

Application Number:	2010/692 2011/15	Application Type:	Full Conservation Area Consent
Proposal:	Demolition of existing buildings and erection of Superstore (2,390sq m) and associated service yard, car park, trolley-shelters & landscaping, including the stopping-up of Gas Street.	Location:	Land off Lee Street, Bacup
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	12 th July 2011
Applicant:	Optimisation Developments Ltd	Determination Expiry Date:	12 th April 2011
Agent:	Race Cottam Associates		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input checked="" type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input checked="" type="checkbox"/>
Other (please state):	Major / Council Land

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.

1. RECOMMENDATION(S)

That Planning Permission and Conservation Area Consent be granted, subject to the Conditions and S.106 Obligation requirements as set out in the Update Report.

APPLICATION DETAILS

2. SITE

The planning application relates to a site within the centre of Bacup of approximately 1.2ha in area. The site does not include the 1-storey building occupied by the telephone exchange but is otherwise bounded:

- to the north by Lee Street, to the other side of which is the Co-op store and its car park;
- to the east by the River Irwell;
- to the south by Henrietta Street; and
- to the west by Market Street (A681) and properties that front it, which include Mario's Restaurant.

The buildings which presently occupy the site vary in use, age, design/appearance and physical condition:

- Fronting Lee Street, and attached to the Health Centre, is a traditional 2-storey office building of stone/slate construction. To its side is a cast-iron gateway and 1 & 2-storey stone buildings extending up to Gas Street. Some of these buildings are now empty and are fallen into a state of disrepair. The more modern industrial buildings and service yard behind them are screened in large measure from Gas Street by a high stone wall.
- Fronting Lee Street, between Gas Street and Market Street, is a traditional stone building formally occupied by Horace's Nightclub. Whilst its front elevation is of attractive appearance, to the rear it is of poor design/appearance. Unoccupied for more than 10 years, its physical condition has deteriorated as a result of being (in part) roofless and due to vandalism. The car park to its side is un-used and of unkempt appearance.
- Fronting to Henrietta Street, between the river and Gas Street, is a Council-owned workshop building. It is used for the maintenance of refuse and re-cycling collection vehicles, associated with the Council depot to the other side of the river. Between Gas Street and properties fronting Market Street is Henrietta Street Industrial Estate, comprising of small Council-owned industrial units.

The conservation area consent application relates to a site of more restricted size; as the Council's workshop building and Henrietta Street Industrial Estate lie outside the boundaries of the Bacup Town Centre Conservation Area consent for their demolition is not required.

3. RELEVANT PLANNING HISTORY

2006/673 Demolition of existing buildings, erection of Food Retail Store, car park & service arrangements, refurbishment of building adj to health centre to B1 Office (Outline)
This Outline Application related to a somewhat smaller site to that of the current application as it did not include the land occupied by Henrietta Street Industrial Estate.

The application proposed to retain and refurbish the traditional 2-storey office building attached to the Health Centre and the adjacent cast-iron gateway. All other buildings on the site were to be demolished (including the Council-owned workshop). The submitted drawings proposed the erection of a food retail store on the cleared part of the site, with permission sought for its intended access and the site layout; the applicant reserved for later consideration the matters of scale, appearance and landscaping, indicating that the submitted elevational drawings should be looked upon as illustrative.

The proposed food retail store was to have a width of 33m and length of 64m, with a total floor area of 2,946 sq m, the ground floor accommodating that space to which the public would have access and storage space, with a first-floor of approximately half the area of the ground floor, to accommodate the associated office/staff amenity facilities.

The scheme proposed that the building sit with its back close to Henrietta Street and with its front elevation facing towards Lee Street. The illustrative drawings showed it was to be constructed with a significant amount of glazing in its front elevation, the sides and rear elevations to possess a series of asymmetrical gabled-walls somewhat akin to those of a traditional weaving-shed. Slate-grey coloured cladding is to be used for the roof and elements of wall in-filling between the peaks of the gabled-walls.

The cast-iron gateway was to be retained in order that it may form the principle pedestrian gateway to the food retail store for those people moving to/from the other shops in the town centre. Parking for 123 customers cars was proposed in an L-shaped car park between the proposed building & Lee Street and between the existing Telephone Exchange & Market Street. Access into the car park was to be from Lee Street, whilst exit would be to Forge Street. The service yard was to be sited on the west side of the building, to accommodate parking for the cars of 10 staff and waste-storage receptacles as well as delivery vehicles, and accessed from Forge Street. Gas Street was to cease to be a thoroughfare for traffic passing between Lee Street and Henrietta Street; a Closure Order needed as it was no longer to function as a highway.

This application was considered at the meeting of the Development Control Committee in May 2007. In accordance with the Officer Recommendation, Committee was minded to grant Outline Planning Permission subject to Conditions and a Section 106 Agreement. Although the applicant had reserved for later consideration the matters of scale, appearance and landscaping, Committee expressed its wish for buildings on the site to retain stone frontages. The Section 106 Agreement the applicant was being asked to enter into was to secure:

- a) Payment to the Council of £83,460 to be expended on improvements to public transport/accessibility.
- b) Payment to the Council of a sum of money to be agreed and which is to be expended on public realm and public art works [the applicant was offering £15,000].
- c) The management regime to ensure the proposed customer car park is made/maintained as a short-stay public car park.

The decision notice in respect of this application was not issued as the S.106 was not completed by the Applicant.

2007/79

Demolition of existing buildings to enable re-development of the site for retail purposes (Conservation Area Consent)

Whilst the Council's workshop building lies outside the Bacup Town Centre Conservation Area, the other buildings to be demolished if the scheme proposed in

Application 2006/692 was to be implementation lay within it . This application sought the necessary consent for their demolition.

In August 2007 Conservation Area Consent was granted subject to conditions, one to ensure the existing buildings were not demolished until such time as the works for redevelopment of the site were to proceed. The Summary Reason for Approval of this application reads as follows:

“The Council consider it appropriate to grant this consent having regard to the contribution the buildings to be demolished make to the character and appearance of the Bacup Town Centre Conservation Area and the benefit to the retail offer of Bacup town centre that will accrue from the redevelopment of the site in the manner proposed by Application 2006/673, and the part this will play in the regeneration of the Council’s Regeneration Priority Area of Bacup, Stacksteads & Britannia AAP.”

This Consent has now become time-expired.

4. THE PROPOSAL

Following receipt of amended drawings on 27 June 2011 the applications now propose:

To retain the traditional 2-storey office building attached to the Health Centre and the cast-iron gateway. The office building is to be refurbished and function as offices in its own right. All other buildings on the site are to be demolished (including the Council-owned workshop and industrial units); Conservation Area Consent is sought to demolish those buildings which lie within the Bacup Town Centre Conservation Area.

