

Application No: 2009/562 & 2009/568LBC **Application Type:** Full / Listed Building Consent

Proposal:	Conversion to provide 16 apartments and construction to west side of 3-storey building containing 12 apartments, and associated 12-space car park	Location:	Old Market Hall, Bank Street, Bacup
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	8 February 2010
Applicant:	Mr N Malone	Determination Expiry Date:	17 February 2010
Agent:	Neil Pike Architecture		

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

The applications relate to the long vacant Market Hall on Bank Street, which is a Grade II Listed Building, located within Bacup Town Centre Conservation Area.

The main Market Hall building is a prominent and attractive feature in the street-scene. Built in 1867, it is one of the few remaining Victorian municipal buildings in the town. Most readily seen when viewed from the north from Bankside Lane/Bank Street, its symmetrical front elevation faces towards the terraced car parks on the opposite side of Bank Street., the main feature in this elevation being the large arched opening that was the main public entrance. The east elevation of the building, which faces towards the backs of commercial/residential properties that front Market Street, is of 3-storeys in height, possessing doors/windows associated with a row of basement-level shops but few other openings.

The west side of the Market Hall is largely hidden as a result of the addition of a much later of a brick-built 1-storey building. It does not form a prominent feature in the street-scene being of lower height, setback from Bank Street and hidden in part by the adjacent Police Station. The Police Station is itself an attractive building, pre-dating the Market Hall by approximately 10 years, but is not a Listed Building. The later addition has a series of pitched-roofs covered by corrugated sheeting the ridges of which broadly match the ground level of The Mount, the residential property to the west.

Near to the southern elevation of the Market Hall is the gable of the Coach House, a residential property accessed from Bank House Lane. A 4+m high stone wall links the two buildings, with the rear garden of the Coach House rising up steeply towards the grounds of The Mount.

2. RELEVANT PLANNING HISTORY

None

3. THE PROPOSAL

Approval is sought to:

Convert the Old Market Hall to 16 apartments, four to have 1-bedroom and the others 2-bedrooms

The arched opening in the front elevation will be glazed, giving a view into the large central atrium running between two rows of cast-iron columns for virtually the full length the Market Hall and cut only by first-floor walkways and a flight of steps giving access to flats to each side and at the far end of the atrium being. The principal alterations to the exterior of the building will be : the formation of an additional 12 windows in the east elevation at a level broadly equal to the first-floor windows of the properties fronting Market Street; formation of an additional 12 ground-floor windows

in the west elevation, the existing large arched opening here to be treated as the main entrance to the flats; & the formation of a doorway in the southern gable at a level equal to the first-floor windows of the Coach House to be used to take bins from the intended communal Refuse Store within the building out to Bank House Lane via a ramp (& requiring removal of the link wall with the Coach House), with glazing inserted in 2 former window-openings at the level of the floor above.

Demolish the red-brick building added on the west side of the Market hall and construct here a 3-storey J-shaped building to accommodate 12 apartments, half to have 1-bedroom and the others 2-bedrooms, to face on to a 12-space car park

The proposed building is to be constructed of natural stone/slate, its design drawing more upon that of the Police Station than the Market Hall. Whilst the proposed building has one more floor than the Police Station both buildings will have a broadly similar gutter-height as viewed from Bankside Lane (by virtue of the Police Station having such high ceilings). As viewed from the rear garden of the Coach House the proposed building will have a gutter-height exceeding that of the red-brick building to be demolished by 3m. As viewed from the garden of The Mount the gutter-height of the proposed building will exceed that of the existing building by 3.5m, with 4 windows serving upper-floor flats at a level broadly equal with this neighbours garden and 4m from the party-boundary. Whilst the 2m high fence/4 mature trees/shrubs on the party-boundary will be unaffected by construction of the new building, its construction is likely to result in the loss of a mature tree with a distinct lean which is set off/lower than the party-boundary. The proposed car park is to have a tarmac finish, with a gated-access to it from Bank Street.

