

Application Number:	2014/0034	Application Type:	Full
Proposal:	Conversion of existing buildings to 22 apartments and erection of 6 houses in the grounds	Location:	Waterfoot County Primary School, Thornfield Avenue, Waterfoot
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	22 April 2014
Applicant:	Waterfoot Investments Ltd	Determination Expiry Date:	2 June 2014
Agent:	Mr W Mahmood		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Major

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Permission be refused for the reasons set out in Section 8.

2. The Site

The application relates to a broadly triangular site to the south side of Thornfield Road, of approximately 0.4ha in area. The site is now un-used, a new primary school having been built elsewhere.

The principal buildings on the site date from the 1890's, comprising of stone/slate buildings of a design common for separate Boys and Girls Schools of this age. They stand close to Thornfield Avenue and form a prominent and attractive feature of the street-scene, notwithstanding the construction of later link-buildings and other additions/alterations. Land to the rear of the buildings falls/steps down steeply towards the playground extending up to Whitewell Brook. A pre-fabricated classroom stands on the playground extending to the west side of the buildings.

To the other side of the river are terraced houses that front Holt Street & Booth Street. Neighbouring the pre-fabricated classroom to the west of the site is a roofless/dilapidated 1-storey building and to the east side the land rises up to houses that front Wood Lea Bank, but is screened from them by extensive tree/shrub planting to each side of the party-boundary.

Thornfield Avenue has mature trees in the footway to each side. Whilst there are double-yellow lines to the south side of the carriageway, the north side is well used by local residents to park their cars, most of the houses here standing close to the highway and having no off-street parking of their own.

The site lies within the Urban Boundary of Waterfoot.

3. The Proposal

The applicant seeks permission to :

- Convert the principal buildings, and later additions to them, to provide 15 1-bed flats and 7 2-bed flats; &
- Construct 6 3-bed houses, including 2 detached houses on land fronting Thornfield Avenue that is presently a tarmaced playground/occupied by the pre-fab to the west side of the existing buildings and 2 pairs of semi-detached houses on the playground towards the rear of the site.

The Design & Access Statement indicates that, whilst there will be a need to undertake considerable internal alterations to accommodate the apartments, the aim has been to minimise the changes to the external appearance of the existing building. The principal external alterations proposed are the addition of : a dormer on a west facing roof-plane, 2 dormers and first- & second-floor balconies on the central/rear portion of the existing buildings, and various rooflights.

The 2 detached houses proposed on land fronting Thornfield Avenue are to be of modern design - each will have a footprint much as expected of a 3-bedroomed house but with a gull-wing roof. Living accommodation will be provided over 2 floors above integral double-garages, with the 2 lower floors faced with smooth artificial-stone and the upper floor faced with hanging-slate, with no windows in their front elevations but predominantly glazed rear elevations.

The 2 pairs of semi-detached houses on the playground towards the rear of the site are of more conventional design, again to have 2 floors of accommodation above integral garages, with external walls of smooth artificial-stone but conventional pitched-roofs covered by slate.

Whilst the 2 new houses in the western corner of the site have off-street parking taking access directly from Thornfield Avenue and 6 flats will have parking served off an adjacent access, the majority of the proposed flats and other 4 new houses are to have their parking to the rear of the existing buildings served off a shared access towards the eastern boundary of the site. Formation of the latter entails up-grade of an existing un-used/overgrown access that descends from Thornfield Avenue by approximately 6m to the rear playground. Each of the new houses will have the facility to park 2 cars within its curtilage. To serve the 7 1-bed flats and 15 2-bed flats 26 parking spaces are shown on the submitted layout, plus 5 visitor spaces on the ramped access.

The provision of the shared access in the manner proposed will require removal of 10 trees, one a mature Lime located within the footway of Thornfield Avenue (that has previously been pollarded and is approximately 12m high), the others of less prominence and varying in age/species/condition. The Agent advises that whilst the scope to provide green space within the site is limited, there will be a communal green space for residents in the centre of the site and there is scope to provide replacement tree planting. The scheme also incorporates an area under cover for storage of bikes and 3 communal bin-stores.

Applicant's Case

The application is accompanied by a feedback on the Community Consultation undertaken prior to submission of the application. They advise that 30 local residents attended the consultation meeting and the majority were pleased the existing buildings were being retained and converted to residential use and a positive response to the architectural aesthetics of the new housing designs. I attach an extract from the submitted document that details the applicants response to 9 specific concerns that were raised.

