

Application No: 2009/257	Application Type: Full
Proposal: Demolition of existing building and Erection of 3-storey 39-bedroomed Care Home	Location: Bacup Health Centre Yorkshire Street Bacup
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 7 September 2009
Applicant: Dr K Satkunam	Determination Expiry Date: 18 September 2009
Agent: James Campbell Associates	

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

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 broadly rectangular site, of approx 0.2ha in area, which is located in a prominent position on the corner of Yorkshire Street (A681) and Hammerton Green. The site is located within Bacup Town Centre, as designated in the Rossendale District Local Plan, and is within Bacup Town Centre Conservation Area.

The site is presently occupied by a 1-storey building of modern design, with a flat-roof and brick/timber-boarded walls. Formerly occupied as a health centre, the building has been vacant for a number of years and is of poor appearance. Setback some way from Yorkshire Street, the building sits over the course of the River Irwell.

By virtue of its setback, the building does not obscure the view the public have of the 2 and 3-storey terraced properties of traditional design/materials to the west of the site as the Town Centre is approached down Todmorden Road. To the opposite side of Yorkshire Street to the site is another building of traditional design/materials (occupied by Bacup Natural History Society & Museum) and a well-maintained landscaped area. To the opposite side of Hammerton Green is a 2-storey building of traditional design/materials which has been converted to residential use. To the rear are terraced houses of more recent construction; although facing towards the health centre building they have little view of it as it is at a lower level and there is a hedge/mature trees on the party-boundary.

2. RELEVANT PLANNING HISTORY

None.

3. THE PROPOSAL

Permission is sought to demolish the existing building and erect upon the site a new building, which is to accommodate a Care Home with 39 bedrooms, with a communal lounge/dining area on the ground-floor.

The proposed building is to be of 3-storeys in height, with a 1-storey lean-to projecting from the west side. In order that the new building does not sit over the River Irwell it is to be sited marginally closer to Yorkshire Street than the existing building. The 3-storey element of the building will have a length of 35m, a width varying between 9m and 13m, and with a gutter-height of 8m and a ridge-height of 11m. Its walls will be constructed of natural coursed stone, the windows to be of oak-coloured UPVC/sash appearance, with stone lintels/sills. The hipped and pitched-roofs of the building are to be covered with natural slate, with two chimney stacks breaking the ridge-line.

The main entrance to the building will be in the southern elevation, facing towards a 12-space car park/service area to be accessed of Hammerton Green, and within which are to be built a cycle-store and refuse-store. The car park/service area is of a

size to enable a small private garden area to be formed towards the south-western corner of the site.

To the front of the building will be a 6m-7m wide landscaped strip, with a low stone wall between it and Yorkshire Street. On the party-boundary between 17 Yorkshire Street and the site the low stone wall presently to be seen is topped by a metal railing. It is intended to extend the metal railing over the low stone wall that continues up the western boundary of the site and introduce planting behind it, thereby helping to make the rear garden area more private/secure. Although the shrubs/trees on the bank rising up towards the southern boundary are to be thinned, the mature hedge/trees on the boundary itself are to be retained.

To enhance intervisibility between the drivers of vehicles exiting the proposed car park and Hammerton Green the existing railing/planting down the eastern boundary of the site is to be removed and then replaced with a greater setback from the highway, a footway being provided within this margin of land. The applicant has also agreed to undertake/fund road-markings at the Tong Lane/ Hammerton Green junction, to better delineate vehicle priorities.

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
RDF1	Spatial priorities
L3	Existing Housing Stock & Housing Renewal
L 4	Regional Housing Provision
RT2	Managing Travel Demand
RT4	Management of the Highway Network
EM1	Environmental Assets
EM5	Integrated Water Management
EM16	Energy Conservation & Efficiency

Rossendale District Local Plan (1995)

DS1	Urban Boundary
HP1	Conservation Areas
HP2	Listed Buildings
E4	Tree Preservation
DC1	Development Criteria
DC4	Materials

Other Material Planning Considerations

4NW Draft NW Plan Partial Review (July 2009)
LCC Bacup Historic Town Assessment Report
LCC Parking Standards
LPOS Planning Obligations Policy Paper
RBC Core Strategy
RBC Emerging Bacup, Stacksteads & Britannia AAP
RBC Interim Housing Policy Statement (July 2008)
RBC Strategic Housing Land Availability Assessment (2009)
RBC Strategic Housing Market Assessment (2009)
RBC Bacup Town Centre Conservation Area

5. CONSULTATION RESPONSES

LCC (Highways)

The Highway Authority was satisfied with the scheme as originally submitted in terms of the off-street parking /service facilities proposed. However, it did express concern about the form of the access-point proposed to Hammerton Green, given its proximity to the junction with Tong Lane and Yorkshire Street.

