

**Item No:** 5

**Reference:** B/09/00168/FUL  
B/09/00267/LBC

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**Parish:** Sproughton

**Location:** Sproughton Mill, Lower Street

**Proposal:** Conversion of Water Mill to single residential unit; erection of footbridge over river; construction of new vehicular access

**Applicant:** McTear Williams and Wood

**Case Officer:** Chris Tivey

**Dates for Determination:** 27.04.09 &  
01.05.09

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## THE SITE

1. The application site comprises a redundant Grade II listed mill situated within the Built-up Area Boundary of the village of Sproughton and immediately to the west of the River Gipping on the northern side of Lower Street.
2. The Mill was built in the late 18<sup>th</sup> Century and is of red brick in Flemish bond with a hipped, glazed black pantile roof. It is a four storey building comprising of five bays, the central one of which has a boarded door to the ground floor and first floor. A two storey lucum (weatherboarded projection) is situated above at second and third floor level. The second and fourth bays, situated to each side of the centre have one window to each floor with the left and right bays (first and fifth) of the front elevation having blind recessed brick panels. The rear elevation is arranged in a similar fashion to the front elevation, but the central bay is without openings. A Mill race runs beneath The Mill which is fed through two brick arches beneath a brick wall with stone parapet set forward from the Mill building. There are no internal fittings or machinery remaining.
3. The building was used for agriculture and general storage from 1947 until approximately 1967 and since that time has not been put to any purposeful use. The Mill is on the Buildings at Risk Register.
4. The application site also comprises a grass water meadow situated on the opposite side of the river which includes a vehicular access to the eastern corner of the site adjacent to Manor Lodge. This meadow and access are situated outside the Built-up Area Boundary of Sproughton and therefore can be considered to be situated within the open countryside and within a Special Landscape Area. The whole of the application site as can be deduced by its physical location is within an area at risk of flooding and is identified by the Environment Agency as falling within Zone 3 of their Flood Maps.

## THE PROPOSAL

5. Planning permission and Listed Building Consent are sought to convert the Mill into a single residential property. The application follows Officer discussions with the applicant's agent since the withdrawal of the previous applications (B/08/00274/FUL and B/08/00275/LBC refer) and has an extensive planning history (see below).
6. The applicant's in their Design and Access Statement state that as the building has not been used as a water mill for some 60 years, a new use must be found. They suggest that there are only two realistic alternative uses for the listed building given its location, form and the difficulties over vehicular access.

7. With respect to the issue of access the Local Highway Authority previously objected to its location, situated approximately half way between the Lower Street Bridge and the aforementioned access point adjacent to Manor Lodge. They also expressed a view that they would resist commercial use of the building due to perceived higher levels of vehicle movements.
8. The proposal is to convert the existing building to a dwelling which necessitates certain internal alterations. It currently has four floors with ceiling heights that vary, the height of the second floor to its ceiling is only 1.5 metres and therefore accordingly it is proposed that this floor be removed.
9. The ground floor, due to the risk of flooding could not be used for any residential purpose and therefore the accommodation at this level would be restricted to the main entrance, a WC and two store rooms. The first floor which will be formed from the existing first and second floor areas (with the existing second floor removed) would provide a kitchen/dining room and a drawing room, the central staircase would in turn give access to the proposed second floor to provide three bedrooms, all of which would be en-suite.
10. There are no existing internal partitions or staircases of any architectural or historical structural significance such as to influence the internal layout of the proposed conversion. All existing door and window openings would be retained and the doors and windows repaired or replaced to reflect their original form and character. There are no material alterations proposed to the external elevations of the buildings with the exception of the opening up one of the existing blind recessed brick panels to the eastern elevation at first floor level, in order to provide greater natural illumination to the proposed drawing room.
11. The Mill itself has a limited curtilage which is confined to land situated immediately to its frontage (south east) and to the north east where adjoining the River. A pedestrian bridge would connect this to a proposed parking area to the northern side of the water meadow on the opposite side of the river. Three car parking spaces would be provided and with the exception of the section of the access where it adjoins the highway, the proposed surface treatment would be water permeable. Proposed planting is shown on the site plan to screen the parking area and details of the footbridge indicate that this would comprise a timber clad deck and balustrade.

