

<b>Application No:</b> 2010/101 & 2010/102 LBC	<b>Application Type:</b> Full & Listed Building Consent
<b>Proposal:</b> Conversion to provide 16 apartments, demolition of attached warehouse and construction of 3-storey building containing 9 apartments, and associated 17-space car park	<b>Location:</b> Old Market Hall, Bank Street, Bacup
<b>Report of:</b> Planning Unit Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 14 June 2011
<b>Applicant:</b> Mr N Malone	<b>Determination Expiry Date:</b> 5 May 2011
<b>Agent:</b> Neil Pike Architecture	

**REASON FOR REPORTING** **Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:  
Reason for Call-In:

**3 or more 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 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**

**2009/562** Conversion to provide 16 apartments, demolition of attached warehouse  
**& 568LBC** and construction of 3-storey building containing 12 apartments & associated 12-space car park

These applications sought approval to :

- Convert the Old Market Hall to 16 apartments, four to have 1-bedroom and the others 2-bedrooms
- 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 applications were reported to the meeting of DC Committee in February 2010; a copy of the Officer Report and Up-Date Report are appended. The Conclusion of the Officer Report reads as follows :

*“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 satisfactory 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.”*

In amplification of the points referred to in the final paragraph :

a. Off-street Parking Facilities

LCC (Highways) acknowledged that the site is located close to the town centre, with good access to local bus services (including the 464 Quality Bus Service between Hyndburn and Rochdale). Also that if the units were being provided as affordable housing the level of car ownership might be expected to be lower. However, it considered provision of 12 parking spaces for 28 properties inadequate and recommended refusal of the application. It stated :

*“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. “*

I agreed with the view of the Highway Authority that the scheme was likely to exacerbate existing parking problems in the area as it lacked adequate off-street parking of its own - I was mindful also that the submitted drawings showing 12 parking spaces within the intended courtyard between Market Hall and the new building did not provide parking bays and aisles of appropriate size, and the applicant had neither shown how they would ensure additional parking spaces were available, nor proposed other measures to encourage residents/visitors to use means of travel other than the private car.

b. Affordable Housing Provision

The IHPS of July 2008 indicated that within a Regeneration Priority Area affordable housing would be required of schemes creating 15 or more dwelling units 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 stated that all the flats would be offered for rent and “the rental levels of the dwellings fall into the affordable arena”. However, no information regarding the intended rentals to demonstrate they would be “affordable” in the terms of the Policy Statement, nor what mechanism would ensure they remained “affordable”(such as by delivery through a Housing Association).

c. Open Space/Play Provision Contribution

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 for 28 dwellings. However, the applicant was proposing no contribution.

In accordance with the Officer Recommendation, Applications 2009/562 & 2009/568LBC were refused for the following reasons :

1. The submitted scheme does not provide for the sufficiently sympathetic conversion of the Market Hall.
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.
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
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.
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 re-opening of windows in the southern elevation of the Market Hall and the intentions for that part of the site lying on the south side of the existing/proposed building.

### 3. THE PROPOSAL

Approval is now sought for an amended proposal, to :

- Convert the Old Market Hall to 16 apartments, 11 to have 1-bedroom and 5 2-bedrooms

- 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 9 apartments, 7 to have 1-bedroom and the 2 2-bedrooms, the ground-floor of this building to provide parking for 9 cars, with access from a courtyard which is to contain a further 8 car parking spaces in a row that fronts the Old Market Hall

The Applicant indicates that the re-submission proposes 25 units of accommodation (3 less than the previously refused scheme), and increases the number of parking spaces to be provided within their site to 17 (5 more than the previously refused scheme).

It has submitted a Development Appraisal setting out the anticipated costs that will be incurred in undertaking this development and the returns. Arising out of this they state : *“the estimated Gross Development Value WITHOUT taking Affordable units into consideration ...[provides] a very low profit achievable for our developer and should there be an inclusion of affordable units into the scheme, then the development as a whole would be completely financially unviable”*.

Accordingly, the Applicant is offering none of the units as Affordable Housing and no financial contribution towards Play Space/Public Open Space Provision.

