

Application No: 2006/673	Application Type: Outline
Proposal: Demolition of existing buildings Erection of Food Retail Store, car park & service arrangements Refurbishment of building adjacent to health centre to B1 Office	Location: Land off Lee Street, Bacup
Report of: Head of Planning, Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 22 May 2007
Applicant: Bridge Properties Ltd	Determination Expiry Date: 23 February 2007
Agent: RPS Planning	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

3 or more objections received **X**

Other (please state)DEPARTURE/MAJOR/COUNCIL LAND

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.

APPLICATION DETAILS

1.1 The Site

1.1.1 This application relates to a site within the centre of Bacup of approximately 0.9ha in area. The site is bounded to the north by Lee Street; to the east by the River Irwell; to the south by Henrietta Street; and to the west by Market

St/Forge St/Gas St. The buildings which presently occupy the site have a floor area of 4,365 sq m, varying in use, age, design/appearance and physical condition:

- Fronting Lee Street, and attached to the Health Centre, is a traditional 2-storey office building of stone construction. To its side is a cast-iron gateway and 1 & 2-storey stone buildings extending up to Gas Street. Some of these buildings are now empty and have fallen into a state of decay, the offices now occupied ancillary to the modern industrial shed and service yard behind, which occupy the main portion of the site.
- Fronting to Lee Street, between Gas Street and Market Street, is a traditional stone building formally occupied by Horace's Nightclub. Whilst its front elevation is of attractive appearance, to the rear are extensions of poor design/appearance. Unoccupied for approximately 10 years, its physical condition has deteriorated as a result of being (in part) roofless/vandalism. The car park to its side is un-used and of unkempt appearance.
- Fronting to Henrietta Street is a Council-owned workshop building; used for the maintenance of refuse and re-cycling collection vehicles, associated with the depot to the other side of the river.

1.2 The Proposal

- 1.2.1 The applicant proposes to retain the traditional 2-storey office building attached to the Health Centre and the cast-iron gateway. The office building is to be refurbished and function as offices in its own right. All other buildings on the site are to be demolished (including the Council-owned workshop); Conservation Area Consent will be required prior to demolition of those buildings which lie within the Bacup Town Centre Conservation Area.
- 1.2.2 Outline permission is sought for the erection of a food retail store on the cleared part of the site. At this stage the applicant is seeking permission for layout and access to this development. Initially permission was also being sought for scale and appearance, but the applicant has now indicated that the elevational drawings should be looked upon as illustrative. Accordingly, details of scale, appearance and landscaping are now the matters reserved for later consideration.
- 1.2.3 The proposed food retail store will have a width of 33m and length of 64m. It is to have a total floor area of 2,946 sq m, the ground floor accommodating that space to which the public will have access and storage space, with a first-floor of approximately half the area of the ground floor, to accommodate the associated office/staff amenity facilities.
- 1.2.4 The proposed building will sit with its back close to Henrietta Street and with its front elevation facing towards Lee Street. The illustrative drawings show the proposed building is to be constructed of natural stone, with a significant amount of glazing in its front elevation, the sides and rear elevations to possess a series of asymmetrical gabled-walls somewhat akin to those of a traditional

weaving-shed. Slate-grey coloured cladding is to be used for the roof and elements of wall in-filling between the peaks of the gabled-walls.

- 1.2.5 The cast-iron gateway is to be retained in order that it may form the principle pedestrian gateway to the food retail store for those people moving to/from the other shops in the town centre. Parking for 123 customers cars would be provided in an L-shaped car park between the proposed building & Lee Street and between the existing Telephone Exchange & Market Street. Access into the car park would be from Lee Street, whilst exit would be to Forge Street. The service yard is to be sited on the west side of the building, to accommodate parking for the cars of 10 staff and waste-storage receptacles as well as delivery vehicles, and will be accessed from Forge Street. Gas Street would cease to be a thoroughfare for traffic passing between Lee Street and Henrietta Street; a Closure Order would need to be obtained if it is no longer to function as a highway.

1.3 Policy Context

Rossendale District Local Plan (Adopted 1995)

- 1.3.1 In short, the application site lies within the Urban Boundary of Bacup and is identified as being within an Existing Employment Area, to which Policy DS1 and J3 apply. Policy DS1 states that the Council will seek to locate most new development within the Urban Boundary, whilst policy J3 states that within existing and proposed employment areas the needs of industry and commerce will usually be given priority over housing.
- 1.3.2 The northern part of the application site also lies within the boundary for Bacup Town Centre and Bacup Town Centre Conservation Area, to which Policy S1 and HP1 apply. Policy S1 states:
- 1.3.3 Retail development which is intended to serve a wide catchment area or which might have a significant effect on local shopping patterns will be located on sites:-
- a) within or adjacent to the main shopping centre of Rawtenstall;
 - b) within or adjacent to other existing town shopping centres if the development would be appropriate in scale and character to the requirements of the areas which such centres serve;
 - c) elsewhere within the urban area as determined by Policy S2;

provided that any resultant diversion of trade likely to result from the development, and from other recent and proposed retail developments in the locality, would not have an unacceptable impact upon the vitality and viability of existing town centres as a whole.

- 1.3.4 Policy HP1 states:

Proposals for development within Conservation Areas will be assessed against the following criteria:-

- a) townscape features and roofscape;
- b) views within and out of the Conservation Area;

- c) the effects upon the character of the Conservation Area;
- d) any trees of importance to the character of the Conservation Area; &
- e) compliance with Policy DC4 (which indicates that within Conservation Areas where the use of natural local stone in existing buildings predominates it and natural stone flags/welsh blue slates, or an alternative acceptable substitute, shall be used).

1.3.5 Regard should be given to the following Local Plan policies :

DS1
J3
S1
HP1
DC1
DC2
DC4
E7
HP2
HP4
T5
T6
T7
T8
T10

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1
Policy 2
Policy 7
Policy 10
Policy 16
Policy 17
Policy 20
Policy 21
Policy 24

Other Material Planning Considerations

PPS1
PPG4
PPS6
PPG13
PPG15
PPS23
PPG24
PPS25

RSS for the North West
Draft RSS

LPOS Planning Obligations in Lancashire Policy Paper
LCC Parking Standards

2. CONSULTATIONS

LCC(Planning) considers that the proposed development conforms to strategic planning policy. In amplification it advises that:

- The loss of employment land resulting from this proposal will not prejudice the supply of such land in Bacup.
- The proposed retail development is considered to be of a scale commensurate with Bacup ; the site is almost entirely within the town centre of Bacup and represents the most appropriate location in principle for the proposed store; there is a quantitative and qualitative need for the proposed retail store; and it is considered unlikely to be detrimental to the vitality and viability of Bacup town centre as a whole.
- The office element of the proposed development does not raise matters of strategic significance.
- The greater part of the buildings on the site are not of such significant architectural or historic interest to warrant retention, but the applicant should be required to undertake archaeological work/recording prior to the demolition of any buildings.
- The application site has a high level of accessibility. In accordance with the adopted LPOS Planning Obligations in Lancashire policy paper, the applicant should be required to make a financial contribution of £83,460 towards the improvement of bus services/facilities and any permission conditioned to ensure production of a Travel Plan to encourage travel by means other than the private car. The provision of a 3m wide cycle/footway along the river side of the development should be investigated.

