

- 14 NW2003/0703/F & NW2003/0704/L - CONSTRUCTION
15 OF 11 NEW DWELLINGS & CONVERSION/EXTENSION
OF MILL INTO 4 APARTMENTS.
&
16 NW2003/1984/L -DEMOLITION OF RENDERED
EXTENSION.**

**AT THE FORMER D.G. GAMES SITE, THE OLD MILL,
WEOBLEY, HEREFORDSHIRE, HR4 8SH**

**For: Kingsmead Trust per Mr N La Barre, 38 South
Street, Leominster, Herefordshire, HR6 8JG**

**Date Received:
4th March 2003**

**Ward:
Weobley**

**Grid Ref:
40263, 51472**

**Expiry Date:
29th April 2003**

Local Member: Councillor J. Goodwin

Introduction

This joint report was deferred by Members at the Northern Area Planning Sub-Committee on 17 December 2003 primarily in view of concerns relating to the following issues :

- a) the overall design quality of the proposed development including a request for more detailed illustrative information;
- b) further consideration of the conversion and refurbishment of the existing extension to the Mill and;
- c) to request an additional financial contribution in respect of children's recreation provision.

It is advised that two artist impressions have been submitted showing the site in views from the Olde Salutation Inn to the east and from Back Lane to the north. These show the important frontage of the cottages and the Mill with its replacement extension. Furthermore, discussions with the applicant have secured an agreement to an additional financial contribution in lieu of children's recreational space. This would now be a total of £9,400 alongside the £15,000 in respect of educational provision in Weobley.

The attached report has been updated to address the concerns raised by Members and to incorporate the additional conditions reported at the meeting in December.

UPDATED REPORT**1. Site Description and Proposal**

- 1.1 The application site comprises a 0.36 hectare plot, which occupies a very prominent and elevated location within the Weobley Conservation Area and immediately adjacent to Back Lane and Mill Bank. The site is primarily characterised by large areas of concrete hardstanding upon which stands two steel framed buildings and a concrete block storage building. The south west corner of the site next to the existing access is dominated by the four storey Grade II listed former corn Mill which has a later three storey warehouse extension.
- 1.2 The site was until recently occupied by DG Games and used for the sale of agricultural implements and machinery.
- 1.3 The prevailing character of the area is generally residential with some commercial uses, a listed terrace (Mill Bank Cottages) to the south, older detached properties to the west, modern infill development to the north and the car park associated with The Olde Salutation Inn to the east. To the south east of the site are the remains of Weobley Castle, a Scheduled Ancient Monument, the presence of which is acknowledged by the designation of the site and surrounding area within the Historic Core of Weobley. The site is within the defined settlement boundary for the village but is also designated as an Area of Great Landscape Value.
- 1.4 Access is currently derived from the two points immediately next to the listed mill and adjacent to the sites eastern boundary with The Olde Salutation Inn. Levels on site rise gently away from the northern and western boundaries to a high point at the southern end of the site to the rear of the gardens serving Mill Bank Cottages.
- 1.5 Another noticeable feature on site is a culverted watercourse which runs through the site in a northerly direction.
- 1.6 Planning permission and listed building consent is sought for the demolition of the existing modern buildings on site and the later extension to the listed Mill and its conversion and extension to provide 4 apartments together with the redevelopment of the remainder of the site for a total of 11 dwellings, a terrace of 3 dwellings (Plots 1 - 3), and 4 semi-detached units (Plots 4 -11). A new access road utilising the existing principal access into the site is proposed with garaging and screened communal parking together with hard and soft landscaping. A new pedestrian footpath would skirt along the northern and western boundaries of the site with 2 private pedestrian entrances serving Plots 1 - 5.
- 1.7 The application is accompanied by a Design Statement, Archaeological Evaluation and an Ecology Survey, relating to bats and birds.

