

Application No: 2010/286

Application Type: Full

Proposal: Change of use from Commercial Offices to 32 Apartments, re-configuration of Office Accommodation and associated Leisure Facility.

Location: Wavell House
Holcombe Road
Helmshore
Haslingden

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date: 18 October 2010

Applicant: Middle Broughton Properties Ltd

Determination Expiry Date:
20 October 2010

Agent: John Holt Architects Ltd

REASON FOR REPORTING

Tick Box

Member Call-In

Name of Member:

Reason for Call-In:

More than 3 objections received

Other (please state) **MAJOR**

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

APPLICATION DETAILS

1. SITE

The application relates to a site of approximately 0.3ha in area that is located to the west side of Holcombe Road (B6235) and straddles Park Road.

The main part of the site lies to the south side of Park Road and is occupied by a building with a floorspace of approximately 2,000 sq m that was formerly occupied by Airtours PLC as office accommodation. This substantial U-shaped building is setback from Holcombe Road by 40m and forms part of an extensive complex of commercial properties in the area.

The building appears 3-storeys high to the front and 2 storeys high to the rear. It is of stone/brick construction, under a slated roof, with a large amount of glazing in its various elevations. Whilst the building faces towards Holcombe Road, the courtyard fronting it takes access from Park Road, and is laid out as a car park, with gatehouse. To the rear of the building and on the opposite side of Park Road are other parking areas.

The application building is attached to another commercial building that extends to the south. To the north side of the application building the land falls away to a roadway, immediately beyond which is a pair of stone and slate houses, one of which is screened from the application site by a tall conifer hedge; the westerly house has no screening. To the rear of the site the land rises up, screened by mature trees from the open fields beyond.

The site forms part of an employment area that lies within the Urban Boundary of Haslingden, the open land to its rear within the Countryside.

2. RELEVANT PLANNING HISTORY

2009/0631 Change of use from Commercial Offices to provide 32 Apartments, re-configuration of Office Accommodation and associated Leisure Facility
Withdrawn.

3. THE PROPOSAL

The applicant seeks planning permission to convert the building into 32 apartments, 5 individual office units, with an associated leisure facility.

- In amplification :
Existing ground floor office space in the south east corner of the building is to be re-configured into 5 office units to be accessed from the courtyard to the front.
- A greater part of the existing office space is to be formed into 22 1-bed and 10 2-bed Apartments. Of those 32 units, 10 would be affordable (3 of 2-bedrooms and 7 of 1-bedrooms), pepper potted throughout; this equates to an on-site affordable housing provision of 31%.
- The gym is proposed in the south west of the building at ground floor level (ie between the Office Suites and Apartments) for use by employees and residents of the development.
- The building is said to be no more than 30 years old. Having been constructed as open-plan offices significant internal works are required to sub-divide it and provide the necessary services. The principal external alterations to the building

being proposed are provision of : various projecting boxes at upper levels clad with weatherboarding; some stainless-steel mesh panels to allow for planting climbers; various floor-to-ceiling openings with Juliet balconies; and solar panels on the rear roof plane. This will give the building a more contemporary appearance and form openings in-keeping with resident expectations.

- To meet the needs of office workers, residents and their visitors a total of 41 car parking spaces would be provided within the site - 8 to the front, 33 to the rear and 14 on the opposite side of Park Road - with additional facilities for motorcycles and cycles.
- The existing gatehouse to the front would be demolished and replaced a bin storage facility with 3 stone sides and a slated pitched roof .
- Landscaping would comprise a mix of soft planting and stone sett paving within the courtyard, with new planting beds provided within the parking areas to the front and rear.

