

Application No: 2009/219	Application Type: Full
Proposal: Conversion of pub/hotel 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: 3 August 2009
Applicant: Mr L Margulies	Determination Expiry Date: 20 August 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.

BACKGROUND

This application is a re-submission of Application 2009/48, which was reported to Committee on 20 April 2009. At that point in time the Environment Agency objected to the proposal on the grounds that the application was not accompanied by a Flood Risk Assessment to show that undue risk to residents and their property would not arise. Its concern was with the introduction for the first time of living accommodation at basement level in a building it identified as being within an area of low-medium risk from flooding.

At the time Application 2009/48 was reported to Committee the applicant was still endeavouring to provide the information/amendments to the scheme necessary to enable the Environment Agency to withdraw its objection. I considered there to be no other reason to refuse the application. Accordingly, I my recommendation to Committee was as follows:

1. That Permission be refused for flood risk reasons unless the Environment Agency has withdrawn its objection before the decision notice is issued.
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 In the event that the Environment Agency has withdrawn its objection before the decision notice is issued Officers have delegated authority to grant planning permission, subject to conditions to accord with the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 (including use of Timber for window frames, not UPVC), 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.

Committee voted in favour of this recommendation. The Applicant was advised of the need for them to resolve the flood risk issue prior to 8/5/09 as the Council would not allow the application to over-run its determination expiry date. In the event, by letter of 8/5/09 the Environment Agency advised that it had not yet received the information/amendments to the scheme necessary to enable it to withdraw its objection. The application was refused on 8/5/09.

The current application proposes that the former pub/hotel be converted to ten flats in accordance with the scheme previously submitted. However, the application is accompanied by a Flood Risk Assessment which has been assessed by the Environment Agency and, on this basis, it now has no objection to the proposal.

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

2009/48 - Conversion of pub to ten apartments
Refused 8/5/09

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 be built of stone/slate and measure 2.25m x 2.5m x 2.8m at the roof-ridge.
- 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 states :

- 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	Delivering Sustainable Development
PPS3	Housing
PPS6	Town Centres
PPG13	Transport
PPG15	Historic Environment
PPS25	Flood Risk

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
HP1	Conservation Areas
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 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

The revised Flood Risk Assessment submitted by the Applicant incorporates its latest modelled flood risk levels for the River Irwell and it is now satisfied that the proposed development is not at unacceptable risk of flooding. Accordingly, it has no objection to the development proceeding on this basis.

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 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. To this extent the proposal accords with Policy DS1 of the Rossendale District Local Plan.

Having regard to the location of the site on a 'quality' bus route / in Bacup Town Centre the proposal is considered to accord with the sustainability principles of PPS1 and no financial contribution to be required to provide improvement to public transport. Likewise, although the Council's Open Space & Play Equipment Contributions SPD indicates that a financial contribution will be sought in respect of proposals for 10 or more dwellings, I do not consider such a contribution should be required in this instance. I say this as most of the units of accommodation being created are 1-bedroomed not family-dwellings and, more importantly, the implementation of the proposal will bring significant regeneration benefits to a building located in the Bacup Town Centre Conservation Area and Bacup, Stacksteads & Britannia AAP boundary.

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 no objection to the current application. Although the site is located within an area of low-medium risk from flooding, the application is accompanied by Flood Risk Assessment which has demonstrated that people and their property will not be at undue risk as a result of flooding.

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). I also consider it appropriate to require full details to be submitted of the canopy intended over the main entrance and of the materials to be used for the surfacing of the area which leads down from Market Street to the main entrance.

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 erection of a bin store in a form which will not detract from visual/neighbour amenity, whilst being 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. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle within the Urban Boundary and would not unduly affect the character and appearance of Bacup Town Centre Conservation Area, neighbour amenity, flood risk or highway safety. Therefore, it is considered that the proposed development is in accordance with PPS1 / PPS3 / PPG13 / PPG15 / PPS25, Policies DP1-9 / EM1 / EM5 of the Regional Spatial Strategy, and Policies DS1 / HP1 / DC1 of the Rossendale District Local Plan.