In support of the scheme of conversion for the existing buildings, the Agent says the external alterations are modest in scale and discrete in terms of their impact on public views and those of local residents. With respect to the 2 new houses to front Thornfield Avenue, it is stated that they have been designed with proper regard for the houses opposite, being of sympathetic facing materials, no greater height (9m), greater setback from the highway and (by omission of habitable room windows in their front elevation) accord with the Council's spacing standards. With respect to the 4 new houses to the rear, it is stated that they will be viewed most obviously by residents of Holt Street & Booth Street at a distance of over 20m and are to be of broadly similar height to these terraced houses and lower in height than the existing school buildings.

The Design & Access Statement also advises that the Flood Risk assessment for the site found no record of the site having flooded in the past 100 years and the potential for it to flood is minimal. It would be sufficient to meet requirements by simply raising ground floor levels by 250mm but they have instead designed the scheme to lift the main living accommodation of the new houses from the ground by an entire floor level, this also improving light to/outlook from the proposed dwellings.

In response to a request for Affordable Housing and other Contributions to comply with policy, the Agent has advised as follows :

Affordable Housing

The proposed development of the old Waterfoot Primary school is currently subject to section 106 requirements for affordable housing because the number of proposed units exceeds 15. Rossendale BC requirement in this instance is that a maximum 20% of the proposed units have to be classed as affordable units.

Waterfoot Investments propose to provide 3 units as affordable/shared ownership or rented properties to meet this criteria. To increase this number will cause the development to become financially unviable.

Other Contributions

The Agent advises that the scheme cannot support any other Contributions. Whilst a Financial Appraisal to demonstrate this has not been submitted, the statement that more fully explains their position in relation most particularly to the Council's Open Space/Play Provision SPD is appended.

In short it says :

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Rossendale BC SPD states "that full contribution is exempt if the contribution would make the development unviable"

AND

"The development would bring significant regeneration to the area"

The development site including, land purchase costs, final build costs and sales costs make contribution to open space and play equipment unviable

Taking these items into consideration we feel that the criteria for exemption is satisfied and as such should be exempt from the S106 contribution to open space and play equipment.

4. 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 Challenge of Climate Change, Flooding & Coastal Change
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP3 Area Vision for Waterfoot, Lumb, Cowpe & Water
- 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 16 Preserving & Enhancing the Built Environment
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change & Low & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

5. Consultation Responses

Environment Agency

In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and **recommend refusal for the following reason** :

The FRA submitted with this application does not comply with the requirements set out in section 10, paragraph 30 of the Flood Risk and Coastal Change (FRCC) guidance category of the Planning Practice Guidance (PPG). The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:-

1. Correctly identify the flood zones affecting the existing site;
2. Take the impacts of climate change into account;
3. Consider how people will be kept safe from flood hazards identified particularly in relation To the basement apartments;
4. Consider the effect of a range of flooding events including extreme events on people and property; and
5. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

Section 1.4 identifies that residential properties are generally considered as “more vulnerable” and this is correct. However, the plans submitted show residential apartments within a basement level. In the FRCC guidance category of the PPG Table 2 indicates that basement dwellings are considered “highly vulnerable” and Table 3 states that highly vulnerable development is inappropriate within Flood Zone 3.

Sections 3.4 & 3.5 refer to the site being within Flood Zone 1. Our Flood Map for Planning clearly shows that the western part of the site is within Flood Zone 3 (high risk). The highly vulnerable basement dwellings would not be compatible with Flood Zone 3.

Section 3.3 suggests a 200mm increase in flood level to allow for climate change over 50yrs is appropriate. This is an arbitrary figure and risk should be defined by increasing fluvial flows by 20% and modelling the impact of this. We have modelled flood levels for Whitewell Brook and these can be requested from our customer services section (nwinforequests@environment-agency.gov.uk). Our current flood risk mapping does not include results for climate change but shows risk to the site from upstream of Thornfield Ave under the 1% AEP event and this needs to be considered in the FRA.

Potential overland flood flows will need to be assessed and mitigation measures to reduce risk from this. The existing play ground area seems to be contained by a solid wall adjacent to the brook. It is not clear whether this is to remain but it could retain water from overland flows on the site. I would also point out that the FRA has references to PPS25 that has been replaced by the National Planning Policy Framework (NPPF) and PPG. Although the PPS25 Practice Guide is still considered valid guidance, the planning policies are now contained within the NPPF.

Referring to the proposed layout, the development is unacceptable because it involves buildings and formation of gardens/boundaries immediately adjacent to Whitewell Brook. This would be unlikely to receive Environment Agency Byelaw consent for the works. The new structures would restrict maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and / or

improvement works. The layout should be amended to ensure no new buildings or garden boundaries are within 2m of the watercourse. This will allow riverside access for inspection during routine maintenance.

We would also point out that sections of the existing river wall have had previous remedial works and the structure may require replacement or further works to ensure the structure has a lifespan consistent with the proposed dwellings. The applicant is advised to assess the condition and structural integrity of the existing river retaining wall. As riparian landowner the future occupants/owners would be responsible for the maintenance/repair of the river wall.

