

Application Number:	2022/0632	Application Type:	Full
Proposal:	Full: Change of use of land to form residential garden. Partial demolition, reconstruction and extension of existing derelict building to create single storey garden room and walled garden.	Location:	Yew Tree Farm Heald Lane Weir Bacup Lancashire OL13 8QZ
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	16.01.2024
Applicant:	Mr Andrew MacNae	Determination Expiry Date:	30.01.2024 (time extension added)
Agent:	Mr Richard Shuttleworth – Equilibrium Architects		

Contact Officer:	Chris Dobson	Telephone:	01706 238639
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Applicant is a ward Councilor

1. **RECOMMENDATION**

Approve – with conditions

2. **THE SITE**

The application relates to a derelict agricultural building located adjacent to the residential dwelling of Yew Tree Farm. The building is in a poor condition with the roof missing and parts of the walled structure collapsed. No windows and doors are currently in place with vegetation visible both inside the walls of the building and to the external areas.

The application site is located to the north east of the village of Weir and is accessed from the A671 Burnley Road via Heald Lane. The building is located within an area identified as being countryside.

3. **RELEVANT PLANNING HISTORY**

No relevant planning history

4. **PROPOSAL**

The applicant proposes to carry out development work including the partial demolition and reconstruction of the former agricultural building to convert the building into a garden room and a walled garden to be used in association with the adjacent Yew Tree Farm.

The submitted plans show the retention of the majority of the existing walled structure with a natural slate pitched roof proposed to be added above the main section of the building along with an infill extension to the east side measuring 3.84m x 2.77m. Timber windows and doors are proposed to be installed within the external facing elevations utilising the existing openings with aluminium bi-folding doors proposed to lead from the garden room into the walled garden.

Sections of the existing external wall are proposed to be removed and enhanced with coping stones to be added. Also, some of the internal walls in place within the building are to be removed.

The application also includes the change of use of the land to be used formally for residential purposes.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 8 Promoting Healthy and Safe Communities
Section 12 Achieving Well Designed Places
Section 15 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Local Plan 2019-2036

SS Spatial Strategy

- SD1 Presumption in Favour of Sustainable Development
- SD2 Urban Boundary and Green Belt
- HS12 Conversion and Re-use of Rural Buildings within the Countryside
- ENV1 High Quality Development in the Borough
- ENV3 Landscape Character and Quality
- ENV6 Environmental Protection

6. CONSULTATION RESPONSES

Ecology – No objections

Environment Protection (Land Contamination) – No objection subject to the addition of a pre-commencement condition.

RBC Building Control – no objection

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted at the site. No comments/objections have been received.

8. ASSESSMENT

Principle

The property is located within an area identified as countryside. Policy SD2 of the Rossendale Local Plan 2019 -2036 states:

“All new development in the Borough will take place within the Urban Boundaries, defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area.”

In this instance, while the development work proposed is to be undertaken outside the urban boundary, the development proposes the conversion of an existing building. Policy HS12 within the local plan relates to the Conversion and Re-use of Rural Buildings in the Countryside. An assessment against each consideration of this policy has been undertaken below (with the assessment of each criteria completed in bold text):

The proposal does not have a materially greater impact on the openness of the area and the proposal will not harm the character of the countryside;

The proposals do not result in the increase to scale of the original building with the exception of an infill extension located to the east side of the dwelling and this extension is modest in size. Views of this elevation are generally protected by the siting of the residential dwelling of Yew Tree Farm. The proposal does result in the addition of a roof structure, however, this is not considered to impact upon the openness of the countryside to a significant degree.