9. RECOMMENDATION

That Permission be granted, subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. *Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.*
2. The basement accommodation shall have a floor level which is at or exceeds 252.32m AOD. *Reason: To ensure the scheme accords with the submitted drawings and the Flood Risk Assessment of Michael Lambert Associates (reference B936 version 02, dated 19/5/09) and thereby avoids undue risk of flooding to people and property, in accordance with 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).*
3. Notwithstanding the details shown on the approved drawings, before the development commences full details shall be submitted to and approved in writing by the Local Planning Authority in respect of:
 - a. The proposed external doors and windows frames (which shall be of timber construction, not upvc), together with the fixing details (including cross sections), their external finish and associated ironmongery.
 - b. The proposed rooflights (which shall be of the flush-fitting/conservation type), together with the fixing details (including a cross section).
 - c. The scheme of external painting and/or stone-cleaning to be undertaken.
 - d. The canopy over the new main entrance and any system for external illumination or security to be installed.
 - e. The proposed rainwater goods.

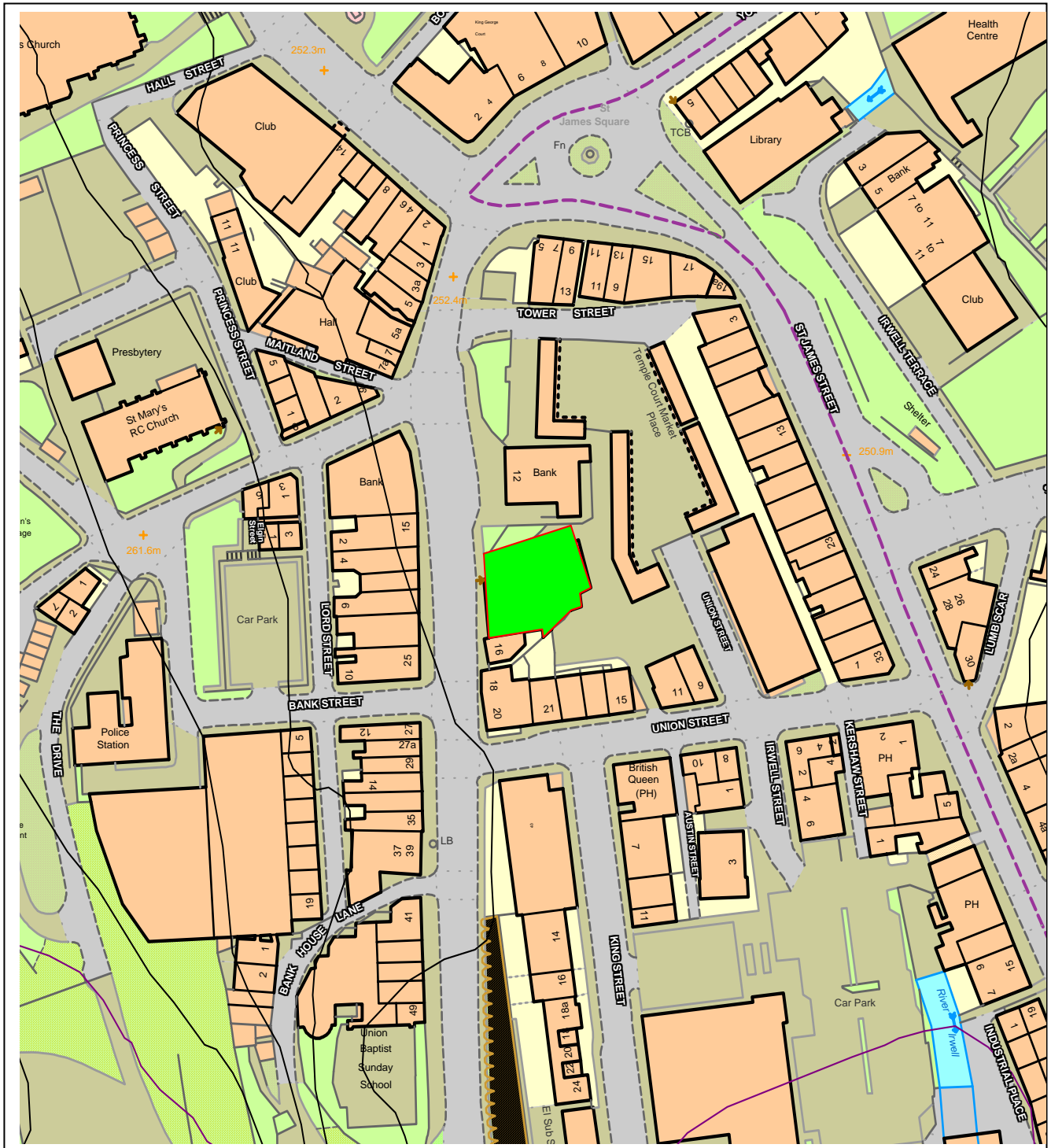
The development shall be implemented in accordance with the approved details. *Reason : To protect the character and appearance of the building, in*

