

DCNC2008/1824/O - SITE FOR DEVELOPMENT TO FORM 21 APARTMENTS AT PINSLEY WORKS, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX

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

Date Received: 10th July 2008 Ward: Leominster South Grid Ref: 50077, 59099
Expiry Date: 9th October 2008

Local Member: Councillor R Hunt

Introduction

The application was considered by the Northern Area Planning Sub Committee at its meeting on 27th August 2008 when Members resolved to refuse permission contrary to the recommendation in the report. The decision was accordingly referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

The Report to the meeting on 27th August 2008 recommended that planning permission be granted having regard to the following considerations:

- A previous application had been refused solely for the reason of unacceptable impact on the amenities of the neighbouring properties and the character of the area. Subsequent negotiations had resulted in this revised proposal in which the unacceptable impact that had been previously identified was considered to have been overcome.
- As with the previous application the Transportation Manager (subject to a S106 contribution the terms of which were set out in the Heads of Terms) was satisfied that there would not be an adverse highway impact.
- Although the requirement for 35% affordable housing was not exactly met the practicalities of providing 6 rather than 7 units were considered appropriate.

In the debate Members raised a number of issues but principally their concern was with regard to the impact of the buildings on the area due to the design and density. In addition concerns were raised with regard to traffic and highway safety and the lack of affordable housing. Mention was made of the lack of a contribution towards Children's Services.

The Sub Committee resolved to refuse permission for the following reasons:

- Design/Density/Impact on the area
- Traffic and highway safety
- Lack of sufficient affordable housing.

The Committee were advised that there were entitled to take a view on these issues but they should have regard to their previous decision on which two of the suggested reasons had not been included and the professional advice of the Transportation Manager, who raised no

objection It was noted that the Transportation Manager had not objected to the previous application, also for 21 units, and traffic matters had not formed a reason for refusal. Accordingly the Head of Planning and Transportation has referred the application to this Committee for a decision.

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 show three regularly spaced buildings that run parallel with the western boundary shared with the dwellings on Pinsley Road. The first of these is a three storey building of a similar scale and proportion to Pinsley Mill lying to the south. The building positioned centrally within the site is two storey whilst that to the northern end is a combination of three and four storey. This element 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 application is accompanied by a design and access statement, a noise assessment and a draft heads of terms agreement for contributions towards highway improvements, improvements to off site play facilities, off site sports facilities and to secure the provision of six affordable units.

2. Policies

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 HBA6	-	New development within conservation areas

3. Planning History

The following relate specifically to the application site:

- 3.1 NC2008/0440/O - Site for the development of twenty one apartments, access road and parking - Refused 04/06/08 for the following reason:

The proposed development is of a density and intensity, which would dominate the adjoining residential properties to the west, particularly by reason of height, mass and proximity of new buildings to the common boundary. This would be detrimental to the character of the area generally. The proposed development would thereby be contrary to policies DR1 and H13 of the Herefordshire Unitary Development Plan 2007.

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

The following are also relevant and relate to sites adjacent:

- 3.5 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.
- 3.6 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 Network Rail - No objection subject to conditions relating to boundary treatments, landscaping and drainage.
- 4.2 Welsh Water – No objection subject to the imposition of conditions to ensure that foul and surface water are drained separately from the site, and particularly that surface water run-off does not discharge to the main sewer system

Internal Council Advice

4.2 Transportation Manager - No objections subject to conditions and contributions as per the SPD for highway improvement works in the locality. In relation to correspondence advising of a recent road traffic accident on Pinsley Road involving a single vehicle colliding with a wall, he suggests that such accidents will occur, irrespective of whether this development is approved or not, and that it appears to have occurred as a result of an irresponsible road user.

4.3 Public Rights of Way Manager - Comments as follows:

"I am aware that we have discussed treatment of the footpath on the previous, refused, application (DCNC2008/0440/O), and the PROW Manager was, at that time, happy to accept a 1.2 m high palisade fence on the west boundary of the footpath. However, I have now read the objections lodged for the previous application, and in view of the evident public concern about personal safety if the path was fenced on both sides, the PROW Manager would suggest that his original opinion on that application, that a low post and rail fence be provided, is still relevant to this new application. A low fence would allow the public to feel safer if confronted by any kind of antisocial behaviour on the path, and be able to escape into the common area in front of the apartments.