They also advise that they have been in contact with LCC (Highways) in order to discuss the new car parking layout and the distribution of Travel Information Packs to future residents without a guaranteed parking space which it expects to assist in diverting residents towards public transport.

#### **4. POLICY CONTEXT**

##### **National**

PPS1	Sustainable Development
PPS3	Housing
PPS4	Economic Growth
PPS5	Historic Environment
PPG13	Transport
PPG17	Open Space, Sport & Recreation
PPG24	Noise

##### **Development Plan**

##### **Regional Spatial Strategy for the NW of England (2008)**

DP1-9	Spatial Principles
RDF1	Spatial Priorities
L 4	Regional Housing Provision
L5	Affordable Housing
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 Consideration**

- LCC Bacup Historic Town Assessment Report
- LCC Parking Standards
- LCC Planning Obligations Policy
- RBC Submitted Core Strategy DPD (2010)
- RBC Interim Housing Policy Statement (2010)
- RBC Strategic Housing Land Availability Assessment (2009)
- RBC Strategic Housing Market Assessment (2009)
- RBC Affordable Housing Economic Viability Assessment (2010)
  
- RBC Bacup Town Centre Conservation Area
- RBC Open Spaces & Play Equipment Contributions SPD (2008)

**5. CONSULTATION RESPONSES**

**English Heritage**

The applications should be determined in accordance with national and local policy guidance, and on the basis of your own expert conservation advice.

**RBC (Conservation)**

The submitted Heritage Statement does not appear to be clear assessment of the significance of the heritage asset as required by PPS5 policy HE6 - there is only a brief design explanation is covered in the design and access statement.

The Old Market Hall is a grade II listed building located within Bacup conservation area. My understanding is that the hall has been empty for a number of years, but is one of the finest buildings in Bacup and one of few listed municipal buildings in the town. Its original use, linked to an outdoor market on the site of the current car park opposite, allowed for the public to see inside the building.

Conversion to another use with minimal alteration to the special historic and architectural features of the building and new build nearby which would enhance the setting of the building and more widely the heritage asset of the conservation area is welcomed.

The submitted Design & Access Statement provides basic explanation of the design process that has led to the current scheme. They have reasonably explained features such as the large glazed front window to allow public views into the hall and the retention of most windows and market shopfronts which conserves key features of the external appearance and the large open character within.

I have some concerns regarding amenity of residents towards the south of the site, although these are not strictly conservation issues. I would, however, wish to ensure an appropriate and viable future use for the building which is consistent with its conservation. Residential use appears to be a reasonable and viable use that would,

subject to adequate parking and servicing of the site, ensure the future use and conservation of the listed building and its setting and thus would accord with key aims of the PPS.

The proposal serves to reuse an existing heritage asset thus complying in part with HE1.2 of PPS5 (although the loss of a building should be addressed under other sections of PPS5 – see below). The conversion could go further regarding adaptation inclusive of renewable energy schemes such as further insulation, sustainable use of water and improving resilience to the effects of climate change. However, with regard to the financial viability of the site and the initial capital expenditure required for an increased environmentally friendly development it is deemed acceptable that the scheme in part considers and supports the sustainable development agenda. The sustainability point is furthered by the location of the site in close proximity to the centre of Bacup, whereby it would be hoped trips to the town could be made on foot.

Whilst there is little justification submitted regarding the demolition of the redundant brick warehouse it could be accepted on the face of it that this section of the site is of little architectural merit and the level of significance appears relatively low (other than it's attachment to a now listed building and its location within a conservation area). However, Policy HE9 requires LPAs to refuse applications for substantial harm or loss to heritage assets unless the harm or loss is outweighed by the benefits of bringing the site back into use. This (or another of the reasonable reasons as stated in HE9) have not been adequately put forward by the developer. The previous use and significance of this area of the site is not explored at all within the supporting information thus making the LPA task of assessing its significance and the impact of its loss more difficult. This should be explored and explained by the developer.

Should permission be granted, before and during demolition of the warehouse satisfactory recording of the layout, possible previous uses and links to the main hall, as well as building materials and techniques, should be undertaken. If at any point something unusual or unexpected is discovered this should also be suitably recorded (photo's, sketches and notes).