## **RELEVANT HISTORY**

12. B/95/00423/OUT – Conversion of former mill to two dwellings, construction of bridge over River Gipping – Approved 15.06.1995
13. B/95/00776/FUL – Erection of a four storey dwelling and garage (replica of existing Mill), erection of timber bridge over River, garage/stable and re-grading of water meadow – Refused 05.10.1995
14. B/95/00777/LBC – Demolition of existing mill – Refused 05.10.1995
15. B/95/01224/FUL – Change of use of former mill to one dwelling with associated alterations to elevations, erection of bridge over River Gipping and erection of garage/stable block, formation of vehicular access to Sproughton Manor Drive and construction of associated access drive – Approved 02.09.1996
16. B/LB/95/01225/LBC – Internal and external alterations including removal of existing stairs, repositioning of top floor, insertion of new staircase and internal partitions, insertion of new windows into blind openings all to facilitate conversion of property to one dwelling – Granted 02.09.1996

17. B/08/00274/FUL – Conversion of Water Mill to single residential unit, erection of footbridge over river, construction of new vehicular access – Withdrawn 09.05.08
18. B/08/00275/LBC – Conversion of Water Mill to single residential unit – Withdrawn 09.05.08.

## **NATIONAL GUIDANCE**

19. **PPS1** Delivering Sustainable Development
20. **PPS3** Housing
21. **PPS7** Sustainable Development in Rural Areas
22. **PPG15** Planning and the Historic Environment
23. **PPG16** Archaeology and Planning
24. **PPG23** Planning and Pollution Control
25. **PPS25** Development and Flood Risk

## **PLANNING POLICIES**

26. The Development Plan comprises the East of England Plan Adopted 2008, the saved policies in the Suffolk Structure Plan Adopted 2001 and the Babergh Local Plan (Alteration Number 2) Adopted 2006. The following policies are relevant to this proposal;

### **East of England Plan - 2008**

- **SS1** Achieving Sustainable Development
- **ENV2** Landscape Conservation
- **ENV3** Bio-Diversity and Earth Heritage
- **ENV6** The Historic Environment
- **ENV7** Quality and the Built Environment

### **Babergh Local Plan (Alteration No.2) 2006**

- **LP01** (Planning Obligations)
- **EN03** (Protected Species)
- **EN04** (Semi-Natural Habitats)
- **EN05** (Biodiversity)
- **EN06** (Habitat Creation)
- **EN11** (Flood Plains and Washlands – Protection)
- **EN18** (Sewerage and Sewage Disposal)
- **EN19** (Contaminated Land)
- **EN21** (Recycling Facilities – Refuse / Compost)
- **HS02** (Villages)
- **HS03** (Non Sustainable and Sustainable Villages)
- **HS04** Protecting the Countryside)
- **HS32** (Public Open Space)
- **CR01** (Landscaping Quality)
- **CR04** (Special Landscape Areas)

- **CR07** (Landscaping Schemes)
- **CR10** (Change of Use from Agricultural Land)
- **CR19** (Buildings in the Countryside – Residential)
- **CN01** (Design Standards)
- **CN06** (Listed Buildings)
- **CN17** (Archaeology)

**The relevant documents can be viewed via the internet. Please see Page 4 for details.**

## **CONSULTATIONS**

27. PC – No response received at the time of writing the report.
28. LHA – No objection raised to the proposed development subject to standard Highway conditions ensuring the new vehicular access is laid out and completed prior to the commencement of any other part of the development; the first 5 metres of the access from the edge of the metalled carriageway is surfaced in a bound impervious material; and the parking and turning area being provided prior to the commencement of the use of the Mill.
29. EA – No response received at the time of writing the report. They did, however, object to the previous planning application on the grounds that the site falls within an area considered to be at a high risk of flooding and that a sequential test had not been carried out to ascertain whether development could be situated in a lower probability flood zone. Other issues were raised with respect to the functional flood plane and the safe access/egress of the site. Updated comments will be provided at the meeting.
30. SCC (Archaeology) – The application concerns the conversion of an important historic building and lies within the valley of the River Gipping with a high potential for archaeological sites of all periods. There are no grounds to consider the refusal of permission, however, it is recommended that a condition be imposed that requires the applicant to secure the implementation of a programme of archaeological work.
31. SCC (Rights of Way) – Raise no objection to the proposed development although set out a number of comments concerning the development and how it may affect the Public Rights of Way that runs along the eastern side of the river.  
  