To erect a supermarket building with a footprint of 2,020sq m, the main body of the proposed building to have a width of 33m and length of 59m, with a service-bay of 6m in width and 17.5m in length projecting to the rear. Its front elevation is to face Lee Street but have a setback from it of 47m, the service-bay standing 2m from Henrietta Street. As viewed from Lee Street the building will appear 2-storey (with a ridge-height of 10m), ancillary office accommodation/staff facilities (of 260sq m) extending over this part of the store, the main entrance to which is to be in 2 and a half storey high gabled portion of the building at the north-west corner (with a ridge-height of 11.6m). To the rear of this corner feature the store will present to view from Market Street, and as viewed from the other side of the river, a saw-tooth elevation of 8m in height (somewhat mimicking the appearance of a weaving-shed with a series of northern-light roofs), terminating towards Henrietta Street with a flat-roofed stores/service-bay of 8m in height. The service yard fronting the service-bay will be screened from view from Henrietta Street by a m high wall.

That the proposed building be constructed with external walls of reconstructed-stone, with elements of vertical timber cladding, the roofs of the 2 and 2.5-storey building facing Lee Street covered with artificial-slate tiles and the other roofs virtually flat. A flat metal canopy and colonnade, along with large areas of glazing, will define the front elevation. Protruding from the elevation of the building facing Market Street will be 2 flights of steps (and their associated balustrades), serving fire exit doors elevated).6m above ground level. Whilst the service-bay will have a number of openings with roller-shutters, their positions are such as not to be prominent.

The existing cast-iron gateway fronting Lee Street be retained in order that it may form the principal pedestrian gateway to the store for those people moving through the Co-op car park and to/from other shops in the town centre. Within its own grounds the store will have parking for 151 customer cars (including 10 disabled spaces & 7 for parent and child). Entry to the parking areas

will be possible from either Lee Street (at the point Gas St presently joins it) and from Market Street (via Forge St), although exit from them will be possible only from the latter. The submitted details indicated the creation of a right turn lane on Market Street at the junction of Forge Street. Cycle stands are proposed adjacent to the building, and trolley-shelters at various points within the parking areas. The service yard would be accessed from Henrietta Street, a turning head that extends part way down the west elevation of the building enabling HGV's to make deliveries without reversing on the highway. Gas Street would cease to be a thoroughfare for traffic passing between Lee Street and Henrietta Street; a Closure Order would need to be obtained if it is no longer to function as a highway.

Landscaping be provided at points around the perimeter of the site (principally on the frontage to Market Street/to the rear of buildings that front Market Street and between the proposed building and river). Planting within the site is limited principally to a belt intended to screen the telephone exchange from view from the north and west. The parking areas would be illuminated by way of 10m high lighting columns and there would be three 8m high CCTV columns and three 9m flag poles adjacent to the Market Street / Forge Street access.

The applicant envisages that the store will employ 72 full-time staff and 36 part-time. They have indicated the intended hours of opening for the store are to be 7am – 11pm Mondays to Saturdays & Bank Holidays, and 10am – 4pm on Sundays. Their car parking will be made available on a short-stay basis for customers of their store/on trips to other local shops/facilities.

Main changes between Application 2006/673 and the Current Application

- Application 2006/673 was in Outline, with all matters of detail reserved other than means of access and layout, whereas the current proposal is a Full application.
- Although the siting of the supermarket is consistent in both proposals, the floor area of the resulting building will be 2,280sq m, 666sq m less.
- Slate-grey coloured cladding was to be used for the roofs and elements of wall in-filling between the peaks of the gabled-walls. Committee resolved that the external walls should be of stone. The current proposal is for the walls to be of artificial stone and those pitched-roofs it is to be covered with artificial slate tiles.
- The application site has been extended by inclusion of the Henrietta Street industrial units, the demolition of these buildings (located outside of the Conservation Area) enabling provision of 151 parking spaces, 28 more than the previous application proposed.
- Servicing provision was to be taken from Forge Street, but delivery lorries will now use Henrietta Street.

5. POLICY CONTEXT

National Planning Guidance

PPS1 Sustainable Development

PPS1 states that sustainable development is the core principle underpinning planning. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality of the countryside and existing communities; ensuring high quality

development; and supporting existing communities and contributing to the creation of safe, liveable and mixed communities with good access to jobs and key services for all. On sustainable economic development, local authorities should recognise that economic development can deliver environmental and social benefits; that they should also recognise the wider sub regional and regional economic benefits and that these should be considered alongside any adverse local impacts.

Paragraph 28 of PPS1 advises that planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise. Paragraph 29 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated or compensated for.

Paragraph 34 states that *“Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute **positively** to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for **improving** the character and quality of an area and the way it functions, should not be accepted”*.

PPS4 Economic Growth

Policy EC10.1 emphasises that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. At EC10.2 it sets out a series of “impact considerations” against which all planning applications for economic development should be assessed.

EC14 establishes the type and level of supporting evidence required for applications for main town centre uses. EC14.3 states that where a scheme is not in an existing centre and not in accordance with an up to date development plan, a sequential assessment is required. This requirement applies to extensions to retail or leisure uses only where the gross floor space of the proposed extension exceeds 200m².

EC14.4 states that an impact assessment is required for schemes over 2500m² gross floor spaces, or less where they are not located in an existing centre and are not in accordance with an up to date development plan that would be likely to have a significant impact on other centres.

PPS5 Historic Environment

This sets out the Government’s objectives for the historic environment and the rationale for its conservation. It recognises the unique place the historic environment holds in England’s cultural heritage and the multiple ways it supports and contributes to the economy, society and daily life. The PPS identifies the historic environment as a non-renewable resource; its fragile and finite nature is a particularly important consideration in planning. Conserving this resource for future generations accords with the principles of sustainable development. Tests are identified to ensure that any damage or loss is permitted, against the historic environment is permitted only where it is properly justified.

When considering heritage, the guiding principle is set out in the Town and Country Planning (Listed Buildings and Conservation Areas) act 1990:

- Section 66(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Section 72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The following policies of PPS5 are of relevance:

- Policy HE6 (Information requirements for applications for consent affecting heritage assets) requires applicants to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance.
- Policy HE7 (Policy principles guiding the determination of applications for consent relating to all heritage assets) requires local planning authorities to identify and assess the particular significance of any element of the historic environment that may be affected by the proposal and should take into account the desirability of sustaining and enhancing the significance of heritage assets.
- Policy HE9 (Additional policy principles guiding the consideration of applications for consent relating to designated heritage assets) states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- Policy HE10 (Additional policy principles guiding the consideration of applications for development affecting the setting of a designated heritage asset) states that when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favorably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application.
- Policy HE12 (Policy principles guiding the recording of information related to heritage assets) requires developers to record and advance understanding of the significance of the heritage asset before it is lost, which can then be made publicly available.

PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (2010) further explains policy HE10, stating that “all heritage assets have setting, irrespective of the form in which they survive and whether they are designated or not. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral”.

PPG13 Transport

The main objective of PPG13 is to promote more sustainable transport choices for both people and moving freight. It aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, particularly by car. For retail and leisure developments policies should seek to promote the vitality and viability of town centres, which should be the preferred locations for new retail and leisure development. Preference should be given first to town centres then

edge of centre and then on out of centre sites in locations which are (or will be) well served by public transport.

