

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 16TH AUGUST 2016, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was published.

**Agenda No    Item**

**A            14/00881/FUL - BRINSCALL HALL BARNES, DICK LANE,  
                 BRINSCALL**

(Pages 89 -  
104)

GARY HALL  
CHIEF EXECUTIVE

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<b>Item 3a</b>	<b>14/00881/FUL</b>
<b>Case Officer</b>	<b>Ian Heywood</b>
<b>Ward</b>	<b>Wheelton &amp; Withnell</b>
<b>Proposal</b>	<b>Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, extension of existing garage, creation of associated vehicular parking areas and creation of three vehicle passing places (two entirely new and one existing to be improved/enlarged) on Dick Lane.</b>
<b>Location</b>	<b>Brinscall Hall Farm Dick Lane Brinscall</b>
<b>Applicant</b>	<b>Mr Muntzer Mughal</b>
<b>Consultation expiry:</b>	<b>10/12/2014</b>
<b>Decision due by:</b>	<b>19/08/2016</b>

#### **Recommendation**

It is recommended that this application is approved subject to conditions.

#### **Further Update (16 August 2016)**

Members will recall that at the meeting of the Development Control Committee held on 26 July 2016 it was decided that this application be deferred to allow officers to investigate and negotiate imposing an overage/clawback clause in a proposed Section 106 Agreement.

Since then the agent has responded thus:

*"In response to the request made by Members at the Planning Committee meeting of the 26<sup>th</sup> July, namely to seek the inclusion of a s106 with a request for a revaluation clause to potentially impose an Affordable Housing Contribution post-completion of the development, we (the applicant and I) would like to put our significant concerns on record and confirm that this is not acceptable.*

*We believe the viability information submitted by the applicant, which has then been independently verified by the Council, clearly demonstrates that the development cannot sustain a financial contribution. It was apparent at the Committee meeting that the Members also accepted that the site is not viable if such a contribution is levied.*

*We feel strongly that the imposition of a revaluation clause has no reasonable justification. We are not aware of any adopted Chorley policy that provides for such a revaluation and therefore the application should be determined in line with the NPPF, as well as the Chorley Local Plan, which state clearly that viability should be a material consideration in determining applications and that Councils should take a flexible approach in order to encourage and stimulate development of housing, especially from brownfield sites.*

*As such, we feel the request is without a clear policy context for a revaluation, and we have not been provided any formula to assess the future viability and certainly none that has been the subject of appropriate scrutiny.*

*There are inherent construction risks in the redevelopment of these traditional barns. A developer would still be required to take on such risks- indeed for this site they would be exaggerated as the material viability aspect even excluding the possible 106 payment is not acceptable. Based on my clients surveyor's report and Chorley Council surveyor's detailed and robust assessment the facts clearly confirm that the proposal is not sufficiently viable to be subjected and burdened with a financial contribution. It is considered that such a imposition is clearly contrary to NPPF and contrary to the Local Plan.*

*Our conclusion appears to be in line with the professional assessment of the planning department. The construction risks are in addition to the uncertainty within the residential market and how this might be in 2-3 years' time when the units would be available. As well as normal*

*market cycles, there are issues such as the political uncertainty and Brexit that further complicate matters and make the future residential market even more difficult to predict. As such, a developer of this site would be taking on a significant development risk and therefore any additional obligations, which are onerous, would be discouraging and would not be conducive to the provision of housing to alleviate the current and projected national housing shortage.*

*If a revaluation clause were implemented, this would have a detrimental effect on the saleability of the site. It forces further uncertainty onto a developer who is unsure, at the conclusion of the project, when they have taken on all the risks as stated above, whether they will have to make a further payment to the Council.*

*Considering the factors outlined above, we would oppose the imposition of a 106 agreement and would appreciate the Members support to determine the application in line with the adopted Chorley policies and NPPF and taking into consideration all material facts as presented by the applicant and agreed after a robust assessment by the surveyor appointed by the Council.”*

To respond to this, following the consideration of this application at the Committee meeting in July, further consideration has been given to the legal position of the ability to impose an overage/clawback mechanism within a S.106 agreement. In this case the ability to impose a clawback mechanism is firstly subject to tests set out within the Community Infrastructure Regulations and secondly the National Planning Policy Framework and National Planning Policy Guidance. The consequences of the legislation and guidance are that a clawback provision is a valid planning obligation but only in the limited circumstances in the NPPG, for example when larger sites are subject to phasing. If it is applied to short term or small scale developments it is not a valid planning obligation and there is no requirement for developers to complete the s106 agreement.