SCC Historic Buildings Officer. Considers the proposal to be appropriately detailed and would retain the character of the mill. The proposed recess arrangements, including the footbridge would not harm the setting of the building.
32. Natural England – to be reported.
33. SWT – They are satisfied with the findings of the initial Protected Species and Full Bat Survey Reports submitted with the application and would ask that the ecologist's recommendations are adopted via condition where appropriate.
34. Mid Suffolk District Council – No issue with the change of use of the Mill to form a residential house but are curious as to how this application will be allowed given the provisions of PPS25 and the Sequential Test?
35. Contaminated Land Officer – It is recommended that a standard contaminated land condition is imposed due to the previous use of the Mill for agricultural storage which could have included the storage of fertilisers, pesticides and herbicides.

## REPRESENTATIONS

36. One letter of objection has been received from a local resident, their comments are summarised as follows:
- The Mill is not in a perilous state despite its inclusion on the Buildings at Risk Register.
  - The proposed development is not the only alternative use.
  - The development would harm more than it would save, with further visual impacts on the amenity of All Saints Church, Sproughton Hall and The Mill House.
  - The development is in a high flood risk area and the application does not demonstrate the relevant wider benefit to the community that outweighs flood risk required by PPS25.
  - There is no satisfactory evidence to justify the conclusion that there is a lack of an acceptable alternative use of the building either by way of a proper marketing exercise or the investigation of other options.
  - The large footbridge across the River is outside the village envelope and will have significant adverse effect on the character of the area.
  - The bridge will create allurements dangers.
  - The new vehicle access would be close to the brow of the existing road bridge and a sharp corner where speed limits are not obeyed.
  - Concerns raised over light pollution.

## PLANNING CONSIDERATIONS

### General Principles

37. The Mill building is situated within the Built-up Area Boundary of the village of Sproughton where the principle of residential development is acceptable.
38. Policy HS02 of the Local Plan allows for new residential development within villages provided there is no adverse impact on:
- The scale and character of the village
  - Residential amenity
  - Landscape characteristics
  - The availability of services and facilities
  - Highway safety
  - The natural and built environment
  - Space which is important to the village scene or an important recreational asset for the locality.
39. Historically the access to The Mill was via the driveway that runs to the western side of the Mill race and immediately across the frontage of Mill House. The historical link between the Mill and Mill House in terms of ownership was severed many years ago and it was accepted by the District Council in 1995, when outline planning permission was granted for the conversion of the Mill to two dwellings (B/95/0423/OUT); and in 1996 when planning permission was granted for the change of use of the Mill to a single dwelling (B/95/1224/FUL and B/95/1225/LBC), that the only possible means of accessing the Mill was by way of a footbridge from a proposed parking area within the meadow on the eastern side of the River.
40. Whilst these planning permissions were granted some 14 and 12 ½ years ago respectively, and therefore the weight to be given to these can only be limited, the Local Planning Authority quite clearly raised no issue with the principle of residential use of the Mill which did not differ significantly from the proposal now before Members.

41. With the exception of the insertion of one window to the eastern elevation of the Mill there would be no material change to the external appearance of the building and therefore the visual impacts of the proposed development would be limited to the aforementioned vehicular access, parking area and pedestrian bridge, which are only proposed as a last resort to gain access to the Mill, which is a Building at Risk (BAR).
42. Many of the previous issues raised in 1995 and 1996 are still relevant today although probably the most important change in planning policy since then concerns development and flood risk (PPS25 refers).

### **Development and Flood Risk**

43. PPS25 states that in determining planning applications Local Planning Authorities (LPAs) should: Have regard to the policies set out within it (PPS25); Ensure that planning applications are supported by site specific Flood Risk Assessments as appropriate; Apply the sequential approach at a site level to minimise risk by directing the most vulnerable to areas of lowest flood risk, matching vulnerability of land use to flood risk; Give priority to the use of Sustainable Urban Drainage Systems (SUDS); and Ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.
44. LPAs when allocating land for development should apply the Sequential Test (as set out in PPS25) to demonstrate that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed. In areas at risk of flooding preference should be given to locating new development in Flood Zone 1 (areas of low flood risk).
45. Annexe D of PPS25 in paragraph D1 states that the risk-based Sequential Test should be applied at all stages of planning and reiterates in paragraph D5 that the overall aim of decision makers should be to steer new development to Flood Zone 1. It goes on to state that where there are no reasonably available sites in Flood Zone 1 decision makers determining applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the Exception Test (as set out in PPS25) if required.
46. Notwithstanding the fact that the planning application relates to an existing building and does not involve a new land allocation, paragraph D6 states that new development should be directed first to sites at the lowest probability of flooding; and that the flood vulnerability of the intended use is matched to the flood risk of the site. Paragraph D15 however goes on to state that applications for minor development and changes of use should not be subject to the Sequential or Exception Tests, although they will still have to meet the requirements for Flood Risk Assessments and flood risk reduction.
47. The Mill is on the Buildings at Risk (BAR) register and therefore the LPA, pursuant to the guidance set out within PPG15 should seek to conserve this heritage asset. Members will be aware that where concerning planning applications for the conversion of listed agricultural barns it is ironically, often the more harmful types of conversion, e.g. to residential use, that require greater degrees of internal sub-division, that are the most economic in conserving them for future generations. Sproughton Mill cannot simply be moved from its current site and indeed even if such an operation were possible it would then render it divorced from its historical context i.e. the River Gipping.