2. Policies**PPG 3 – Housing****PPG 15 – Planning and the Historic Environment****Hereford & Worcester County Structure Plan**

Policy H15 Location of Growth

Policy CTC 2 Areas of Great Landscape Value

Policy CTC 3 Nature Conservation

Policy CTC 5	Archaeology
Policy CTC 9	Development Requirements
Policy CTC 13	Conversion of Buildings
Policy CTC 15	Conservation Areas
Policy CTC 18	Development in Urban Areas

Leominster District Local Plan (Herefordshire)

Policy A1	Managing The District's Assets And Resources
Policy A2(B)	Settlement Hierarchy
Policy A5	Sites Supporting A Statutorily Protected Species
Policy A9	Safeguarding The Rural Landscape
Policy A12	New Development And Landscape Schemes
Policy A14	Safeguarding The Quality Of Water Resources
Policy A16	Foul Drainage
Policy A17	Contaminated Land
Policy A18	Listed Buildings And Their Settings
Policy A21	Development Within Conservation Areas
Policy A22	Ancient Monuments And Archaeological Sites
Policy A23	Creating Identity And An Attractive Built Environment
Policy A24	Scale And Character Of Development
Policy A29	Loss Of Employment Sites Outside Industrial Estates
Policy A30	Redevelopment Of Employment Sites To Alternative Uses
Policy A49	Affordable Housing On Larger Housing Sites
Policy A54	Protection Of Residential Amenity
Policy A55	Design And Layout Of Housing Development
Policy A64	Open Space Standards For New Residential Development
Policy A65	Compliance With Open Space Standards
Policy A70	Accommodating Traffic From Development
Policy A73	Parking Standards And Conservation
Proposal WEO.2	– Historic Core, Weobley

Herefordshire Unitary Development Plan (Deposit Draft)

Policy S1	Sustainable Development
Policy S2	Development Requirement
Policy S3	Housing
Policy S6	Transport
Policy S7	Natural and Historic Heritage
Policy DR1	Design
Policy DR2	Land Use & Activity
Policy DR3	Movement
Policy DR4	Environment
Policy DR5	Planning Obligations
Policy DR10	Contaminated Land
Policy H4	Main Villages : Settlement Boundaries
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 H19	Open Space Requirements
Policy E5	Safeguarding Employment Land and Buildings
Policy T11	Parking Provision
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA6	Landscape Schemes

Policy NC1	Nature Conservation and Development
Policy NC5	European and Nationally Protected Species
Policy HBA1	Alterations and Extensions to Listed Buildings
Policy HBA2	Demolition of Listed Buildings
Policy HBA 4	Setting of Listed Buildings
Policy HBA 6	New Development Within Conservation Areas
Policy ARCH 1	Archaeological Assessments and Field Evaluations
Policy ARCH 3	Scheduled Ancient Monuments
Policy ARCH 6	Recording of Archaeological Remains

Supplementary Planning Guidance : The Provision of Affordable Housing

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raise no objection subject to conditions in respect of investigating for contamination of the site and foul and surface water drainage.
- 4.2 Welsh Water raise no objection subject to conditions relating to the control of foul and surface water discharges from the site.
- 4.3 English Heritage raise no objection to the demolition of the rendered extension and the conversion/extension of the Grade II listed Mill building. No objection has been raised with respect to the principle of the new residential development and the Mill extension subject to careful control over the detailed design.
- 4.4 Ancient Monument Society raise no specific objection and the proposed conservation of the site is welcomed. Specific comments include support for the reinstatement of the original roof profiles, the retention of important internal features and iron casements and the control of conversion to ensure that it takes place contiguously with the development of the rest of the site.
- 4.5 Society for the Protection of Ancient Buildings raise no objection.
- 4.6 Council for British Archaeology raise no objection subject to the recording of the building for archival purposes.

Internal Council Advice

- 4.7 Head of Engineering and Transportation raises no objection subject to conditions relating to provision and retention of visibility at the junction with Mill Bank, provision of parking as proposed, retention of only one vehicular access to the site and the provision of the footpath link into the site.
- 4.8 Chief Conservation Officer raises no objection to the proposals in terms of works to the listed building and within the Weobley Conservation Area, the archaeological importance of the site, the ecological issues arising from the development of the site and the landscaping implications. A number of conditions are suggested and will be referred to in the officers appraisal and recommendation.

- 4.9 Chief Forward Planning Officer raises no objection in principle subject to agreement that the existing site has a negative impact although concern is raised at the lack of affordable housing which does not accord with thresholds set out in the Herefordshire UDP.