Overcoming our objection

It may be possible to overcome our objection by submitting a FRA and revised layout which addresses the issues highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of a revised FRA may not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until the above issues have been adequately addressed.

Advice to applicant

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8m of the top of the bank of the River Irwell which, is designated a “main river”.

LCC Highways

No objection.

This site is located on Thornfield Avenue which is a two lane urban road. However there is considerable parking on the northern side of the street which reduces the road to a single carriageway at periods during the day. The southern side of the street has an existing Traffic Regulation Order with No Waiting at any Time restrictions. Given the existing pressure on parking in the vicinity of the site it would not be acceptable for the proposed development to add to this.

The site is proposed to include 28 properties (7x1 bed apartments / 15x2 bed apartments and 6x3 bed houses). Under the guidelines set out in the Joint Lancashire Structure Plan for parking levels associated with a residential development this would require the provision of 49 parking places. Currently according to the submitted application form the proposal is to provide 45 parking spaces (including garages) although the proposed parking layout provided shows only 43 spaces. Given the good accessibility of the site it would be appropriate for there to be a reduction in the required parking levels for this particular development of 15% meaning that the required level of parking provision should be 42 spaces.

Of the proposed 43 spaces shown on the submitted plan the 2 spaces adjacent to the proposed eastern site access from Thornfield Avenue would not be acceptable as there has to be sufficient width on the access road to enable 2 vehicles to manoeuvre simultaneously at the access point. These 2 spaces cannot therefore be classified as parking and physical measures should be introduced by the applicant to prevent parking in this area. The proposed parking layout also includes a number of garages and these should be a minimum of 6 x 3m and a condition is requested that these garages are maintained for this use in the future. Given the above

considering the location of the site the provision of 41 parking spaces would be acceptable in this instance.

The proposed site access and internal routes will not become adopted highway so maintenance of them will be the responsibility of residents within the site. All drainage of the hard surfacing should be arranged so as not to discharge onto the existing highway network. The proposed access points to join the adopted highway will have to be constructed by the Local Highway Authority to ensure that the works are carried out to an appropriate standard and the following condition should be included in any grant of planning permission:

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information. Further details about creating a dropped crossing can be obtained from the Lancashire County Council website.

There are no turning areas within the site to enable large vehicles to enter and leave the site in forward gear. A pedestrian route should also be included as part of the eastern access to the site.

Prior to commencement of any works a construction management plan should be submitted and approved in order to ensure that there is no adverse impact on the surrounding highway network during construction. This should include information on parking for workers and how large vehicles will enter and leave the site, preferably including swept path analysis of the 2 access points.

Given the above although there are a number of issues around this site and potential impacts on the adopted highway I do not believe that these will have a significant negative impact on the surrounding adopted highway network. Therefore should the considerations outlined above be taken into account in any subsequent planning approval I have no highway objection to this proposal.

LCC Education

This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described above and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.

The latest information available at this time was based upon the 2013 annual pupil census and resulting projections.

Based upon the latest assessment, LCC will be seeking a contribution **£24,059** for 2 primary school places. However, LCC will not be seeking a contribution for secondary school places.

RBC Environmental Health

No objection.

Recommend the standard hours of construction work condition is attached to any permission.

Lancashire Constabulary Architectural Liaison Officer

A crime and incident search of this policing incident location has been conducted and during the period 07/03/2013 to 07/03/2014 there have been reported crimes including criminal damage.

In order to prevent the opportunity for crime and disorder at the proposed development such as burglary, below are recommendations for consideration:-

1. Crime prevention is referred to in the Design and Access statement at point 11.3. This is mainly in respect of lighting and the location of footpaths/access points which is supported.
2. In order to provide a safe, secure and sustainable environment for residents, I recommend that this development should be built to Secured By Design Standards. In particular Part 2 of Secured By Design - physical security should be incorporated into the scheme.
3. Windows should be certificated to PAS 24 2012 security standards. Front and rear doorsets should be doors of enhanced security tested and certificated to PAS 23/24 standards and should be fitted with a viewer and security bar/chain. The doors on the dwellings at first floor level leading from the balcony should be doors of enhanced security and incorporate laminated glazing.
4. The main communal entrance doorset for the apartments should be fitted with an access control system such as keyfob/keypad or a similar arrangement to avoid unauthorised entry into the building. The communal entrance doorset should be certificated to 1 of the following standards STS 202 Issue 3 - 2011 Burglary Rating 2 or LPS 1175 SR2 or PAS 24 2012.
5. Individual apartment doorsets should be treated as a front external doorset and be tested and certificated to PAS 24 security standards with a thumb turn release on the inside for easy means of escape for residents. This provides a second layer of defence should a potential offender gain unauthorised access into the building. Consideration should be given to a CCTV camera being fitted within the main lobby area of the apartment block to provide a head and shoulders shot of persons entering the building.
6. The front and rear of dwellings and the apartment block should be protected with a dusk till dawn lighting unit to deter potential offenders and reduce the fear of crime.
7. The rear and side of the dwellings should be secured with a 1.8m fencing arrangement such as close boarded or similar. Access to the vulnerable rear of the dwellings should be restricted with a secure 1.8m lockable gating arrangement fitted as flush with the front of the building line as possible.
8. Landscaping should be carefully considered so that it is low level eg no higher than 1 metre so that it does not reduce the opportunity for natural surveillance across the site or create areas of concealment for potential offenders.
9. The communal parking areas should be evenly lit with British standard 5489 lighting.

