

APPLICATION NO	PA/2019/1846
APPLICANT	Mr Mark Snowden, Keigar Homes Ltd
DEVELOPMENT	Planning permission to demolish existing outbuildings attached to the mill; convert the mill to a dwelling; erect a dwelling attached to the mill, three dwellings to the west of the mill and a detached block of four dwellings, with associated parking, access and gardens; and retain raised land levels to form garden extensions to plots 9, 10 and 11.
LOCATION	Former Hewson's Mill, Hewson's Lane, Barton upon Humber
PARISH	Barton upon Humber
WARD	Barton
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Paul and Keith Vickers and Jonathan Evison – significant public interest)

POLICIES

National Planning Policy Framework: Sections 2, 5, 8, 11, 12, 14 and 16 apply.

North Lincolnshire Local Plan: Policies H5, H8, DS1, DS16, HE5, HE6, HE9, T1, T2 and T19 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS5, CS6, CS7, CS8 and CS19 apply.

CONSULTATIONS

Environment Agency: Following receipt of amended plans which show the ground floor of the mill to be used as a store only and the kitchen moved to the first floor, the design would overcome the outstanding objection which is now withdrawn. The store would be classed as 'non-habitable' and conditions are recommended to secure the flood mitigation measures.

Conservation Officer: In accordance with paragraph 196 of the NPPF I advise that the harm to the significance of Hewson's Mill should be weighed against the public benefits of the proposal.

Significant weight should be attributed to the retention of the mill tower, being a listed building of national importance which is at risk and in a very dilapidated condition. Should the planning department be mindful to approve the application conditions are recommended to conserve the character of the mill.

Historic Environment Record (HER): Further to previous advice the applicant has submitted a detailed baseline condition survey prepared by appropriate specialist mill consultants. The report identifies the significance of the mill and its machinery to our satisfaction. Recommendations are provided for recovering, restoring and replacing the important structural elements and equipment to ensure the preservation of the significance of the designated heritage asset and its continued legibility.

This report and the amended accommodation and design proposals discussed with the Conservation Officer remove the objections set out in the previous HER responses submitted December 2019 and August 2020. The planning authority should satisfy itself that the recommendations set out in the report can be successfully achieved in relation to the amended floor plans and the proposed domestic use of the mill (Barton Civic Society response submitted 11 September 2020).

Where the planning authority is minded to grant consent, any permission should be subject to specifically worded conditions that secure the recommendations set out in the report to record the conservation and restoration of the mill machinery to the mill tower and other alteration works. The Conservation Officer and myself can advise further on appropriately worded planning conditions including those set out in the 2019 HER response to secure the recording of the important industrial archaeology.

Drainage (Lead Local Flood Authority): No objection, but recommend conditions.

Barton Civic Society:

Original comments

Extensive objection extending to more than 100 bullet points. The Civic Society continues to be very concerned about the inadequacy of the application and the serious unjustified harm that the proposed development will inflict on the statutorily designated heritage assets of the grade II listed mill, western ancillary building, and cottage and site of the former engine house. In our view, the application fails in several important respects to meet the requirements of key local and national planning policies for developments affecting heritage assets and the historic environment.

We consider that the application documentation is still fundamentally inadequate and does not meet the requirements of local or national planning policy, and that the application is not a sound basis for determination of the proposals, unless it is refusal. We are particularly concerned that, despite clear advice from NLC, Historic England and others, Keigar Homes have not consulted mill specialists or a conservation engineer. As a result, the applicants have no suitable conservation methodology for dealing with the mill and its machinery, or for dealing with the adjoining buildings. The latest amended application proposes residential conversion of the mill alongside retention of the internal mill machinery and fittings, but the present proposals are inadequately thought through, and are basically unworkable and incompatible with conservation of the historic mill interior.

Contrary to the applicants' assertions, safe inspection and survey of the mill by suitably experienced specialists is achievable at this stage, prior to determination, as is drawing up a properly-informed methodology for consolidation and repair, to which detail can be added as fuller inspection of the mill becomes possible. We consider these steps are essential before the application can progress.

The latest scheme proposes the total demolition of the ancillary building and cottage attached to the west side of the mill and their replacement by a new three-storey housing block adjacent to the mill. In our view the total loss of these listed buildings will cause substantial harm to the designated heritage asset of the listed mill complex. Sections of the existing historic buildings are capable of retention and repair. Their wholesale demolition is unjustified and unnecessary, and the newly proposed replacement building is completely inappropriate in its location, massing and design. There is general consensus, shared by all main parties, that residential conversion of the mill and new housing development on the mill site and its adjoining site to the north, is 'enabling development' intended to provide funding to enable the conservation repair of the mill buildings, and that the harm caused by the new development to the listed buildings could potentially be justified by the public benefits of conserving the mill heritage assets. However, there is, as yet no recognition of the proper procedures and safeguards required for this kind of enabling development scheme, which ensure that any development here is undertaken in a way which causes the minimum amount of harm to the mill heritage assets, is properly justified in economic terms as the minimum necessary to enable the conservation work, and reliably secures the heritage benefits of conserving the mill buildings. Further details are included below on enabling development in relation to the Hewson's Mill site.

Along with Historic England and others, the Civic Society is concerned about the demolition of this eastern ancillary mill building (the former engine house), apparently without the necessary listed building consent. If this occurred under the present ownership of Keigar Homes, then we consider that the demolition and the harm it caused to the mill heritage assets must be included as a material consideration in the proposals for the mill site, and factored into the enabling development scheme and the overall planning balance for the application. We are also very concerned that, despite repeated advice from Historic England and others, no significant action has been taken to protect the mill and its adjoining building whilst the redevelopment of the site is under consideration. The continuing deterioration of the mill buildings is being cited by the applicants as a reason for approval of their application. However, despite the legal responsibility of owners to ensure that their listed buildings are maintained and protected from undue deterioration, the owners have taken no significant action, other than to demolish the eastern engine house range. National planning policy is clear that 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any planning decision (NPPF paragraph 191).