Besides the Affordable Housing Offer, the Applicant has indicated that they are willing to enter into a S.106 Obligation providing an Open Space/Play Space Contribution of £35,000 and a Transport Contribution of £44,000. This is said to be equal to 80% of the figures required to fully comply with the Council's Open Space & Play Equipment Contributions SPD and the LCC Planning Obligations Policy. However, to offer more would make the scheme unviable.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
 PPS3 Housing
 PPS4 Economic Development
 PPG13 Transport
 PPS22 Renewable Energy
 PPS 25 Flood Risk

Development Plan

Rossendale District Local Plan (1995)

DS1 Urban Boundary
 DC1 Development Criteria
 DC4 Materials

Other Material Planning Considerations

RSS for the North West & Evidence Base
 LCC Planning Obligations in Lancashire
 LCC Parking Standards
 RBC Emerging Core Strategy (2009)
 RBC Open Space & Play Equipment Contributions SPD (2008)
 RBC Housing Policy Statement (May 2010)
 RBC Strategic Housing Land Availability Assessment (2009)
 RBC Strategic Housing Market Assessment (2009)
 RBC Affordable Housing Economic Viability Assessment (2010)

5. CONSULTATION RESPONSES

RBC (Environmental Health)

No comments received

LCC (Highways)

No objection in principle subject to: the making of a new Traffic Regulation Order amending waiting restrictions in the vicinity of the junction of Holcombe Road/Park Road; conditions/revised details in respect of footways within the site the height of walls/planting so as not to obstruct sight lines.

LCC (Planning Contributions)

In accordance with the LCC Planning Obligations Policy, it requests Financial Contributions be sought from the Applicant in respect of Public Transport and Waste Management (£15,360).

LCC (Ecology)

Development must avoid harm to any bats which may be making use of the building.

Environment Agency

No objection.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 07/08/10, four site notices were posted on 03/08/10 and 38 neighbours were notified by letter. on 29/07/10 and an additional neighbour on 03/08/2010.

No responses have been received.

7. ASSESSMENT

In dealing with this application the main issues which need to be considered are:

- 1) Principle
- 2) Employment
- 3) Housing Policy
- 4) Visual Amenity
- 5) Neighbour Amenity
- 6) Traffic/Parking
- 7) Financial Contributions

1) Principle

The application site is located within the Urban Boundary where the Council seek to locate most new development, and constitutes previously developed land. The application is therefore considered acceptable in principle.

Though vacant for some years, the lawful use of the building/land is for employment purposes. It is therefore necessary to assess whether the loss of employment building/land resulting from this proposal, and any other harms, are outweighed by the proposed Affordable Housing and any other benefits that will accrue. These matters are addressed below.

Having regard to the out-of-town-centre location of the site the proposed gym needs to be restricted to use by employees and residents.

2) Employment

The Applicant has marketed the property for commercial use since September 2008 without securing a tenant/purchaser for employment purposes and there is little prospect of finding an occupier for such a large open-plan office building.

Nathaniel Lichfield has recently undertaken for the Council an Employment Land Study for the Borough. With respect to the nearby former Airtours site to the east of Holcombe Road it states that it has limited market attractiveness for employment uses, not least by reason of its location/connection with the motorway network. However, the study does highlight a demand for small-scale office units in Rossendale.

Taking into consideration the lack of demand for such a large commercial building for single occupancy I do not consider that refusal of the application for this reason could be substantiated. It tells in favour of the proposal that the Applicant intends to re-configure some of the space into office units of a size for which there is a greater prospect of finding occupiers.

3) Housing Policy

The application site is located within the Urban Boundary of Haslingden, wherein the Council's Interim Housing Policy Statement (May 2010) indicates new residential development will be encouraged where the proposed development :

- uses existing buildings/previously developed land;
- makes an essential contribution to the supply of affordable housing and
- will be built at a density of between 30 and 50 dwellings per hectare.

The scheme proposed would use existing buildings/previously developed land and would result in the provision of dwellings at an appropriate density. The proportion of the dwelling units being proposed as Affordable Housing exceeds that required to accord with the Council's Interim Housing Policy. The Council's Regeneration Delivery Manager has advised that there is a local need for Affordable Units of the type proposed.

