

<b>Application Number:</b>	2023/0276	<b>Application Type:</b>	Demolition in a Conservation Area
<b>Proposal:</b>	Proposal to demolish 12 Market Street	<b>Location:</b>	12 Market Street Bacup Lancashire OL13 8HA
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	25/07/2023
<b>Applicant:</b>	Lee Halshaw (Rossendale Borough Council)	<b>Determination Expiry Date:</b>	08/08/2023
<b>Agent:</b>	N/A		

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### 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:

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	No
<b>Member Call-In</b> Name of Member: Reason for Call-In:	No
<b>3 or more objections received</b>	No
<b>Other (please state):</b>	Council owned land.

### 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 is minded to approve subject to the conditions outlined under section 10 of this report; and also delegate authority to the Chair of the Development Control Committee and Head of Planning to consider any public representations received prior to the expiry of the advert placed in the Rossendale Free Press publicising the application, and subsequently determine the application upon the expiry of the publicity period, taking into account any representations received.

## **2. SITE**

The application relates to 12 Market Street in Bacup: a five-storey rectangular building of mostly brick construction under a flat roof. The building, dating from the 1950s, is located on the east side of Market Street and is located within the Bacup Conservation Area. The building is not listed as a designated heritage asset. Adjacent to the building is an extensive footway, bus stop and bus stop and taxi layby. To the rear of the building is Bacup Market which sits at a lower elevation.

The building was a former bank and is believed to have last been in use, at least in part, as a Yoga Studio. It is understood that the building is currently vacant. The building is located within the District Centre of Bacup and is within the primary shopping area.

## **3. RELEVANT PLANNING HISTORY**

The building has an extensive planning history but none of the applications are relevant to the determination of this application to demolish the building.

## **4. PROPOSAL**

The applicant seeks planning permission to demolish 12 Market Street. According to the demolition method statement, due to the height of the building and nearby businesses the demolition will involve reducing the height of the structure using a hand demolition method. The building's structure will be fully demolished and the slabs, foundations and retaining wall shall remain.

The proposed development relates solely to the demolition of the existing building, however, a statement prepared by the Council's Economic Development department outlines that the building is intended to be replaced by a cycle hub and café as part of the proposed Bacup Market and Public Realm Upgrade – a key part of the 2040 Bacup Vision.

The regeneration of Bacup market and improvements to the area's public realm form part of the Council's successful bid for £17.95m from the Government's Capital Levelling Up Fund. The projects are outlined in the Rossendale LUF Regeneration Programme and the proposal to demolish 12 Market Street forms part of the Capital Regeneration Project.

## 5. POLICY CONTEXT

### National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 16 Conserving and enhancing the historic environment

### Development Plan

#### Local Plan Policies

- Policy SS: Spatial Strategy
- Policy SD1: Presumption in Favour of Sustainable Development
- Policy SD2: Urban Boundary and Green Belt
- Policy ENV1: High Quality Development in the Borough
- Policy ENV2: Historic Environment

#### Other Material Planning Considerations

Bacup Conservation Area Appraisal (2011)

## 6. CONSULTATION RESPONSES

Consultee	Response
Greater Manchester Ecology Unit	No objection
Growth Lancashire	Comments received, concluding that the proposal does not meet the objectives of Chapter 16 of the NPPF and is therefore at odds with ENV2 of the Local Plan. As such, the proposal needs to be assessed under paragraph 202 of the NPPF.
The Coal Authority	No comment.
Environment Agency	No objection. Advice to applicant provided (included as an informative).
RBC Environmental Health	No objection, conditions recommended.
LCC Highways	Additional information requested and conditions recommended.
RBC Economic Development	No comments received.
RBC Building Control	No comment regarding building control, however applicant is to submit a Section 80 notice of

Consultee	Response
	demolition a minimum 6 weeks prior to works taking place.
United Utilities	No comments received.

## 7. REPRESENTATIONS

In order to publicise the application 33 neighbouring properties were notified of the proposal, a site notice was displayed close to the site and an advert was placed in the Rossendale Free Press.

So far no comments have been received in response to the application, however, the public consultation period relating to the advertisement placed in the Rossendale Free Press does not expire until 4 August 2023. Section 1 outlines the recommendation if any representations are received prior to the expiry of the notification period.

## 8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Heritage Impact
- 3) Neighbour Amenity;
- 4) Access, Parking and Highway Safety;
- 5) Planning Balance.

### **Principle**

The application proposes to demolish 12 Market Street, an unlisted building located within the Bacup Conservation Area (hence why planning permission is required for the proposed works).

It is considered that the development is acceptable in principle.

