

<b>Application Number:</b>	2015/0037	<b>Application Type:</b>	Full
<b>Proposal:</b>	Conversion of existing buildings to 22 apartments and erection of 6 houses in the grounds	<b>Location:</b>	Waterfoot County Primary School, Thornfield Avenue, Waterfoot
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	16 June 2015
<b>Applicant:</b>	Waterfoot Investments Ltd	<b>Determination Expiry Date:</b>	8 May 2015
<b>Agent:</b>	Mr W Mahmood		

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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>Other (please state):</b>	<b>Major</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 grant Permission subject to the Conditions as set out in Section 10, issue of the decision notice not to take place until the S.106 Obligation to accompany it has been completed.

## 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 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 Woodlea 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. Relevant Planning History**

2014/0034 Conversion of existing buildings to 22 apartments and erection of 6 houses in the grounds

This application sought 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 application was reported to the meeting of DC Committee on 22 April 2014. In accordance with the Officer Recommendation, the application was refused for two reasons :

- 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....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).

**4. The Proposal**

This application is essentially a re-submission of the scheme of conversion/new-build proposed in Application 2014/0034, but with amendments/additional information the applicant considers address the two reasons for refusal of that application.

For the principal buildings, the Design & Access Statement indicates that, whilst there would be considerable internal alterations to accommodate the proposed apartments, the aim has been to minimise the changes to external appearance. 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 with the footprint that might be expected of a 3-bedroomed house but with a gull-wing roof. Living accommodation is to 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. It is stated in the Design & Access Statement that these 2 units 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.

The pairs of semi-detached houses previously proposed on the playground towards the rear of the site are now to be linked together to form a terrace of 4 houses in a staggered-row. They are to be 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. It is stated in the Design & Access Statement that these 4 new houses 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 the existing terraced houses.

Whilst the 2 new houses in the western corner of the site are to have off-street parking taking access directly from Thornfield Avenue and 6 flats are to 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 level of the rear playground. Each of the new houses will have the facility to park 2 cars within its curtilage, one space to be within a garage. To serve the 7 1-bed flats and 15 2-bed flats 18 allocated parking spaces, plus 6 visitor spaces on the ramped access, are shown on the submitted layout.

To provide the shared-access the previously-submitted scheme proposed the removal of 10 trees; one is a mature Lime located within the footway of Thornfield Avenue (that has previously been pollarded and is approximately 12m high), the others being of less prominence and varying age/species/ condition. The Agent advises that, following further discussion with residents of the houses on Wood Lea Bank, it is now acknowledged that 3 of the trees they had intended to fell are on land just outside their site; consequently, these tree works will not proceed without consent of the relevant neighbour. They further advise 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.

The Applicant has indicated that they are willing to enter into a S.106 Obligation to provide :

- 6 of the proposed units as Affordable Housing
- £33,467 towards off-site Public Open Space/Play Provision
- £24,059 towards 2 primary school places
- £2,800 towards Refuse Bin provision

The application is also accompanied by a Flood Risk Assessment (& Addendum), Tree Report and Bat Reports.

## **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 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)

## **6. Consultation Responses**

### **Environment Agency**

We have previously seen and commented on the revised Flood Risk Assessment (FRA) by Carley Daines (7th October 2014). The letter of 6th November 2014 by Carley Daines acknowledges and comments on the areas where we felt the FRA was lacking. We have no flood risk objections to the proposals based on the supporting FRA and addendum letter.

We have not required that the stone wall on the frontage to Whitewell Brook be removed, but we have no objection to this. This has been put forward by the applicants as a means of reducing flood risk. The landowner is responsible for the maintenance and integrity of the stone wall. 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 works to the wall, erection of replacement fencing or other works or structures, in, under, over or within 8m of the top of the bank of Whitewell Brook which, is designated a 'main river'. This includes any new surface water outfalls or alterations or repairs to the existing channel retaining walls.

### **LCC Drainage**

Lancashire County Council is the Lead Local Flood Authority (LLFA) for the County's administrative area - the Flood and Water Management Act (FWMA) sets out the requirement for LLFAs to manage 'local' flood risk within their area. It should be noted that the comments provided in this representation, including conditions, are advisory and it is the decision of the Local Planning Authority whether any such recommendations are acted upon.

### **Flood Risk**

No objection; regard has been had to the comments of the Environment Agency.