Despite the significant outstanding issues here, we believe that there is potential for a sympathetic development scheme for Hewson's Mill whereby new housing and partial residential conversion of the mill would provide the funding to enable the conservation of the mill heritage assets. Unfortunately, the present application still falls a long way short of achieving this.

Updated comments summary

Following receipt of the additional information and updated plans, they welcome the undertaking of a survey of the mill by a mill specialist and agree the report gives a comprehensive update of the condition of the mill from outside as is possible. Support the report's overarching statements on the need for the use of the mill to be arranged to work around the surviving features and the need for the costs of the conservation work on the mill to be seen in the context of enabling development on the site. Serious concerns about the methodology and the advice on specific items within the mill. Extensive floor by floor review of the report which the Civic Society agrees and disagrees with on various points of

consideration and maintains objection to the proposed treatment of the listed ancillary buildings and the replacement with a three-storey residential building.

Environmental Health: No objection, but recommend conditions in respect of contaminated land investigation and construction working hours.

Historic England: We previously provided advice on this application on 2 August 2020 and 6 December 2019. The amended scheme shows the proposed balcony on the third floor removed and the existing cog and stones indicated as being located on the fourth floor instead of a bedroom. The access arrangements remain the same.

Whilst the proposed retention of machinery on the fourth floor is an improvement, our advice remains as set out in our letter of 2 August 2020, including for the proposed new build element and the demolition of the existing buildings. We advise that all the surviving machinery is retained *in situ*, and that before determination a clear and detailed methodology is agreed to retain internal fabric and machinery wherever possible. This should be informed by specialist advice. The evidence of how the machinery works as a whole in the working mill is a key part of the significance of the listed building. The arrangement of access to the upper floors should be designed to accommodate the retention of machinery.

We continue to advise that your authority seeks an independent assessment of the viability of the proposed scheme in order to determine if the proposed scheme can be justified, and if alternative, less harmful forms of development can be achieved. We also urge your authority to take the necessary steps for the proper preservation of the listed building whilst a sustainable solution is sought.

Highways: No objection, but recommend conditions.

TOWN COUNCIL

Support the application as the development will retain the structure of the mill for the town's heritage.

PUBLICITY

Advertised by site and press notice. Three responses have been received objecting to the proposals and raising similar issues to the consultees, together with the following:

- The legibility of the mill is compromised by introducing residential elements into it.
- Revisions to the fenestration should be considered.
- A full survey of the mill, including its timbers, should be undertaken.
- All internal machinery and mechanisms should be preserved in situ.
- The balcony should either be removed or constructed around the whole outer perimeter of the mill.
- Consideration should be given to less living accommodation within the mill.

- The application appears to be based on the number of dwellings that can be achieved rather than focusing on the impact on the listed mill.
- The application fails to meet planning policy guidelines.
- The proposed building to the west of the mill bears no resemblance in height or design to the one it is replacing.
- Harm to the setting and significance of the mill and it will be difficult to maintain.
- The mill tower and its historic machinery are an integrated whole and the conservation of these features is essential to retaining the high heritage significance of the mill.
- A survey of the surviving floor timbers and machinery by a qualified specialist should be undertaken.
- A methodology of repair from the base of the mill upwards should be adopted.
- Specialist advice should be sought in relation to the floor layouts of the mill and the third floor should be retained as a non-habitable room.
- The installation of staircases would compromise the internal features of the mill.
- The amended proposals are not feasible from both a safety/practicality and historic building conservation perspective.

In addition, a detailed objection has been received following receipt of the additional survey and amended plans. This raises similar issues as the conservation groups and Barton Civic Society.

ASSESSMENT

The application site is dominated by a grade II listed mill known as Hewson's Mill which dates from 1813 and is located within the defined settlement boundary for Barton upon Humber. It is accessed from Mill View to the south-east which is a modern housing estate and the mill is in a state of visible disrepair. The mill has a number of two-storey buildings attached to it on its western and eastern sides and neighbouring land uses include industrial, commercial and residential. The site is located outside the conservation area within flood zone 2/3a. The mill is constructed from a dark brick with no visible cap and the attached buildings are of red brick and pantile construction. The proposal is for the demolition of part of the listed buildings attached to the mill, the conversion of the mill to residential use, the erection of one dwelling attached to the east of the mill, three attached dwellings to the west of the mill and a terrace of four town houses to the north, and the retention of raised land levels to form garden extension to plots 9, 10 and 11 to the east. This application is a resubmission of a previous planning application (PA/2018/551) which was refused on grounds of flood risk and that the substantial harm to the heritage asset was not outweighed by bringing it back into alternative use as a dwelling.

The main issues in the determination of this application are the principle of development, and impact on the character, appearance and setting of the listed building(s), on the character and appearance of the street scene, and upon residential amenity and flood risk.

Principle

The application site is a vacant brownfield site within the defined settlement boundary for Barton upon Humber, in a sustainable location within easy walking and cycling distance of a range of local facilities, including those available within Barton town centre to the south of the site; these facilities include schools, leisure centre, supermarkets, shops, post office and public houses. In terms of sustainability it is within walking distance of both the bus and railway stations. The proposal therefore accords with the principles of sustainable development as set out within the saved policies of the North Lincolnshire Local Plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations.

Policy H8 (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Barton upon Humber, in a sustainable location; there is, therefore, a presumption in favour of residential development.

Policy CS2 of the Core Strategy states that development should be focused on other suitable infill opportunities within the defined development limits of North Lincolnshire's market towns. The proposal is for residential development on a suitable infill plot within the defined development limit of Barton upon Humber which is defined as a market town. On this basis the proposal is considered to comply with policy CS2 and therefore the principle of residential development in this location is considered to be acceptable.

