

Application Number:	2022/0096	Application Type:	Full
Proposal:	Change of use and external alterations to Council store building (Use Class B8) into a multi-functional activity room (sui generis) and extension of car parking area.	Location:	Former Aviary Stubbylee Lane Bacup Lancashire
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	May 2022
Applicant:	Stubbylee Community Greenhouses	Determination Expiry Date:	26 th April 2022
Agent:	Mr Nigel Peel, Peel Design Partnership Ltd		

Contact Officer:	Caroline Callow	Telephone:	01706 252432
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Yes Council owned land
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	No
Other (please state):	No

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

That planning permission be granted subject to the conditions set out in the report.

APPLICATION DETAILS

2. SITE AND SURROUNDING AREA

The Aviary Outbuilding is a single storey, stone and brick out building with a coloured profile steel mono-pitched roof, and steel mesh and plastic sheet windows. The property has an external footprint of 69m². The total internal floor area is 54m². The building is located within the formal walled gardens of Stubblelee House at the southeast corner of the walled garden. The rear of the property forms part of the courtyard area of what was once the “Coach House” which now houses further community facilities, public toilets, café and craft shops.

The building was originally used keeping birds for display to the public but more recently has been used by the Council for the storage of garden maintenance equipment and materials. The site is designated in the Local Plan as a Recreation Area and Area of Green Infrastructure.

3. RELEVANT PLANNING HISTORY

2016/0595 and 2016/0596 Stubblelee Barn Change of use from D1 (vocational training centre) to a mixed use comprising a cafe, education centre, function room, community cinema, market trading hall and arts centre, including construction of glazed rear extension to provide an additional covered seating area, and installation of an external flue. Approved 18/01/17

4. PROPOSAL

The proposal is to refurbish the property including new insulating materials to the inside walls, floor and roof, the construction of a new doorway linking directly to the courtyard, new walls, doors and windows to the Northwest Elevation, facing the gardens and the addition of a unisex toilet and utility kitchen internally, plus an all-electric heating and hot water system. Additional security shutters are proposed which will be concealed within the new eaves of the roof. These shutters will be decorated with a garden scene to reflect the formal gardens and will provide security for the glazing when the building is unoccupied. The external footprint and building volume are not altered by the proposal. Two additional car parking spaces will be provided increasing the number to 14 plus 2 disabled spaces and 2 additional overflow parking spaces.

The proposal is to include a change of use to a multi-functional activity room to be used for education purposes, exhibition space, a meeting room, private functions, children’s parties and a meeting venue for outside agencies. The building may be used by 18-28 people at most and between the hours of 9.00am and 5.00pm and 10.00am and 4.00pm at weekends by special arrangement.

The application site is designated as a recreation area and an area of Green Infrastructure in the Rossendale Local Plan.

5. POLICY CONTEXT

National Planning Policy Framework

Section 2 Achieving Sustainable Development
Section 9 Promoting sustainable Transport
Section 11 Making Effective Use of Land
Section 12 Achieving Well Designed Places

Development Plan

Rossendale Local Plan 2019-2036

SS: Spatial Strategy
SD1: Presumption in Favour of Sustainable Development
ENV1: High Quality Development in the Borough
ENV5: Green Infrastructure networks
LT2: Community Facilities

6. REPRESENTATIONS

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 11th March 2022 and a site notice was posted next to the site on 30th March 2022.

No representations have been received.

7. CONSULTATION RESPONSES

RBC Environmental Health:- No objections
LCC Highways:- No objections
Ecology Unit – No objections
Property Services- No objections

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Access, Parking and Highway safety
- 5) Ecology

Principle

Policy LT2 of the Local Plan advises that the creation of new community facilities as part of proposed new developments will be encouraged. Facilities that serve local communities throughout Rossendale have an important social function and enhance the quality of life for residents as well as visitors. The Council will support appropriate proposals which seek to enhance the range of community facilities especially in areas where these are currently limited such as in parts of the east of the Borough.

It is considered that the principle of more fully utilising this building within Stubblelee Park for community purposes would be acceptable and in accordance with Policy LT2 of the Local Plan.

Visual Amenity

Aluminium windows and doors in the north west elevation facing the garden will replace the existing steel mesh and polythene sheet screens. There will be new red-brown brick work and infill masonry to match the existing. New profiled polyester powder coated insulated steel roof panels will be installed. The works will improve the overall appearance of the building.