### **Sustainable Drainage Systems and Water Sensitive Urban Design**

The LLFA strongly promote Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy for any proposed development. Regardless of the site's status as greenfield or brownfield land, LCC encourages that surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable. Prior to designing the site surface water drainage, a full ground investigation should be implemented to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body or public sewer system.

### **Other**

LCC recommends that where there is any potential for the existing habitat of protected species (for example great crested newt, native white clawed crayfish, water vole, bats or otter species) on the proposed development site, the applicant should undertake an appropriate ecological assessment by a competent ecologist prior to starting works on site. It is an offence to undertake works which adversely affect any legally protected species or habitat without appropriate mitigation measures in place.

### **RBC Environmental Health**

No objection.

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

### **RBC Operations**

Due to this being a narrow road, large amount of parked cars, a number of trees and with low hanging branches, we will have major issues trying to service the proposed apartments/houses. If

they are planning on having apartments they would need trade containers as residents would not pull these to the main road.

### **LCC Highways**

No objection.

The site is well located within walking distance for bus services, schools and other facilities including employment within Waterfoot Centre. There are no concerns about safety on the surrounding highway network. The proposed residential use will have a lesser impact on the network than its former use as a primary school.

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 / 6x3 bed houses). Under the County's guidelines for parking levels associated with a residential development this would require the provision of 49 parking places. 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.

The Agent has submitted an amended Layout taking on-board its recommendations. As a consequence, the submitted plan proposed 43 car parking spaces, doing so now in a manner avoiding spaces on the ramped access so close to Thornfield Avenue to be of concern. The siting of the intended bin stores has been amended to better facilitate collections by RBC Operations.

A condition is requested that the garages are maintained for this use in the future. 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.

Off-site highway works : This consent requires works to the public highway and only the Highway Authority, or contractor it has approved, can carry out these works. There is no objection to removal of the highway tree (labelled T1 in the submitted report) subject to a suitable replacement. If it is necessary to remove the tree opposite 8-10 Thornfield Avenue due to damage to roots that would be caused by the new access here a suitable replacement would be required. To facilitate the new access point it may be necessary to move a street lighting column on Thornfield Avenue and this should be agreed with the Highway Authority and the cost will be borne by the developer.

### **Rossendale Civic Trust**

Overall View : The proposed re-use 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?

However, the proposals for the conversion of the School and new housing appear the same as Previous Application 2014/0034 and, therefore, RCT's representations on it are mostly re-stated:-

### **Comments on the school conversion**

The apartments are quite large and could accommodate rather more than 37 bedrooms. Therefore, there is a potential for quite a large car ownership - as many of the apartments look big enough for 4 bedrooms, they would need 3 spaces. There appears to be scope to increase parking space numbers with so called "tandem" parking and beneath the existing building.

### 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.

### Density for quality housing

Policy 2 encourages higher density developments (50+ dwellings per hectare) in sustainable Locations - such as this - and this applications' 28 dwellings on a 0.41Ha site is close to 70dph. 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?

### Affordable Housing

Core Strategy Policy 4 includes an affordable housing target for all new private sector residential developments of 20% on brownfield sites over 15 dwellings. So is this 5 or 6?

### Lancashire Constabulary Architectural Liaison Officer

A crime and incident search of this policing incident location for the period 01/01/2014 to 01/02/2015 records crimes including burglary and criminal damage. In order to prevent the opportunity for criminal activity at the proposed development the following designing-out crime recommendations are made:-

- The scheme should be developed to Secured By Design security standards - Sections 24 and 25 relates to Communal Dwellings.
- Consideration should be given to the development being covered by a CCTV system, most particularly, the main entrance to the building should be covered by a CCTV camera that provides a clear head and shoulders shot of all persons entering the apartment block. Consideration should be given to the parking areas being covered by CCTV.
- There should be access control arrangements in place at the main external entrance to the building to avoid unauthorised entry and human tailgating such as a key fob entry system or similar arrangement.
- Windows should be PAS 24 2012 and fitted with restrictors. Ground floor glazing should be laminated particularly at the side and rear of the building. It is recommended that internal apartment doorsets are PAS 24 2012 enhanced Security tested lockable doorsets fitted with a door viewer and security bar/chain.
- The perimeter of the building should be illuminated with an even spread of lighting - it is recommended that dusk till dawn lighting units are fitted at the main entrance and at the rear of the building so as to deter potential offenders and reduce the fear of crime. The parking areas should be well lit with an even spread of British Standard 5489 lighting columns.

