

## **APPLICATION REPORT – 20/01087/FUL**

**Validation Date: 13 October 2020**

**Ward: Lostock**

**Type of Application: Full Planning**

**Proposal: Redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings**

**Location: Roecroft Farmhouse Ulnes Walton Lane Ulnes Walton Leyland PR26 8LT**

**Case Officer: Johndaniel Jaques**

**Applicant: Mr Colin & Robert Barlow**

**Agent: Mr David Marsden, Warwick Consultancy**

**Consultation expiry: 29 June 2021**

**Decision due by: 5 February 2021**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions.

### **SITE DESCRIPTION**

2. The application site is located in the Green Belt and also lies within the buffer zone for a Gas Transmission Pipeline. It is occupied by a group of 8 former farm buildings associated with the adjacent Roecroft Farmhouse (which is not within the site defined by the red edge plan) lying to the south of the site. The site is accessed from and lies immediately adjacent to Ulnes Walton Lane. On the opposite side of this road is a residential property, Four Oaks. The land around the site is a mix of scrub and agricultural land.
3. Roecroft Farmhouse is a grade II listed building, and the 8 buildings on the site are considered to be curtilage buildings. The Farmhouse dates from the 18<sup>th</sup> Century. Some of the buildings on the site are modern, but the main barn building (referred to as building 7 in the submission) was probably built between the late 18<sup>th</sup> and mid 19<sup>th</sup> Century.
4. The site benefits from a Certificate of Lawfulness (20/00437/CLEUD) granted on 16<sup>th</sup> July 2020 for an existing use of land and buildings for general storage including caravans, boat, trailer, vehicles, fencing materials, builders plant, machinery, tools and scaffolding.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The application seeks planning permission for the redevelopment of the site to include some demolition and conversion of buildings to create a total of 5no. residential dwellings (units 2-6).
6. The following works are proposed to buildings 2-9:  
Building 2 – retain and extend to provide unit 2, which would be single storey. A new single garage is proposed to serve this unit.  
Buildings 3, 4, 5 & 6 – demolish.

Building 7 – Retain and convert into 2no. dwellings, units 3 & 4. Two new double garages are proposed to serve these units.

Building 8 – To be demolished and replaced with a single storey dwelling known as unit 5. A new single garage is proposed to serve this unit.

Building 9 – To be demolished and replaced with a single storey dwelling known as unit 6. A new single garage is proposed to serve this unit.

7. Access would be via the existing site access, which would be widened. To provide improved visibility splays the existing hedging along the boundary with the highway is to be removed with a new 900mm high timber post and panel fence to be erected at the rear of the splays with a new blackthorn hedge to be planted behind this.
8. Several trees would be removed as a result of the proposals.

## **REPRESENTATIONS**

9. No representations have been received.

## **CONSULTATIONS**

10. Ulnes Walton Parish Council – No comments have been received.
11. CIL Officers – Comment that the proposal is CIL liable.
12. Historic England – Have confirmed that they have no comments.
13. Growth Lancashire – Have no objections subject to conditions regarding materials, details of windows/doors, rainwater goods and roof-lights and methodology/specification for the repair of existing external brickwork/fabric.
14. Lancashire County Council Highway Services – Have no objections subject to conditions regarding provision of a turning area, provision of visibility splays and provision of bound material for the access for 5m into the site. Informative regarding S.184 of Highways Act to deal with works to the access.
15. Greater Manchester Ecology Unit – Have no objections subject to conditions regarding bat mitigation measures, sensitive lighting, barn owl mitigation method statement, breeding birds, Great Crested Newt Reasonable Avoidance Measures, hedgerow translocation, and biodiversity enhancement measures.
16. HSE – Have no objections.
17. Cadent Gas – Have no objections subject to a condition regarding vibration monitoring.
18. Council's Tree Officer – Have no objections subject to retained trees being protected in line with the submitted tree protection measures and the relevant British Standard.
19. United Utilities – Have no objections subject to conditions regarding surface water drainage, and foul and surface water to be drained on separate systems.
20. Waste & Contaminated Land – Have confirmed that they have no comments.
21. Lancashire County Council Archaeology Service – Have no objections subject to a condition regarding a programme of building recording.

## PLANNING CONSIDERATIONS

### Principle of development

22. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the Framework. Section 13 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
23. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 145 of the Framework of development that need not be considered inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
25. Whilst the test for sites such as this relates to the impact on openness, the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria in making that assessment. It is considered that in respect of the Framework, the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
26. To engage with the exceptions of paragraph 145 of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site.
27. This part of Ulnes Walton is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:  
"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."
28. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.
29. Whether harm is caused to openness depends on a variety of factors, such as the scale of the development, its locational context and its spatial and/or visual implications. At present, the site is occupied by a number of outbuildings which are spread across the site, as well as an access / driveway and associated hardstanding areas. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change.