The IHPS also refers to the need for the applicant to demonstrate the loss of employment building/land to housing is appropriate - marketing would need to be carried out for a period of no less than 6 months. The Applicant has marketed the site for at least 12 months and I am satisfied that sufficient information has been provided to demonstrate that the conversion of the property into housing, whilst retaining some employment use is the most viable and beneficial option for this site.

The application is therefore considered acceptable with regards to Housing Policy.

4) Visual Amenity

The existing building is not of significant age and is not of great architectural merit. Whilst of substantial size, it is setback quite a long way from Holcombe Road.

I am satisfied that the external alterations proposed - which will give the building a more contemporary appearance - will not unduly detract from its appearance or the character and appearance of the area generally. Likewise, the works intended for the area in front of the building, and for the car park to the other side of Park Road, will enhance their appearance.

The scheme is considered acceptable in terms of visual amenity.

5) Neighbour Amenity

The principal concern about the proposal in relation to this issue is the relationship with the couple of houses on the north side.

There are windows in the elevation of the application building that faces towards the two residential properties, which are approximately 16m - 20 metres away, at a lower level, with an intervening mature *Ilex* hedge which acts as a (partial) screen. The existing windows are obscure-glazed. The proposal will result in some of these windows becoming clear-glazed and others elongated to run from floor-to-ceiling/with Juliet balconies. As proposed the hedge would be lost.

Subject to retention of the existing hedge, I am satisfied that a suitable balance can be struck between protecting the privacy of occupiers of these two houses and the need for the proposed apartments to have reasonable light/outlook. I am awaiting the receipt of amended drawings that address this matter satisfactorily. Accordingly, conditions are recommended to ensure the development does not proceed without resolution of this matter.

There are no residential properties to the east, west and south of the site. I am satisfied that no properties facing these elevations would be unduly affected by the proposal.

6) Traffic and Parking

The Highways Authority has no objection in principle subject to the Applicant funding the making of a new Traffic Regulation Order to amend waiting restrictions in the vicinity of the junction of Holcombe Road/Park Road and conditions/revised details in respect of footways within the site & the height of walls/planting so as not to obstruct sight lines.

7) Financial Contributions

To accord with the Council's own SPD and the LCC Planning Obligations Policy (which has been endorsed by this Council) the applicant should make a financial contribution of £43,712 towards Open Space/Play Space and £55,236 towards Public Transport. The Applicant has offered an 80% contribution to both. LCC has also requested a financial contribution towards waste management services, of £15,360.

The Applicant advises that to require a greater financial contribution than they propose would make the scheme unviable. They also state that the residential properties are 'studio apartments', rather than 'family homes'. As such the need for play areas will be significantly reduced. They state that significant storage areas have been allocated within the building for bicycle storage for residents and the properties will be marketed with employees of their own and adjoining commercial properties in the neighbourhood, thereby reducing dependency on other forms of transport.

Having regard to the offer of Affordable Housing in excess of that required by the Council's IHPS and subject to re-configuration of space to form the 5 Office Suites, I consider it appropriate that the applicants do not pay 100% of the stated contributions as long as there is a S.106 Obligation to ensure the scheme is delivered as Affordable Housing.

8. CONCLUSION

The loss of this existing employment site for a scheme consisting solely of housing may not be appropriate.

However, on balance, it is considered appropriate for permission to be granted to this mixed use scheme (on the basis of the financial contributions offered) as it proposes Affordable Housing in excess of that required by the Council's IHPS and will re-configure part of the building to form 5 Office Suites of a size for which there is demand.

9. SUMMARY REASON FOR APPROVAL

The site is located within the Urban Boundary of Haslingden and the proposal will secure the re-use of a large, vacant building with an appropriate mix of uses, including a significant number of Affordable Housing units and re-configuration of Office space into Office Suites of a size for which there is local demand. It is considered that the proposed development will not result in unacceptable detriment to visual & neighbour amenity, ecology or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1/ PPS3 / PPS4 / PPS9 / PPG13 / PPS25 , Policies DS1 / DC1 of the Rossendale District Local Plan, and the Council's Interim Housing Policy Statement (May 2010).

