

Application Number:	2011/0153	Application Type:	Full
Proposal:	Erection of three and a half storey building with 11 Apartments over basement parking, new pedestrian access from Helmshore Road & associated landscaping	Location:	Flaxmoss House, Helmshore Road, Helmshore
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	14 June 2011
Applicant:	Highfield Developments (NW) Ltd	Determination Expiry Date:	30 June 2011
Agent:	IOM Design		

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REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:

Reason for Call-In:

3 or more 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.

RECOMMENDATION(S)
Approve subject to conditions & Section 106 Obligation

APPLICATION DETAILS

1 SITE

The application relates to a site of approx 0.37 hectares which presently forms the southern half of the garden of Flaxmoss House, a large detached house of some character.

The property can be accessed from either Helmshore Road to the east and Campion Drive to the north. However, the main entrance is from Helmshore Road, through imposing gates, the drive then sweeping across the application site towards an area of hardstanding to the front of the house, adjacent to which is garaging. The (un-used) access from Campion Drive is bounded by high stone walls that give it poor in visibility.

The property has a large number of protected trees both within and bounding it. With respect to the application site, besides the protected trees bounding it, there is a group of 4 mature sycamores to the west of the drive (not protected by the TPO), behind which is a private tennis court extending into the south west corner.

By reason of the high frontage wall and mature trees on the Helmshore Road frontage the public and residents of houses on the opposite side of the road have little view into the site. Likewise, the residents of the large nursing home to the south and 2 detached houses (served off Flaxmoss Close) to the north east of the site have limited views over the site by reason of the mature planting/trees. The houses to the west (that front Moss Close) have rear gardens bounded by 2m high fencing, their first-floor windows having outlook over the application site as the trees here are well spaced out and have been crown-lifted.

The site lies within the Urban Boundary of Helmshore as designated within the Rossendale District Local Plan.

2. RELEVANT PLANNING HISTORY

1986/122 – New Iron Gate and Boundary Fence
Approved

1989/632 - Erection of Four Dwellings (Outline)
Approved

1990/173 – Erection of Four Dwellings (Reserved Matters)
Approved

1994/221 – Change of House Type
Approved

3. THE PROPOSAL

Permission is sought for the erection three and a half storey building, to contain 11 2-bed and -bed Apartments over basement parking for 15 cars and a minimum of 12 cycles.

The building would measure approximately 13.5 metres high (1.8 metres higher than the property to the south), 27.5 metres wide and 20 metres deep. It would be constructed in brickwork and ivory white render under a tiled roof.

The building would be approximately 40 metres away from residential properties to the rear and 18 metres away from the side elevation of the nursing home to the south. The building is offset from 2 Flaxmoss Close, which would be a distance of approximately 19 metres away from the nearest corner of the apartments. Although the majority of parking will be in the basement, accessed from the front of the building, 9 external parking spaces are proposed to the north side.

No trees along the boundaries of the site are to be removed. However, the group of 4 unprotected trees within the site are to be removed. Seven new trees are to be planted within the site, three within an old hedge-line that will become the boundary between Flaxmoss House and the proposed flats. A new pedestrian access would be formed to the north of the existing Helmshore Road access. It is also proposed to re-use the existing Campion Drive access to serve only Flaxmoss House.

The applicant's have agreed to provide 2 units, which equates to the 20% affordable housing requirement to accord with the Council's Interim Housing Policy.

4. POLICY CONTEXT

National Planning Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPG24 Planning and Noise
PPS 25 Flood Risk

Development Plan

Regional Spatial Strategy for the North West of England (2008)

DP1-9 Spatial Principles
RDF 1 Spatial Priorities

- L 2 Understanding Housing Markets
- L 3 Existing Housing Stock and Housing Renewal
- L 4 Regional Housing Provision
- L 5 Affordable Housing
- RT 1 Integrated Transport Networks
- RT 2 Managing Travel Demand
- RT 3 Public Transport Framework
- RT 9 Walking and Cycling
- EM 1 Environmental Assets
- EM 2 Remediating Contaminated Land
- EM 3 Green Infrastructure

Rossendale District Local Plan (1995)

- DS1 Urban Boundary
- DC1 Development Criteria
- DC4 Materials
- E4 Trees

Other Material Planning Considerations

- RBC Submitted Core Strategy DPD (2010)
- 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) LCC Planning Obligations Paper

5. CONSULTATION RESPONSES

RBC – (Land Drainage)

No comments received

RBC – (Regeneration)

No objection. Consider the breakdown of affordable units to be acceptable

LCC – (Highways)

Have objected to the use of Campion Drive in providing the main access for Flaxmoss House. The gradient of the access to the basement parking is also considered to be too steep.