PPS23 Pollution Control

This policy states that the presence of pollution in land can present risks to human health and the environment but development presents opportunity to deal with these risks successfully. PPS23 puts the responsibility on the developer to ensure that a development is safe and suitable for use for the purpose for which it is intended.

PPS25 Flood Risk

This policy states that the aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

Development Plan

Regional Spatial Strategy for the NW (2008)

Policy W4 (Release of Allocated Employment Land) states:

“Outside of a comprehensive review of commitments, when preparing plans and strategies and considering proposals and schemes there should be a presumption against the release of allocated employment sites for other uses. Sites should not be released where they provide, or have potential to provide, an important contribution to the economy of the local area. If Local Authorities are minded to release employment sites they should be satisfied before doing so that:

- *An appropriate supply of sites is available for employment uses...*
- *If required, there are replacement sites available, of equal or better quality, or that alternative means of incorporating employment land needs have been identified. This might mean considering mixed-use developments, greater intensity of land use....”*

Policy W5 (Retail Development) states:

“Plans and strategies should promote retail investment where it assists in the regeneration and economic growth of the North West’s town and city centres. In considering proposals and schemes any investment made should be consistent with the scale and function of the centre, should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns”.

Policy EM1(C) (The Region’s Environmental Assets – Historic Environment) states:

“Plans, strategies, proposals and schemes should protect, conserve and enhance the historic environment supporting conservation-led regeneration in areas rich in historic interest, and in particular exploring the regeneration potential of...the Pennine textile mill-town heritage that exists in East Lancashire”.

Also relevant to consideration of the applications to a degree are:

- DP1-9 Spatial Principles
- RDF1 Spatial Priorities
- W1 Strengthening the Regional Economy
- W3 Supply of Employment Land
- L1 Health, Sport, Recreation, Cultural & Education Services Provision
- RT2 Managing Travel Demand
- RT4 Management of the Highway Network
- RT9 Walking and Cycling
- EM1 Environmental Assets

- EM2 Remediating Contaminated Land
- EM3 Green Infrastructure
- EM5 Integrated Water Management
- EM18 Decentralised Energy Supply

Rossendale District Local Plan (1995)

The application site lies within the Urban Boundary of Bacup and is identified as being within an Existing Employment Area, to which Policy DS1 and J3 apply. Policy DS1 states that the Council will seek to locate most new development within the Urban Boundary, whilst Policy J3 states that within existing and proposed employment areas the needs of industry and commerce will usually be given priority over housing. However, Policy J3 is not a 'saved' policy.

The northern part of the application site also lies within the boundary for Bacup Town Centre and Bacup Town Centre Conservation Area, to which Policy S1 and HP1 apply. However, Policy S1 is not a 'saved' policy.

Policy S1 states:

“Retail development which is intended to serve a wide catchment area or which might have a significant effect on local shopping patterns will be located on sites:-

- a) within or adjacent to the main shopping centre of Rawtenstall;*
- b) within or adjacent to other existing town shopping centres if the development would be appropriate in scale and character to the requirements of the areas which such centres serve;*
- c) elsewhere within the urban area as determined by Policy S2;*

provided that any resultant diversion of trade likely to result from the development, and from other recent and proposed retail developments in the locality, would not have an unacceptable impact upon the vitality and viability of existing town centres as a whole.”

Policy HP1 states:

“Proposals for development within Conservation Areas will be assessed against the following criteria:-

- a) townscape features and roofscape;*
- b) views within and out of the Conservation Area;*
- c) the effects upon the character of the Conservation Area;*
- d) any trees of importance to the character of the Conservation Area; &*
- e) compliance with Policy DC4 (which indicates that within Conservation Areas where the use of natural local stone in existing buildings predominates it and natural stone flags/welsh blue slates, or an alternative acceptable substitute, shall be used).”*

Policy DC1 sets out development criteria to be taken into account in the assessment of applications. Policy DC4 states:

“Local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or in appropriate cases, with good quality substitute slates.”

Other Material Planning Considerations

RBC Submitted Core Strategy DPD (2010)

The “Planning System: General Principles” document states that account can be taken of policies in emerging DPDs and that the weight to be attached to such policies increases as successive stages are reached.

The Council's Core Strategy Development Plan Document (DPD) has been submitted to the Planning Inspectorate for examination. The policies it contains represent the Council's framework for spatial planning in Rossendale up to 2026.

The Core Strategy DPD contains Area Visions for the Borough. The Area Vision for Bacup, Stacksteads, Britannia and Weir states:

"Bacup will be the hub of the Valley's emerging tourism industry..... The area's distinct sense of place is to be retained and enhanced, with vacant sites and buildings to be occupied and open spaces retained. Local people will have a variety of employment and residential opportunities to choose from, supported by appropriate training and educational facilities."

Policy AVP2: Strategy for Bacup, Stackstead, Britannia and Weir states (amongst other things) that

- *"the distinct local heritage and sense of place of the area will be conserved and enhanced, particularly through regeneration initiatives"*
- *"retail development which does not affect the vitality and viability of any centre will be supported, where it would generate local training and / or employment opportunities, and improve the offer for Bacup"*
- *"town centre parking in Bacup and at key visitor locations will be provided and improved."*

Policy 1 (General Development Locations and Principles) states:

"The Council will seek to enhance the quality and sustainability of places and individual developments by taking into account the following criteria when preparing LDF documents and considering individual planning applications:

- *Make best use of under-used, vacant and derelict land and buildings*
- *Complement and enhance the surrounding area(s) of the development through the use of inclusive design and locally distinctive materials which enhances the character and heritage of Rossendale*
- *Minimise negative impacts upon existing infrastructure capacities by considering its capacity levels and plans for future upgrades and expansion*
- *Taking a precautionary approach to flood risk*
- *Maximise energy efficiency and demonstrate effective use of low carbon technologies*
- *Maximise access by public transport, walking and cycling in a manner that promotes safe and inclusive communities and promote co-location of services and facilities*
- *Enhance and protect the countryside and biodiversity resources including habitats and species*
- *Wherever possible, improve the amount of, links to and the quality of the local network of open spaces and green infrastructure*
- *Contributes to maintaining and creating sustainable and inclusive communities."*

Policy 8 refers to car parking standards, including provision for the mobility impaired and cycles, and Policy 9 on Accessibility states that:

- *"New development should be concentrated close to main public transport corridors."*
- *"The design and improvement of streets and the wider urban environment as attractive places for all users will be given high priority."*

Policy 10 states that the Council will seek to provide sufficient employment land to meet the Borough's requirement of 20.84 hectares for B1, B2 and B8 use classes for the period up to 2026. It goes on to state that *"the loss (or partial loss) of existing employment sites to non employment generating uses will be supported where:*

- *The access to the site is poor and cannot be improved, and*
- *The current use has an adverse impact on the neighbouring land uses; and*
- *Redevelopment for employment uses is economically unviable and the site is unlikely to be used for existing or future employment purposes; and*
- *The site has been marketed for 12 months, or less in exceptional circumstances, using a methodology agreed by the Council, and*
- *The redevelopment has no negative impacts on surrounding land uses”.*

Policy 11(Retail and Other Town Centre Uses) states that *“Major proposals will be directed to Rawtenstall with other large schemes encouraged to locate in the district centres of Bacup and Haslingden”*. The same policy also identifies new boundaries for the primary shopping area, primary shopping frontage, secondary shopping frontage and town centre for Bacup. The application site is shown to be immediately adjacent to the southern boundary of the Town Centre boundary it identifies.

