

Application No: 2009/0048	Application Type: Full
Proposal: Conversion of pub to ten apartments	Location: The Market Hotel, 14 Market Street, Bacup
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 20 April 2009
Applicant: Mr L Margulies	Determination Expiry Date: 11 May 2009
Agent: Plans4Building	

REASON FOR REPORTING **Tick Box**
Outside Officer Scheme of Delegation **X**

Member Call-In
Name of Member:
Reason for Call-In:

More than 3 objections received

Other (please state) **MAJOR**

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

APPLICATION DETAILS

1. SITE

This application relates to a building that stands to the east side of Market Street (A681), within the heart of Bacup town centre. Formerly occupied by a public house (with function room and small number of guest bedrooms), it has been vacant since Spring 2006 and is now boarded-up.

Although this is not a Listed Building, it lies within Bacup Town Centre Conservation Area and makes a positive contribution to its character and appearance.

The building forms a prominent and attractive feature of the street-scene. Standing on the back edge of the pavement to Market Street, it is of 3-storeys in height and, like the 2-storey building attached to its south side, is of traditional design and stone/slate construction. The Barclay's bank building to its north side is also of 3-storeys in height, and of more modern design/brick construction, but does not have the same presence in the street-scene as it is set back from the main road.

To the rear the level of the land falls, the element of the application building nearest to the 1-storey Bacup Market buildings being of 2-storey construction. This building is in part rendered, as too are certain extensions that have been added on the rear elevation of the main 3-storey building.

2. RELEVANT PLANNING HISTORY

2000/430 - Renovation/upgrading of front elevation of public house
Permission granted 17/10/00.

3. THE PROPOSAL

Permission is sought to convert the building to ten apartments, eight to have one bedroom and the others two bedrooms. Besides internal alterations, the following external works are intended:

- Making an existing opening in the north elevation the main entrance to the building, and provision of a canopy over it.
- Conversion of three doors in the north gable to windows and removal of the external metal staircase leading to them.
- Infilling of the first-floor door in the rear elevation and removal of the external metal staircase leading to it.
- Provision of one rooflight in the front roof-plane and three to the rear.
- Replacement of existing timber window-frames with white UPVC double-glazed units.
- The stonework will be sand-blasted clean.
- Construction of a bin-store attached to the north-west corner of the building, to measure 2.25m x 2.5m x 2.8m at the roof-ridge and be built of stone/slate.

- Re-surfacing of the external area to the north side of the building, incorporating a lightwell to enable formation of a new basement window.

In support of the proposal the Applicant says:

- The pub closed as it was unprofitable and there is no prospect of it re-opening as such. The premises have been vacant since Spring 2006, as too is the attached shop.
- The proposal will result in dwelling units of a size/type for which there is a need in Bacup and their creation will require investment in the building of approximately £200,000, bringing the building back into use and helping to regenerate the area.
- The proposed use keeps to the minimum the internal works to the building that are necessary and the external alterations intended will enhance its appearance.
- Whilst the existing front door onto Market Street will remain in place, there is a need to make the main entrance in the north gable in order that people can enter the building without use of steps.
- The proposed Bin Store will be sited near to the main entrance to the building. Nevertheless, it will not be of unattractive appearance and easily accessible by a dustbin wagon via the roadway running to the rear.
- The existing premises do not possess off-street parking and it cannot be provided on the site. However, this is a town centre location well served by bus services and has public car parks nearby.

4. POLICY CONTEXT

National

PPS1
PPS3
PPS6
PPG13
PPG15

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles
L 4 Regional Housing Provision
L 5 Affording Housing
RT2 Managing Travel Demand
RT4 Management of the Highway Network
EM1 Environmental Assets
EM5 Integrated Water Management

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria
DC4 Materials

Other Material Planning Considerations

RBC Core Strategy
RBC Emerging Bacup, Stacksteads & Britannia AAP
RBC Interim Housing Policy Statement (July 2008)
RBC Bacup Town Centre Conservation Area & associated Article 4 Direction
LCC A Landscape Strategy for Lancashire
LCC Bacup Historic Town Assessment Report
LCC Parking Standards

5. **Consultation Responses**

LCC (Highways)

No objection so long as there is suitable access to the rear of the building for collection of refuse and other service vehicles.

It has a concern that no parking is to be provided within the curtilage of the building, and it is aware that on-street/public car parking spaces are at a premium. However, it does not raise objection to the proposal for this reason as the premises occupy a town centre location.

Environment Agency

Object to the proposal as the site is located within an area of low-medium risk from flooding and the application is not accompanied by a Flood Risk Assessment to show that undue risk to people and their property will not result.

It goes on to state that *"If your Council is minded to approve this application, despite our objection, I would draw your attention to Paragraph 26 of PPS25 and allow us to make further representations"*.

6. **Notification Responses**

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice, a site notice posted on 20 February 2009 and letters sent to the relevant neighbours.

No objections have been received.

7. **Planning Issues**

The main issues to be considered in the determination of this application are as follows:

- 1) Principle
- 2) Flood Risk
- 3) Housing Policy
- 4) Visual / Heritage Interest
- 5) Neighbour Amenity
- 6) Access/Parking

Principle

In the adopted Local Plan the application site lies within the Urban Boundary of Bacup and is reasonably accessible by public transport. It is therefore considered that the proposal accords with the sustainability principles of PPS1 and Policy DS1 of the Rossendale District Local Plan.

PPS6 has as one of its key objectives the protection and enhancement of vitality and viability of town centres. I am satisfied that the conversion of this building will not significantly harm the vitality and viability of Bacup town centre.

Flood Risk

The Environment Agency has objected to the proposal as the site is located within an area of low-medium risk from flooding and the application is not accompanied by Flood Risk Assessment to show that undue risk to people and their property will not result.

It further advises that if the Council is minded to approve this application, despite its objection, it would wish to be afforded the opportunity to make further representations, in accordance with Paragraph 26 of PPS25.

Paragraph 28 of PPS25 goes on to say:

“If, after discussions, it becomes clear that the Environment Agency is unable to withdraw its objection, but the LPA remains minded to approve an application for major development, the Town and Country Planning (Flooding) (England) Direction 2007 requires the LPA to notify the Secretary of State of the proposal. This provides the Secretary of State with an opportunity to check the application’s general compliance with the policies in this PPS and to consider whether it would be appropriate to call it in for determination. The Secretary of State would wish to be assured in considering such cases that all reasonable steps have been taken by the LPA, the Environment Agency and the applicant through discussions to consider ways in which the application might have been amended, or additional information provided, which would have allowed the Environment Agency’s objection to be withdrawn.”

The applicant is currently seeking to gather together the information to enable the Environment Agency to withdraw its objection, relating most particularly the likelihood of flood risk for the two apartments proposed within the basement (ie at the level of Bacup Market/the roadway running to the rear of the premises, rather than Market Street to the front) and whether this can be adequately mitigated.

On the basis of the submitted scheme/documentation the Environment Agency has objected to the application for reasons of flood risk and I do not consider it would be appropriate to recommend permission be granted.

Housing Policy

The Interim Housing Policy Statement (July 2008) amplifies upon the housing policies of PPS3, the Regional Spatial Strategy and the Council’s LDF Core Strategy. It does not preclude residential development within the Urban Boundary of Bacup, it being considered a Main Development Location and one of the Council’s Regeneration Priority Areas. However, it seeks to ensure that proposals for residential development in this location are assessed against the following criteria:

1. It uses existing buildings/previously developed land or is for replacement dwelling(s); and
2. It makes an essential contribution to the supply of affordable housing and uses previously developed land/buildings; and
3. It is built at a density between 30 and 50 dwellings per hectare; or
4. It is a proposal for solely affordable and/or special needs housing.

It is appropriate to consider the application site in relation to these criteria;

1. The proposal relates to conversion of an existing building.
2. The IHPS indicates that within a Regeneration Priority Area affordable housing will not be required of schemes creating less than 15 dwelling units.
3. It is considered that the proposal would be of appropriate density.
4. The proposal is not for solely affordable and/or special needs housing, but does not need to be as it accords with the preceding 3 criteria.

It is therefore considered that the application conforms to and is acceptable in terms of the Interim Housing Policy Statement (July 2008).

Visual / Heritage Interest

The building has been vacant and boarded-up for approximately 3 years. As it lies within Bacup Town Centre Conservation Area, and forms a prominent and attractive feature of the street-scene, it is important to secure its re-use in order to maintain it. The applicant advises that the pub closed as it was unprofitable and there is no prospect of it re-opening as such. I do not have reason to doubt them on this point.

The new use proposed for the building will not result in the need for any external alterations or extensions which will detract from its character and appearance. The submitted scheme of conversion is, for the most part, in-keeping. If permission is to be granted I consider it would be appropriate to attach a condition requiring the replacement window-frames to be of timber, not UPVC (as indicated on the submitted drawing).

Neighbours Amenity

The application relates to a building located within an area of mixed use and the use proposed for it will not result in significant detriment for any neighbours.

Access/Parking

The submitted scheme proposes a Bin Store in a form which will not detract from visual/neighbour amenity, whilst still easily accessible to occupiers of the proposed apartments and for refuse collection.