The building is of a permanent and substantial construction, structurally sound and capable of conversion without the need for more than 30% reconstruction;

The applicant has submitted a structural survey in order to show the remaining structure is capable of being retained. The survey states ‘there are no structural reasons to preclude satisfactory refurbishment subject to the incorporation of adequate details at Building Regulation stage with regard to masonry reinforcement, crack stitching etc. in accordance with good standard practice’. The Council’s

Building Control team have been consulted to provide comments in relation to the structural survey with their comments shown below:

“After a review of the report from M Pooler (structural Engineer), I am satisfied that his observations are accurate and I have no concerns with the stability of the existing structure that is proposed to be retained.”

It is therefore considered, the building is structurally sound and capable of conversion with the majority of the reconstruction work being the addition of a new roof and an infill extension. This is not considered to amount to more than 30% of the overall building when taking into account the existing structure.

The conversion works and facing materials to be introduced would be in keeping with the original building, and important architectural and historical features would be retained. Particular attention will be given to curtilage formation, including appropriate boundary treatments and landscaping, which should be drawn tightly around the building footprint and the requirement for outbuildings, which should be minimal;

The proposed materials are considered to be in keeping with the existing building with natural stone and timber windows and doors predominantly proposed. Aluminium bi-folding doors are proposed, however these will not be unduly prominent in views of the building and would not have an adverse impact on the character of the area.

The building and site has a satisfactory access to the highway network and the proposal would not have a severe impact on the local highway network;

The building is proposed to be a garden room and walled garden to be used in association with the residential dwelling of Yew Tree Farm therefore the existing access route is considered sufficient.

Satisfactory off-street parking, bin storage and bin collection points can be provided without adversely impacting on rural character and mains services are available for connection into the scheme;

The proposal does not generate the need for additional off-street parking or additional refuse needs.

The development does not require the removal of, or damage to, significant or prominent trees, hedges, watercourses, ponds or any other natural landscape features;

The development does not require the removal of any of the above.

The development would not have an unacceptable impact on nature conservation interests or any protected species present;

See Ecology Section below – No objection raised by consultant ecologist.

Drainage and sewerage requirements are met to the satisfaction of the relevant agencies;

N/A

If an agricultural building, it is not one substantially completed within ten years of the date of the application;

The building has been constructed for in excess of ten years.

The proposal would not harm the agricultural or other enterprise occupying the land or buildings in the vicinity;

The land surrounding the building is solely used for residential purposes and not agriculture.

The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the area.

The building is derelict and has not been used for agricultural purposes for a significant amount of time. Its loss is not therefore, likely to result in the need for a further agricultural building.

In addition to the above, while it is understood the building was originally used for agricultural purposes, it is located within close proximity to Yew Tree Farm with no boundaries in place between the buildings. The Council therefore have no concerns over the land formally being changed to a residential use.

The development as proposed is therefore considered acceptable in principle.

Effect of the proposal on the character and appearance of the application site and the surrounding countryside

The Framework aims to deliver high quality design and paragraph 130 states planning decisions should ensure that developments

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.”

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policy ENV1 (High Quality Development in the Borough) of the Rossendale Local Plan echoes the above national policy.

The building in its existing form is considered to detract from the character and appearance of the site owing to its dilapidated condition with sections of the walls collapsed and the entirety of the roof missing. The materials proposed to be used to redevelop the building are sensitive for the location and as a result, the overall appearance of the building is considered to improve.

The development is acceptable in terms of the impact upon the character and appearance of the application site and the surrounding countryside.

Neighbour/Residential Amenity

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. Policy ENV1 of the Local Plan states that new development should protect the amenity of residents ensuring that each resident has an acceptable level of privacy and

satisfactory level of daylight. Important factors such as overlooking and overshadowing will be taken into consideration.

In this instance, the application site is located approximately 200m from the nearest residential dwelling and as such the development will not impact upon any neighbouring property.

In terms of residential amenity, the redevelopment of the building as proposed and the change of use of the land to a residential use is considered to improve the amenity of the occupying residents. The proposals will bring the site back into use with the dilapidated condition of the existing building including the surrounding stone rubble currently appearing as a hazard for occupants of Yew Tree Farm.