Given the absence of any kind of gate across the access road from the public road, access to the site from the public footpath should not be considered differently, and the proposed 1.2 m fence with locked gates would appear to be an unnecessary level of site security. Pedestrian access gaps could be provided through a low post and rail fence for use by residents, and even if a pedestrian route became established across the front of the apartments, this would provide additional, and better natural surveillance of the whole site.

It is therefore recommended that the plans are amended to show a 450mm boundary fence and that a condition relating to the surfacing of the public footpath be imposed."

4.4 Head of Strategic Housing - Does not support the application as it only provides 6 affordable units. A 35% provision equates to 7 units.

4.5 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.

4.6 Conservation Manager – objects to the application on the basis that the scheme represents an over-intensive use of the site, its massing is incorehent with no rationale

for the height changes in the blocks and that they are overbearing in both their form and proportion.

4.7 Head of Environmental Health and Trading Standards – Comments awaited.

5. Representations

5.1 Leominster Town Council - Recommend refusal on the basis of over-development, lack of amenity space and highway safety.

5.2 Herefordshire Trail Committee - Concerned about the fences to be erected either side of the public footpath which forms part of the Herefordshire Trail, and the opportunity for crime.

5.3 Twenty letters of objection have been received from local residents. 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 four -storey element of the proposal is overpowering.

8. The proposal is a missed opportunity to make a positive impact.

9. Concerns about drainage.

5.4 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. There is no fundamental objection to this in terms of planning policy and the height of parts of the proposal does, reflect that of the mill to the south.
- 6.3 In order to try and address the previous reason for refusal the applicant's agent has significantly increased the spacing between the blocks of development and reduced the height of the central block to two storey. It was this aspect of the previous scheme that had particularly given rise to concerns regarding the dominance of the development on the residential amenity of dwellings located on Pinsley Road. In order to ensure that the development remains viable the compromise for this is to introduce a four storey element to the north of the site, backing onto the Scout hut. In your Officer's opinion this is an acceptable compromise as it does lead to a significant reduction in impact on the dwellings on Pinsley Mill. The increased spacing between the three built elements on the site considerably reduces the perception of a continuous line of development and, due to its position at the northern end of the site, the four storey part does not appear to be unduly dominant nor does it impact upon the residential amenity of any dwellings. Its impact on the Scout hut is negligible given that it does not have any significant outside space or windows facing onto the application site.
- 6.4 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.
- 6.5 In conclusion, the proposal is a logical response to the constraints of the site and the previous reason for refusal. It is of an appropriate scale and mass in relation to its surroundings and does not appear to be dominating of the nearby residential dwellings. It is therefore considered to accord with policies DR1 and H13.

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 its position has influenced the location of the acoustic fence on the boundary with the railway line. As a result the footpath provides an ideal opportunity to encourage future residents to walk rather than use private motor vehicles. The reduction in height of the fence between the site and footpath is a matter that can be dealt with by condition, as is the re-surfacing of the footpath. 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 previously caused the greatest degree of overlooking has been omitted from this scheme. 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. 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 and the spacing between each of the buildings comprising the proposal will ensure that it does 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 detailed 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 proposal addresses the reason given in the refusal of the earlier application and is considered to accord with the adopted policies of the Unitary Development Plan. The application is recommended for approval.

RECOMMENDATION

That planning permission be granted 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. **B07 (Section 106 Agreement)**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

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. **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.

8. 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.

9. 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.

10. I51 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

11. 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.

12. H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

13. 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.

14. 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.

15. L02 (No surface water to connect to public system)

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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

16. L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 17. Notwithstanding the plans hereby approved, the details of the fence between the site and the public footpath shall be submitted to and agreed in writing by the local planning authority, prior to the commencement of development. The development shall be carried out in accordance with the approved details and the works completed, before any of the apartments hereby approved are first occupied.