The advice is therefore that in the case of Brinscall Hall Barn the position set out in the officer report, that the scheme has been fully assessed both internally by property services and also via an external specialist in planning viability and there is no evidence that an offsite affordable housing contribution can be secured is correct and justified.

#### **Update (25 July 2016)**

Members are reminded that they previously resolved to granted planning permission, subject to a legal agreement securing a financial contributions for open space and affordable housing on 20<sup>th</sup> January 2015.

Since then the applicant has supplied information on the viability of the proposed development in terms of the value of the completed dwellings and the costs of the conversion scheme as permitted. These have been independently and robustly assessed by the Council, using independent valuers and surveyors. Whilst some variation exists between the applicant's and the Council's figure, the overall conclusion is that the proposed development is not financially viable.

The application is therefore recommended for approval without a legal agreement.

Members should note that the development remains liable for the Community Infrastructure Levy (CIL).

Members will also be aware that since the last report was considered the Chorley Borough Local Plan Review (2003) has been superseded by the now adopted Chorley Local Plan 2012 – 2026. Previously the scheme was assessed against both the Local Plan Review 2003 and the then emerging Local Plan 2012-2026 and found to be compliant with the relevant policies. There have been no significant changes to these and the application is still considered to be in accordance with the now adopted policies of the Local Plan.

**Representations**

<b>Councillor Kim Snape</b> – objects to the proposal on the grounds of increased traffic, harm to the amenity and character of the area and problems that will arise from inadequate drainage and subsequent surface water flooding.
<b>Councillor Gordon France</b> - objects to the proposal on the grounds of increased traffic, harm to the amenity and character of the area and problems that will arise from inadequate drainage and subsequent surface water flooding.
<b>Councillor Margaret France</b> - objects to the proposal on the grounds of increased traffic, harm to the amenity and character of the area and problems that will arise from inadequate drainage and subsequent surface water flooding. She requested that the Development Control Committee defer the application for a site visit before making a decision.
<b>Withnell Parish Council:</b> Objects to the proposal on the grounds that it will cause undue highway hazards for the users of Dick Lane, harm to the amenity thereof and requests that a site visit is required before the application can be determined.
<b>In total 79 representations have been received which are summarised below</b>
<b>Objections</b>
Total No. received: 79
<ul style="list-style-type: none"> <li>• Impact of additional traffic – highway hazards</li> <li>• Over development</li> <li>• Surface water drainage issues</li> <li>• Impact on the appearance of Dick Lane</li> <li>• Impact on neighbour amenity</li> <li>• Unsustainable location</li> <li>• Impact on the character of the buildings</li> <li>• Buildings still capable of agricultural use</li> </ul>

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Lancashire County Council Highways	No objections, subject to conditions
Lancashire County Council Ecology	No objections subject to conditions
Lancashire County Council Rights of Way Officer	No comments received
The Ramblers Association	No comments received
Chorley Council Planning Policy	See the body of the report