There will be new polyester powder coated steel roller shutters with garden scenes to protect the building when not in use with the boxes concealed within polyester powder coated eaves. It is accepted that security is required and the proposal will minimise any adverse impact of security shutters.

Neighbour Amenity

The building would be well separated from the nearest separately owned residential property. In view of this it is considered that the proposed building would not detract in any significant way from neighbour amenity (outlook, daylight, privacy or in terms of disturbance).

Access, Parking and Highway Safety

The Highway Development Control Section of Lancashire County Council has no objections to the planning application and is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. The proposal is therefore considered acceptable in respect of highway safety.

Ecology

Greater Manchester Ecology Unit have advised that although the application is not supported by a biodiversity assessment, this conversion of the buildings is unlikely to impact any protected species, due to its construction and current condition. The submission does not therefore require a bat or bird survey.

They have the following general comments:

- Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek and implement ecological advice should they find or suspect that the proposals will impact on protected species.
- Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March - August) unless suitable checks for active bird nests have been undertaken.
- Planning policy encourages (NPPF - July 2021 para 174d) and 179b)) enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application.

The proposal utilises an existing building and will not impact on the green infrastructure and biodiversity and is unlikely to impact on habitats where nesting birds could be present. It is therefore not considered appropriate to request the provision of biodiversity enhancement.

9. CONCLUSION

The proposed development is appropriate in principle. The use for Community purposes is welcomed. The building as existing detracts from Stubbylee Park and its refurbishment would benefit the building and the Park. It is considered that the proposed development accords with Policies SD1, ENV1, ENV5 and LT2 of the Council's adopted Local Plan 2019-2036.

10. RECOMMENDATION

That planning permission be granted subject to the conditions set out below.

11. CONDITIONS

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

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with application form submitted on the 18/02/22 and the following drawings, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Proposed ground and roof Plans.	21-12-10-A	18/02/22
Proposed Block plan	21-12-11	18/02/22

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

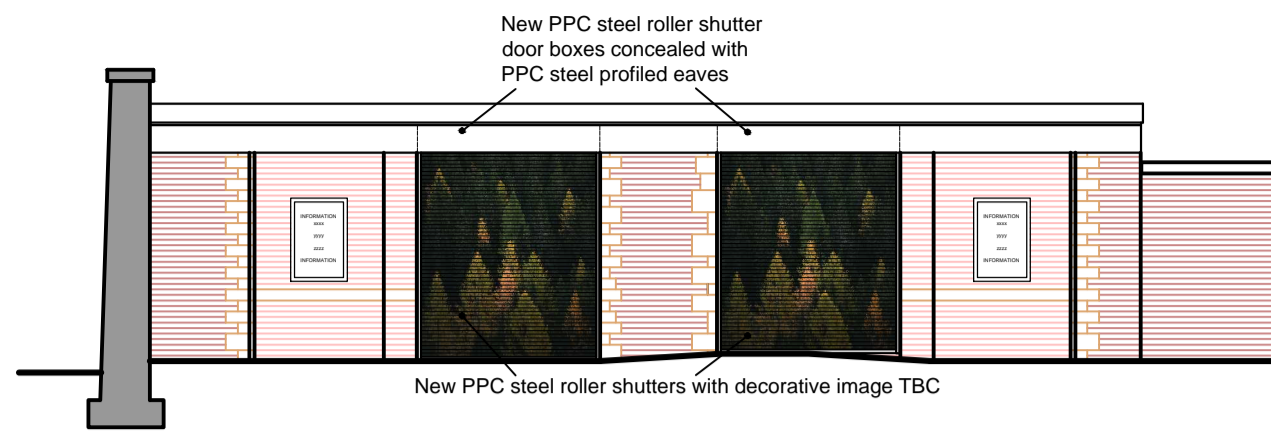
3. All external facing materials of the development hereby permitted shall match in colour, form and texture those on the existing building.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular.

