

Application Number:	2011/077	Application Type:	Full
Proposal:	Erection of Five Dwellings.	Location:	Former Airtours Car Park Park Road Helmshore
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	14 June 2011
Applicant:	Mr D Ainsworth	Determination Expiry Date:	9 May 2011
Agent:	Hartley Planning & Development		

Contact Officer:	Richard Elliott	Telephone:	01706 238637
Email:	Planning@rossendalebc.gov.uk		

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):

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

APPLICATION DETAILS

1. SITE

The application relates to a car parking area previously used by Airtours associated with their occupation of the nearby Wavell House. Access to it from Holcombe Road is via Park Road, a tarmac road, also serving residential and industrial properties; beyond the point where it enters the parking area it has an unmade surface.

The site is at a lower level than Park Road, and is broadly triangular in shape. It is bounded to the north east by a 1m high stone wall and to the other side of Park Road are a dormer-bungalow and a terrace of two-storey stone and slate houses. To the north west side it is bounded by a timber post-and-rail fence, beyond which is open land. To the south side it is bounded by Musbury Brook and Sunny Bank Mill which is currently being converted to a dwelling and takes access from the application site.

The site is located within the Urban Boundary of Haslingden, with the land beyond the site's north west boundary designated in the Rossendale District Local Plan as Countryside.

2. RELEVANT PLANNING HISTORY

1985/483 Erection of 5 dwellings with garages
Approved

1989/828 Erection of 5 dwellings (outline)
Approved

1990/259 The demolition of 50% of the existing mill and the conversion of the remaining structure to a two-storey dwelling, together with the siting of a temporary chalet for the duration of the building works and a timber double-garage
Approved

1992/362 Construction of an 81-space car park, including landscaping access and bridge improvements
Approved

2009/0201 Erection of 3 no. detached dwellings

This application was refused for the following reasons:

1. By reason of its siting/size/layout/design, the proposed development would not be appropriate to the character and appearance of the area and would not take the opportunities available for improving the character and quality of the area.
2. The applicant has not submitted the required level of detail in order to demonstrate that the proposed re-development of the site will not result in unacceptable and unnecessary risks to future site users, public health and the wider environment from contaminants as a consequence of its former use for industrial purposes.
3. The proposed scheme, by reason of the encroachment of the proposed access road and parking areas onto areas of remaining greenspace and the steep wooded embankment of the stream corridor would fail to provide an

adequate buffer zone and would cause unacceptable and unnecessary harm to biodiversity.

The subsequent appeal was dismissed. Points made by the Inspector include :

- The houses would be substantial properties and in terms of their mass and some of their design features such as the front porches would fail to reflect the traditional ambience of the locality and would present a more suburban appearance.
- The proposed layout with the dwellings facing towards Musbury Brook fails to relate to existing development in the area, particularly the dwellings along Park Road.
- The land could have been affected by contaminants given its proximity to the mill buildings. Therefore given the precautionary principle espoused in PPS23, in this respect that the proposal is contrary to the advice in that document and RSS Policy EM2 relating to the remediation of contaminated land.
- The proposed access road and parking areas would have encroached onto areas of greenspace and the brook's wooded embankment. The proposal would have been contrary to advice in Planning Policy Statement 9: Biodiversity.
- The occupiers of existing properties would not suffer any undue loss of privacy or light given the distance of their dwellings from the proposed development.

3. THE PROPOSAL

Permission is now sought for the erection of five dwellings, four of which would form a staggered linked terrace with their back gardens extending towards Musbury Brook and their front elevations facing Park Road. They will have sufficient of a setback from Park Road to accommodate not only front gardens and the drive to access them, but between the drive and Park Road a series of garages at a level approximately 1m below that of Park Road and taking access from the new drive. The remaining dwelling would be detached at the site entrance, positioned between Park Road and the new drive and to face towards Park Road.

Two of the properties would be 2-bedroomed and the others 3-bedroomed. All of the dwellings and the garages would be constructed in natural stone under natural slate pitched roofs.

The linked-houses would be 26+m from the existing terraced houses on Park Road and their garages approximately 7m away, but approximately 1m lower. The detached property would be approximately 14m from the dormer-bungalow at Tor Foot Cottage. The existing stone wall fronting Park Road would be maintained and extended to front the detached dwelling.

Planting is proposed between the existing stone wall fronting Park Road and the proposed garages and along the other boundaries to help screen and soften the appearance of the development from beyond its boundaries.

Access to Sunny Bank Mill to the rear of the site would be maintained and constructed to an adoptable standard. To accord with the wishes of the Environment Agency an amended plan has been submitted showing a path to the rear of the gardens of Plots 2-4, to provide access for river maintenance.