**Description of the site**

1. The site is located within the Green Belt in a rural situation to the south west of the village of Brinscall and positioned at the south western extremity of Dick Lane to the north west of Brinscall Hall (itself a Grade II listed Building and therefore a designated heritage asset as defined by Annex 2 to the Framework). The site is surrounded on the remaining three sides to a large extent by open countryside. To the immediate north east is Brinscall Hall Farm farmhouse. Immediately between Brinscall Hall and the application site are two residential properties – Brinscall Hall Bungalow and The Coach House.
2. Brinscall Hall Bungalow (which was originally an outbuilding – a boiler house to Brinscall Hall) and its associated curtilage structure referred to by the current occupant of the property as ‘the grotto’ (the remains of a small swimming pool that served Brinscall Hall) directly abuts a south eastern boundary wall, a party wall, to the application site.
3. 83 metres to the east of the application site are located two further dwellings, Brinscall Hall Cottages.
4. All the aforementioned buildings are constructed of local stone.
5. Dick Lane is a single-track, partly unadopted, road that splits into two access tracks, one turning to the north west to serve Brinscall Hall Cottage, Brinscall Hall Farm farmhouse and barns and to the south east to serve the Coach House and Brinscall Hall itself and the new site of Brinscall Hall Farm. The trees that line either side of Dick Lane are protected by a Tree Preservation Order.
6. All the trees within the surrounding area are protected by Tree Preservation Orders
7. Three public footpaths cross the site, one running in a north east – south west direction is FP 4, one other running in a north west – south east direction is FP 22, whilst the third is FP 29 which runs along Dick Lane.
8. Land to the south west of the site is part of the Brinscall Hall estate and here the countryside is open. The whole site is in a relatively elevated position, the footpaths that dissect the site affording long distance views to the south west and west.
9. Currently the site is comprised of four agricultural buildings. These are a substantial two-storey height barn, which is currently linked by a covered area with a substantial shippon. At the south eastern extremity of the site is large, modern covered cow shed. Immediately opposite the barn is located a garage building that is approximately the size of a modern 4 car garage. There are currently large areas of concrete hardstanding both between and within the buildings and the site is set over ground levels that fall from the north east to the south west.
10. To the south west of the shippon the land is grassed and has a stone wall to its perimeter. Views of the site from countryside to the south west and west is largely obscured by this wall and by trees within the Brinscall Hall estate.
11. Farming operations ceased some years ago when the buildings were sold to the current owner. Farming operations subsequently transferred to another part of the then agricultural holding. The current buildings are thus divorced from the agricultural land that they previously served.

**Assessment****Update**

12. Following comments made at the Development Control Committee meeting of 28 October 2014 a site meeting was arranged for 14 January 2015. Following that Committee meeting and discussions between the case officer and the agent the proposed scheme has been amended.
13. Amended plans were received on 9 December 2014 which shows the following amendments to the scheme as previously considered by Members of the Development Control Committee on 28 October 2014:
  - a. Deletion of the proposed 4-car garage block;
  - b. Deletion of the electric gates at the entrance to the site;
  - c. Provision of bin storage facilities within each proposed property boundary and the

deletion of the household waste bin store facility within the proposed extension to the existing garage. The proposed extension to the existing garage is retained but only for use as general domestic ancillary storage accommodation – not for bins – and also in connection with the proposed ecological mitigation – bat roosts.

- d. Additional details supplied for the formation of three passing places on Dick Lane as agreed with the LCC Highways Engineer.

14. An additional consultation with neighbours and the Parish Council was undertaken between 10 December 2014 and 7 January 2015. No further representations have been received from this.

#### Principle of the Development

15. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy DC1 and DC7A; Adopted Central Lancashire Rural Development SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy HS9. Also of relevance is the Framework (National Planning Policy Framework) Section 9, paragraphs 87 – 92.

16. The site is within the Green Belt. Paragraphs 87 - 88 of the Framework state: (para 87) *'As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'* (para 88) *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.'*

17. The Adopted Central Lancashire Rural Development SPD (2012) mirrors paragraph 89 of the Framework. Policy DC1 of the Adopted Chorley Borough Local Plan Review (2003) and Policy HS9 of the emerging Chorley Local Plan 2012 – 2026 set out exceptions where development can be considered to be appropriate in the Green Belt:

- a. The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
- b. The proposal would not harm the character or quality of the countryside or landscape;
- c. 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 Green Belt;
- d. If an agricultural building, it is not one substantially completed within ten years of the date of the application;
- e. The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;
- f. The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be tightly drawn around the building footprint and the requirement for outbuildings, which should be minimal;
- g. The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have and undue environmental impact;
- h. The development would not result in the loss or damage to any important wildlife habitat or protected species.