LCC(Highways) advises that it has no objection to the service arrangements proposed. As first submitted the application proposed that customers cars both enter and exit the site to Lee Street. It had objection to so great a number of cars seeking to then enter Market Street (A681) due to the steep gradient of Lee Street at this junction with the main road. As a consequence the scheme has been amended and it is now intended that cars enter Market Street via Forge Street, the gradients here being gentler. Accordingly, the Highway Authority has withdrawn its objection to the application, but advises that any permission be made the subject of conditions to ensure:

- Closure of that part of Gas Street within the site;
- Completion of the works to provide the proposed parking/servicing areas, including those works within the highway to provide/maintain safe and satisfactory access/egress.
- Implementation of a Business Travel Plan to set out a package of measures for reducing the number of car trips made associated with the development/promoting alternative methods of travel.

The Environment Agency objected to the application as originally submitted on the grounds that the application site lies within an area where there is a risk of the River Irwell flooding it and the applicant had not demonstrated how this risk was to be adequately mitigated. Having received a revised Floor Plan/Proposed Layout and Flood Risk Assessment it has now withdrawn its objection, subject to conditions to mitigate the flood risk relating to the floor-level of the proposed building and scheme to give advanced warning within the building of high river levels. Furthermore, it strongly recommends that the applicant be required to enter into a S.106 Agreement to ensure that there is a means of escape from the development in the event of high river levels via the stairs to Rochdale Road that run to the side of the Empire Theatre.

It also recommends conditions are attached to any permission to secure: adequate investigation/remediation of contaminants on the site left by previous uses; provision of adequate surface-water drainage arrangements; & adequate treatment of the boundary to the river.

United Utilities advises that it has no objection in principle to the proposal.

RBC Environmental Health raise no objection to the proposal, but recommend that any permission granted is subject to a condition in respect of remediation of any ground contaminants that may be found on the site arising from its past industrial history.

RBC Client Services makes the following points :

1. The workshop building within the application site, and which would have to be demolished if the proposed store is to be erected, is presently in operational use.
2. The proposed store will affect vehicle and pedestrian flows and it would not wish them to adversely affect operation of the Henrietta Street Depot (as presently functioning or as it may in future be developed to accommodate greater waste re-cycling).
3. It is aware that residents and businesses in Bacup have been quite vocal about the lack of car parking in the town centre and it would question whether the proposed car park/access arrangements, will be of adequate size/avoid adding to congestion.
4. The proposed development would have a significant impact on Bacup market - it questions whether the market would be able to survive this type of development.

3. REPRESENTATIONS

Rossendale Civic Society is “generally happy with the proposal” acknowledging that the applicant has taken on-board comments it made prior to submission of the application, it says :

1. It is delighted that the developer has recognised the historic value of the site and proposes to retain/refurbish the 2-storey office building fronting Lee Street.
2. Even though it may not be possible or practical to save what remains of the existing weaving sheds (which once formed part of Irwell Mill), it is pleased that the proposed building reflects them in spirit; the proposed

- building fits the 'new vernacular' style which the Council's consultants Halsall Lloyd promote in their report on Bacup town centre and is in-keeping with the Conservation Area.
3. It is also pleased that the vehicular access to the proposed car park from Lee Street perpetuates the line of Gas Street.
 4. With regret, it accepts the building formerly occupied by Horace's nightclub is in a condition likely to preclude its restoration, but asks that stone features from its Lee Street façade be incorporated into the landscaping around the car park.
 5. Prior to/during demolition a proper record of the archaeological evidence of the site will need to be taken.
 6. To conclude, the development proposed is of a design so suitable to the area it would not wish there to be subsequent deviations or changes that water-down and weaken its quality or compatibility with Bacup and its Conservation Area.

Royal Court Theatre objects to the application on the basis that the closure of Gas Street will reduce dramatically the car parking available to its patrons and prevent coaches dropping people off on Henrietta Street turning around.

Bacup Consortium Trust expresses support for the proposal. It considers the proposed store to be of sufficient size to encourage local residents to shop in Bacup rather than travel to neighbouring towns, consistent with Government objectives for sustainable development. Indeed, it sees the provision of a store of this size as a natural and desirable consequence of the extensive house building going on in the area. It considers the addition of 130 car parking spaces to be much needed. It requests that it be made a condition of the planning permission that this parking is free to the public for 2 hours so that local traders benefit from its provision, thereby assisting the whole area become a more vibrant and attractive place to visit and shop.

The United Co-operative Property Group (occupiers of the store to the north side of Lee Street) object to the application. It says that the application site is allocated in the Local Plan for employment purposes. As the Primary Shopping Area of Bacup Town Centre is focused upon Yorkshire St/Union St/Market St, and the application site is an edge-of-centre site, PPS6 requires that the applicant demonstrate that there is a need for the proposed store.

The conclusions it draws from the NLP Retail & Town Centre Study of 2005 are that : 1) the Council should be seeking to strengthen the existing Town Centre by concentrating the retail-offer within a smaller area, there being a high level of shop vacancies; & 2) with the new Tesco in Haslingden and new ASDA in Rawtenstall (which are readily accessible to Bacup residents by public transport) the proposed store is not of a size to clawback significant main-food shopping expenditure to Bacup, instead adding to existing local top-up shopping provision, thereby drawing trade away from existing shops and adversely affecting their viability and the vitality of the town centre as a whole.

Furthermore, it considers that the proposed store will appear an incongruous feature in the street-scene, by reason of its setback from Lee Street, in an area where the majority of buildings are sited at the back edge of pavement. Thus, the proposed development fails to preserve and enhance the character and appearance of the Bacup Town Centre Conservation Area, contrary to PPG15.

Just Wot U Need Ltd (occupiers of a retail unit on the corner of Union Street & King Street) have objected to the application on the grounds that :

1. There are already 5 supermarkets within an 8 mile radius of Bacup and the town does not have the population to support another one.
2. The opening of the proposed store would kill-off the market and all the existing small retailers in Bacup, to the detriment of local shoppers.
3. The traffic infrastructure and parking situation in the town would be badly affected.

Petition - A petition bearing 46 names has been received, principally from market traders and shopkeepers in Bacup, objecting to the application for the following reasons:

1. The overall size of the town does not warrant a second supermarket when there are so many already in the borough.
2. The positioning of the proposed store will take people away from town centre - Bacup will lose its character and become another bland ghost town.
3. The proposed store will decrease trade for the existing retailers and market traders in Bacup, most probably causing many to close - the Council should be helping, not hindering, them.
4. The proposed development will add to traffic on already congested roads.

4. ASSESSMENT

4.1 In dealing with this application the main issues to consider are : 1) Employment Policy; 2) Retail Policy; 3) Heritage/Townscape Impact; 4) Flood Risk; 5) Neighbour Amenity; 6) Traffic/Parking.

4.2 Employment Policy

4.2.1 The site is allocated as being within an Existing Employment Area in the Local Plan, wherein the needs of industry and commerce will usually be given priority over housing. Accordingly, the proposal does not contravene this policy as it does not propose residential re-development. nor will it result in a reduction in the number of people employed on the site.

4.2.2 Furthermore, the Structure Plan was adopted far more recently than the Local Plan, as a result of which the County Council has said there is an excess of existing/allocated employment land. This is a matter which the emerging Local Development Framework will need to address on a borough-wide basis. The emerging Bacup, Stacksteads & Britannia AAP has not proceeded to the stage it can be given great weight but is not seeking to keep all of this area for

employment purposes, recognising its relationship to the town centre makes it appropriate for development with a broader range of uses (including retail).

- 4.2.3 Accordingly, I concur with the view expressed by LCC(Planning) that the loss of employment land resulting from this proposal will not prejudice the supply of such land in Bacup or the borough as a whole.