Whilst it would be desirable for off-street parking to be made available within the curtilage of the property, for use by residents and their visitors, the property is in a town centre location, well served by public transport, and has functioned to date without off-street parking of its own.

The Highway Authority has raised no objection to the proposal and I do not consider refusal of the application due to a lack of off-street parking could be substantiated on appeal.

8. RECOMMENDATION

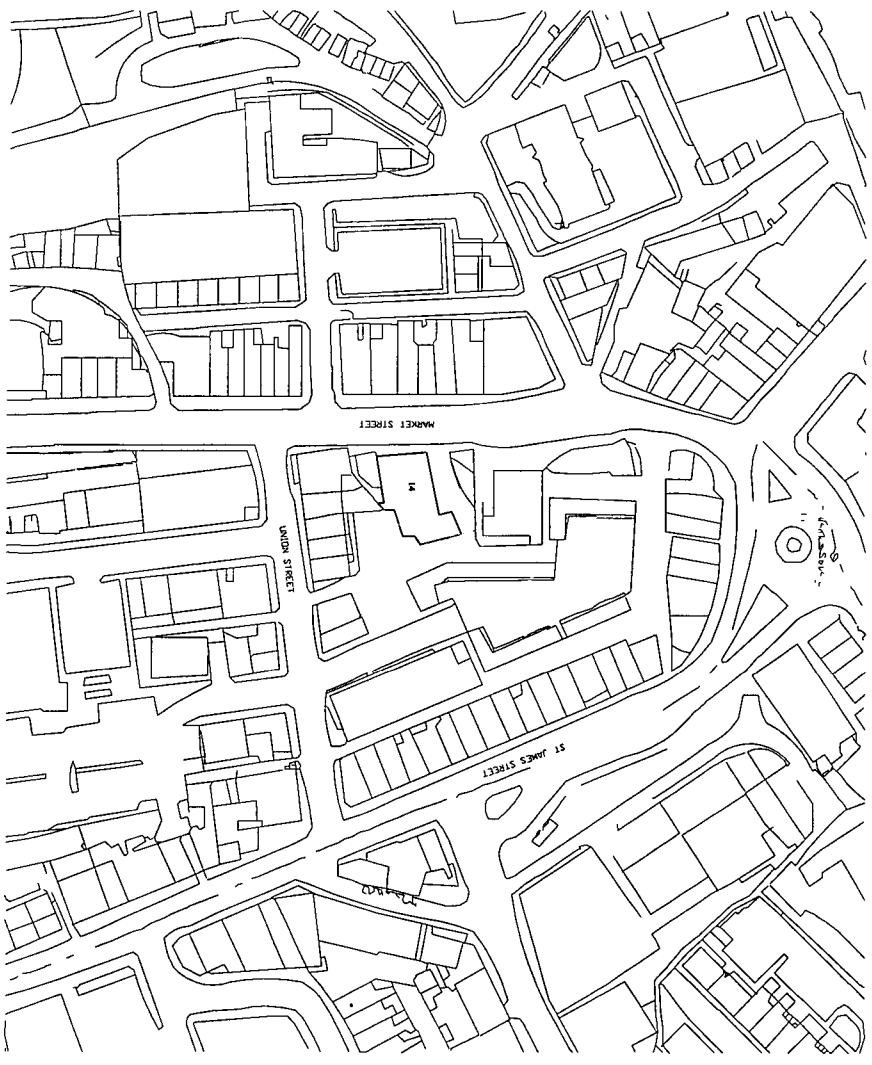
1. That Permission be refused for the following reason (unless the Environment Agency has withdrawn its objection before the decision notice is issued):

The application site is located within an area of low-medium risk from flooding and the application is not accompanied by a Flood Risk Assessment to show that undue risk to people and their property will not result from implementation of the proposed development, contrary to the advice of the Environment Agency, PPS25, Policy EM5 of the Regional Spatial Strategy for the NW of England (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

2. In the event that the Environment Agency has withdrawn its objection before the decision notice is issued Officers have delegated authority to grant planning permission, subject to conditions to accord with the advice of the Environment Agency and to ensure the bin store, other external alterations, landscaping/ boundary treatment, etc is undertaken in a form which is in-keeping with the character and appearance of the building and Bacup Town Centre Conservation Area.

Contact Officer	
Name	N. Birtles
Position	Principal Planning Officer
Service / Team	Development Control
Telephone	01706 238645
Email address	planning@rossendalebc.gov.uk

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Location Plan (Scale: 1:1250)

20090348

No.	Code	Description
<p>Intended for INFORMATION PURPOSES ONLY</p> <p>Plans 4 Building</p> <p> * Approved/Amended * Deleted/Cancelled * Original/Revision/Supplement/Not Noted/Noted/Noted * Other </p> <p> Mr. S. L. Margulies 5 West Avenue, London, NW4 2LL </p> <p> Proposed Conversion of House To Residential, 5 West Avenue, London, NW4 2LL, UK. </p> <p> Location Plan </p>		
08004 / 01	-	Date: 31/07/08
<p>Project No.: 08004, Revision: None, Scale: 1:1250 (A3)</p>		

APPENDIX A :

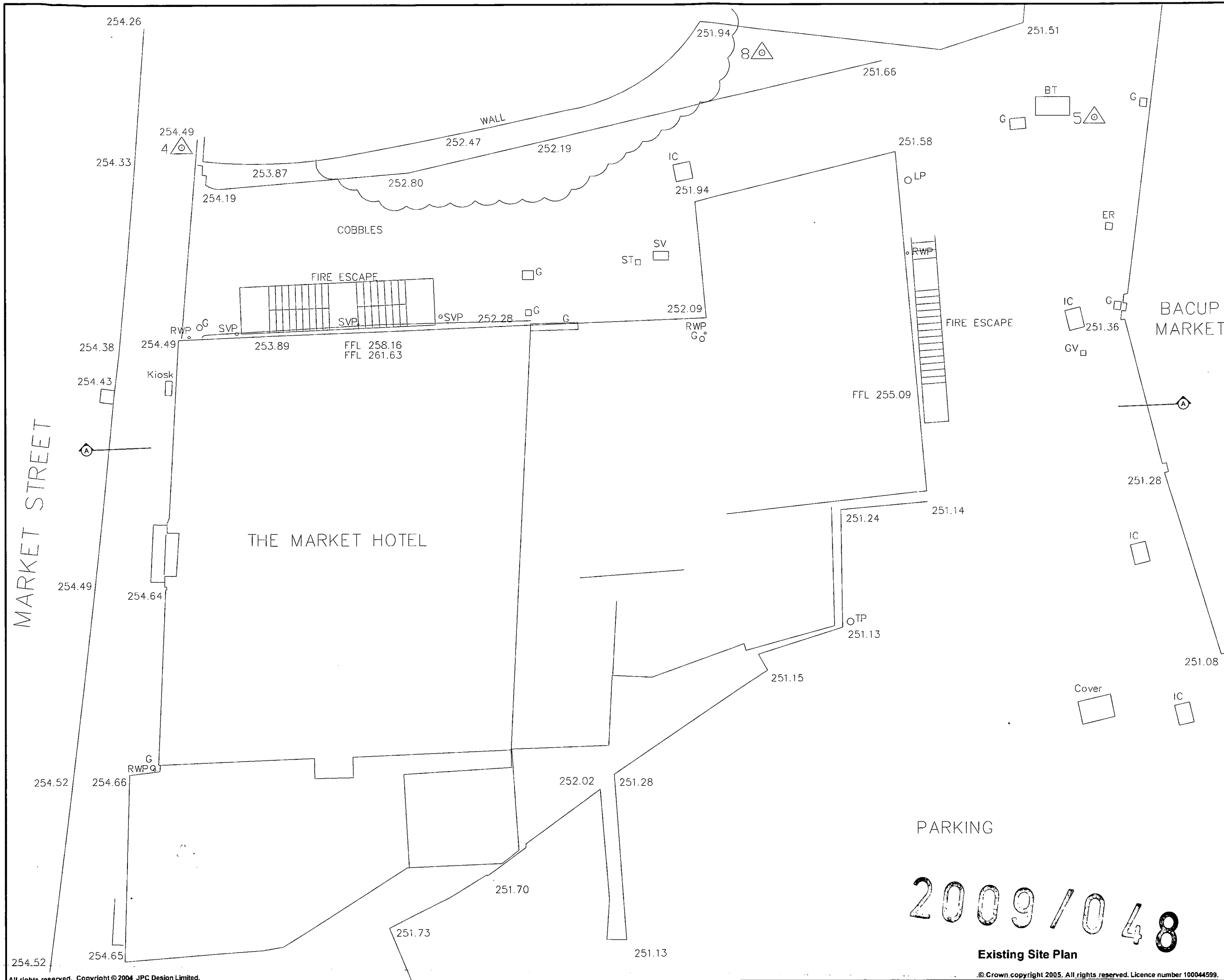


KEY:

Green: Car parking Areas

Red: Close hatched indicates proposed development position.

Circle: Indicates 100m from the proposed development.