30. The proposal involves the demolition of a number of buildings on the site, which helps to offset the harm caused to openness which would arise from the proposed development.
31. When assessing volumes of proposals national policy allows for the replacement of a building provided, among other things, that they are not materially larger. The Council considers that a volume increase of up to 30% is not 'materially larger'. In this case the volume of the proposed buildings is the same as the existing situation and, therefore, there would be no material increase, when considering the impact on the openness of the Green Belt.
32. Given that the building (building 6) with the highest eaves (5.3m) and ridge height (8.1m) is to be demolished, and the total volume of the proposed buildings would be re-distributed into low level, generally single storey buildings; it is considered that the impact upon the openness of the Green Belt caused by the proposed development is less than the existing situation. As such it is not considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development.
33. The proposal is considered to accord with exception (g) of paragraph 145 and is not, therefore, inappropriate development in the Green Belt.
34. In relation to the scale of development in an 'other area' as identified by Policy 1(f) of the Central Lancashire Core Strategy the proposed development is not major development and, therefore, falls to be considered small scale. As such it is considered that the proposed development is compliant with Policy 1(f) of the Central Lancashire Core Strategy.
35. The site lies within the buffer zone of a Gas Transmission Pipeline which lies to the west of the site. Neither Cadent Gas nor the HSE raise any objections to the proposal, but the condition recommended by cadent gas regarding vibration monitoring in the vicinity of the pipeline is recommended.
36. Although the existing use of the site for storage has been established through the issue of a Certificate of Lawfulness, this use does not provide employment opportunities. In addition, the buildings in their current form are not of a quality to provide good quality employment uses. As such, in this particular case, it is not considered that the application needs to be supported by additional detailed information as required by Policy 1 of the Core Strategy, as it would not be contrary to it.

#### Impact on designated heritage assets

37. The principal statutory duty under the P(LBCA) Act 1990 is to preserve the special character of heritage assets, which includes their setting. Local Planning Authorities (LPAs) should in coming to decisions consider the principle act which states the following;
38. Listed Buildings - Section 66(1) in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.
36. The National Planning Policy Framework (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It sets out that in determining planning applications LPAs should take account of;
- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c. The desirability of new development making a positive contribution to local character and distinctiveness.
39. Paragraph 193 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of

whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

40. Paragraph 194 states that any harm or loss of significance to a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification.
41. Paragraph 196 states that where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
42. The Central Lancashire Core Strategy policy 16 and policy BNE8 of the Chorley Local Plan 2012-2026 reflect this approach and support the protection of designated heritage assets.
43. A heritage statement has been submitted in support of the proposed development to assess the potential impact of the proposal upon the grade II listed farmhouse which includes its setting which includes this site.
44. This statement has been reviewed by the Council's heritage advisors (Growth Lancashire) who support the principle of the conversion of the barn (building 7) but would prefer to see building 2 (to be retained and extended to become unit 2) into ancillary use with the farmhouse. They raise no objections to the demolition of those buildings proposed to be removed and comment that the benefits of converting the barn into dwellings would be tempered slightly by internal changes and intensive use of space. Comment is also made that thought should be given to the enclosure of the private rear spaces and how garaging for the wider farm group setting is provided, although it is acknowledged that these are only secondary elements with only a minor impact on the scheme.
45. Overall it is considered that whilst there would be some very low level of harm caused by aspects of the proposal, the scheme, when taken as a whole, has the potential to generate wider benefits from the sustained use of the group of traditional buildings which would help retain the contribution made by the 'farm group' to the significance Roecroft Farmhouse.
46. The public benefits of the scheme need to be weighed against the identified very low level of harm. There are a number of public benefits of the scheme in terms of improving the character and appearance of the site, improved visibility at the access to the highway, provision of housing and the sustained use of the site referred to above. It is considered that these benefits would outweigh the identified harm, and as such the proposal conforms with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 the Framework, policy 16 of the Core Strategy and policy BNE8 of the Chorley Local Plan 2012 - 2026.

#### Impact on the character and appearance of the area

47. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
48. The application site has a generally tired and unkempt appearance. A number of the modern outbuildings are not in a good state of repair and detract from the overall appearance of the site. In particular, the highest building on the site is constructed mainly from corrugated metal sheeting and its removal would enhance the site.
49. Proposals for the converted barn which is the most prominent building when viewed from the road, would replace the corrugated metal roofing with slate, and doors and windows would be

replaced as appropriate with painted timber versions. New dwellings would be constructed from appropriate materials including brick and timber board cladding with slate roofs.

50. The proposed development is considered to accord with policy BNE1 of the Chorley Local Plan 2012 -2026 in respect of design considerations.

#### Impact on neighbouring amenity

51. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

52. Within the site, the interface between units 4 and 5 would be 10.5m which would be slightly below the usual requirement of 12m given the close knit character of the existing buildings on site, it is considered that this relationship between the proposed units, on balance would be acceptable.

