

Application Number:	2012/158	Application Type:	Full
Proposal:	Erection of 8 Apartments, in a three storey building with basement parking, and altered access to Helmshore Road & new access to Campion Drive	Location:	Flaxmoss House, Helmshore Road, Haslingden
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	17 July 2012
Applicant:	Highfield Developments Ltd	Determination Expiry Date:	6 June 2012
Agent:	IOM Design Ltd		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input checked="" type="checkbox"/>
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.

1. RECOMMENDATION

That the application be approved for the reasons set out in Section 10 of the Report

APPLICATION DETAILS

2. SITE

Flaxmoss House is a large detached house of some character and is situated to the west side of Helmshore Road (B6214), within the Urban Boundary of Helmshore.

The property can be accessed from either Helmshore Road to the east or Campion Drive to the north. However, the main entrance is from Helmshore Road, through imposing gates, the drive then sweeping across an area of garden 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 visibility.

The property has a large number of protected trees both within and bounding it, including the Campion Drive side which is separated from the road by a grass verge and a stone wall with railings atop. With respect to the application site where the apartment block is proposed, besides the protected trees bounding it, there is a group of 4 unprotected mature sycamores to the west of the drive, behind which is a private tennis court extending into the south west corner. This area is approx 0.37 hectares.

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 windows having outlook over the application site as the trees here are well spaced out and have been crown-lifted.

3. 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

2011/153 - Erection of Eleven, 2 and 3 Bedroom Apartments within three and a half storey building with Basement Parking, associated Landscaping and New Pedestrian Access Points from Helmshore Road.

The application was recommended for approval by Officers. However, it was refused by Committee for the following reasons :

1. The proposed development will detract to an unacceptable extent from highway safety, most particularly by reason of the intensification of the use of the vehicular access to Helmshore Road and the likelihood of parking on this classified road occurring, particularly in icy weather such is the gradient of the access-ramp to the basement car park. Furthermore, it has not been demonstrated that as a result of the proposed development Flaxmoss House will possess a safe and satisfactory vehicular access of its own to Campion Drive (and avoids harm to trees that have been afforded the protection of the Borough of Rossendale (Flaxmoss House, Helmshore) Tree Preservation Order 1977.

2. By reason of the number of residential units and the size and height of the building, the scheme will result in a form of development overly large in relation to the size of the plot and will detract to an unacceptable extent from the character and appearance of Flaxmoss House and the amenities residents of properties fronting Moss Close could reasonably expect to enjoy.

4. THE PROPOSAL

Previously the applicant proposed that the building would contain 11 two and three bedroom apartments over a basement providing parking for 15 cars and a minimum of 12 cycles, and with a further 9 external parking spaces proposed to the north side. The building was to measure approximately 13.5m high (1.8 metres higher than the property to the south), 27.5 metres wide and 20 metres deep, constructed in brickwork and ivory white render under a tiled roof and to 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 was to be offset from 2 Flaxmoss Close, which would be a distance of approximately 19 metres away from the nearest corner of the apartments.

Planning permission is now sought for a building to contain 8 two and three bedroom apartments over a basement providing parking for 15 cars and a minimum of 12 cycles, with a further 4 external parking spaces to the north side. The reduced number of bedrooms has enabled the building to be reduced in height by 2.45m and its depth by 0.45m. Accordingly, it will now have a ridge height slightly lower than the nursing home to the south and 1.7m lower than Flaxmoss House itself. It would be 39m from the properties along Moss Close and 19.3m from No.2 Flaxmoss Close at its nearest point. There are no windows proposed in the side elevations.

To address highway concerns expressed in the previous reasons for refusal the applicant's propose (in addition to reducing the number of housing units) to increase the width of the existing entrance from Helmshore Road to 4.5m, to reduce the gradient of the access ramp to the basement parking to 8% and to increase the number of visitor parking spaces to three.

Although the occupiers of Flaxmoss House can use an existing sub-standard entrance to Campion Drive at any time should they wish, it is proposed to replace it with a new access off Campion Drive having far better visibility splays. The applicant's have undertaken a tree assessment and consider that none of the TPO'd trees adjacent to the proposed access would be harmed, subject to tree protection measures during the course of construction.