Rossendale Civic Trust

Overall View of the Civic Trust is that this proposed reuse of the now replaced Waterfoot Primary School is supported, provided that there are some changes to ensure adequate car parking for such "quality" housing, and some provision on site for secure children's play, and a contribution to off-site provision for older children and teenagers. Is there affordable housing?

1. Comments on the school conversion

While the proposal for 22 apartments, refers to 7 one bedroom, 15 two bedroom, the 4 Spatial Layout Plans just show the areas of the apartments. These are quite large and could

accommodate rather more than 37 bedrooms. Our estimate of potential bed spaces is 123, having regard to Circular 36/67 Mandatory Minimum Standards for Local Authority Housing from 1 January 1969 - otherwise known as Parker Morris. These areas are similar to those in the good practice guidance listed in Core Strategy Policy 24: Planning Application Requirements: Code for Sustainable Homes, Building for Life, and Lifetime Homes.

Therefore, there is a potential for quite a large car ownership for this C3 Residential Land Use, where the adopted Parking Standards suggest that, as many of these apartments look big enough for 4 bedrooms, they would need 3 spaces. Note 10 over 100sqm apartments have only 1 allocated space.

To allow for visitors in evenings and at weekends, a development of 22 quality apartments, in a town such as Rossendale, which has already evolved to provide housing for people working in the valleys of both the Mersey and Ribble, should have more than just 31 parking spaces.

Here is the Parking Plan to show two areas for the apartments with some spaces allocated and 5 to share and for visitors. Note also the two sets of houses with their own garages and parking spaces. From this layout there is maybe scope for so called "tandem" parking where there are sets of 3 and 5 spaces, to give an extra 8, to achieve 39 residents and visitors on-site parking spaces.

Thornfield Avenue is narrow, has kerbside parking for existing houses, and is double-yellow lined on its school side. And its existing kerbside trees remove the option to provide layby parking.

Elevations of School, from applicants Design and Access Statement, show what look like previous structural works to Lower Ground Floor to create wide openings. Some are shown used for 4 car spaces to Apartments 21 and 22. So could others also be used for more secure car parking spaces? Note these are proposed for the houses: "It would also help in crime prevention by allowing an internal garage to park the car and place additional items such as bikes".

So maybe an extra 4 garage spaces could give an on-site capacity of 43 to share amongst the 22 apartments. Suspect however that evening or weekend visitors could be having a walk from Waterfoot's public car parks.

2. Comments on Houses

The design of the pair facing Thornfield Avenue is maybe novel for Rossendale, but is now not unusual in the UK, and with the proposed use of local colour materials should be quite an interesting development.

Two of the houses have an external staircase to their First Floor, maybe from the noted flood risks from the Whitewell Brook. Note in Lifetime Homes Criteria, for a disabled resident or visitor, the use of an "easy going" stair of maximum rise 170mm and minimum going 250mm; and there's perhaps also a need to ensure that there is, an available in UK external stairlift, equivalent to those, for example, seen used in New Zealand.

There is also a need to meet another Lifetime Homes and Building Regulations need to provide a toilet on the floor with the main rooms of the house, in addition to that on the Second Floor. A small, maybe "bedroom tax" point, but assume that the Housing Act 1985 still applies: the minimum bedroom area is 6.5sqm and not the 6.38sqm as shown.

Affordable Housing? The approved Core Strategy's Policy 4 includes: "overall affordable

housing targets for all new private sector residential development" are "a maximum 20% requirement on brownfield sites over 15 dwellings". And "Unless otherwise agreed with the Council, a relaxation of the above requirements will only be considered if it is demonstrated that this would result in the development being financially unviable based on the findings of an economic viability assessment submitted to and approved by the Council". So is this 5 or 6?