Policy 16 is entitled Preserving and Enhancing Rossendale’s Built Environment and seeks to do so by (amongst other things):

- “5. Ensuring that all development is:*
- a. Located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context.*
 - b. Of a high standard of design, reinforcing the local distinctiveness of Rossendale.*
- 6. Encouraging innovative new design(s), where it responds to the character, scale and setting of historic buildings and areas.*
 - 7. Maximising the potential for the re-use of buildings of historic or local interest for appropriate uses to ensure their future longevity. However where this is not possible/ appropriate, considerate and sensitive redevelopment will be supported, subject to advice from the Councils’ Conservation Team and English Heritage.*
 - 8. The Council will support those schemes and proposals which contribute to conservation-led regeneration, particularly where they exploit the regeneration potential of the textile mill-towns and traditional architecture of rural villages within.”*

Policy 19 states that:

“The Council will promote mitigation of climate change by:

- 1. Locating new development in sustainable, accessible locations which minimise the need for travel and length of journeys, in line with Policy 1.*
- 2. Requiring that new developments adopt energy-efficient, water-efficient and low carbon designs and layouts which meet or exceed the most up to date relevant national and regional standards. The Council will also maximise opportunities for increasing energy efficiency in existing buildings.*
- 3. Requiring that natural passive heating and cooling systems are incorporated into new developments where appropriate.*
- 4. Conserving and enhancing the Borough’s peatlands.*
- 5. Expecting new developments to provide tree planting on site, or where this is not appropriate to make contributions towards tree planting elsewhere through planning obligations.*

The Council will promote adaptation to climate change by the following measures:

- 6. Securing planning obligations for energy infrastructure and climate change adaptation measures.*
- 7. New development should not be located in areas considered to be at a high risk of flooding in accordance with the Rossendale Borough Council SFRA. Where development cannot be accommodated in areas of low flood risk and this is demonstrated to the Council, it will only*

be acceptable where appropriate mitigation is undertaken and demonstrated that the development is not at an unacceptable risk of flooding and will not increase flood risk elsewhere.

8. *Expecting new developments to implement Sustainable Drainage Systems (SuDS) - such as incorporating permeable paving, swales, soakaways and conserving floodplains where appropriate, and minimise the use of impermeable surfacing in order to slow down the passage of rainwater into waterways and contribute to flood prevention.*
9. *Requiring that new developments incorporate water saving and recycling measures where possible to minimize water usage.*

All types of renewable and low carbon energy generation proposals (e.g. solar photovoltaic, hydro electric, biomass, solar thermal, ground source heat, etc) will be given positive consideration.”

Policy 22, in respect of Planning Contributions, states that:

“Where developments will create additional need for improvements/ provision of services or facilities or exacerbate an existing deficiency, contributions will be sought to ensure that the appropriate enhancements/ improvements are made, and appropriate management arrangements are in place. Contributions will be sought for (but not limited to) the following areas:

- Built Heritage*
- Crime & Disorder*
- Green Infrastructure, Natural Heritage and Biodiversity*
- Public Realm and Public Art*
- Energy Efficiency and Low & Zero Carbon Energy Generation*
- Provision/funding for training and employment opportunities for local residents.*

Where proposals involve the development of previously-developed land or buildings, the Council will only apply those contributions deemed essential/critical to help deliver the site and/or provide benefits to the immediate community.”

Policy 23, entitled Promoting High Quality Design and Spaces, states that *“The Council will ensure that Rossendale’s places and buildings are attractive, safe and easy to use”*, by ensuring that all new developments:

- Promote the image of the Borough, through the enhancement of gateway locations and key approach corridors.*
- Are of the highest standard of design that respects and responds to local context, distinctiveness and character, contributing positively to local identity and heritage in terms of scale, density, layout, materials and access.*
- Use locally sourced sustainable, high quality and innovative materials appropriate for the development and its surroundings, including recycled materials wherever feasible.*
- Provide active ground floor frontages where located in town and district centres.*
- Incorporate car parking design that is integrated with the existing public realm and other pedestrian and cycle routes.*
- Incorporate well defined and convenient routes, spaces, interchanges, landmarks and entrances that are well connected to public transport, community facilities and services.*
- Promoting high quality landscaping and construction for streets and public spaces.*
- Create a sense of ownership by providing a clear definition between public and private spaces, and are designed to make crime difficult to commit by increasing the risk of detection through natural surveillance and (where necessary) well-designed security features.*
- Contribute to a reduction in energy consumption and CO2 emissions and facilitate adaptation to climate change through efficient layouts and designs which accord with or exceed current national standards.*

Also relevant to consideration of the applications are:

- RBC Employment Land Study by Nathaniel Lichfield & Partners (2009)
- RBC Retail and Town Centre Study by Nathaniel Lichfield & Partners (2009)
- LCC Historic Town Assessment Report (2006)
- LCC Planning Obligations Policy (2008)

6. CONSULTATION RESPONSES

English Heritage

Summary:

English Heritage objected to both the Planning and Conservation Area Consent applications in the form originally submitted. It has been involved in subsequent discussions/site meetings with Council Officers and the applicant's architect. Additional documentation has since been received and, on the 27 June, amended drawings, upon which English Heritage has been re-consulted. Its comments on the latest drawings are still awaited and will be reported to the meeting.

It initially commented that:

- The PPS5 tests for the demolition of designated heritage assets on the site have not been fully met (HE9.2).
- The site significances and values have not been adequately understood or the opportunities for adaptive reuse explored (HE7.2, HE1.1, and HE9.1).
- The design of the new store and its public realm/landscaping fail to preserve or enhance the character or appearance of the conservation area (S72 1990 Act, HE7.4, HE7.5, HE9.5, and HE10).

In amplification, it stated:

A) Heritage significance and impact on significance

It is unfortunate that the regeneration of a site of this significance to the town has not been the subject of a Development Brief (SPD), allowing the planning authority to better guide the developer and to enable a wider debate with the local community and statutory consultees.

Presently there is not an up-to-date Character Appraisal for the Conservation Area as a whole, to determine what special character or appearance the planning authority wishes to preserve or enhance within the area, and the applicant has not submitted an adequate archaeological assessment with the applications, the historical development of the site and its remaining industrial archaeological significance or value. The fact that the conservation area boundary was drawn to include not just the 2-storey office building attached to the Health Centre, but building to its rear suggests that this building had positively contributing attributes warranting its inclusion at the time of designation, the age and significance of the north light element is certainly worthy of further examination. From the information in the applicants submission there is insufficient information or necessary expert advice before the authority in order to fully understand the potential impact of the proposal on the significance of heritage assets. Policy HE9.1 of PPS5 states that “...*there should be a presumption in favour of the conservation of designated heritage assets... loss affecting any designated heritage asset should require a clear and convincing justification.*”

From the structural information and images supplied it is clear that Buildings A-D are in a poor state of repair, the cost of repair for reuse has not however been provided, nor evidence of market testing or the availability of grant aid. Ultimately the demolition may be justifiable, but compelling evidence to satisfy the PPS5 test is not at present before the authority, the policy tests have therefore not been met and as such English Heritage must unfortunately recommend refusal of both applications.