4. POLICY CONTEXT

National

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS6 Town Centres
- PPG13 Transport
- PPG15 Historic Environment
- PPG16 Archaeology
- PPG17 Open Space, Sport & Recreation

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
- 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
RBC Open Spaces & Play Equipment Contributions SPD (2008)

5. CONSULTATION RESPONSES

LCC (Highways)

This application is to provide 10no one bedroom apartments and 18no two bedroom apartments, with twelve off-road parking spaces to be made available.

The development is located close to the town centre, with good access to local bus services (including the 464 Quality Bus Service between Hyndburn and Rochdale).

If the units were being provided as affordable housing the level of car ownership might be expected to be lower, but it is questionable whether twelve parking spaces for twenty eight properties would be sufficient.

The application specifically lists Bank Street public car park as being able to provide any additional parking space as it is immediately adjacent to the site. Whilst this is a consideration, as is the imminent transfer of Police staff to the new headquarters in Waterfoot, it is likely the a number of vehicles already using Bank Street car park throughout the day would be displaced and be forced to transfer to nearby residential streets.

Parking provision is already in short supply in Bacup and most of the streets around the Market Hall have, at least, daytime parking restrictions already in place.

Due to the effect that a development of this size could have on both on and off-street parking refusal of the application is recommended.

LCC (Contributions)

In addition to any contribution sought by LCC (Highways) in relation to Transport, it seeks a financial contribution of £13,440 towards Waste Management based upon the LPOS Policy Paper and to assist the Council to address significant new requirements placed upon it in relation to the management of waste.

LCC (Archaeology)

It advises that the Old Market Hall is a Grade II Listed Building, built in 1867, and has been identified in the Bacup Historic Town Assessment Report as being one of the few remaining municipal buildings in the town.

It Planning Permission/Listed Building Consent is to be granted it recommends Conditions be attached to ensure a proper archaeological record of the building is taken before any works take place.

RBC (Conservation Officer)

Supportive of the principle of residential re-use of the Market Hall, but wish to see clarification/amendment of various matters of detail in order to ensure a suitably sympathetic scheme of conversion. Likewise, no objection in principle to the replacement of the red-brick addition with a new building that helps secure the sympathetic conversion/re-use of the main building and itself pays proper regard to it in terms of its siting/scale/design.

RBC (Building Control)

It advises that to have so many flats face on to the atrium will present particular, but not insuperable, problems in providing proper fire protection for residents; in meeting fire regulations it can be expected that apparatus/ducting will need to be provided in/on the roof (unshown on the submitted drawings), but it will not be necessary to retain the floor-slab at first-floor level immediately behind the large arched window in the front elevation (shown on the submitted drawings).

United Utilities (Water/Drainage)

It advises that a water supply can be made available.

It has no objection so long as:

- Land drainage and highway drainage is not allowed to drain to the surface-water system;
- Surface water is discharged to the surface-water sewer in Bankside Lane at a rate not exceeding 15l/s, and not to any foul/combined sewer.

United Utilities (Electricity)

It advises that the proposal could have an impact upon its infrastructure, by reason of the development being adjacent to/including its electricity distribution equipment.

It has raised no objection in principle, but advises that the applicant check upon their own land ownership and avoid interference with UU maintenance &/or access rights, and protect both their electrical apparatus and any personnel working in its vicinity.

That should there be a need for its apparatus to be diverted the Developer would need to meet the cost of this.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice dated 4/12/09, site notices posted on 1/12/09 and letters sent to the relevant neighbours on 25/11/09.

Occupiers of the Coach House have written stating that they have no overall objection to the development. However, they make the following points in relation to matters of detail:

1. The location of the refuse store is positioned directly leading onto our kitchen and bedroom windows and would be detrimental due to both smells and noise.
2. The proposed ramped access from the refuse store would cross our land at the front of our property and is therefore unacceptable. This proposed access also does not take into account the proximity of the back corner of our house to the market hall (350mm).
3. The proposal is to take refuse bins down Bankhouse Lane, a narrow privately owned road, belonging to the Trinity Baptist Church. The deeds for this road state that it is for pedestrian access to the church and vehicular access solely to our property. This restriction would also apply to construction traffic and the vehicles of residents of the development.
4. No details of two large archways in the gable end of the market hall are shown in the plans. These archways are currently shored up with acro-props.
5. If the gable end needs reconstruction, major disruption would be caused to us as residents due to the restricted access and proximity.
6. Proposals for windows in the gable end do not state whether they will be of obscured glass.
7. We feel it important that considerations are made regarding building noise etc are included in any conditions applied to the approval of this application.

