

Application Number:	2016/0388	Application Type:	FULL
Proposal:	Change of use of former children's nursery with flat above to 2 flats, with external playground to become garden and a 1m high stone wall on eastern boundary	Location:	4 Milne Street Irwell Vale
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	13 th December 2016
Applicant:	Cllr Janice Johnson	Determination Expiry Date:	16 th December 2016
Agent:	Mr John Hodkinson		

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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):	Applicant is a Councillor

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 granted subject to the Conditions set out in Section 10.

2. SITE

At the heart of the Irwell Vale Conservation Area is the terrace to each side of Bowker Street, and each of which is a Grade II listed building. To the south-west of Bowker Street runs Milne Street, with properties to its south side that to the front are also of stone/slate construction, but more varied design and appearance.

The application relates to what were originally 2 & 4 Milne Street but now form one planning unit. Though continuing to have the appearance of 2 houses as viewed from the front, until recently the ground-floor has been used as a children's nursery with a flat above. The yard to the rear extends also to the rear of No 6 and has been used as a children's playground, the internal faces of the waney-lap fence bounding it painted assorted bright colours, as too are sheds within it.

The building attached to its west side is a house. To the east side runs a private road, giving access to a relatively-modern house to the rear (with large double-garage on the party-boundary), and over which runs a public footpath. To the other side of this private road is the side-elevation of Irwell Vale Methodist Chapel.

The area lies within the Urban Boundary of Irwell Vale. The Conservation Area Character Appraisal identifies the application building as a 'Positive Unlisted Buildings of Medium Quality' and the Methodist Chapel as a 'Positive Unlisted Buildings of High Quality'.

Irwell Vale stands at the confluence of the River Ogden & River Irwell. The application building, though approx. 80m from each, is within Flood Zone 3, as designated by the Environment Agency.

3. PLANNING HISTORY

- 2014/0524 Erection of 1-storey rear extension
Approved and implement, incorporating flood resistance measures, including solid floor, internally rendered walls and raised plug sockets.
- 2015/0458 New doorway at front
Approved and implement, providing a separate means of access to the existing first-floor flat.

4. PROPOSAL

The application seeks permission to change the use of the ground-floor to a 1-bedroomed flat, the basement to be used for ancillary storage (not living accommodation), entailing no external alterations of the building.

The children's playground garden would become garden, the existing waney-lap fence between this area and the private road to the east side replaced by a 1m high stone wall, with flag coping. Described on the submitted drawings as a Flood Protection Wall, it is to span between the application building and the stone wall fronting the house to the rear, the only opening in it to be a 1m wide opening to be fitted with a solid gate with rubber seals to the reveals.

The Agent has advised that :

- The nursery ceased trading after the Boxing Day floods of 2015 when water entering the rear of the building and flooded the basement.
- The applicant has been unable to sell the property and hopes to generate at least some income by letting the existing first-floor flat and living in the proposed ground-floor flat.

5. POLICY CONTEXT

National

National Planning Policy Framework

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 10	Meeting the challenge of Climate Change, etc
Section 12	Conserving and Enhancing the Historic Environment

Development Plan

RBC Core Strategy DPD (2011)

AVP5	Area Vision for SW Rossendale
Policy 1	General Development Locations & Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 7	Social Infrastructure
Policy 8	Transport
Policy 16	Preserving & Enhancing the Built Environment
Policy 19	Climate Change, etc
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Planning Policy Considerations

RBC Irwell Vale Conservation Area Character Appraisal 2011

6. CONSULTATION RESPONSES

RBC Conservation

No objection.

LCC Highways

There are no highway objections to the proposal which is likely to reduce the number of vehicle movements and parking requirement at the property.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application was publicised by a press notice, site notice and letters to neighbours.

No comments have been received.

8. ASSESSMENT

The main considerations of the application are :

- 1) Principle; 2) Heritage Interest / Visual Amenity; 3) Neighbour Amenity;
- 4) Traffic / Parking; 5) Flooding

Principle

The site lies within the Urban Boundary of Irwell Vale, wherein conversion of an existing building to create an additional unit of residential accommodation is appropriate. The Council cannot currently demonstrate a 5-year supply of deliverable housing land weighs in favour of the proposal.