Access/Parking

The proposed development will have no impact upon the access/parking arrangements at the site and is therefore acceptable in relation to these matters.

Ecology

The applicant has submitted a Bat Survey alongside the application due to the proposals including the redevelopment of a derelict agricultural building that has the potential to accommodate bat roosts. The concluding comments within the submitted Bat Survey state the following:

“The building has moderate potential to support roosting bats; however, no evidence of bats was recorded within the building during the scoping survey, and no bats were recorded roosting in the building during the emergence / re-entry surveys.

As no bats were found to be using the building on site to roost, no further mitigation or compensation measures are required with regards to bats.”

The Council’s consultant Ecologist has been asked to provide comments on the survey with these stating the following:

“A valid bat report has been provided. The ruined building was assessed as moderate risk and subject to a dusk and dawn survey at an appropriate time of year. No evidence of bats roosting was found and only very low levels of bat activity recorded. I have no reason to doubt the findings of the report.

It can therefore be concluded that the proposed development is very unlikely to negatively impact on the conservation status of bats. As individual bats can on occasion turn up in unexpected locations, I recommend an informative along the following lines is applied to any permission.

Whilst the building to be rebuilt has been assessed as low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).”

The development is therefore, considered acceptable in relation to ecology. The recommended note has been included with the Informative section of the report.

Land Contamination

The Council’s Consultant Environmental Protection Officer has been consulted to provide comments on the proposed scheme in relation to contaminated land. While raising no objection,

the comments received have recommended that a pre-commencement condition be attached to any approval requiring the applicant to submit a Preliminary Risk Assessment report (phase 1) prior to any development work being undertaken. Where the report identifies any potential risks additional reports will be required.

The recommended condition has been agreed with the applicant's agent and is included in the list of conditions below.

9. **CONCLUSION**

The proposed development would be acceptable in principle and would not be detrimental to neighbour amenity or highway safety. The redevelopment and reuse of the building will improve the character and appearance of both the application site and surrounding countryside and will improve amenity for the occupants of Yew Tree Farm.

10. **CONDITIONS**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

- 2) The development shall be carried out in accordance with the planning application form received 17/05/2023 and the following drawings and documentation unless otherwise required by the conditions below:

Title	Drawing No.	Received Date
Location Plan	R-0840-SLP C	27.07.2023
Block Plan	R-0740_SLP	17.05.2023
Plans and Elevations as Proposed	R-0740-04B	08.12.2023

Reason: To define the permission and in the interests of the proper development of the site.

- 3) No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

- 4) Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- i) A Preliminary Risk Assessment report (phase 1), including a conceptual model and a site walk over survey;
- ii) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and

- iii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy (including verification plan) prior to commencement of development. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: To ensure the safe development of the site in the interests of future occupiers

- 5) Pursuant to condition 4; and prior to first use or occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe development of the site in the interests of future occupiers

11. INFORMATIVES

- 1) The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
- 2) Whilst the building to be rebuilt has been assessed as low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).
- 3) During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.
The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

This drawing is the property of Equilibrium Architects and copyright is reserved by them. This drawing is not to be copied or disclosed by or to any unauthorised persons without the prior written consent of Equilibrium Architects.

Do not scale from this drawing.

All dimensions are to be checked on site prior to construction, manufacture of any components and ordering of materials and equipment.