18. Assessing the application against this criteria:

- a. Overall the amount of built development within the site will be less than is currently the case. Consequently it is considered that there will be a lesser impact on the openness of the Green Belt.
- b. The proposal seeks to re-use existing buildings and to make alterations including an extension to the barn building and the extension of the existing garage that have been designed to complement this rural setting. It is therefore considered to sustain the character and quality of the Green Belt.
- c. Farming operations ceased at this site some years ago and the centre of farming operations re-located to a new site to the south of Brinscall Hall. There will therefore be no requirement for additional farm buildings as a result of the proposed development.
- d. The building dates from the 19th Century.
- e. A structural survey report accompanies the application which confirms the structural integrity of the building and its capacity for conversion.

- f. The building is readily capable of conversion and only requires a limited number of extensions, one to the barn the other to the existing garage, to be erected. The extent of the proposed domestic curtilage follows the line of the existing farm yard wall which is considered to be both adequate for properties of this type and acceptable in terms of the relation with the open countryside beyond.
  - g. An existing access is already in place. This will be enhanced by the provision of passing places that are the subject of a proposed 'Grampian' (pre-commencement) condition.
  - h. Suitably worded conditions will ensure that protected and endangered species are safeguarded both during and post construction.
19. The proposal involves the removal of a sizeable modern cow shed, a form of development that is appropriate in the Green Belt, and the erection of an extension to the barn building and an extension to the existing garage that falls to be considered as inappropriate development in the Green Belt. However the overall impact on the openness of the Green Belt is considered to be acceptable as, with reference to the Framework, it will not result in a disproportionate addition over and above the size of the original building. The overall mass of built development will be reduced at this point within the Green Belt.
20. In terms of alternative uses for the buildings they were originally taken out of agricultural use as being no longer fit for modern farming practices and are too small to accommodate modern farming machinery. They are now divorced from the land to which they were previously associated meaning that agricultural use is no longer a viable option. Other industrial uses, even office accommodation is considered inappropriate in this quite remote location as it would result in even heavier vehicle movements along Dick Lane than a residential use would create. Clearly these buildings, as with any building, have to be sustainable and have an active, economic and sustainable use. It is considered that residential use in this case is the most appropriate.
21. On balance it is considered that very special circumstances have been demonstrated and that these overcome the inappropriateness of development and any other harm caused and that the end product will sustain the openness and the quality of the Green Belt at this point.

#### Design

22. Pertinent Policies are: Chorley Borough Householder Design Guidance SPD (2008); Adopted Central Lancashire Core Strategy (2012), Policy 17; Adopted Central Lancashire Design SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. Also of relevance is the Framework paragraph 56, 57 and 60 – 65.
23. A key thrust of these policies is the desire to encourage high quality and innovative design. Paragraph 56 of the Framework states that, *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.* Paragraph 57 continues, *It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes.'*
24. Paragraphs 60 – 65 not only reinforce the need for good design and design which responds to context, but also the benefits of using independent design review arrangements to ensure high standards of design. Paragraph 63 states that, *'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'* Paragraph 65 concludes that, *'Local planning authorities should not refuse planning permission for buildings or infrastructure which promotes high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.'*
25. The application follows extensive pre-application discussions and further negotiations following the withdrawal of a previous, similar scheme. The design suggests some new interventions, however these are only proposed where they are necessary and are



considered to be of a high-quality, complimentary yet contemporary design that will enhance the appearance of the building. High quality complimentary materials are proposed to support the overall design ethos and suitably worded conditions will secure these details.

26. It is therefore considered that the proposal represents the highest quality of design and that consequently it accords with the aforementioned policies.