The potential for adaptive reuse (HE1.1, HE7.4) does not appear to have been explored, particularly in relation to the North light sheds, there are now many examples of this building typology being repaired and reused for open plan commercial and retail uses.

B) Urban Design Issues

Section 72 of the 1990 Act places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy HE 7.5 of PPS5 states *“Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”* Aspects of setting are also addressed in policy PPS5 HE10.

EH does not believe that the current design of the store, its public realm or landscape are of sufficient merit to justify the harm to, or loss of, heritage assets, nor that the design will preserve the character of the conservation area. Leaving aside the justification of heritage loss, it is considered that the following issues should be considered as key urban design principles in relation to the retail development of this site:

- 1. Connect the site to the town centre, create an attractive streetscape/ landscape and public realm:** Not presently convinced that the application rises to the challenges of this site - the Irwell St, Lee St and Market St views into the site promise an unattractive car-dominated, poorly landscaped and rather brutal environment for people on foot or arriving by car. There is considerable scope to better screen the retained telephone exchange building and to beautify the riverside, sit edges and car parking. The opportunity to enhance and create a single unified space with that around the Co-op store should be explored - a tremendous place-making opportunity will otherwise be missed.
- 2. Retained structures to be sustainable, reuse existing materials and buildings wherever possible:** At present the use and function of retained Building A (the 2-storey office building attached to the Health Centre) is unclear and does not appear to be provided with adequate curtilage to sustain its reuse. The planning authority should ensure that this building is repaired and brought back into a sustainable use, preferably before work first commences on the store. You should also ensure that by placing a heavily serviced loading area off Henrietta St that the long term future and potential of Forest mill is not blighted and compromised. The potential for reusing historic elements on the site should be explored. There may also be natural walling stone, pavements and cobbled surfaces on site that can be recycled.
- 3. Retain and strengthen the existing street pattern and urban edges.** The proposed store redirects Forge St, truncates Gas St, provides only one active facade and fails to provide an urban (back of pavement) edge to any of the street lines or riverside; this contradicts national best practice guidance relating to new developments in urban and historic areas. The provision of car parking throughout the site could be freed up allowing greater flexibility and space if the site were considered more holistically alongside existing streets such as Lee Street. We urge you to consider shared space principles, as promoted by the governments Manual for Streets. There appears to be scope to create a green canopy over the car parking areas to help unify spaces, if planting beds are used at ground level they need to be wide enough to function both aesthetically and practically.
- 4. A sensitive skyline respecting context, site topography and landscape.** The proposal to adopt a flat roof across most of the store is unfortunate. Whilst the roof is unlikely to be seen from nearby, it will be looked down upon from the neighbouring hillside. The adoption of a flat roof is foreign to a conservation area defined by slated pitched roofs with a diverse animated roof-scape. We strongly advise that the roof form and material be re-considered to better respond to context and elements of local distinctiveness.
- 5. Sound urban design principles including height, scale, massing, rhythm, harmony and materiality.** English Heritage advises that the footplate, height and general mass of the new

development are appropriate. However, we are unconvinced by the stores proposed location on the site. Furthermore, the 2 storey appearance with ribbon windows facing the front elevation to Lee St might be more convincing if the proportions of windows were adjusted to provide a more vertical emphasis, a comment relevant to openings on other elevations. We are also unconvinced by aspects of scale and fenestration, including the apparent expression of thin wall buttresses on some of the external elevations. There is scope to produce a development with greater rhythm, harmony and unity in its elevations.

We are also unconvinced by the diverse palate of materials proposed for the store and for its public realm/ landscaping. In our view the palate of materials ought to be limited, the tradition in Bacup is for the use of wholly natural materials, predominantly natural stone with blue slate for roofs. If artificial materials are to be introduced this can provide an opportunity for contrast and architectural expression, but the selection of such materials and their finishes will require careful thought, preferably as part of an agreed palate of materials throughout the conservation area to maintain consistency; the use of man-made artificial materials should also be justified. The mixture of natural and reconstituted stones with large areas of divergent metal claddings, steel and aluminium profiles is inappropriate, overbearing and will ultimately be harmful to the character and appearance of the conservation area. There is scope to considerably simplify the overall design and materials palate and thereby better respond to elements of local distinctiveness and the simple functional traditions of the industrial revolution prevalent in this part of the conservation area.

It concludes *“We understand how significant the regeneration of this site is to Rossendale and the residents of Bacup, but, for the reasons set out above, English Heritage objects to both applications in the form submitted. We recommend that the applications be withdrawn pending further design changes or that they be refused”*.

LCC (Archaeology)

It advises that the application site contains a number of heritage assets, including standing buildings associated with the former Irwell Mill as well as below-ground remains associated with this mill complex, Lee Street Gas Works and Henrietta Street Ironworks. Consequently, it recommends that a condition be attached to any permission requiring a programme of archaeological recording prior to construction of the new development.

LCC (Highways)

Having considered the latest drawings it advises that before it can recommend the plans for approval from a highways perspective:

- There should be no vehicular access from Lee Street as the loading area for the Co-op is accessed off the junction of King Street and Lee Street. Delivery lorries for Co-op have a difficult turning manoeuvre, at times involving reversing along Lee Street from Market Street, which can block the street. Encouraging vehicles to use Lee Street as an entrance to the supermarket could be dangerous as there could be a conflict with delivery lorries.
- The entrance to the car park from Market Street should be amended so the vehicles entering have to turn left before the telephone exchange, vehicles leaving the site would have to drive around the telephone exchange to reach Market Street. The current layout is ambiguous as it is not clear if the end of Forge Street is two way or one way.
- Some gates are proposed, but vehicles can still get into the site from Forge Street.
- It is unclear how the Telephone Exchange and the electrical substation on Henrietta Street will be serviced.
- The red line to the south of the development does not cover all the car park.

