

13A DCNC2008/0978/F - PROPOSED DEMOLITION OF WORKSHOPS AND RE-DEVELOP SITE FOR 7 DWELLINGS AND CAR PARKING AT MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

13B DCNC2008/0979/C - PROPOSED DEMOLITION OF WORKSHOPS AND RE-DEVELOP SITE FOR 7 DWELLINGS AND CAR PARKING AT MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

**For: Legge per Mr P McIntosh Beechcroft House 109
Manor Road Woodstock Oxon OX20 1XS**

Date Received: 31st March 2008 Ward: Leominster North Grid Ref: 49364, 59701
Local Member: Councillors P Jones CBE and JP French

1. Site Description and Proposal

- 1.1 The application site lies along Bridge Street, (the B4361), which runs between Leominster towards Ludlow, and lies just outside the town centre of Leominster. Part of the site lies within the Leominster Conservation Area.
- 1.2 Marsh Mill lies within an existing residential area with housing directly to either side and at the rear. The site is currently used for industrial purposes and utilises two traditional buildings (A former mill) and a modern steel framed building to the rear with an open yard/ storage area to the front of the site.
- 1.3 The proposal seeks planning permission and conservation area consent to demolish the existing industrial workshops and redevelop the site to form 7 dwellings comprising of: 4 x 2 bedroom houses, 2 x 3 bedroom houses and a 1 x1 bedroom flat, all using a shared car parking facility. Rear gardens with cycle storage sheds will be provided for each of the dwellings with the exception of the flat, which has additional internal storage areas.
- 1.4 As the development would involve the demolition of buildings within the Conservation Area, an application for Conservation Consent has also been submitted.
- 1.5 In addition, a full Flood Risk Assessment prepared by Hydrologic was submitted with the application.
- 1.6 This application is the result of over twelve months of discussions between various officers of the Council.

2. Policies

National Planning Policy

PPS25: Development and Flood Risk

Herefordshire Unitary Development Plan 2007

| | | |
|-------|---|--|
| H1 | - | Settlement boundaries and established residential areas |
| H13 | - | Sustainable residential design |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR7 | - | Flood risk |
| DR10 | - | Contaminated Land |
| HBA6 | - | New development within Conservation Areas |
| HBA7 | - | Demolition of unlisted buildings within Conservation Area |
| ARCH4 | - | Archaeological sites of national or regional importance |
| ARCH5 | - | Other archaeological sites of regional or local importance |

3. Planning History

- 3.1 DCNC2007/3115/C - Proposed demolition of industrial units: Refused.
- 3.2 DCNC2007/2104/F - Proposed demolition of workshops and proposed residential development of 8 units: Withdrawn.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection
- 4.2 Welsh Water: No objection

Non-Statutory Consultations

- 4.3 Leominster Civic Society: Strong objection on loss of mill buildings, which would be detrimental to Conservation Area.
- 4.4 River Lugg Drainage: Recommendation that Environment Agency be consulted in respect of flood risk

Internal Council Advice

- 4.5 Transportation: No objection, subject to s106 contributions
- 4.6 Environmental Health: No objection, subject to conditions
- 4.7 Archaeological Officer: No objection subject to conditions
- 4.8 Conservation: Objection to proposal as summarised below:

- The mill is of historic importance in this part of the conservation area.

- There appears to be inadequate information upon which to assess the proposal based on advice contained within PPG15.
- The proposal appears to rely on the need to provide visibility splays for its justification.
- There is also concern that the proposal, notwithstanding the demolition of the mill, fails to preserve or enhance the conservation area.
- Independent advice was sought regarding the buildings but there is some confusion as to the historical records and which buildings they relate to.

5. Representations

- 5.1 Leominster Town Council have raised no objections
- 5.2 An email was received from Mr James, Presteigne objecting to the proposal on the basis that the development would result in the loss of the historic mill buildings
- 5.3 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 key considerations in the determination of this application are:

- Principle of development
- Scale and design/ Amenity
- Impact on Conservation Area
- Transportation
- Flood Risk
- Potential for Contaminated Land
- Potential for Archaeology

Principle of development

- 6.2 The site is within an established residential area and within the defined settlement boundary of Leominster. In terms of utilising previously developed land, both government policy and the HUDP fully encourage such redevelopment for residential uses provided that all other relevant policy considerations can be satisfied.
- 6.3 The site is established for industrial uses and is where the applicant currently operates a carpentry business. Given that the site lies within a distinctly residential area of Leominster, it is clear that this site is no longer well suited to this location in terms of its visual impact, its impact on the residential amenity of those living in close proximity and the problems presented in respect of the number and type of vehicles that access this site to facilitate the industrial uses present. Leominster benefits from a large Industrial Estate, (Southern Avenue) on the other side of the town and this would therefore provide an opportunity for the applicant to relocate his business. As such, it would appear to be appropriate that the site be developed for residential purposes.