Heritage assets

It is proposed to demolish the existing buildings attached to the listed mill, strip out the mill to facilitate its conversion to residential use, and erect three dwellings attached to the west of the mill and an additional dwelling to the east. The drawings and supporting documents show that the existing buildings attached to the mill will be demolished (which in themselves are listed) and the erection of three, three-storey dwellings to be linked to the mill. The plans show these dwellings to be of a similar built footprint and scale to the listed buildings they are proposed to replace. In addition, the amended plans show that the mill be reinstated to its previous height and an ogee cap and finial added to the top.

A heritage statement has been submitted which was amended in August 2018 (and submitted with the previous application PA/2018/551). In terms of the discussion relating to the significance of this heritage asset, the updated heritage statement does draw upon the historical and communal value of the mill and notes that views of the site and its listed buildings from the Barton conservation area are extremely limited. It does highlight that the mill is visible in several directions but that recent developments have partially masked the visibility of the mill. The heritage statement also confirms that the complex of listed buildings retains its historic legibility with much value drawn from its evidential and architectural attributes and it does allude to some of the conservation principles when considering the significance of a heritage asset as defined by Historic England.

The heritage statement (produced by Allen Archaeology) goes on to consider the impact of the proposals and potential mitigation. It outlines the case for the demolition of the linked buildings and the conversion of the mill to residential use and cites the findings of the

structural report to substantiate the case for demolition and re-use. The report states the ancillary buildings are proposed for demolition on account of their poor structural condition and that the eastern elevation of the former farmhouse is to be retained and repaired; this is noted within the report as the most significant elevation of the farmhouse. In terms of the built aspect of the proposals the report states that the development is in keeping with the context of the mill and complements its historic plan form, that the restoration of the mill will enhance its appearance and secure its long-term future, that the original form of the mill will be retained and that the working elements of the mill will be safely removed and reinstated where possible.

Another heritage statement has been submitted with this application, which presents information on heritage values and significance of the mill, and an assessment of impacts to that significance arising from the development proposals. This document sets out the case for assessing the surviving condition of the mill and the inherent issues associated with a detailed survey of the internal condition of the mill, and its structural condition not being possible to undertake. This document then proceeds to discuss the significance of the building and its listed linked buildings and at paragraphs 5.6–5.9 sets out a detailed methodology and approach for the inspection of the listed mill. In conclusion this document provides the following commentary in relation to the harm to the listed mill:

Considering both the harms arising and the key heritage benefits of the scheme it is considered that, after this internal balance, the scheme gives rise to a less than substantial degree of harm to the heritage values of Hewson's Mill as a listed building. Because of the great benefit of retaining and restoring the tower structure the level of less than substantial harm is considered moderate to low.

and,

In line with paragraph 196 of the NPPF less than substantial harm should be balanced by the public benefits of a scheme. We have presented the very high degree of heritage benefit arising from this scheme. The DAS and planning statement also present other benefits relating to sustainability, housing and other elements that could be considered.

The NPPF, at paragraph 200, states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional and at paragraph 201 it states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Taking the above criteria into account, it is noted that residential re-use of the mill and the reinstatement of the section of tower and a cap finish could secure the long-term future of this grade II listed building (the mill). In addition, the structural report submitted with the application concludes that the tower is capable of conversion to habitable (residential) accommodation following incorporation of additional stability measures, that some of the main walls are beyond safe repair and that the only course of action is partial demolition and reconstruction of certain elements. However, when taking the specialist consultee advice into account, it is evident that the impact of the development proposals previously failed to fully consider the significance of the internal working fabric of the mill which emanates from its historic use.

Whilst it is accepted that the applicant is prepared to undertake a regime of stripping out and recording the internal fabric of the mill and buildings and that a detailed methodological approach for inspection, recording and reinstatement is clearly set out in the additional heritage statement produced by Heritage Collective UK Ltd are noted, it is considered that listed building consent should only be granted where the local planning authority has the substantive supporting information available to them to do so. In this case it was initially considered that the full and detailed internal inspection of the mill should have been submitted as part of this application. The applicant has now submitted a Baseline Survey Report (undertaken by Teme Valley Heritage Engineers), which it is considered provides a robust assessment to establish the current condition and contents of the mill tower. It is noted that this assessment was undertaken using an external inspection approach, utilising a man basket affixed to a telehandler boom. The document provides a floor-by-floor survey and makes several recommendations in respect of a methodology of clearance and retention of features within the mill itself.

This mill is recognised by a local historian as being one of the very few 'great survivors' in Lincolnshire still containing its original machinery and is an excellent example of early mill technology; the council's conservation officer, Barton Civic Society and other specialist heritage consultees concur with this view. Based on this, it is considered that greater consideration, and therefore greater weight, should be given to the significance of this mill and its surviving internal fabric and equipment.

An intrinsic part of this building's significance is the large degree of surviving machinery within the mill, including the millstones and runner stone, parts of the tentering mechanism, bridge trees, stone spindles, spur wheel, driveshaft, drive wheel and 'wire machine'. Some of the internal structure also survives, including floors, beams, and columns/uprights. Following receipt of the Baseline Survey Report the local planning authority now has much more detailed information in its possession to assess the internal condition of the mill, whether conditions related to a methodology for the conservation and preservation of the mill and its surviving features is feasible, to ensure the retention of the mill and whether it is suitable for conversion to residential use.

It is noted that both the current applications (full planning permission and listed building consent) are informed by a number of reports and surveys that detail the condition of the listed building and that discussions had previously taken place between the applicant and the local planning authority as to whether a methodology for internal inspection of the building could be addressed through an appropriately worded planning condition. In addition, the concerns of the relevant amenity societies and consultees are noted in respect of the condition of the building, the requirement to retain features integral to the internal fabric of the mill and the methodology for retention and reinstatement of features and floors within the mill.

