

<b>Application Number:</b>	2013/0580	<b>Application Type:</b>	Full
<b>Proposal:</b>	Demolition of Garages and Construction of Seven Affordable Rented Dwellings, with associated Access and Parking	<b>Location:</b>	Garage Court to rear of The Parade, Broadway, Haslingden
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	25 February 2014
<b>Applicant:</b>	Green Vale Homes	<b>Determination Expiry Date:</b>	4 March 2014
<b>Agent:</b>	DAY Architectural Ltd		

<b>Contact Officer:</b>	Richard Elliott	<b>Telephone:</b>	01706-238639
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>YES</b>
<b>Other (please state):</b>	

## 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 Committee Approve planning permission for the reasons set out in Section 10.

## 2. SITE

This application relates to a site of approximately 0.26 hectares containing a block of 22 brick-built garages, and with two detached garages and old bases to its north side, on 'brownfield' land within the Urban Boundary of Haslingden.

The site, which is quite unkempt in appearance, is surrounded to three sides by the rear elevations of properties - to the east by 340-392 Helmshore Road, to the west by 51-56 Broadway Crescent and to the north by 2-12 Bedford Terrace. To the south side is 'The Parade', a row of four retail premises facing Broadway. House types are a mix of two storey terraced and semi-detached for the most part constructed in red brick and render.

An adopted highway runs along the western section of the site linking Broadway with Bedford Terrace. The road is narrow to both of its entrances and serves not only the garage colony, but also provides access to the garages of the properties along Helmshore Road which face onto the site. It is understood that the road is also used to an extent as informal parking by existing residents, and visitors to the area, including those that may be shopping at 'The Parade'. A footpath to the east of the site provides a pedestrian link from Broadway to Broadway Crescent. A similar pedestrian route provides a link from Broadway (to the west of 'The Parade' into the site. There is gated access from the rear gardens of some of the surrounding properties to the site.

### **3. RELEVANT PLANNING HISTORY**

None.

### **4. PROPOSAL**

Permission is sought to demolish the existing garages and erect seven 2-storey houses (four 3-bedroomed and three 2-bedroomed) in a staggered-terrace facing south. The houses would be constructed of red brick with buff brick heads and cills, under tile roofs. Their front gardens would be bounded by 1.2m close boarded fencing, with 1.8m close boarded fencing with trellising atop to the rear.

To be funded by the Homes and Community Agency (HCA), the houses would be let as affordable rent units (let at a reduced market rate no more than 80% of the local market rent), and would be managed by Green Vale Homes. The applicant advises that the houses would meet Code for Sustainable Homes Level 3 and they would be Lifetime Homes compliant.

The existing carriageway to the front and west side of the proposed terrace would be widened by 1m and provided with a footway. The scheme provides 14 parking spaces for the proposed houses (two per house), to be sited to the rear of the terrace and accessed off a new road constructed to an adoptable standard.

As originally submitted the scheme also proposed a further 16 parking spaces, to be sited largely to the north of the new road. Taking on-board comments received from consultees the amended site plan provides for 6 of these parking spaces to become spaces to let for displaced garage tenants, with the seven adjoining spaces to be community parking spaces, leaving three spaces for visitors to the new dwellings.

The applicant has stressed the high level of community consultation they undertook prior to submission of this application:

- An Initial Consultation meeting on 27/11/13, inviting Local Ward Councillors to review the proposals and talk through the best way to consult on the scheme for this site; the Council's Housing Portfolio Folder, Cllr Helen Jackson, attended the meeting.
- All garage tenants were invited to a private consultation to discuss the process and the options and issues, held on Thursday 28 Nov 2013, from 6pm to 7pm at Raven Croft Community Centre, this was specifically for existing garage tenants and the residents

who directly back onto the site ie Bedford Terrace, Helmshore Road and Broadway Crescent.

- A full public consultation for all to come and see the plans and talk to the wider team, Barnfield, Greenvale Homes and DAY Architectural, held on Tuesday 3rd Dec 2013.

In relation to the existing garage tenants and their subsequent relocation it has been stressed that:

- the tenants were told about the proposals and intentions of the site 3 months in advance of a written notice to quit of a month, ensuring time was taken to help re-locate to alternative plots, garages and parking spaces.
- A garage audit was carried out before the project was started to consider how the site was used. Letters have been delivered, consultation events held, leaflets, hand delivered letter etc. have all been undertaken to help consult on this application.