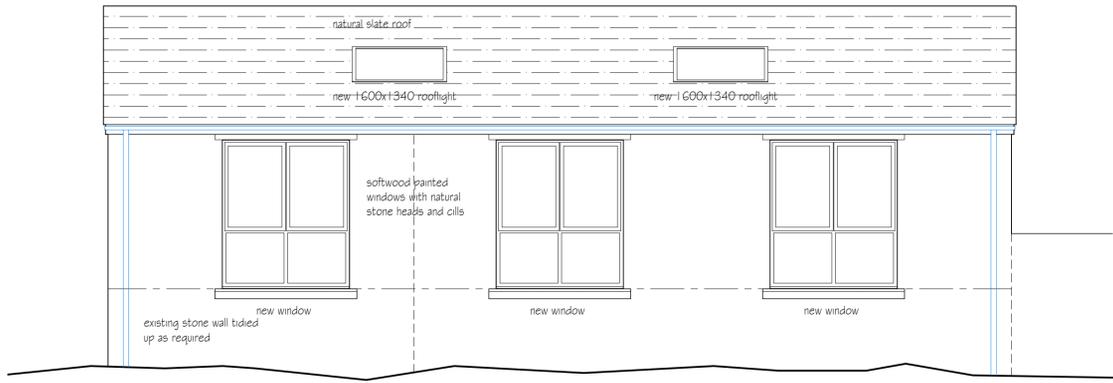
Any discrepancies are to be reported to the architect for clarification.

All materials and workmanship to be in accordance with the current British Standards and codes of practice.

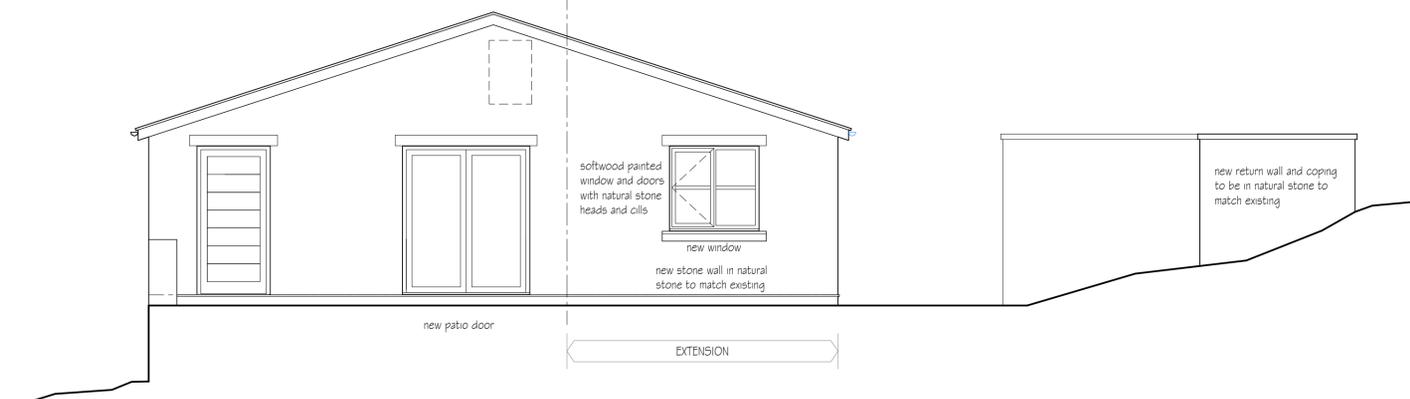
This drawing is to be read in conjunction with all relevant Architectural, Structural Engineers, Mechanical Engineers, Electrical Engineers and Specialists drawings and specifications.

As with all construction projects the CDM 2015 regulations apply and the work on this project may require both the issue of a notification to the HSE (because of the duration of the works on site) and the client may also need to appoint a Principal Designer because there may be more than one contractor working on site. The Principal Designer will be able to coordinate the pre-construction information and also ensure that all duty holders under CDM comply with their relevant duties.