It is considered the Baseline Survey provides sufficient basis on which an understanding of the significance/condition of the mill and its internal fabric has been provided and that without these works the condition of the mill will continue to deteriorate and to conserve the significance of the mill it is essential that all the surviving equipment and machinery is restored and reinstated. Therefore, to enable this, and considering the issue highlighted by the Barton Civic Society in relation to the safe removal of the equipment to allow its restoration and reinstatement, it is considered that the conditions recommended in the updated consultation response from the council's Conservation Officer (dated 24 May 2021) are suitable to ensure this and such conditions would meet the tests for conditions in being precise, necessary and enforceable. In addition to this it is considered the proposed floor layout (taking into account flood risk) allows sufficient provision for the reinstatement of the machinery and equipment which is integral to the internal fabric of this listed mill.

The proposal is for the erection of a terrace of three houses to the side of the listed mill (to the west) at three storeys in height and a terrace of four houses to the north of the listed mill. It is acknowledged that the terrace of three dwellings is located in a part of the site where buildings attached to the mill exist in part and that the height of these dwellings is dictated by the high flood risk zone in which the site is located; however, the additional height and siting of this terrace adds a further sense of enclosure to the mill building itself. The terrace of dwellings to the north measures 24.64 metres by 7.42 metres, with a ridge height of 10.4 metres and would result in a further sense of enclosure directly to the north of the listed mill; on this basis, therefore, it is considered that this aspect of the proposal would negatively impact on the immediate setting of the listed mill. However, the mill, in its converted residential form with its ogee cap, will remain visually prominent from within the very few views it is visible from in the public domain, these being views from within Mill View itself (which is a modern housing estate at three-storeys in height), from Humber Road (where it is a glimpsed view to the east between large, bulky industrial buildings) and from Waterside Road along Hewson's Lane. The plans submitted with the application show the dwellings to be attached to the western side of the mill occupying a similar built footprint but at three-storeys in height (which is taller than the existing attached listed structures); however, given their position to the west of the building, it is considered that the most visually prominent views of the mill (from Waterside Road and Mill View) will be retained. The plans also show that a two-storey dwelling will be attached to the eastern side of the mill that will be consistent with the scale, height, position and orientation of the building which was formerly attached to this side of the mill; the historical photographs of the mill demonstrate this.

The conclusions of the additional heritage statement dated 19 October 2019 are that the scheme gives rise to a less than substantial degree of harm to the heritage value of Hewson's Mill as a listed building and the level of less than substantial harm is considered moderate to low. It is worth noting that this additional heritage statement has not been updated to take account of the amended plans which show the terrace of three houses to the west of the mill being reorientated and increased in height to three storeys. Paragraph 202 of the NPPF is applicable and states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case it is considered the development proposals will lead to less than substantial harm to the significance of this heritage asset (listed mill); this view is consistent with that of Historic England. However, it is considered, following the submission of further information detailing and documenting the internal machinery/equipment and condition of the mill (which are considered integral to its significance), that the public benefits of the scheme (reinstatement of the mill and its

features, residential conversion, overcoming flood risk and housing delivery) do outweigh the harm to the listed building.

Design

The plans show that the listed buildings attached to the mill are proposed to be demolished and replaced with three dwellings three-storeys in height, which to some extent will respect the original orientation and siting, the height differential being the notable visual difference. The design and access statement shows that some of the original features (when considering the historic photographs of the site), which include chimneys, roof heights, and design and window positions, will be replicated in the design of the proposed linked dwelling to the east of the mill. This aspect of the development will ensure that the replacement linked dwelling to the east of the mill will respect the existing relationship that exists between the built form of the mill and the surrounding residential properties to the south and south-east. A schedule of materials has been submitted which includes those proposed for plots 1–4 to the north of the mill; this schedule of materials is considered appropriate to the setting around the listed mill and to the character and appearance of dwellings located in this part of Barton upon Humber. The ridge heights of the terrace of three dwellings proposed to the west are not consistent with those listed buildings they are proposed to replace; this results in a further sense of enclosure to the listed mill thereby reducing its visual prominence and affecting the setting of the listed building.

In terms of the block of four dwellings to the north, the plans show that the elevations of these dwellings will be balanced with second floor openings in vertical alignment with first floor openings. Visual interest is added to the appearance of these dwellings through the inclusion of brick headers above most of the openings, stone cills and eaves detailing. The inclusion of a hip roof design is consistent with the appearance of the roof to the terrace of houses located to the south-east (on the applicant's existing residential estate) and with the terrace of three dwellings proposed to the west of the mill.

Residential amenity

The plans show that the arrangement of rear-facing windows will have an outlook onto the rear gardens proposed to serve each of the nine dwellings and not towards existing houses. No habitable room windows are proposed in the side elevation of plots 1–4 to the north. The first and second-floor habitable room windows to plots 1–7 will have an outlook into the centre of the site and across the parking areas thereby creating natural surveillance. The level of private amenity space provision is considered proportionate to the scale of each dwelling proposed on the site and with those gardens belonging to neighbouring residential properties in close proximity to the site. In addition, the plans show that each dwelling will have a minimum of two off-street parking spaces and space within the site for a turning area to be provided. The increase in the depth of gardens to plots 9, 10 and 11 to the east is not considered to give rise to loss of residential amenity in this case and these boundaries have already been secured by a closed-boarded fence.

