

5A DCNC2008/0002/F - PROPOSED DEMOLITION AND CONVERSION OF MILL, CONSTRUCTION OF GLASS LINK AND NEW WORKS TO FORM THREE STOREY DOUBLE BLOCK AND TO CREATE NINE APARTMENTS AND ALL ASSOCIATED WORKS

5B DCNC2008/0003/C - PROPOSED DEMOLITION AND CONVERSION OF MILL, CONSTRUCTION OF GLASS LINK AND NEW WORKS TO FORM THREE STOREY DOUBLE BLOCK AND TO CREATE NINE APARTMENTS AND ALL ASSOCIATED WORKS

AT PINSLEY MILL, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX

For: Signature Homes and Construction Limited per Mr R Pritchard, The Mill, Kenchester, Hereford Herefordshire, HR4 7QJ.

**Date Received: 2nd January, 2008 Ward: Leominster South Grid Ref: 50112, 59043
Expiry Date: 27th February, 2008**

Local Member: Councillor RBA Burke and Councillor RC Hunt

Introduction

This application was deferred at the meeting on 12th March, 2008 for a Committee site visit. The site visit took place on 25th March, 2008. The report below has been updated.

1. Site Description and Proposal

- 1.1 This site is located near to the western end of Etnam Street by its junction with Pinsley Road. The site constitutes a former mill building which was last used for commercial use but is now vacant. The original mill building is red brick (painted white on south elevation) with a mixture of clay plain tiles and corrugated sheeting on the roof. Attached to the original building is a more modern collection of buildings mostly of red brick construction but with some tin sheeting, wooden boarding and concrete blocks. All of the later buildings have corrugated sheeting on the roofs. There is an existing hard surfaced car parking area to the southern end of the site where there is a long concrete block building.
- 1.2 There are existing dwelling houses to the west of the site plus some vacant garages/outbuildings. There is an existing public house to the south and an open area to the north which was last used for commercial purposes, although the buildings have since been demolished. This site has an extant planning permission for the erection of 4 houses. To the west is a railway line with fields beyond. The site is within the Conservation Area.

- 1.3 The proposal is to convert the original mill building into three residential apartments and demolish all the other buildings attached to the mill including the two storey brick building, which would be directly replaced by a new three storey block of six apartments. The new and original sections will be joined together by a glass link. The new section will have brick walls and a slate roof. The original building will have its roof fully covered in clay tiles. There will be a flat roof over the glass link section. The existing parking area at the southern end of the site will be used for car parking and the existing access point will be slightly remodeled to serve the site and allow access for pedestrians to use the existing public footpath which runs along the eastern boundary of the application site. The current vehicular access to the site is via the public house car park and it is proposed to continue to use the route for the new development.

2. Policies

2.1 Planning Policy Statement/Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG15 - Planning and the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPG24 - Planning and Noise

2.2 Herefordshire Unitary Development Plan

Policy S2 - Development Requirements
Policy DR1 - Design
Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy DR3 - Movement
Policy H14 - Re-using Previously Developed Land and Buildings
Policy H15 - Density
Policy H19 - Open Space Requirements
Policy HBA12 - Re-use of Rural Buildings
Policy HBA6 - New Development within Conservation Areas
Policy HBA7 - Demolition of Unlisted Buildings within Conservation Areas
Policy NC1 - Biodiversity and Development
Policy NC5 - European and Nationally Protected Species
Policy NC6 - Biodiversity Action Plan Priority Habitats and Species
Policy NC7 - Compensation for Loss of Biodiversity
Policy NC8 - Habitat Creation, Restoration and Enhancement
Policy NC9 - Management of Features of the Landscape Important for Fauna and Flora
Policy ARCH6 - Recording of Archaeological Remains

3. Planning History

- 3.1 DCNC2007/3019/F - Proposed part demolition of mill, new glass link and three storey double block to create 9 apartments and all associated works - Withdrawn 20.11.07
- 3.2 DCNC2007/3020/C - Proposed part demolition and conversion of mill with new glass link and new three storey block to create 9 apartments - Withdrawn 20.11.07

4. Consultation Summary

Statutory Consultations

- 4.1 Network Rail has no objection in principle but would make certain comments. Increased flows of surface water should not be discharged onto Network Rail land. A

fence erected on boundary to prevent vandalism. Work on the new development must not affect safe operation of the railway. Network Rail needs to be consulted on ground excavations near to railway. New buildings situated at least 2m from boundary fence. Design of buildings to take into account effects of noise and dust, resulting from operation of railway, on the residential properties. Trees should be positioned away from railway boundary. Any scaffolding must not affect or fall on railway land.