## **7. Notification Responses**

To accord with the General Development Procedure Order a press notice was published on 13/3/15, 3 site notices were posted on 25/2/15 and letters were sent to neighbours on 19/2/15

The following comments have been received :

### **2 Thornfield Avenue**

Object.

- Traffic congestion on the avenue would become unbearable with the addition of extra dwellings. The traffic on Thornfield Avenue at the best of times is slow going due to resident parking on the North side, only allowing one lane of the road to be used. Also Thornfield Avenue is an access route to the bakery behind the road, which requires regular deliveries via large wagons which also causes some disruption. The proposal of an access driveway approximately opposite number 4 is totally impractical due to the width of the Avenue and the present residents vehicle parking.
- Concerned that the proposed removal of the current stone barrier wall to the river, and replacing it with railing/fencing, will increase the risk of flooding not alleviate it - having lived on Thornfield Avenue for the past 17 years, the risk of flooding from the river rising up is higher than from run off water, so to remove this barrier could lead to a potential disaster.
- Object also to the plans to build two 3-storied houses in such close proximity to my own dwelling - even though there is no 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.
- Tree removal on the Avenue itself should be carefully considered before being permitted.

### **Olive Mount, Woodlea Bank**

Olive Mount directly overlooks the old school building. Our property and 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.

Whilst we do not object to the proposed renovation, and in fact welcome the preservation of the old building and its purposeful use, we do have the following concerns :

#### Creation of a two lane access road off Thornfield Avenue

It is unclear how the existing un-used single lane track can be turned into a 2-lane road, particularly due to the steep incline.

#### 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.

#### Increased congestion and parking difficulties

At present parking can be difficult on Thornfield Avenue and it is a route to the Grammar School. The application proposes less than 2 parking spaces per dwelling and proposes spaces on the access road and positions not easily accessible. The development will increase congestion.

#### Subsidence & drainage

There is a concern that work to form the 2-lane road will cause damage to the old school wall and our property due to subsidence, nor how any retaining structures will restrict drainage.



### Lighting and Noise Level

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. 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. Similarly we are concerned about the lighting of the new properties and the access road.

### Removal of Trees

It is proposed that several trees be cut down, particularly to make way for the new road, including some beyond the applicant's land ownership. The removal of the trees is a concern as they could act as a sound/ lighting buffer for the road and protect privacy. Removal of the trees is also lead to subsidence.

### Protection of Bats

The application makes reference to bats - they can often be seen flying at dusk in the summer months through the trees between Woodlea Bank and the school. The recommendations of the bat report should be carried out before decisions are taken regarding renovation of the building and removal of the trees.

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

The application includes a proposal for two second floor apartments which appear to have large windows and balconies. These properties will directly look into our property and 12 Woodlea Bank, particularly if all of the trees are removed.

### Rossendale Cycling Forum

The proposed development is directly adjacent to the Pennine Bridleway and is also very close to Bacup & Rawtenstall Grammar School and Waterfoot Primary School. Safe cycle access is therefore important. The developer's supporting document makes no mention of cycling. The application states that there will be new roadways including a new link to the existing road. Will these be subject to a safety audit which includes cycle access?

## **8. 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) Bats
- 8) 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 and continuing deterioration in appearance of the site & buildings that is occurring, development is to be encouraged.

### Flood Risk

The Environment Agency objected to Application 2014/0034 in the absence of an acceptable Flood Risk Assessment and scheme design to mitigate flood risk to an acceptable extent. It has no

objection to the current proposal and any works within 8m of Whitewell Brook will require its consent.

The current scheme is accompanied by a Flood Risk Assessment that draws upon Environment Agency data about flood risk and identifies a need for any dwelling unit to have a minimum floor level of 193.64m AOD if it is to have more than a 1 in 100 year chance of flooding when a climate change allowance is added; to provide a 1 in 1,000 year chance of flooding when a climate change allowance is added is calculated to require a minimum floor level of 194.02m AOD based on Environment Agency flood data.

The current scheme proposes that the 4 new houses to be built on the lower playground have a floor level of 194.5m AOD and the land around them be 0.3m lower than this (entailing its elevation by approximately 0.5m. Flats with space at the lower level will have a minimum floor level of 193.94m AOD or more in some instances), the scope to increase this constrained by the need to provide suitable head-head.

