

Application No: 2010/428

Application Type: FULL

Proposal: Internal & external alterations to partly-completed building to create 37 apartments, with 68 car parking spaces, bridge over Alden Brook, tree removal & landscaping

Location: Land off Free Lane, Helmshore

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date: 8th November 2010

Applicant: PJ Livesey (Helmshore) Ltd

Determination Expiry Date: 12 November 2010

Agent: Cassidy & Ashton Group Ltd

REASON FOR REPORTING

Tick Box

Member Call-In

Name of Member:
Reason for Call-In:

3 or more objections received

X

Other (please state)

X

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 0.6ha in area which is bounded to the east by Free Lane (B6214), the north by Sunny Bank Road, to the west by Holcombe Road (B6235), and to the south by residential properties (500 Holcombe Road & 551 Free Lane).

Holcombe Road and the residential properties on the south side are a considerably higher level than the application site. A belt of mature trees and the River Alden run within the site boundary close to the frontage to Sunny Bank Road; this belt of trees extends up to the junction of Sunny Bank Road/Free Lane and has been afforded the protection of a Tree Preservation Order.

In the centre of the site is to be seen the partially-constructed building permitted by Planning Permission 2003/25.

The site lies within the Urban Boundary of Haslingden, as designated in the Rossendale District Local Plan (1995); on the Proposals Map it was identified as a site for Residential Development. The site lies within a Flood Risk Area.

2. RELEVANT PLANNING HISTORY

2003/25

Erection of 30 Apartments

On 26/9/03 permission was granted on Appeal to Hurstwood Developments Ltd for the erection of a substantial building to possess parking on the ground floor, with 3 main floors of accommodation above and 1 additional apartment at fourth floor level. To accommodate the apartment block banking in the west and south sides was to be excavated.

To serve the 30 apartments 60 parking spaces were proposed (36 internal & 24 external). The old vehicular access to Free Lane was to be closed and a new access to Sunny Bank Lane formed, necessitating construction of a bridge over the River Alden and some loss of trees.

The permission also required off-site highway works to improve pedestrian/road safety and was accompanied by a S.106 Obligation requiring payment to the Council of £1,000 per apartment upon occupation of the tenth apartment, for expenditure on children's play equipment at Helmshore Park.

2008/276

Amended Elevational Treatment to Apartments

On 19/6/08 permission was granted for various elevational changes to the partially-constructed building which did not alter the number of apartments to be created.

Work on implementation of the approved scheme commenced several years ago but halted with the frame of the building and its floors and roof complete and the abutments to carry the bridge over the river in place.

3. THE PROPOSAL

The current application has been submitted by PJ Livesey (Helmshore) Ltd, who were not involved in the original development, and seeks permission to complete the development in an amended form. In short, it is now proposed that the building be completed without extension, but with internal sub-divisions that increases the number of apartments from 30 to 37 and with various external alterations.

Most notably :

Building Interior

Alterations at the Ground Floor level will create 2 1-bedroomed apartments (where the original scheme proposed large foyer areas) and enable the provision of 38 car parking spaces and secure cycle-lockers.

Alterations at the First and Second Floor levels will each create 2 additional apartments by in-filling part of the atria.

Alterations at Third Floor level will create 1 additional apartment by in-filling part of the atria.

Building Exterior

The Fourth Floor apartment will be provided with a small roof terrace facing towards Free Lane.

Additional/extended balconies to the Sunny Bank Road elevation to serve First and Second Floor apartments, with conversion of windows to doors to enable them to be accessed.

Grounds

Alteration of car park to provide 32 spaces.

Completion of the bridge in a position 4m from that approved in respect of the previous Permission, with loss of 3 trees.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
PPS3 Housing
PPG13 Transport
PPG17 Sport & Recreation
PPS25 Flood Risk

Development Plan

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria
DC3 Public Open Space
DC4 Materials

Other Material Planning Considerations

RSS (2008) & its Evidence Base
LCC Parking Standards
RBC Emerging Core Strategy (2010)
RBC Interim 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)
RBC Open Space & Play Equipment Contributions SPD (2008)

5. CONSULTATION RESPONSES

LCC (Highways)

No objection in principle. Requests S.106 Obligation to secure funding for a Traffic Regulation Order, and the associated works, that would introduce waiting restriction along Sunny Bank Road so that access along the road is maintained at all times to/from Helmsore Road, Sunny Bank Road, Sunny Bank Close and the development.

Environment Agency

No objection in principle subject to conditions to ensure :

1. the 1-bedroomed apartments on the bottom floor do not have a floor level lower than that indicated on the submitted drawings;
2. the bridge accords with the submitted details in relation to position/level;
3. the submission of a suitable scheme of planting/management of land alongside the Alden Brook; &
4. the submission of further details regarding levels on the external car park.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application has been publicised by way of a press notice on 9/9/10, site notices posted on 6/9/10 and letters sent to the relevant neighbours on 3/9/10.

The residents of 9 nearby properties have Objected for the following reasons :

- Infrastructure of the village cannot sustain more development
- This is an established area for mid to high-end properties and the new Developer wants cheaper units that will lower the area, the lower price may allow buy-to-let investors to rent out on short-term tenancies,
- Changes to windows will adversely affect privacy in their home and garden.
- Will add to risk of traffic accidents.
- Already suffer from thoughtless parking by non-residents in the vicinity of the Sunny Bank Road/Sunny Bank Close junction.
- Should be providing parking for 2 cars per apartment plus visitor parking.
- Bridge position now proposed is directly opposite their drive.
- The separate footbridge will spoil views of the brook and the metal railing which has been erected is not in-keeping.
- Removal of the trees / visual detriment arising from the external car park

7. PLANNING ISSUES

The main issues to be considered in the determination of this application are as follows:

- 1) Principle
- 2) Housing Policy
- 3) Visual Amenity
- 4) Neighbour Amenity
- 5) Open Space/Play Facilities
- 6) Access/Parking

Principle

The site lies within the Urban Boundary of Whitworth. It is located relatively near to Market Street, along which runs a 'quality' bus service. To this extent the site is in a sustainable location and the proposal accords with Policy DS1 of the Local Plan.