4. **POLICY CONTEX**

National Planning Guidance

- PPS1 Sustainable Development
- PPS3 Housing
- PPS9 Biodiversity and Geological Conservation
- PPG13 Transport
- PPS 23 Pollution Control
- PPG24 Noise
- PPS 25 Flood Risk

Development Plan

Regional Spatial Strategy for the NW of England

- DP1-9 Spatial Principles
- RDF1 Spatial Priorities
- L 4 Regional Housing Provision
- L 5 Affordable Housing
- RT 2 Managing Travel Demand
- RT 4 Managing the Highway Network
- EM 1 Environmental Assets
- EM 2 Remediating Contaminated Land
- EM5 Integrated Water Management

Rossendale District Local Plan (1995)

- DS1 Urban Boundary
- DC1 Development Criteria
- DC4 Materials
- E4 Trees
- E7 Contaminated Land

Other Material Planning Considerations

- 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)
- RBC – Submitted Core Strategy DPD (2010)

5. **CONSULTATION RESPONSES**

Environment Agency

Initially objected as access to Musbury Brook was blocked, preventing future maintenance. Following receipt of amended plans this objection has now been withdrawn. Also request conditions in relation to Biodiversity and Land Contamination.

RBC (Environmental Health)

In light of submitted Contaminated Land Report it has no objection but recommend a condition to ensure proper remediation of the site.

LCC (Highways)

No objection. Request a condition that sight-lines at the site entrance are maintained.

Also suggest that the speed-table near the site entrance is moved approximately 8m west so vehicles are able to wait at the junction on a level surface.

6. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published on Friday 18 March. Site notices were posted on 25 March 2011 and 11 neighbours were notified by letter on 16 March.

Seven objections have been received, raised the following issues :

- There is insufficient demand to justify new housing.
- The car park may be best kept as such - it is essential for the farmers market as there is no other off road car parking provision in this area and no parking is proposed for the residents of Park Road.
- This application, along with others recently approved/proposing development in the vicinity will have a significant impact on local services, facilities and parking. The Musbury area is not able to sustain that increase, with few facilities, and Helmshore Primary School is already oversubscribed.
- The site is being crammed with development, the scheme is worse than that previously refused - bungalows or dormer bungalows may be more acceptable.
- The peaceful ambience of the area would be lost and views of Musbury Tor blocked.
- The houses and garaging do not relate well to Park Road and directly overlook the terraced row.
- The detached house has too little garden and is too close to Tor Foot Cottage and will affect its light and privacy and obstructs traffic sightlines.

7. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Flood Risk; 3) Contaminated Land; 4) Employment Land; 5) Housing Policy; 5) Visual Amenity; 6) Neighbour Amenity, 7) Highway Safety; & 8) Biodiversity.

Principle

The site is located within the Urban Boundary where the Council seeks to locate most new development.

Flood Risk

The Environment Agency has confirmed that the development would not be at unacceptable risk to flooding.

Contaminated Land

The submitted Land Contamination Report concludes that most contaminated soils, if any, are likely to have been removed from the site when the car park was constructed, however hot spots may remain. It recommends an intrusive investigation to confirm this and formulate the schedule of remediation works necessary to enable residential use of the site. Both the Council's Environmental Health Section and the Environment Agency consider that this matter can be suitably addressed by condition.

Employment Land

Previously officers had concerns that the loss of the car park associated with Wavell House could have a detrimental impact on attracting a new occupier. Since determination of

2009/0201 however, Permission has since been granted for Wavell House to be converted to 32 Apartments / re-configuration of Office Accommodation, with adequate parking of their own. Accordingly it is now considered that the loss of this parking area would not undermine securing re-use of Wavell House.

Housing Policy

By reason of its existing use the site is considered to constitute 'previously developed land', as defined by PPS3 and the Council's Interim Housing Policy.

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 or is for a replacement dwelling(s),
- makes an essential contribution to the supply of affordable housing (as summarised within the Policy),
- will be built at a density of between 30 and 50 dwellings per hectare
- Proposals are for solely affordable and/ or supported housing as defined in the Glossary.

In relation to the above criteria the land is considered to be previously developed by reason of the existing car park and its former use associated with the mill. Affordable housing is not required as the developments is for less than 15 dwellings. The proposed density is considered acceptable.

Accordingly, the proposal is not contrary to the Council's Interim Housing Policy.

Visual Amenity

There are a number of constraints and factors that could influence the design of any development including Park Road and associated housing to the north and Sunny Bank Mill to the south; the tree lined Musbury Brook which bounds the south and east; and the public footpath and access track to other properties that bounds the west of the site. Additionally the western boundary of the plot signifies the end of the Urban Boundary and the start of the countryside area as designated within the Rossendale District Local Plan. To the east of the site including the Mill the area provides reference to the areas industrial past. The submitted scheme has been developed having regard to the above.