7. PLANNING ISSUES

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

- 1) Principle
- 2) Housing Policy
- 3) Heritage Interest / Visual Amenity
- 4) Neighbour Amenity
- 5) 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 near to 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 would normally be required to provide improvements to public transport services/facilities so long as the scheme provides sufficient off-street parking to avoid problems with on-street parking. However, LCC (Highways) recommends refusal of the scheme as it is likely to exacerbate existing parking problems in the area as it lacks adequate off-street parking of its own. This being the case, it might be expected that the Applicant would propose other measures in order to encourage residents/visitors to use means of travel other than the private car, but they have not done so.

Likewise, the Council's Open Space & Play Equipment Contributions SPD indicates that a financial contribution of £1,366 per dwelling should be provided in respect of proposals for 10 or more dwellings, making for a total of £38,248 in this instance. However, the applicant is proposing no contribution.

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 at at a ratio of 20% of the total number of units being proposed, in this instance equating to 6 units. The documentation accompanying the application states that all the flats will be offered for rent and "the rental levels of the dwellings fall into the affordable arena". However, no information regarding the intended rentals has been provided to show they will be "affordable" in the terms of the Policy Statement. Nor has it been indicated what mechanism will ensure units remain "affordable", such as by delivery through a Housing Association.
3. It is considered that the proposed development is of appropriate density.
4. None of the dwelling units to be created are affordable &/or special needs housing.

Accordingly, the proposal does not accord with the IHPS by providing the necessary Affordable Housing units. Nor has the Applicant submitted any costings to indicate 'abnormal' expense will be incurred in undertaking the development which would make the scheme unviable if required to provide 6 Affordable Housing units in part or in whole.

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.

The main Market Hall building is a prominent and attractive feature in the street-scene, and it is important to bring it back into use. There is no objection to its re-use for residential purposes so long as the scheme of conversion is sympathetic to both its internal and external features of special architectural/historic interest.

The later red-brick addition on the west side of the Old Market Hall is not so prominent, or of such special architectural/historic interest. Accordingly, there is no objection to its demolition and replacement so long as the later secures the sympathetic conversion/re-use of the main building and itself pays proper regard to it in terms of its siting/scale/design/etc.

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

The scheme for conversion for the Old Market Hall is generally satisfactory in that it seeks to retain a large central atrium, with flats set behind the main cast-iron columns supporting the roof and, in terms of the heritage interest, is not proposing external alterations that are unduly harmful. However, there are matters of detail which remain to be clarified/amended if the scheme is to be workable and acceptable, eg positioning of doors away from stairs so they are openable, removal of the floor-slab at first-floor level immediately behind the large arched window in the front elevation, etc.

Demolition of the later red-brick need not be resisted if part of a scheme for sympathetic conversion of the Old Market Hall. The new building being proposed is, in terms of heritage/visual amenity, generally of acceptable siting/scale/design/facing materials. With amendment, the courtyard to be formed between the old building and the new can be made of acceptable appearance.

Neighbours Amenity

The scheme for conversion of the Old Market Hall is for the most part acceptable. Additional windows are proposed in that elevation facing towards the properties fronting Market Street at relatively close quarters. However, they are few in number and few of the windows in the rear elevation of the Market Street properties serve residentially occupied rooms. I consider the scheme unacceptable in seeking to form a doorway in the southern gable at a level equal to the first-floor windows of the Coach House to be used to take bins from the intended communal Refuse Store within the building out to Bank House Lane via a ramp. Likewise, I have some concern over the intention to re-open an old window opening which is in a position to allow outlook over this neighbours rear garden. The new building is of greater bulk than the building to be replaced, and contains windows at a high level. However, I am satisfied that by reason of the levels of the neighbouring land, the use made of it and the boundary fences & vegetation, the new building will not result in unacceptable detriment to the amenities of residents of the Coach House and The Mount, or any other neighbours.