Impact on the significance of a designated heritage asset

27. Pertinent Policies are: Adopted Central Lancashire Core Strategy (2012), Policy 16; Emerging Chorley Local Plan 2012 – 2026, Policy BNE8. Also of relevance is the Framework, Section 12.
28. Within the Framework paragraph 129 states that, ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.’
29. Paragraph 132 states, ‘When considering the impact of a proposed development 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.’
30. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, ‘Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:
- a. *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.*’
31. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, ‘*Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate. The enhancement of the setting of heritage assets.*’
32. In this case given the relationship of the development site and the designated heritage asset, the design of the proposed works and the choice of materials proposed it is considered that the significance of the designated heritage asset will be sustained as a result of the development.
33. It is therefore considered that the proposed development is in accordance with the aforementioned policies.

Impact on the amenity of neighbours

34. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy HS4; Chorley Borough Householder Design Guidance SPD (2008); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. These policies/ guidance suggest that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties.
35. The proposed development will have a material impact upon the amenity currently enjoyed by the neighbours to the site. However it is considered that, with the inclusion of suitably worded conditions, that impact can be addressed. The occupants of Brinscalf Hall

Bungalow and, to a lesser extent, Brinscall Hall are the properties that would be directly affected by the proposed development as a result of overlooking to their current domestic garden areas. The distance from windows to the first floor of the proposed development, specifically to plot 1, that would have an oblique angle view of these domestic garden areas is such that the impact on the amenity currently enjoyed by Brinscall Hall Bungalow and Brinscall Hall itself is considered to be acceptable.

36. The removal of the bin store within the proposed extension to the existing garage, with the use of the extension limited to domestic storage and the location for bat boxes, to be secured by condition, and the relocation of bin storage facilities to within the boundaries of each proposed new dwelling is considered to provide an acceptable relationship to neighbouring properties and to have no material impact upon their amenity.
37. This being the case it is considered that the proposed development will not have an unacceptable material impact upon the amenity currently enjoyed by neighbouring properties.

#### Highway Safety and Parking

38. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4. The Lancashire County Council Highways Officer has commented that he has no objections to the proposed development, however he has asked for a pre-commencement 'Grampian' condition that requires the construction of passing places on Dick Lane. Whilst the part of Dick Lane on which these passing places are to be created is an unadopted highway in private ownership, the land owner has given written consent to the applicant for their construction and ongoing maintenance thereafter (at the applicant's expense). The development will accord with the Council's parking standards as set out in Appendix A of the emerging Chorley Local Plan 2012 – 2026.
39. The proposed development is therefore considered to accord with the aforementioned policies.

#### Ecology

40. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP4; Adopted Central Lancashire Core Strategy (2012), Policy 22; Emerging Chorley Local Plan 2012 – 2026, Policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats. The Lancashire County Council Ecologist has commented that the findings and proposed mitigation contained within the submitted ecological reports are acceptable. Suitably worded conditions will secure and safeguard protected species and their habitats.
41. The proposed development is therefore considered to accord with the aforementioned policies.

#### Trees

42. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP9; Emerging Chorley Local Plan 2012 – 2026, Policy BNE10. These policies seek to protect trees from development pressure where they have some amenity value.
43. The proposed development does not require works to any trees. However to safeguard any trees within or adjacent to the site a condition will require the submission and approval of tree protection details prior to the commencement of the development.
44. The proposal is therefore considered to be in conformity with the aforementioned policies.

#### Public Right of Way

45. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy LT10; Adopted Central Lancashire Core Strategy (2012), Policy 24; Emerging Chorley Local Plan 2012 – 2026, Policy ST1. The proposed development does not block or require the diversion of any of the public footpaths that intersect with the site. However a suitably worded informative will appraise any future developer of their legal obligations with this regard. The existing public footpath network will therefore be retained.
46. The proposed development is therefore considered to accord with the aforementioned

policies.