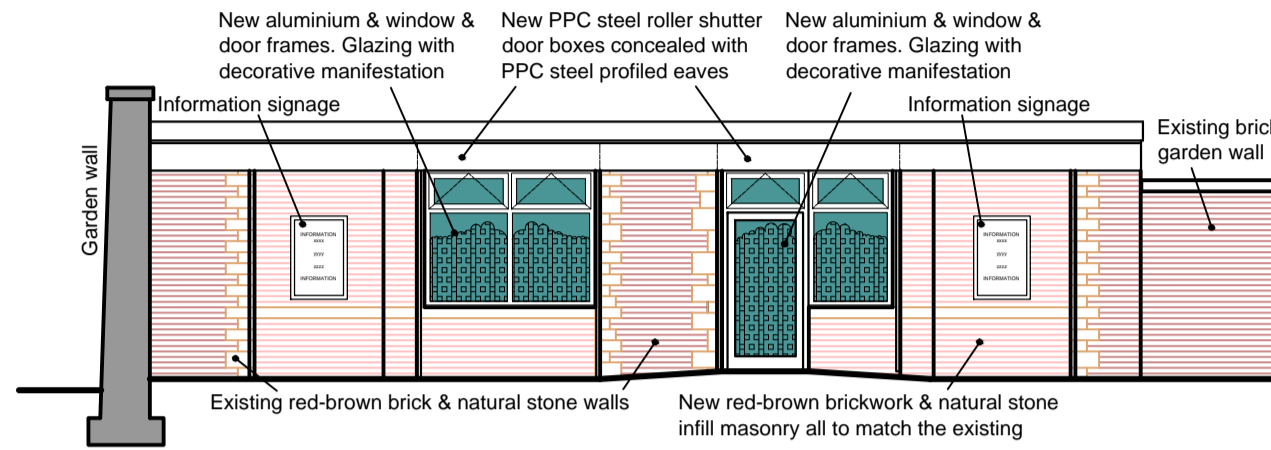
12. INFORMATIVES

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. The applicant is advised that any works or use on land owned by Rossendale Borough Council is subject to prior agreement with the Council by formal licence or lease.
3. Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.
4. The applicant is reminded that should they find any protected species on or near the site during the development, work should cease and a suitably experienced ecologist employed to advise how best to safeguard the species.