10. RECOMMENDATIONS

That the Committee be minded to approve the scheme subject to :

- a) Completion of S.106 Obligation to ensure that the Developer provides the Affordable Housing, financial contributions towards Open Space/Play Space and Public Transport Improvements referred to above, and funds the making of a Traffic Regulation Order & associated works.
- b) The following Conditions.

11. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
- 2 The leisure facility hereby approved shall be for private use for the occupants of the apartments and offices in the building only and shall at no time be made available for public use.
Reason: To safeguard the vitality and viability of nearby Town Centres and in the interests of residential amenity, highway safety, in accordance with PPS3/PPS4/PPG13 and Policy DC1 of the Rossendale District Local Plan.
- 3 The works to provide the 5 Office Suites shall be completed and be marketed prior to first occupation of any of the Residential Units (other than the Affordable Housing units), unless otherwise first agreed in writing by the Local Planning Authority.
Reason : The case has not been made for permitting the re-use of this employment site solely for housing, in accordance with PPS3 / PPS4, The Council's Emerging Core Strategy and approved Interim Housing Policy Statement (May 2010).
- 4 Prior to the commencement of development samples/details of the facing materials to be used in the elevations of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and shall not be varied without the prior written permission of the Local Planning Authority.
Reason : To ensure a satisfactory appearance to the development, to accord with Policy DC1 of the Rossendale District Local Plan.
- 5 Prior to the commencement of development details of the windows to be provided in the north elevation of the application building (including details of which windows are to be clear- & obscure-glazed, opening & non-opening) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and shall not be varied without the prior written permission of the Local Planning Authority.
Reason : To safeguard the amenities of residential neighbours, to accord with Policy DC1 of the Rossendale District Local Plan.
- 6 Notwithstanding the details submitted, prior to the commencement of development (including site clearance) a scheme of landscaping/ boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include : the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and the measures to be taken to protect them during construction of the development (including the existing hedge on the north side of the application building); siting, species and numbers/density of shrubs/trees to be planted; the areas to be hard-surfaced; the fences/walls/gates to be erected; and any changes of ground-level proposed.

Reason : *In the interests of visual & neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.*

- 7 All hard-landscaping/gates/walls/fences/gates in the approved scheme of landscaping/boundary treatment shall be implemented prior to first occupation of the dwellings, unless the Local Planning Authority gives written consent to any variation. All planting in the approved scheme of landscaping/boundary treatment shall be implemented in the first planting season thereafter, unless the Local Planning Authority gives written consent to any variation. Any trees or plants which within a period of five years of planting die, are removed or become diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives consent to any variation.

Reason : *In the interests of visual & neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.*

- 8 The bin-storage facilities and cycle store facilities shall be constructed, installed and completed, prior to first use of any part of the development hereby approved.

Reason : *In the interests of visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.*

- 9 Notwithstanding the details submitted, prior to the commencement of development full details of the surfacing, draining and marking out of the car parking/manoeuvring areas to be provided shall be submitted to and approved in writing by the Local Planning Authority. The apartments/offices hereby permitted shall not be occupied until the approved scheme has been implemented and the car parking/manoeuvring areas shall thereafter be kept freely available for use as such.

Reason : *In the interests of highway safety, in accordance with Policy DC1 of the Rossendale District Local plan.*

- 10 The development shall proceed in full accordance with the Recommendations of the submitted Bat Survey of Martin Prescott Environmental Services (dated 31/8/10), unless a variation is first agreed in writing by the Local Planning Authority.

Reason : *In the interests of ecology, in accordance with PPS9 and Policy DC1 of the Rossendale District Local Plan.*

- 11 Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason : *To safeguard the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.*

Contact Officer	
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