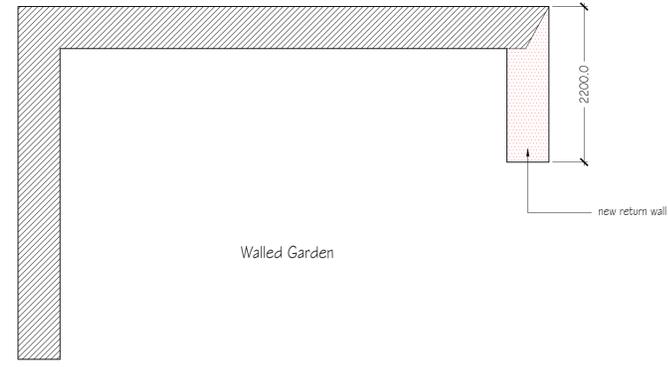
The building owner is to serve a Party Wall Act Notice as applicable to adjoining property owners as outlined in The Party Wall Act 1996. The Building Contractor is to verify the thickness of the party walls prior to commencement of the proposed works.



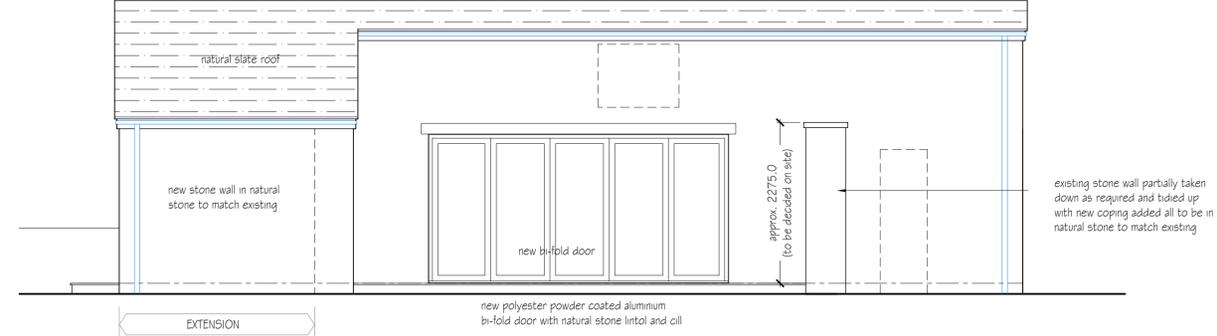
SOUTH EAST ELEVATION AS PROPOSED



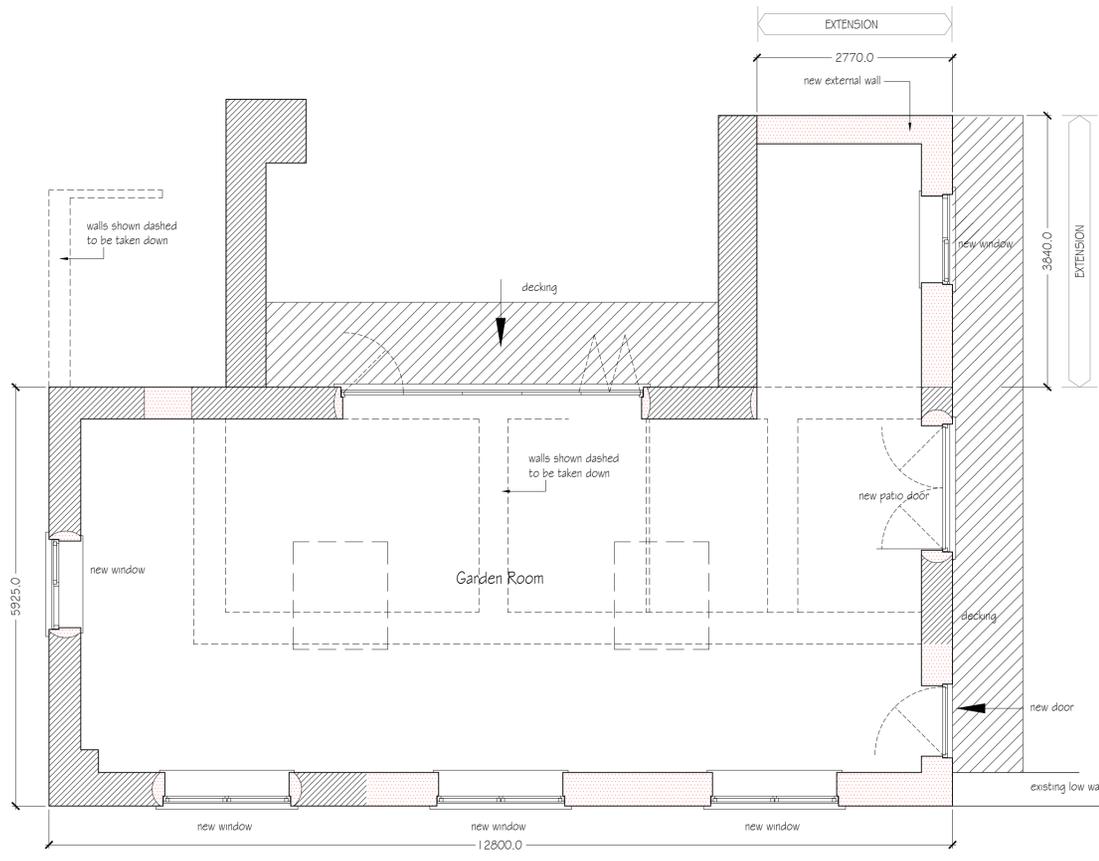
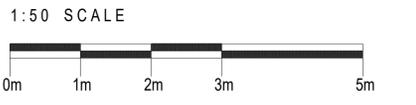
NORTH EAST ELEVATION AS PROPOSED