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2009/048

Existing Site Plan

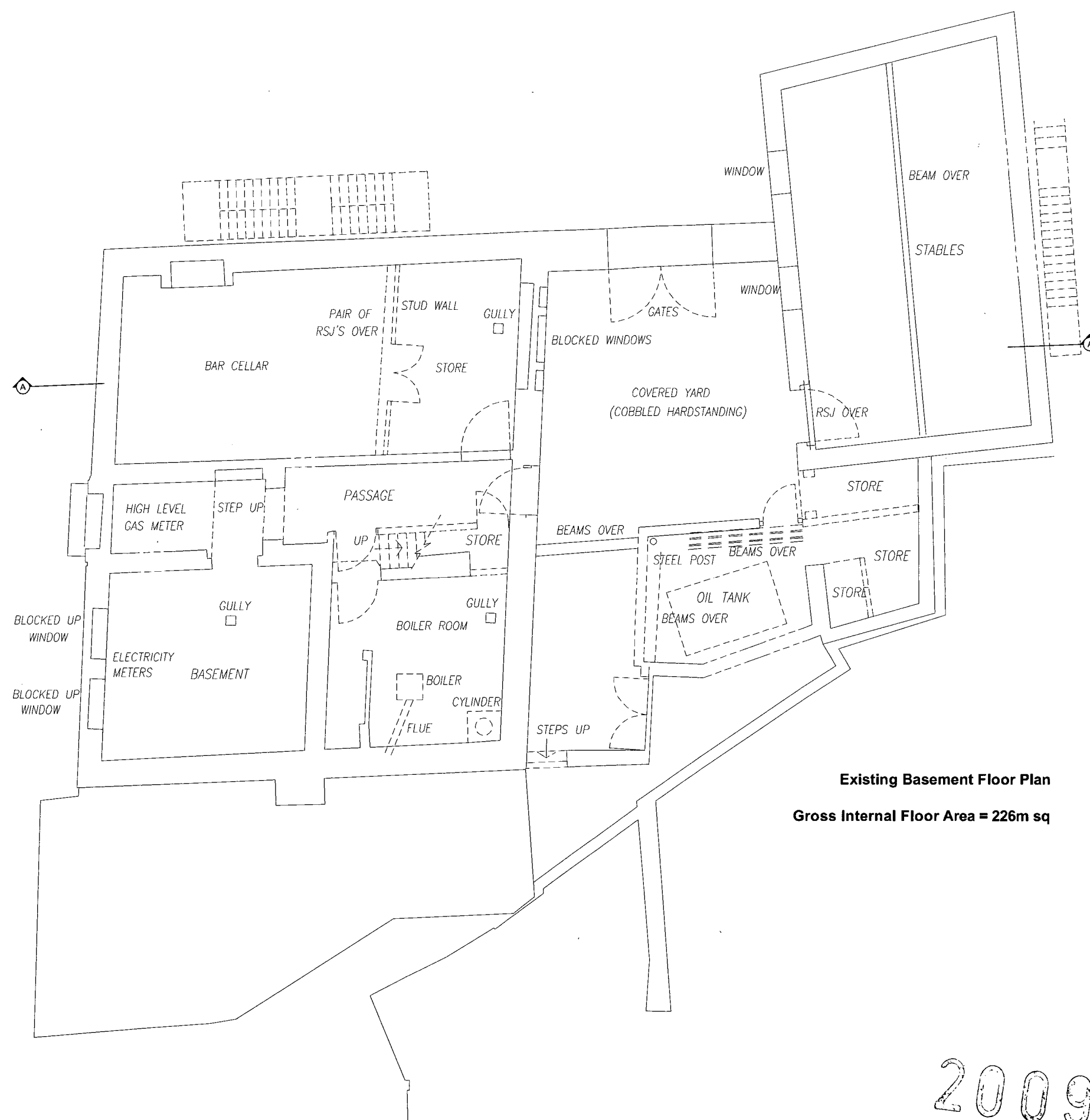
Rev	Date	Description
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Plans 4 Building t 0800 731 4707 e info@plans4building.co.uk w www.plans4building.co.uk a Old House, Linryshaw Mill, Worsley, M28 3TR		
Client Mr. S. L. Margulles 9 West Avenue, London. NW4 2LL		
Project Proposed Conversion of Hotel To Apartments. 14 Market Street, Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title Existing Site Plan		
08064 / 02		Date 31.07.08
Project No.	Drawing No.	Revision
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Project Proposed Conversion of Hotel To Apartments, 14 Market Street, Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title Proposed Site Plan		
08064 / 03	Date	31.07.08
Project No.	Drawing No.	Revision
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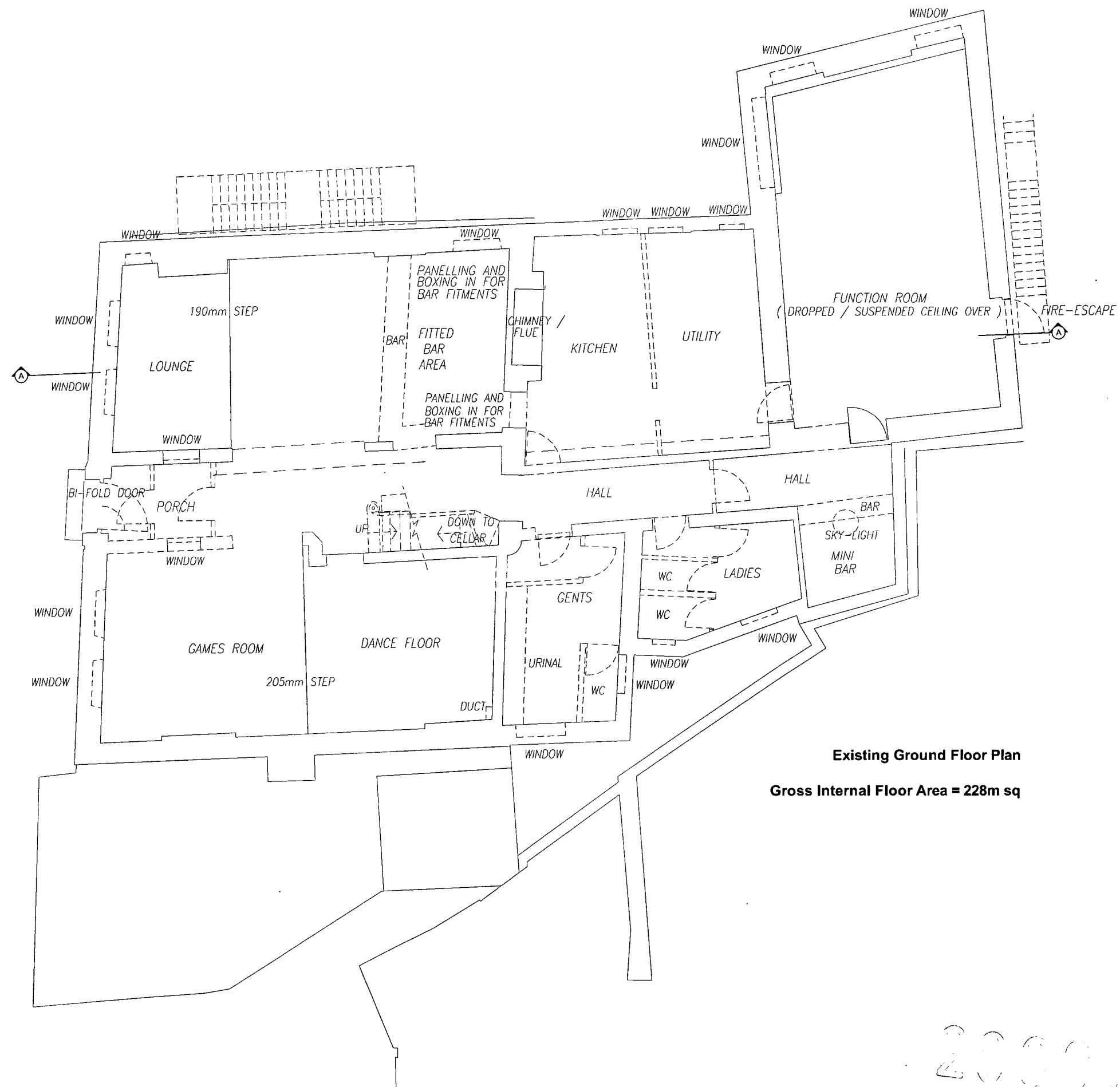
Existing Basement Floor Plan
Gross Internal Floor Area = 226m sq

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9 West Avenue, London,		
NW4 2LL		
Project		
Proposed Conversion of Hotel To		
Apartments. 14 Market Street,		
Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title		
Existing Basement Floor Plan		
08064 / 04	Date	31.07.08
Project No.	Drawing No.	Revision
		Scale 1:100 @A3