The applicant has provided a summary of the re-location provision to alternative plots, sites and garages to assist understanding of the effect of demolition of the existing garage block. Most recently it has indicated that there are now matters to resolve with only 5 of the 19 garage tenants and 3 tenants will be taking up a space on the re-developed site.

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework (2012)**

- Section 1 Building a Strong Competitive Economy
- 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 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

- AVP 6 Haslingden
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable & Supported Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

## 6. **CONSULTATION RESPONSES**

### **RBC (Environmental Health)**

No objection in principle.

Suggest Conditions as follows :

- Restriction on working hours/delivery times to normal working days/hours, to prevent noise and disturbance to neighbouring properties associated with the construction phase.
- Prior to commencement of development the following shall be submitted to the Local Planning Authority:
  - a) A Contaminated Land Phase II Report to assess the actual/potential Contamination risks at the site for approval by the Local Planning Authority.
  - b) Should the approved Phase II Report indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.
  - c) The remediation 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 first occupation of any part of the development hereby approved.

### **RBC (Strategic Housing)**

Having reviewed the supplementary information supplied regarding the need for houses of this tenure, form and size it is now satisfied that the units will meet a need within this area and take into consideration current welfare reform policies.

### **LCC (Highways)**

No objection, subject to conditions.

There is no accident record in the vicinity of the site, including the accesses to Broadway and Bedford Terrace. This is probably due to low vehicles speeds and relatively low vehicle movements through the site.

The access road is adopted highway. The access road is narrow in places, particularly the section adjoining the Parade. However, the road here measures 4m which is an acceptable width for such a carriageway. Given the short length of the road and the low vehicle movements and speeds this section could be 3m wide and be acceptable.

There is some on-street parking on the access road, particularly to the rear of 378 – 392 Helmshore Road and the rear 1-4 The Parade. The proposals will not see any loss of parking at these locations and will in fact see the carriageway widened slightly to improve the ability to pass parked vehicles. There are no parking controls on this adopted highway.

This proposal will see the removal of existing garaging which could have the potential to increase on-street parking both in the vicinity of the site and potentially in other locations. The applicant is in negotiations with the existing garage tenants with a view to offering them alternative options but currently this has not been confirmed.

The proposed parking provision for the new housing is in line with the approved standards at 2 spaces per property. These spaces should be 2.4m x 5m with 6m behind them to enable vehicles to manoeuvre into and out of them.

The proposed access to the parking area for the houses will be subject to a Section 38 agreement meaning that it will need to be constructed to an appropriate standard in order for the Highway Authority to adopt it, including the proposed turning head.

The proposal also includes the creation of 16 "visitor" parking spaces. Given the proposed location of these spaces they will not be part of the adopted highway and will remain in the

control of the applicant, although they should be retained as parking places in the future. Currently the proposal is to have a footway to the rear of the proposed bank of 13 spaces but consideration should be given to bringing this to the front of the spaces so it forms part of the adopted highway.

The property to the west of the site could potentially impact on visibility for vehicles manoeuvring round the bend. However the existing garages have such an impact so there will be no worsening of the position and given the lack of accidents this is not seen as a significant issue.

Given the above I have no objection in principle to this proposal on highway grounds. Following receipt of additional information it is now satisfied that appropriate measures have been made to relocate the displaced existing garage users and that the provision of community parking places as part of the scheme will address any outstanding issues with existing users.

### **United Utilities**

No objection.

If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/ watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

### **Lancashire Constabulary**

The Design and Access Statement at Section 1.5 indicates that the scheme has been developed in accordance with the Secured By Design security scheme. Front boundaries are defined with a 1.2 metre close boarded fence and gating arrangement and the rear gardens of the dwellings are protected with a 1.8m close boarded fencing arrangement so as to protect the vulnerable rear of the dwellings from potential offenders. The rear access gate should be lockable.

As many of the security features of the Secured By Design scheme have been built into the development I recommend that the scheme is submitted as a Secured By Design development.