- 4.2 The Ramblers Association had no objection to proposal.
- 4.3 The River Lugg Internal Drainage Board has no objection in principle.

Internal Council Advice

- 4.4 The Traffic Manager recommends that any permission includes certain conditions relating to car and secure cycle parking provision.
- 4.5 The Chief Conservation Officer observes that the original building is of local interest contributing to the local industrial history. The later wing has less interest and appears to be in a poorer structural condition. The original mill building needs to be retained. The success of the mill conversion will be down to the execution of details and copy the original building. The treatment of new building should not copy details of the existing. Is acoustic fence necessary, reservations about possible design. A landscaping scheme must be submitted with tree planting. The site is within the historic urban form of Leominster as defined by the Central Marches Historic Towns Survey of 1996. Recommends approval subject to certain conditions relating to approval of facing/architectural details and repairs to external brickwork, the following of the recommendations set out in the submitted ecological report and also archaeological survey and recording.
- 4.6 The Environmental Health Officer observes that the sound levels set out in the submitted acoustic report were based on sound levels measured in 2004 as part of application for 4 dwellings on site to north therefore updated calculations will be required. If members are minded to approve this application then certain conditions need to be imposed relating to the submission of a scheme to protect new dwellings from rail noise, restricting hours of construction and no burning of materials/substances during construction phase.
- 4.7 The Public Rights of Way Manager states that the proposed development would affect public footpath ZC137 which passes along the eastern boundary of the site and would object to application in its present form. No details of scale and design of acoustic fence and are concerned that if it is too high it will create a tunnel affect along footpath. The design of the low barrier should be considered as it will need to prevent vehicles encroaching on the footpath. A minimum width of 2 metres must be allowed for the path. It was agreed in a previous application on site (DCNC2007/3019/F) that the path be constructed of compacted stone to dust with a maximum width of 2 metres. This agreement should be carried forward to this application. If permission is granted then Public Rights of Way would like to be notified on construction of the path so that site inspections can be made to ensure the path is to the required specification. In addition if development works eg demolition/scaffolding are perceived to be likely to endanger members of the public then a temporary closure order must be applied for from the Public Rights of Way Manager.

4.8 The Parks, Countryside and Leisure Development Manager:-

If it is thought reasonable to ask for an off-site contribution then there are much needed improvements at Sydonia, which is one of the main parks in the town, for which £500 per bedroom (excluding first bedroom) would be asked for. In addition, a contribution towards sports facilities provision would be required from all new development. A contribution towards improvements at Bridge Street Sports Centre, i.e. £630 per apartment for nine apartments would total £5,670.

5. Representations

5.1 The applicant/agent states that a structural report and an ecological report have been submitted with application, an acoustic report will be submitted when it becomes available. With respect to the proposed acoustic fence the design has not been finalised as applicant is trying to incorporate the needs/advice of the various council departments. A low barrier and not a fence is intended by footpath on southern side of the building and it is therefore intended to propose stone bollards. The original building is worthy of retention. However the lower two storey sections are unsound and dangerous. This section will be demolished and new section will take the lead from the original mill building and will be joined by a simple glass link. Access will be over existing tarmac drive and parking space for a minimum of 20 vehicles. Bike racks and an acoustic fence will be installed. The public footpath will not be compromised.

5.2 The Town Council recommends refusal as the plans are undecipherable, as they were in the previous application, and it appears that the proposals would constitute overdevelopment and lack of amenity space. There is also no noise appraisal included with the application.

5.3 There has been one letter of objection from Leominster Civic Society, Robert Oliver Chairman, 118 Godiva Road, Leominster, Herefordshire HR6 8TA. The main points being:

- Application so badly presented that some key elements are unreadable or missing. Applications of this standard should not be accepted.
- Site of Priory Mill, Leominster's most important mill historically. The Victorian Mill building is its successor. Very important site in architectural, landscape and archaeological terms and deserves serious respect and attention. An archaeological condition for investigation required.
- Conversion to residential use is a realistic answer to the future of the site, but consider present proposal is too ambitious and constitutes overdevelopment. New elements dominate original mill. The original mill building should be higher than any proposed addition.
- Choice of bricks will be important.
- A detailed landscape scheme is required. Concerns over acoustic fence. Any fence needs to be attractive and a positive encouragement to people to use this important footpath.
- Trees need to be planted in car park.
- Application should be refused.