accordance with PPG15, Policy EM1 of the Regional Spatial Strategy and Policies HP1/DC1 of the Rossendale District Local Plan.

4. Prior to first use of the building as hereby permitted the bin-store shall have been constructed using natural stone and slate matching in colour, form and texture those on the existing building. *Reason: To protect the character and appearance of the building and Bacup Town Centre Conservation Area, in accordance with PPG15, Policy EM1 of the Regional Spatial Strategy and Policies HP1/DC1 of the Rossendale District Local Plan.*
5. Notwithstanding the details shown on the approved drawings, before the development commences full details shall be submitted to and approved in writing by the Local Planning Authority in respect of hard and soft landscaping/boundary treatment. The scheme shall indicate : the types and numbers of trees and shrubs to be planted and their distribution on site; those areas to be seeded, paved or hard landscaped; together with details of walls/fences/gates to be erected; and detail any changes of ground level or landform. *Reason: To protect the character and appearance of the building and Bacup Town Centre Conservation Area, in accordance with PPG15, Policy EM1 of the Regional Spatial Strategy and Policies HP1/DC1 of the Rossendale District Local Plan.*
6. All hard-surfaced areas/walls/fences forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to first occupation of the building as hereby permitted, unless otherwise first agreed in writing with the Local Planning Authority. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building as hereby permitted. Any trees or plants in the approved scheme of landscaping which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: To protect the character and appearance of the building and Bacup Town Centre Conservation Area, in accordance with PPG15, Policy EM1 of the Regional Spatial Strategy and Policies HP1/DC1 of the Rossendale District Local Plan.*
7. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. *Reason: To safeguard the amenities of neighbours, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.*

Contact Officer	
Name	N. Birtles
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Service / Team	Development Control
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Location Plan – 2009/219