Scale and Design

- 6.4 In this particular locality there is a variety of housing styles reflective of their period however, these are predominantly located close to the adjoining street providing a

strong line of street frontage development. This has been reflected in the scheme submitted with the housing forming a terrace of properties with small front yards/gardens to the front. Each property varies slightly in style and size and again, this takes some reference to other properties found further along Bridge Street. The use of brick, render and slate roofing would appear to be compatible with the locality and in keeping with the Conservation Area.

- 6.5 Whilst each dwelling varies slightly, all houses on the site will be provided with a private rear landscaped garden with cycle storage shed. The rear gardens all meet an access pathway at the rear of the site, which enables access to the car parking area. Although the flat has no garden, a larger storage area is provided with external rear doorway, and has a front entrance with a ground floor internal hallway, either of which is suitable for cycle and refuse storage. This is considered acceptable given that it provides only one-bed accommodation.
- 6.6 The line of the terrace will follow the line of the adjoining road and as such will be visually broken rather than forming a hard straight line. The terrace has been set slightly further back from the road edge in order to provide adequate access and visibility to and from the site.
- 6.7 The properties are two-storey only, which should ensure that they would not be over-dominant within the street scene, or upon any neighbouring property. Whilst the drawings submitted are not overly detailed, the design and access statement submitted has provided further information regarding proposed detailing to be included across the entire scheme. To ensure the final scheme provides sufficient finished details that would enhance the development and the street-scene, a number of conditions would need to be included within any recommendation.
- 6.8 Overall, it is my opinion that the scheme provides adequate living accommodation with private amenity space and has been designed to reflect the character and context of the area. As such, it would appear to accord with policy DR1 and H13 of the HUDP.

Amenity

- 6.9 Whilst the proposed development is bound on all sides by neighbouring residential properties, there appears to be sufficient space between any of these neighbouring properties to overcome any amenity concerns. I do not consider that the development poses any risk to the amenity of any residential neighbour and there have been no objections raised against this proposal on these grounds.

Impact upon Conservation Area

- 6.10 The Conservation Officer, Leominster Civic Society and a local resident (From Presteigne) have raised significant objections to the proposed demolition of the original mill buildings. Whilst the comments received are respectfully acknowledged, this application is the result of a long period of negotiation with several sections of the Council. The culmination of which, means that without the demolition of the buildings, the redevelopment for housing would not achieve the required visibility splays and would thus fail to comply with recommended highway safety standards. This is due to the position of the mill buildings on the 'pinch point' of the road. Despite negotiations, the Transportation department have refused to support any new scheme with the inclusion of the mill buildings. Given that the B4361 is a relatively

busy road, it is my opinion that any redevelopment should provide an improvement to the existing access, particularly given that it will serve 7 residential units.

- 6.11 In making the required improvements to the access and visibility however, the mill buildings would need to be demolished. In terms of relevant development plan policy (HBA7), having received a suitable scheme of replacement, it must be demonstrated that the mill buildings do not contribute to the character and appearance of the Conservation Area and the structural condition of the buildings are such that the cost of repair out-weighs the importance of their retention.
- 6.12 The applicant has submitted details including photographic evidence of the condition of the buildings. It is apparent that whilst the external walls of the buildings remain, there is little left of any original internal features. Most of the internal walls are modern concrete block work, with ply cladding, and there are large sections of modern roofing. There is evidence that shows that the structure of the buildings is poor and that many additions and alterations have been made to the buildings in order to support the structure and to utilise them for industrial purposes. Overall it is clear that in order to 'save' these buildings from further deterioration, a significant amount of structural and internal work would be required, although cannot be insisted upon. Externally, whilst the elevations fronting the street are original, given their physical condition, modern additions and half painted finish, I am not convinced that they contribute so significantly to the Conservation Area such as to justify the refusal of this application.

Transportation

- 6.13 Given the realignment of the development along the roadside, visibility along this stretch of the highway will be significantly improved. Furthermore, the change of use of the site from industrial to residential should help to improve the movement of traffic given that there will no longer be heavy goods vehicles visiting the site which currently causes some congestion.
- 6.14 The provision of 13 car parking spaces on site is considered to meet the required standards for the number of dwellings proposed, which should provide adequate off-road car parking to residents and visitors to the site.
- 6.15 Cycle storage sheds have been provided and will be sited within the curtilage of each property. This is considered to be satisfactory.
- 6.16 Overall, the proposal presents a much improved access point and visibility along this part of Bridge Street. The Council's Highways Engineer is satisfied that the proposal accords with the necessary highway standards. The Highways Manager has requested that a financial contribution for improvements to the highways network be made in accordance with the Supplementary Planning Document on Planning Obligations. These recommendations have formed the basis of the draft Heads of Terms as set out at the end of this report.

Flood Risk

- 6.17 Having received the flood risk assessment, the Environment Agency are satisfied that the development is not itself at risk of a flood event nor likely to cause flooding of nearby properties. In order to ensure that this risk is prevented, a condition has been recommended.