At its request, the scheme has been amended to provide : a footway/improved visibility to the south-east side of the access-point; and agreed to undertake/fund road-markings at the Tong Lane/ Hammerton Green junction, to better delineate vehicle priorities. On this basis the Highway Authority has no objection to the proposal.

LCC (Archaeology)

No objection

RBC (conservation Officer)

The site is currently a blight on the area and a negative factor in the character of the conservation area. It is also prominent in that it is readily seen when approaching along Yorkshire Street.

However, the site also provides some design challenges due to constraints on its footprint and due to levels between this and adjacent sites. The tall and substantial buildings enclosing St James' Square sit close to the site's boundary, and around the architecture is robust, largely in stone and slate, with simple detailing. Any redevelopment of the site should reinforce the character of the immediate area.

The proposal is of reasonable scale and bulk, in-line with the existing buildings towards St James' Square. The main elevations and roof when seen from travelling down Todmorden Road will fit in with traditional patterns and add to the local scene. These elevations provide symmetry and also follow the local relationship of solid (walls) to void (windows), providing consistency with the buildings around. The proportions in the main elevations are good. Details are plain and the building overall is not over-fussy.

The general impression is of a plain/unadventurous design, which will sit well in its context. As amended, the boundary treatment follow traditional patterns.

I have no objection to the approval of the application subject to appropriate conditions regarding materials and to the substitution of Upvc window frames with timber.

RBC (Regeneration)

The existing building has town centre prominence and at present is redundant and subject to anti social behaviour. The site was identified for economic use and had the potential to attract funding to bring it back into use. The proposed development would help fill a gap in housing care provision and would also bring a new business in to the area. The site is within a conservation area and would need to complement that status. Should there be any commuted sums from the development the Regeneration Department would be interested in linking it to the Pennine Lancashire Square Project or Bacup Centre as the application is nearby.

Environment Agency

The Environment Agency initially raised objection to the application as the site is located, in part, within an area it has identified as Flood Zone 3 (i.e. land having a greater than 1 in 100 year probability of flooding).

However, the Applicant has undertaken more work on the Flood Risk Assessment accompanying the application, in-line with the Environment Agency's wishes. This has demonstrated to the satisfaction of the Environment Agency that people and property will not be at undue risk as a result of a flood event, subject to the building having a floor level no lower than 254m AOD, as is proposed. Accordingly, it has withdrawn its objection subject to condition in respect of this matter.

It has also highlighted that works over/within 8m of the River Irwell will require its consent.

United Utilities

No objection so long as surface water is not allowed to discharge to foul/combined sewers.

Lancashire Police

Ask that the Care Home be built to the 'Secure by Design' specifications for Sheltered Accommodation.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice dated 19/6/09, site notices posted on 18/6/09 and letters sent to the relevant neighbours on 17/6/09.

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) Heritage Interest / Visual Amenity
- 5) Neighbour Amenity
- 6) Access/Parking

Principle

In the adopted Local Plan the application site lies within the Urban Boundary of Bacup and, therefore, accords with Policy DS1 of the Rossendale District Local Plan.

Having regard to the location of the site in Bacup Town Centre, the proposal is considered to accord with the sustainability principles of PPS1, and the desire of PPS6, to concentrate development close to town centre facilities and services.

As the site is near to a 'quality' bus route no financial contribution is required to provide improvements 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 to be created are 1-bedroomed, not family, dwellings. More importantly, the implementation of the proposal will bring significant regeneration benefits in that it will: a) remove from a prominent site located in the Bacup Town Centre Conservation Area and Bacup, Stacksteads & Britannia AAP boundary a building which has a negative impact upon the character and appearance of the area; & b) will replace it with a specialist form of housing, for which there is a local need, and will provide 10 people with employment. The LPOS Planning Obligations Policy Paper, endorsed by the Council, indicates that there is no requirement for residential developments of less than 50 dwellings to make a financial contribution towards Public Realm / Public Art.

Flood Risk

The Environment Agency initially raised objection to the application, but has since withdrawn this objection subject to the proposed building having a minimum floor level of 254m AOD. This accords with the submitted drawings.