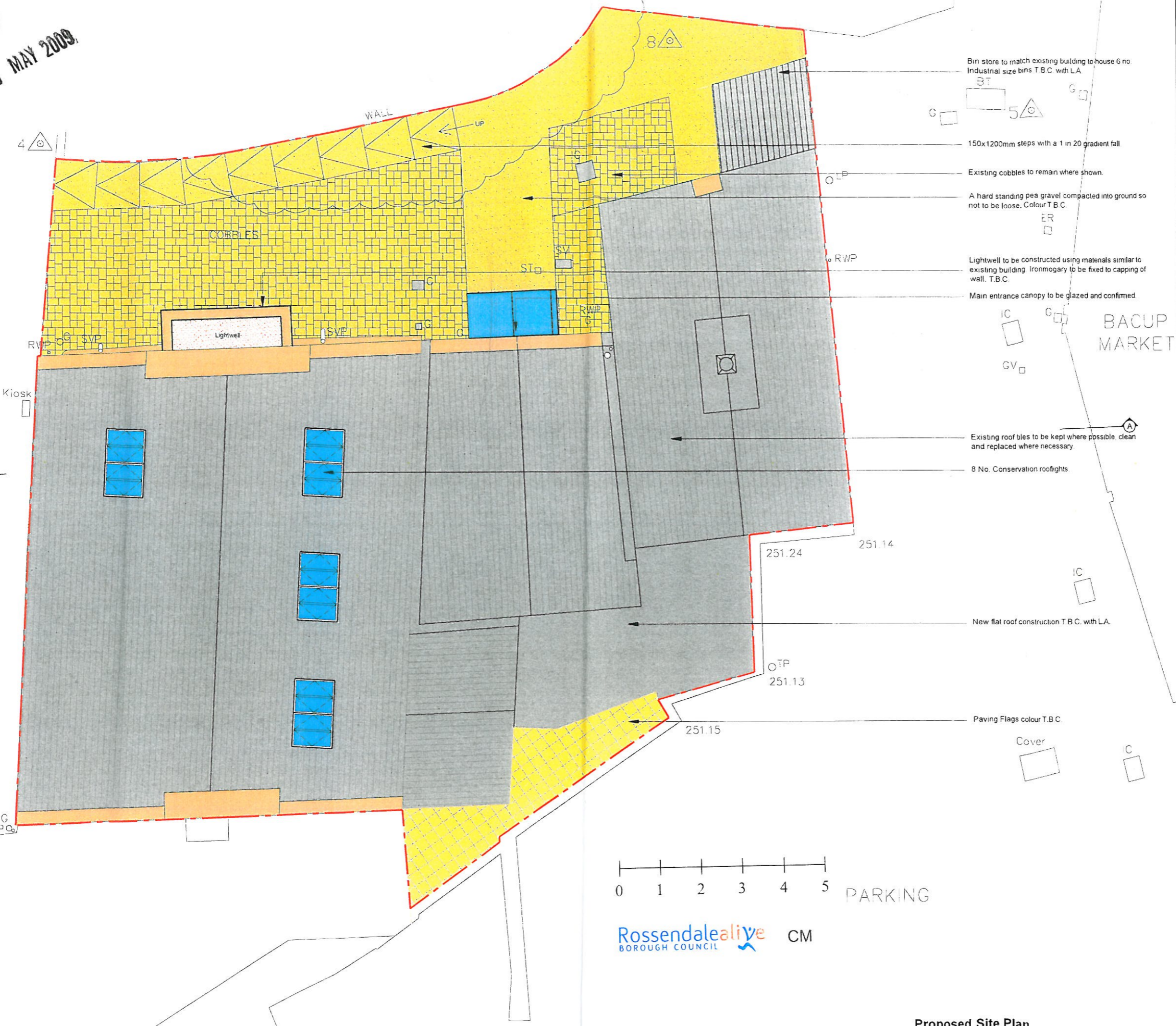
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MARKET STREET

254.49



Bin store to match existing building to house 6 no Industrial size bins T.B.C. with L.A.

150x1200mm steps with a 1 in 20 gradient fall

Existing cobbles to remain where shown.

A hard standing pea gravel compacted into ground so not to be loose. Colour T.B.C.

Lightwell to be constructed using materials similar to existing building Ironmongery to be fixed to capping of wall. T.B.C.

Main entrance canopy to be glazed and confirmed.

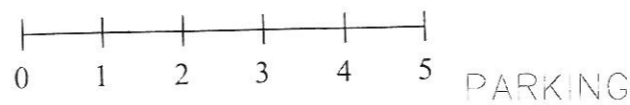
Existing roof tiles to be kept where possible, clean and replaced where necessary

8 No. Conservation rooflights

New flat roof construction T.B.C. with L.A.

Paving Flags colour T.B.C.