Economic viability does not appear to be set out in detail in the present application. It's understood that Lancashire County Council sold the Waterfoot Primary School 0.41Ha site for about £150,000 or £370,000/Ha. Compare this with their sale of the 0.6Ha Whinberry View site for about £400,000 or £670,000/Ha, and also with the VOA's Residential Building Land Figures for North West England, which give for July 2010 £1,560.000/Ha.

Density for "quality" housing. Policy 2: Meeting Rossendale's Housing Requirement includes: "Encouraging higher density developments (50+ dwellings per hectare) in sustainable locations, such as within and adjacent to Rawtenstall, Bacup, Haslingden and Whitworth and where well served by public transport, with a minimum density of 30dph across the Borough". This applications' 28 dwellings on a 0.41Ha site is well over this at close to 70dph, and it also amounts to a plot cost of about £5,400 each, to compare with about £18,000 each for the 23 houses at 38dph on the Whinberry View site, and £50,000 for a one house site adjacent to it.

Conclusion, with such a low plot cost, would it be reasonable to suggest that a reduction in density to provide more on site car parking and amenity play spaces would have a limited affect on the economic viability of this scheme?

6. Notification Responses

To accord with the General Development Procedure Order a press notice was published on 14/3/14, 2 site notices were posted on 27/3/14 and letters were sent to neighbours on 6/3/14.

Three objections have been received :

2 Thornfield Avenue & 7 Dalesford, Haslingden

Object

I believe that traffic congestion on the avenue would become unbearable with the addition of 28 extra dwellings.

The traffic on Thornfield Avenue at the best of times is slow going due to resident parking on the left hand side, only allowing one lane of the road to be used.

At peak times i.e school drop off and pick up, there is a constant stream of vehicles going down the avenue, causing only one way traffic.

Also Thornfield Avenue is an access route to the bakery behind the road, which requires regular deliveries via large wagons.

I also object to the plans of building two, three storied houses in such close proximity to my own house.

I believe, even though there is no obvious windows facing my house, they will still compromise my privacy and their height alone will take away a substantial amount of my natural light.

Furthermore their ultra modern design is totally incongruent with the rest of the avenue and would not fit in with the areas general architecture.

Olive Mount, Woodlea Bank

Olive Mount directly overlooks the old school building. The property is one of two semi-detached houses, the other being Greetlands which sits to the side of Thornfield Avenue. Our property, Greetlands and the other houses on Woodlea Bank can all be accessed via the private footpath. Parts of this footpath and the land between it and the school wall, are owned by some of the residents on Woodlea Bank.

We will be affected in particular by the proposed new road and proposed removal of trees. I would like to make it clear that we have received no communication from the applicant and therefore he cannot say that he has consulted with all local residents.

Whilst we do not object to the proposed renovation, and in fact welcome the preservation of the old building and its purposeful use (the building has been derelict for some time), we do have some concerns regarding the application which are as follows:

1. Creation of a two lane access road off Thornfield Avenue Pedestrian Safety

The proposed road will access Thornfield Avenue directly next to the private footpath which Woodlea Bank residents use. We are concerned about the safety aspects of this. Cars will pull out from the access road which will be on an incline and are likely to have to be quite far forward to see to pull out onto Thornfield Avenue.

Noise Level

Even when the old school was in use the level of noise was relatively low and the children could only be heard at certain times of the day. There was never any noise in the evening or at night. In addition the trees between the school and the properties on Woodlea Bank provided a buffer for any noise. The proposed road is likely to create a significant amount of noise at all times of the day. It is proposed that many of the trees which could act as a buffer for the increased noise be removed.

Lighting

It is not clear from the proposed plans whether the road will be lit and if so, how, and with what kind of lighting. Again if all of the trees (as proposed) are removed then any lighting of the road could impact on the residents of Woodlea Bank.

Subsidence & damage to the existing land (inc the old school wall)

A major concern for the residents of Woodlea Bank is the impact that the construction of the road will have on the land between our houses and the school boundary which is at the school wall, and whether the school wall will be retained. The land which is between the school wall and the private pathway is on an incline and work carried out on the road is likely to impact on this, particularly, if as is proposed, some of the trees in this area are removed.

The applicant has not made any reference as to how the work on the road could cause damage to other property and what would be done to rectify this.

Removal of Trees

It is proposed that several trees be cut down to make way for the new road. The removal of the trees which would act as a sound buffer for the road and the development as a whole is a major concern, and as such is discussed in more detail below. They also provide privacy and would reduce the impact of new lighting from the road. Removal of the trees is also likely to cause damage to the area between the school wall and the private pathway.

