

10 DCNC2008/0440/O - SITE FOR DEVELOPMENT TO FORM TWENTY ONE APARTMENTS, ACCESS ROAD AND PARKING. PINSLEY WORKS AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX.

For: Signature Homes & Construction Ltd. per Mr J Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH.

Date Received: 11 February 2008 Ward: Leominster South Grid Ref: 50077, 59099

Expiry Date: 12 May 2008

Local Members: Councillor RC Hunt and Councillor RBA Burke

1. Site Description and Proposal

- 1.1 The site is a long narrow plot that is located between the rear gardens of dwellings fronting onto Pinsley Road and the railway line, and to the north of Pinsley Mill which has recently been granted planning permission for conversion and extension to residential accommodation.
- 1.2 The site was previously used for commercial purposes and was occupied by a prefabricated industrial building. This has since been demolished and the site is now vacant.
- 1.3 The site is located within Leominster's residential area and also the Leominster River Meadows Conservation Area. Public footpath ZC137 runs along the site boundary, parallel with the railway line at a lower level to both the ground level of the remainder of the site and the railway line itself. Immediately to the north is an area of open space with The Priory Church beyond.
- 1.4 Access is gained via a track running past the mill and onto Pinsley Road.
- 1.5 The proposal is made in outline, although the only matter reserved for future consideration is landscaping, and is for the erection of buildings to create a residential development of 21 flats.
- 1.6 The submitted plans indicate a range of buildings that run parallel with the western boundary shared with the dwellings on Pinsley Road, being a combination of 2 and 3 storeys. The building returns at the northern end of the site to enclose the space. The existing access to the south is maintained and shared parking areas lie to the front of the buildings, between them and the railway line. A 2 metre high acoustic fence is proposed on the boundary between the railway line and the public footpath.
- 1.7 The plans have been amended since their original submission to take account of original concerns expressed about highway matters, security of users of the public right of way and overlooking.
- 1.8 The application is accompanied by a design and access statement and a noise assessment.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S1	Sustainable development
Policy DR1	Design
Policy DR2	Land use and activity
Policy DR3	Movement
Policy DR4	Environment
Policy DR5	Planning obligations
Policy DR13	Noise
Policy H1	Hereford and the market towns: settlement boundaries and established residential areas
Policy H9	Affordable housing
Policy H13	Sustainable residential design
Policy H14	Re-using previously developed land and buildings
Policy H15	Density
Policy H16	Car parking
Policy T6	Walking
Policy HBA	New development within conservation areas

3. Planning History

3.1 The following relate specifically to the application site:

NC2007/2671/F	Proposed 10 no. houses and associated works	-	Refused 03/12/07
NC2004/1887/F	Demolition of derelict building and erection of 4 dwellings	-	Approved 25/11/04
NC2004/1561/C	Demolition of derelict building	-	Approved 16/07/04

3.2 The following are also relevant and relate to sites adjacent:

NC2008/0711/F	Demolition of bungalow and garage, replace with a pair of semi detached houses and associated parking at Little West, Pinsley Road	-	Approved 06/05/08
NC2008/0002/F	Proposed demolition and conversion of mill, construction of glass link and new works to form three storey double block, to create nine apartments and all associated works at Pinsley Mill	-	Approved subject to a Section 106 Agreement

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - No objections subject to conditions. Highlight the existence of a public sewer crossing the site and require that no development is permitted 3 metres either side of its centre line.

Internal Council Advice

- 4.2 Head of Environmental Health and Trading Standards - No objection subject to the imposition of conditions to protect the new dwellings from rail noise, hours of construction and the burning of materials on site.
- 4.3 Transportation Manager - No objections subject to conditions and contributions of 1,500 per dwelling for highway improvement works in the locality.
- 4.4 Public Rights of Way Manager - No objection on the basis of the amended plan showing the acoustic fence on the boundary between the railway line and the public footpath as opposed to between the footpath and the site to be developed. Recommends the imposition of a condition requiring that the footpath be re-surfaced.
- 4.5 Conservation Manager - Raises concerns about the design of the proposal and its impact upon the conservation area.
- 4.6 Parks, Countryside and Leisure Development Manager - No objections subject to a contribution of 500 per bedroom for off site open space and play area provision. This equates to a total of 10,000. A contribution towards new sports facilities is also requested of 630 per dwelling, being a total of 13,230.
- 4.7 Head of Strategic Housing - Does not support the application as it only provides 6 affordable units. A 35% provision equates to 7 units.