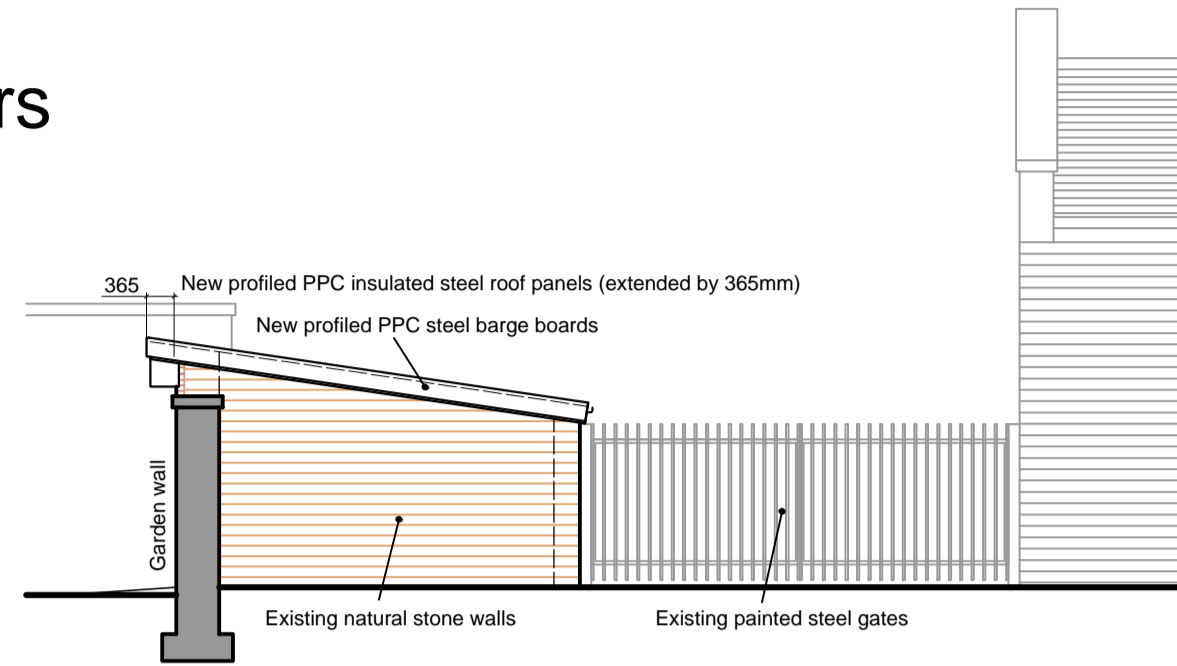
Proposed Elevations @1:100



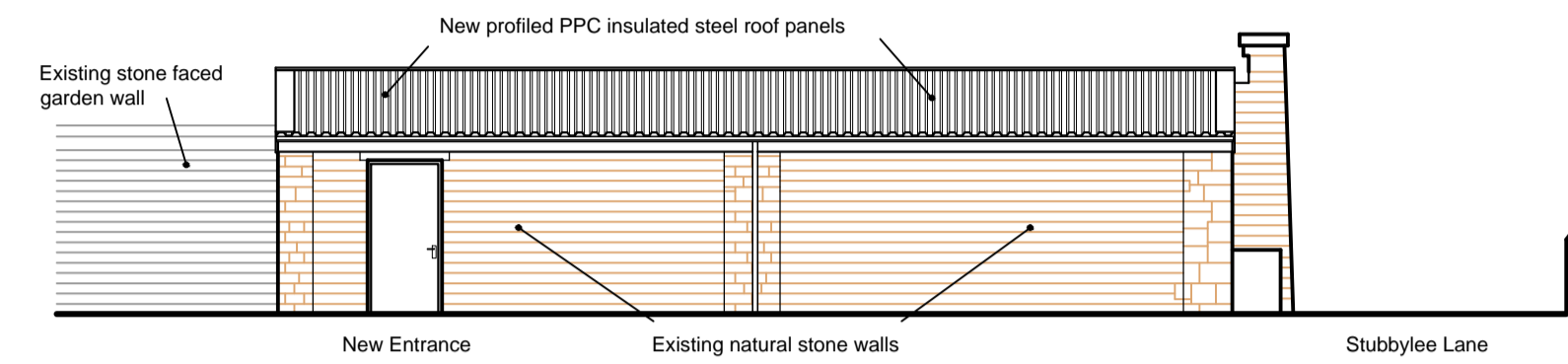
Proposed Northwest Elevation Out of Hours