2. Removal of Trees

It is proposed that a number of trees between the Woodlea Bank properties and the old school are removed to make way for the new development. Some of these trees are on land which is within the school boundary and although the removal of these trees will impact on our level of privacy given their position we accept that these will have to be removed. However it is also proposed that several trees which do not lie within the boundary of the old school be removed. The land which these trees are on does not belong to the applicant and belongs on the whole to the residents of Woodlea Bank. We are concerned that proposals have been made to remove these trees without any discussion with the owners of the land.

Furthermore the applicant has commissioned a tree report detailing which trees would need to be removed to make way for the new road. However upon review of the report, the actual trees do not correspond to those in the report. It is not clear which trees are to be removed.

Certainly before any trees are removed it needs to be clear who has the authority to remove them and which trees are to be removed and how this will impact on the area close to the school boundary and the old school wall and in fact whether the school wall will be preserved.

The residents of Woodlea Bank have enjoyed a significant amount of privacy provided by the trees and there is concern that the loss of the trees and our privacy will impact on house prices.

3. Lighting and Noise Levels

I have already detailed above my concerns regarding the lighting of the new road and the noise levels arising from the road and these concerns also apply generally to the whole site. The noise levels from 28 properties and associated vehicles are likely to be significant particularly to the residents on Woodlea Bank as we currently experience very little noise from that direction. Similarly we are concerned about the lighting of the new properties. There is no detail in the application about how much lighting there will be and how much of an impact this will have on the properties on Woodlea Bank.

As highlighted above the trees between the Woodlea Bank properties and the School would provide a buffer for increased levels of noise and new lighting, were they to be retained.

4. Addition of dormer windows/ balconies to the two second floor (apartments 15 and 18)

At our property we have experienced a high level of privacy even when the old school was in use. This privacy is in part due to the trees between our property and the old school and to the fact that there is currently no second floor to the old school. The application includes a proposal for two second floor apartments which appear to have large windows and balconies, in fact these are being built in a roof space and as is clear from the proposed south elevation diagrams included in the application, they are being built outwards. It is not clear from the proposal how much of the new frontage will be glass but the certainly the addition of the balconies will mean that these properties will directly look into our property and number 12 Woodlea Bank, particularly if all of the trees are removed.

Summary

We are concerned that there is a lot of uncertainty particularly with regard to the removal of the trees and that this should be clarified before matters move forward : we do not want the applicant to believe he has free reign over the removal of trees which are important to us and which are not on his land. It is concerning that no permission has been sought from the owner of the land where

the trees are, particularly those trees which are directly in front of our property and number 12 Woodlea Bank.

The retention of at least some of the trees would help to alleviate some of our other concerns such as the level of noise from the new development.

A meeting could clarify what the applicant intends to do if trees are removed and the area is damaged and to what level he would intend to make good any damage and also to discuss further compromises such as the planting of additional shrubbery/trees nearer to the private pathway to help protect privacy and to act as a noise buffer.

We are concerned that the application should not progress at this stage whilst there is still so much uncertainty.

7. ASSESSMENT

The main considerations of the application are :

- 1) Principle
- 2) Flood Risk
- 3) Housing Policy
- 4) Visual Amenity
- 5) Neighbour Amenity
- 6) Access/Parking; &
- 7) Planning Contributions.

Principle

The site is within the Urban Boundary of Waterfoot, is previously developed land and is near to Waterfoot Town Centre and a 'quality' bus route. To this extent the development of the site is appropriate in principle. Indeed, given its lack of use/deterioration in appearance that is occurring development is to be encouraged.

Flood Risk

The Environment Agency has objected to the grant of planning permission in the absence of an acceptable Flood Risk Assessment (FRA).

In short, it has no objection to conversion of parts of the existing buildings to flats or construction of houses at the level of Thornfield Avenue or above. However, the submitted scheme of conversion proposes that a number of the flats have some or all of their space in parts of the existing buildings below the level of Thornfield Avenue and 4 new houses are proposed on the playground at the lower level.

In the absence of a FRA to demonstrate that their occupiers would not be at unacceptable flood risk I concur with its view that planning permission should not be granted.

It has also requested that the layout be amended to ensure no new buildings or garden boundaries are within 2m of the watercourse, indicating that such works would be unlikely to receive Environment Agency Byelaw consent.

Housing Policy

The Core Strategy indicates Waterfoot to be a settlement in which additional housing will be encouraged.

Policy 4 indicates that on a previously-developed site where 28 units are proposed Affordable Housing should be provided at a rate of 20% of units. The applicant has indicated that they cannot meet the requirement in full for viability reasons, but are willing to provide *“3 units as affordable/ shared ownership or rented properties to meet this criteria”*. This matter will be returned to in the Section of the Report below entitled Planning Contributions.

