

APPLICATION REPORT – 22/00509/FUL

Validation Date: 11 May 2022

Ward: Croston, Mawdesley And Euxton South

Type of Application: Full Planning

Proposal: Redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings (resubmission of 20/01087/FUL)

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

Case Officer: Mike Halsall

Applicant: Mr Colin & Robert Barlow

Agent: Mr David Marsden

Consultation expiry: 8 June 2022

Decision due by: 16 September 2022 (Extension of time agreed)

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 18th 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 18th and mid 19th Century.
4. The site benefits from a Certificate of Lawfulness (20/00437/CLEUD) granted on 16 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.
5. Planning permission and listed building consent was granted on 20 July 2021 (refs. 20/01087/FUL and 21/00622/LBC) for the redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings. A Section 73 application (ref. 21/01290/FUL) was approved in January 2022 to vary condition 1 of planning permission ref. 20/01087/FUL to include a phasing plan for the development. The phasing plan enables the development to occur in four phases which would mean that it would not be liable for the full Community Infrastructure Levy (CIL) amount once development commences (as would have been the case with the original consent), and instead the CIL payment can now be phased.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The current application seeks full planning permission for the same development as approved under S73 application ref. 21/01290/FUL as follows:
 - 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. The only changes proposed by this application in comparison to the previously approved proposal are that Units 5 and 6 have been increased in size to include a first-floor area in the roof void with a new one and a half storey design. Their built form/footprint has also been changed. The changes are explained in more detail within the Planning Considerations section of this report.

REPRESENTATIONS

9. No representations have been received.

CONSULTATIONS

10. Lancashire County Council Archaeology Service: Have no objections subject to a condition regarding a programme of building recording.
11. Cadent Gas: Have not responded on this occasion, although responded to the previous proposal with no objections subject to a condition regarding vibration monitoring. It would therefore seem reasonable to attach the same condition to any grant of planning permission for the current proposal, given the minor nature of the proposed changes compared to the existing approved scheme.
12. Greater Manchester Ecology Unit: have responded to highlight the need for the same condition to be attached in relation to bat licensing as was attached to the existing planning permission. It is also considered necessary to include conditions relating to breeding birds, barn owl, reasonable avoidance measures for protected species and the delivery of ecological enhancements at the site.
13. Historic England: have responded to state they have no comments on the application.
14. Lancashire Highway Services (LCC 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. Historic Buildings and Places: Have not responded on this occasion.
16. The Council For British Archaeology: Have not responded on this occasion.
17. Society for the Protection of Ancient Buildings (SPAB): Have not responded on this occasion.

18. The Georgian Group: Have not responded on this occasion.
19. The Victorian Society: Have not responded on this occasion.
20. Ulnes Walton Parish Council: Have not responded on this occasion.

PLANNING CONSIDERATIONS

Principle of the development

21. The acceptability in principle of the redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings in the Green Belt, has been established by the approval of planning permission ref. 20/01087/FUL and subsequent variation ref. 21/01290/FUL and is explained below. Any change to the nature or magnitude of impacts of this proposal, compared to the previous approvals, is also identified.
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 the case of the previously approved proposal, the volume of the proposed buildings was the same as the existing situation and, therefore, it was concluded that there would be no material increase, when considering the impact on the openness of the Green Belt.
32. The conclusion drawn in relation to the previously approved proposal at this site was that 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 was not considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development.
33. The proposal would increase the maximum height of the approved buildings on units 5 and 6 by approximately 2m to a total height of approximately 6m and the overall new built volume at the site by approximately 555 cubic metres. It is not considered that the proposed increase in scale of two of the proposed buildings at the site would make any change to the acceptability of the proposal. The proposed increase in volume compared to the existing buildings would be approximately 18% and so well within the Council's 30% limit. It is considered that the proposal accords with the exception of paragraph 145 (g) of the National Planning Policy Framework.
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, as was the case with the previously approved proposal, 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. In light of the above, the proposal is inappropriate development in the Green Belt and is acceptable in principle.

Other issues

36. The proposed development compared to the approved scheme is limited to the increase in height and a change to the form of Units 5 and 6, as described above. There would be no notable change to the potential impacts upon highway safety, residential amenity, the character and appearance of the area, drainage or designated heritage assets. Conditions attached to the previous consent would be copied over to any new grant of planning permission for consistency and to ensure the same level of protection and mitigation is employed.

37. Similarly, there is no change to the situation with regards to Public Open Space requirements or the Community Infrastructure Levy requirements, compared to the previously approved proposal.