Flood risk

The site is located within flood zone 2/3a (Tidal) as identified in the North Lincolnshire Strategic Flood Risk Assessment (SFRA); this is the highest level of flood risk. A flood risk assessment has been submitted with the application which sets out an assessment of the level of flood risk and puts forward mitigation measures including floor/land raising, emergency access and egress, flood warning and flood resilience. The Environment

Agency considered the proposals and objected on the grounds that the site lies within a current day and future hazard of 'danger to all' and that the site could experience flood depths in excess of 2.5m arising from a breach in the defences during a flood that has a 0.5% chance of occurring in any one year up to 2115.

In addition, the Environment Agency previously commented that the recommended first-floor level would not be adequate to provide safe accommodation for occupants above the breach flood level and that the plans for the converted mill include habitable accommodation (kitchen) on the ground floor. This is well below the breach flood level and therefore considered unacceptable in flood risk terms. In response to this the applicant has put forward revised proposals which involves the removal of the kitchen from the ground floor of the mill and this has been moved to the first floor. In response to this the Environment Agency has removed its previous objection as the ground floor of the mill is no longer proposed as habitable accommodation and conditions are recommended to ensure the development is undertaken in accordance with the mitigation measures set out in the flood risk assessment; this will ensure the development is safe from flooding without increasing flood risk elsewhere. On the basis of this floor layout change and the removal of the objection from the Environment Agency, it is considered it has been demonstrated that the development will be safe from flooding and therefore the application is recommended for approval on these grounds.

As noted above, the application site is within flood zone 2/3a, this is the highest area of flood risk. By applying the vulnerability of the proposed use (more vulnerable) and the flood risk zone there is a requirement for both the sequential and exceptions test to be applied and passed. In terms of the sequential test the applicant has not submitted any supporting information in the flood risk assessment. Notwithstanding this an online check shows there are other sites available in Barton, however these sites are either at the same level of flood risk or are located outside the defined settlement boundary. The sequential test is passed in this case.

The exceptions tests then needs to be applied. The applicant has demonstrated, through the submission of the FRA and amended floor plans, that the site is safe from flooding without increasing flood risk elsewhere. In terms of sustainable community benefits the proposal will deliver additional housing in a sustainable location, ensure the listed mill is brought back into use (through residential conversion), support local amenities and services, and provide local employment. It is considered that it has been demonstrated the proposal will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere. The exceptions test is therefore considered to be passed.

Highways

The plans show vehicular access to the site will be formed from the existing residential estate to the south-eastern corner. The plans also show that each dwelling will be served by a minimum of two off-street parking spaces and a turning area will be provided within the site to allow vehicles to leave in a forward gear. The proposal will also result in the closure in part of Hewson's Lane to the east of the site as additional garden space will be provided to the existing dwellings to the east and south-east. Highways have considered the proposals and raise no objections on pedestrian or highway safety grounds.

Biodiversity

The conversion of the mill and the erection of eight new dwellings on the development site affords opportunities for biodiversity enhancement; this is outlined in the Biodiversity Management Report and its supporting drawing. The Bat Emergence Survey submitted with the application indicates the buildings, including the mill, are not used regularly for bat roosts but the site is used for foraging by Pipistrelle bats. The recommendations are that no large-scale mitigation is required ahead of the redevelopment of the site and that works can take place in accordance with the method statement and good practice guidance in relation to protected species. It is considered necessary and reasonable to recommend a condition to secure the biodiversity enhancements set out in the management plan and its accompanying drawing.

Conclusion

Paragraph 202 of the NPPF is applicable and states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case it is considered the development proposals will lead to less than substantial harm to the significance of this heritage asset (listed mill); this is a view consistent with that of Historic England. However, it is considered, following the submission of further information detailing and documenting the internal machinery/equipment and condition of the mill (which are considered integral to its significance), that the public benefits of the scheme (reinstatement of the mill and its features, residential conversion, overcoming flood risk and housing delivery) do outweigh the harm to the listed building. The application is therefore recommended for approval.

Pre-commencement conditions

The applicant has agreed to the imposition of pre-commencement conditions requiring the submission of a historic building recording and written scheme of investigation, a surface water drainage scheme and contaminated land remediation report.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: MV/148/01, MV/148/02 A, MV/148/03 B, MV/148/04 D, MV/148/05 B, MV/148/16A, MV/148/17, MV/148/18, MV/148/19 E, MV/148/20, MV/148/21 D and MV/18-21/16/100.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No demolition or alterations shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy comprising a Historic Building Record, to be defined in a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record equivalent to Historic England's Level 3 building survey and shall include details of the following:

- (i) measures and methodologies to ensure the preservation by record of the historic structure, building fabric and fittings before, during and after any approved programme of removal, conservation and reinstatement
- (ii) report and archive content
- (iii) archive preparation and deposition with recognised repositories, including the ADS for digital archive
- (iv) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the recording work is undertaken and completed in accordance with the strategy
- (v) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of recording works and the opportunity to monitor such works
- (vi) personnel involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy CS6 of the Core Strategy, and policies HE5 and HE9 of the North Lincolnshire Local Plan as the listed building has significant architectural, historic and archaeological interest. Demolition and alterations will result in the loss of historically significant evidence and the proposed historic building record will ensure that such evidence is appropriately recorded and a permanent archive created.

4.

The applicant shall notify the planning authority in writing of the intention to commence the historic building recording at least one week/seven days before commencement. Thereafter, the recording shall be carried out in accordance with the approved details and timings.

Reason

To comply with policy CS6 of the Core Strategy, and policies HE5 and HE9 of the North Lincolnshire Local Plan as the listed building has significant architectural, historic and archaeological interest. Demolition and alterations will result in the loss of historically significant evidence and the proposed historic building record will ensure that such evidence is appropriately recorded and a permanent archive created.

5.

The historic building report shall be deposited at the North Lincolnshire Historic Environment Record and the archive at the North Lincolnshire Museum within six months of commencement of the recording or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy CS6 of the Core Strategy, and policies HE5 and HE9 of the North Lincolnshire Local Plan as the listed building has significant architectural, historic and archaeological interest. Demolition and alterations will result in the loss of historically significant evidence and the proposed historic building record will ensure that such evidence is appropriately recorded and a permanent archive created.