5.4 There have been two letters of representation received from:

- Professor and Mrs J Witting, 35 Pinsley Road, Leominster
- Dr & Mrs PJ Emes, 37 Pinsley Road, Leominster HR6 8NN

The main points being:

- Welcome a residential rather than commercial use of site
- Welcome sensitive redevelopment that would preserve the general mill ambience
- Mill needs to be used rather than falling into dereliction
- The development will finalise transition of area from commercial to residential.
- Steps should be taken to minimise lighting and noise interference.
- Windows in south elevation will overlook neighbours garden. Trees could be planted on boundary to help overcome this.
- The new development will increase traffic in area permanently and during development phase. Uncontrolled parking in area. Need for permit parking in Pinsley Road. Need for signage at intersection with Etnam Street to prevent accidents between vehicles leaving the site, The White Lion and Pinsley Road.
- Ecological issues. Need for trees and shrubs to provide shelter for birds.
- Need for planting to improve visual appearance of area.
- Need for a porous surface to soak up water for drainage purposes.

The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues relate to:

- (i) The principle of residential development on this site.
- (ii) The merits of the conversion scheme and the retention and demolition of the buildings
- (iii) The size and design of the proposed scheme and its affect on the visual appearance and character of the Conservation Area
- (iv) The effect of the proposed development on the residential amenities of the occupants of adjacent dwellings and on other land uses.
- (v) The proposed parking and vehicular access arrangements.

- (vi) Matters relating to noise and dust from the adjacent railway.
 - (vii) Ecological issues.
 - (viii) The effect of the proposed development on the public footpath.
- 6.2 This site is identified in the Herefordshire Unitary Development Plan as being within an 'Established Residential Area'. As such the principle of new residential development on this site is acceptable. The original mill building is considered to be worthy of retention due to its historic importance and character. However the attached more modern buildings are not considered worthy of retention and therefore their demolition is acceptable. The proposed conversion scheme is considered to be acceptable and the proposed new section of building will look acceptable and not out of keeping with the scale and character of the original mill building (to be retained) The proposed development will also be acceptable in terms of its affect on the visual appearance and character of the Conservation Area.
- 6.3 The proposed development will not adversely affect the residential amenities of the adjacent dwellings. Now will it adversely affect the adjacent railway line, the proposed parking and vehicular access arrangements are also considered to be acceptable. The continued use of the existing access route through the public house car park and its access onto the public highway will not adversely affect highway safety. The recommendations set out in the submitted ecological report are considered to be acceptable.
- 6.4 The issues relating to the noise generated by the railway line and its effect on the residential amenities of the future occupants of the new dwellings have not been fully addressed as the figures in the submitted acoustic report need to be revised to cater for this particular site and not the site to the north. The Council's Environmental Health Officer considers that a noise attenuation condition imposed on any permission granted would be acceptable in this case.
- 6.5 With respect to the public footpath the applicant and his agent had lengthy discussions with the Council's Public Rights of Way Manager during the submission of the previous application on site for essentially the same scheme (DCNC2007/1319/F) which was eventually withdrawn. These discussions proved fruitful and the two parties resolved the matters of contention subject to certain provisos including the maximum height of the acoustic fence being 1.8 metres in height with the materials/design to be agreed via a planning condition. The surface of the footpath was also agreed. Also any fencing to the south of the building must not exceed 1 metre in height. The need to have an acoustic fence that provides the required acoustic protection, that looks acceptable and does not result in the users of the public footpath being hidden from view (ie to design out crime) needs careful evaluation.
- 6.6 At the previous Committee meeting (held on 12th March, 2008) the Committee also resolved that the submitted plans were unacceptable and that better, more clearer plans were required. The applicants' agent has been informed of this and it is understood that clearer drawings will be submitted by the applicants' agent in time for the next Committee meeting on 9th April, 2008. In addition, the Committee also resolved that the applicant be requested to pay a financial contribution to open space/play space in accordance with the emerging Supplementary Planning Document on Planning Obligations. Consequently the recommendations of the Council's Parks, Countryside and Leisure Development Manager has formed the basis of the draft

Heads of Terms set out at the end of this report. A Section 106 Agreement will be required to facilitate these financial contributions and the Draft Heads of Terms provides an outline of the requirements of the said Section 106 Agreement.

- 6.7 The proposed development is considered to be acceptable and in accordance with the relevant planning policies and guidance. In particular Policies S2, DR1, H1, HBA6, HBA7 and HBA12 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

In respect to the application ref no DCNC2008/0002/F that planning permission be granted subject to the following:

1. The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure a contribution for play and sport facilities and any additional matters and terms as he considers appropriate.

2. Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the approved details included in the application, additional drawings and specifications in respect of the following matters shall be submitted to the local planning authority before the commencement of any works. The works to which they relate shall subsequently only be carried out in accordance with the details which have been approved by the local planning authority in writing beforehand:

- (a) submission of samples of facing and roofing materials
- (b) treatment of the south facing painted gable of the existing mill
- (c) colour of external finishes
- (d) rainwater goods
- (e) external surface materials

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

3. Before work commences architectural details of windows and their openings including sills and brick arches, external doors and their openings, small metal barriers on the south facing elevation, metal staircase on the north facing elevation, acoustic fence at a minimum scale of 1:5 for general arrangements and 1:1 for joinery sections such as glazing bars, shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details which have been approved in writing by the local planning authority beforehand.

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

4. Any work to the brickwork or masonry shall match the existing in materials, finishes, bonding and joint thickness and shall be in accordance with the prior written approval of the local planning authority based on the submission of a method statement stating, inter alia, the tools to be used, samples of the bricks and/or stone to be used, a trial area of repointing and scaled drawings or photographs showing the extent of the replacement of original material.

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

5. E16 (Removal of permitted development rights)

Reason: To ensure that the character and appearance of the original conversion scheme is maintained.

6. G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

7. G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

8. Full details of all new fencing/walling/gates including the new acoustic fence and barrier between public footpath and the car park (as well as what is to be retained) and also all hard surfacing shall first be submitted to and be subject to the prior written approval of the local planning authority before any work commences on site. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

9. Unless otherwise first agreed in writing by the local planning authority the public footpath must have a minimum width of 2 metres and have a compacted rolled stone to dust level surface.

Reason: To allow satisfactory access for members of the public along the public footpath.

10. H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

11. H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

12. F13 (Scheme to protect new dwellings from noise)

Reason: To protect the residential amenities of the future occupiers of the properties.

13. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

14. F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

15. D02 (Archaeological survey and recording)

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.

16. The recommendations set out in the ecological report by Countryside Consultants Ltd dated 14th September 2007, should be followed unless otherwise agreed in writing by the local planning authority.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the roof removal and ecological mitigation work.

Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats & C) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within the UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 and policies NC1, NC5, NC6 and NC7 within the UDP.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with UDP Policies NC6, NC7, NC8 and NC9 and PPS9.

Informatives:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N03 - Adjoining property rights**
3. **The applicant should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicant is advised to seek legal advice on the matter.**
4. **N14 - Party Wall Act 1996**
5. **With respect to condition no 3 - the extent of pointing and the cutting out and replacement of brickwork/masonry should be kept to the minimum necessary. Normally the local planning authority will expect to see repairs and repointing carried out with traditional hand tools and in matching materials and finishes.**
6. **HN01 - Mud on highway**
7. **HN04 - Private apparatus within highway**
8. **HN05 - Works within the highway**
9. **HN10 - No drainage to discharge to highway**
10. **The Council's Public Rights of Way Manager would like to be notified on commencement of construction of the public footpath so that site inspections can be made to ensure the path is to the required specification. If development works eg demolition, erection of scaffolding, roof repairs etc are perceived to be likely to endanger members of the public then a temporary closure order must be applied for from the Public Rights of Way Manager, Herefordshire Council, Queenswood Country Park, Dinmore Hill, Leominster HR6 0PY (Tel 01432 260572), at least 6 weeks in advance of work starting.**
11. **ND03 - Contact Address**
12. **Network Rail advises the following: Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.**

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval.

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

13. N19 - Avoidance of doubt

In respect to the application ref no DCNC2008/0003/C that Conservation Area Consent be granted subject to the following conditions:

1. C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. D02 (Archaeological survey and recording)

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.

3. The building shall not be demolished in accordance with this consent until a contract for the carrying out of the works of the conversion of the original mill has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirement of Policy HBA2 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N15 - Reason(s) for the Grant of Conservation Area Consent**
- 2. ND03 - Contact Address**
- 3. N19 - Avoidance of doubt**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