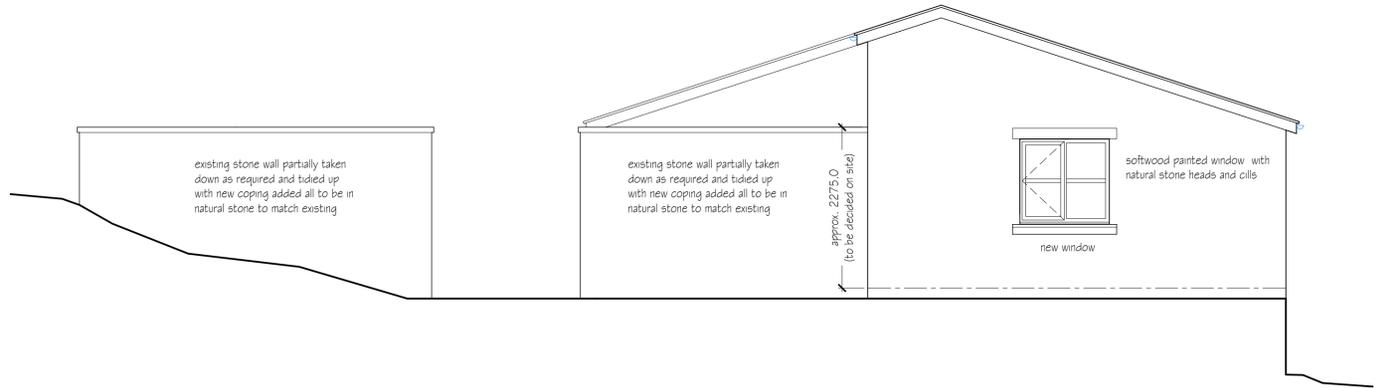
Walled Garden



NORTH WEST ELEVATION AS PROPOSED



PLAN AS PROPOSED



SOUTH WEST ELEVATION AS PROPOSED

B	Added and omitted notes	pm	08.12.2023
A	General notes added	tw	16.05.2023
REV	DESCRIPTION	CHECK	DATE

CLIENT
ANDREW MacNAE

PROJECT
**Lawful Development Application @ Yew Tree Farm
Heald Lane, Weir, Bacup, OL13 8QZ**