4.3 Retail Policy

- 4.3.1 Policy S1 of the Rossendale District Local Plan lends support to the current proposal, in that (amongst other things) it seeks to ensure that retail development which is intended to serve a wide catchment area, or which might have a significant effect on local shopping patterns, is located "...within or adjacent to the main shopping centre of Rawtenstall...[or] within or adjacent to other existing town shopping centres". However, it is necessary to have regard to more recent advice in respect of retail development, as set out in PPS6 and the Joint Lancashire Structure Plan.

- 4.3.2 Having regard to the way in which retail planning policy has moved on since the Local Plan was adopted in 1995 I consider it appropriate to assess whether or not the proposal accords with the criteria set out below. In arriving at my conclusions upon the matters raised by the criteria I have taken into account particularly the advice of LCC (Planning) and the Council's own consultants, Nathaniel Lichfield & Partners (hereafter referred to as NLP). Both have had available to them the Planning & Retail Statement submitted by the applicant as well as the Rossendale Retail & Town Centre Study, produced on the Council's behalf by NLP in 2005.

- 4.3.3 Paragraph 3.4 of PPS6 states that applicants should demonstrate :-
- a) The need for the development in qualitative and, particularly, quantitative terms.
 - b) That the development is of an appropriate scale in relation to the role and function of the centre and the catchment it serves.
 - c) That there are no more central sites for the development (in accordance with a 'sequential approach'), the first choice for development being the Town Centre, followed next by edge-of-centre locations and then out-of-centre sites.
 - d) That there are no unacceptable impacts on existing centres
 - e) That locations are accessible by a choice of means of travel and minimise use of the private car.

4.3.4 The Need for the Development

With respect to the quantitative assessment it is useful to have regard to the NLP Retail & Town Centre Study of 2005, whilst being mindful of the changes in retail facilities since its production. The 2005 report projected the amount of surplus convenience expenditure within the borough as a whole. Not only has the uncertainty then surrounding ASDA's proposals for Rawtenstall now been resolved, with construction of its replacement store on St Mary's Way, but Tesco has occupied the old ASDA store on Bocholt Way and opened a store on the outskirts of Haslingden. As a result of these changes in retail facilities NLP concludes that there is presently no quantitative need for the food store now

proposed in Bacup, nor will there be for the foreseeable future (up to 2016), based upon borough-wide need.

- 4.3.5 However, the convenience goods expenditure generated in 2009 for the Bacup Town Centre catchment area is calculated by NLP to be £32.6m, of which its existing stores will attract only £5.4m, meaning that some £27m of the convenience expenditure of its catchment area will be spent elsewhere. The proposed store is of a size the applicant expects to attract convenience expenditure of £7.6m, making it sustainable by way of claw-back and not reliant on trade-diversion from existing shops in Bacup or expenditure generated within the catchment areas of neighbouring town centres. NLP believe the proposed store could have a turnover of convenience expenditure about 31% than the applicant suggests, on which basis it would need to claw back an additional £2.36m, thereby requiring a retention rate of 46% rather than 38%. NLP considers this level of convenience expenditure retention could be achieved if a high quality foodstore was provided capable of meeting main and bulk food shopping needs. A similar leakage of comparison goods expenditure from the Bacup Town Centre catchment area can also be shown, which the proposed stores comparison goods offer can be expected to sustained by claw-back.
- 4.3.6 With respect to the qualitative assessment, the applicant argues that the level of expenditure leakage from Bacup town centre catchment area which is evident shows there to be a need to improve the retail-offer of Bacup by the provision of a larger food retail outlet than now exists. It says that the convenience retail offer in Bacup Town Centre is presently dominated by the nearby Co-op, which performs an essential function in meeting local needs for bulk food shopping and top-up food shopping, but its range of goods and customer choice is somewhat limited. The proposed store is of significantly greater size and will provide both competition and an increased range and choice of goods. It draws particular attention to the point in the Borough Retail Study of 2005, which NLP produced on behalf of the Council, that many Bacup residents travel to centres and stores located further afield in order to undertake convenience shopping. It argues that this loss of trade from Bacup Town Centre will have been added to with opening of new ASDA and Tesco in Rawtenstall, which a modern, well-designed foodstore will reverse and may assist in drawing back trade in comparison goods to Bacup also. I consider that there is a good deal of force in these arguments.
- 4.3.7 Additionally, the applicant argues that there will be benefit for existing retailers in the Town Centre from the proposed development, with people initially drawn to the proposed store being less likely to go out of the Borough for their other purchases. However, it is difficult to quantify the trade-gain existing retailers in the Town Centre will derive.
- 4.3.8 I concur with the view of LCC(Planning) and NLP that there is a qualitative need for the proposed retail store. With respect to the quantitative need the picture is not so clear cut. NLP advise that there is not a borough-wide need for the foodstore being proposed for Bacup, but is a case for allowing it having regard to the leakage of expenditure that is occurring from the Bacup Town Centre catchment area. It further advises that, whilst the benefits in terms of

improving choice and reducing trip lengths may not alone be sufficient to tip the balance in favour of a permission, the more important qualitative consideration for the Council is the potential regeneration benefits the proposal will have in terms of improving Bacup town centre.

4.3.9 That the Development is of an Appropriate Scale

I concur with the view expressed by LCC(Planning) that the proposed retail development is of a scale commensurate with Bacup, having regard to the role and function of the centre within the hierarchy of settlements established by the Structure Plan and the catchment its town centre serves. As indicated in the preceding section, NLP is satisfied that the total expenditure attracted by the existing stores in Bacup town centre and the proposed store is likely to be such that there will continue to be significant leakage from the natural catchment area of Bacup to centres and stores further afield.

4.3.10 That There Are No More Central Sites for the Development

Consideration of the proposed store's location is important in determining the application. Having regard to Government guidance, contained in PPS6, if the store is within the town centre's primary shopping area then the applicant is not required to demonstrate that a need for the proposal, the absence of an unacceptable impact or that the sequential approach to site selection has been satisfied.

4.3.11 In this instance the adopted Local Plan identifies a town centre boundary for Bacup on the Proposals Map. This boundary includes the majority of the application site, including the front half of the building, and most of the customer car park and service yard. Therefore the proposed development could be considered to be part of the town centre. However, the adopted local plan pre-dates PPS6, which provides additional guidance on the definition and designation of town centre boundaries and primary shopping areas. PPS6 recognises that a town centre boundary may extend beyond the primary shopping area, and an assessment of need, impact and the sequential approach thereby required.

4.3.12 NLP's Retail & Town Centre Report 2005 characterised Bacup's retail facilities as being dispersed along a number of roads and the town centre lacking a retail focus. It recommended that future policies attempt to strengthen the centre by concentrating retail activity within a smaller area. Its study did not define a primary shopping area, but did review potential development sites and identified the land adjacent to Lee Street as a possible site for retail use.

4.3.13 Accordingly, the applicant was asked to assess whether there are other more central sites within Bacup for the proposed development. In response the applicant advises that the consultants preparing the emerging Bacup, Stacksteads & Britannia AAP on the Council's behalf identified just two locations for new retail development, one of which was the application site. Its own sequential search of the main retail core of Bacup town centre similarly revealed only one other site which could, in principle, have potential to accommodate a retail store, though it would have to be of smaller scale than that proposed. This alternative site is located on the corner of Market Street and Burnley Road, comprising of substantial, largely vacant building which

would need to be demolished to make way for a retail store at ground floor, with multi-storey car park above. The site is prominent and centrally-located. The demolition of the existing building would be a significant loss to the character and appearance of the Conservation Area. Furthermore, it says the format (and viability) of the retail store would be severely compromised by the changes of levels and need to provide off-street parking/servicing. Linkages with other town centre uses may also be hindered by the intervening main roads.