Access/Parking

The site is located near to Bacup Town Centre, and a 'quality' bus route, where residents car ownership might be expected to be lower. However, I concur with the view of the Highway Authority that the scheme is likely to exacerbate existing parking problems in the area as it lacks adequate off-street parking of its own - the submitted drawings show 12 parking spaces within the courtyard between Market Hall and the new building, but the layout does not show the bays and aisles at the appropriate dimensions, and for 28 flats this number of spaces is not in any case

considered adequate. The applicant has neither shown how they will make available additional parking spaces, nor proposed other measures in order to encourage residents/visitors to use means of travel other than the private car.

Additionally, I do not consider that collection of refuse via Bank House Lane is possible. The scheme should provide for refuse collection via Bank Street.

8. Conclusion

The proposal to bring the Market Hall back into use is to be greatly welcomed, it being a long-vacant Listed Building, located within a Conservation Area. Its sympathetic conversion would assist the regeneration of Bacup as a whole, as too would replacement of the red-brick addition with a quality housing development.

However, there are matters which the applicant has not to date adequately addressed in terms of details to ensure a suitably sympathetic scheme in terms of the heritage interest, neighbour amenity and servicing. I am satisfied these matters could be addressed.

There are other unresolved matters in relation to off-street parking facilities, affordable housing provision and the contribution towards open space/play provision. These cannot so easily be addressed. Whilst securing the early and sympathetic conversion of the Market Hall is important I do not consider it would be appropriate for the Council to grant approval for the submitted scheme without the Applicant first seeking to address the parking issue and, if not proposing to make the necessary contribution towards affordable housing and open space/play space to accord with policy, submitting costings to indicate the scheme would be unviable with any such contribution.

8. RECOMMENDATION

That Planning Permission be Refused for the following reasons:

1. The submitted scheme does not provide for the sufficiently sympathetic conversion of the Market Hall eg doors un-openable by reason of the positioning of proposed stairs, unnecessarily retaining a floor-slab at first-floor level immediately behind the large arched window in the front elevation, lacking details of the provision of services/fire protection will impinge upon the building, etc , contrary to PPG15, Policy EM1 of the Regional Spatial Strategy and Policies DC1 / HP1 /HP2 of the Rossendale District Local Plan.
2. The application would result in the creation of new dwellings and does not accord with the criteria of the Council's Interim Housing Position Statement (July 2008), which sets out a requirement for the provision of affordable housing within the scheme and, as such, would undermine the housing policy for Rossendale, contrary to the provisions of PPS3, and Policies L2-4 of the Regional Spatial Strategy for the Northwest of England (2008). In this instance the case has not been advanced to warrant an exception to policy.
3. The application would result in the creation of new dwellings and does not accord with the Council's Open Spaces & Play Equipment Contributions SPD

(2008), which sets out a requirement for a contribution towards recreational provision, in the absence of which the proposal is contrary to PPG17, Policies L1 / EM3 of the Regional Spatial Strategy for the Northwest of England (2008). In this instance the case has not been advanced to warrant an exception to policy.

4. The proposed development does not provide safe and satisfactory off-street parking and servicing arrangements and, as a consequence will exacerbate existing on-street parking problems in the area and the manoeuvring of vehicles in a manner endangering and inconveniencing other road users, contrary to PPG13, Policy RT2 / RT4 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.
5. The proposed development will detract to an unacceptable extent from the amenities occupiers of the Coach House could reasonably expect to enjoy, most particularly by reason of the intended access for the Refuse Store and re-opening of the windows in the southern elevation of the Market Hall, contrary to Policy DC1 of the Rossendale District Local Plan.

That Listed Building Consent be Refused for the following reason:

1. The submitted scheme does not provide for the sufficiently sympathetic conversion of the Market Hall eg doors un-openable by reason of the positioning of proposed stairs, unnecessarily retaining a floor-slab at first-floor level immediately behind the large arched window in the front elevation, lacking details of the provision of services/fire protection will impinge upon the building, etc , contrary to PPG15, Policy EM1 of the Regional Spatial Strategy and Policies DC1 / HP1 /HP2 of the Rossendale District Local Plan.

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