5. Representations

NW2003/0703/F (Initial Consultation)

- 5.1 A total of 18 letters of objection were received in response to the first consultation exercise from the following persons:

Mrs. S.L. Gale, Bryn Melyn, Weobley (2 letters)
Sargeants Brothers Ltd, Mill Street, Kington
Messrs Price, Newnett, Kington Road, Weobley
Gale Dyer, 3 Millbank Cottages, Weobley
Dr. M.J. Simon, Mill House, Weobley
J.B. Davies, Silver Birches, Back Lane, Weobley
Beth Davies, 4 Mill Bank Cottage, Weobley
G.E. Moorcroft, Littlebrook Cottage, Market Pitch, Weobley
Mrs. S.R. Williams, Marlbrook House, Weobley
M. Perkins, 4 The Berkeleys, Fetcham, Surrey
Mrs. S.C. Giles, The Old Forge, Mill Bank, Weobley
Mr. Giles, The Old Forge, Mill Bank, Weobley
Miss BJ Gross, 4c Timberdown, Wick, Pershore
C.E.D. Williams, Marlbrook House, Weobley
Miss L.M. Williams, Marlbrook House, Weobley
Russell Williams, Marlbrook House, Weobley
P. Hollenburg, Richmond, Weobley

NW2003/0704/L (Initial Consultation)

- 5.2 A total of 4 letters of objection were received in response to the first consultation exercise from the following persons:

Mrs. S.L. Gale, Bryn Melyn, Weobley
M. Perkins, 4 The Berkeleys, Fetcham, Surrey
Mr. Giles, The Old Forge, Mill Bank, Weobley
Mrs. S.C. Giles, The Old Forge, Mill Bank, Weobley

NW2003/1984/L

- 5.3 One letter of objection has been received in response to this application from Mr. Giles, The Old Forge, Mill Bank, Weobley.

- 5.4 The concerns raised can be summarised as follows :

- traffic calming and speed restrictions required
- additional house will create more danger on the roads
- additional car parking required
- access opposite our property is dangerous
- vehicles parked on roadside create problems for bus service
- development should provide sufficient parking

- construction vehicles should be contained on site
- houses not in-keeping, a disgraceful eyesore
- insufficient capacity to deal with more cars in the village
- poor visibility at the access
- loss of privacy through conversion of the mill
- fewer dwellings would be more appropriate
- play space welcomed
- dwellings should be 'black and white' designs
- scheme too overpowering
- additional parking on site required (2.5 spaces per dwelling)
- loss of openness on site harmful to character of area
- greater set back of dwellings needed
- part timber-framing should be incorporated into design
- mill stream an attractive feature
- height of house will block light out
- wishing well will be a magnet for youngsters
- increase in noise associated with residential occupation
- loss of light/privacy
- designs are those expected on an urban estate
- loss of views of existing mature trees and Castle Green
- potential impact on owls and bats
- concern regarding treatment of surface water
- terrace too close to roadside-visually oppressive
- access not in accordance with Highway Standards
- pond feature should be created at front of site to benefit the village
- no garden space provided with housing
- density of development too high
- site should be reduced in level down to existing road height

5.5 In addition to the individual responses, a signed petition with 47 signatures was submitted opposing the development on the grounds that it would create additional traffic problems and be out of keeping with the black and white character of the village.

5.6 Further to the initial consultation, two revisions to the proposal have been the subject of further consultation. The consultations on the revised plans have generated a further 21 responses from :

Mr. Giles, The Old Forge, Mill Bank, Weobley (3 letters)
Mrs. B. Havard, Bell Meadow, Weobley (2 letters)
Mrs. S.R. Williams, Marlbrook House, Weobley (2 letters)
Dr. M.J. Simon, Mill House, Weobley (2 letters)
C.E.D. Williams, Marlbrook House, Weobley (2 letters)
Russell Williams, Marlbrook House, Weobley (2 letters)
M. Perkins, 4 The Berkeleys, Fetcham, Surrey
Louise Pope and Phillip Harrison, Daisy Bank, Weobley (2 letters)
Mrs. G. Dyer, 3 Millbank Cottages, Weobley
Miss. L.M. Williams, Marlbrook House, Weobley (2 letters)
Mrs. L.M. Hamer, 4 Portland Street, Weobley
Mrs. S.L. Gale, Bryn Melyn, Weobley

5.7 The concerns raised reiterate those made previously and are summarised above.

5.8 A response has been received from the Steering Committee of Weobley Parish Plan. The concerns raised are as follows :

- concern over loss of open space and general amenity
- increased pressure for on-street parking and associated danger to pedestrians, cars and buses
- building character out of keeping with the village
- lack of affordable housing

5.9 Weobley Parish Council comment as follows on the revised scheme :

- setting back of housing and the pavement are welcomed
- design and layout of development unsympathetic
- development at the former primary school should not be repeated
- materials should blend in
- extension to Mill building does not complement the original building
- concern regarding lack of parking on site. Open parking spaces rather than garages would be more acceptable
- could the pavement be extended beyond to site across the front of The Salvation Inn
- what provision is made for street lighting
- stream should be exposed
- point of access is unsafe in view of lack of visibility and speed of traffic

5.10 A further letter received from Mr. Harrison of Dell Cottage, Weobley was reported, which stressed serious concerns in respect of pedestrian safety and the street lighting required in respect of the proposed footway.