4.3.14 I concur with the applicants view that there is no sequentially preferable site to that proposed on which a foodstore of the scale and format intended could be accommodated. To seek to provide any or all of this retail space on a series of sites with more central positions would be more likely to divert trade from existing shops rather than claw-back expenditure from Bacup residents that would otherwise take place further afield.

4.3.15 That There Are No Unacceptable Impacts on Existing Centres

For the reasons set out above I concur with the view of LCC(Planning) and NLP that the proposal is not likely to cause significant harm to the vitality and viability of Bacup town centre, other centres in the borough, for the Council's ambitions for them, or for centres beyond the borough boundary.

4.3.16 NLP advises that Bacup does not have a large foodstore suitable to meet the main and bulk food shopping needs of residents in the Bacup catchment area. It does not consider claw-back of such expenditure from ASDA and Tesco unlikely to result in their closure or harm for Rawtenstall town centre. For Bacup, NLP considers the proposed store will probably change the role of the existing Co-op store, focussing almost entirely on top-up and basket-shopping trips rather than main food shopping trips. However, it considers the level of trade the Co-op will retain is likely to be greater than the applicants have forecast. It further advises that the new trips and linked-trips the new foodstore will generate make the applicants forecast of a neutral impact on other retail units and market stalls not unreasonable.

4.3.17 Accessibility

The application site is well-related to the other shops and town centre facilities of Bacup town centre. The site is relatively accessible on foot. The site is also accessible by public transport, being close to a busy bus route. Likewise, the proposed development is well served in road-network terms.

4.4 Heritage/Townscape Impact

4.4.1 The northern part of the application site lies within the Bacup Town Centre Conservation Area. Whilst there are no Listed Buildings within or abutting the application site, certain of the buildings around Industrial Place (to the north-east) are listed. The Council, in exercising its development control functions, must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and preserving the setting of the listed buildings. This assessment of the application needs to consider, firstly, the loss of existing buildings/features resulting from the proposal and, secondly, the impact of the new development in terms of heritage/townscape.

4.4.2 Irwell Mill performed a historically important role in the development of Bacup. Whilst a significant proportion of the complex of buildings making up this cotton mill has already been lost, the main building has been restored in recent years and is now occupied by a Health Centre. This multi-storey building forms an extremely prominent feature in the south-eastern quarter of the Conservation Area. Extending to its north, and dwarfed by it, is the terrace of properties on Industrial Place. To its west, though to the other side of the River Irwell, is an abutting 2-storey office building, which lies within the application site. This traditional stone/slate building fronting Lee Street is to be retained and refurbished, as too is the cast-iron entrance gateway to its west side.

4.4.3 Loss of Existing Buildings/Features

The proposed development will entail demolition of buildings within the Conservation Area on the frontage to Lee Street to the west of the retained office building/gateway and to its rear. To the other side of the gateway is a 1-storey building of stone/slate construction. Whilst not unattractive in appearance, in itself it is not unusual or of a scale to be of particular prominence in the street-scene. Attached to its west side, and running around the corner on to the Gas Street frontage, is a 2-storey building of more utilitarian appearance, which has not been well-maintained and is of particularly poor appearance as viewed from Gas Street by reason of the manner in which original window/door openings have been in-filled. This building has long been un-used/under-used. Further down Gas Street is to be seen a high stone wall, this being the external wall of a weaving shed that once stood here, serving now to screen from view the 'modern' industrial building that lies behind it.

4.4.4 The other building requiring demolition if the proposed development is to proceed is that formerly occupied by Horace's nightclub. While this 1-storey stone building presents an attractive gabled front face to Lee Street (aligned to be viewed down King Street), it has been substantially and unsympathetically altered/extended. For the last 10 years it has been un-occupied and its physical condition has deteriorated badly as a result of being (in part) roofless/vandalised. In March 2003 Outline Planning Permission was granted for the erection of a Police Station necessitating demolition of this particular building (2003/63).

4.4.5 Of the buildings within the Conservation Area to be demolished only the 'modern' industrial building can be said to be in full use and of a form/condition its continued use could be expected. However, it does not make a positive contribution to the character and appearance of the conservation area. With respect to the other buildings, there can be said to be a general presumption in favour of their retention as they make a positive contribution to the character or appearance of the conservation area. The scale of that contribution varies from building to building.

4.4.6 That the applicant proposes to retain and refurbish the 2-storey office building towards the eastern end of the frontage to Lee Street is important. That the applicant proposes to demolish the 1-storey building of stone/slate construction to the other side of the cast-iron gateway is to be greatly regretted. Whilst not unattractive in appearance and helping to tell the story of Irwell Mills

development, in itself it is not unusual or of a scale to be of particular prominence in the street-scene.

4.4.7 I am mindful that permission was granted in 2003 (and remains valid) for re-development of the part of the current application site occupied by the former nightclub, the building which is of most architectural interest/has greatest presence in the street-scene. Nor do I have reason to doubt the documentation submitted by the applicant which concludes that there is such poor demand for the space these buildings could provide that the rentals they could command would make it uneconomic to repair/restore them.

4.4.8 I consider that the façade of the nightclub presently forms a sufficiently attractive feature in the street-scene the applicant should be seeking to retain it or incorporate certain of its features/materials as part of the scheme of Landscaping.

4.4.9 In accordance with the provisions of the Lancashire Planning Officer Society policy paper on Planning Obligations (adopted by the County Council and this Council), the applicant has been requested to make a financial contribution towards the Public Realm & Public Art works equal to 1% of the cost of the development, less the land value. Negotiations with the applicant are continuing in respect of this matter.

4.4.10 Impact of the New Development

Whilst the scale and appearance of the proposed building are reserved matters, the illustrative drawing the applicant has submitted proposes a building which in these respects is considered broadly satisfactory. It is to have 1 and 2-storeys elements, internally providing a modern shopping environment whilst externally clad largely in natural stone, with outlines that refer back to 19th century mill buildings of a form common to Bacup/Rossendale.

4.4.11 The retention of the 2-storey office building/cast-iron gateway on the frontage to Lee Street, and setting back of the building from this highway, will help ensure that the new building does not appear unduly intrusive as viewed from the Co-op car park/Industrial Place. To draw the building nearer to Lee Street would also diminish the amount of parking to be made available in a position which encourages its use by people visiting the existing shops, thereby diminishing the spin-off benefits to be derived from the development for the town centre as a whole.

4.5 Flood Risk

4.5.1 I have no reason to doubt the Environment Agency's view that, subject to conditions, the risks associated with flooding can be adequately mitigated. The Environment Agency further recommends that the applicant be required to enter into a S.106 Agreement to ensure that there is a means of escape from the development in the event of high river levels via the stairs to Rochdale Road that run to the side of the Empire Theatre. The Council, as owner of the bridge on Henrietta Street that crosses the river, can facilitate access to the other side of the river at this point. However, the steps which rise from here to Rochdale Road are not within the ownership of the Council. Discussions with

the applicant about the practicality of meeting the Environment Agency's wishes in respect of this matter are ongoing.

4.6 Neighbour Amenity

4.6.1 I am satisfied that the nature of use proposed for the site, and the resulting building, need not cause an unacceptable loss of amenity for any neighbours, this being an essentially commercial area.

4.7 Traffic/Parking

4.7.1 Written confirmation has been received from the applicant that they are willing to pay the required financial contribution towards improvement of bus services/facilities.

4.7.2 As amended, the Highway Authority is satisfied the proposed layout properly provides for the cars of customers and staff and for delivery vehicles.