BACUP MARKET



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Proposed Site Plan

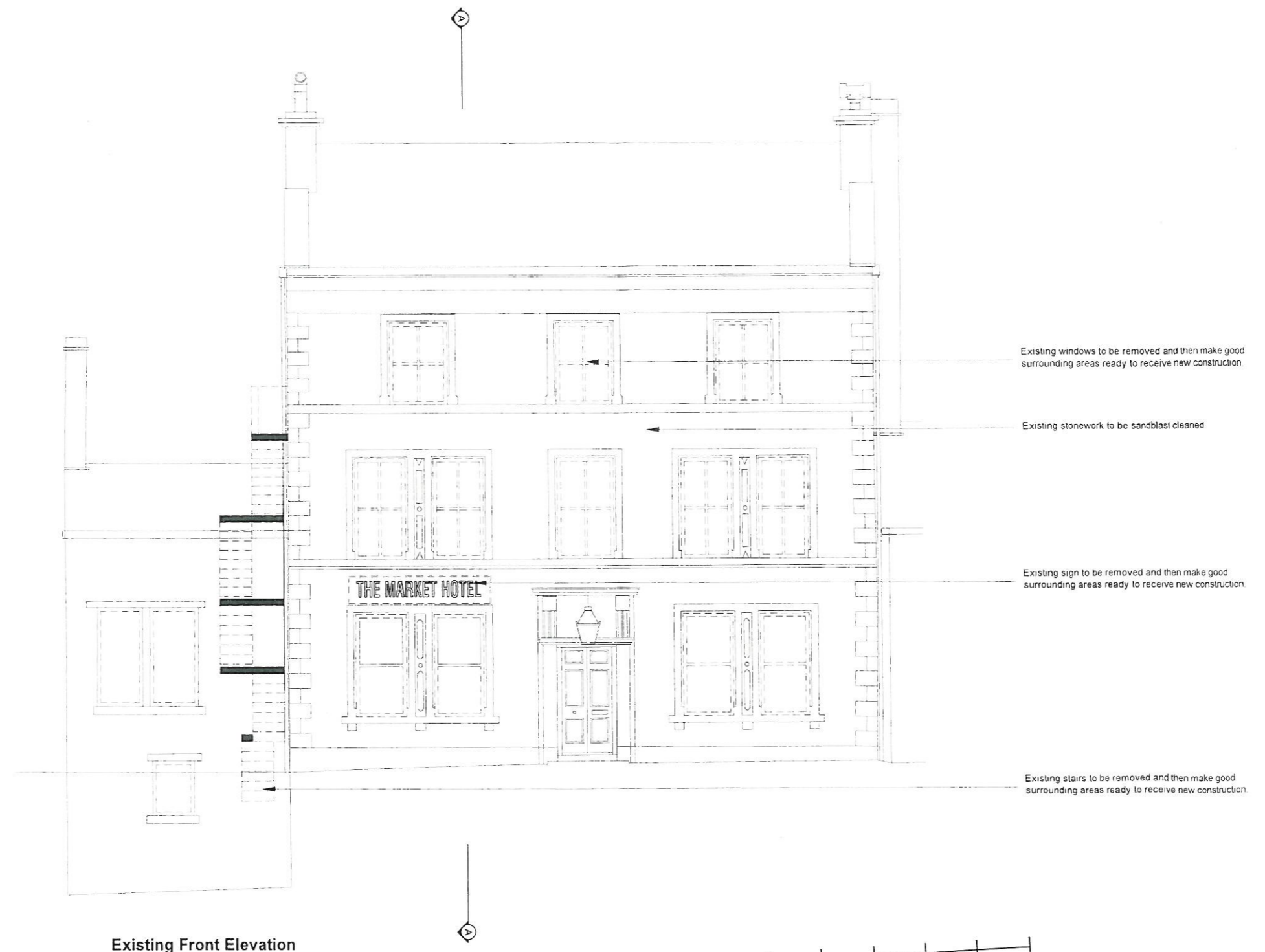
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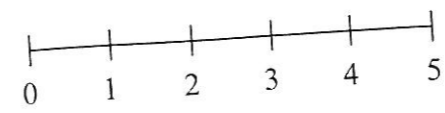
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Mr. S. L. Margulies		
9 West Avenue, London.		
NW4 2LL		
Project		
Proposed Conversion of Hotel To		
Apartments. 14 Market Street,		
Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title		
Proposed Site Plan		
08064 / 03 - Date 31.07.08		
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Existing Front Elevation