Dusk till dawn lighting units should be fitted at the front and rear entrances of the dwellings. Front and rear doorsets should be doors of enhanced security tested and certificated to PAS 23/24 2012 security standards. Windows should be tested and certificated to PAS 24 2012 standards and incorporate laminated glazing in ground floor windows particularly at the rear. Windows should be fitted with restrictors to prevent unauthorised access and opportunist crime.

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order site notices were posted on 08/01/13 and 52 letters were sent to neighbours. Notification letters were also sent to the tenants of the garages on the site.

23 neighbours have objected to the scheme via letters/email. In addition a 113-signature petition against the application has been received.

The petition refers most particularly to traffic and parking problems, which will be exacerbated by the proposed development. The petition also considers that parking restrictions will be put in place on the road and that this will cause problems for the surrounding properties.

The main points from those objecting to the scheme are summarised below:

- The existing road is too narrow for two way traffic and the scheme would increase the volume of traffic. It is currently being used as a rat run.
- Parking currently takes place on the site such that it blocks access to existing residents' garages.
- Demolition of the garages will add to parking pressures
- Where are the existing residents of The Parade going to park?
- Houses could be set further back to give extra parking for shop customers
- The design of the houses is basic
- The site is suitable for six, not seven houses.
- Due to the staggered layout, plot five would be significantly overshadowed by plot four.
- Will the current application for one house on an adjoining site be taken into consideration?

## 8. **ASSESSMENT**

The main considerations of the application are :

1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; 5) Access/Parking

### Principle

This 'brownfield' site is sustainably located and within the Urban Boundary of Haslingden. Accordingly, there is no objection in principle to its residential development.

### Housing Policy

The scheme complies with the Council's Policies in respect of housing. The Council's Strategic Housing Manager is satisfied that there is local need for houses of this tenure, form and size.

### Visual Amenity

As existing the site appears somewhat under-utilised and neglected.

I am satisfied that the seven dwellings proposed are of a size, design and appearance that would not be detrimental to the character of the area, including a variety of house types and appropriate facing materials. Likewise, adequate private amenity space for future residents is proposed.

The layout of the scheme maintains permeability through the site and continues to allow for access to the rear of properties surrounding it.

The parking/manoeuvring areas proposed can adequately be accommodated within the site. However, care needs to be taken with their form/surface-finishes in order to down-play their prominence in the street-scene.

Overall I am satisfied that the development would be of a standard of design that would not be detrimental to the visual amenities of the area.

### Neighbour Amenity

The dwellings would provide for adequate separation distances between existing properties such as to not unduly detract from the light, privacy and outlook of existing residents.

I am satisfied that the scheme would not result in a level of noise or disturbance that would be unduly detrimental to existing residents, having regard to the existing use of the site.

I do consider it necessary, however, to ensure that hours of construction and deliveries to the site are controlled to protect existing residents during the construction phase.

### Access / Parking

There have been a number of objections from local residents expressing concerns regarding access/parking issues.

I understand from site visits and photographs submitted by residents that on-street parking presently takes place on the highway that gives access to the site, and that it is (in places) narrow. I am also aware that properties surrounding have garages within their gardens that are accessed from this highway, and sometimes they are blocked by 'insensitive' on-street parking by those visiting and working at 'The Parade'.

These are not problems created by the proposed development and it is not a requirement that the scheme addresses them - it must be assessed on its own merits - that is to say, whether it will unacceptably detract from the free-flow of traffic on the highway/highway safety. That said, the proposed scheme increases the width of the existing carriageway and provides it with a footway to one side, which it presently lacks, thereby providing an improvement to the existing situation. The letter accompanying the petition expresses a concern that parking restrictions on the road. However, this is something that the applicant is not proposing and it is not being sought the Highway Authority.

LCC Highways has not objected to the proposal. It is satisfied that the local highway network can accommodate the traffic likely to be generated by the 7 houses proposed and that adequate off-street parking is being proposed to meet the needs of their residents and visitors, and to compensate for loss of the existing garages would not result in parking on street within the site or the surrounding area that would cause a highway safety issue. Since the parking spaces proposed will not be within the adopted highway it is within the ability of the applicant to allocate them to garage tenants or other properties in the immediate vicinity of the site (not all of the existing garages have been used for the parking of motor vehicles).