4.7.3 No more car parking spaces are proposed than specified in the Council's approved parking standards. Furthermore, the applicant has confirmed that the proposed car park will be made available for use as a short-stay public car park, and not restricted to use by customers of the proposed store. That said I consider it would be necessary to condition any permission to secure construction and laying-out of the car park in a form that fully accords with approved standards/specifications and ensures proper provision is made for cyclists and for pedestrian movements, together with a S.106 Agreement to ensure the parking facilities are available for public use.

4.7.7 As the development is to have no vehicular access to Henrietta Street, and Gas Street is to be closed, the proposal will diminish the traffic movements along Henrietta Street. Nor will the proposal interfere with the ability of coaches to access and park/turn within the Theatre's own grounds.

5. RECOMMENDATION

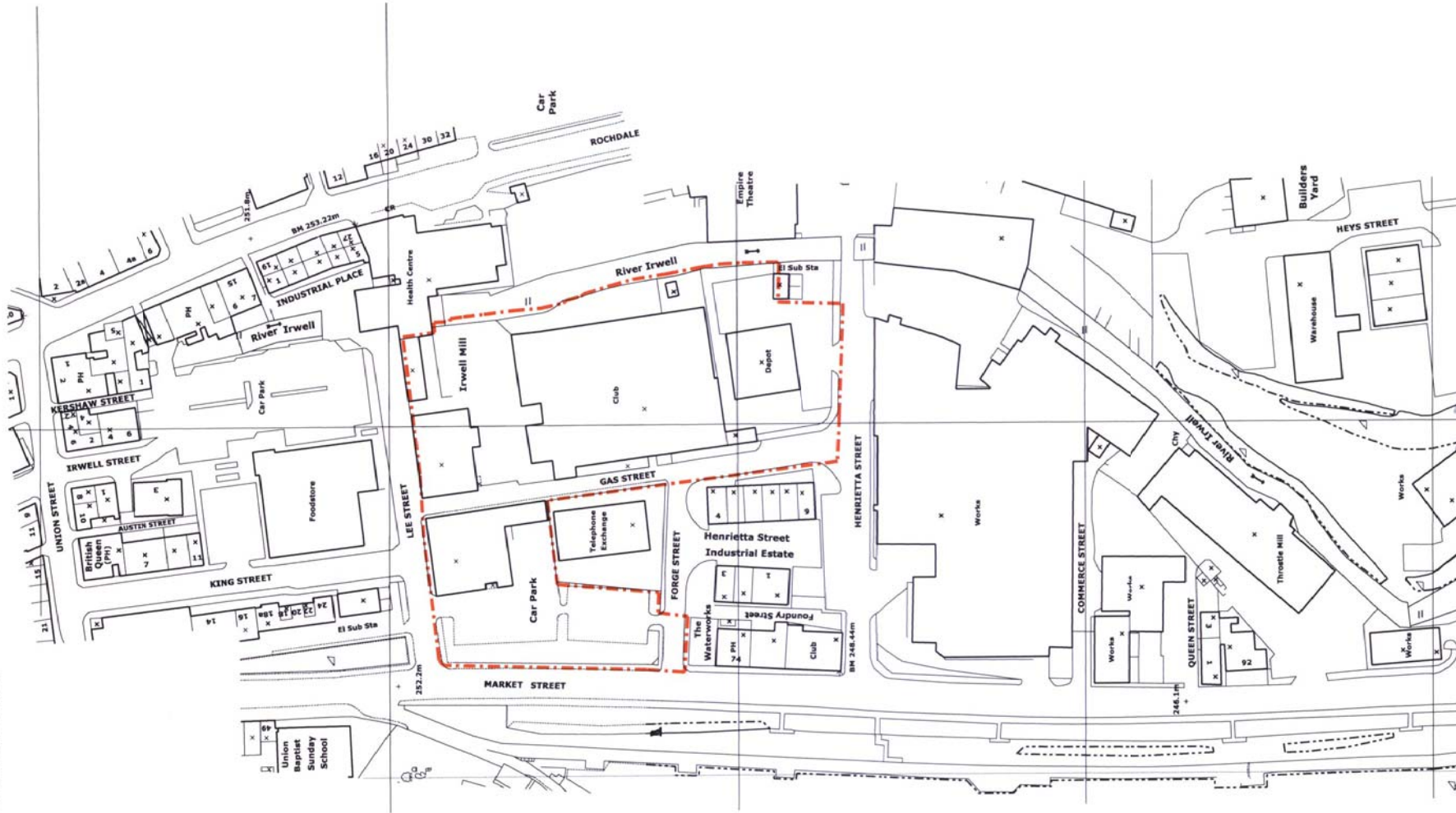
5.1 Having regard to the benefit to the retail offer of Bacup town centre that will accrue from the redevelopment of this site in the manner proposed, and the part it will play in the regeneration of the Council's Regeneration Priority Area of Bacup, Stacksteads & Britannia AAP, it is considered appropriate that outline permission be granted.

5.2 That outline permission be granted subject to a S.106 Legal Agreement first being entered into by the applicant in respect of the following matters:

- a) the payment to the Council of the sum of £83,460 to be expended on improvements to public transport/accessibility;
- b) the payment to the Council of a sum of money to be agreed and which is to be expended on public realm and public art works.
- c) the management regime to ensure to the proposed customer car park is made/maintained as a short-stay public car park.

- 5.3 I would hope to be in a position to report upon the full wording of conditions on the Late Items Report, following further discussions with consultees and the applicant.
- 5.4 The nature and scale of the development, and the Council's interest in the land, is such that if Committee is minded to grant a permission it will first be necessary for the application to be referred to the Government Office for the North West in order that it may consider whether it wishes to call-in the application for its own decision.

Contact Officer	
Name	Neil Birtles
Position	Senior Planning Officer
Service / Team	Development Control
Telephone	01706-238642
Email address	planning@rossendalebc.gov.uk



2006/873

A OCT.2006 PLANNING REDLINE ADDED I SEE 6991/07 I PO'S
 REV. DATE NOTES INIT.
 PROJECT
 BRIDGE PROPERTIES LTD.
 BACUP
 FORGE STREET
 DRAWING TITLE
 EXISTING SITE PLAN

STATUS FOR INFORMATION

DATE FEB.06 DRAWN PO'S CHECK SCALE @ A3 1:1250

PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER	REVISION LETTER
6991			L 01	A

Site Location Plans L GA Plans P Elevations E
 Sections S Details D Prefix, Colour C