To accord with the wishes of the Environment Agency, and ensure that people and property will not be at undue flood risk, a condition is recommended to ensure the building has a floor level no lower than 254m AOD.

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 current application in relation to these criteria:

1. The proposal relates to previously developed land.
2. The IHPS indicates that within a Regeneration Priority Area affordable housing will be required of schemes creating 15 or more dwelling units.
3. It is considered that the proposed development is of appropriate density.
4. The dwelling units to be created are all special needs housing, for which there is a local need.

As all the units of accommodation being created are of a specialist nature and will help to fulfil a local need it is considered that the application conforms to and is acceptable in terms of the Interim Housing Policy Statement (July 2008).

Heritage Interest / Visual Amenity

Section 72 T&CP (Listed Buildings & Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. PPG15 sets out Government guidance in respect of heritage issues and Policy EM1 of the RSS and Policy HP1/HP2 of the Local Plan seek to amplify upon this.

I concur with the advise of the Council's Conservation Officer that:

The existing building occupies a prominent position on a main road frontage, on the approach to Bacup Town Centre, and makes a negative contribution to the character and appearance of the Bacup Town Centre Conservation Area.

The proposed building (though significantly bigger than the one it replaces) is of reasonable scale and bulk, in-line with the existing buildings towards St James' Square, having a setback from Yorkshire Street which is adequate to avoid them being hidden as the Town Centre is approached down Todmorden Road.

As seen from the public highway, the elevations and roof of the building will fit in with the traditional patterns and add to the local scene, being of appropriate design and facing materials (except in respect of window-frame materials). Subject to a condition to ensure use of timber (rather than UPVC) for the window-frames, the proposed building will provide consistency with the buildings around it.

As amended, the boundary treatments intended follow traditional patterns, although conditions in respect of landscaping/boundary treatment are recommended.

Neighbours Amenity

The nature of the use being proposed for the site is not itself considered likely to cause unacceptable noise or disturbance for neighbours.

The new building is undoubtedly of significantly greater size/height than the building presently occupying the site. However, the site being somewhat lower than the

housing to the rear and with the trees upon its rear boundary being retained, I am satisfied the at the proposed building will not result in unacceptable detriment for these neighbours by reason of loss of light/outlook/privacy/overbearing. The siting of the proposed building is such that it is off-set from the 2-storey building to the opposite side of Hammerton Green which has been converted to residential use. Furthermore, the converted building is narrow, many of those windows which face towards the application site being obscured/secondary windows; the ground-floor windows facing the access-to the proposed car park are obscure-glazed. The buildings on the west side of the site are not in residential use.

Accordingly, I am satisfied the proposal will not detract to an unacceptable extent from the amenities of any neighbours.

Access/Parking

The submitted scheme proposes off-street car parking/servicing facilities, together with a cycle-store and bin-store, to accord with the approved Parking Standards.

To accord with the wishes of the Highway Authority, the scheme has been amended to provide a footway/improved visibility to the south-east side of the access-point and the applicant has agreed to undertake/fund road-markings at the Tong Lane/Hammerton Green junction, to better delineate vehicle priorities. On this basis the Highway Authority has no objection to the proposal. Conditions are recommended to ensure compliance with these requirements.

8. SUMMARY REASON FOR APPROVAL

9.

The proposed development is of a scale and nature appropriate in principle within the Town Centre of Bacup, and the scheme will enhance the character and appearance of Bacup Town Centre Conservation Area, without undue flood risk or detriment to neighbours 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.

10. RECOMMENDATION

That Permission be granted, subject to the following Conditions:

11. CONDITIONS/REASONS

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 building hereby permitted shall have a floor level which is not below 254m AOD. *Reason: To ensure the scheme accords with the submitted drawings and the Flood Risk Assessment of Lees Roxburgh Consulting Engineers (reference 5130/R1 Rev A 20/7/09) 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. Prior to the commencement of development a panel measuring not less than 1m x 1m in area shall be constructed on the site using the stone/coursing/pointing intended for external walls of the building hereby permitted for inspection by the Local Planning Authority, and a sample of the intended roof slate shall be submitted to the Local Planning Authority. The development shall proceed in accordance with the facing materials which have been approved in writing by the Local Planning Authority. *Reason : To protect the character and appearance of 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.*