CONCLUSION

38. It is considered that the changes to the previous planning approvals proposed by this application do not change the conclusions with regards to the acceptability of the proposal. 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: 20/00226/FUL **Decision:** PERFPP **Decision Date:** 17 July 2020
Description: Erection of agricultural livestock building and construction of vehicular access and manoeuvring areas

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: 20/01087/FUL **Decision:** PERFPP **Decision Date:** 20 July 2021
Description: Redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings

Ref: 21/00622/LBC **Decision:** PERLBC **Decision Date:** 20 July 2021
Description: Application for listed building consent for redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings

Ref: 21/01290/FUL **Decision:** PERFPP **Decision Date:** 10 January 2022
Description: Section 73 application to vary condition no.1 (approved plans) of planning permission reference 20/01087/FUL (Redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings) to include a phasing plan for the development

Ref: 22/00511/LBC **Decision:** PCO **Decision Date:**
Description: Application for listed building consent for redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings (resubmission of 21/00622/LBC)

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 and the legislation of the Planning (Listed Buildings and Conservation Areas) Act 1990. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Reason: For the avoidance of doubt and in the interests of proper planning

Title	Plan Ref	Received On
Location Plan	D410/P10 Rev A	11 May 2022
Proposed Site Phasing Plan	D410/P22 Rev A	11 May 2022
Proposed Site Plan	D410/P08 Rev C	11 May 2022
Proposed Site Accessway Details	D410/P19 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 1)	D410/P09 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 2)	D410/P10 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 3)	D410/P11 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 4)	D410/P12	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 5)	D410/P13	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 6)	D410/P14	11 May 2022

3. Prior to the commencement of development samples/details of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved and retained thereafter.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. Prior to the commencement of development, full details of the proposed windows/doors, rainwater goods and roof-lights to be used shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved and retained thereafter.

Reason: In the interests of the character and appearance of the site.

5. Before the development commences full details, in the form of a work methodology specification statement, shall be submitted to and approved in writing by the Local Planning Authority in relation to the remedial repair and repointing of any areas the existing brickwork/fabric of any retained buildings. The required details shall include the method for maintaining the existing brickwork in situ where possible and include the method of 'raking out' the existing joints, the type of mortar to be used and the finished profile of the pointing. The work shall only be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of the character and appearance of the site.

6. Before the development hereby permitted becomes operative the visibility splays measuring 2.4 metres by 102 metres in both directions shall be provided, measured along the centre line of the proposed site access from the continuation of the nearer edge of the existing carriageway of Ulnes Walton Lane, in accordance with the approved plans. The land within these splays shall be maintained thereafter, free from obstructions and maintained as verge.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety.

7. Prior to first occupation of the development for the purposes hereby approved, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

8. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

9. The refurbishment/conversion works to building B7 and as identified in the Dusk Survey Results report by Tyrer Ecological Consultants Ltd dated 14th September 2020 and the Proposed Site Plan (drawing number D410/PO8 Rev.B), shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Various Amendments) (England and Wales) Regulations 2018 authorizing the specified activity/development to go ahead; or
b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that protected species are not adversely affected.

10. Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To ensure that lighting does not adversely affect protected species.

11. No development shall take place (including any demolition, ground works, site clearance) until a method statement for barn owls has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) Extent and location of proposed works shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works;
- f) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure that barn owls are not adversely affected.

12. No removal of or works to any hedgerows, trees, shrubs or brambles, or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that breeding birds are not adversely affected.

13. Prior to the commencement of the development hereby permitted, a method statement detailing the Reasonable Avoidance Measures (RAMs) to be adopted in order to avoid and/or minimise any unforeseen disturbance impacts on local great crested newt populations during the course of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the RAMs detailed in the approved method statement.

Reason: To ensure that great crested newts are not adversely affected.

14. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and means of enclosure. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the first occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design that respects the setting of the Listed Building.

15. A scheme for the Biodiversity Enhancement Measures, as set out in Appendix IV of the Preliminary Ecological Appraisal by Tyrer Ecological Consultants Ltd dated 11th September 2020 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

Reason: To ensure that satisfactory biodiversity enhancement measures are carried out.

16. Retained trees shall be protected prior to and during demolition and construction in accordance with the submitted tree protection measures in the submitted Arboricultural Impact Assessment with Tree Protection Measures, including Appendix 4 Tree Protection Plan - TPP.13196 Rev. 1 (dated 3/9/20) and the relevant British Standard BS 5837:2012.

Reason: To ensure that trees to be retained are adequately protected.

17. Prior to the commencement of the development hereby permitted a scheme of vibration monitoring (in accordance with section 8.4 of Cadent Gas document SSW/22 <https://www.nationalgrid.com/uk/gas-transmission/document/82951/download>) shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the approved details prior to any demolition works taking place and retained for the duration of those demolition works.

Reason: To ensure that a gas transmission pipeline is not adversely affected by the proposal.

18. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

19. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

20. No site preparation, clearance or demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of (i) a detailed descriptive record of the building; and (ii) a full set of photographs of the building, inside and out, with a key plan showing the location and direction of all images. This work shall be carried out to level 2-3 as set out in "Understanding Historic Buildings" (Historic England 2016). The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

21. Prior to the first occupation of any of the approved dwellings, the buildings labelled as buildings 3, 4, 5, 6, 8 and 9 on the approved plan ref. D410/P22 entitled 'Proposed Site Phasing Plan' shall be demolished and the materials removed from the site.

Reason: To limit the impacts of the proposal on the Green Belt.