

**B4 – Appendix B**

**UPDATE REPORT**

**FOR DEVELOPMENT CONTROL COMMITTEE  
MEETING OF 8 FEBRUARY 2010**

**B1 : 2009/562 & 2009/568LBC – Old Market Hall, Bacup**

Trinity Baptist Church, located to the other side of Bankhouse Lane, advises that it has no objection to the conversion of the former Market Hall into apartments, indeed it would welcome the bringing back into use of what has been an eyesore for decades. However, it requests that any permission be conditioned to preclude construction traffic from using Bankhouse Lane on the grounds that it is a private, un-adopted road in their ownership and they have only recently spent several thousand pounds on its re-surfacing.

The following comments have been received from Rossendale Civic Society :

*“There is nothing we would like to see more than the sympathetic development and re-use of this important building. However, we do not believe that the present application as submitted will deliver this.”*

In amplification it says that, as Listed Building Consent is being sought for part demolition/change of use/radical internal alteration, more information should be submitted by the Applicant, most particularly :

- a historical survey/assessment of the existing building;
- a more thorough structural survey as a previous survey identified a need for remedial work to the NE corner of the building, whilst the Applicant refers only to the need for repairs to the roof;
- As Existing drawings that are complete (those submitted do not show all features eg chimneys missing);
- fuller details of the extent of stripping-out intended and of the intended works (nothing is said about the heating system to be installed, little about ventilation or drainage, proposed windows do not adequately reflect the design of existing windows);
- the reasoning for diminishing the openness of the building to the balance between solid and void resulting from proposed arrangement of central atrium flanked by flats;
- a design for the internal space that is less ‘institutional’ and unimaginative and for the exterior provides a more sympathetic treatment for the large openings in the front and west elevations;
- the structure to be demolished is similar to ones in Rawtenstall and Waterfoot, which it is understood were were constructed for war-time storage and, by ingenious design, spans a large area with a minimum of

- internal columns. If its demolition is necessary for the survival of its more illustrious neighbour it should, at least, be properly recorded;
- being 3-storey, the new building will dominate the Market Hall and is of simplistic and institutional design, and will go against the 'grain' of the Conservation Area as seen from across the valley from Rochdale Road and, as such, possibly impacting on Forest House, on Bankside Lane (a Grade II\* Listed Building); &
  - justification for the proposed changes in their totality and images that show the resulting development in relation to the surrounding buildings/ Conservation Area.

It also indicates that the submitted documentation does not show how the proposal fits with the Council's Interim Housing Policy in respect of affordable housing. Whilst applauding the Applicants suggesting that use of public transport/nearness to facilities will reduce future residents desire to own a car, this same argument was advanced for limited parking when the new Health Centre was being created at Irwell Mill and has caused problems.

Officers remain of the view that, whilst keen to see the Old Market Hall refurbished and brought back into use, the submitted scheme is deficient in a number of respects. Accordingly, Officers continue to recommend refusal of Planning Permission/Listed Building Consent for the reasons set out at the end appearing on the main Agenda.

### **B2 : 2009/641 - Pendle Avenue, Bacup**

I have received a further 2 objections from residents of properties on Pendle Avenue. They object for essentially the same reasons as set out in the report appearing on the main Agenda :

- Safety aspects/inconvenience for other road users resulting from extra traffic/the steeply-sloping access road/inadequate parking.
- When they purchased their property they were told verbally that it would remain a private estate.
- They have built a close community and are worried it will change/property values will go down, and possibly insurance go up.
- The houses do not fit in with the surrounding properties, they will look like council houses.

One of these objectors wishes the Committee to defer decision upon this application.

Officers remain of the view that this application should be permitted.

### **B3: 2009/0546 – 8 Bury Road**

RBC Environmental Health –

Provided that the proposed flue is constructed as per the specification shown in the planning application, and all activated carbon filters, pre-filters, and grease filters are adequately maintained, then I am of the opinion that no odour nuisance will be caused to adjacent properties/neighbouring properties, and that there will be no loss of amenity to the neighbourhood.

The application remains recommended for approval.

**B4: 2009/0458 - Commercial Street, Loveclough**

The applicant has submitted an amended layout plan detailing 2 additional parking spaces.

**Consultation Responses**

Lancashire County Council

Highways

I appreciate that space is limited within this development and would accept that an increase in the parking provision of two spaces may be most that could be attained.

To maintain a safe access to/from the site I would request that a Traffic Regulation Order be conditioned to restrict parking within 10m of the centre line of the access road (10m each side) to provide and maintain safe sight lines for drivers

Countryside Service – Public Rights of Way

The Countryside Service have confirmed in writing that there is no recorded public right of way running through the application site. The Service has also confirmed verbally that there have been a number of enquiries about the footpath over the last 3 years and they have sent several application packs out but no applications for recording the footpath have been received.

If someone was to submit an application to record the footpath as passing through the site, it can be imposed retrospectively and the footpath could be accommodated through the site by using the parking and turning areas.

1 further letter and 1 email received since the report was published.

The letter states that the objector would be willing to withdraw their objection to

the scheme subject to the reinstatement of the footpath running through the site and the restoration of a water supply which runs through the application site which the former developer tapped into.

The email states that the matter of the footpath remains unresolved.

### **Officer Comment**

The Countryside Service have confirmed that there is no recorded footpath running through the application sit, although footpath 94 clips the south-western corner of the site. As there is no recorded footpath running through the site, it cannot be reinstated. However, it would be open to local residents to apply to Lancashire County Council to have the footpath recorded retrospectively. As the footpath is not recorded currently it would not normally be a material consideration. Even so, the application scheme could accommodate the footpath if it were imposed retrospectively.

The tapping into a water supply is not controlled by the planning system.

It is therefore considered the issues surrounding the footpath and water supply do not outweigh the recommendation for approval.

The addition of two parking spaces eases the parking situation on and around the site and has overcome the Highway Authority's earlier objection together with the provision of a Traffic Regulation Order to maintain visibility when leaving the site. The increase in parking has resulted in a decrease in the bin storage area so a condition has been attached requiring submission of these details to be agreed with the Local Planning Authority.

Condition 8 should be reworded to the following:

Within 28 days of the date of the decision notice, a detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved landscaping scheme. Any planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the development hereby approved first being occupied and any trees or shrubs which within a period of 5 years of planting 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: In the interests of visual amenity to accord with Policy DC1 of the Rossendale District Local Plan.

**ADRIAN HARDING**  
**Principal Planning Officer**  
**05/02/2010**