6.

The development hereby permitted shall be undertaken in strict accordance with the Recommendations Section (Section 7) of the Baseline Survey Report, dated 9 April 2021 produced by TEME Valley Heritage Engineers.

Reason

To define the terms of the permission, to ensure a satisfactory method of internal survey and reinstatement and to ensure the works to the mill are undertaken in a timely manner, to preserve the setting and condition of the listed building in accordance with policies HE5 and DS1 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy.

7.

Prior to their installation within the mill and the attached dwellings details of all new staircases, windows and doors shall be submitted to and agreed in writing by the local planning authority. The details shall include scale elevations, cross-sectional drawings (showing window bars and opening mechanisms) and material specifications of all new staircases, windows and doors to be installed. The development shall take place in accordance with the agreed details and once installed shall thereafter be retained.

Reason

To define the terms of the permission, to preserve the setting and condition of the listed building in accordance with policies HE5 and DS1 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy.

8.

Notwithstanding the schedule of materials submitted with the planning application, prior to their installation, details of the make, type and colour of all external facing materials for the mill and its attached dwellings shall be submitted to and agreed in writing by the local planning authority and only the approved materials shall be used.

Reason

To define the terms of the permission, to preserve the setting of the listed building in accordance with policies HE5 and DS1 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy.

9.

Prior to their installation details of the positions, design, materials and type of boundary treatment to be built/planted shall be submitted to and agreed in writing by the local

planning authority. The agreed boundary treatment shall be built/planted before each applicable dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

10.

Other than in the case of the construction of dwellings 1-4 and the implementation of the agreed methodology, no works shall take place until detailed drawings showing the exact positioning of the restored equipment and internal layout of the mill and a schedule of works to all internal timber beams, joists, posts, which includes repair, reinstatement and replacements, have been submitted to and agreed in writing by the local planning authority. The works shall take place in accordance with the agreed drawings and details and shall thereafter be retained.

Reason

To define the terms of the permission, to ensure a satisfactory method of internal survey and reinstatement and to ensure the works to the mill are undertaken in a timely manner, to preserve the setting and condition of the listed building in accordance with policies HE5 and DS1 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy.

11.

Prior to the occupation of the 4th dwelling marked as plot 4 on drawing MV/148/03 B the works identified within the agreed methodology (under condition 6 of this permission) and approved drawings and schedule (under condition 10 of this permission) to the mill itself shall be completed in their entirety. Evidence in the form of photographs and written documentation shall be submitted to the local planning authority to demonstrate this has occurred.

Reason

In the interest of the historic environment and to align with the terms of this planning permission, in accordance with policies CS6 of the Core Strategy and HE5 of the North Lincolnshire Local Plan.

12.

All works indicated by the approved scheme of landscaping shown on drawing MV/148/05 B shall be carried out within the first planting season (1 October to 31 March) and seeding season (the month of September or April) following the occupation of the 4th dwelling on the site or within such extended time period as may be agreed in writing by the local planning authority. Any trees or plants which, within a period of five years from the completion of the landscaping, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To secure the timely completion and successful establishment of the approved scheme of landscaping for the site.

13.

Prior to the occupation of the penultimate dwelling on the site the scheme of biodiversity enhancement shown on drawing MV/148/05 B shall be completed in its entirety and photographic evidence submitted to the local planning authority to demonstrate this.

Reason

To define the terms of the permission and in the interests of providing biodiversity enhancement on the site.

14.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

15.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

16.

No above-ground works shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

17.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

18.

The penultimate dwelling on the site shall not be occupied until such time as the access road has been completed.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

19.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 2 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

20.

Construction and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity.

21.

The development hereby permitted shall be undertaken in accordance with the approved Flood Risk Assessment (FRA), Final Rev D dated 22 September 2020, ref. 2017/2064 by EWE Associates with the exception the ground floor of the converted mill shall not be used as habitable accommodation at any time and shall include the following mitigation measures:

- the ground floor of all properties shall be restricted to non-habitable accommodation

- the finished floor levels of each plot shall be as stated on page 17 of the approved FRA

- appropriate flood resilience and resistance measures shall be incorporated into the proposed development as stated in the approved FRA.

The mitigation measures shall be fully implemented prior to occupation of each dwelling and remain in place.

Reason

To reduce the risk of flooding to the proposed development and its future occupants.

22.

The ground floors of all new residential properties approved by this permission shall only be used as garages, WCs, utility rooms and stores as shown on drawings MV/18-21/16/100 and MV/148/19 E.

Reason

To reduce the risk of flooding to the proposed development and its future occupants.

23.

Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modifications), no extensions, alterations

or additions shall be made to any dwelling or its roof, and no outbuildings/structures shall be erected on the site other than those expressly authorised by this permission.

Reason

To define the terms of the permission, to reduce the risk of flooding to the proposed development and its future occupants, and in the interests of preserving the setting of the listed mill.

24.

No development shall take place until a detailed surface water drainage scheme for the development has been submitted to and agreed in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and provide an assessment of the hydrological and hydrogeological context of the development.

The drainage scheme demonstrate that surface water run-off generated up to and including the 1:100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It should also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site is not increased. SuDS must be considered and reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

Reason

To prevent the increased risk of flooding, to improve water quality, and to ensure the implementation and maintenance of a sustainable drainage system.

25.

The drainage scheme shall be implemented in accordance with the details approved under condition 24 of this planning permission, completed prior to the occupation of any dwelling within each phase or sub-phase of the development, and maintained in accordance with the scheme for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason

To prevent the increased risk of flooding, to improve water quality, and to ensure the implementation and maintenance of a sustainable drainage system.