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

6. Officers Appraisal

6.1 The proposed development of this site is the subject of separate applications dealing with the demolition of a later extension to the Grade II listed Mill, the demolition of modern outbuildings associated with the previously commercial use of the site, the works associated with the conversion and new extension of the listed Mill into 4 no. apartments (three 3 bed units and one 2 bed unit) and the development of the remainder of the site with a total of 11 dwellings (two 2 bed units and nine 3 bed units).

6.2 These applications have been the subject of lengthy discussions and remains highly sensitive and controversial, a situation clearly evidenced by the continuing number of local objections to the proposed development. The concerns raised cover a diverse range of issues but in broad summary the main issues for consideration in the determination of these applications are as follows :

- a) the principle of residential development including the loss of an existing employment site;
- b) the impact of the proposal upon the character, appearance and setting of the Weobley Conservation Area, the listed Mill and adjacent listed buildings;

- c) the impact of the proposal upon the sensitive archaeological constraints of the site (within the Historic Core and adjacent to the Scheduled Ancient Monument);
- d) ecological issues;
- e) highway safety and access issues;
- f) the impact of the proposal upon the amenities of neighbouring occupiers;
- g) non-provision of affordable housing and equipped children's play space and;
- h) drainage issues.

Principle of Residential Development

- 6.3 Policy A2(B) of the Leominster District Local Plan (Herefordshire) establishes that small scale development will be permitted within the defined settlement boundary although at the outset it must be recognised that in addition to the plethora of conservation and amenity related issues that are set out below, Policy A29 of the Local Plan does seek to protect existing employment sites subject to criteria.
- 6.4 In this case it is considered that the general appearance and historic use of the site for the sale and display of agricultural plant and machinery and the modern outbuildings in particular adversely affect the character, appearance and setting of the Grade II listed Mill and the Weobley Conservation Area. Furthermore, whilst the commercial activities associated with the site have now ceased it would have the potential to cause significant harm to residential amenity as well as traffic and access related problems.
- 6.5 The combination of these factors is such that potential enhancement of the site and local environment have been given greater weight than the retention of the site in employment use. It is considered that this represents the general consensus locally and as such no objection is raised to the broad principle of residential redevelopment.

Character, Appearance and Setting of the Conservation Area, Listed Mill and Adjacent Listed Buildings

- 6.6 The sensitivity of this site is clearly recognised and it is advised that the lengthy negotiations that have taken place with the applicant have focussed primarily on the need to preserve and enhance the Conservation Area and respect the setting of the Mill and the historic buildings around the site. Particular care has been taken with regard to the scale, design and siting of Plots 1-5 which front onto the road, since these will inevitably be the most prominent.
- 6.7 The height of these dwellings would now vary between 7 metres and 7.5 metres compared to the 8 metre to 8.5 metre height that was originally submitted. In addition to this reduction in scale, a set back of some 6-7 metres has been achieved from the front elevations of Plots 1-5 and the edge of the application site in recognition of its elevated nature and the desire to reduce the potentially over bearing effect upon the streetscene.
- 6.8 The proposed choice of materials which would introduce painted brick and roughcast render will serve to further reduce the visual impact of the development. It is advised that whilst these materials are characteristic of the Conservation Area in general, they

will also enable the red brick of the Mill and the exposed timber framing of the buildings adjacent to the site to remain visually dominant.