- The cycle parking is not accessible if a vehicle is parked in the adjacent space and should be 10% of the total number of car parking spaces and it should be covered. Six motorcycle parking spaces should be provided, this is 4% of the total number of car parking spaces.
- All footways within the site, and adjacent to it, should be a minimum of 2m wide, except for that adjacent to the bus shelter on Market Street, which should be 3m wide to accommodate the increased footfall associated with the supermarket. The footway on Henrietta Street should be continuous, the current plans show the footway stopping for a short section. There is no access between the footway and the trolley shelter immediately north of the telephone exchange and the footway immediately to the south of the child/parent bays should be narrowed to discourage children from running around in the area. Footways within the red boundary should have a gradient between 0% and 2%. Another set of bollards are required in the turning head of the delivery area so pedestrians can cross the road safely.
- The bus stop adjacent to the southbound running lane should be relocated approximately 20m to the north. Leaving the bus stop at the existing location could encourage vehicles to overtake parked buses using the right turning lane for Forge Street which could be dangerous.
- A pedestrian link should be provided from the southbound bus stop into the site.
- A pedestrian facility should be provided to the northbound bus stop, what measure would be most suitable are currently being investigated.
- A shared use section of Lee Street would not be suitable due to the geometry of the road, the number of vehicles which currently park on the road and the relatively high number of vehicles using the street. However, due to the anticipated increase in footfall, improvements would need to be made to assist pedestrians crossing Lee Street, which could include additional street lighting and a pedestrian build-out, with bollards/other measures provided adjacent to the Co-op car park to stop vehicles from driving over the footway to get to Lee Street.

Additionally, a sum of £83,460 was sought in respect of Outline Application 2006/673 to be expended on improvements to public transport/accessibility. I am awaiting LCC (Highways) assessment of the sum it considers should be sought in respect of the current scheme.

The Environment Agency

Flood Risk:

Following receipt of additional/amended details, it has now withdrawn its original objection to the proposal. Considering the applicants Flood Risk Assessment now to be satisfactory, it concurs with its conclusion that the minimum floor level of the store should be 248.8m AOD.

In respect of the external areas it recommends that the disabled parking be moved further away from the river (to accord with the advice of the FRA). It also advises of the need for a flood evacuation scheme to be agreed upon.

It notes that the FRA refers to the existing site run-off discharges being to a combined sewer rather than the river. It states that if the sewerage undertaker requires surface-water from the new development to discharge direct to the River Irwell the discharge rate must be no more than “greenfield” rate as determined by Ciria Suds Manual C697.

The proposed cycle frames, along with one of the trolley-shelters, would impede access to the bank top by maintenance vehicles.

It indicates the above matters can be addressed by way of conditions.

Land Contamination:

The site is associated with a number of potentially contaminative historical land uses and is located directly adjacent to the River Irwell which is considered to be a controlled water by the Environment Agency. Having regard to the applicants submitted Ground Condition Reports it is satisfied that the site can be developed in the manner proposed without pollution of the river (even if piling is considered the most appropriate foundation design). However, it recommends a condition to fully detail the methods of working/remediation scheme to be implemented.

Biodiversity:

Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside the River Irwell is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

It notes that the submitted Design and Access Statement states that a full ecological assessment of the site is yet to be undertaken and that the development will include enhancement to the river corridor. To ensure a satisfactory treatment between the development and the river it recommends a condition to secure a scheme for the provision and management of a buffer zone alongside the River Irwell, to be supported by further bat surveys.

United Utilities

No objections provided the following conditions are met:

1. The development should have separate foul and surface-water drains, surface-water to discharge to the adjacent river to meet the requirements of PPS1 & PPS25.
2. A public sewer crosses the site and building over it is not permitted, and will require a 5m access strip to remain to either side of it.
3. A 12" water main crosses the site along the line of Gas Street and the scheme (as originally submitted) would require its diversion and work in relation to feeds to Henriatta Street Industrial Estate.

RBC (Environmental Health)

No objection to the proposal, but recommend that any permission granted is subject to a condition in respect of remediation of any ground contaminants that may be found on the site arising from its past industrial history.

It also seeks assurance that lorries in manoeuvring to/from the delivery point may require "blind side reversing" in areas accessible to the public.

RBC (Parks & Open Spaces)

It is vital that the planting/ecology of the river corridor is protected and enhanced. Most of its concerns in this regard have been adequately covered in the submitted documents. Arrangements need to be in place for future maintenance.

Lancashire Police

It notes that the submitted Design & Access Statement refers to 'secure by design' principles having been taken into account and the intention that "during hours of darkness all areas of the car park are to be sufficiently bathed in light to prevent theft, antisocial behaviour and other forms of crime...In addition, 3no CCTV cameras on 8metre columns will be erected in the car park and 1no camera is to be installed in the Service Yard". It wishes the development to achieve Secured by Design Certification.

Following receipt of amended drawings on 27/6/11 re-consultation has been undertaken. Should further comments be received they will be reported to the meeting.

7. REPRESENTATIONS

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice on 21/1/11, site notices posted on 21/1/11 and letters sent to the relevant neighbours on 20/1/11.

Five letters/emails have been received.

A shopkeeper in Bacup objects on the basis that the proposed supermarket will severely affect the already dwindling trade of small/longstanding retailers in Bacup town centre, killing of the independents much as the 4 large supermarkets in Rawtenstall/Haslingden has done for their town centres.

The proprietor of Mario's Restaurant has indicated that they have no objection in principle to the development, indeed they support the redevelopment and commercial use of this part of Bacup. However:

- Their business, and the residents of the flats next door, rely on on-street parking on Market Street, the surrounding side-streets and the Council-owned parking area on Forge Street. They would not wish the development to restrict their customers and staff parking.
- Removal of the Industrial Units will expose the rear elevation of their property to public view and thereby reduce peoples' perception of the quality of the restaurant.
- Their basement has been flooded twice in the last ten years and they would not wish the development to add to flood risk or subsidence.

An employee of one of the Henrietta Street Industrial Units to be demolished has objected on the grounds that their motortrade-related business benefits from being in its present location near to the town centre. The Morrisons store is being poorly sited - from a point of practicality it should front directly on to Lee Street and have its parking and goods access behind.

The following issues have been raised in the other responses:

- Area described by English Heritage as the best preserved mill town in Britain, which would change if the developer is allowed to use cheap facing materials within this Conservation Area. Could materials be re-used from demolition?
- CABE raised concerns regarding the design of this type of supermarket format which could undermine regeneration - this is another standard design
- Needs coloured permeable surfaces for car park
- Loss of free car parking provision
- Proposals do not re-provide car parking for Victoria Hall Flats and Mario's restaurant
- Bacup already has a supermarket
- They say 100 jobs created, but how many would be lost? Impact upon local shops / traders in Bacup town centre / Markets are closing
- Will RBC compensate for resettlement of the units within the Henrietta Street industrial area?
- What about the Council's depot? Will its replacement be a burden to the tax payer of Rossendale?
- Use of Lee Street could result in highway safety issues with the Coop reversing in this area when servicing

Following receipt of amended drawings on 27/6/11 re-consultation has been undertaken. Should further comments be received they will be reported to the meeting.

8. REPORT

In dealing with these applications the main issues to consider are: 1) Principle; 2) Employment Policy; 3) Retail Policy; 4) Flood Risk/Ground Conditions; 5) Heritage/Townscape Impact; 6) Access/Parking; & 7) Neighbour Amenity.

1) Principle

The applications relate to previously-developed land that is not only situated within the Urban Boundary of a Main Development Location, but fronting to a main road along which runs a 'quality' bus service and close to Bacup Town Centre.

To this extent the proposal is appropriate in principle.

2) Employment Policy

PPS1 highlights the balance that must be struck between the loss of employment land and the need for land for other uses. It places the responsibility on LPAs of ensuring *"that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments"*.