26.

No above-ground works shall take place until details of showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and agreed in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

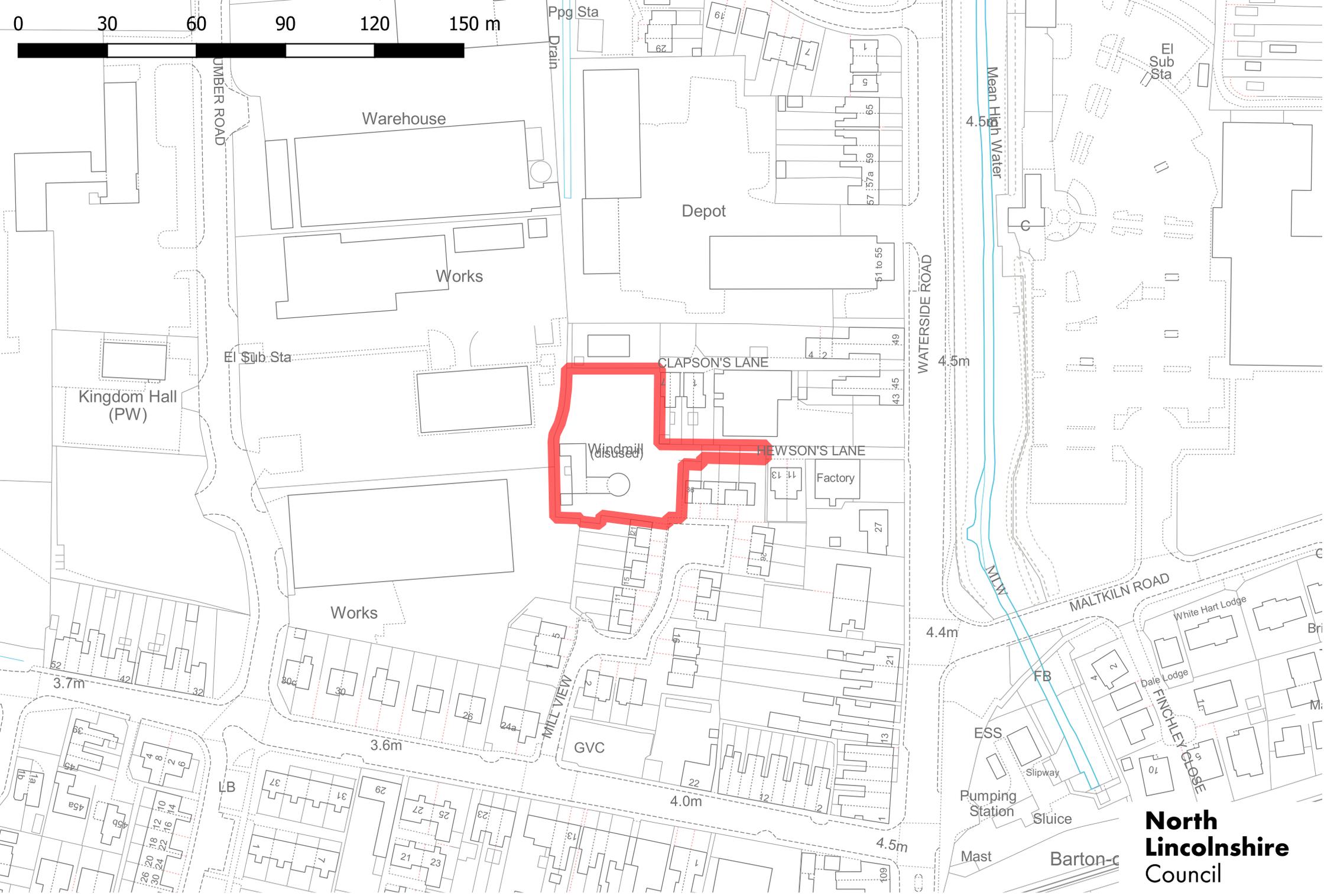
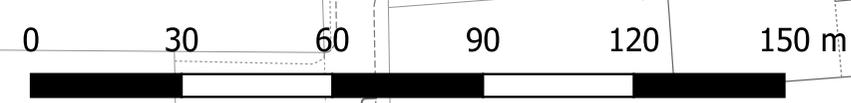
Informative 1

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area



**North
Lincolnshire
Council**

PA/2019/1846

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PA/2019/1846 Proposed site layout (not to scale)



PHASE 2 plots 9 - 11 gardens to be extended & levels raised by approx. 300mm.

D	MILL UPDATED	NwP	18.08.20
C	UPDATED SCHEME.	MdS	26.05.20
B	REVISED SCHEME.	MdS	20.05.20
A	Mill stones added.	MdS	16.05.18

Rev: Details: Drawn by: Date Approved:

KEIGAR HOMES LTD
 KEIGAR LODGE
 CANBERRA VIEW
 BARTON-UPON-HUMBER
 NORTH LINCOLNSHIRE
 DN15 5GR
 Tel: 01652 631939 Fax: 01652 631938