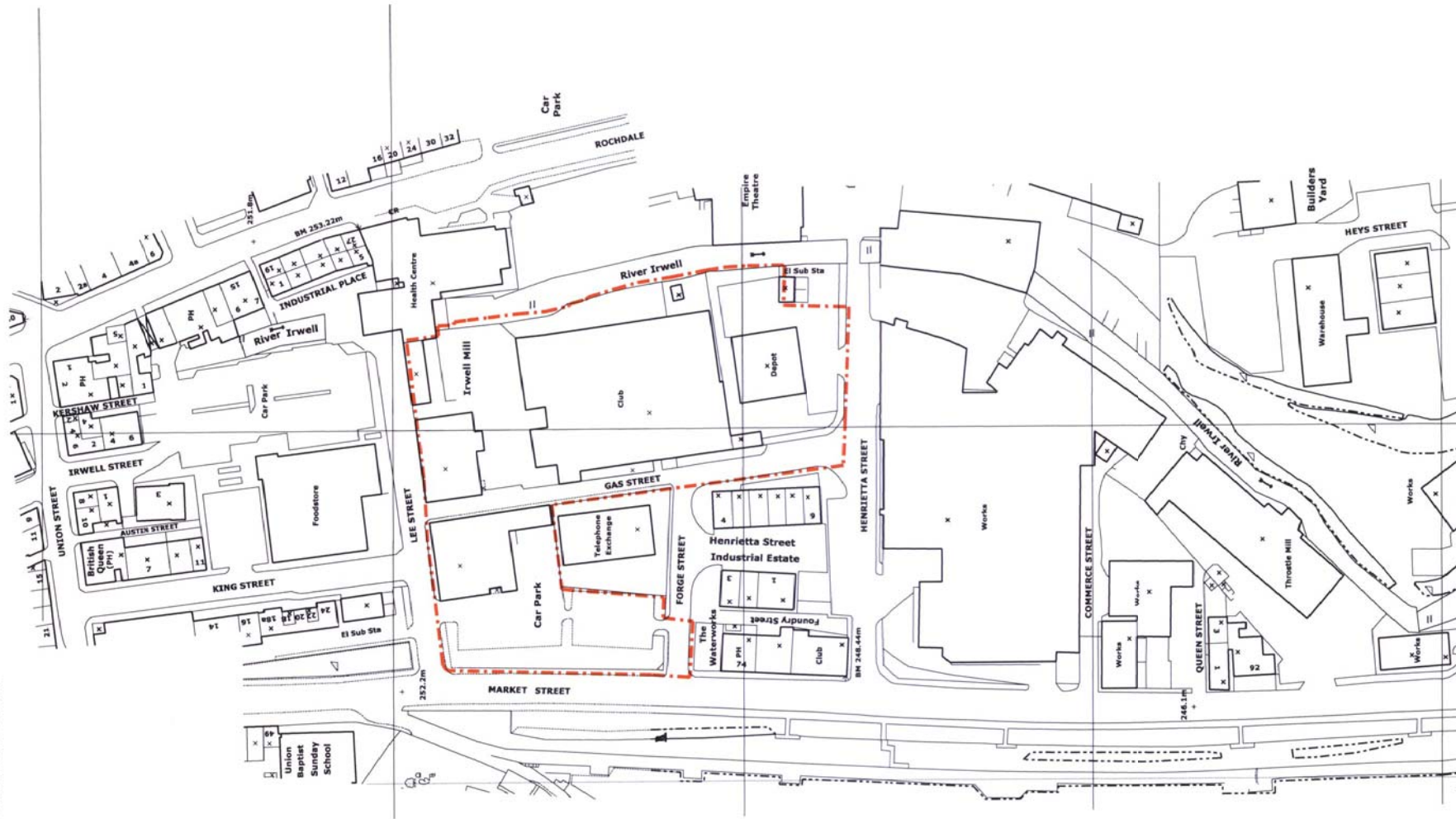
MANCHESTER LONDON GLASGOW LUTON

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A OCT.2006 PLANNING REDLINE ADDED I SEE 6991/07 I PO'S

REV.	DATE	NOTES	INIT.

PROJECT
BRIDGE PROPERTIES LTD.
BACUP
FORGE STREET

DRAWING TITLE
EXISTING SITE PLAN

STATUS FOR INFORMATION

DATE	DRAWN	CHECK	SCALE @ A3
FEB.06	PO'S		1:1250

PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER	REVISION LETTER

DRAWING NO.
6991 L 01 A

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Prefix, Colour	C

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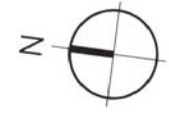
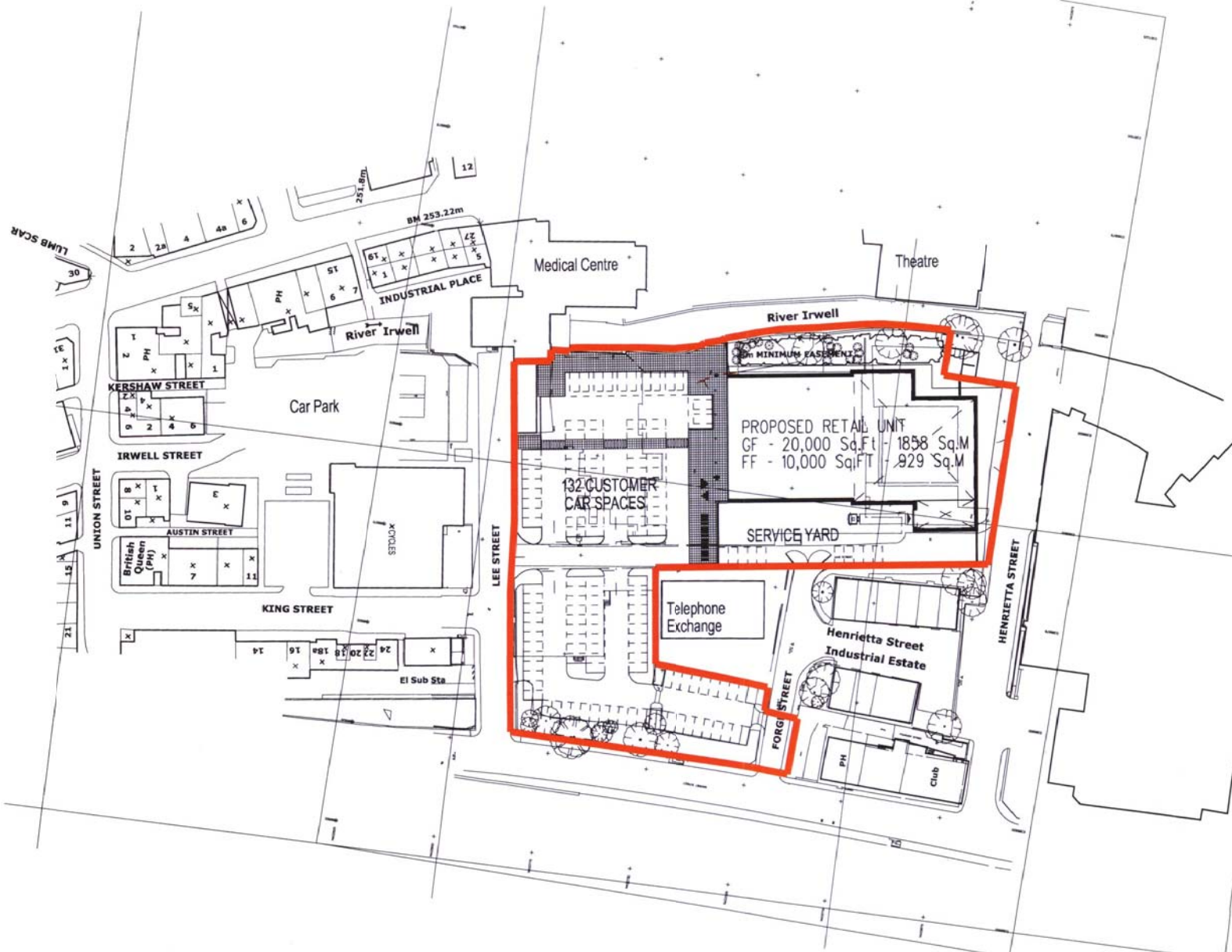
24 NOV 2006

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PROJECT		
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BACUP		
FORGE STREET		
DRAWING TITLE		
SITE / LOCATION PLAN		

STATUS	PLANNING		
DATE	DRAWN	CHECK	SCALE @ A3
NOV 06	DHB		1:1000
PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER
			REVISION LETTER
DRAWING NO.			
6991		L07	

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Prefix Colour	C
MANCHESTER	LONDON	GLASGOW	LUTON		
185 MANCHESTER ROAD					
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200