Opening up the west face of the listed building is supported and will enhance understanding of the original Market Hall for future generations. Furthermore, it will allow views of this attractive elevation from within the site that have not been visible for many years.

The proposed new building is of a reasonable design quality and aims to affiliate itself with the wider Bacup area (although most of the architectural detailing is different from buildings in the immediate environs such as the proportions of the building, proportions of windows, proportions of the doors etc). The strong window detail of sills, jambs and lintels is a feature seen through the borough and the use of high quality external materials on walls, roofs, quoins, cornices, windows, doors and water goods is supported. Generally, I would not wish to raise objections to the form and design. I would wish the windows to be sash, top-hung casements being avoided.

Regarding the parking bays situated at the ground floor of the new build, I am concerned that the wide openings appear at odds with the detail carefully incorporated within the rest of the building and would be an uncomfortable outlook from within the listed building. My suggestion is to break this up somehow; although I appreciate

insertion of stable type doors or columns could impede free and easy access to bays, whether vertical breaks of some sort are possible should be explored by the developer

Policy HP1 of the Local Plan appears to be satisfactorily complied with within the scheme (subject to the amendments as detailed above); the roofscape of the conservation area would be maintained to a satisfactory quality should the new building be erected of appropriate materials and would be read as reflecting the changing topography of the valley side. The application would also comply with the requirements of Policy HP2 of the Local Plan as regards the alterations to the listed building and would serve to enhance the special architectural and historical features of the structure both inside and out.

The proposal also serves to comply with the requirements of the emerging Core Strategy policy 16 through retention of the listed building (subject to satisfactory justification for loss of warehouse) and point through respecting the distinctive quality of historic landscape, setting and enhancing this (subject to the amendments as detailed above).

#### LCC (Highways)

While it is recognised that the continued use of the Market Hall is to the benefit of the area, before it could recommend the application for approval there are matters the applicant needs to satisfactorily address :

1. The unadopted carriageway/footway between the site and Bank Street appears to be substandard and would need to be improved to an adoptable standard.
2. There is no pedestrian access into the site, residents and visitors would have to walk in the carriageway and through the car park to enter the development.
3. Disabled parking bays require hatching on three sides to ensure access and the proposed ramp into the Market hall building should not exceed a gradient of 1:12.
4. Not all of the proposed car parking spaces have satisfactory access and the provision of car parking spaces suggests that some residents are expected to own cars. The public car park opposite the Market hall is available but is usually fully occupied on most days by shop workers, visitors and other town centre workers, additional cars in the area would create extra traffic movements and could displace some vehicles to create long stay parking issues on nearby residential streets. The possible introduction of parking restrictions/charges on the Council owned car park could create further problems.

#### LCC (Contributions)

In addition to any contribution sought by LCC (Highways) in relation to Transport, it seeks a financial contribution towards Waste Management based upon the Planning Obligations Policy it has adopted (and which has been endorsed by this and other District Councils), to assist it to address significant new requirements placed upon 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 (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 previous scheme, but now deleted).

#### 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.

#### Electricity Northwest

It advises that the proposal will not adversely impact upon its infrastructure,

### **6. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice dated 18/2/11, site notices posted on 17/2/11 and letters sent to the relevant neighbours on 16/2/11.

#### Trinity Baptist Church

The Church is located to the other side of Bankhouse Lane and advises that it has no objection to the conversion of the former Market Hall into apartments, indeed it would welcome it. 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, serves also as the only means of access to the Coach House and they have only recently spent several thousand pounds on its re-surfacing.

#### Neighbours

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

1. Positioning of the refuse store adjacent to our kitchen and bedroom - following discussions previously it was agreed that this is an unsuitable location.