#### Drainage and Sewers

47. Pertinent Policies are: Adopted Chorley Local Plan Review (2003), Policy EP18. The development proposes the use of independent drainage for both foul and surface water disposal. This accords with advice previously given by United Utilities, however to secure the details a suitably worded condition has been suggested. Surface water run-off is likely to be less than at present as a result of the removal of extensive areas of concrete hard standing.
48. The proposed development is therefore considered to accord with the aforementioned policy.

#### S.106 Agreement

49. The National Planning Practice Guidance was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m<sup>2</sup>.
50. This development is for 6 no. dwellings and whilst it falls below the 10 unit threshold, the development has a combined gross floorspace of more than 1000m<sup>2</sup>.
51. As such a contribution towards the provision of public open space is therefore sought from this development in accordance with the National Planning Practice Guidance:

Amenity Greenspace	£840
Equipped play area	£804
Natural/semi-natural	£3,342
Allotments	£90
Playing Pitches	£9,594
Total	<u>£14,670</u>

52. In addition this development exceeds the 5 unit threshold for rural areas set out within Policy 7 of the Central Lancashire Adopted Core Strategy and as such a contribution towards off-site affordable housing (35%) is therefore sought from this development in accordance with the National Planning Practice Guidance: £423,882.00.

#### CIL

53. The development is liable for the Community Infrastructure Levy (CIL) which equates to £64,935.

#### **Overall Conclusion**

54. It is considered that it will result in no material impact upon the amenity of neighbours and accords with local and national policy in terms of highway, arboriculture and ecology. Consequently the application is recommended for approval.

#### **Planning Policies**

55. 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 Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

#### **Planning History**

**Ref:** 13/01089/FUL **Decision:** WDN **Decision Date:** 13 January 2014  
**Description:** Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, construction of two blocks of garages, extension of existing garage to create bin store and creation of associated vehicular parking areas.

**Ref:** 12/00446/FUL **Decision:** WDN **Decision Date:** 9 July 2012  
**Description:** Erection of an 'Endurance E-3120' 24.6m high (34.2m to blade tip) wind turbine.

**Ref:** 08/00221/TPO **Decision:** REFTRE **Decision Date:** 19 June 2008  
**Description:** Removal of lower branches to various trees covered by TPO 3 (Wheelton & Withnell) 1976,

**Ref:** 88/00321/TPO **Decision:** WDN **Decision Date:** 15 June 1988  
**Description:** Pruning of three trees included in tree preservation order no 12 (Wheelton) 1984

**Ref:** 84/00071/TPO **Decision:** PERFPP **Decision Date:** 21 February 1984  
**Description:** Lopping and felling selected trees covered by tree preservation order no. 3 (Brinscall) 1976 approximately 3 fellings