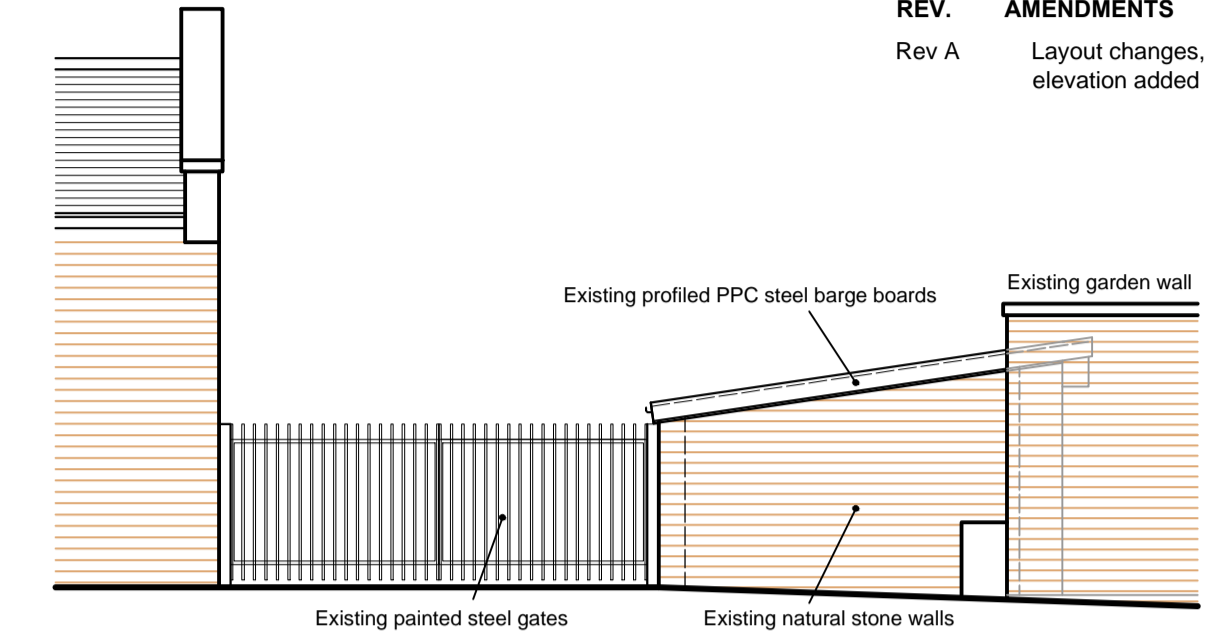
Proposed Northwest Elevation



Proposed Southwest Elevation

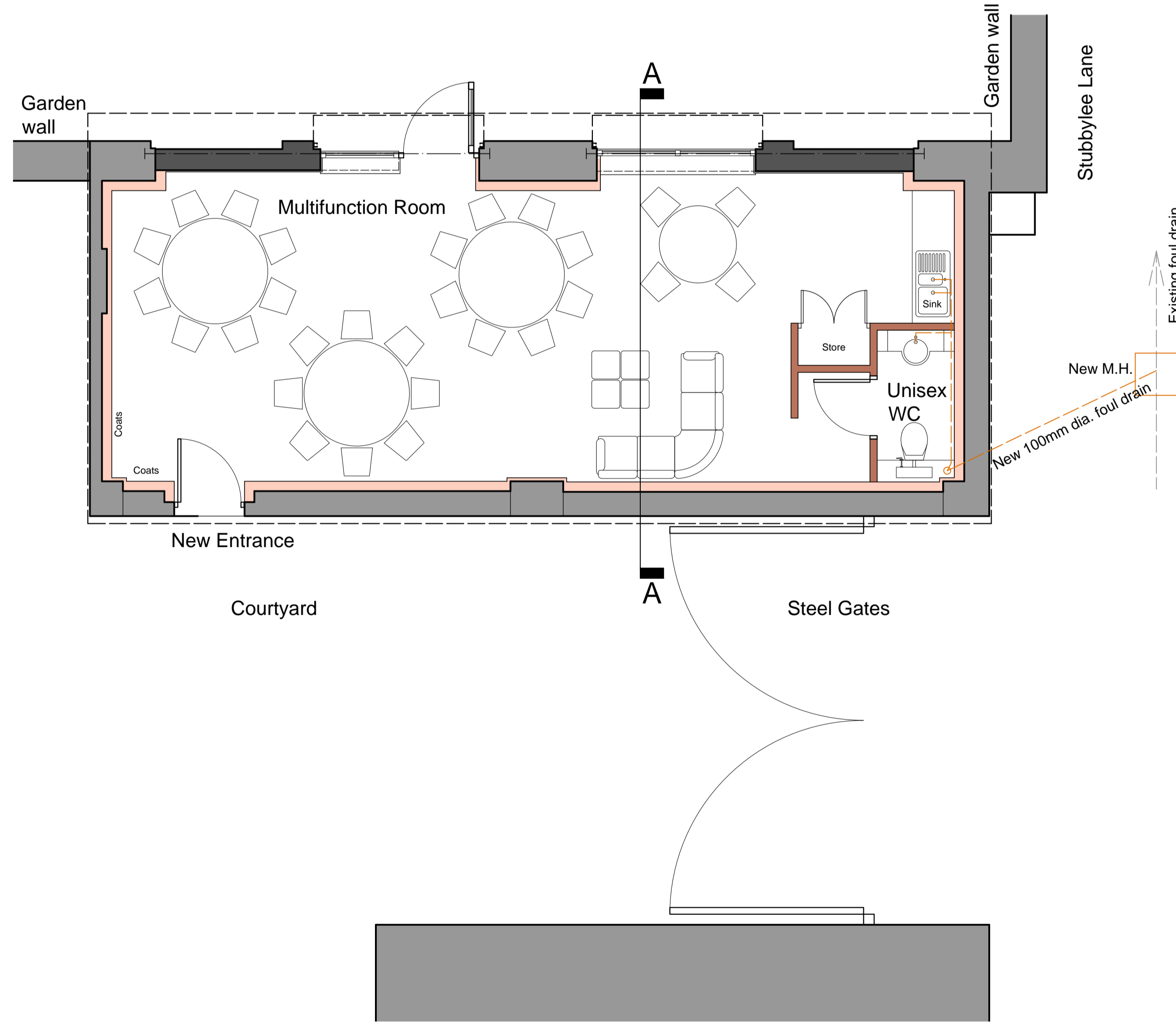


Proposed Southeast Elevation

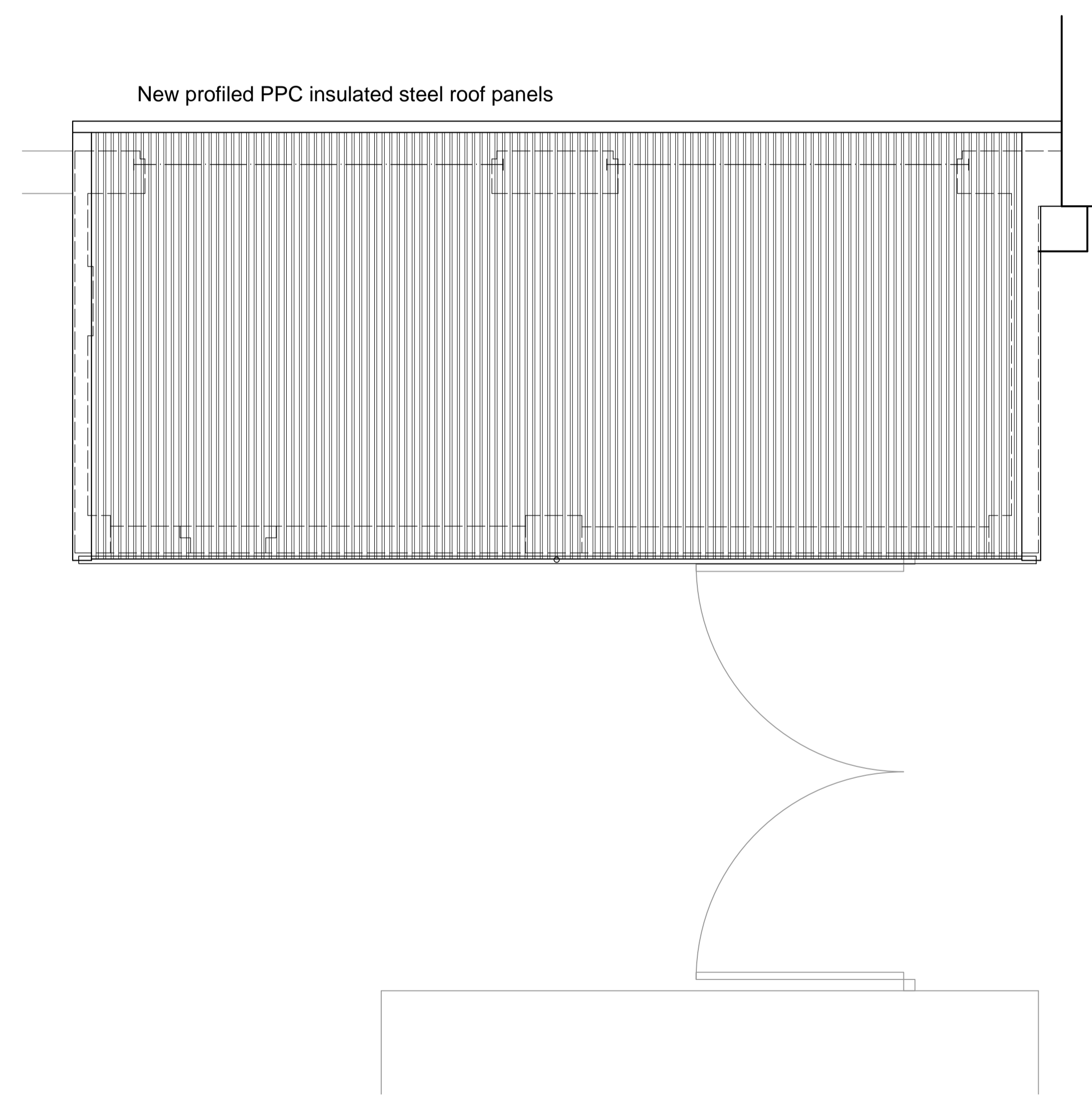


Proposed Northeast Elevation

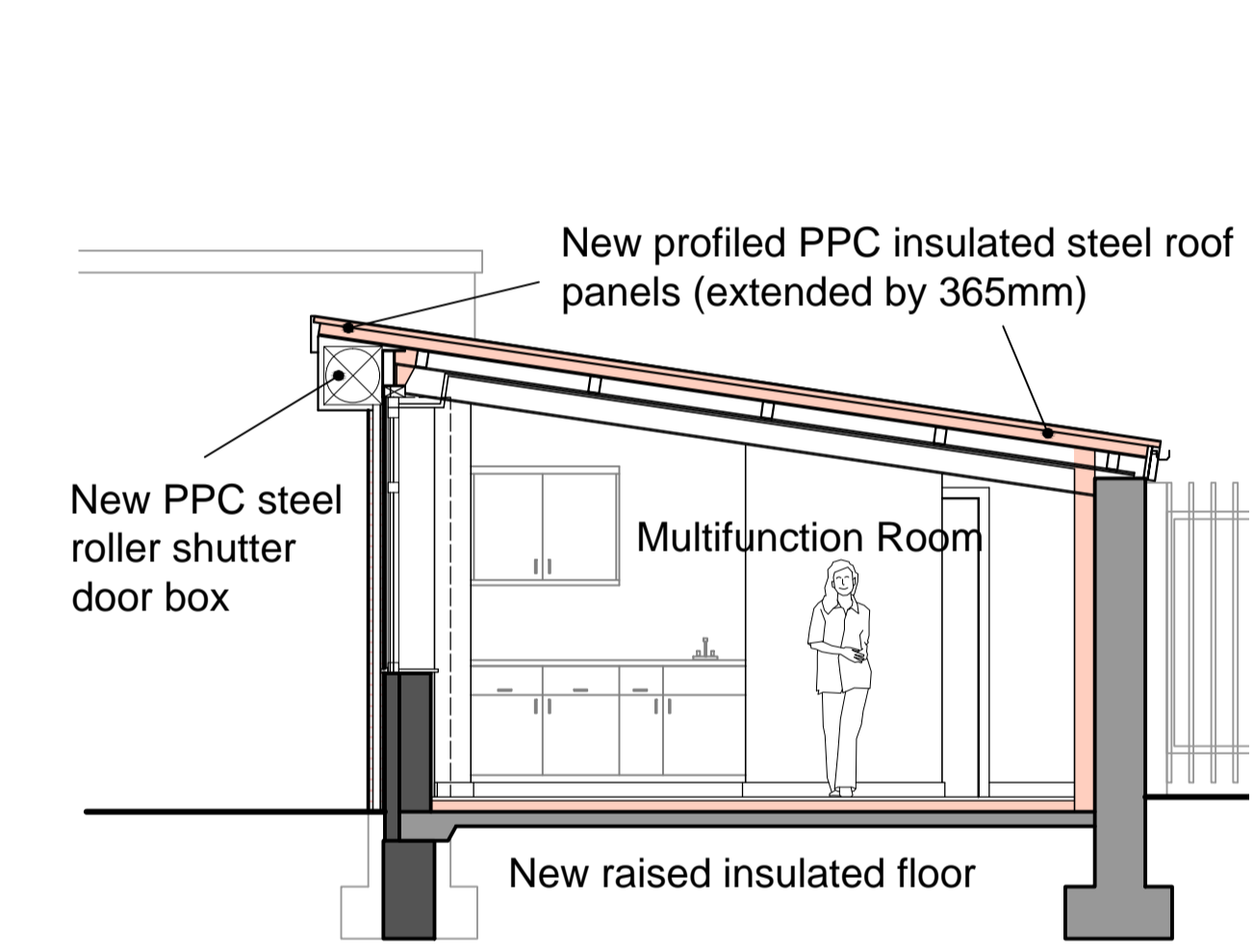
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 - This drawing is to be read in conjunction with all relevant consultants' and / or specialists' drawings / documents and any discrepancies or variations are to be notified to the architect before affected work commences.
- | REV. | AMENDMENTS | DATE |
|-------|---|----------|
| Rev A | Layout changes, drainage added, new elevation added | 21-10-27 |



Proposed Ground Floor Plan



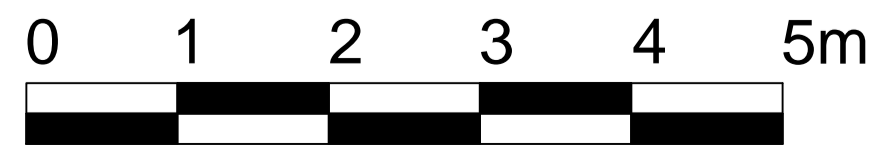
Proposed Roof Plan



Proposed Section AA

- Existing masonry
- New masonry
- Insulated wall & roof linings
- Timber stud partition walling