Housing Policy

The application site is located within the Urban Boundary of a Main Development Location, wherein residential development is encouraged by the Interim Housing Policy Statement where it meets the following criteria :

1. It uses existing buildings/previously developed land; and
2. It makes an essential contribution to affordable housing; and
3. It is built at a density between 30 and 50 dwellings/hectare (where appropriate, the higher density of 50 dwellings/ha will be expected);
or
4. It is solely for affordable and/or supported housing.

Assessed in relation to these criteria, the proposed dwellings are on previously developed land and the proposed density is appropriate. However, to accord with the requirement for affordable housing schemes of 15 or more units should provide a minimum of 20% of their units as affordable in the absence of information from the Applicant to show that abnormal costs would make it economically unviable for the scheme to do so. In this instance, the Permission 2003/25 did not require any affordable units, its implementation came to a halt with the Developer in administration, it is desirable that the partly-constructed building is completed. In the circumstances I do not consider it appropriate to require affordable units be provided.

Visual Amenity

The external alterations to the building and external parking area now proposed will not result in the development having a materially different or more adverse impact on the character and appearance of the area than would completion of the permitted scheme.

The re-positioning of the bridge necessitates removal of 3 trees from within the belt of trees bounding Sunny Bank Road (to the west side of the access-point). Whilst this is regrettable, there are so many other trees immediately adjacent to them that their removal will not be apparent as viewed down Sunny Bank Road from Free Lane or an equal distance from the site access to the west. Their removal will slightly increase the

degree to which the development will be visible to someone on Sunny Bank Road in the immediate vicinity of the access-point. However, there is scope for replacement tree planting to the east side of the access-point.

Neighbours Amenity

The external alterations to the building and external parking area now proposed will not result in the development having a materially different or more adverse impact on neighbours than would completion of the permitted scheme.

The change from 30 to 37 apartments may result in slightly more traffic on Sunny Bank Road, but not to an extent likely to cause materially greater noise disturbance for neighbours.

Open Space/Play Facilities

Permission 2003/25 is accompanied by a S.106 Obligation requiring payment to the Council of £1,000 per apartment upon occupation of the tenth apartment, for expenditure on children's play equipment at Helmshore Park. I consider it appropriate to require that £1,000 be paid for each of the dwelling units now to be created.

This is somewhat less than would be required to accord with the Open Space & Play Equipment Contributions SPD the Council has since adopted, it will nevertheless yield £37,000, rather than the £30,000 of the previous Obligation. I consider this relaxation appropriate for the same reasons

Access/Parking

The Highway Authority consider that the proposed access and parking arrangements are satisfactory. However, it requests that the Developer be required to fund a Traffic Regulation Order, and the associated works, that would introduce waiting restrictions in the vicinity of the site.

8. Summary Reason for Approval

The site is located within a sustainable location within the Urban Boundary of Haslingden/Helmshore, a Main Development Location. It is considered that the proposed development would not undermine the Council's housing strategy, or result in unacceptable detriment to visual & neighbour amenity or public & highway safety. It is therefore considered that the proposal accords with the provisions of PPS1/ PPS3 / PPG13 / PPS25, and Policies DS1/ DC1 of the Rossendale District Local Plan.

9. RECOMMENDATION

That permission be granted subject to:

- a) a Section 106 obligation being entered into to secure the Traffic Regulation Order & associated works requested by LCC (Highways) and £1,000 per dwelling unit for Open Space/Play facilities; &
- b) the Conditions below .

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 external facing materials to be used for the alterations to the building hereby permitted shall match in colour, form and texture those of the existing building/approved in respect of Planning Permission 2003/25, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development, to accord with Policy DC1 of the Rossendale District Local Plan.
- 3) Prior to occupation of any of the apartments hereby permitted the off-site highway works indicated on the approved drawing shall have been completed to the satisfaction of LCC (Highways).
Reason: In the interests of highway safety, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 4) Prior to first occupation of any of the apartments hereby permitted the parking/manoeuvring areas shall have been constructed in accordance with levels that have first been submitted to and approved in writing by the Local Planning Authority and shall have been drained, surfaced and marked-out in accordance with the approved drawings. The 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.
- 5) Prior to commencement of development a scheme of landscaping/boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, and for management of the stream corridor. The submitted scheme shall include full details of: existing trees/shrubs that are within/bounding the site and the measures for their protection and the stream corridor during the course of construction; trees/shrubs to be planted (including replacements for the 3 trees near the site access to be felled); boundary walls/fences/gates/lighting, and hard-surfaced external areas. Any boundary walls/fences/gates and hard-surfaced external areas forming part of the approved scheme shall be completed prior to first occupation of any apartment, unless otherwise first agreed in writing by the Local Planning Authority. Any proposed trees or shrubs forming part of the approved scheme shall be planted in the first available planting season thereafter. Any trees/shrubs that are removed, die or become seriously damaged or diseased within five years of planting shall be replaced with others of the same species/size in the next available planting season, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and ecology, in accordance with the Policy DC1 of the Rossendale District Local Plan.
- 6) 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 nearby residential properties in accordance with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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