Thus, the proposal fully accords with the need for it to ensure the risk dwelling units are prone to is less than 1 in 100 years when a climate change allowance is added and the new-build houses will all be at a level putting them above the Environment Agency's preferred 1 in 1,000 year chance of flooding when a climate change allowance is added.

Furthermore, the latest layout ensures that no new buildings or private-gardens will lie within 2m of the bank-top of Whitewell Brook. It also indicates the applicant's willingness to replace the existing stone wall on the site's frontage to the brook with a 3m wide gate towards each end and a metal mesh railing fence, to facilitate future access to the river for river-wall maintenance and allow for flood-water to easily return to the brook.

#### 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% - which equates to 6 units in this instance.

The applicant has indicated that they are willing to :

- a) Offer for sale 6 units to a Housing Association at 60% of the market value; or
- b) Offer for sale 6 units privately to local people at 75% of the market value.

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 not 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 Woodlea Bank. 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 entail removal of 7-10 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.

Whilst the applicant has expressed an intention to replace the stone wall that bounds Whitewell Brook with a fence as a means of reducing flood risk, the Environment Agency does not require this to be done and I consider it desirable for the wall to be retained for reasons of visual and neighbour amenity.

#### 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 existing 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 with intervening trees within the highway, I do not consider that any neighbour 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 Woodlea 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 trees which lie between the school buildings and the elevated houses that front Woodlea 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 a

landscaping scheme be submitted & approved that provides for replacement tree/shrub planting in this area.

The concerns raised by neighbours related 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, 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 / 6x3 bed houses). Under its guidelines the development would require the provision of 42 parking places. The drawings accompanying the current application propose 43 parking spaces (including 8 spaces within garages) in a manner the Highway Authority considers satisfactory, and with adequate facilities for secure/covered cycle storage and bin storage.

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

### Bats

The submitted Bat Reports indicate that an initial day-time inspection in early August 2013 identified : evidence of roosting in a ground-floor, under-cover area of the principal building and areas of hanging tiles on it that provide high potential for bats; & the pre-fabricated building towards the western end of the site frontage also had gaps at the eaves where bats could enter, although there was no evidence to suggest roosting by bats.

Accordingly, further surveys were undertaken in Autumn 2013. No evidence of roosting was then found in/on buildings, but there was said to be feeding and song-flight activity in the vicinity of them, unsurprising given the adjacent watercourse/tree-cover. The Report concludes :

- There will be only small-scale development associated with the ground-floor, under-cover area and while this will destroy part of the (historic) roost it would be very easy to recreate like-for-like provision in lieu of what will be lost - the main issues to be addressed are the timing of the work to safeguard bats from disturbance, and ensuring a mechanism is in place to protect all roosting areas into the future.
- It is possible to retain a lot of the hanging tiles but the timing and methodology of works needs to be planned with bats in mind and formally documented.
- The development should be covered by a European Protected Species Licence and in order to get a Licence it will be necessary to undertake further bat activity survey work to clarify how bats are using the buildings - if in fact they are still doing so - and establish the measures to be taken to avoid/mitigate harm and compensate for any residual harm.

I am satisfied that the presence for bats has been properly investigated and the findings to date do not preclude permission being granted for the proposed development, though flagging-up that works should not proceed without first obtaining a European Protected Species Licence.

### Planning Contributions

The Applicant has proposed the following Contributions be made to :

- a) Affordable Housing - 20% of units (ie 6 units)
- b) Education Provision - £24,059
- c) Public Open Space /Play Provision - £33,467
- d) Provision of Refuse Bins - £2,800

The Applicant has indicated that they are willing to enter into a S.106 Obligation to provide :

- 6 of the proposed units as Affordable Housing
- £33,467 towards off-site Public Open Space/Play Provision
- towards 2 primary school places
- £2,800 towards Refuse Bin provision

In amplification :

With respect to Affordable Housing, the Applicant has indicated a willingness to : a) Offer for sale 6 units to a Housing Association at 60% of the market value; or b) Offer for sale 6 units privately to local people at 75% of their full market value. The Council's Health and Housing Manager advises that this is acceptable. The Education contribution which has been offered reflects what LCC Education sought in respect of Application 2014/0034 in order to add 2 primary school places to local capacity.