Reason: To ensure that the public right of way is protected in accordance with Policy T6 of the 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
- 7. HN28 - Highways Design Guide and Specification

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

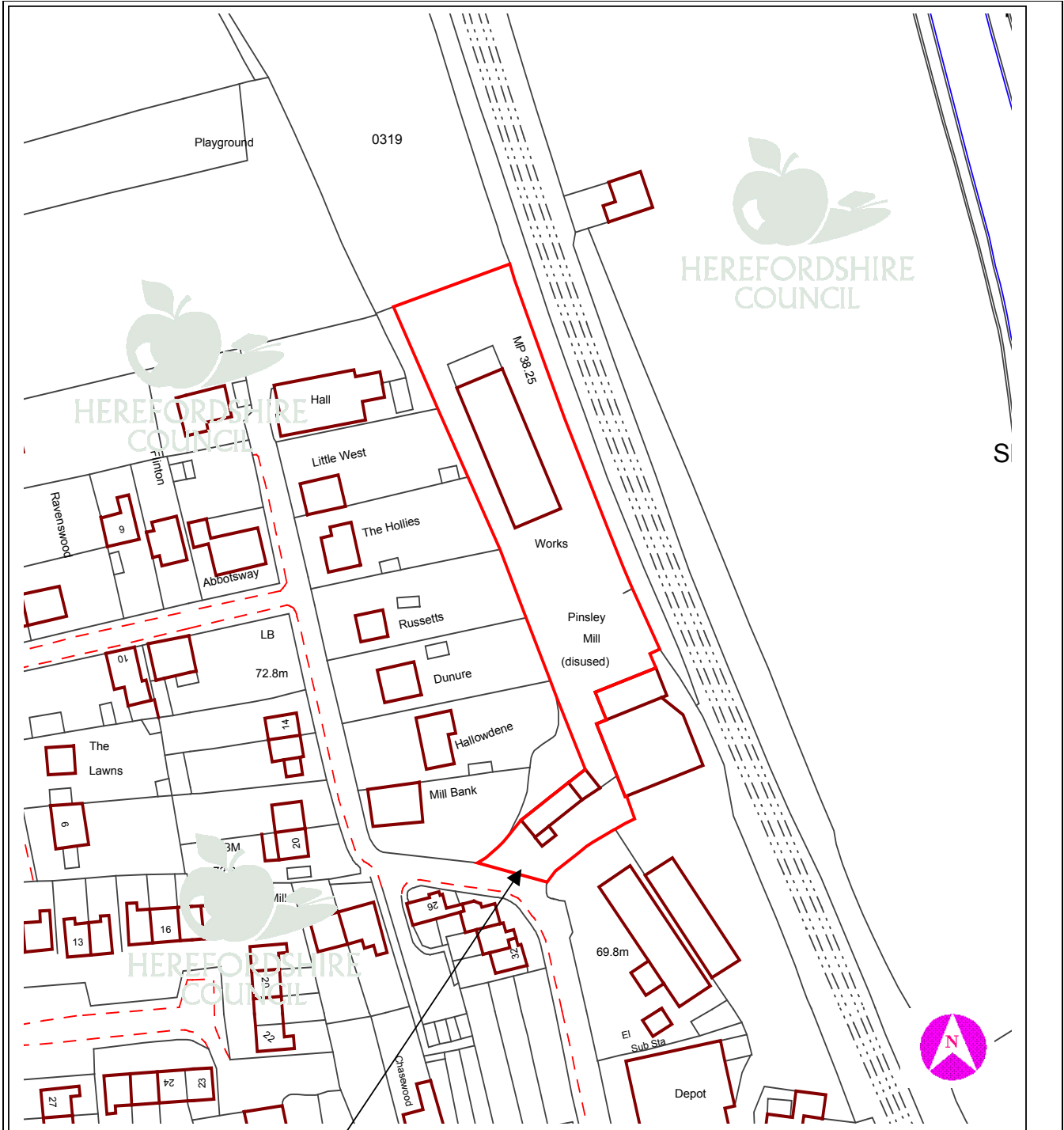
APPENDIX

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990
Planning Application – DCNC2008/1824/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 £25,831 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. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of £980 to be used towards the cost of maintaining and enforcing the Section 106 Agreement.
6. In the event that Herefordshire Council does not for any reason use the said sums of Clauses 1, 2, 4 or 5 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.
7. 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.



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APPLICATION NO: DCNC2008/1824/O

SCALE : 1 : 1250

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

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