

Application Number:	2011/291	Application Type:	Full
Proposal:	Erection of Four 2-Storey Dwellings	Location:	Former Airtours Car Park Park Road Helmshore
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	2 August 2011
Applicant:	Mr D Ainsworth	Determination Expiry Date:	16 August 2011
Agent:	Hartley Planning & Development		

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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):

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

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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.

2011/0077 Erection of Five Dwellings

This application was taken to DC Committee on the 14 June with a recommendation for approval by Officers but was subsequently refused for reasons relating to the form of development with particular reference to plot 1, a detached house to the south east of the site and the impact of the development on the amenities of Tor Foot Cottage.

3. THE PROPOSAL

Following refusal of 2011/0077 application 2011/0291 was submitted for the erection of four, two storey dwellings and one bungalow. The bungalow was to be sited on Plot 1 where previously a two storey house was proposed. The applicant has subsequently amended this proposal to delete any house on that part of the site. Accordingly this application is for the erection of four, two storey dwellings identical in size, height, position and design to those under application 2011/077. The area where the proposed bungalow would have been sited would not form part of the domestic curtilage of the south easterly house proposed.

4. POLICY CONTEXT

National

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 (2008)

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 to application 2011/0077 as access to Musbury Brook was blocked, preventing future maintenance. Following receipt of amended plans this objection was withdrawn. Conditions in relation to Biodiversity and Land Contamination were requested. In relation to this application the Environment Agency have no further comments to make.

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)

Previously had no objection and requested a condition that sight-lines at the site entrance are maintained. Also suggested 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.

Further comments have now been received raising the following concerns:

- The garages to plots 2 and 3 are too close to the driveways of the same properties. Design Bulletin 32 states that there should be 7.3m between a garage and a parked car, on the proposals there is only 6m. This would lead to vehicles having difficulty in entering/exiting the garages and could result in the garages not being used. It should be noted that Design Bulletin 32 has been withdrawn but the guidance on the design of garage has not been superseded.
- The footway should extend passed the speed hump/ramp before terminating
- The turning head looks to be too short to allow a large refuse lorry to turn around
- There should be no foliage within 2.4m of the junction of the access road and Park Road
- More detail requested on the lighting columns being provided, one of these looks to be located in private land and would be difficult to maintain.

Should the proposals be implemented would ask for a condition that the foliage adjacent to the junction of the farm access track and Park Road be maintained below the height of the wall so it does not obstruct the visibility splay.

In light of the above comments an amended plan has been received. The plan removes hedging that may affect visibility splays to the site entrance and provides an amended turning area. The agent has also clarified information regarding the footway and service strips. The amended plans retain the garages as proposed.

The Highway Authority has now assessed the revised plans. They have no objection but do state that due to the substandard distance between the garages and the driveways the distance could result in the garages not being used to park vehicles. Sufficient car parking would be provided for the properties in any case. .

They Highway Authority ask for a condition that the existing lighting columns are removed from within the site as they are not suitable for the new development and would be difficult to maintain due to their siting.

6. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published on 1/7/11, site notices were posted on 29/6/11 and 12 neighbours were notified by letter on 28/6/11. Following the deletion of the bungalow from the scheme neighbours were re-notified by letter on 8/7/11 and site notices were posted again on 14/7/11.

Two objections have been received to date, raising the following issues :

- There is a traffic problem in Helmshore and this will further exacerbate the issue along with the traffic generated by other permitted developments such as at Wavell House and Free Lane. There is more than enough development in such a small area with no traffic calming measures. Focus should be switched to improving the area to increase tourism and not new residents.
- Residents along Park Road will lose privacy and the tranquil, peaceful area will be spoiled.

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 originally proposed detached property which was the main reason for refusal of application 2011/0077 has been removed from the scheme. It's replacement with an open garden area is considered to improve the overall character of the development, with the

previously detached house considered by Members to be an incongruous feature within the scheme and the wider landscape.

The remaining dwellings are still considered 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. The detached property now being removed from the scheme, there would not be any significant issues relating to light, privacy or outlook relating to Tor Foot Cottage. The scheme is considered acceptable in terms of neighbour amenity.

Highway Safety

Following receipt of amended plans and subject to the conditions requested by the Highway Authority 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. 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 plans received by the LPA on the 1 July 2011, 7 July 2011 and 21 July 2011 unless otherwise required by the conditions below or otherwise 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) 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 and the removal of the lighting columns within the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting columns shall be removed prior to commencement of development. 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.