48. Buildings used for dwellinghouses come within the category of “more vulnerable” in terms of Flood Risk classification. Table D1 of PPS25 states that for areas of high probability of flooding more vulnerable uses should only be permitted if the Exception Test is passed (paragraph D9 of PPS25 refers).
49. For the Exception Test to be passed:
  - a) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk;
  - b) The development should be on developable/previously developed land;
  - c) A FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
50. Paragraph D10 states that the Exception Test should be applied by decision makers only after the Sequential Test has been applied and in the circumstances shown in Table D1 when “more vulnerable” development cannot be located in Zones 1 or 2.
51. Other than for its original use i.e. as a water mill, the alternative uses for the Mill are limited. As previously referred, an economic use must be found for the building in order to remove it from the BAR register, the only other types of less vulnerable uses that would likely be suitable in this building would likely be limited to a restaurant or office type use.
52. With the Local Highway Authority expressing concerns with regard to vehicle movements to and from the site onto Lower Street, and concerning the close proximity of the building to Mill House it is unlikely that any commercial use of the building would be acceptable. This conclusion is no different from those drawn by the District Council on the 1995 and 1996 planning permissions.
53. There is quite clearly a need, as with all planning decisions, to balance all material considerations, particularly when there are clear tensions between planning policies.
54. It would be very difficult to run a commercial operation from the Mill without direct vehicular access, i.e. with anything other than the pedestrian footbridge proposed and, furthermore, any commercial type of use be it a restaurant or an office would require a greater area designated for parking with the resultant greater impact upon the character of the water meadow, the Special Landscape Area and the wider countryside.
55. Calculations have been provided by the Applicant’s Surveyor (Strutt and Parker) which demonstrate a negative land value for the site if it were to be converted for commercial purposes, taking into account the constraints of the site and the building itself.
56. Furthermore, Strutt and Parker contend that there would be very little demand for the use of the building by commercial operators with there being an excess supply of office space in and around the Ipswich area.
57. Therefore, pursuant to paragraph D9 of PPS25 and the Exception Test there are most certainly wider sustainability benefits to be gained, that in the opinion of Officers, outweighs the flood risk issues.
58. Granting a planning permission for the conversion of the mill to a single dwelling would retain an historic structure for future generations which at the very least can be considered to be a social and environmental benefit, which are two of the three tenets of Sustainable Development (Criterion a)).

59. The proposal largely comprises the conversion of an existing building and therefore complies with Criterion b) of the Exception Test.
60. Concerning criterion c), Officers are of the view that the Flood Risk Assessment submitted with the planning application demonstrates that the development will be safe for the potential future occupants, without increasing flood risk elsewhere.

### **Listed Building Considerations**

61. Pursuant to Policy ENV6 of the East of England Plan and Policy CN06 of the Babergh District Local Plan proposals for the alteration and change of use of listed buildings, including works within their curtilages or settings should at the very least preserve the historic fabric of the building and retain a curtilage area and/or setting which is appropriate to it and the relationship with its surroundings (Criteria 1 and 5). Furthermore, the penultimate criterion of Policy CN06 of the Local Plan states that proposals should respect those features which contribute positively to the setting of the listed building including space, views from and to the building and historic layout.
62. There are no objections to the proposals subject to the imposition of conditions requiring further details of the conversion works. Furthermore, it is considered that the proposals would hopefully lead to the building being put back into a beneficial use and would therefore remove its BAR status.
63. The modest footbridge over the river would not appear as a discordant feature and combined with a modest and appropriately landscaped parking area the proposals would protect the setting of the listed building.