Project Title:
 Residential Development at
 MILL VIEW phase 3
 BARTO UPON HUMBER

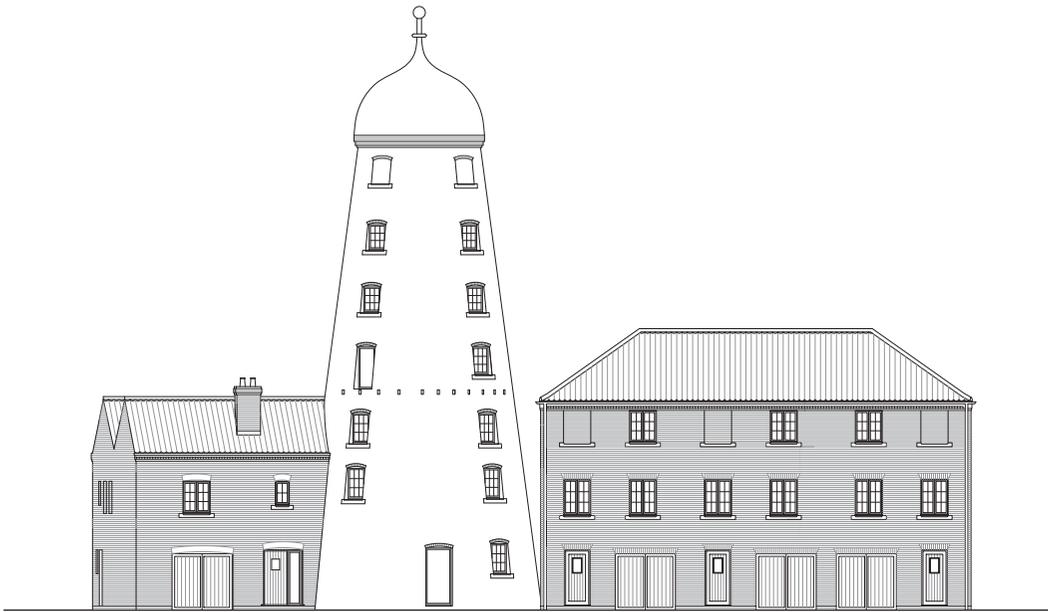
Drawing Title:
 SITE PLAN

Drawn by: MdS Date: 12.04.17 Scale: 1/250 @ A3

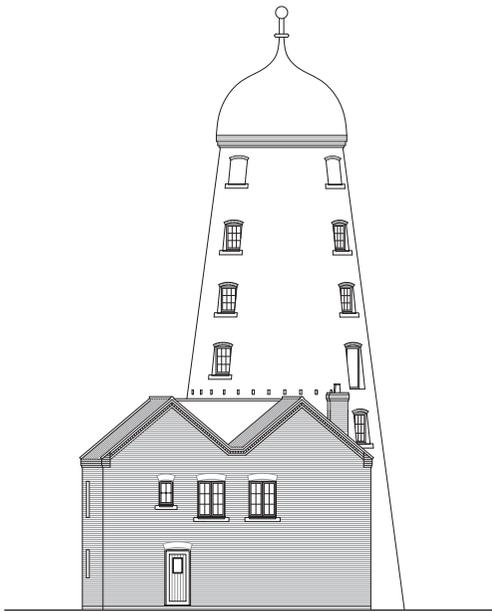
Drawing No: MV / 148 / 04

AMENDED

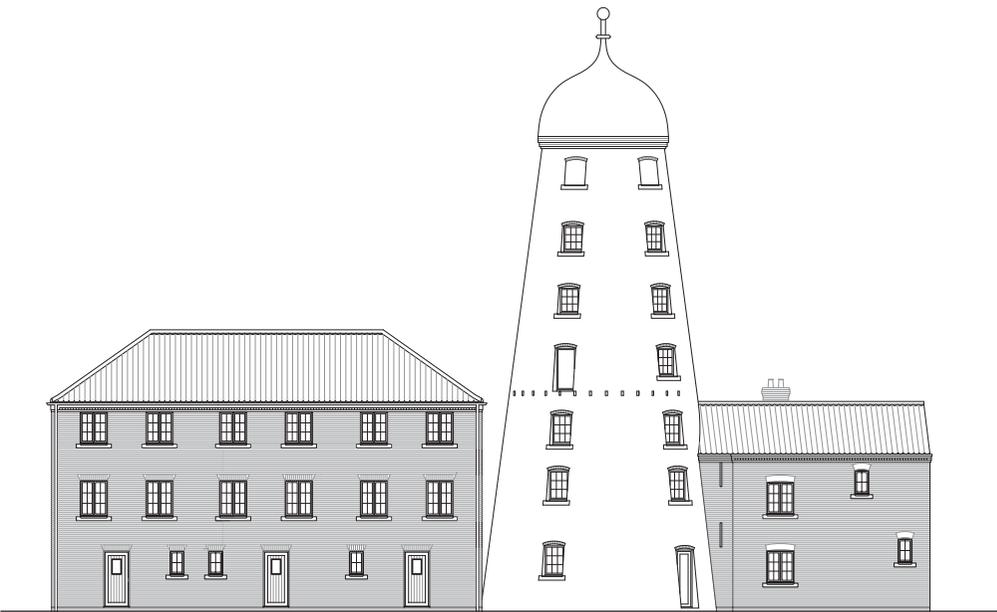
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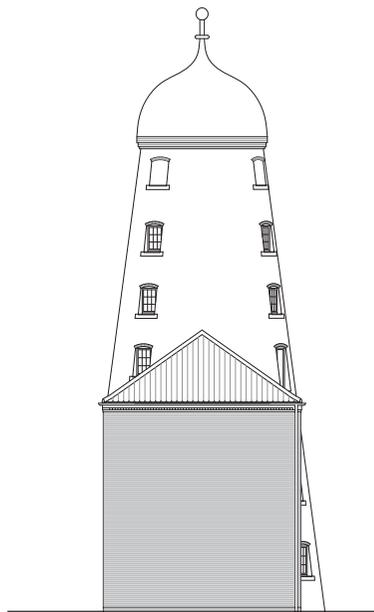
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

D	UPDATED SCHEME	MdS	28.08.20
C	Updated for re-submission	MdS	13.03.20
B	Updated for re-submission	MdS	22.10.19
A	Updated for Planning	MdS	16.05.18

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Residential Development at
 MILL VIEW phase 3
 BARTON UPON HUMBER

PROPOSED
 ELEVATIONS

MdS	12.04.17	1/100@A1
MV / 148 / 21	D	