Visual Amenity

The existing buildings are of significant scale and form an attractive feature in the street-scene of Thornfield Avenue, though screened to a degree by trees within the highway. The scheme of conversion for the existing buildings entails limited external alterations and I am satisfied that they will be unduly prominent or intrusive as viewed from Thornfield Avenue or other public vantage points.

The 2 new houses proposed on the Thornfield Avenue frontage are of modern design, which cannot be said to reflect the surrounding buildings. However, they are of a scale and facing materials which pays some regard to the terraced houses opposite. Having regard to trees in the highway, and with a setback from the highway that is greater than the terrace opposite and does not mask view of the school buildings up Thornfield Avenue from the west, I do not consider that they will appear unduly prominent or intrusive.

The 4 new houses proposed on the playground to the rear of the school buildings will be open to public view from the other side of the river. Arranged in a staggered-row, and of more conventional design they will be viewed against a backdrop of school buildings and mature trees on the embankment rising up to the houses fronting Wood Lea Bank, which are of greater height. Accordingly, they will not appear unduly prominent or intrusive.

Formation of the shared access towards the eastern boundary of the site to serve the majority of the proposed flats and 4 new houses entails up-grade of an existing un-used/overgrown access that descends from Thornfield Avenue by approximately 6m to the rear playground. Its provision will require removal of 10 trees, one a mature Lime in the highway and the others on/adjacent to the ramped access. Whilst loss of the Lime to facilitate the formation of this access is regrettable, I do not consider its loss to provide grounds to refuse the application, subject to replacement planting. The other trees are not of such significant amenity value.

Neighbour Amenity

I do not consider conversion of the existing school buildings to flats, with the limited external alterations/extensions proposed, will result in significant detriment for neighbours in terms of outlook/light/privacy. Most particularly the dormers and first- & second-floor balconies proposed are sufficiently distant from site boundaries and give directions of view that will ensure there is not an undue loss of privacy for any neighbour.

The 2 new houses proposed on the Thornfield Avenue frontage are directly opposite terraced houses with a separation distance between them of 12m and 15m, respectively, the former reflecting the separation distance between the school buildings and terraced houses opposite. Since the proposed houses do not have habitable room windows in the elevation facing Thornfield Avenue they will not diminish the privacy of neighbours. Having regard to the height/bulk of the proposed houses, and the trees within the intervening trees within the highway, I do not consider that any neighbours will experience an unacceptable loss of light. With respect to outlook, the view of the neighbours will undoubtedly alter significantly as a result of the proposal. However, notwithstanding the lack of windows in the front elevation of the proposed houses, I do not think they will be unduly stark as viewed from the houses opposite such is their setback from the highway, the intervening trees and with the variation in facing materials from ground-floor garage doors, to first-floor stonework and second-floor hanging-slate.

The 4 new houses proposed on the playground to the rear of the school buildings will have their front elevations facing towards houses fronting Wood Lea Bank that are 35+m away and with their rear elevations facing houses that front Holt Street with a separation distance of 20+m. Accordingly, I do not consider that they will cause an unacceptable loss of light/outlook or privacy for these neighbours.

Formation of the shared access towards the eastern boundary of the site to serve the majority of the proposed flats and 4 new houses will require removal of 9 trees which lie between the school buildings and the elevated houses that front Wood Lea Bank. Whilst objectors have expressed concern about their loss I do not consider their removal will expose the neighbours to unacceptable view / noise from the application site. Nevertheless it is appropriate to require that the landscaping scheme provide for replacement tree/shrub planting in this area.

The concerns raised by neighbours relates to the access/parking arrangements are addressed below.

Access / Parking

Notwithstanding the concerns of local residents that the proposal will exacerbate existing problems with traffic congestion on Thornfield Avenue, the north side of which is extensively parked on as they have nowhere else to park, LCC Highways has concluded that there are no highway grounds on which to object to the proposal.

The Highway Authority acknowledges that there is considerable parking on the northern side of the street which reduces the road to a single carriageway at periods during the day. However, the southern side of the street has an existing Traffic Regulation Order with 'No Waiting at any Time' restrictions. Given the existing pressure on parking in the vicinity of the site it would not be acceptable for the proposed development to add to this.

It has looked at the proposal in this light and has concluded that satisfactory access/parking arrangements are being proposed to serve 28 properties comprising of 7x1 bed apartments / 15x2 bed apartments and 6x3 bed houses). Under its guidelines the development would require the provision of 42 parking places. The submitted application form says the proposal is to provide 45 parking spaces (including garages) although the proposed parking layout provided shows only 43 spaces. Of which 2 spaces proposed on the eastern site access are too near to Thornfield Avenue to be acceptable. Subject to the proposed garages being a minimum of 6 x 3m, and conditioned to ensure they are maintained for parking vehicles in the future, they can count towards the parking provision. Given the above, the provision of 41 parking spaces would be acceptable in this instance.