All units must be subject to a Section 106 Agreement and this should include the following details:

- 1. All units should be built to the Housing Corporation's Design & Quality Standards 2007 without grant subsidy.
 - 2. All shared ownership units be capped at 80% ownership to keep them affordable for local people in perpetuity.
 - 3. All units to be allocated to applicants with a strong local connection to Leominster, or to Herefordshire in the event that no suitable applicant with a connection to Leominster can be found.
 - 4. All units to be allocated through Home Point.
- 4.8 Network Rail - No objection subject to conditions relating to boundary treatments, landscaping and drainage.

5. Representations

- 5.1 Leominster Town Council – No objection to the principle of development but recommend refusal on the basis of over-development, lack of amenity space and highway safety.
- 5.2 River Lugg Drainage Board – No objection subject to a condition requiring the details of surface water drainage arrangements to be submitted.

- 5.4 The Rambler's Association – Objected to the original submission on the basis that the erection of an acoustic fence would create an alleyway for the public footpath. Have not commented on the amended plans.
- 5.5 Herefordshire Trail Committee – Objected to the original submission on the basis that the erection of an acoustic fence would create an alleyway for the public footpath. Have not commented on the amended plans.
- 5.6 Ten letters of objection have been received from local residents and a petition of 6 signatories. In summary the points raised are as follows:
1. Concerns over highway safety, particularly the point of access onto Pinsley Road and the additional traffic that would be generated by the proposal.
 2. Access should be curtailed from Pinsley Road through The Grange.
 3. The proposal is inadequate in terms of its parking provision. This will result in additional parking along Pinsley Road.
 4. Concerns about privacy and amenity for properties bordering the site.
 5. The proposal represents an over-intensification of development, higher than the scheme for 10 dwellings that was refused.
 6. The scheme does not reflect the character or appearance of the conservation area.
 7. The three -storey elements of the proposal are overpowering.
 8. The proposal is a missed opportunity to make a positive impact.
 9. Concerns about drainage.
- 5.7 The applicant's agent has commented in light of the objections that have been received. He considers that the linear development of the bulk and proportions shown, and with features that reflect Pinsley Mill is acceptable.

The scheme is intended to be sustainable and its location in close proximity to the town centre and transport links supports this view.

The concentration of overlooking has been minimised through the consideration of floor levels, boundary treatment and orientation of living room windows. The distance between the rear elevation of the scheme and the dwellings on Pinsley Road is well in excess of 30 metres.

The acoustic fence has been re-sited onto the railway line boundary to reduce the corridor effect on the public footpath. The use of Phon Glazing in some of the windows and doors will also achieve a reduction in noise created by the railway line.

A 1.2 high palisade fence is proposed between the public footpath and the development with a keypad operated gate for the occupants of the flats to gain direct access to the footpath.

- 5.8 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 proposal gives rise to four key issues to be assessed as material planning considerations and these are as follows:

1. Design.
2. Impact on the conservation area.
3. Highway safety (including parking)
4. Residential amenity.

Each of these will be dealt with in turn.

Design

6.2 The site provides a number of constraints which serve to limit the nature of the development. It is narrow, is bounded by a railway line and public footpath, it only has one point of access and is dissected by a public sewer. The result is that there is only a limited area that can be built upon and the proposal seeks to maximise this through a development of flats as opposed to individual dwellings. In part this is achieved through the use of three storey elements. There is no fundamental objection to this in terms of planning policy and the height of parts of the proposal does, as the agent suggests, reflect that of the mill to the south.

6.3 The density of the development equates to 84 dwellings per hectare. However, the very nature of flats is that they provide a higher density of living accommodation than a development of individual dwellings. Furthermore the requirements and expectations for providing private amenity space are entirely different and therefore the simple application of Policy H15 in respect of density is not considered to be appropriate. An assessment must be made as to whether the scheme provides all of the associated services such as car and cycle parking and bin storage without the development appearing unduly cramped. In your Officer's opinion the scheme does achieve all of these aims.

6.4 The use of two and three storey elements breaks the bulk of the development and provides an interesting response to the constraints of the site. The use of hipped roofs further helps to reduce the mass of the built form and the front elevation, facing onto the railway line is given some relief through the introduction of full height gabled projections.

6.5 In conclusion, the proposal is a logical response to the constraints of the site. It is of an appropriate scale and mass in relation to its surroundings and is considered to accord with policies DR1 and H13 in this respect.

Impact on the Conservation Area

6.6 The context in which this development will be seen is against the backdrop of the residential areas of Leominster. Pinsley Road is a mix of development whose ages range from the early 20th century to the present day. The conservation area has no defining architectural character and the development of this currently vacant site, given the constraints that have previously been identified, will enhance the appearance of the

conservation area in accordance with policy HBA6 and the guiding principles of PPG15.