- 6.9 The conversion and extension of the listed Mill to provide 4 apartments would facilitate the enhancement of the building by re-instating the roof and removing the existing bulky rendered extension. The internal arrangements are such that the Mill itself will accommodate an open-plan kitchen and living room preserving this intrinsic element of its character whilst the bedrooms and bathrooms would be housed in the extension attached to the Mill by a recessed link enclosing the stairwell. The design of the extension itself seeks to complement the proportions of the Mill and again would utilise render in order for the red brick of the listed building to remain visually dominant in wider views of the site. In specific response to the concerns raised by Members in respect of the merits of demolishing the later extension to the Mill the following comments are made. The originally submitted proposal did include the conversion of this structure but it was considered that since it is not intrinsically important to the architectural character of the historic Mill, its demolition was not objectionable in principle. English Heritage and the other Amenity Groups have raised no objection subject to the architectural recording of the building.
- 6.10 Furthermore, its replacement with a building of smaller footprint enabled the site layout to be improved with particular benefits in respect of the siting of the plots fronting the main road. It also enabled a re-planning of the internal arrangements of the historic Mill such that a totally open plan layout could be more effectively achieved.
- 6.11 It is maintained that whilst the importance of the Mill extension in terms of the character and appearance of the listed building and the wider Conservation Area is a matter of opinion, there would be no objection to the demolition as proposed given the general benefits set out above and the improved relationship with Mill Bank Cottages referred to the paragraphs 6.27 and 6.28 below.
- 6.12 The internal layout including Plots 6-11, the new access road, parking and garaging are less visually sensitive than the treatment of the plots fronting the road and the listed Mill but nonetheless they are important elements of the scheme as a whole. The scale and siting of Plots 6-11 are such that as much of the open setting of the Mill is preserved by locating the dwellings as close to the site margins as possible and adopting a relatively simple and modest cottage type design incorporating dormers. The mature landscaping associated with Castle Green to the south and east of the application site would still be appreciated over the ridges of Plots 6-9 and the soft landscaping proposals adjacent to the new access road would serve to enhance views into the site from the junction with Mill Bank.
- 6.13 The site layout incorporates a combination of garage buildings and communal open car parking and the intention in this case has been to limit views of the car parking areas by the considered positioning of garage blocks and soft landscaping again preserving the setting of the Mill and the wider character and appearance of the Conservation Area.
- 6.14 In overall terms it is maintained that the redevelopment of this site represents an opportunity to enhance the village and whilst certain elements such as the opening up of the culverted stream have not been incorporated into the revised proposal due to concerns on behalf of the applicant in respect of health and safety and the prohibitive cost of public liability insurance cover, the scheme in its revised form will preserve the character and appearance of this historically sensitive part of Weobley in accordance with adopted development policy.

Archaeological Constraints/Historic Core of Weobley

- 6.15 The archaeological sensitivity of the site was established prior to the submission of the application, which was accordingly accompanied by an Archaeological Evaluation carried out by Archaeological Investigations Ltd. The advice from the Chief Conservation Officer based upon the findings of the excavation work is that there would be no objection of the development as proposed subject to a condition requiring the recording of any artefacts uncovered during the course of construction.

Ecology

- 6.16 The potential presence of bats and protected bird species was identified as a result of responses from local residents and accordingly an ecological appraisal was requested. The findings of the report indicate that the Mill is unlikely to support a bat roost although recommends that the development could incorporate measures to facilitate roosting and furthermore recommends that artificial swallow and housemartin nests are incorporated into the development and that the timing of works on the Mill should be so as to avoid the nesting season.
- 6.17 These issues could be covered by an appropriately worded condition.

Highway Safety and Access

- 6.18 It is clear from many of the objections raised that vehicular access to and from the site is a serious cause for concern. The proposal seeks to improve the existing access adjacent to the Mill by widening it and pulling it further away from the flank elevation of the building. It is advised that the resulting junction with Mill Bank would provide an acceptable level of visibility to the north and south having regard to the scale of the residential development proposed.
- 6.19 In addition to the above it should be recognised that the nature and extent of vehicular activity associated with this residential proposal would generally be less problematic than the continuing use of the site for commercial purposes which could attract larger vehicles that could not necessarily be controlled by planning legislation.
- 6.20 The other vehicular access adjacent to the boundary with The Salutation Inn would be permanently closed.
- 6.21 Throughout negotiations on this proposal concern has been raised in respect of the pedestrian footway skirting the site and the provision of private pedestrian access to Plots 1-5. A new 1.8 metre wide footway would be provided that in itself would improve pedestrian access to the village centre and the revised plans show the stepped and ramped private access points positioned at the margins of the site so as to limit the opportunity for nuisance parking in the highway. Consideration has been given to the extension of the footway beyond the application site but it has been concluded that there is no justification for this and furthermore that landownership and the limited width of the existing vehicular carriageway would make this impractical to achieve.
- 6.22 Concern has also been raised in respect of the level of parking proposed. In its revised form the development achieves a total of 2 parking spaces per dwelling which satisfies the adopted parking standards for two and three bedroom units. It is not therefore considered that there would be any grounds for refusal on this issue.