2. The communal amenity area is to be located within a metre of our building - this would allow a view into a bedroom window due to the gradient of the hill.
3. The proposed 3-storey new build for the additional apartments will severely restrict light to the rear of our property, emphasised by the height difference caused by the natural gradient of the land.
4. The proposed plans show wrought iron railings forming a boundary to the rear of the building at a point less than 1 m from a bedroom window which could allow intruder access to our property and is therefore not acceptable.
5. Alteration to the pedestrian access onto Bankhouse Lane does not take into consideration that this is a private road - access rights will need to be discussed and approved with the owners. Currently pedestrian access is to the Trinity Baptist church and vehicular rights are reserved for our property only.
6. Consideration also needs to be given to the natural run of the water from rain and surface water which currently goes through the land, any redirection of this from the additional building is likely to cause flooding and water problems to our building and its footings - having been erected in 1788 they may not be up to the extra impact of this. The volume of water which travels through the hill can be seen currently on the main road, (Market Street) where a continual natural flow of water is evident and also at the rear of our property in the land drain system in place.
7. The proposed works would have implications for their health and safety.

## **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 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. This matter is returned to below in the section of the report referring to Access/ Parking.

### Housing Policy

Since Committee considered the previous application the Council has up-dated its Interim Housing Policy Statement. 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 supported 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 for this site affordable housing will be required of schemes creating 15 or more dwelling units at a ratio of 20% of the total number of units being proposed, in this instance equating to 5 units.
3. It is considered that the proposed development is of appropriate density.
4. None of the dwelling units to be created are affordable &/or supported housing.

Accordingly, the proposal does not accord with the IHPS by providing the necessary Affordable Housing units. The previous application was refused as it did not propose the necessary Affordable units and the Applicant had not then submitted any costings to indicate 'abnormal' expense would be incurred in undertaking the development which would make the scheme unviable if to provide the Affordable Housing units. They have now done so. The Development Appraisal now submitted indicates Gross Development Value would return a Gross Potential Profit of 7.3% without any Affordable units or other financial contributions. This matter will be returned to in the concluding section of the report.

### 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.

With respect to the previous application I advised as follows :

- 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.

With respect to the current scheme I remain of the view that :

- The scheme for conversion for the Old Market Hall is generally satisfactory. Indeed, it is somewhat better eg. the Applicant has now managed to take on-board Officers wish to cut-back the floor-slab at first-floor level so it is not immediately behind the large arched window in the front elevation.
- 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. However, in seeking to provide more parking on-site by utilising the ground floor of the new building its front elevation is not so sympathetic (a point elaborated upon above in the comments of the Council's Conservation Officer). It also remains the case that the courtyard to be formed between the old building and the new is not well-handled in terms of its layout, although it can be improved in this respect and made of acceptable appearance.

#### Neighbours Amenity

It remains the case that 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.

With respect to the Coach House, the scheme does not now propose the communal refuse store have a door and access path for its emptying that will impinge on the amenities of this residential neighbour. I still have some concern over the intention to re-open 2 old first-floor window openings which are in a position to allow outlook over this neighbours rear garden, however the one which will most obviously enable

outlook over the neighbours rear garden is to serve a bathroom. 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.

Of greatest concern in terms of neighbour amenity is the Communal Amenity Space the Applicant proposes to form on the north side of the existing/proposed building, with a metal balustrade on the boundary with the Coach House. Being less than 2m from the rear elevation of the neighbouring house, and elevated in relation to it, it will result in an unacceptable loss of privacy in the form proposed, and to make it a solid fence would not necessarily resolve the matter - it may then become overbearing and would not still result in noise disturbance within bedrooms if the Communal Amenity Space is used in the evening/night.

#### 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. In respect of the earlier application I concurred with the view of the Highway Authority that the scheme then proposed was likely to exacerbate existing parking problems in the area as it lacked adequate off-street parking of its own - the scheme proposed 28 units of accommodation but proposed only 12 parking spaces to serve them and not all of them were of adequate size/easy to access.

The current scheme proposes 3 less units of accommodation and more parking spaces, although LCC (Highways) does not consider all 17 of the spaces shown to be of adequate size/easily accessible. Thus, the Highway Authority continues to recommend that the scheme be refused due to inadequate parking facilities and other points of detail regarding the layout of the courtyard.