### **Heritage Impact**

Policies ENV1 and ENV2 of the Rossendale Local Plan state that all proposals for new development in the Borough will be expected to take into account safeguarding and enhancing the built and historic environment. Policy ENV2 states:

*“The Council will support proposals which conserve or, where appropriate, enhance the historic environment of Rossendale.*

*Particular consideration will be given to ensure that the significance of those elements of the historic environment which contribute most to the Borough’s distinctive identity and sense of place are not harmed. These include:*

- *The historic town centre of Bacup.*

*Proposals within or affecting the setting of a conservation area will only be permitted where it preserves or enhances the character and appearance of the area, including those elements which have been identified within the conservation area appraisal as making a positive contribution to the significance of that area.”*

12 Market Street is located within Character Area 4: Market Street and Bank Street, and the Appraisal notes that a key negative features of the area include vacant sites due to clearance and vacant shops in Market Street.

12 Market Street is currently vacant and is therefore contributing to one of the key issues found in the area. The building is not identified as a positive unlisted building; in fact the building is designated within the Appraisal as a ‘building where Sensitive Redevelopment would be welcome’ and a ‘20<sup>th</sup> century building where appropriate redevelopment would be welcome’. When discussing brick buildings within the Bacup Conservation Area, the Appraisal also comments “Less attractive is the modern brickwork on Barclays Bank (No. 12 Market Street).”

A Heritage Statement accompanies the application and provides a statement of significance which explores the heritage values associated to the building: evidential, historic, communal and aesthetic. The statement notes that the building’s significance is mostly found in its communal value, given the length of time the bank would have been used by residents, which is afforded medium significance. The building’s aesthetic value is also noted as bringing medium significance, with the building being an excellent example of post-war Scandinavian architecture. Both the evidential and historic value of the building are considered of low significance.

The Council’s Conservation Consultants Growth Lancashire are in agreement with this statement, commenting:

*“The building does not significantly contribute to the character or appearance of the Bacup Conservation Area and is more neutral, with its lack of use having a negative impact. Whilst the building contributes somewhat architecturally and appears to be a good example of 1950s architecture, overall, I do not feel that the demolition of the building will cause any notable harm to the character or appearance of the Bacup Conservation Area. Furthermore, I feel that its demolition is likely to be balanced or possibly outweighed by the reuse of the space proposed in the 2040 Vision.”*

Notwithstanding the above, however, the lack of plans/details for the proposed redevelopment of the site mean that the proposed demolition of 12 Market Street has the potential to leave a gap site within the Bacup Conservation Area, which Growth Lancashire conclude would have a negative impact on its character and appearance. In the absence of a full planning application for the proposed redevelopment of the site, Growth Lancashire conclude that the proposed demolition of the site would cause some low-level harm (less than substantial) to the character and appearance of the Bacup Conservation Area. As such, the proposal does not meet the objectives of Chapter 16 of the NPPF and is therefore at odds with Policy ENV2 of the Local Plan.

The case officer agrees with Growth Lancashire’s conclusion, and therefore the less than substantial harm resulting from the proposal will need to be weighed against any public benefits of the proposal (in line with the Framework and Policy ENV2 of the Local Plan). This has been undertaken in the planning balance section below.

## **Neighbour Amenity**

A demolition method statement accompanies the application and, subject to the works being undertaken in line with the details set out in the statement, it is not considered that the development will result in any significant harm to the living conditions of residents living nearby nor other occupants in nearby buildings.

The Council's Environmental Health team have been consulted and have recommended hours of working associated to the proposal are limited due to the proximity of nearby residential properties. A suitable condition is recommended below. It is not considered necessary to include a condition preventing no open burning (also requested by Environmental Health) as separate powers are available to the Council to take action against any statutory nuisances arising from such activities under the Environment Protection Act 1990.

Overall, the development is considered to be acceptable in terms of neighbour amenity.

## **Access, Parking and Highway Safety**

The local highway authority have not raised a formal objection to the planning application, but have requested additional information is submitted to ensure the proposed demolition does not have an adverse impact on highway safety in the local area. In this case it is considered that the request for additional information can be addressed by the inclusion of suitably worded pre-commencement conditions, alongside the pre-commencement conditions already requested by the highway authority.

As such, the proposal is considered to be acceptable in terms of highway safety.

## **Planning Balance**

In line with paragraphs 11 and 202 of the Framework, it is necessary to carry out a balancing exercise to ascertain whether or not any harm caused by the development would significantly and demonstrably outweigh the benefits.

### **Benefits of the development**

The proposed development would facilitate, in part, the delivery of Project 1 of the Capital Levelling Up Fund (CLUF) which focuses on Rossendale Town Centres, including Bacup Market redevelopment. The Outline Execution Plan for the Rossendale LUF Regeneration Programme outlines the projected timetable for the redevelopment of Bacup Market and the demolition of 12 Market Street is the first item of delivery. Therefore the proposal is viewed as being key to the delivery of the CLUF, which in turn will support the delivery of the Council's Corporate Priorities. Whilst being of crucial importance to the Regeneration Programme, the absence of specific, detailed redevelopment proposals means only moderate weight can be attached to the public benefit of the building's demolition.