24 NOV 2006



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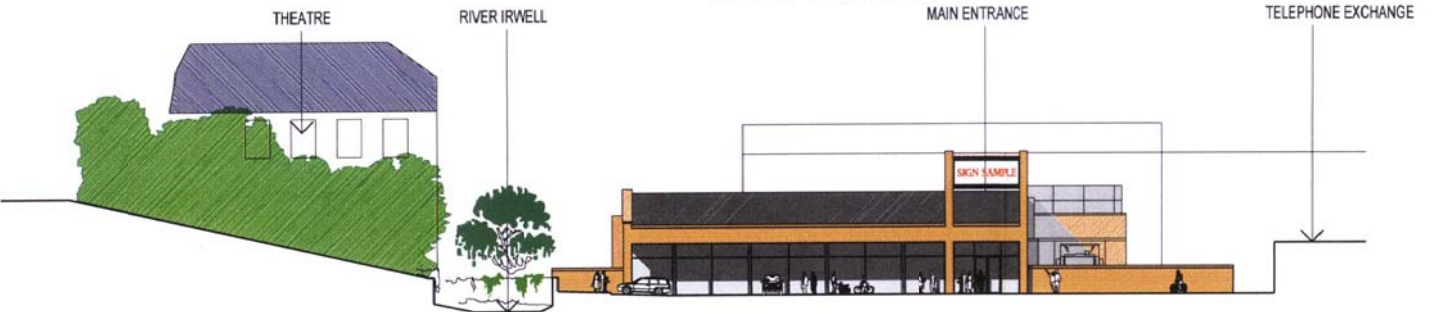
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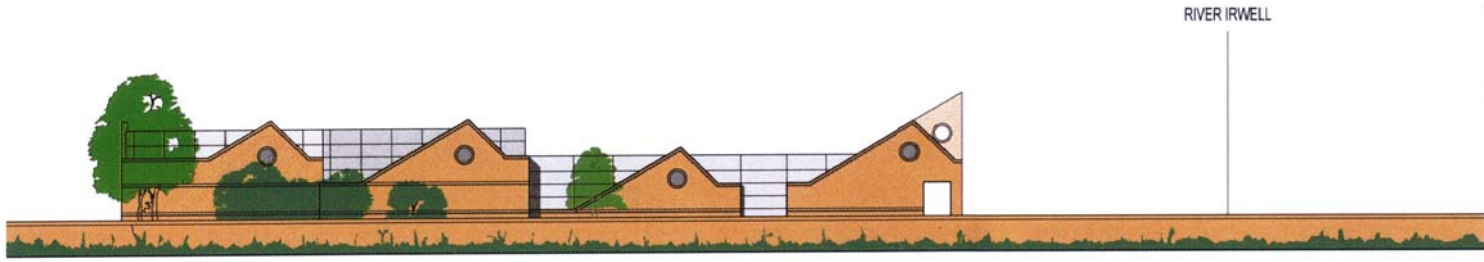
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SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

HEALTH CENTRE 2006/673

REV.	DATE	NOTES	INIT.
PROJECT			
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BACUP			
FORGE STREET			
DRAWING TITLE			
INDICATIVE ELEVATIONS			

STATUS				PLANNING			
DATE	DRAWN	CHECK	SCALE @ A3				
NOV 06	DHB		1:400				

PROJECT NUMBER	UNIT / BLOCK	CJ / SFB CODE	TYPE & NUMBER	REVISION LETTER
6991			E09	

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Traffic, Colour	C

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Revit: Model Sheet: 06 Sheet
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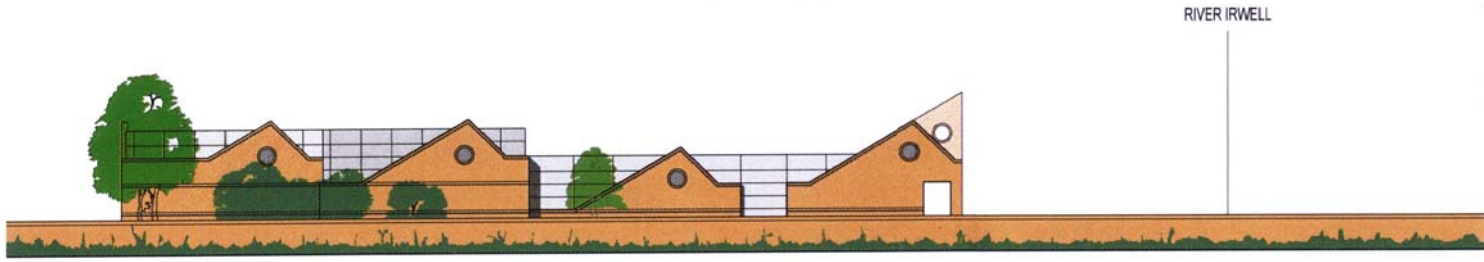
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SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

HEALTH CENTRE 2006/673

REV.	DATE	NOTES	INIT.
PROJECT			
BRIDGE PROPERTIES LTD.			
BACUP			
FORGE STREET			
DRAWING TITLE			
INDICATIVE ELEVATIONS			

STATUS				PLANNING			
DATE	DRAWN	CHECK	SCALE @ A3				
NOV 06	DHB		1:400				

PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER	REVISION LETTER
6991			E09	