LCC – (Planning Contributions)

The following contributions have been requested:

Waste Management - £5,280

Transport - £10,620

Education - £48,855

LCC – (Rights of Way)

Public footpaths must not be obstructed during the course of the development.

United Utilities

No objection subject to conditions.

6. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published on the 08 April 2011. Site notices were posted on 12 April 2011 and 54 neighbours were notified by letter on 04/04/2011.

15 Objections have been received. The following matters have been raised:

- The building would destroy the character of Flaxmoss House and the area
- Loss of light, privacy and outlook to neighbours
- Impact on Schools and local facilities which can't accommodate all the new development proposed within Helmshore
- Impact on Highway Network
- Insufficient visitor parking would mean visitors would have to park off site
- The building is too high
- Disruption caused by construction of development
- The existing entrance to Champion Drive has rarely been used and is dangerous
- Loss of mature trees within the site
- Impact on wildlife
- Potential to increase flooding

7. REPORT

The main considerations of the application are: 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity, 5) Highway Safety; 6) Developer Contributions

Principle

The application site lies within the Urban Boundary, where the Council seek to locate most new development. The site is not located within a flood risk zone and there is no likelihood that the site is contaminated. The scheme is therefore considered acceptable in principle.

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:

- It uses existing buildings/ previously developed land or is for replacement dwellings; and
- It makes an essential contribution to affordable housing (as summarised overleaf); and
- 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
- Proposals are for solely affordable and/ or supported housing as defined in the Glossary.

The application site clearly forms a well-used part of the grounds of Flaxmoss House, well screened from public view. The proposal would result in the provision of dwellings at an appropriate density. The proportion of the dwelling units being proposed as Affordable Housing meets that required to accord with the Council's Interim Housing Policy. The Council's Regeneration Delivery Manager considers the Affordable Units of the type proposed acceptable. The application is therefore considered acceptable with regards to Housing Policy.

Visual Amenity

The size of the plot is considered adequate for the size of the building proposed. The east side of Helmshore Road is characterised by large detached buildings of differing size, height and materials. Given the large amount of screening, and the set back position from the road, I am satisfied that the building would not be unduly prominent or obtrusive in the street scene.

The proposed facing materials are considered acceptable in an area where there is no uniform type. It is considered appropriate to request samples of the colours and materials to be used to ensure a satisfactory form of development.

There is an existing hedge line which separates the proposed plot from that of Flaxmoss House. This would provide a distinctive physical break between the resulting two units. I consider it appropriate to require replacement planting for the trees to be lost, the hedge line to form the boundary between the proposed building and Flaxmoss House would be an acceptable location for this. The resulting size of curtilage to Flaxmoss house would still be substantial and would not be disproportionate to the size of Flaxmoss House.

The existing vehicular access point to Helmshore Road with its prominent gate posts, and feature trees either side, would be retained. It is considered necessary, however, to ensure proper protection to these and other trees to be retained s provided during the course of development and that a suitable area is set aside as a site compound to minimise the risk to the protected trees.

On this basis the scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

Separation distances of approximately 40 metres are considered acceptable so

as to prevent a loss of light, privacy or outlook to the residential properties to the west. The nursing home boundary is heavily planted and there are no habitable room windows that would be affected by the proposal. No windows are proposed in either of the side elevations of the apartment block. There are a number of mature trees surrounding the garden of No.2 Flaxmoss House which significantly obscure sunlight to the house/garden area. It is considered that the proposed building would not unduly detract from the light or outlook of this property. The proposed building would be offset from No.2 Flaxmoss Close, taking this into account and the existing mature boundary treatment it is considered that privacy levels would not be unduly affected. The scheme is considered acceptable in terms of neighbour amenity.

Highway Safety

The Highway Authority has no objection to the access/parking arrangements proposed for the apartment block. However, it has objected to the scheme on the basis of the proposal for Flaxmoss House to use the existing access to Champion Drive.

Whilst it is acknowledged that sight lines from the Champion Drive access are poor, there is nothing to stop the applicant's using this access should they wish to do so. The applicant is also willing to provide the existing house with an altered access to Champion Drive to improve upon the present limited sight-lines. I consider it appropriate to condition the position/form of vehicular access to be provided to Flaxmoss House.