2009/048



Existing Ground Floor Plan
Gross Internal Floor Area = 228m sq

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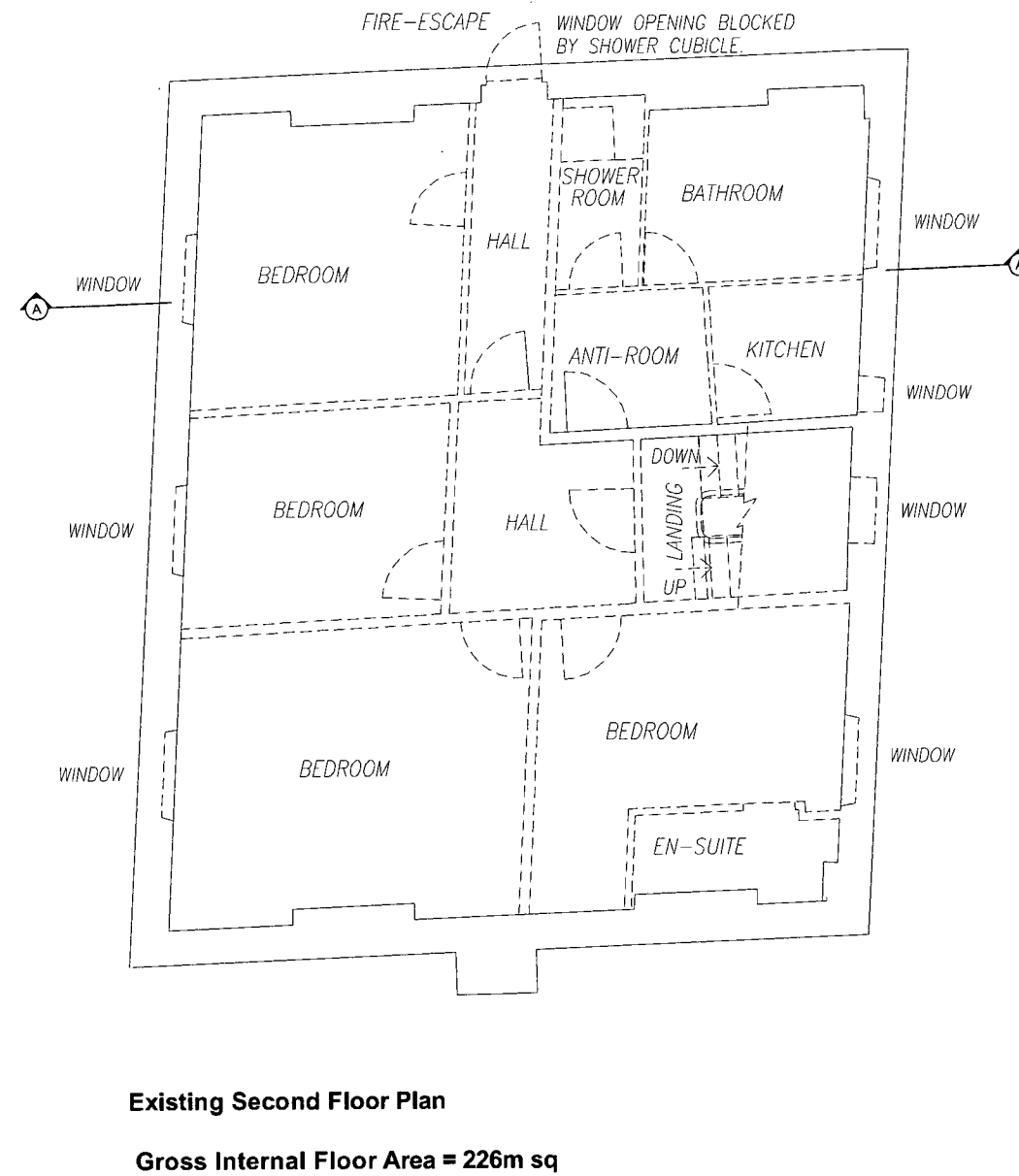
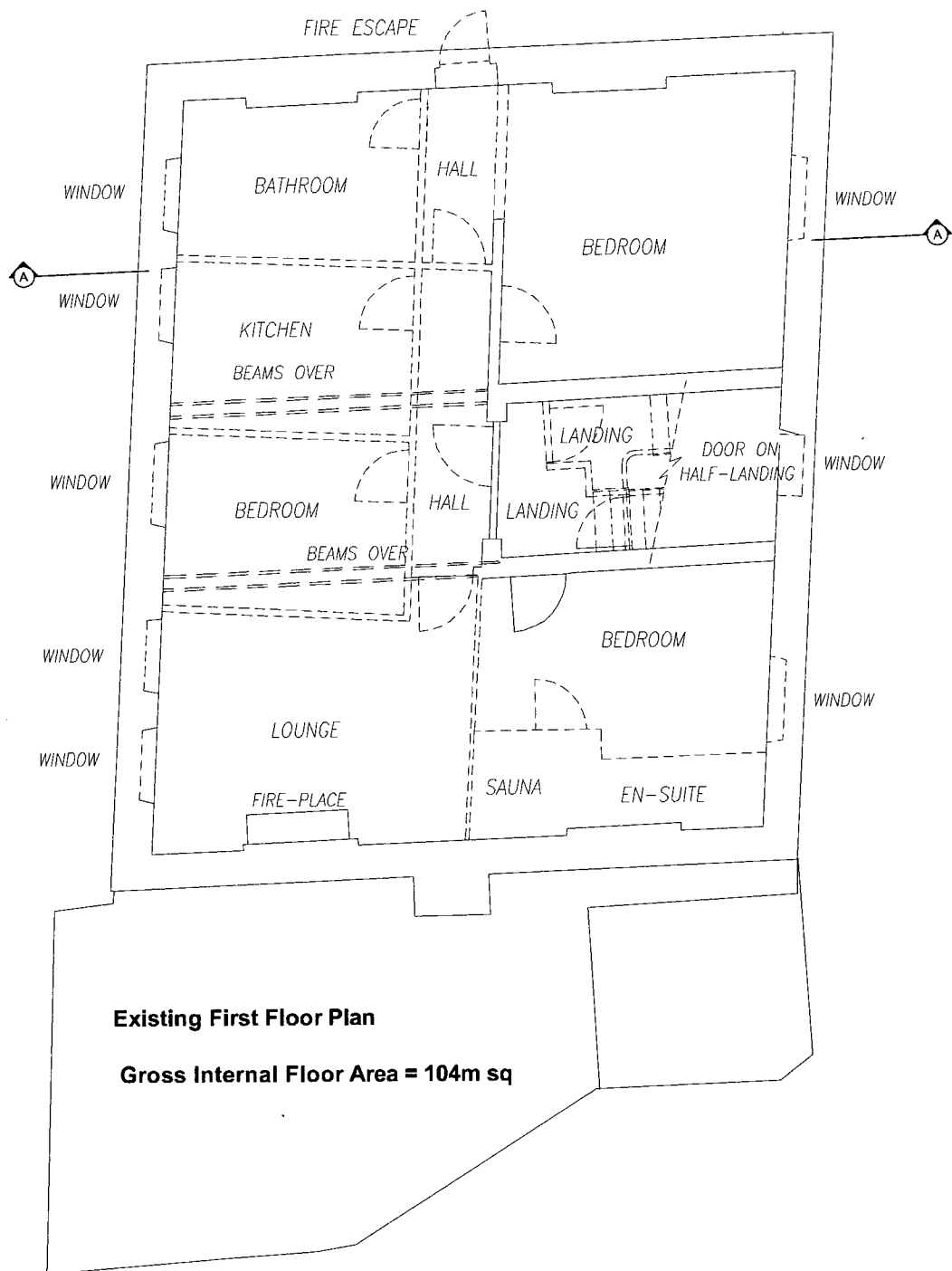
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Mr. S. L. Margules		
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NW4 2LL		
Project		
Proposed Conversion of Hotel To		
Apartments. 14 Market Street,		
Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title		
Existing Ground Floor Plan		
08064 / 05	Date	31.07.08
Project No.	Drawing No.	Revision
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2009/04