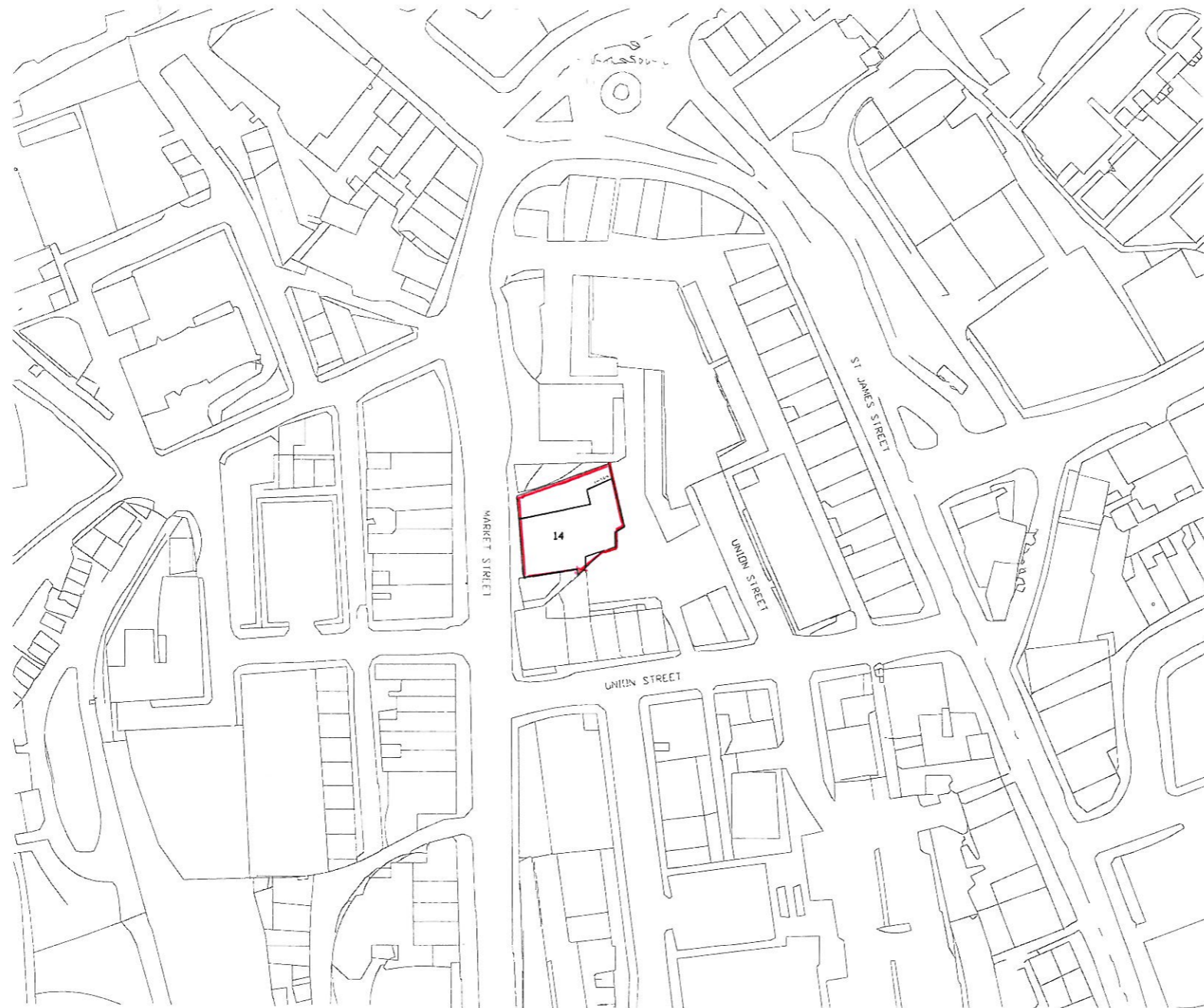
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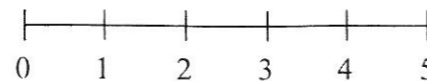
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Location Plan (Scale - 1:1250)



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Project Proposed Conversion of Hotel To Apartments, 14 Market Street, Bacup, Lancashire. OL13 8EZ.		
Scheme - Drawing Title Location Plan		
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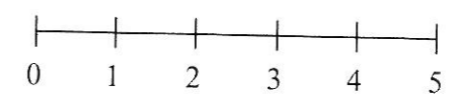
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Proposed Front Elevation



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