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Profile, Colour	C

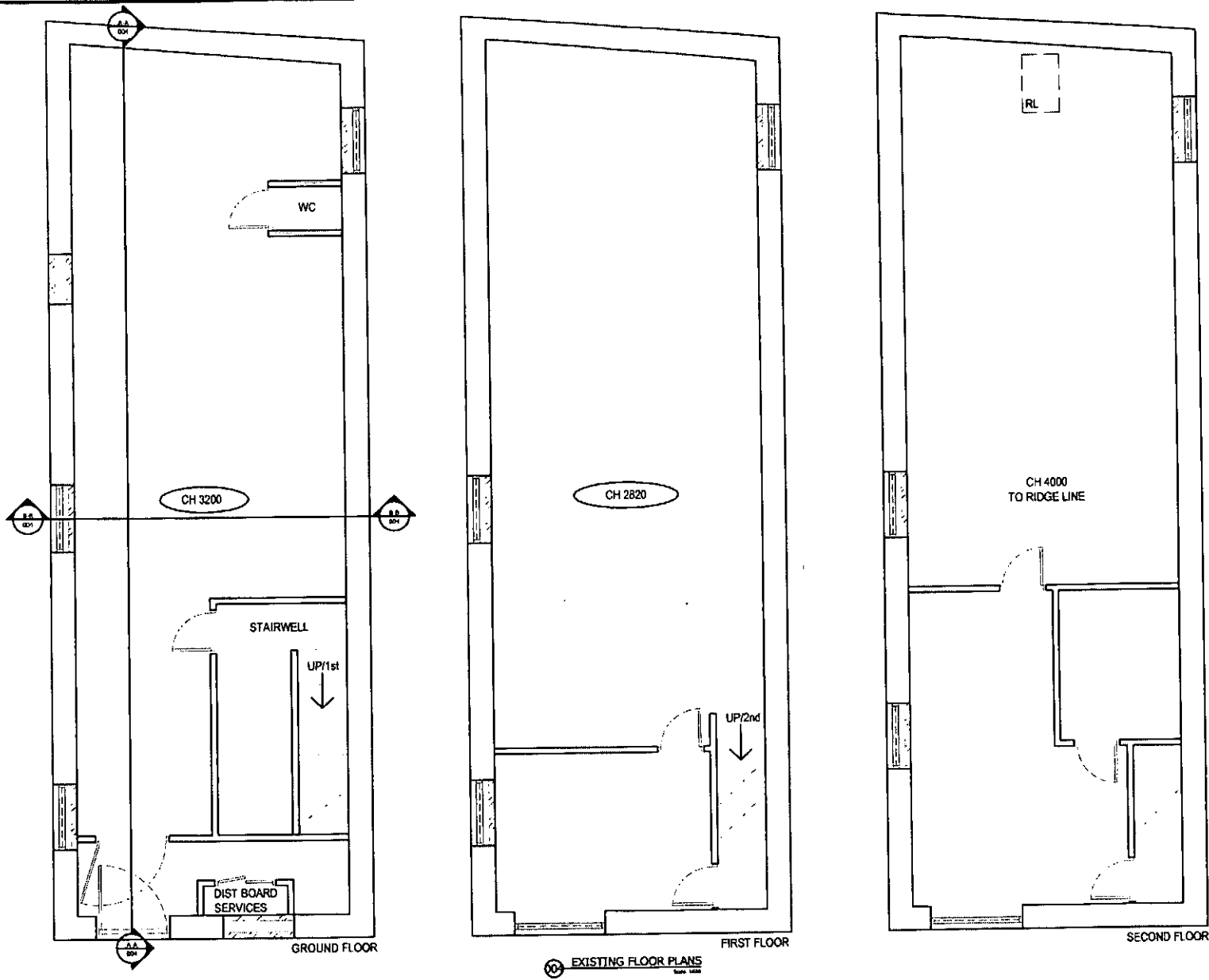
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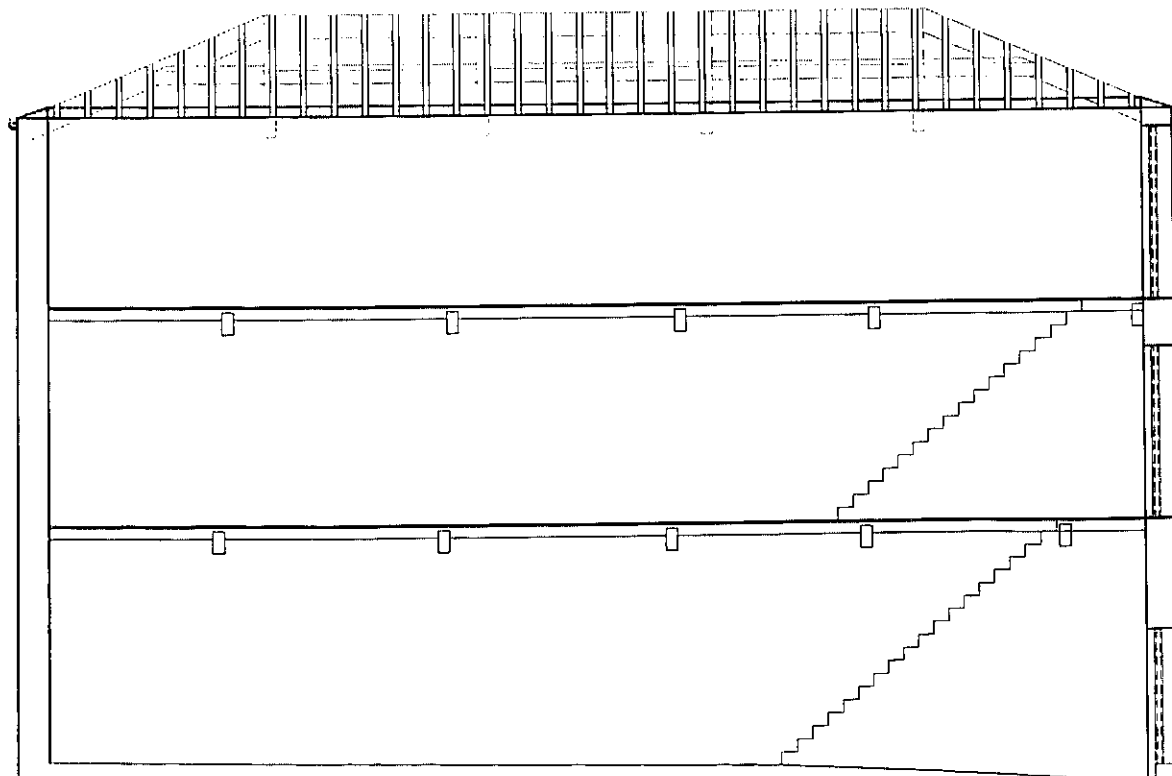


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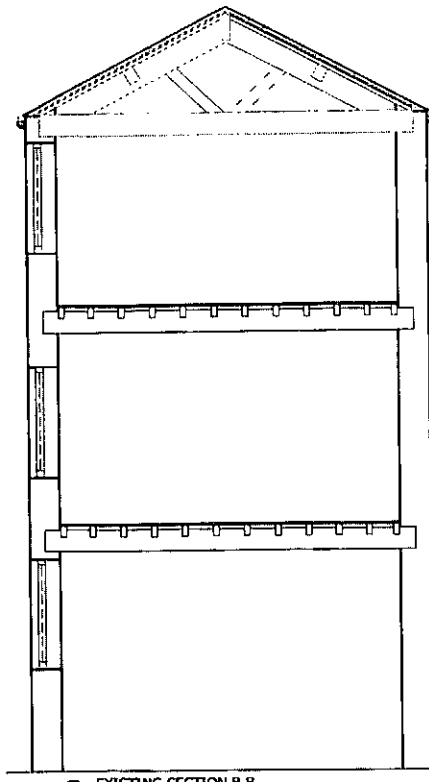
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100 EXISTING FLOOR PLANS
Scale: 1/8" = 1'-0"



101 EXISTING SECTION A-A
Scale: 1/8" = 1'-0"



102 EXISTING SECTION B-B
Scale: 1/8" = 1'-0"

Date	Revision	Dr.

DO NOT SCALE THIS DRAWING CHECK ALL DIMENSIONS ON SITE

Client: MR PETER FARROW

2007/067

Project: 352 BURNLEY ROAD EAST
WATERFOOT
ROSSDALE
LANCASHIRE

Description: THE WAREHOUSE
EXISTING FLOOR PLANS

Scale: STATED Drawing No.: BRE/001/004

Drawn by: Used: JMJ Authorized by: Issue Date: JAN 07

File No.: BRE/001/004/EFP

TRIAL PLACE

MEDICAL CENTRE

THEATRE

River Irwell

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Main pedestrian link from Town Centre through existing castiron gateway

PROPOSED RETAIL UNIT

GF - 20,000 Sq.Ft - 1858 Sq.M
FF - 10,000 Sq.FT - 929 SQ.M
(HATCHED)

MAIN ENTRANCE

CYCLE PARKING

SERVICE YARD / STAFF PARKING

Length of Existing Gas Street closed

LEE STREET

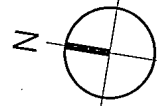
TOTAL CAR PARKING
132 SPACES

Telephone Exchange

Henrietta Street Industrial Estate

HENRIETTA STREET

FORGE STREET



2006/673

REV. DATE NOTES INIT.

PROJECT
BRIDGE PROPERTIES LTD.
BACUP
FORGE STREET

DRAWING TITLE
FLOOR PLAN / SITE LAYOUT

STATUS PLANNING

DATE NOV 06 | DRAWN DHB | CHECK | SCALE @ A3 1:500

PROJECT NUMBER UNIT / BLOCK CI / SFB CODE TYPE & NUMBER REVISION LETTER

DRAWING NO. 6991 L08

Site Location Plans Sections L S GA Plans Details P D Elevations Profile, Colour E C

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30/12/2006

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MARKET STREET

PH

Club

FOUNDRY STREET