**Ref:** 74/00171/FUL **Decision:** REFFPP **Decision Date:** 29 May 1974  
**Description:** Site for 80 dwellings

**Proposed Conditions**

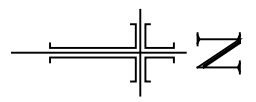
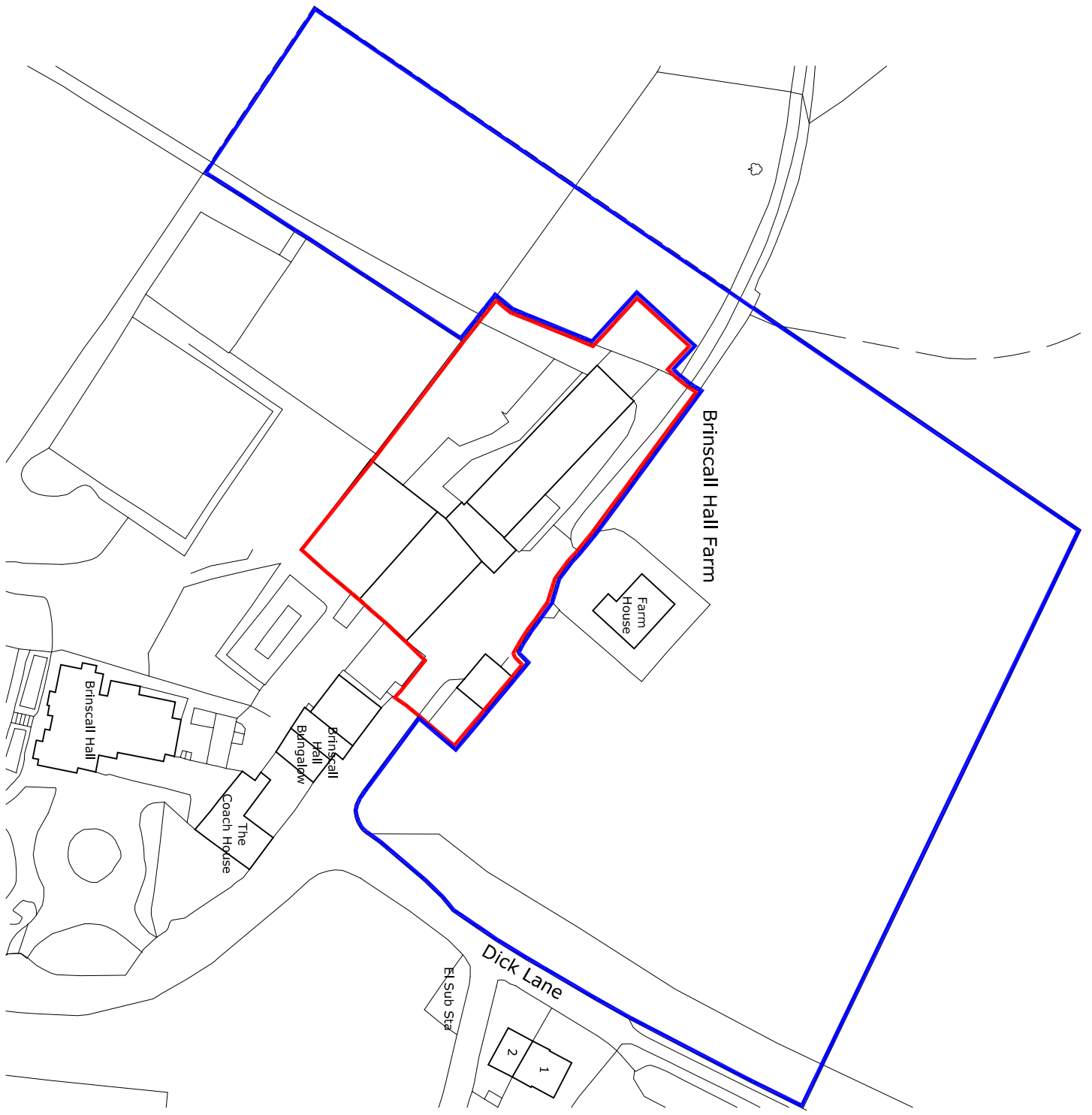
No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: BS.13-047/SK 01 Rev F received on 9 December 2014  Drawing: BS.13-047/SK 02 Rev B received on 14 August 2014  Drawing: BS.13-047/SK03 Rev B received on 14 August 2014  Drawing: BS.13-047/SK04 Rev A received on 14 August 2014  Drawing: BS.13-047/SK05 Rev - received on 14 August 2014  Drawing: BS.13-047/SK 06 Rev D received on 9 December 2014</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
3.	<p>The development hereby permitted shall not commence unless and until the developer has implemented the plan (reference BS.13-04/SK 06 Rev D as submitted on 9 December 2014 and the construction details as shown on the illustrations submitted on 12 December 2014 from Geosyntheitics Ltd 'Golpa Grass Reinforcement System' and 'Golpa Gravel Reinforcement System') for the construction of three vehicle passing places on Dick Lane.</p> <p>Each passing place should be 10 metres in length with 10metre tapers on both sides. The combined width of a passing place and the road at each location should be 5.5 metres. The passing places should be sited at 60 metre centres and tarmac covered. The passing places should be designed to include culverts for the current drainage ditches and must avoid damage to adjacent trees that are the subject of a Tree Preservation Order. The passing places shall be retained in perpetuity thereafter.</p> <p><i>Reason: In the interests of highway safety.</i></p>
4.	<p>The development hereby permitted shall not commence unless and until, plans and particulars showing a scheme of foul sewers and surface water drains, have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage.</i></p>
5.	<p>The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
6.	<p>During the construction period, including the construction of the passing places as detailed at condition 3, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p><i>Reason: To safeguard the trees to be retained</i></p>
7.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p>