The Highway Authority considers that the scheme would not only be acceptable in terms of highway safety, but that it would result in improvements.

## **9. SUMMARY REASON FOR APPROVAL**

The scheme would provide for affordable rent housing on a brownfield site within the Urban Boundary of Haslingden, and as such is considered acceptable in principle. The applicant has satisfactorily demonstrated that the loss of the existing garages would not have a detrimental impact on highway safety within the area and the scheme is considered acceptable in terms of visual amenity, neighbour amenity and highway safety.

The development is considered to accord with Sections 1, 4, 6, 7, 8 and 10 of the National Planning Policy Framework, and Policies 1, 2, 3, 4, 8, 9, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

## 10. RECOMMENDATION

That the application be approved.

### 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 accordance with the following plans:

141\_13\_PL\_002 REV – Landscaping plan  
141\_13\_TE\_011 REV 1 Proposed elevations 2 of 2  
141\_13\_TE\_010 REV - Proposed elevations 1 of 2  
141\_13\_PP\_005 REV 1 Proposed Plans  
141\_13\_RP\_007 REV - Proposed roof plan  
141\_13\_SP\_004 REV 7 Proposed Site Plan

and shall be constructed to meet Lifetimes Homes Standard and to achieve Code for Sustainable Homes Level 3, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. No development shall take place until samples of the facing materials to be used in the construction of the houses hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

4. Prior to commencement of development the following shall be submitted to the Local Planning Authority:
  - a) A Contaminated Land Phase II Report to assess the actual/potential contamination risks at the site for approval by the Local Planning Authority.
  - b) Should the approved Phase II Report indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.
  - c) The remediation 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 first occupation of any part of the development hereby approved.

Reason: To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Contaminated Land Phase I Report, to accord with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

5. All the houses hereby permitted shall be Affordable Rented Housing as defined within Annex 2 of the National Planning Policy Framework (2012) or any future guidance that replaces it, unless otherwise approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the following details have been submitted to and approved by the Local Planning Authority : The occupancy criteria to be used for determining the identity of occupiers of the affordable housing, which will be subject to a local lettings policy through the Council's Choice Based Lettings System and will provide a

cascade clause which pertains to Haslingden first and the means by which such occupancy criteria shall be enforced. The development shall be maintained as such and shall not be varied unless otherwise first agree in writing by the Local Planning Authority.

Reason: To secure the provision of Affordable Housing, in accordance with the application submission, to contribute to meeting housing needs within the area and Policy 4 of the Council's adopted Core Strategy DPD (2011).

6. Prior to first occupation of any of the houses hereby permitted the new road and highway leading to it shall be constructed/improved as indicated on the approved drawings and to standards and specifications enabling their adoption by LCC Highways. Furthermore, all the car parking spaces shown shall be constructed, drained, surfaced and delineated in accordance with the submitted details prior to first occupation of any of the houses hereby permitted, and thereafter kept available for use as such, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

7. Prior to first occupation of any of the units hereby permitted the 6 identified parking spaces to be used use by tenants of the existing garages shall be fitted with a lockable-bollard system to differentiate them from the community parking spaces, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In the interests of pedestrian and highway safety in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

8. All walls/fences/gates/hard-surfaced external areas and external lighting forming part of the approved scheme shall be completed prior to first occupation of the dwellings. Any planting forming part of the approved scheme shall be carried out in the following planting season and any trees or shrubs removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policies 1 and 23 of the Council's Core Strategy DPD (November 2011).

9. This site must be drained on a separate system, with only foul drainage connected into the foul sewer.

Reason: To prevent flood risk, in accordance with comments received from United Utilities and Policies 1 and 24 of the adopted Core Strategy DPD (2011).

10. Prior to the commencement of development a Site Construction Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Construction Plan shall include details of : the vehicle wheel-cleaning facilities; construction traffic parking; & construction compound location. The approved Site Construction Plan shall be implemented and adhered to throughout the demolition/remediation/construction period.

Reason: To protect the amenities of neighbours and in the interests of pedestrian/highway safety, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD.

11. Any demolition/ground / construction works associated with the development hereby approved, including deliveries to the site, shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. Any piling for foundations shall be by the shell-and-auger method, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbours, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.