Policy 7 of the Core Strategy, relating to Social Infrastructure, states (amongst other things) that :

“The loss of social infrastructure / cultural facilities such as pubs, post offices, theatres, community halls, youth centres, parks and open space that require a change of use application will be resisted, particularly in local centres and small settlements. All the following factors will be considered when assessing applications:

- The availability of alternatives within 15 minutes travelling time by non-car modes*
- The financial viability of the existing use*
- The results of marketing the site for existing or other community uses for a minimum period of six months*
- Whether it is possible for the community facility to be retained in the same locality, but combined with another use*
- Significance of loss on the local community”*

As the children’s nursery occupying this building is understood to have been the only one based in Irwell Vale the applicant was asked to demonstrate compliance with Policy 7 and has responded as follows:

- I ran the nursery from 1989. Ten years on I put it on the market for more than a year ,to no avail, twenty years on again I tried another estate agent, then this year with a third estate agent. The nursery was too small and lacked car parking.
- When a manager was appointed to take over the running of the business in 2015 Ofsted issued an unsatisfactory notice which resulted in loss of revenue from Lancashire County Council. I could have eventually turned this around but then we flooded I decided enough was enough.
- I ran the nursery with 31 children, six part time staff and two full time staff.
- There were 2 children from the village (who are now at school) and the rest came from surrounding areas by car.
- Since I opened there have been lots of nurseries opened around us, plus childminders, many with vacancies.
- Within two weeks of giving notice all the children had found new childcare and all the staff new jobs.

It is regrettable that Irwell Vale will cease to have a children’s nursery. However, the size of the settlement is such that it does not itself generate sufficient children of an appropriate age to be economically viable without the majority of its children being brought to the premises by car from a far wider area. This is neither ‘sustainable’ in transport terms, nor is the local road network well suited to cater for such traffic.

In the circumstances it not considered that the application should be refused in order to retain the children’s nursery as it is not considered it loss will result in a significant loss to the local community.

Heritage Interest / Visual Amenity

Section 72 of the T&CP (Listed Buildings & Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Consistent with this, Policy 16 of the Adopted Core Strategy seeks to preserve and enhance Rossendale’s historic built environment by :

“Promoting the positive management of the Borough’s heritage assets, avoiding unnecessary loss and requiring appropriate mitigation of any negative impacts.

Ensuring that all development is:

- a. Located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context;*
b. Of a high standard of design, reinforcing the local distinctiveness of Rossendale.”

In this instance no external alterations or extensions to the building are proposed. Replacement of a length of waney-lap fencing bounding the private road/public footpath running to the east side of the property with a stone is to be welcomed so long as it does not expose to public view the brightly-coloured internal faces of the waney-lap fence bounding other sides of the rear yard and sheds within it.

Neighbour Amenity

The proposed flat is likely to generate less noise and traffic/parking issues for neighbours than resumption of the children’s nursery. No objections from neighbours have been received.

Traffic / Parking

LCC Highways has no objection, satisfied that the proposal is less likely to generate traffic/parking issues than the children’s nursery.

Flooding

Irwell Vale stands at the confluence of the River Ogden & River Irwell, the application building being approx. 80m from each. Whilst it is the case that the basement of this property was flooded in December 2015, living accommodation is not proposed in the basement and there are a great many houses nearer to the rivers which then had their ground-floors flooded.

The Environment Agency advises that, in accordance with the National Planning Policy Framework, it views the proposed change of use from children’s nursery to a flat as entailing no change in the ‘vulnerability’ classification of the premises. Consequently, it need not be formally consulted on the application and notes that the scheme incorporates a flood protection wall intended to reduce the likelihood of the basement flooding.

9. SUMMARY REASON FOR APPROVAL

The proposed use is considered appropriate in principle and would help bring back into full use a building in Irwell Vale Conservation Area without unacceptable detriment to visual & neighbour amenity or in terms of flood & highway safety. The scheme is considered to accord with the National Planning Policy Framework and Policies AVP5 / 1 / 2 / 3 / 7 / 8 / 16 / 19 / 23 / 24 of the Council’s Core Strategy DPD (2011).

10. RECOMMENDATION

That Permission be granted.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with Drwg No 16/248/01A & Drwg No 16/248/02, unless otherwise required by the Conditions below.
Reason : For the avoidance of doubt.

3. The flood protection wall hereby permitted shall be constructed with materials and in a form to match the appearance of the wall fronting Bowker Lodge, and the gate shall be constructed with vertical timber boards, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : To preserve or enhance the special character or appearance of Irwell Vale Conservation Area.

4. Within 2 months of substantial completion of the flood protection wall hereby permitted the multi-coloured waney-lap fencing panels bounding other sides of the rear yard and the sheds within it shall be stained brown, unless an alternative colour scheme or means of screening them from view from the public footpath running to the east side of the site has first been submitted to and approved in writing by the Local Planning Authority.

Reason : To preserve or enhance the special character or appearance of Irwell Vale Conservation Area.