Proposed Plans & Section AA @1:50



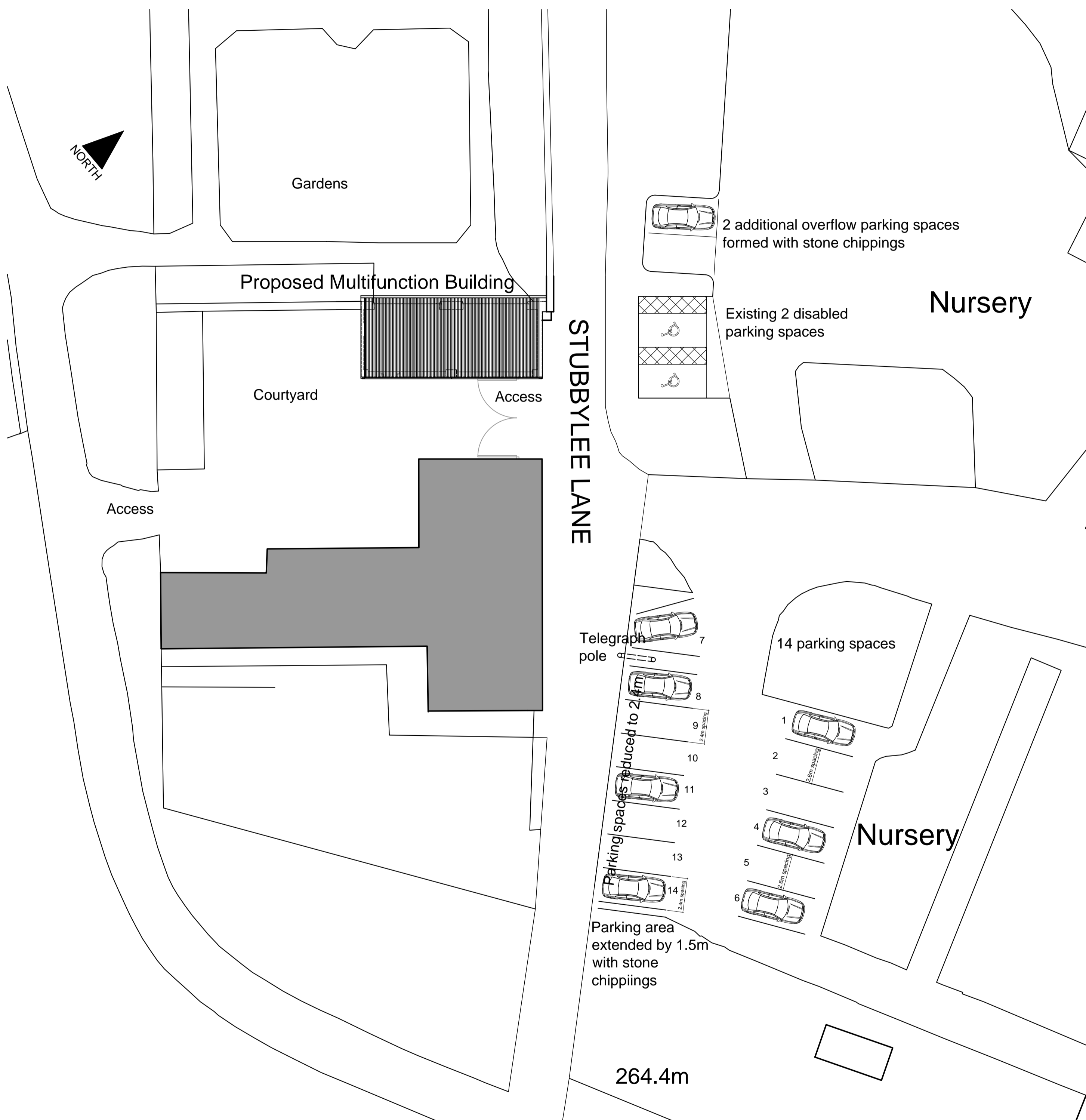
Project	CONVERSION OF AVIARY OUTBUILDING INTO MULTIFUNCTION COMMUNITY ROOM
Drawing	STUBBYLEE HOUSE, STUBBYLEE LANE, BACUP OL13 0DD
Client	PROPOSED GROUND AND ROOF PLANS PLUS PROPOSED ELEVATIONS & SECTION AA
Dwn. By	STUBBYLEE COMMUNITY GREENHOUSES
Scale	NP
Drg. No.	1:50 & 1:100 @ A1
Drg. Size	21-12-10-A
Date	A1
	OCTOBER 2021

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REV. AMENDMENTS

DATE



Proposed Block Plan @ 1:200 at A2 0 1 2 3 4 5m

Project	CONVERSION OF AVIARY OUTBUILDING INTO MULTIFUNCTION COMMUNITY ROOM STUBBLEE HOUSE, STUBBLEE LANE, BACUP OL13 0DD
Drawing	PROPOSED BLOCK PLAN
Client	STUBBLEE COMMUNITY GREENHOUSES
Dwn. By	NP
Scale	1:200 @ A2
Drg. No.	21-12-11
Drg. Size	A2
Date	JANUARY 2022