**Proposed Planning Obligation Agreement
Section 106 town and Country Planning Act 1990**

Planning Application – DCNC2008/0002/F

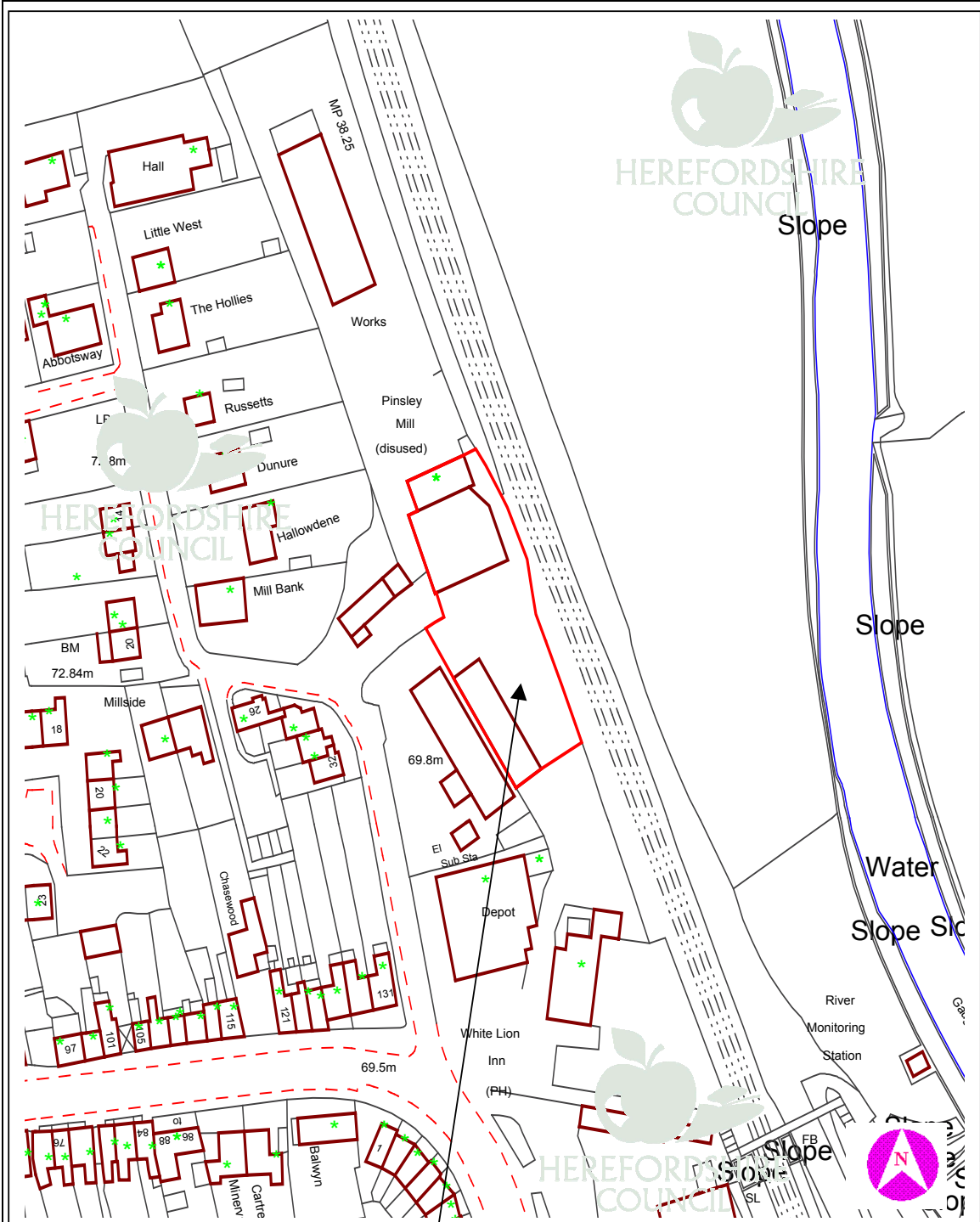
Demolition (part) and conversion of Mill plus new works to
create 9 new apartments

Pinsley Mill, Pinsley Road, Leominster

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4,500 in respect of play area facilities to serve the development, such contribution to go towards facilities at the Sydonia park. This sum shall be paid on or before the commencement of the development.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,670 towards off site sports facilities to serve the development, such sum to be used for improvements at Bridge Street Sports Centre. The sum shall be paid on or before the commencement of the development.
3. In the event that Herefordshire Council does not for any reason use the said sums of Clauses 1 or 2 above for the purposes specified within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
5. The developer shall complete the Agreement by 30th June, 2008 otherwise the application will be registered as deemed refused.

Nigel Banning - Senior Planning Officer
Peter Yates - Development Control Manager

18th March, 2008



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APPLICATION NO: DCNC2008/0002/F

SCALE : 1 : 1250

SITE ADDRESS : Pinsley Mill, Pinsley Road, Leominster, Herefordshire, HR6 8NX

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