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Project Proposed Conversion of Hotel To Apartments. 14 Market Street, Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title Existing First & Second Floor Plan		
08064 / 06		Date 31.07.08
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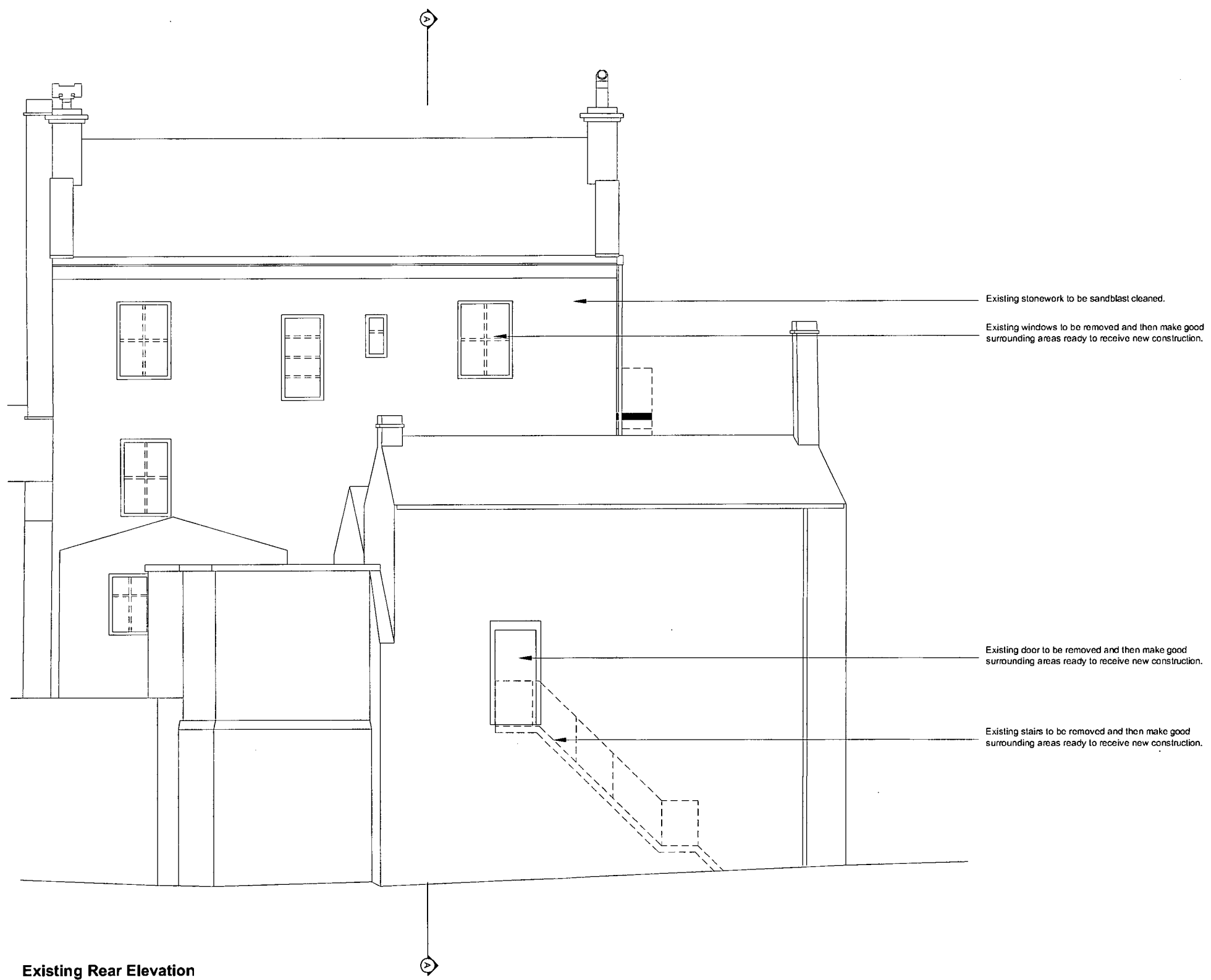
Existing Front Elevation

2009/048

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Mr. S. L. Margulles		
9 West Avenue, London.		
NW4 2LL		
Project		
Proposed Conversion of Hotel To		
Apartments. 14 Market Street,		
Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title		
Existing Front Elevation		
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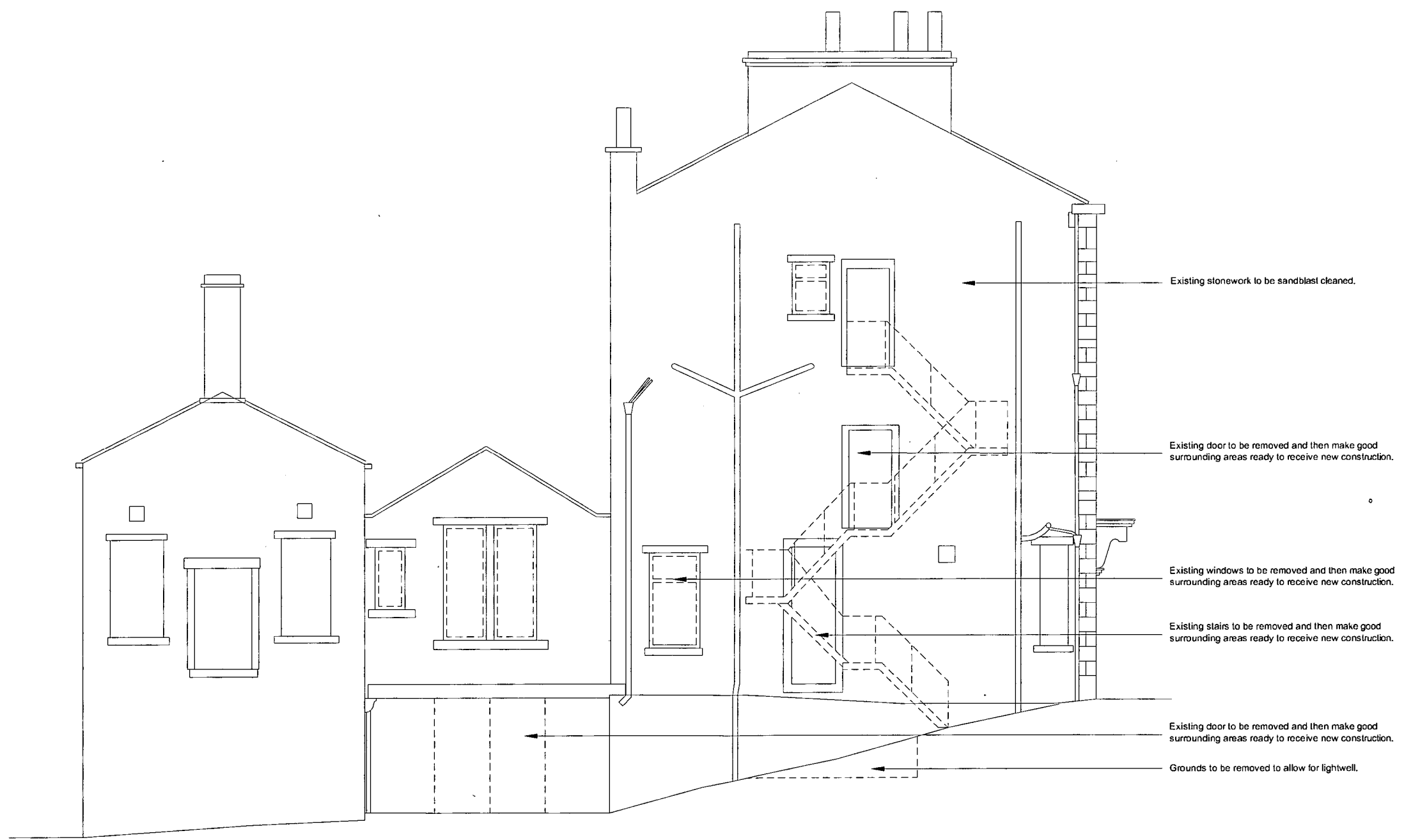
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Existing Rear Elevation

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Scheme - Drawing Title Existing Front Elevation		
08064 / 08		Date 31.07.08
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Existing Side Elevation

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Scheme - Drawing Title Existing Side Elevation		
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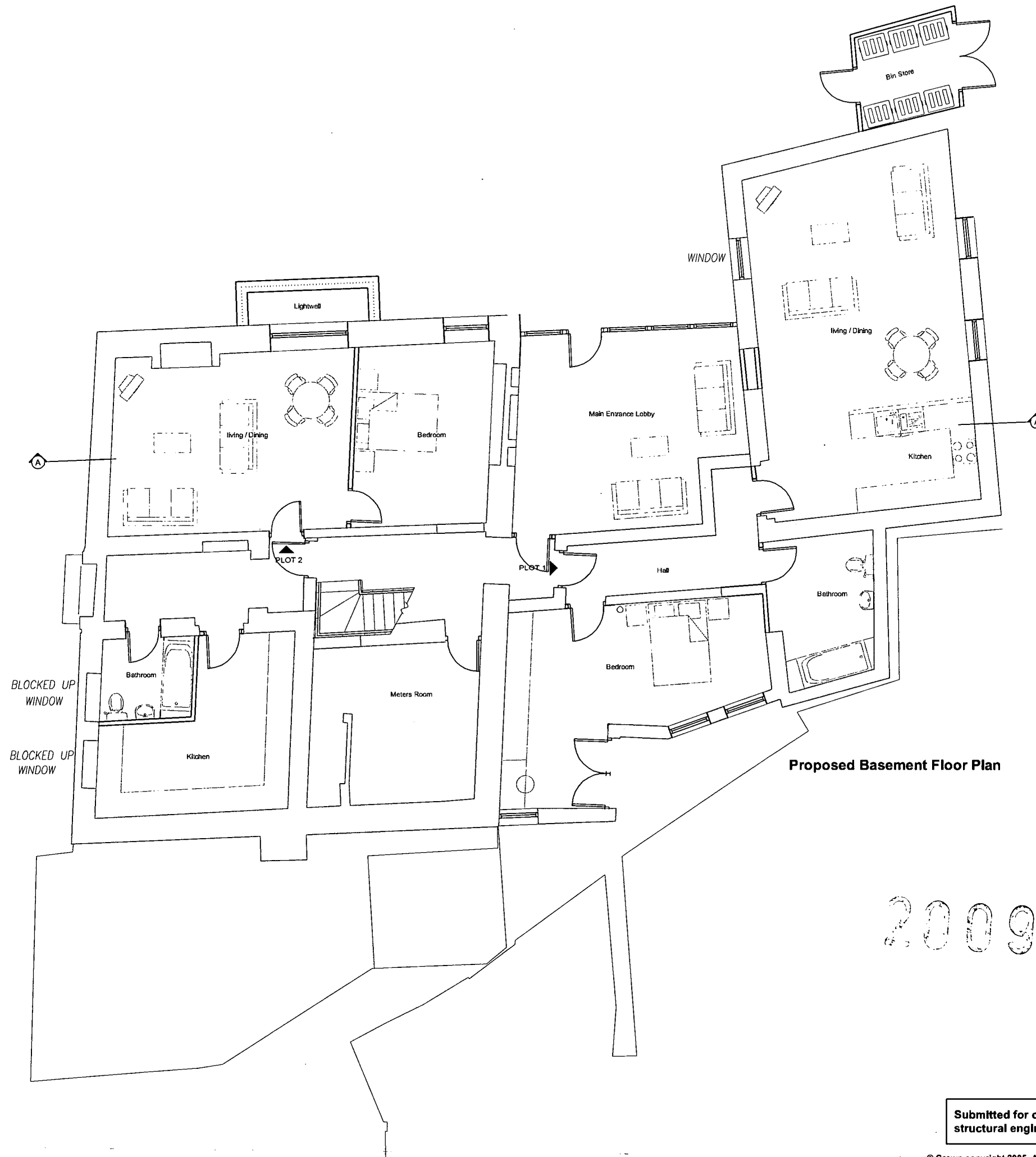
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Existing Side Elevation