12 Market Street has not been in use as a bank since 2015 and thereafter the building has either been vacant or not fully occupied. The building is currently vacant and hoardings have been erected around the ground floor of the building to prevent vandalism and trespass. Consequently, the building has a negative appearance which

is considered to be harmful to the character and appearance of the Bacup Town Centre Conservation Area. Accordingly, the proposed demolition of the building would remove the harmful impact the building currently has on the Conservation Area, which is afforded moderate weight.

#### Harm caused by the development

The proposed development includes no detailed proposals for the redevelopment of the site, meaning there is a potential for the site to remain a “gap site” which would lead to less than substantial harm to the character and appearance of the Bacup Town Centre Conservation Area. Growth Lancashire considered the level of harm to be low-level.

#### Conclusion

It's noted in the minutes of the Council meeting held 28 June 2023 that the timeframes for the Regeneration Programme would be tight and inflationary cost pressures would also need to be addressed. Thus the Council considered it appropriate in this case to proceed with submitting an application for the demolition of 12 Market Street to ensure the potentials risks from programme delays and costs were reduced.

Taking this into account it is considered, on balance, that the public benefits of demolishing of 12 Market Street, namely the enablement of a successful Regeneration Programme which would deliver sustainable development and the removal of a building having a negative impact on the area, would outweigh the less than substantial harm resulting from the chance of the site potentially remaining a ‘gap site’ within the Bacup Town Centre Conservation Area.

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

The proposed demolition of the building is acceptable in principle and, subject to the conditions recommended below, it is not considered that the proposal would unduly detract from the character and appearance of the Conservation Area, from the amenities of nearby neighbours nor will it give rise to any undue highway safety concerns. The proposal is therefore considered to accord with the provisions of the National Planning Policy Framework and Policies SS, SD1, SD2, ENV1 and ENV2 of the adopted Local Plan.

## **10. 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 strict accordance with the following drawings and documents unless required by the conditions below:
  - Application form signed 31 May 2023.
  - Site Location Plan drawing no. 001 and dated 13 April 2023.

- Method Statement prepared by Lee Ashworth Excavation Ltd.
- Preliminary Survey & Assessment in respect of Bat Species and Nesting Birds prepared by Echo Calls Bat Surveys and dated 22 May 2023.
- Arboricultural Impact Assessment, Tree Protection Plan, Method Statement prepared by Cumbria Tree Surveys and dated May 2023.

Reason: To define the permission and in the interests of the proper development of the site.

3. Activity and works associated to the approved demolition of the building shall not take place outside the following hours:

Monday to Friday: 08:00 – 18:00

Saturday: 08:00 – 13:00

Construction works shall not take place on Sundays or Bank or Public Holidays.

Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

4. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS), accompanied by a drawing for relevant details, has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of temporary site access arrangements, and arrangements to ensure that the highway and any related highway structures are suitably protected during works;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Details of where skips and scaffold will be located, shown on a plan;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures (including the use of the layby for demolition vehicles);
- Measures to protect vulnerable road users (pedestrians and cyclists), including any necessary temporary walkway arrangements;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, shown on a plan;
- Wheel washing facilities;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing.

Reason: In the interests of the safe operation of the adopted highway during the demolition and to ensure highway and pedestrian safety in general.



5. Deliveries in connection with the approved demolition of the building shall only be accepted between the hours of 09:30 to 14:30 Monday to Friday.

Reason: In the interest of highway safety.

6. The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Tree Protection Plan, Method Statement prepared by Cumbria Tree Surveys (dated May 2023).

Reason: To protect nearby trees.

## 11. INFORMATIVES

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
2. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

[https://www.gov.uk/uploads/system/uploads/attachment\\_data/file/waste-duty-care-code-practice-2016.pdf](https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-code-practice-2016.pdf)

3. The applicant should contact [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433 to arrange the relevant highway permits and allow 6 week's notice before commencement of any works.
4. In terms of the Construction Management Plan/Statement, the applicant's attention is directed to the following note the Highway Authority provided:
  - There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear, and turn around in the site before exiting in a forward gear onto the operational public highway.
  - There must be no storage of materials in the public highway at any time.
  - There must be no standing or waiting of machinery or vehicles in the public highway at any time.
  - Vehicles must only access the site using a designated vehicular access point.
  - There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
  - A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as

the Highway Authority) by contacting the Council by telephoning 01772 533433 or emailing [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk)

- All references to public highway include footway, carriageway and verge.