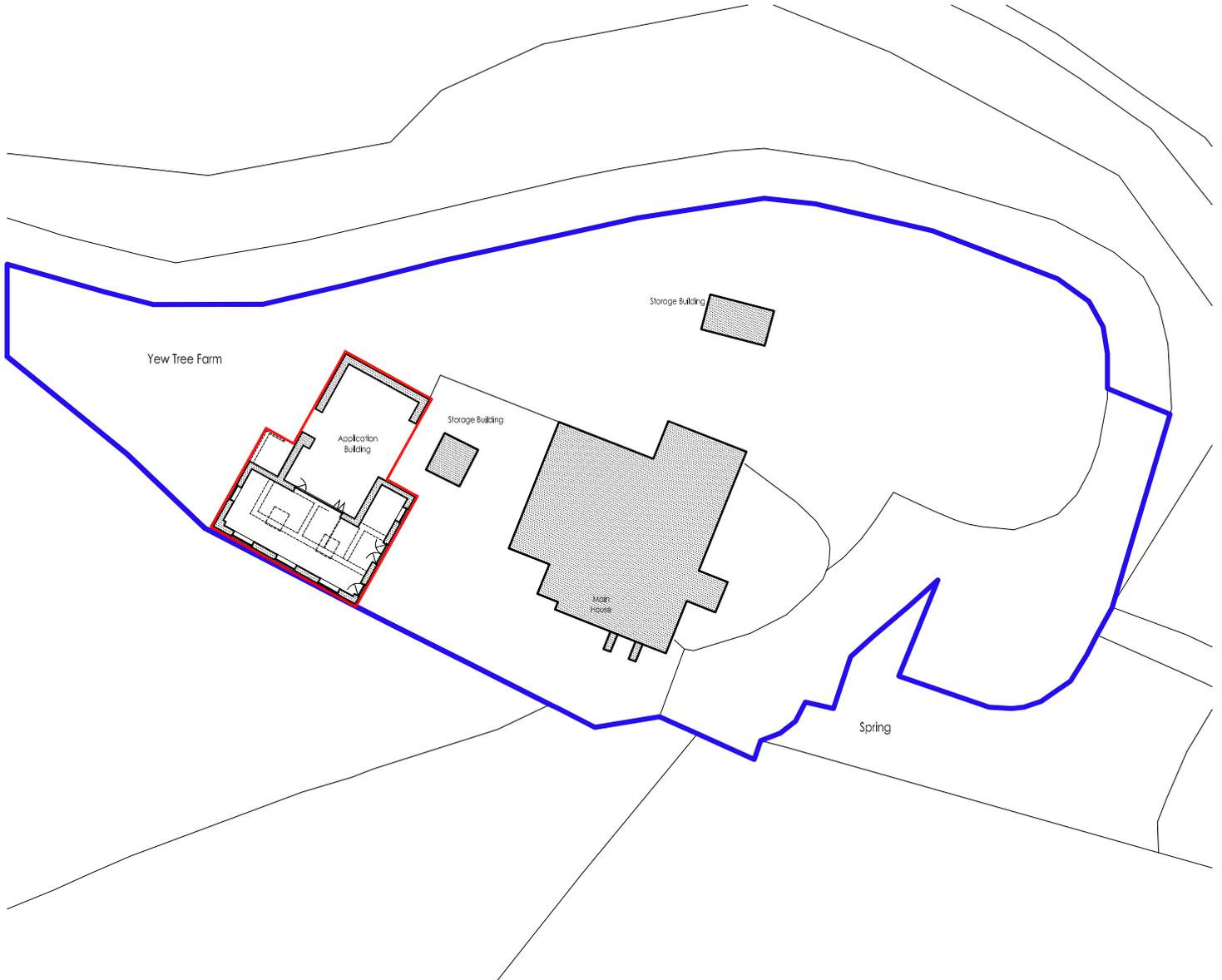
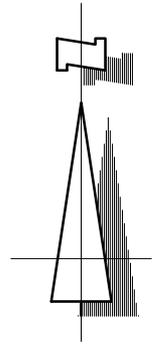
DRAWING
Plan and Elevations as Proposed