Subject to conditions the scheme is considered acceptable in terms of highway safety.

Developer 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 £15,026 towards Open Space/Play Space and £10,620 towards Public Transport. Lancashire County Council has requested £5,280 in respect of Waste Management and £48,855 for education.

I do not consider the case to have been made for requiring payment of the Waste Management contribution sought. However, I consider it appropriate to require that the applicant enter into a Section 106 Obligation to provide the Affordable Housing and other contributions if permission is to be granted.

8. SUMMARY REASON FOR APPROVAL

The site is located within the Urban Boundary of Haslingden. Subject to Conditions, and accompanying S.106 Obligation, it is considered that the proposed development will not result in unacceptable detriment to visual & neighbour amenity, trees/ecology or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1/ PPS3 / PPS4 / PPG13 / PPS25, Policies DP1-DP9 / EM1 / EM2 / RDF1 / L2 / L3 / L4 / L5 / RT1 / RT2 /

RT3 of the Regional Spatial Strategy, Policies DC1 / DC4 and E1 of the Rossendale District Local Plan and the Council's Interim Housing Policy Statement (May 2010).

11. RECOMMENDATION

That permission be granted subject to :

- completion of the S.106 Obligation to secure delivery of the Affordable Housing and Contributions referred to above; & the following conditions:

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 development shall be carried out in strict accordance with the amended drawings numbered 02- Rev C and 03- Rev B received 31/05/2011 and 04 – Rev A and shall not be varied unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure that the development complies with the approved plans and for the avoidance of doubt.
- 3) Prior to commencement of development samples of the materials to be used in the elevations and roof of the apartment shall be submitted to the Local Planning Authority for their approval in writing. The scheme shall be carried out in accordance with those details approved and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the Rossendale District Local Plan
- 4) The development hereby approved shall not be occupied until the proposed parking, access and turning areas have been constructed and made available for use in accordance with the submitted details. The parking areas shall not be used for any purpose other than the parking of motor vehicles.
Reason: To ensure adequate off street parking, in the interests of amenity and highway safety, to accord with Policy DC1 of the Rossendale District Local Plan.
- 5) Notwithstanding what is shown on the approved drawings prior to commencement of development the applicant shall submit full details to the Local Planning Authority for their prior approval in writing of improvements to the existing access with Campion Drive to serve

Flaxmoss House. The scheme shall be implemented in strict accordance with the details approved prior to commencement of development of the apartment block and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity in accordance with the criteria of Policy DC1 of the adopted 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 and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 7) Prior to the commencement of development on site, a landscaping scheme, including details of boundary treatment and those trees to replace the trees to be removed within the site, including replacement thereof shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing/walls/hardstanding shall be implemented prior to first occupation of the apartment; and the approved planting scheme shall be implemented in the first planting season following first occupation of the apartment; any materials, trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless the Local Planning Authority has otherwise agreed in writing.

Reason: In the interests of visual amenity and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 8) No development shall be started until all the trees within (or overhanging) the site which are the subject of a Tree Preservation Order, with the exception of those trees clearly shown to be felled on the submitted plan, have been surrounded by substantial fences which shall extend to the extreme circumference of the spread of the branches of the trees (or such positions as may be agreed in writing by the Local Planning Authority). Such fences shall be erected in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority and shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such fencing.

Reason: In the interests of visual amenity and in accordance with Policies DC1 and E1 of the Rossendale District Local Plan.

- 9) Notwithstanding what is shown on the approved plans surface water must not be discharged to foul/combined sewer. No development approved by

this permission shall be commenced until a scheme for the provision and implementation, of a surface water management / regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To reduce the increased risk of flooding in accordance with PPS25 and Policy DC1 of the Rossendale District Local Plan.

- 10) Prior to commencement of development full details of the basement parking facilities hereby approved shall be submitted to the Local Planning Authority for their approval in writing. The parking shall be constructed in accordance with the details approved, shall be used only for the parking of motor vehicles and not for any other purpose and shall be retained as such unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure adequate off-street parking is provided in the interests of highway safety, and to comply with Policy DC1 of the Rossendale District Local Plan.

- 11) Prior to the commencement of development on site the applicant's shall submit details of a site compound to be used for the storage and working of materials and machinery on site. The scheme shall be carried out in accordance with the approved details and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect trees/within and surrounding the site in accordance with Policy DC1 and E1 of the Rossendale District Local Plan.

Background Papers	
Document Details	Appendix Number