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Scheme - Drawing Title Existing Site Section		
08064 / 10	Date	31.07.08
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Proposed Basement Floor Plan

2009/048

Apartment Floor areas:
 Plot 1 = 87.4 m2
 = 940.77 ft2
 Plot 2 = 72.37 m2
 = 779 ft2

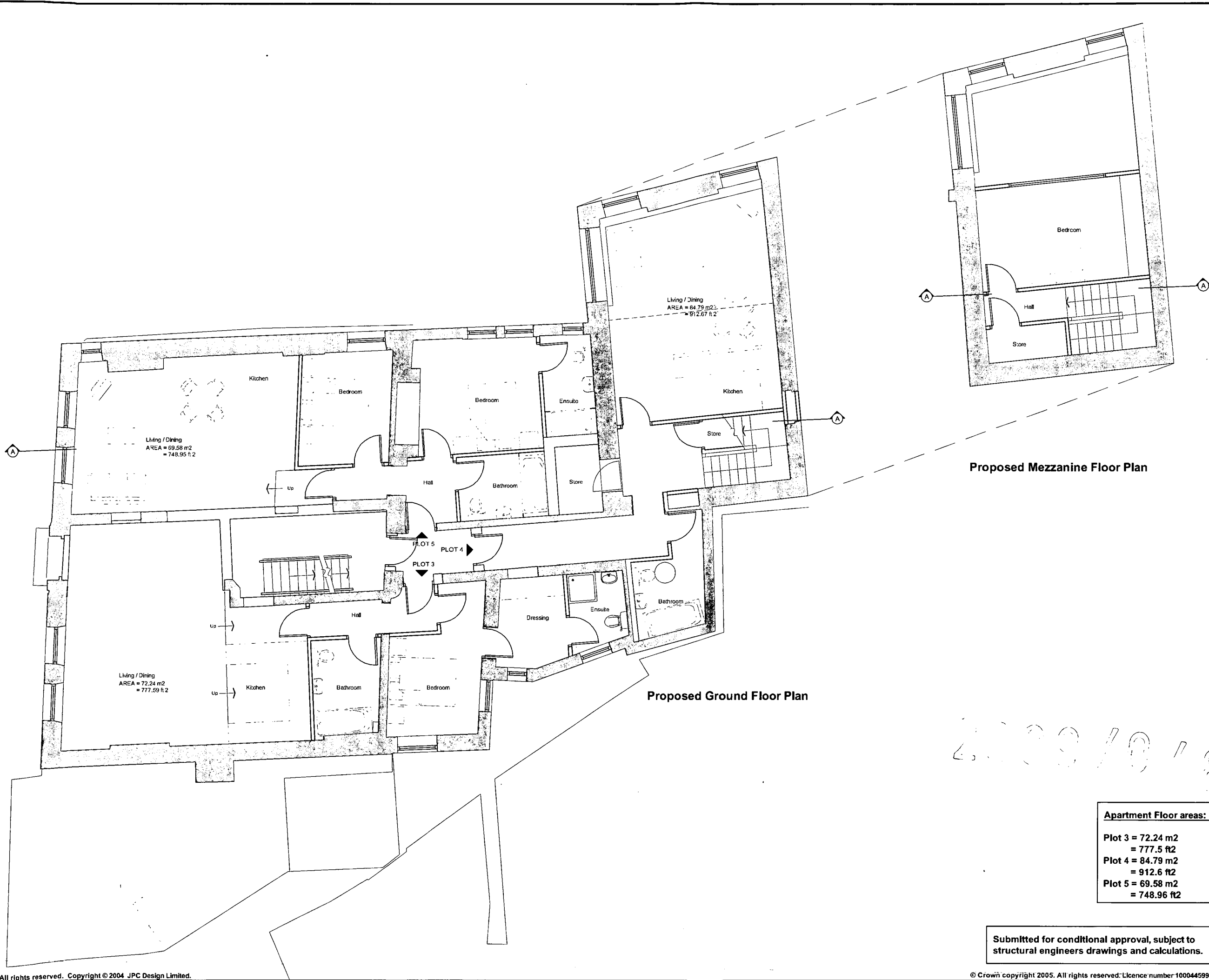
Submitted for conditional approval, subject to structural engineers drawings and calculations.

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Proposed Conversion of Hotel To Apartments. 14 Market Street, Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title		
Proposed Basement Floor Plan		
08064 / 11	Date	31.07.08
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Proposed Mezzanine Floor Plan

Proposed Ground Floor Plan

Apartment Floor areas:

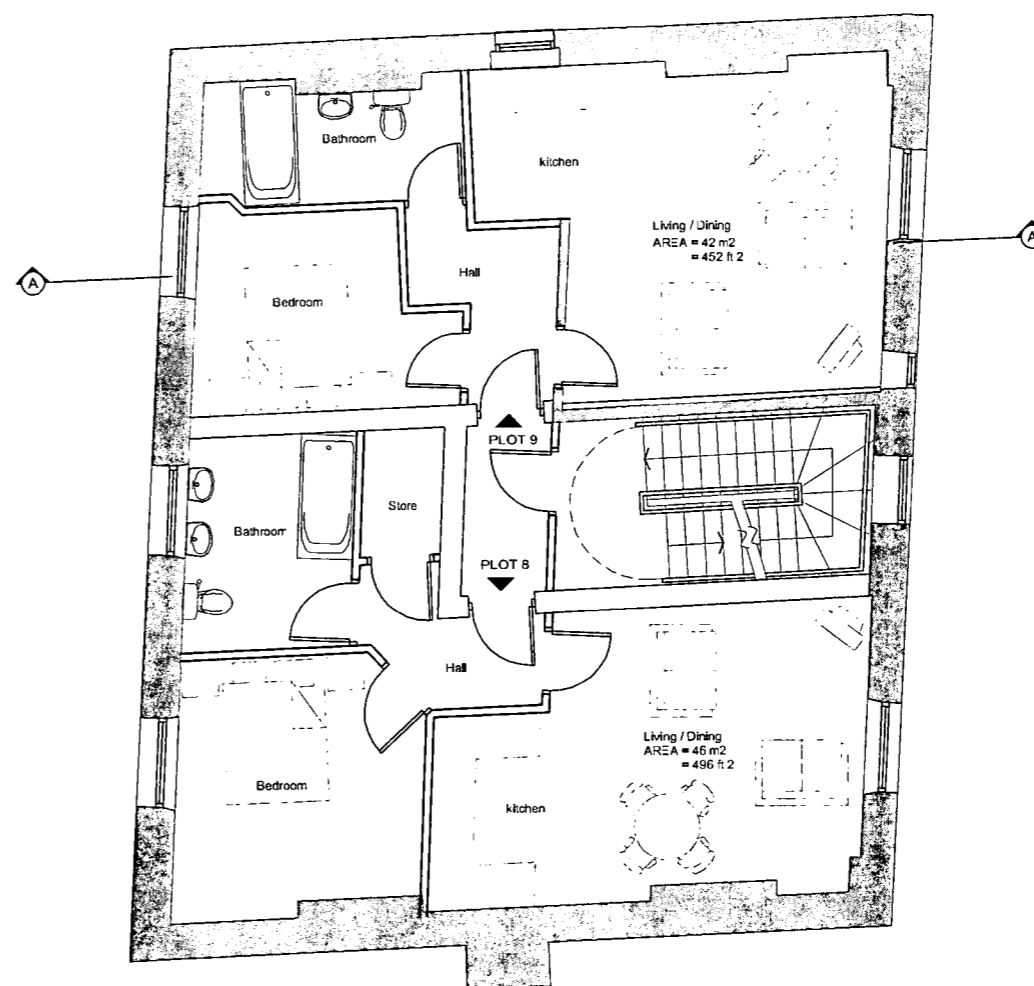
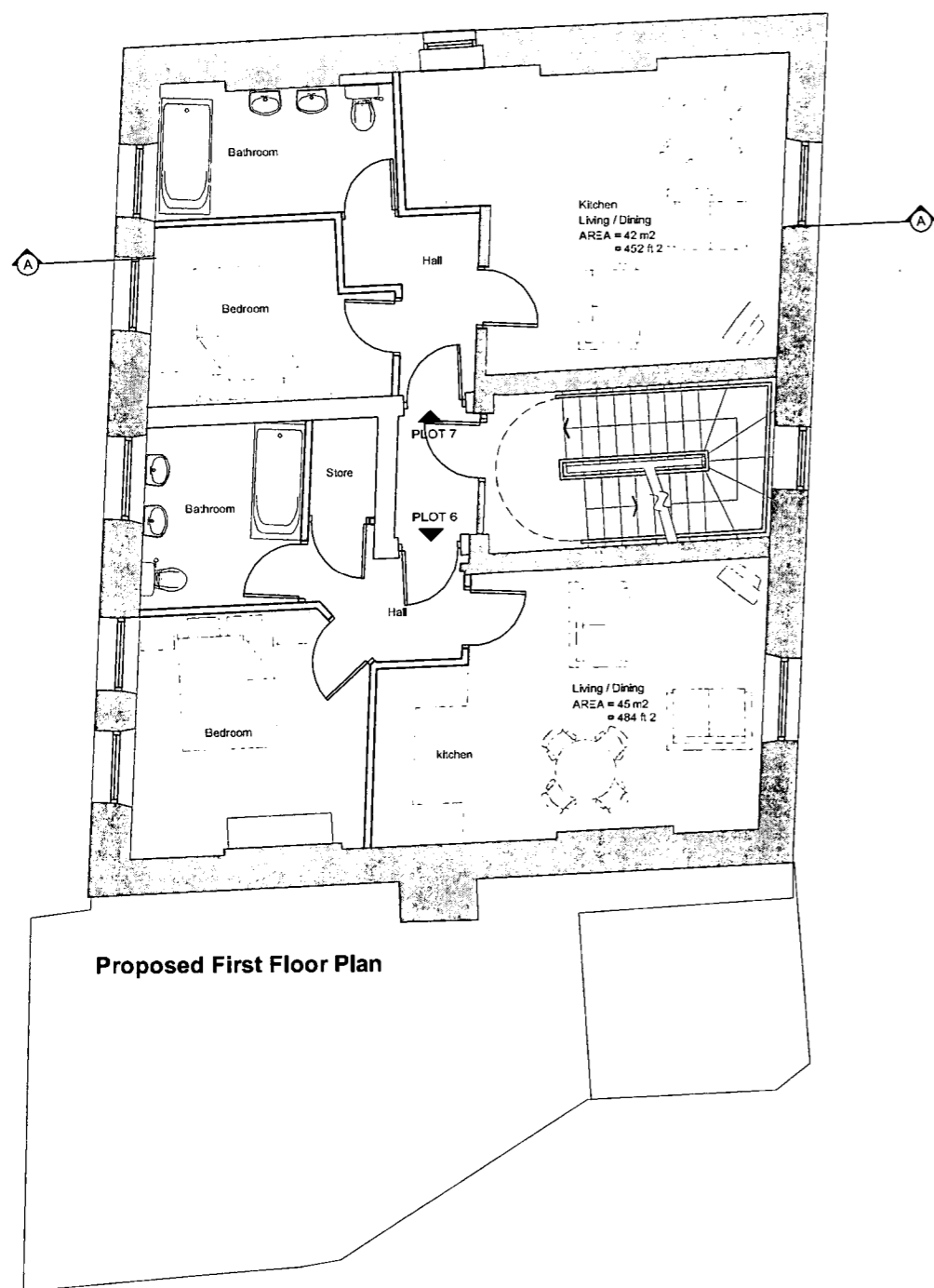
Plot 3	= 72.24 m2
	= 777.5 ft2
Plot 4	= 84.79 m2
	= 912.6 ft2
Plot 5	= 69.58 m2
	= 748.96 ft2

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Proposed Ground Floor Plan		
08064 / 12 - Date 31.07.08		
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		Scale 1:100 @A3

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Apartment Floor areas:

Plot 6	= 44.93 m2
	= 483.6 ft2
Plot 7	= 42.45 m2
	= 456.93 ft2
Plot 8	= 46.21 m2
	= 497.4 ft2
Plot 9	= 42.39 m2
	= 456.28 ft2

Submitted for conditional approval, subject to structural engineers drawings and calculations.

Rev	Date	Description
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 e info@plans4building.co.uk
 w www.plans4building.co.uk
 a Oil-er House, Lincolnshe W8 3TR

Client
 Mr. S. L. Margulles
 9 West Avenue, London,
 NW4 2LL

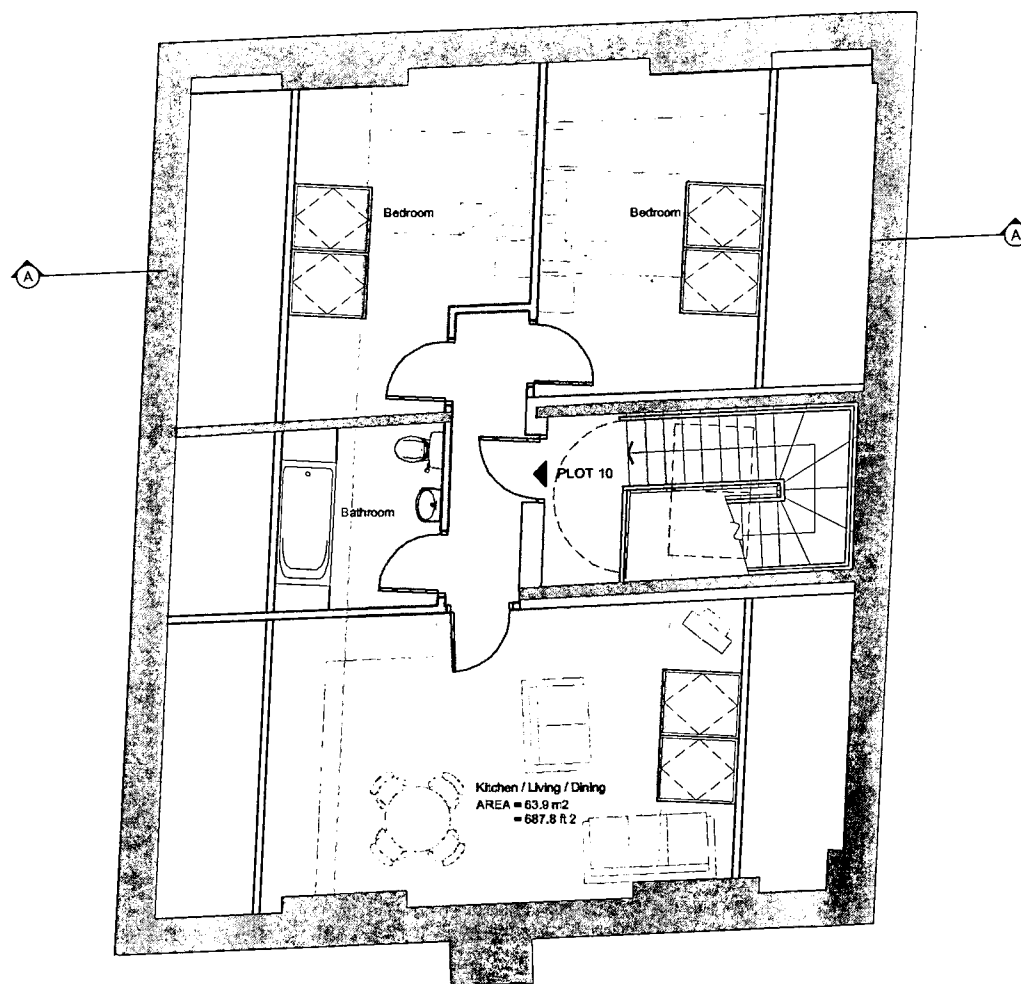
Project
 Proposed Conversion of Hotel To
 Apartments, 14 Market Street,
 Bacup, Lancashire. OL13 8EZ.

Scheme - Drawing Title
 Proposed First & Second Floor Plan
 Option 1

08064 / 13	Date 31.07.08
Project No. Drawing No. Revision	Scale 1:100 @A3

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Proposed Roof Space Plan

Apartment Floor areas:
 Plot 6 = 63.88 m2
 = 687.6 ft2

Submitted for conditional approval, subject to structural engineers drawings and calculations.

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Plans 4 Building

t 0800 731 4707
 e info@plans4building.co.uk
 w www.plans4building.co.uk
 a Old-er House Linc-yshaw Mill Worsley M28 3TR

Client
Mr. S. L. Margulies
 9 West Avenue, London,
 NW4 2LL

Project
**Proposed Conversion of Hotel To
 Apartments. 14 Market Street,
 Bacup, Lancashire. OL13 8EZ.**

Scheme - Drawing Title
Proposed Roof Space Plan

08064 / 14 Date 31.07.08
 Project No. Drawing No. Revision Scale 1:100 @A3

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Conservation rooflights.

Details around window to be re-painted to a colour to match existing.

Sash windows to be timber impressed Upvc double glazed windows.

Existing stonework to be sandblast cleaned.

New white Upvc double glazed windows T.B.C.

Roof tiles to match existing.

White hard wood door to entrance to bin store.