4. 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 rainwater goods.
 - c. The proposed external lighting.The development shall be implemented in accordance with the approved details. *Reason: To protect the character and appearance of 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. Prior to first use of the building as hereby permitted the cycle-store and bin-store shall have been constructed using natural stone and slate matching in colour, form and texture those approved in respect of the main building. *Reason: To protect the character and appearance of 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. 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 existing planting to be retained, and how it is to be protected during the construction of the development hereby permitted; 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 Bacup Town Centre Conservation Area, the amenities of neighbours and highway safety, in accordance with PPS1 / PPS3 / PPG13 / PPG15, Policies RT2 /RT4/ EM1 of the Regional Spatial Strategy, and Policies HP1 / DC1 of the Rossendale District Local Plan.*

7. 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 Bacup Town Centre Conservation Area, the amenities of neighbours and highway safety, in accordance with PPS1 / PPS3 / PPG13 / PPG15, Policies RT2 /RT4/ EM1 of the Regional Spatial Strategy, and Policies HP1 / DC1 of the Rossendale District Local Plan.*

8. Prior to first use of the building as hereby permitted:
- a) The parking/servicing areas shown on the approved drawings shall be provided and thereafter kept freely available for use as such.
 - b) The footway to the south side of the access-point/west side of Hammerton Green shown on the approved drawings shall be provided and thereafter kept freely available for use as such.
 - c) The road-markings to be provided at the Tong Lane/ Hammerton Green junction to better delineate vehicle priorities shall be provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway/pedestrian safety, in accordance with PPG13, Policies RT2 / RT4 of the Regional Spatial Strategy, and Policy DC1 of the Rossendale District Local Plan.

9. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy PPS25, Policy EM5 of the Regional Spatial Strategy for the NW of England (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

12. 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
Position	Principal Planning Officer
Service / Team	Development Control
Telephone	01706 238645
Email address	planning@rossendalebc.gov.uk