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, four within an old hedge-line that will become the boundary between Flaxmoss House and the proposed flats, two adjacent to the southern gable of Flaxmoss Close, one between the front of the flats and the access and another on the boundary with Westbourne.

5. POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (2012)

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 11 Conserving and Enhancing the Natural Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9 Spatial Principles
Policy RDF 1 Spatial Priorities
Policy L 2 Understanding Housing Markets
Policy L 3 Existing Housing Stock and Housing Renewal
Policy L 4 Regional Housing Provision
Policy RT 2 Managing Travel Demand
Policy RT4 Management of the Highway Network
Policy EM 1 Environmental Assets

Rossendale Core Strategy DPD (2011)

Policy 1 General Development Locations and Principles
Policy 2 Meeting Rossendale's Housing Requirement
Policy 3 Distribution of Additional Housing
Policy 4 Affordable and Supporting Housing
Policy 8 Transport
Policy 9 Accessibility
Policy 17 Rossendale's Green Infrastructure
Policy 18 Biodiversity, Geodiversity and Landscape Conservation
Policy 23 Promoting High Quality Designed Spaces
Policy 24 Planning Application Requirements

Other Material Planning Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)
RBC Strategic Housing Market Assessment (2010)

6. CONSULTATION RESPONSES

LCC (Highways)

No objection. Request the following:

- The parking area should be surfaced in a bound porous material.
- The new vehicular crossing onto Campion Drive should be constructed by LCC.
- A grit bin/store should be provided near the ramp to the basement parking area to ensure that the residents can grit the ramp to gain access/egress during winter weather.
- A TRO should be introduced on Helmsore Road to restrict parking and ensure that sightlines are maintained.

United Utilities

No objection subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to soakaway as stated in the planning application.

LCC (Planning Contributions)

Request £3,840 in respect of Waste Management.

7. REPRESENTATIONS

To accord with the General Development Procedure Order two site notices were posted on 16/04/12 and 57 neighbours were consulted by letter on the 03/05/12. A press notice was published on 20/04/12.

Ten objections have been received as summarised below:

- The development could still cause further parking on Helmshore Road as there is insufficient parking within the site
- Loss of light, privacy and outlook to No. 2 Flaxmoss Close
- Trees between the development and No.2 Flaxmoss Close do not provide all year round screening. The occupiers would not like any further screening.
- There is very little change from the previous scheme - the proposed building is still of considerable size
- The loss of trees is undesirable.
- Noise impacts during construction on the occupiers of Westbourne and a continuous noise threat caused by additional residents.
- Is there a need for so many more houses given the new development along Holcombe Road.
- Pollution caused by more cars and less plants.
- More buildings could mean flooding onto the roads
- Can the schools accommodate additional numbers
- One to three better quality houses might be an asset to the area
- Loss of light to No.4 Moss Close
- There is a need for affordable housing
- The development has been designed for profit only
- Flaxmoss is one of the most historic properties in the village and should be left as it is.

8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; and 5) Access/Parking

Principle

The site is within the Urban Boundary and is located within a reasonably sustainable location. The scheme is considered acceptable in principle.

Housing Policy

Since application 2011/153 was refused the Government has published the National Planning Policy Framework (March 2012) and the Core Strategy DPD has superseded the Rossendale District Local Plan and the Council's Interim Housing Policy.

Section 6 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.

The Council's Core Strategy states that housing development within the Urban Boundary of Helmshore is not inappropriate, with priority given to development on previously developed land. However, development of un-allocated previously developed land will be permitted where :

- i. It is for 100% affordable and/or supported housing schemes; or
- ii. It forms a minor part (up to 15% of the overall site size) of a larger mixed use scheme or a major housing proposal (10+ dwellings) on previously developed land or
- iii. It delivers a significant social, economic, or environmental benefit, or
- iv. The application is for a barn conversion and it can be demonstrated that the site has been marketed for economic uses for 12 months, to the satisfaction of the

Council, and is not viable for these purposes

The application does not strictly conform with the above criteria. However, as discussed below, it is considered that the development would not harm the general character and appearance of the area from public vantage points. Furthermore, the Council's Strategic Land Availability Assessment (2010) highlights that the site is suitable, achievable and available for housing. There is no requirement for affordable housing on the site, the scheme now being for 8 residential units.