6.23 In conclusion, the Head of Engineering and Transportation has been involved closely throughout the negotiations that have taken place on this proposal and no objection has been raised in respect of the access, parking and highway safety issues associated with the development.

Neighbouring Amenity

6.24 In principle the re-use of this commercial site for residential purposes would stand to enhance the residential environment in the immediate vicinity of the site but the introduction of dwellings clearly brings with it the potential for overlooking and loss of privacy, daylight and sunlight.

6.25 In this respect the setting back of Plots 1 and 5 and the reduction in the height of the dwellings has significantly improved the relationship of the development to adjacent properties. A minimum distance of approximately 15 metres between Plots 1-5 and the nearest existing dwelling has been achieved and is considered appropriate in the context of the site.

6.26 It is acknowledged that the re-instatement of the pitched roof and the listed Mill would make the building approximately 3 metres taller than the existing although this additional height would be contained within a roof that would pitch away from Mill Cottage to the west and as such it is not considered that there would be any significantly harmful overbearing effect on this property.

6.27 The relationship of the Mill and its extension to Mill Bank Cottages to the south has been given specific consideration. Again, the additional height would not have a significant effect on the occupiers since it would be in the form of a pitched roof. It is considered that the demolition of the existing 10 metre high extension to the Mill would represent a significant enhancement to these properties in view of its proximity to the rear gardens. The proposed extension whilst taller at 11 metres would be some 2.2 metres away from the common boundary and would only project approximately 9 metres from the rear elevation of the Mill rather than the 13 metres of the existing extension.

6.28 In terms of privacy the south elevation of the proposed extension contains the same number of windows as the existing building and whilst overlooking into the rear gardens of Mill Bank Cottages will be possible from the bedrooms there would be no direct window to window relationship and certainly no greater impact than if the existing extension were converted into residential use or some other commercial use such as offices for example. In view of this existing relationship and the greater improvement made through negotiations, it is not considered that planning permission could be reasonably refused in respect of its impact on the occupiers of Mill Bank Cottages.

6.29 On a final point the balconies provided within the link between the Mill and its extension would be significantly recessed such that they would not materially affect the privacy of these residents.

Affordable Housing / Recreational Playspace

6.30 The site area and the proposed development for 15 dwellings is below the threshold for the provision of affordable housing that is established in Policy A49 of the Leominster District Local Plan (Herefordshire) and accordingly given the particular

costs and constraints associated with the development of the site it was not considered appropriate to secure any provision for affordable units.

- 6.31 It should be noted that the Herefordshire UDP establishes a much lower threshold requiring affordable housing provision on sites of 6 or more dwellings. Having regard to the limited weight that can be attached to the UDP at present, the lengthy negotiations that have taken place on this application it is not considered that it would be reasonable to insist upon affordable housing provision at this lower threshold.
- 6.32 On the issue of the provision of recreational open space, the difficulties associated with developing the site have resulted in a view being taken that an adequately equipped playspace cannot realistically be incorporated into the scheme. Accordingly, the developer has accepted the principle of a suitable payment in lieu of off-site provision to be paid, which would be secured by way of a Section 106 Agreement.
- 6.33 In addition to this a commuted sum would also be sought by legal agreement towards maintaining/enhancing educational facilities in Weobley.

Drainage

- 6.34 With regard to sewage disposal, a mains connection is proposed and it is indicated that the existing storm water facilities on site would be retained and used in connection with the residential development proposed. No objection to this approach has been raised by Welsh Water and the Environment Agency subject to appropriate conditions.

Conclusion

- 6.35 The appropriate redevelopment of the DG Games site represents a significant challenge and has involved lengthy discussions with the applicant which have sought to address local concerns from the outset of the public consultation process. The revised scheme as proposed seeks to balance a number of conflicting issues particularly those of development density, conservation and residential amenity and represents what is considered to be an acceptable balance of these issues that is consistent with currently adopted development plan policy and relevant Government guidance.
- 6.36 It should be noted that in addition to the Section 106 Agreement, if approved it would be necessary to refer the application relating to the partial demolition of the Grade II listed Mill (NW2003/1984/L) to the Office of the Deputy Prime Minister.