I am satisfied that the proposed materials are acceptable and that a terraced row would not be out of character with an edge of countryside location. The orientation of the buildings so that they face Park Road provides a good degree of interaction with the street rather than turning its back on it. The proposed detached house on Plot 1 does not quite fit in with this theme; however, I do not consider that it would unduly detract from the character of the area. The dwellings are still fairly substantial in terms of their massing, however, in terms of the overall layout, design and orientation they are considered to provide an acceptable form of design. It is considered that more details are required in respect of planting to the boundaries surface treatments and boundary treatments to the front garden areas. On balance the scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

Separation distances between linked-houses and the terrace of Park Road are adequate so as to not result in a significant loss of light, privacy or outlook. There are no habitable room windows in the front elevation of the conversion to Sunny Bank Mill and therefore it is considered that light, privacy and outlook would not be unduly affected. At a distance of approximately 14 metres Plot 1 has a closer relation to Tor View Cottage opposite. There are

no habitable room windows at first floor level facing Tor View Cottage and existing boundary treatments would be such to prevent a loss of privacy at ground floor level. The ground floor windows of Tor View Cottage would experience some loss of light and outlook, however, I do not consider this to be an amount that would be unduly detrimental to living conditions.

Highway Safety

There is no objection from the Highway Authority, subject to conditions.

I note the concerns raised by objectors that local residents and those who attend the farmers market will have nowhere to park. However, the landowner would have the right to stop such use /use by local residents at any time should they wish to do so. Accordingly, I do not consider that a refusal on this basis could be substantiated at appeal.

The scheme is considered acceptable in terms of highway safety.

Biodiversity

The Environment Agency have highlighted the need to protect/enhance Musbury Brook as it is valuable for wildlife, forming part of a natural network of linked corridors to allow movement of species between suitable habitats and promotes the expansion of biodiversity. Accordingly, the Environment Agency has recommended a condition to ensure a scheme for the provision and management of a buffer zone alongside the brook. The scheme is considered acceptable in relation to biodiversity subject to this condition.

9. SUMMARY REASON FOR APPROVAL

The development is considered acceptable in principle within the Urban Boundary and subject to conditions would not unduly affect visual and neighbour amenity, highway safety or biodiversity. The scheme is therefore considered to accord with PPS1 / PPS3 / PPS4 / PPS9 / PPG13 / PPS25, Policies RDF1 / L5 / RT2 / RT4 / EM1 / EM2 / EM5 of the Regional Spatial Strategy and Policies DS1 / DC1 / DC4 / E7 of the Rossendale District Local Plan.

10. RECOMMENDATION

Approve with 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 plan received by the LPA on the 11 April 2011 to which the Environment Agency does not object.
Reason: To ensure that the development complies with the approved plans and for the avoidance of doubt.
- 3) The development shall be constructed in natural coursed stone and natural slate, in accordance with samples to be submitted to and first approved in writing by the Local

Planning Authority, and shall thereafter be carried out in accordance with the details approved.

Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC1 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) 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 Policy DC1 of the adopted Rossendale District Local Plan.

- 6) Prior to the commencement of development on site, a landscaping scheme, including details of boundary treatment 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 development; and the approved planting scheme shall be implemented in the first planting season following first occupation of the development; 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 Policy DC1 of the adopted Rossendale District Local Plan.

- 7) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order amending or revoking and re-enacting that Order) no development shall be carried out on the site within the terms of Classes A to H of Schedule 2 of the Order, or part 2 Class A, without the prior consent of the Local Planning Authority.

Reason: In the interests of visual and neighbour amenity and to accord with Policy DC1 of the Adopted Rossendale District Local Plan.

- 8) No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system has been 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 Policy DC1 of the Rossendale District Local Plan.

- 9) Prior to the development commencing:

a) A contaminated land Phase 1 report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.

b) Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority.

c) Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The remedial scheme in the approved Remediation Statement shall then be carried out and a Site Completion Report detailing the action taken at each stage of the works (including validation works) shall be submitted to and approved in writing by the Local planning Authority prior to the first use or occupation of any part of the development hereby approved.

Reason: To ensure development of the site proceeds in a safe and satisfactory form, as insufficient information about the site has been submitted in respect of this matter, and to accord with PPS23 and Policy DC1 of the Rossendale District Local Plan.

10) Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the Musbury Brook shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme

Reason: To ensure a satisfactory buffer scheme between Musbury Brook and the Development in accordance with PPS9 and Policy DC1 of the Rossendale District Local Plan.