivering Sustainable Development, PPS3: Housing, PPS 9: Biodiversity and Geological Conservation PPG 15: Planning and Historic Environment and PPS 23: Planning and Planning and Pollution Control.

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **No site works / development shall be undertaken until the full implementation of an appropriate programme of building recording and analysis has been agreed in writing with the Local Planning Authority, and undertaken by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification.**

Reason: To enable a proper record of the building to be made and in accordance with PPG15 (Planning and the Historic Environment 1994).

- 3 **Details of a scheme of archaeological investigation of the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The said development shall only be implemented in accordance with the scheme thereby approved.**

Reason: To safeguard any material of archaeological interest which exists on the site in accordance with PPG16 Archaeology and Planning.

- 4 **Prior to the commencement of any phase of development approved by this planning permission, with the exception of works undertaken in order to allow intrusive testing, which must only be undertaken with the supervision of the Conservation Officer to the Local Planning Authority, the developer shall submit to the Planning Authority, in duplicate and electronic form where possible;**

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils, gas and groundwater sampling; the latter copied to the Environment Agency for comment.

c) Where shown necessary by the Phase 2 investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

c) On completion of the development, the developer shall provide

written confirmation that all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report incorporating photographs and soil transport receipts where applicable.

Any remediation scheme shall be agreed in writing by the local planning authority prior to the commencement of works.

Any remediation scheme, as agreed in writing shall be fully implemented before the development hereby permitted is first occupied.

All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority and any unexpected discoveries of contamination during development reported to the Local Planning Authority.

Reason: To ensure that any potential land contamination is identified and appropriate remedial measures taken to produce a site that is free from harm to humans and suitable for its proposed end use.

- 5 No development shall take place until full details of materials to be used for any hard surfacing including kerbs and edging have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.**

Reason: To safeguard the special architectural and historic interest of this statutorily Listed Building, its setting and the character and appearance of the area generally in accordance with PPG15 (Planning and the Historic Environment) 1994.

- 6 Details of the construction, design, materials and external finish to the footbridge hereby permitted shall be submitted to and agreed in writing prior to the commencement of the development hereby permitted. The footbridge shall be implemented only in accordance with the approved details.**

Reason: To safeguard the special architectural and historic interest of this statutorily Listed Building, its setting and the character and appearance of the area generally in accordance with PPG15 (Planning and the Historic Environment) 1994.

- 7 Prior to any development, an updated bat survey (comprising an internal/external inspection and activity surveys as necessary) will be undertaken during the optimum survey period of May to August inclusive, to confirm the use of the site by bats, the level of mitigation works required and whether the development requires a European Protected Species license under the Conservation (Natural Habitats etc) Regulations 1994 (as amended). Regardless of the findings of the bat survey, the development shall retain an open roof void with dimensions of no less than 2.5m (height) by 5m (width and depth), including sufficient roosting areas and access points to provide enhanced roosting opportunities for bats in the Flitwick Mill area.**

Reason: To mitigate against the possible loss of bat habitat.

8 The access shall have a minimum width of 2.75m and shall be located as shown on drawing no. 5041/26A.

Reason: In the interest of road safety and for the avoidance of doubt.

9 Visibility splays shall be provided at the junction of the vehicular access with the public highway. The splays shall extend to the limits of the site's highway frontage on each side of the access from a point on the centre line of the access measured 2m back from the road channel. The vision splays so described shall be maintained free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic which is likely to use it.

10 The proposed vehicular access shall be surfaced in a durable material as may be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

11 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles to draw off the highway before the gates are opened.

12 The new vehicular access shall enter the public highway at the boundary at such a level as shall be agreed in writing by the Local Planning Authority. Any necessary gradient shall be constructed on the application site entirely outside highway limits.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.

13 Before the premises are occupied any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interests of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

14 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits.

Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises.

- 15 The turning space for vehicles illustrated on the approved Plan (No 5041/26A) shall be constructed before development is first brought into use.

Reason: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles onto the highway.

- 16 Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority. The bin storage/collection point shall be implemented in accordance with the approved details prior to the occupation of the dwelling.

Reason: In the interest of highway safety.

- 17 Notwithstanding the details shown on approved site plan no. 5041:26A, this permission does not extend to the carport, boundary fence and entrance gates.

Reason: To define this permission.

- 18 A scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the use hereby permitted is commenced

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 19 Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters and that only clean, uncontaminated surface water, is discharged to any soakaway, watercourse or surface water sewer. No damage shall be caused to Flitwick Moor by any discharge from the development hereby approved, by the storage of materials or waste, or by direct disturbance.

Reason: To ensure that the features of wildlife value on the adjoining Flitwick Moor SSSI are not damaged as a result of the development in accordance with Policies NC3 of the Mid Bedfordshire Local Plan First Review 2005.

- 20 Details of a scheme to provide three bat boxes as recommended in the Bat Survey by Hillier Ecological Associates dated September 2008 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling and the boxes shall be erected in accordance with the approved details prior to the first residential occupation of the building.

Reason: To mitigate against the loss of a feeding perch.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, structure, equipment or domestic paraphernalia shall be erected unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the setting of this Grade II Listed Building and the character and appearance of the area.

Notes to Applicant

DECISION

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