To fully accord with the Council's adopted Open Space & Play Equipment Contributions SPD a sum of £38,248 would need to be paid. The sum offered reflects the fact that 7 of the proposed flats are to have 1 bedroom and the SPD indicates that the Council may choose to reduce the full open space contribution of £1,366 per unit to no less than 50% for one-bed apartments.

The Applicant is proposing the full contribution of £100 per dwelling for the provision of refuse bins.

This being the case, the policy requirements / consultee requests for Contributions are being offered in full.

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

The proposed development is appropriate in principle in the Urban Boundary and will secure the re-use of a building that forms a prominent & attractive feature of the street-scene of Thornfield Avenue and go some way towards meeting the local housing need. Subject to the Conditions and accompanying S.106 Obligation, the proposal will not unduly detract from visual and neighbour amenity, biodiversity or highway safety, having regard to the National Planning Policy Framework (2012) and Policies AVP3 / 1 / 2 / 3 / 4 / 8 / 9 / 16 / 18 / 19 / 22 / 23 and 24 of the Council's adopted Core Strategy DPD (2011).

## **10. RECOMMENDATION**

That Committee be minded to grant Permission subject to :

- a S.106 Obligation to secure provision of not less than 6 units of Affordable Housing (at the appropriate time and in the appropriate form), together with the payments offered by the Applicant in respect of Education/Open Space & Play Equipment/Refuse Bin provision.

- the Conditions set out below.

and, in the event that the S.106 Obligation has not been completed in a satisfactory form by 31/7/15, Officers (in consultation with the Chair of Committee) have authority to refuse the application.

### **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 documents (unless otherwise required by the Conditions below) :
  - a) The Planning Application Form, Design & Access Statement, Flood Risk Assessment & addendum letter of 6/11/14, Ecology & Tree Reports; &
  - b) The attached Schedule of Approved Drawings.Reason : For the avoidance of doubt.
3. Prior to commencement of development full details of the measures to be taken for the avoidance/mitigation of harm to trees and wildlife shall be submitted to the Local Planning Authority. Development shall not commence until details of the measures to be taken have been approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.  
Reason : To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings/recommendations of the submitted Ecology & Tree Reports and to accord with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).
4. Prior to commencement of construction of the houses and bin stores hereby permitted samples of the intended facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.  
Reason : In the interests of visual and neighbour amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).
5. Prior to first occupation of any of the dwelling units hereby permitted the proposed access, garaging & parking areas to serve it shall be constructed, drained, surfaced & delineated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, unless otherwise first agreed in writing by the Local Planning Authority. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (or any order amending or revoking & re-enacting that order) these access, garaging & parking areas shall thereafter be kept freely available for the parking and manoeuvring of cars at all times.  
Reason : In the interests of pedestrian and highway safety, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.
6. Prior to commencement of any ground works / construction works a scheme of landscaping and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, to include details of : changes in ground level; retaining walls/boundary walls/fences/gates/hard-surfaced external areas (& providing for the retention/re-building of the stone wall fronting Whitewell Brook with means of access to satisfy the Environment Agency); measures for removal or the long-term management / control of Japanese knotweed); proposed planting (including planting to compensate for tree loss & to enhance

the ecological interest of the site through implementation of a scheme & through a long-term management plan). Any changes in ground level/retaining walls/boundary walls/fences/gates/hard-surfaced external areas forming part of the approved scheme shall be completed prior to first occupation of any dwelling (or as otherwise first agreed in writing by the Local Planning Authority). Any planting forming part of the approved scheme shall be carried out in the following planting season (or as otherwise first agreed in writing by the Local Planning Authority) 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 24 of the Council's adopted Core Strategy.

7. Prior to the commencement of any ground works / construction works a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide details of :

- Parking for site operatives and visitors
- Areas for loading/unloading and storage of plant & materials
- Details of hours at which HGV's will enter & leave the site and wheel-washing facilities
- Site security hoarding to be erected

The approved Construction Method Statement shall be implemented and adhered to throughout the 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 Core Strategy DPD.

8. Any ground works / construction works associated with the development hereby approved shall not take place except between the hours of 7:00am & 7:00pm Monday to Friday and 8:00am & 1:00pm on Saturdays. No such works 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 and in the interests of pedestrian/highway safety, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

#### Informatives

The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at [http://www.rossendale.gov.uk/a\\_to\\_z/service/309/core\\_strategy](http://www.rossendale.gov.uk/a_to_z/service/309/core_strategy), and operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant. In this case the applicant did engage in pre-application discussions. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.