Clearly, the balance between number of dwellings and number of parking spaces is now better than it was. If the scheme were considered deficient in only this respect I would feel more inclined to advise Committee that 'on balance' it would be appropriate to accept a shortfall in parking, subject to amendment of the courtyard layout to address the points of detail raised by the Highway Authority and a Green Travel Plan in which the Applicant set out and costed the measures they would take to divert people from car ownership/encourage use by them of public transport. However, despite pre-application discussions with the Highway Authority, such a Travel Plan it has not been submitted.

### **8. FINANCIAL CONTRIBUTIONS AND VIABILITY**

Besides the requirement of the Council's Interim Housing Policy Statement that 5 of the proposed units should be Affordable units, 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 £34,150 in this instance. The County Council is also seeking a contribution towards Waste Management of £480 per dwelling, making for a total of £12,000.

The previous application was refused as it did not propose the necessary Affordable units, or other financial contributions, and the Applicant had not submitted any costings to indicate 'abnormal' expense would be incurred in undertaking the development which would make the scheme unviable if to provide the Affordable Housing units or other financial contributions.

With the current application a Development Appraisal has been submitted which indicates Gross Development Value would return a Gross Potential Profit of 7.3% without any Affordable units or other financial contributions. On this basis the Agent argues that WITHOUT Affordable units/other financial contributions the scheme will return a very low profit for the developer and is unviable with them. Accordingly, they have offered no Affordable units, or other financial contributions.

## **9. 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 of detail in relation to Heritage Issues / Neighbour Amenity / Courtyard Layout which the applicant has not to date adequately addressed. In respect of these issues I consider the current application to be an improvement on the previously refused scheme or could be made so through the imposition of Conditions, with the exception of the Communal Amenity Space proposed immediately adjacent to the Coach House. The latter is in a form I consider would result in unacceptable and unnecessary detriment for residents of the Coach House.

There is the more fundamental issue of the balance between dwelling numbers & provision of on-site car parking spaces, which the Highway Authority considers to still wrong and the development, thus, likely to exacerbate existing parking problems in the area. On this point it needs to be acknowledged that the 'gap' between what the applicant is proposing to do and what the Highway Authority is seeking has diminished by reason of changes to the scheme the subject of the earlier application.

The Applicant is not proposing to provide the Affordable units or other Financial Contributions required to accord with the Council's own policies and requests of the County Council. I do not consider the case to have been made by the County Council for seeking the Waste Management contribution. Having regard to the pre-application discussions the Agent had with the County Council it is, to say the least, disappointing that they have not submitted a Green Travel Plan in which they set out and cost the measures that would be taken to divert people from car ownership/encourage use by them of public transport.

I am mindful that any sympathetic conversion of the Old Market Hall would not be easy or cheap to undertake, that since the previous application was refused by Committee in February 2010 the economic climate has not greatly improved, and that the number of units now to be created has reduced from 28 to 25. Accordingly, I certainly believe it would be unrealistic to expect the scheme to be capable of supporting a significant number of Affordable units.

The submitted Development Appraisal does not accord in all respects with the requirements set out in the IHPS for Viability Assessments. Nevertheless, I do not have reason to doubt what it says about the low return for the developer that implementation of the current scheme at this time will bring, but am seeking further advice from colleagues upon the veracity of the submitted figures and will report anything further on this matter to the Meeting.

On the basis of the above, I consider the decision to be made on the scheme to be more finely balanced than was the case with the earlier proposal.

However, 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 issues in relation to the Heritage Interest, Neighbour Amenity, Courtyard Layout, the Parking/Travel Plan and Play Space/Public Open Space contribution. I will advise the Meeting whether advice has been received which suggests that the Affordable Housing short also be sought in whole or in part.

## **8. RECOMMENDATION**

That Planning Permission be Refused for the following reasons :

- 1) 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).
- 2) 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. Nor is the application accompanied by the Green Travel Plan setting out the measures that would be taken to divert people from car ownership/encourage use by them of public transport. The proposal is therefore considered to be contrary to PPG13, Policies RT2 / RT4 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.
- 3) 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 Communal Amenity Space and re-opening of windows in the southern elevation of the Market Hall, contrary to Policy DC1 of the Rossendale District Local Plan.