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 application is therefore considered acceptable in this instance with regards to Housing Policy.

Visual Amenity

I was satisfied previously that the size of the plot was adequate for the size of the building proposed. With a reduction in the overall size of the building this is still considered to be the case.

The building would be lower in height than the both Flaxmoss House and Westbourne and, with adequate separation, would sit comfortably between the two. 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. However, it is considered appropriate to request samples of the colours and materials to be used to ensure a satisfactory form of development.

As commented within the previous Officer Report, 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 tree each side, would be enlarged but with its symmetry and trees retained, which is considered acceptable.

The proposed new access from Champion Drive would be created between existing protected trees and I am satisfied from the information provided that, subject to construction of the access in accordance with the submitted Tree Report recommendations the existing trees will not be harmed. Accordingly, the character of the area would be appropriately maintained.

It is considered necessary, however, to ensure proper protection to these and all other trees to be retained is 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 Close 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.

Access/Parking

With respect to the previous application the Highway Authority was satisfied with access/parking arrangements for the proposed apartments but was concerned about re-use of the sub-standard Campion Drive access by occupiers of Flaxmoss House. This issue has now been resolved with the proposed creation of a new access to Campion Drive.

Accordingly, whilst the concerns of neighbours are noted, it would be difficult to substantiate a reason for refusal without the support of the Highway Authority. As requested by LCC Highways, it is considered necessary to require the applicant to enter into a S.106 obligation to secure a Traffic Regulation Order to restrict parking on Helmshore Road fronting the site and improve sight lines. The scheme is considered acceptable in terms of highway safety.

9. SUMMARY REASONS FOR APPROVAL

The proposed development is considered appropriate in principle within the Urban Boundary and, subject to the conditions, it is considered that the proposed development will not result in unacceptable detriment to visual & neighbour amenity or highway safety, having regard to the NPPF (March 2012), Policies DP1-9/RDF1/L2/L3/L4/EM1 of the Regional Spatial Strategy for the NW of England (2008), and Policies 1/8/9/17/18/23 and 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That permission be granted subject to :

- Completion of a S.106 Obligation to secure payment of £2,500 to fund the investigation of a Traffic Regulation Order to restrict parking and ensure sightlines are maintained on Helmshore Road; and
- 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 drawings numbered Planning – 102 Rev D, Planning – 103 Rev D, Planning – 104 Rev D, Planning – 105 Rev B and the accompanying tree survey reports, plans and recommendations by TBA Landscape

Architects 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 24 of the Rossendale Core Strategy DPD (2011).
4. Development of the apartment block hereby approved shall not commence until the proposed parking, access and turning areas to serve both the apartment block and Flaxmoss House 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 24 of the Rossendale Core Strategy DPD (2011).
5. Prior to commencement of the apartment block hereby permitted a scheme shall be submitted to show the existing access to Champion Drive to be permanently closed and a footway re-instated in accordance with the standards and specifications of LCC Highways for adopted highways. The new access to Flaxmoss House shall be constructed and made available for use in accordance with the submitted details prior to commencement of the apartment block and shall not be altered unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety, to accord with Policy 24 of the Rossendale Core Strategy DPD (2011).
6. No development shall be started until all the trees within (or overhanging) the site, with the exception of those trees clearly shown to be felled on the submitted plans, 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 Policy 24 of the Rossendale Core Strategy DPD (2011).
7. 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 Policy 24 of the Rossendale Core Strategy DPD (2011).

8. All parking associated with the development hereby approved shall be constructed in accordance with the approved details, 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 in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

9. 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 24 of the Rossendale Core Strategy DPD (2011).