SCALE	DATE	DRAWN	CHECKED
1:50 @ A1	October 22		
DRAWING NO.	CAD REFERENCE NO.	REVISION	
R-0740-04		B	

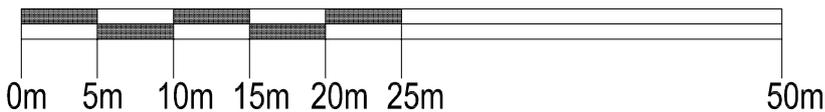


SITE LOCATION PLAN

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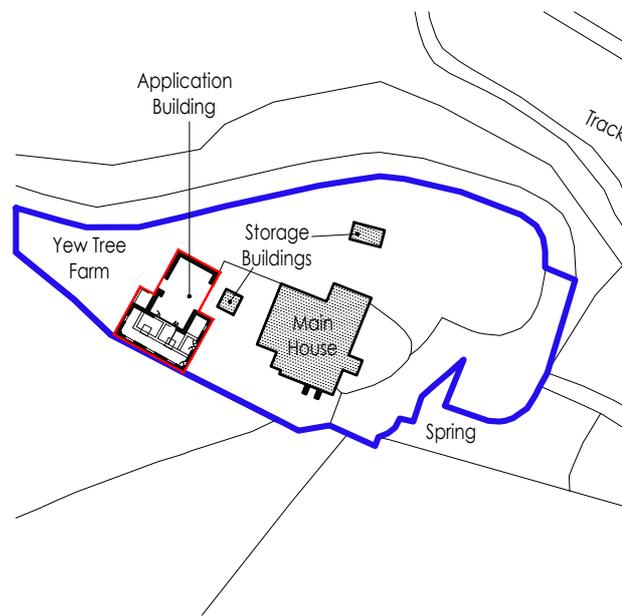
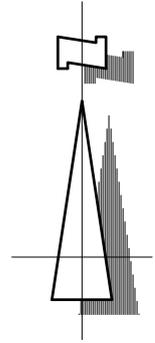


1:500 SCALE



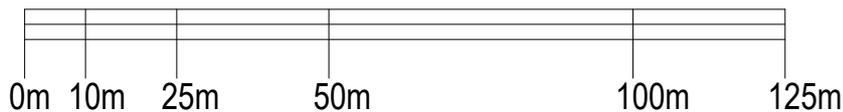
<p>CLIENT ANDREW MacNAE</p>	<p>TITLE Site Location Plan</p>				<p>Bank Chambers, Bank Street. Bury Lancashire BL9 0DL T: 0161 797 2077</p>  <p>E: info@equilibriumarchitects.co.uk</p>
<p>PROJECT Lawful Development Application Yew Tree Farm, Heald Lane, Weir Bacup, OL13 8QZ</p>	<p>SCALE 1:500</p>	<p>DATE 09.2022</p>	<p>DRAWN MK</p>	<p>CHECKED -</p>	
<p>DRAWING NO. R-0740-SLP</p>	<p>CAD REFERENCE NO.</p>		<p>REVISION A</p>		

SITE LOCATION PLAN



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<p>CLIENT ANDREW MacNAE</p>	<p>TITLE Site Location Plan</p>				<p>Bank Chambers, Bank Street. Bury Lancashire BL9 0DL T : 0161 797 2077</p>  <p>E : info@equilibriumarchitects.co.uk</p>
<p>PROJECT Lawful Development Application Yew Tree Farm, Heald Lane, Weir Bacup, OL13 8QZ</p>	<p>SCALE 1:1250@A4</p>	<p>DATE 09.2022</p>	<p>DRAWN MK</p>	<p>CHECKED -</p>	
<p>DRAWING NO. R-0740-SLP</p>	<p>CAD REFERENCE NO.</p>		<p>REVISION C</p>		