Contaminated Land

- 6.18 The historical information on this site refers to the former use of the site as a garage and as such, there may be some potential for land contamination. The Council's Environmental Health officer has therefore recommended that an assessment of any risk of contamination and required remediation works be submitted prior to development, in order to ensure that the development accords with policy DR10 of the HUDP.

Archaeological Site

- 6.19 Whilst the archaeological sensitivity of the site is not wholly clear, given the presence of the mill on this historical site, which is included on the county sites and monuments record (ref HSM 8909) an archaeological investigation will need to be implemented prior to the commencement of any development. This will secure compliance with policy ARCH4 and ARCH5 of the HUDP.
- 6.20 Overall, the proposed development is considered to be acceptable and in accordance with the relevant development plan policies, in particular policies DR3, DR4, DR7, DR10, H1, H13, HBA6, HBA7, ARCH4 and ARCH5 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 25: Development and Flood Risk.
- 6.21 The recommendations of the Highways Manager regarding financial contributions 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.

RECOMMENDATION

In respect of DCNC2008/0978/F:

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 additional improvements to the highways network and any additional matters and terms as he considers appropriate.

Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation 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 - D02 (Approval of details):**

- a) Specification of all external materials**
- b) Brick detailing**
- c) Eaves, gable and chimney details**
- d) Detail of finishes including colour of external walls**

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development lies in harmony with the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

3 - D05 (Details of external joinery finishes)

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development lies in harmony with the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

4 - Finished floor levels shall not be set lower than 71.99 m AOD as detailed within the flood risk assessment dated March 2008.

Reason: To prevent flood risk for the lifetime of the development.

5 - E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

6 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways and receptors, a conceptual model and a risk assessment in accordance with current best practice.
- b) If the risk assessment in a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent of contamination, incorporating a conceptual model of all potential pollutant linkages and an assessment of risk to identified receptors.
- c) If the risk assessment in b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from the contaminants/ or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate scheme submitted to the local planning authority for written approval.

7 - The Remediation Scheme, as approved pursuant to condition (6) above, shall be fully implemented before the development is first occupied. On completion of the Remediation Scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

8 - H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

9 - 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

10 - H19 (On site roads - phasing)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

11 - H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

12 - G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

13 - G20 (Open plan to front of dwellings)

Reason: In the interests of the amenity of the development and to comply with the requirements of Policy DR4 of Herefordshire Unitary Development Plan.

14 - F14 (Removal of permitted development rights)

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

15 - F16 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

16 - 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.

17 - I43 (No burning of material/substances)

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

- 18 - No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works and water recovery system has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the development hereby approved.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

- 19 - Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

- 20 - No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

- 21 - Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway
- 5 - HN28 - Highways Design Guide and Specification
- 6 - Whilst it has been demonstrated that the risk of flooding is minimal in the 1% flood event with climate change event we would advise that the applicant/development be signed up the Environment Agency Flood Warning System.
- 7 - The applicant may also wish to consider the incorporation of flood proofing techniques. These include removable barriers on air bricks and providing electrical services in to the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products can be found on the Environment Agency web

site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.

- 8 - N15 - Reason(s) for the Grant of Planning Permission.
- 9 - N19 - For the avoidance of any doubt the plans for the development hereby approved are as follows:-
 - Drawing numbers 298 WD 21, 298 WD 22, 298 WD 23 - date stamped 31st March 2008.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

In respect of application ref no DCNC2008/0979/C that Conservation Area Consent be given subject to the following:

- 1 - D01 - 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 - No demolition works shall take place until a contract for the redevelopment has been let.

Reason: To ensure that this site does not become derelict in this conservation area.
- 3 - E02 - Archaeological survey and recording.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan. The brief will inform the scope of the recording action.

Informatives:

- 1 - N15 – Reason(s) for the Grant of Conservation Area Consent.
- 2 - N19 - For the avoidance of any doubt the plans for the development hereby approved are as follows:-

- 298 WD20, 298 WD21, 298 WD22, 298 WD23, 298 WD24, 298 WD25 – date stamped 31st March 2008

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application – DCNC2008/0978/F

Demolition of workshops, redevelop site for seven dwellings and car parking at Marsh Mill, Bridge Street, Leominster.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £7,749 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which aren't Section 278 works i.e. essential to facilitate the development).
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Traffic calming measures in the area
 - b) Improved bus shelters/stops in the locality of the application site
 - c) Safe Routes for Schools
 - d) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
 - e) Improved pedestrian and cyclist crossing facilities in the area
 - f) Improvements to public transport services
 - g) Any other purpose falling within the criteria defined in 2 above.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, and 2 for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
5. 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 administrative completion of the Agreement.
6. The developer shall complete the Agreement by 2nd October 2008 otherwise the application will be registered as deemed refused.

Julia Shields - Planning Officer

June 16th 2008



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APPLICATION NO: DCNC2008/0978/F

SCALE : 1 : 1250

SITE ADDRESS : Marsh Mill, Bridge Street, Leominster, Herefordshire, HR6 8DZ

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