	<i>Reason: In the interests of neighbour amenity.</i>
8.	<p>The parking and / or garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
9.	<p>The garages hereby approved as part of the development shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</i></p>
10.	<p>The development shall not proceed without the prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive.</p> <p><i>Reason: To safeguard protected species and their habitats.</i></p>
11.	<p>A further precautionary survey for Barn Owl shall be carried out prior to commencement of works. No works shall commence when Barn Owl are nesting. If evidence of recent or current use by Barn Owl is detected than no works shall commence until alternative provision for them has been provided within 200m of the site and accordance with recognised guidance (Barn Owls and Rural Planning Applications "What needs to happen": A guide for planners, Ramsden and Twigg, 2009).</p> <p><i>Reason: To safeguard protected species and their habitats.</i></p>
12.	<p>A permanent accessible roosting/nesting space for Barn Owl shall be installed within one of the re-developed buildings. No works shall commence until full details of the permanent provision have been submitted to and approved in writing by Chorley Council in consultation with their specialist advisors. The provision shall be in accordance with recognised guidance (Barn Owls and Rural Planning Applications "What needs to happen": A guide for planners, Ramsden and Twigg, 2009) and approved details shall be implemented in full.</p> <p><i>Reason: To safeguard protected species and their habitats.</i></p>
13.	<p>No vegetation clearance works, demolition work, works affecting stone walls, development works or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.</p> <p><i>Reason: To safeguard protected species and their habitats.</i></p>
14.	<p>Replacement habitat for birds (to include replacement planting and replacement nesting opportunities for Swallow and passerine birds such as Wren) shall be installed within the re-developed site. No works shall commence until full details have been submitted and approved in writing by Chorley Borough Council in consultation with their specialist advisors. The</p>

	<p>replacement habitat shall be sufficient to adequately offset the losses as a minimum. The approved details shall be implemented in full.</p> <p><i>Reason: To safeguard protected species and their habitats.</i></p>
15.	<p>No external lighting associated with the application shall be installed without the prior approval, in writing, from the local planning authority.</p> <p><i>Reason: To safeguard protected species and their habitats.</i></p>
16.	<p>The proposed extension to the existing garage shall only be used for domestic storage and for the installation of bat boxes and any other ecological mitigation measures that may be required. It shall not be used for the storage of any household waste or items for recycling or disposal.</p> <p><i>Reason: To secure the amenity of neighbouring residential properties.</i></p>

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NOTES

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Do not scale from this drawing. All dimensions must be checked and verified by the contractor prior to works commencing on site.

REV	DESCRIPTION	DATE	APPROVED
A	Revised development boundary	04-11-13	GM

**LeaHough**  
 CHARTERED SURVEYORS  
 Survey Valuation Design Planning Sales

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**RICS**

CLIENT: Mr & Mrs Mughal  
 Brinscail Hall Farm  
 Dick Lane  
 Brinscail, Chorley,  
 Lancashire,  
 PR6 8QL

PROJECT ADDRESS:  
 Brinscail Hall Farmhouse,  
 Dick Lane,  
 Brinscail, Chorley,  
 Lancashire,  
 PR6 8QL

PROJECT TITLE:  
 Re-development/Conversion of Existing Barns

DRAWING TITLE:  
 Location Plan

PAPER SIZE: A4  
 SCALE: 1:1250

DRAWING NUMBER: BS.13.047.01  
 DATE: April 2013

DESIGNED BY: GM  
 DRAWN BY: GM

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