Policy W4 of the RSS states that *"Outside of a comprehensive review of commitments, when preparing plans and strategies and considering proposals and schemes there should be a presumption against the release of allocated employment sites for other uses. Sites should not be released where they provide, or have potential to provide, an important contribution to the economy of the local area. If Local Authorities are minded to release employment sites they should be satisfied before doing so that:*

- *An appropriate supply of sites is available for employment uses....*
- *If required, there are replacement sites available, of equal or better quality, or that alternative means of incorporating employment land needs have been identified. This might mean considering mixed-use developments, greater intensity of land use....*

In both cases consideration should be given to the implications of releasing/retaining employment land in relation to the spatial principles in DP1-9, in particular the promotion of social and economic inclusion, sustainable travel choices and access to services..."

On the Proposals Map of the Local Plan the application site is designated as an Existing Employment site, wherein Policy J3 sought to give the needs of industry & commerce priority over housing. However, Policy J3 is not a 'saved' policy. At the time of the earlier application the Council was preparing the Bacup, Stacksteads & Britannia Area Action Plan. Whilst it had not proceeded to the stage it could be given great weight, it was not seeking to keep all of this area for employment purposes, recognising its relationship to the town centre makes it appropriate for development with a broader range of uses (including retail).

The Council is preparing a Local Development Framework to replace the Local Plan. To assist it its commissioned Nathaniel Lichfield & Partners to carry out an Employment Land Study (2009), as required by Policy EC1 of PPS4. The study did not assess the need for the application site to be retained for employment use in light of the 'minded to approve' decision of the DC Committee in respect of Outline Application 2006/673. Accordingly, the Submitted Core Strategy policies in respect of employment land provision/retention have not been framed with a view to safeguarding the application site from re-development for purposes other than B1/ B2/B8 Industrial and Warehousing uses.

Nevertheless, it needs to be acknowledged that implementation of the scheme proposed in Application 2006/673 would not have resulted in demolition of the Henrietta Street Industrial Units. Although they presently employ a number of people I am satisfied that the intention to demolish them warrants refusal of the current applications. Morrisons envisage that their store will provide employment for a greater number of people than is presently the case.

The majority of the site is vacant and becoming increasingly derelict, particularly so in the case of the former Horace's Nightclub and parts of Hargreaves Mill. The only areas within the application site that currently provide employment are the Council Workshop building and the Henrietta Street Industrial Estate. These buildings are of basic, steel framed construction, with profile steel/fibre-cement clad elevations/roofs. The previous application envisaged the demolition of the Council's workshop. The tenants in the Industrial Units vary between lock-up storage and a tyre depot. There is no particular shortage in the form of accommodation they provide; the Council's Property Services Manager will wish to work with the tenants in order to secure premises locally in which they can relocate.

Accordingly, I am of the view that the loss of employment land/buildings resulting from this proposal will not prejudice the supply of such premises in Bacup or the Borough as a whole.

3) Retail Policy

At the time Application 2006/673 was considered by Committee in May 2007 Policy S1 of the Rossendale District Local Plan was said to lend support to that proposal for a retail store of over 2,900 sq m proposal. However, Officers advised that it was necessary to have greater weight for the more recent advice in respect of retail development set out in PPS6 and the Joint Lancashire Structure Plan, with regard also for the Retail & Town Centre Study, produced on the Council's behalf by Nathaniel Lichfield & Partners in 2005.

Officers concurred with the advice then received from LCC (Planning) and NLP that there was a qualitative need for the proposed retail store. The Bacup town centre was receiving approximately a sixth of the retail spend of its catchment area, such was the leakage of spend to neighbouring town centres, making a case for seeking to improve the retail-offer of Bacup by the provision of a larger food retail outlet than now exists. The convenience retail offer in Bacup Town Centre was then dominated by the nearby Co-op, which performed an essential function in meeting local needs for bulk food shopping and top-up food shopping, but its range of goods and customer choice was limited by its size. The store then proposed was of significantly greater size, enabling it to provide both competition and an increased range and choice of goods, whilst not of so greater size as to have to claw-back an unreasonable amount of the expenditure leaking out of the catchment area or from existing outlets in Bacup town centre.

With respect to the quantitative need the picture was not so clear cut. NLP advised that there was not a borough-wide need for the foodstore being proposed for Bacup, but was a case for allowing it having regard to the leakage of expenditure that is occurring from the Bacup Town Centre catchment area when combined with the benefits in terms of improving choice and reducing trip lengths and the importance of the potential regeneration benefits the proposal should deliver in terms of improving Bacup town centre.

PPS6 has since been up-dated, as too has the Retail & Town Centre Study by NLP. The proposed store is now somewhat smaller than that Committee was previously minded to approve. Accordingly, I remain of the view that the case has been made for permitting the proposed retail store and that this site on the edge of the existing Town Centre is the most appropriate place for it.

4) Flood Risk/Ground Conditions

Neither the Environment Agency or the Council's Environmental Health Unit have raised objection to the application on the grounds that the site is incapable of being developed in the manner proposed without undue risk of flooding, pollution of the river or harm to public health, subject to conditions.

It should be noted that to guard against undue risk of flooding, the Environment Agency is recommending raising of the floor slab and surrounding ground somewhat above their existing levels.

5) Heritage/Townscape Impact

The northern part of the application site lies within the Bacup Town Centre Conservation Area. Whilst there are no Listed Buildings within or abutting the application site, certain of the buildings around Industrial Place (to the north-east) are listed. The Council, in exercising its development control functions, must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and preserving the setting of the listed buildings. This assessment of the application needs to consider, firstly, the loss of existing buildings/features resulting from the proposal and, secondly, the impact of the new development in terms of heritage/townscape.

Irwell Mill performed a historically important role in the development of Bacup. Whilst a significant proportion of the complex of buildings making up this cotton mill has already been lost, the main building has been restored in recent years and is now occupied by a Health Centre. This multi-storey building forms an extremely prominent feature in the south-eastern quarter of the Conservation Area. Extending to its north, and dwarfed by it, is the terrace of properties on Industrial Place. To its west, though to the other side of the River Irwell, is an abutting 2-storey office building, which lies within the application site. This traditional stone/slate building fronting Lee Street is to be retained and refurbished, as too is the cast-iron entrance gateway to its west side.

Loss of Existing Buildings/Features

The proposed development will entail demolition of buildings within the Conservation Area on the frontage to Lee Street to the west of the retained office building/gateway and to its rear. To the other side of the gateway is a 1-storey building of stone/slate construction. Whilst not unattractive in appearance, in itself it is not unusual or of a scale to be of particular prominence in the street-scene. Attached to its west side, and running around the corner on to the Gas Street frontage, is a 2-storey building of more utilitarian appearance, which has not been well-maintained and is of particularly poor appearance as viewed from Gas Street by reason of the manner in which original window/door openings have been in-filled (though helping to tell the story of how the area has evolved over time). This building has long been un-used/under-used. Further down Gas Street is to be seen a high stone wall, this being the external wall of a weaving shed that once stood here, serving now to screen from view the largely 'modern' industrial buildings that lie behind it.