### **Landscape Impact**

64. The site is situated within a Special Landscape Area and Policies CR01 and CR04 require development proposals to maintain or enhance the special landscape qualities of the area and to be designed and sited so as to harmonise with the landscape setting.
65. As the proposals relate to the conversion of the existing building, the visual impact of the proposals is limited to the aforementioned pedestrian bridge, parking area and access.
66. No objection has been raised by the Council's Landscape Officer and Officers are of a view that these proposals, which are the minimum necessary in order to serve the development, would be of a scale compatible with their surroundings and have due regard to the landscape characteristics and cultural heritage of the locality.
67. With details to be agreed by way of planning condition, Officers are confident that any landscaping can be sensitively designed and will furthermore maximise the potential for wildlife on the site and adjacent areas.
68. Officers are conscious of the fact that the whole of the water meadow is included within the red line of the application site and they would not wish to see this changed to a domestic garden. With the exception of potential screening to the parking area, Officers are of the view that the water meadow should remain as existing as the change of use of this land to formal garden would be contrary to Policy CR10 of the Local Plan. In order to address this issue, it is recommended that a consideration be imposed upon any subsequent approval.
69. The design of the footbridge is such that it would be in keeping with the rural area and its construction would not give rise to harm to any protected trees or other ecological features. Situated just north west of the Lower Street bridge it would not appear as an unexpected feature within this countryside/village edge location.

## **Ecology**

70. Two reports have been submitted by the applicants: an initial ecological assessment of the site and; a more detailed Bat Survey.
71. As highlighted within the Consultation section above, no objections have been received by the Suffolk Wildlife Trust, subject to the conclusions and recommendations of those reports being carried out. Any comments received from Natural England will be reported to the Members at the meeting.

## **Contaminated Land**

72. For the reasons as set out within the consultation response from the Contaminated Land Officer, and taking into account the previous use of the building for agricultural storage, it is considered prudent to impose a standard Contaminated Land condition upon the grant of planning permission.

## **Highways**

73. No objection has been raised by the Local Highway Authority for the proposals, subject to the imposition of conditions and the provision of three parking spaces on the site does not conflict with the Council's adopted parking standards.

## **Residential Amenities**

74. The situation of the Mill is such that it is in close proximity (5m at its closest) to Mill House. No windows are proposed on the south west facing elevation and as the proposal relates to the conversion of an existing building, the use of this building for residential purposes would not give rise to material overlooking.
75. By virtue of the relatively narrow depth of the curtilage to the front of the Mill, potential occupants would likely use the area of land to the north east as a private sitting out area on the opposite side of the Mill to Mill House and therefore the proposed development would protect the existing occupants of this adjoining property.

## **Public Open Space**

76. Policy HS32 of the Adopted Local Plan requires all applications proposing new dwellings to make provision for Public Open Space. This is either in the form of on site provision or off site provision in the form of a commuted payment.
77. In this case given the small size of the site and layout of development and the need to preserve the character of the existing water meadow, on site Public Open Space provision is not considered to be appropriate. The applicant, therefore, will be expected to enter into a Section 106 Agreement to provide a financial contribution towards public open space provision (or improvements) within the locality.

## **REASONS FOR APPROVAL**

78. It is considered that the proposed conversion of the former Water Mill into a single residential property would constitute the most appropriate reuse of the building whilst taking into account matters of historic building conservation, flood risk, landscape impact, residential amenities and highway safety. The proposal would therefore comply with Policies SS1, ENV2, ENV3, ENV6 and ENV7 of the East of England Plan 2008 and Policies LP01, EN03, EN04, EN05, EN06, EN11, EN18, EN19, EN21, HS02, HS03, HS04, HS32, CR01, CR04, CR07, CR10, CR19, CN01, CN06 and CN17 of the Babergh District Local Plan Alteration Number 2 (2006).

## RECOMMENDATION

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide:
  - Public Open Space contribution (commuted payment)
- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant planning permission and listed building consent subject to the following conditions:
  - Standard Time Limit
  - Joinery details and colour finishes
  - Surface finish and insulation details
  - Detail of new staircases
  - Recommendations from Protected Species and Bat Survey Reports (PP only)
  - Standard highway conditions (PP only)
  - Contaminated Land (PP only)
  - Archaeology (PP only)
  - Development to be in accordance with submitted FRA (PP only)
  - Landscaping Scheme (PP only)
  - Removal of PD rights and management plan for water meadow (PP only)
- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Chief Planning Control Officer be authorised to refuse planning permission for the following reason:
  - Inadequate provision for Public Open Space (planning application only).