Land Registry

Official copy of
title plan

Title number LA729821

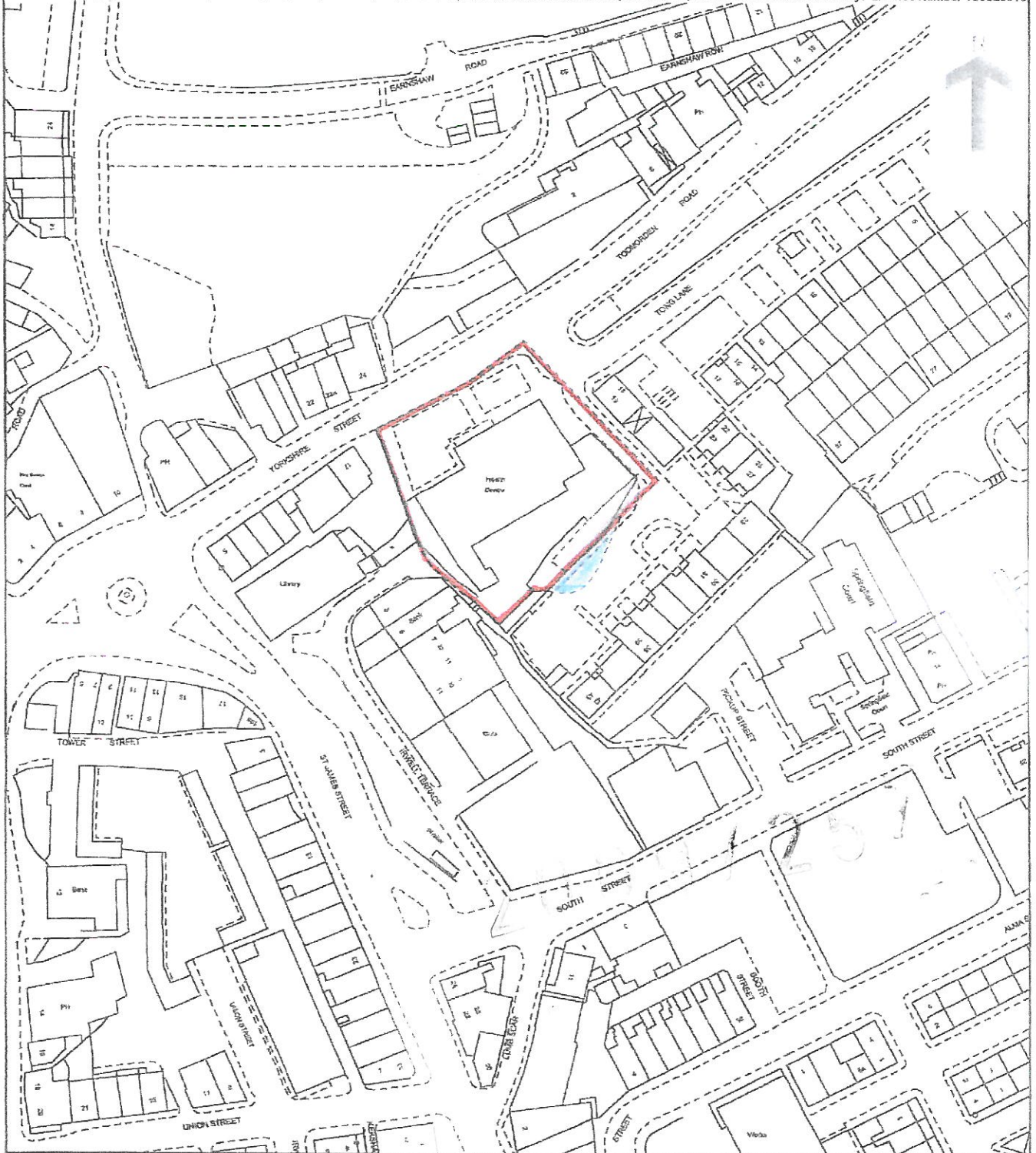
Ordnance Survey map reference SD8623SE

Scale 1:1250

Administrative area Lancashire: Rossendale

10 SEP 2008

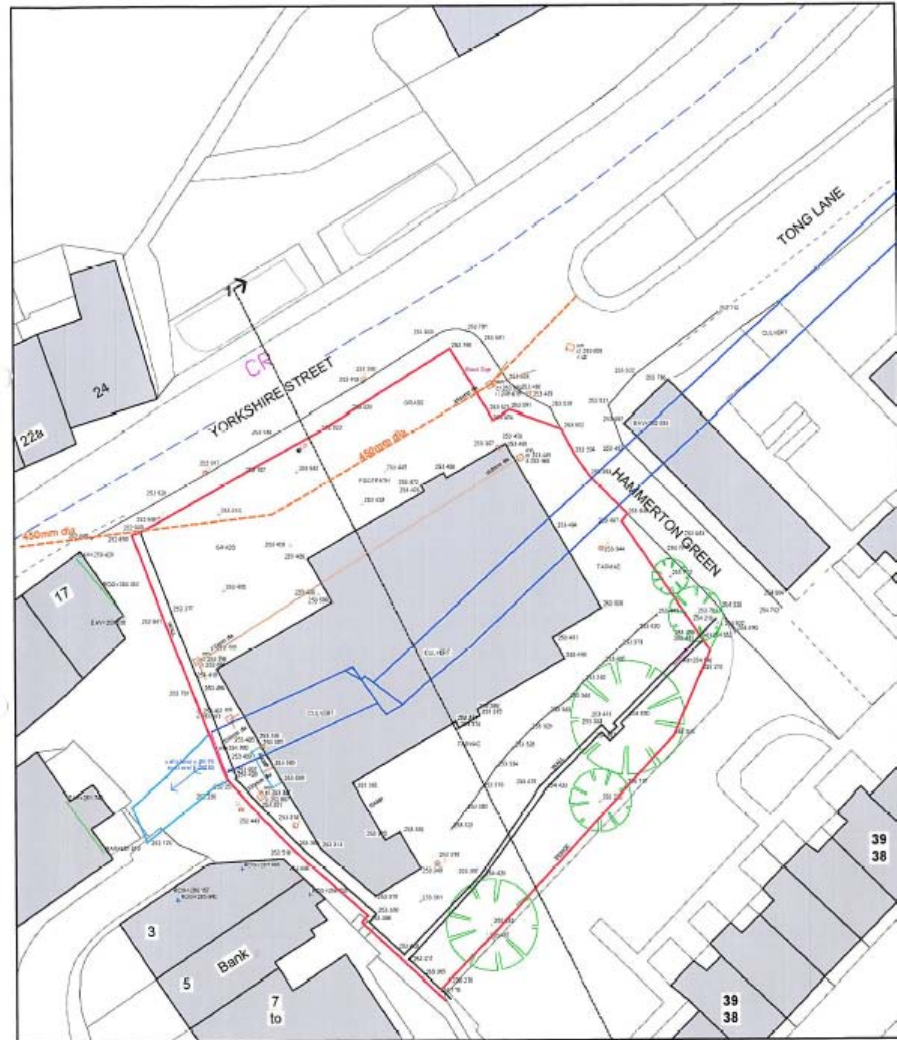
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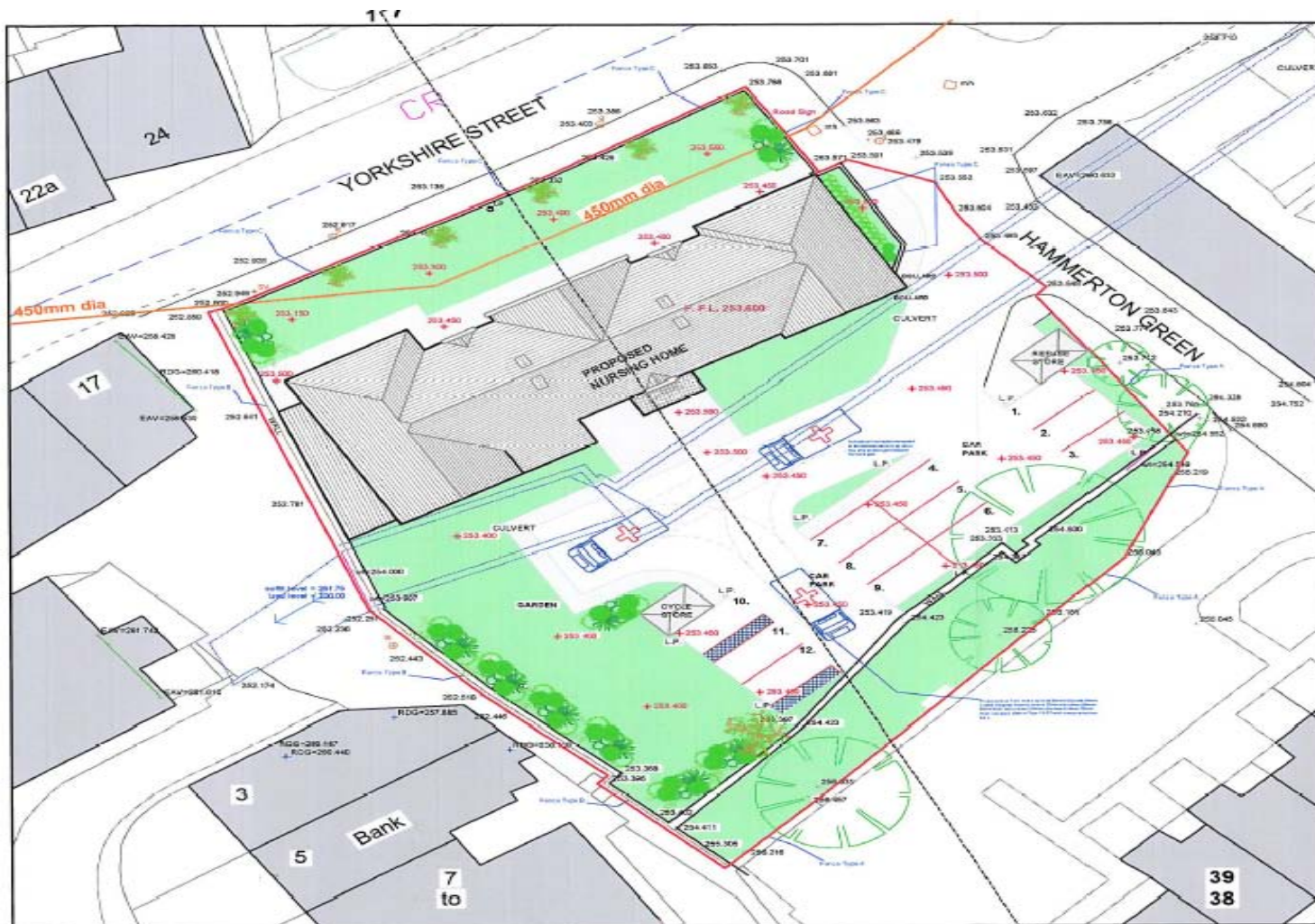
This official copy issued on 10 September 2008 shows the state of this title plan on 10 September 2008 at 16:31t (s).
admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale.
Measurements scaled from this plan may not match measurements between the same points on the ground. See Land
Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by Land Registry, Lancashire Office.