The other building requiring demolition if the proposed development is to proceed is that formerly occupied by Horace's nightclub. While this 1-storey stone building presents an attractive gabled front face to Lee Street (aligned to be viewed down King Street), it has been substantially and unsympathetically altered/extended. For more than 10 years it has been un-occupied and its physical condition has deteriorated badly as a result of being (in part) roofless/vandalised. In March 2003 Outline Planning Permission was granted for the erection of a Police Station necessitating demolition of this particular building (2003/63).

Nevertheless, the buildings within the Conservation Area to be demolished do make a contribution to the character and appearance of the conservation area. With respect to the other buildings to

be demolished, there is nothing about them which suggests that they should be retained due to the contribution they make to the setting of the Conservation Area.

That the applicant proposes to retain and refurbish the 2-storey office building towards the eastern end of the frontage to Lee Street is important. That the applicant proposes to demolish the 1-storey building of stone/slate construction to the other side of the cast-iron gateway is to be greatly regretted. Likewise, whilst I am mindful that permission was granted in 2003 for re-development of the part of the current application site occupied by the former nightclub, which is of most architectural interest/has greatest presence in the street-scene, it is now time-expired. Nor do I have reason to doubt the documentation submitted by the applicant which concludes that there is such poor demand for the space these buildings could provide that the rentals they could command would make it uneconomic to repair/restore them.

I can appreciate why English Heritage is critical about the case the applicant has advanced to justify demolition of the buildings the Conservation Area Consent application relates to. However, it acknowledges that “ultimately the demolition may be justifiable”. I am of this view.

Impact of the New Development

I turn next to the Urban Design Issues raised by English Heritage, prompting it to state that it “does not believe that the current design of the store, its public realm or landscape are of sufficient merit to justify the harm to, or loss of, heritage assets, nor that the design will preserve the character of the conservation area”.

Its objection relates to the scheme originally submitted by Morrisons, elements of which I too was extremely critical. It proposed amongst other things that:

- A Service Yard bounded by a high wall project to the west side of the proposed building, extending over the line of Gas Street, with a large lorry turning-head extending up to the rear boundary of the terrace of properties including Mario’s Restaurant.
- A building constructed with a combination of ashlar stone, reconstructed stone and composite cladding for the sides and dark grey artificial slate tiles for pitched-roofs, with large expanses of virtually flat-roof.
- A tarmac finish for parking areas, interspersed with trolley-shelters, but with no tree planting within it and very limited planting to screen the Telephone Exchange.
- Retention of the 2-storey building attached to the Health Centre, but without associated cartilage space an occupier might reasonably expect.
- Re-alignment of Forge Street at the point it joins Market Street and no works to Lee Street to better integrate the development proposed on the application site with its surroundings and thereby provide a better/safer environment for people passing between the site and the rest of the town centre.

The scale of the proposed building is somewhat smaller than that Committee was minded to approve in 2007 and it is similarly sited.

Comments are awaited from English Heritage on the amended drawings received on 27 June. They go some way towards addressing the above concerns, entailing:

- Relocation of the Service Yard to the south side of the building and deletion of the large lorry turning-head.
- Alteration of the external appearance of the building by introducing the saw-tooth design on the east and west elevations and replacement of composite cladding with vertical timber boarding around the stores/service bay.
- Additional planting to be provided to the northern and western sides of the Telephone Exchange site to screen it.

The applicant has indicated that for cost reasons they are unable to use natural local stone and natural slate. This being the case I have asked that they provide samples of the intended facing materials for display at the Committee meeting. Discussions are on-going with LCC (Highways) and the applicant to better address my own outstanding concerns in relation to the layout/surfacing/landscaping of the external areas within the site and bounding it, to create a more attractive streetscape/public realm and a better/safer environment for pedestrians passing between the site and other parts of the town centre.

6) Access/Parking

Having regard to the present deficiency in public parking spaces in and around Bacup town centre it is of benefit that the current application proposes a greater number of parking spaces than did Outline Application 2006/673 and that they are to be available for short-stay public parking.

LCC (Highways) has no objection to the proposal. Its comments on the latest drawings are set out above in Section 5 of the Report. Discussions are on-going with the applicant and the Highway Authority to resolve its outstanding issues and also create a more attractive streetscape/public realm and better/safer environment for pedestrians. Whilst certain of the points of concern it still has are matters that can easily be resolved, its wish for the deletion from the scheme of the intended access to the customer car park is more significant (it did not draw objection when part of the layout of Application 2006/673). I have also asked for its advice on whether there is a need for the developer to provide a further pedestrian crossing on Market Street.

7) Neighbour Amenity

I am satisfied that the nature of use proposed for the site, and the resulting building, need not cause an unacceptable loss of amenity for any neighbours, this being an essentially commercial area.

The current proposal differs from that proposed in Outline Application 2006/673 most particularly by reason of demolition of the Henrietta Street industrial units and provision here of parking. Subject to suitable boundary treatment I do not consider the car park will detract to an unacceptable extent from the amenities occupiers of the adjacent terraced building could reasonably expect to enjoy. Nor do I consider the proposed development will diminish the opportunities to park of restaurant customers/staff and residents so greatly it would be appropriate to refuse planning permission.

9. CONCLUSION AND RESONS FOR APPROVAL

Having regard to the benefit to the retail offer of Bacup town centre that will accrue from the redevelopment of this site in the manner proposed, and the part it can play in meeting the Council's wider aims for the regeneration of Bacup, I consider it appropriate that Planning Permission and Conservation Area Consent be granted, subject to Conditions and a S.106 Obligation.

Having regard to the fact that English Heritage comments are still awaited on the latest drawings, and discussions are on-going with the Highway Authority and the applicant, I do not set out below the suggested conditions; I will do so through the Update Report.

With respect to S.106 requirements, Outline Application 2006/673 was recommended by Officers for approval on the basis of:

- a) the payment to the Council of the sum of £83,460 to be expended on improvements to public transport/accessibility;
- b) the payment to the Council of a sum of not less than 1% of the total development cost (excluding the land value) to be expended on public realm and public art works;

- c) the management regime to ensure to the proposed customer car park is made/maintained as a short-stay public car park.

The applicant subsequently offered £15,000 as their public realm and public art works contribution, however the S.106b was not agreed.

LCC has since up-dated its Planning Obligations Policy. It remains appropriate to seek contributions from the developer in relation to Transport and Public Realm/Public Art. I am awaiting a response from LCC (Highways) on what Transport contribution should be required. Since the proposed building is somewhat smaller than proposed in Outline Application 2006/673 I would hope that the sum it seeks is proportionately less as I consider the Public Realm/Public Art contribution required needs to be at least 3 times the figure of £15,000 if anything meaningful is to be secured in terms of off-site public realm works. The Update Report will elaborate upon this matter. The S.106 Obligation should certainly require the car parking being provided on the site to be made available as short-stay public car parking.

10. CONDITIONS

To be detailed in the Update report.