Highway safety

- 6.7 The Transportation Manager is satisfied with the access to the site and its emergence onto Pinsley Road. Many of the objections raise concerns with increased traffic movements in the area and seemingly that Pinsley Road is used by vehicles to cut through to the Grange, but there is no evidence to suggest that this development would exacerbate this, particularly as it is close to the junction of Pinsley Road and Etnam Street.
- 6.8 The plans show that one space per unit will be provided on site. This accords with policy H16 of the UDP and is considered to be acceptable given that residents would have ready access to public transport, pedestrian routes into the town centre and also as the scheme also makes provision for cycle parking.
- 6.9 The site is well located to make full use of the pedestrian links that it has with the town centre. It is acknowledged that the public footpath is well used and it is considered that the amendments made to the location of the acoustic fence address concerns originally raised regarding public safety. As a result the footpath provides an ideal opportunity to encourage future residents to walk rather than use private motor vehicles. As a result the proposal is considered to fully accord with policies DR3 and T6 of the Unitary Development Plan.

Residential amenity

- 6.10 The element that potentially causes the greatest degree of overlooking is the three storey part located towards the centre of the site. The others are either screened by a mature *Lleylandii* hedge within the curtilage of an adjoining property (to the southern end of the site), or oppose the Scout Hut (to the north) where there is no issue in terms of amenity. The scheme has been amended since its original submission and the number of windows to habitable rooms facing onto the properties on Pinsley Road in the centrally located three storey part now number just two bedroom windows, one at first and one at second floor level. Whilst the development is in close proximity to the western boundary, a combination of the lower ground level of the application site, existing vegetation within the curtilage of many of the adjacent dwellings and the fact that the dwellings on Pinsley Road are in excess of 30 metres from the boundary with the application site all serve to ensure that there will be minimal overlooking. Similarly the distance between the proposed development and existing dwellings will ensure that the three storey elements do not appear to be overbearing. It is therefore concluded that the proposal is acceptable in terms of residential amenity and accords with policies DR1 and H13 in this respect.

Other issues

- 6.11 The affordable housing provision of six units is slightly below the requirements of policy H9 of the UDP (29% as opposed to the 35% required by the policy). However, the applicant's agent has indicated that the first block upon entering the site is to be offered as the affordable element. This is beneficial for two reasons. First it is easily managed as a single element by a Housing Association and second, being at the entrance to the application site, it should negate a suggestion that there is an intention to separate the affordable element from the open market part. Your officers would have greater concerns if it were to be located at the northern end of the site.

- 6.12 For these reasons a slight reduction in the affordable housing provision is justified and subject to the recommendations of the Head of Strategic Housing the scheme is considered to be acceptable.
- 6.13 Concerns relating to surface water drainage can be addressed through the imposition of conditions. This is reflected in the advice given by Welsh Water.

Conclusion

- 6.14 The requirements made in respect of financial contributions are in accordance with the Council's approach prior to the adoption of the Planning Obligations Supplementary Planning Document on 1st April 2008. It has been agreed that applications lodged before this date should not be subject to the full range of contributions now required. A Draft Heads of Terms Agreement is attached as an appendix to this report and covers affordable housing, highway improvements, open space provision and improvements to sports facilities.
- 6.15 On this basis the proposal is considered to accord with the adopted policies of the Unitary Development Plan and the application is recommended for approval.

RECOMMENDATION

That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate.

Upon completion of the above-mentioned planning obligation agreement an Officer named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:

- 1. A02 (Time limit for submission of reserved matters (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3. A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.

- 4. A05 (Plans and particulars of reserved matters)**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5. B03 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

6. C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

7. I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

8. I44 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

9. I13 (Scheme to protect new dwellings from road noise)

Reason: To protect the residential amenities of the future occupiers of the properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

11. L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives

- 1. N15 - Reason(s) for the Grant of Planning Permission.
- 2. N19 - Avoidance of doubt - Approved Plans.
- 3. HN01 – Mud on highway.
- 4. HN04 – Private apparatus within highway.
- 5. HN05 – Works within the highway.
- 6. HN10 – No drainage to discharge to highway.