EXISTING SITE PLAN



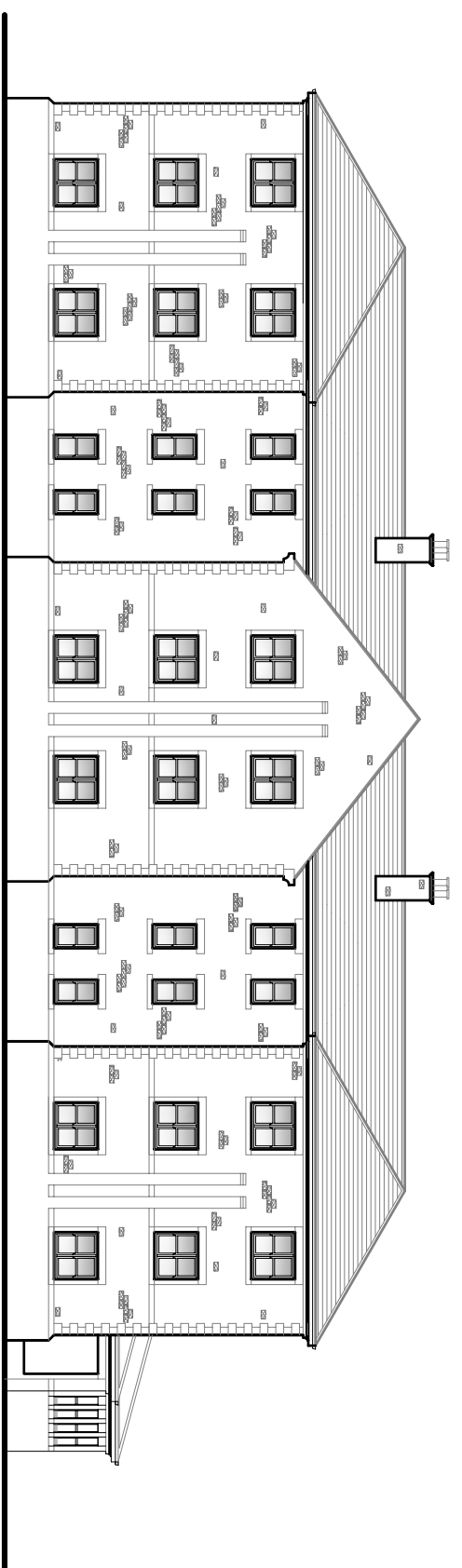
PROPOSED SITE PLAN



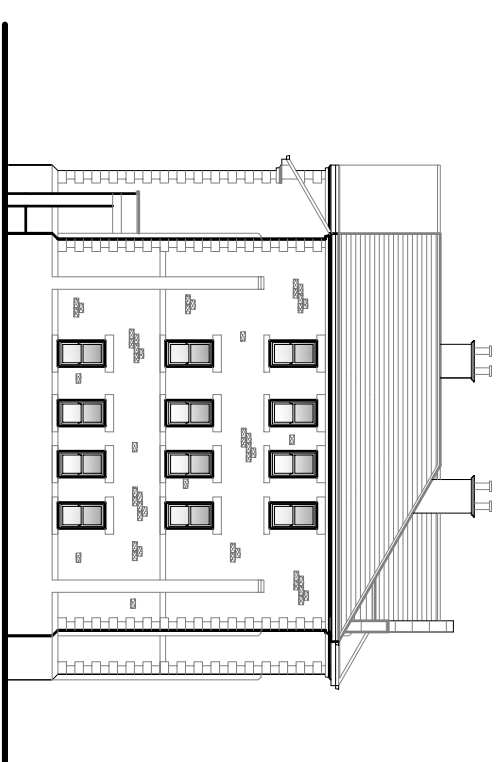
This drawing is provided as a document to guide other Building Permission or Building Regulation approval processes. It is not intended to be used for any other purpose. It is not a contract and does not constitute an offer. It is provided as a guide only and is not intended to be used for any other purpose. It is not a contract and does not constitute an offer. It is provided as a guide only and is not intended to be used for any other purpose.

The contract for the works is between the client and the contractor. The contractor is to verify the details provided within the drawing and the client with the work to be carried out in accordance with the details provided. Any related standards and carry a separate BBA certificate. The materials specified within the drawing are a guide for the contractor as they may be subject to change without notice. James Campbell Associates Ltd. Any discrepancies discovered or items found that were not visible at the time of the initial survey should be reported to James Campbell Associates Ltd for consultation with our client.