53. The nearest existing neighbouring dwelling, Four Oaks, is located on the other side of Ulnes Walton Lane which is well separated from the application site so as to not be adversely impacted upon by overlooking, loss of privacy or overbearing effect.

54. Each proposed dwellinghouse would have sufficient private amenity space to carry out day-to-day domestic activities and would afford acceptable living conditions to future occupiers.

55. The proposed development is considered to be a compatible use with its surroundings and would not give rise to adverse impacts of noise and disturbance given the small-scale domestic nature of the proposal.

56. The proposed development is considered to accord with the provisions of policy BNE1 of the Chorley Local Plan 2012 – 20126 in respect of amenity.

#### Highway safety

57. Lancashire County Council Highway Services consider that the proposal would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The access arrangement and turning head for refuse and delivery vehicles are also acceptable. It is considered that suitable parking provision is provided within the site. Conditions suggested by LCC Highways are recommended. Therefore, it is considered that the access and parking arrangements are acceptable and highway impacts would not be significantly adverse, and as such the proposal accords with Policy 3 of the Core Strategy and policies ST1 and ST4 of the Chorley Local Plan 2012 - 2026.

#### Ecology/Trees

58. The application is accompanied by a preliminary ecological appraisal of the site, and a further bat dusk survey report. The dusk surveys were undertaken in August and September 2020 and concluded that building 7 contains two bats roosts. The ecological reports have been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit (GMEU)) who have confirmed that the requirement for a bat licence from Natural England for works to building 7 because this supports two bat roosts can be dealt with by condition.

59. In considering the three tests of the Habitat Regulations 2017, the proposal would deliver social and economic benefits through the delivery of housing on a brownfield site, which would contribute to the Council's housing land supply. Secured by appropriate conditions, the proposal would deliver environmental enhancements through the landscaping of the site which would include biodiversity gains including features such as bat boxes. In terms of test 2, to do nothing would mean that the public benefits cannot be delivered and the

enhancements, in particular for bats, would not be delivered. The identified roost is not considered critical to the favourable conservation status of the population of the bat species and as such it would be maintained. It is considered that the tests are met. The identified day roost is of low conservation concern, and the proposed mitigation is proportionate and appropriate to that use but nonetheless, favourable conservation status of the population of the species would be maintained. Having regard to the above, and the recommended condition, it is not considered that the proposal would be detrimental to nature conservation interests or bats which are a European protected species.

60. GMEU advise that a number of issues can be dealt with by condition. It has raised concerns about the removal of the hedgerow along the site frontage, and consider that if it has to be removed it should be translocated, The hedge does need to be removed to provide the require visibility splays at the access. It is not considered that translocation of an overgrown hedge is likely to be feasible, and its replacement with a native blackthorn hedge is considered acceptable.

61. In relation to trees some trees would be felled as part of the works. However, the Council's Tree Officer is satisfied that the majority of trees on the site are to be retained, and those to be removed are not of high arboricultural or visual amenity value.

62. Therefore, it is considered that the proposal accords with the requirements of the Conservation of Habitats and Species Regulations 2018 as amended, chapter 15 of the Framework, policy 22 of the Core Strategy and policies BNE9, BNE10 and BNE11 of the Chorley Local Plan 2012 -2026.

#### Public open space

63. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

64. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.

65. Specifically, the guidance was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.

66. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.

67. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.

68. There is currently a deficit of provision in Lostock in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. However, a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision and none are identified at present.

69. Therefore, a public open space commuted sum is not requested for this scheme.

#### Sustainability

70. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

69. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by conditions.

#### Drainage

70. United Utilities have been consulted on this application and raise no objections. They do, however, recommend drainage conditions in relation to surface water drainage and that foul and surface water should be drained on separate systems.

#### Community Infrastructure Levy (CIL)

71. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council’s Charging Schedule.

### **CONCLUSION**

72. The proposal accords with the exception of paragraph 145 (g) of the National Planning Policy Framework and is not, therefore, inappropriate development in the Green Belt. The identified very low level of harm caused to the setting of the listed building would be clearly outweighed by the public benefits of the scheme. The proposal would not be detrimental to the character and appearance of the area, would not prejudice highway safety and would not be detrimental to nature conservation interests or European protected species. The proposed development would make a small contribution to the Council’s housing land supply. The application is considered to accord with the relevant policies of the Development Plan and is recommended for approval, subject to conditions.



## RELEVANT HISTORY OF THE SITE

**Ref:** 20/00437/CLEUD                      **Decision:** PEREUD                      **Decision Date:** 16 July 2020

**Description:** Application for a certificate of lawfulness for an existing use of land and buildings for general storage including caravans, boat, trailer, vehicles, fencing materials, builders plant, machinery, tools and scaffolding

**Ref:** 21/00622/LBC                      **Decision:** PDE                      **Decision Date:** Pending

**Description:** Application for listed building consent for redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

### Suggested conditions

To follow.