Decision:

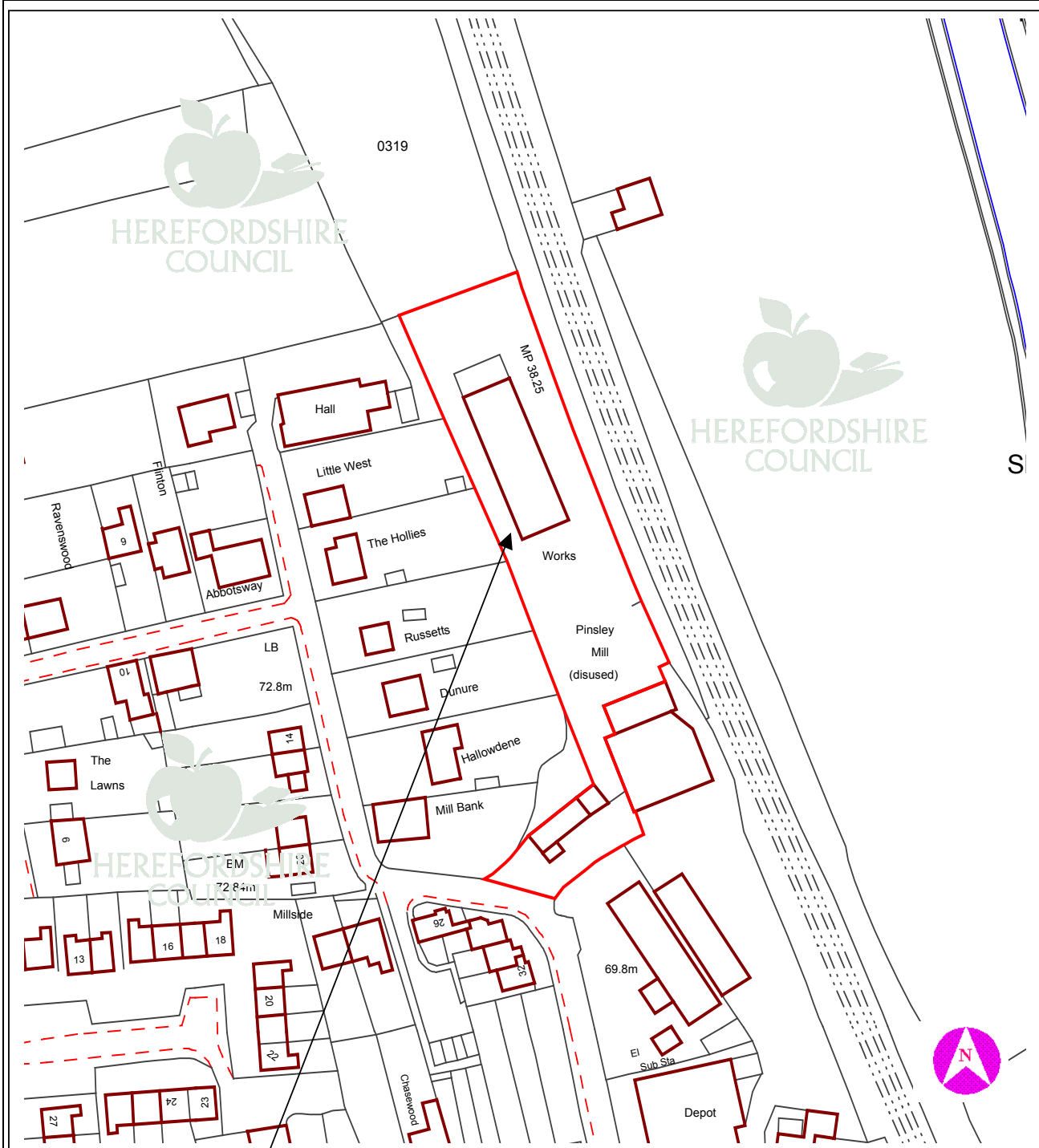
Notes:
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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

- Planning Application – DCNC2008/0440/O
 - Site for the development of 21 apartments, access road and parking
 - Pinsley Works, Pinsley Road, Leominster.
1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10,000 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 £13,230 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. The developer shall provide six affordable units, those being units 16 to 21 inclusive as indicated on drawing number 963.1 Rev. B submitted as part of the application. Such units will meet the criteria as set out in section 5.5 of the Unitary Development Plan 2007. The applicants or successors in title shall procure the construction of the affordable units in accordance with the current Housing Corporation Design & Quality Standards 2007 and Lifetime Home Standards with no affordable housing grant input.
 4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £31,500 to provide sustainable transport measures in Leominster. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian access improvements near the development and within Leominster.
 - b) Improvements to bus provision/passenger waiting facilities.
 - c) Improvements to safe routes to local schools etc.
 - d) Contribution to safe routes to schools.
 5. In the event that Herefordshire Council does not for any reason use the said sums of Clauses 1, 2 or 4 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.
 6. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal and administrative costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
 7. The developer shall complete the Agreement by 16th July 2008 otherwise the application will be registered as deemed refused.



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APPLICATION NO: DCNC2008/0440/O

SCALE : 1 : 1250

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

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