In addition, there are a number of matters of detail LCC Highways would wish addressed through conditions in relation vehicle turning areas and a pedestrian route as part of the eastern access to the site.

Accordingly, I do not consider that there are grounds to refuse the application for highway safety reasons.

Planning Contributions

To accord with policy requirements / consultee requests the following Contributions should be made :

- a) Affordable Housing - 20% of units (ie 6 units)

- b) Public Open Space /Play Provision - £1,366 per dwelling
- c) Provision of Refuse Bins - £100 per dwelling
- d) Education - £24,059 for 2 primary school places

The applicant has indicated that they cannot meet the Affordable Housing requirement in full or other contributions for viability reasons. However, they have indicated that they would be willing to provide “3 units as affordable/shared ownership or rented properties to meet this criteria”. This is only half the requirement to accord with Policy 4 of the Council’s Core Strategy and the Council’s Health & Housing Manager has advised that without fuller details of which units are to be the affordable units, and their tenure, it is not possible to assess the value of this offer &/or the degree to which it will assist in meeting local housing need.

To fully accord with the Council’s adopted Open Space & Play Equipment Contributions SPD a sum of £38,248 would need to be paid. However, the SPD does set out circumstances in which the Council will not seek the contribution in full, which include :

- To do so would make the development proposal financially unviable AND the development proposal would bring significant regeneration benefits to Rossendale or an identified area within the Borough beyond the simple re-development of Previously Developed Land / Buildings eg. having sustainable and substantiated social / environmental / economic credentials for amenities in the locality, and according with the regeneration objectives and priorities as identified by the Council.
- The Council chooses to reduce the open space contribution to no less than 50% of the full contribution for one-bed apartments, to reflect the fact that such dwellings typically have fewer residents than larger dwellings

In respect of the first point, the Applicant has not submitted a Viability Appraisal to demonstrate that the proposal cannot support Affordable Housing or other contributions beyond “3 units as affordable/shared ownership or rented properties”. Though not Listed Buildings or within a Conservation Area, the school buildings are of significant size and contribute positively to the character and appearance of the area. Having regard also to their condition, re-use rather than demolition & re-development can be considered a more sustainable option. Having regard to the latter point, Committee may consider it appropriate to reduce the Open Space & Play Equipment contribution sought by £4,781 to reflect the fact that 7 1-bed units are proposed.

Accordingly, in the absence of greater clarity about which units are to be the “3 units as affordable/shared ownership or rented properties” and their tenure, and in the absence of a Viability Appraisal to demonstrate that the proposal cannot support Affordable Housing or other contributions to accord with policy requirements / consultee requests, Officers consider that the application should be refused.

8. RECOMMENDATION

That Permission be refused.

Reasons for Refusal

- 1) The Environment Agency advises that the Flood Risk Assessment submitted with this application does not comply with the requirements set out in section 10, paragraph 30 of the Flood Risk and Coastal Change (FRCC) guidance category of the Planning Practice Guidance (PPG). The submitted FRA does not therefore provide a suitable basis for

assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Correctly identify the flood zones affecting the existing site;
2. Take the impacts of climate change into account;
3. Consider how people will be kept safe from flood hazards identified particularly in relation To the basement apartments;
4. Consider the effect of a range of flooding events including extreme events on people and property; and
5. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

Furthermore, the Environment Agency requests that the layout be amended to ensure no new buildings or garden boundaries are within 2m of the watercourse, indicating that such works would be unlikely to receive Environment Agency Byelaw consent as they would restrict maintenance and emergency access to Whitewell Brook.

Accordingly, the proposal is considered to be contrary to Section 10 of the National Planning Policy Framework (2012) and Policies 1 / 19 / 24 of the Council's adopted Core Strategy DPD (2011).

- 2) To accord with policy requirements / consultee requests the following Contributions should be made :
- | | | |
|--------------------------------------|---|-------------------------------------|
| a) Affordable Housing | - | 20% of units (ie 6 units) |
| b) Public Open Space /Play Provision | - | £1,366 per dwelling unit |
| c) Provision of Refuse Bins | - | £100 per dwelling unit |
| d) Education | - | £24,059 for 2 primary school places |

In the absence of greater clarity about which units are to be the *"3 units as affordable/ shared ownership or rented properties"* and their tenure, and in the absence of a Viability Appraisal to demonstrate to the Council's satisfaction that for viability reasons a relaxation from the full contributions is appropriate for viability reasons, the proposal is considered to be contrary to Section 10 of the National Planning Policy Framework (2012) and Policies 4 / 23 of the Council's adopted Core Strategy DPD (2011) and adopted Open Space & Play Equipment Contributions SPD (2008).