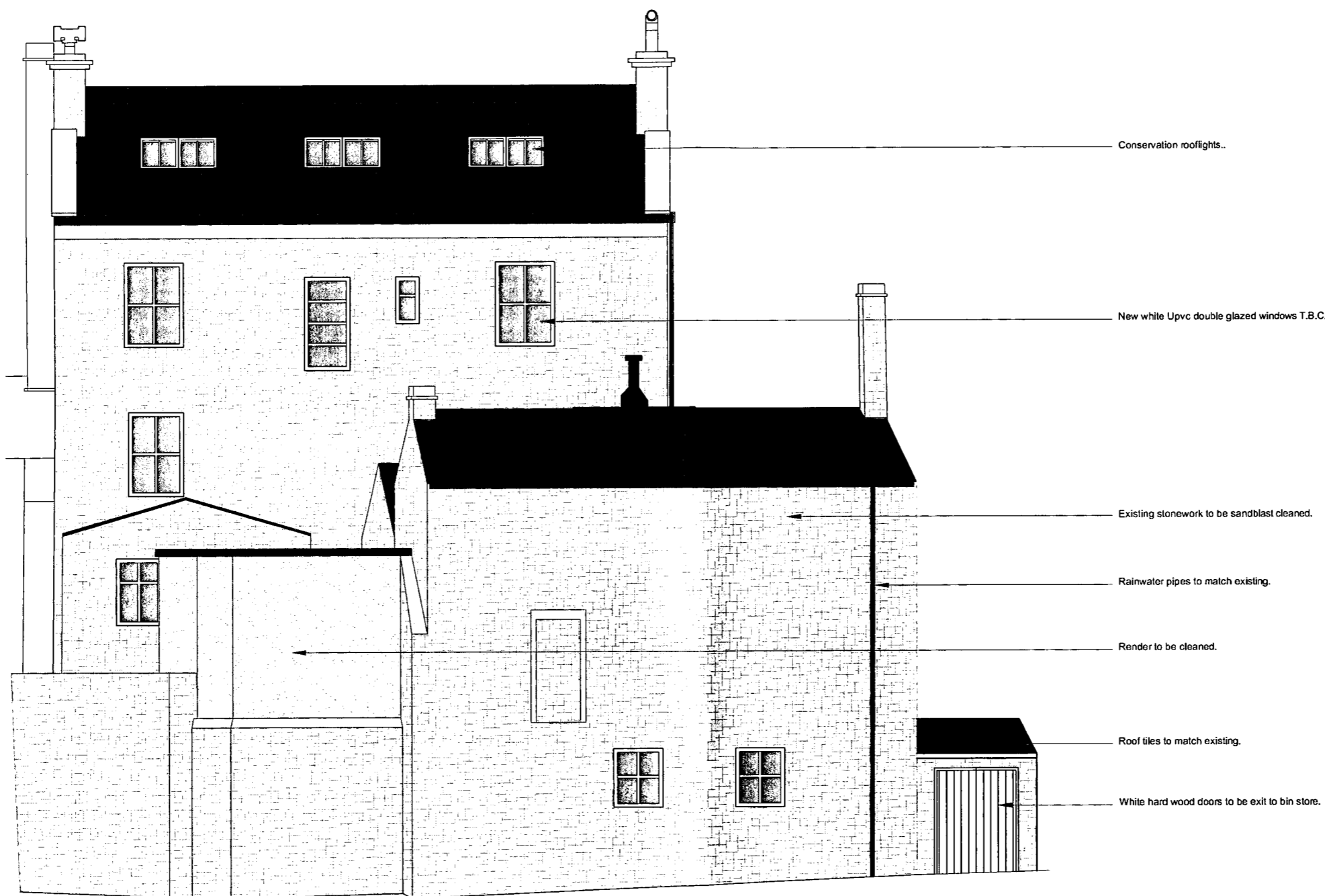
Proposed Front Elevation

2009/048

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Client: Mr. S. L. Margulies 9 West Avenue, London, NW4 2LL		
Project: Proposed Conversion of Hotel To Apartments. 14 Market Street, Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title: Proposed Front Elevation		
08064 / 15		Date 31.07.08
Project No.	Drawing No.	Revision
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Proposed Rear Elevation

200348

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Client		
Mr. S. L. Margulles 9 West Avenue, London. NW4 2LL		
Project		
Proposed Conversion of Hotel To Apartments. 14 Market Street, Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title		
Proposed Rear Elevation		
08064 / 16 - Date 31.07.08		
Project No.	Drawing No.	Revision
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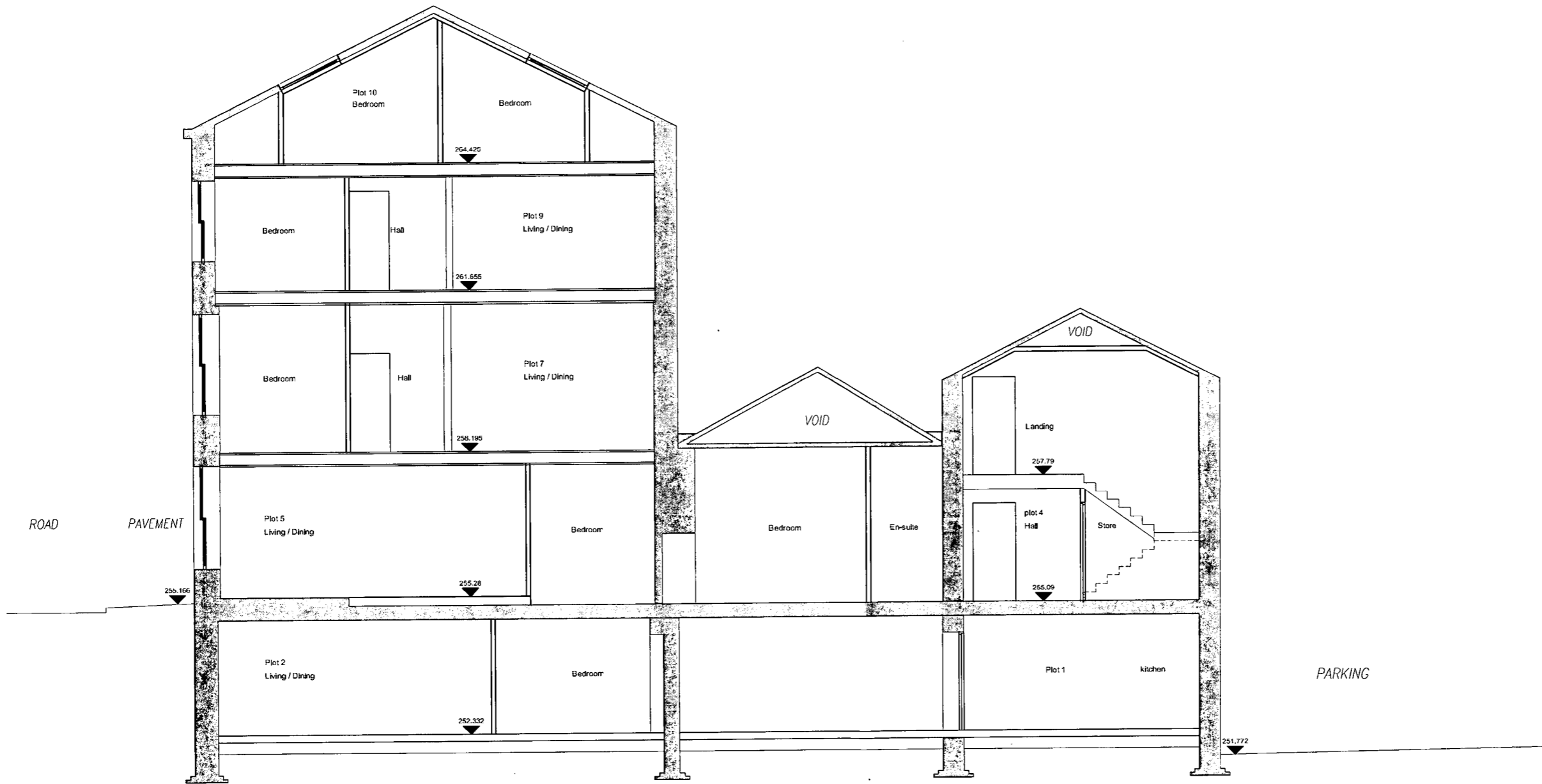


Proposed Side Elevation

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Client		
Mr. S. L. Margulles		
9 West Avenue, London.		
NW4 2LL		
Project		
Proposed Conversion of Hotel To		
Apartments. 14 Market Street,		
Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title		
Proposed Side Elevation		
08064 / 17 - Date 31.07.08		
Project No.	Drawing No.	Revision
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Proposed Rear Elevation

08064 / 18

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Client Mr. S. L. Margulles 9 West Avenue, London, NW4 2LL		
Project Proposed Conversion of Hotel To Apartments, 14 Market Street, Bacup, Lancashire, OL13 8EZ.		
Scheme - Drawing Title Proposed Site Section		
08064 / 18	Date	31.07.08
Project No.	Drawing No.	Revision
		Scale: 1:100 @A3

APPENDIX A :



KEY:

Green: Car parking Areas

Red: Close hatched indicates proposed development position.

Circle: Indicates 100m from the proposed development.