RECOMMENDATION

NW2003/0703/F

- 1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to provide :**
 - a) a financial contribution towards the provision of additional facilities at the local schools (£15,000)**
 - b) a financial contribution towards the maintenance/enhancement of existing recreational Playspace in the village (£9,400)**

2. Upon completion of the aforementioned planning obligation officers names 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 - A07 (Development in accordance with approved plans)
(drawing nos. 02638-19 Rev. B, 20 Rev. B, 21 Rev. B, 22, 23 Rev. A and 24 Rev. A)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4- B05 (Alterations made good)

Reason: To maintain the appearance of the building.

5 - C02 (Approval of details) (detailies of individual porches, details of the treatment of cills and window heads)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

6- C04 (Details of window and door sections, eaves, verges and barge boards)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

7 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

8 - C09 (External repointing)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

9 - C10 (Details of rooflights)

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of special architectural or historical interest.

10 - C11 (Specification of guttering and downpipes)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

11 - C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

12 - C19 (Commencement condition)

Reason: In order to ensure compliance with Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

14 - E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

15 - E16 (Removal of permitted development rights)

Reason: To safeguard the character, appearance and setting of the development and in the interests of local amenity.

16 - E18 (No new windows in specified elevation) (west elevation of Plot 11)

Reason: In order to protect the residential amenity of adjacent properties.

17 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

18 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

19 - Development shall not commence until a scheme to deal with the potential contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a full assessment to identify the extent of contamination and the measures to be taken to avoid risk to the buildings/environment. The measures approved in the scheme shall be fully implemented before the commencement of development.

Reason: To ensure contamination of the site is removed or contained.

20 - F48 (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.

21 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

22 - G04 (Landscaping scheme) (hard and soft landscaping including the surfacing of the new access road)

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

23 - G05 (Implementation of landscaping scheme (general))

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

24 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

25 - Prior to the commencement of the conversion/extension of the Mill building, a mitigation strategy in respect of provision for bats and nesting swallows/housemartins together with the timing of building and conversion works shall be submitted to and approved in writing by the local planning authority. The approved strategy shall be fully implemented prior to the completion of the conversion/extension works.

Reason: To ensure that the nature conservation interest of the site is protected.

26 - The conversion and extension of the listed Mill as approved shall be carried out contiguously with the remainder of the development and shall be completed in accordance with the approved plans and elevations prior to the first occupation of any of the Plots 1-11 as shown on the approved plan.

Reason : To ensure that this important and integral element of the development is undertaken in a timely manner and to safeguard the character and appearance of the building.

27 - 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.

28 - H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

29 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

30 - F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 31 - Foul and surface water must be drained separately and no surface water shall be allowed to connect to the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Notes to applicant :

- 1 - HN01 - Mud on highway
- 2 - HN05 - Works within the highway
- 3 - HN08 - Section 38 Agreement details
- 4 - HN09 - Drainage details for Section 38
- 5 - HN10 - No drainage to discharge to highway
- 6 - N02 - Section 106 Obligation
- 7 - N13 - Control of demolition - Building Act 1984
- 8 - ND03 - Contact Address
- 9 - N15 - Reason(s) for the Grant of PP/LBC/CAC

NW2003/0704/L

That listed building 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- A07 (Development in accordance with approved plans)
(drawing nos. 02638-19 Rev. B, 20 Rev. B, 21 Rev. B, 22, 23 Rev. A and 24 Rev. A)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3- B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

- 4 - B05 (Alterations made good)

Reason: To maintain the appearance of the building.

- 5- C02 (Approval of details) (details of individual porches, details of the treatment of cills and window heads)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

- 6- C04 (Details of window and door sections, eaves, verges and barge boards)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

7- C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

8- C09 (External repointing)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

9- C10 (Details of rooflights)

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of special architectural or historical interest.

10- C11 (Specification of guttering and downpipes)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

11- C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

12- C19 (Commencement condition)

Reason: In order to ensure compliance with Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NW2003/1984/L

That:

- a) The intention to grant Listed Building Consent be notified to the Office of the Deputy Prime Minister**
- b) Subject to the Deputy Prime Minister confirming that he does not intend to call it in, Listed Building 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. C16 (Detailed scheme of demolition operations)

Reason: To minimise the risk of damage to the existing building.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.