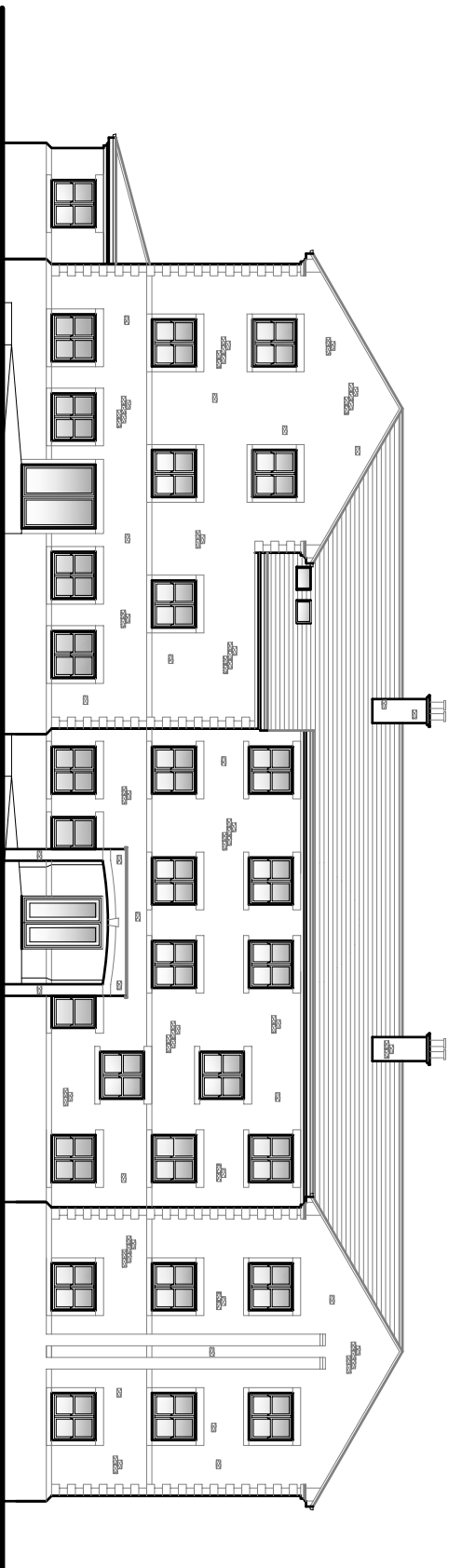
CONSTRUCTION NOTES:-



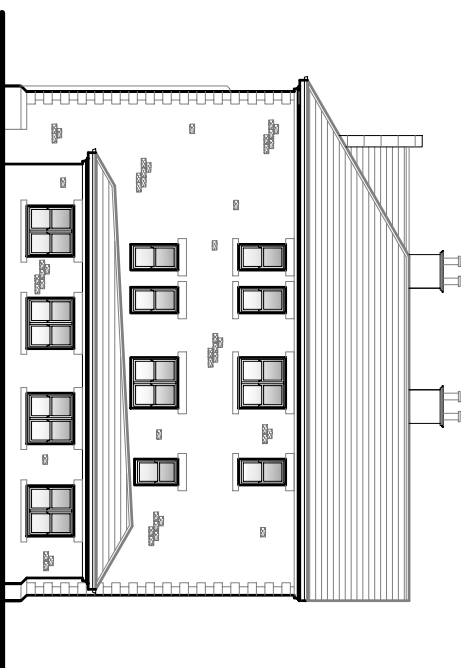
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

- C. Roof details removed. FIS 26th August 2009.
- B. Revised floor levels increased to 254,000 FIS 20th July 2009.
- A. Finished floor level increased to 254,000 FIS 20th July 2009.

DRAWING TITLE
PROPOSED ELEVATIONS

JAMES CAMPBELL ASSOCIATES Ltd
 CHARTERED ARCHITECTURAL TECHNOLOGISTS
 HOME EXTENSIONS, LOFT CONVERSIONS
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 Chartered Institute of Architectural Technologists

James Campbell Associates Ltd
 Telephone: 01709 324206
 Fax: 01709 324206
 Registered Office: 100
 Regent Street, London W1B 4AH
 Email: enquiries@jca.co.uk
 Website: www.jamescampbell.co.uk
 OCS 18/08/08

PROJECT
NEW 39 BEDROOM RESIDENTIAL CARE HOME

LOCATION
**Former Bacup Health Centre,
 Yorkshire Street,
 Bacup.**

DRAWN:-	Martha D. Aspinwall	DRAWING NUMBERS:-	
DATE:-	May 2009		
SCALE:-	1:100		
ISSUE:-	C		8.0477.22C