

Application No: 09/01021/FULMAJ & 089/01022/LBC

Case Officer: Paul Whittingham

Ward: Lostock

Proposal: Shell repair and refurbishment of the Grade 2* listed building – Bank Hall, into 12 residential dwellings and associated development comprising of 23 residential dwellings on the former orchard site and Listed Building Consent

Location: Bank Hall, Bank Hall Drive, Bretherton, Lancashire

Applicants: HTNW and Lilford 2005 Ltd

Consultation expiry: 4 January 2011

Application expiry: 16 June 2010 & 12 May 2010 respectively

Proposal

1. This report covers two applications. The first is for planning permission for the shell repair and refurbishment of the grade II* listed building, Bank Hall, into 12 residential dwellings and associated development comprising of 23 residential dwellings in the grounds on the former orchard site (09/01021/FULMAJ). The second associated application is for Listed Building Consent for those elements of the aforementioned works that require Listed Building Consent (09/01022/LBC).

Recommendation

2. It is recommended that planning permission is granted subject to conditions and a S.106 Agreement and that listed building consent is granted, subject to conditions.

Main Issues

3. The main issues for consideration in respect of this application are:
 - Principle of the proposal
 - Design, layout and scale
 - Impact on the Listed Building
 - Access and parking
 - Impact upon the environment
 - Impact on neighbour amenity
4. This report has been written by Chorley Council's Conservation Officer. It was considered that this is the appropriate approach because of the particular circumstances encountered on this site, in particular a designated heritage asset (grade II* listed building) of national, regional and local significance.
5. Within the assessment section reference is made to the Central Lancashire Publication Core Strategy. This document is at a very early stage of initial consultation within the Local Development Framework (LDF) process and as such carries a proportionately little amount of weight in the consideration of development proposals.

History

6. **Ref:** 98/00781/FUL **Decision:** Permitted **Decision Date:** 4 January 1999

Description: Construction of 1.8m high metal mesh security fence

Ref: 01/00261/LBC **Decision:** Permitted **Decision Date:** 5 July 2001
Description: Structural repairs to tower

Ref: 10/00089/FUL **Decision:** Permitted **Decision Date:** 13 May 2010
Description: New vehicular access from Southport Road for use of tractor access to haylage

Ref: 10/00091/TPO **Decision:** Permitted **Decision Date:** 12 April 2010
Description: Works to oak tree covered by TPO7

Representations

7. Three neighbour letters of objection have been received to the planning application. All express concerns about the impact of additional traffic that they feel will be generated by the proposed development both during and after the works have been executed. They also express concerns for their perceived loss of privacy and damage to local wildlife. Their final concern regards the future maintenance of the access drive from the A59.

Consultations

8. **LCC Ecology** – Have concerns about the impact of the development upon protected species, the loss of woodland and the risk that an invasive plant species (Himalayan Balsam) may be spread. Further surveys were requested after the applications were received and these surveys have now been completed to the satisfaction of LCC Ecology. LCC Ecology is in agreement with the proposed mitigation strategy and suggests that a number of conditions be added to any permissions that may subsequently be granted. It is accepted that this development does represent an exceptional case, because surveys that would normally be required before commencement of the development cannot be undertaken because of the very nature of the development, i.e. the unsafe structure of the listed building precludes the completion of a complete survey. Additional surveys to be undertaken at an appropriate point – when the structure is made safe – will be added as a condition.
9. **LCC Planning Contributions** – Requests have been made for contributions to Education (£121,344) and Waste Management (£16,800) plus an as yet undetermined potential contribution for Transport.
10. **LCC Highways** – Raise no objection to the applications. They endorse the proposed highways enhancement measures.
11. **English Heritage** – Rigorously support the applications, which they state will safeguard the future of a grade II* listed building and its removal from their 'Heritage at Risk' register (formerly Buildings at Risk). They support the design principles adopted for the development. They have some concerns that the finances, as outlined and independently verified, are sufficiently robust to ensure the completion of the scheme and suggest that additional new residential units may be required to overcome these concerns.
12. **Lancashire Gardens Trust** – Support and welcome the applications.
13. **Bretherton Parish Council** – Have concerns for the design of the new development and consider it to be inappropriate for the local area. They suggest a legal agreement to ensure the repairs to the listed building are secured and that the access needs to

be improved to mitigate against perceived traffic increases as a result of the development.

14. **Natural England** – Broadly supports the applications, and offers advice on the same basis as LCC Ecology.
15. **Chorley Council Contaminated Land Officer** – requests that further investigations be carried out into the potential for land contamination and that such work be a condition to any permissions that may be subsequently granted.
16. **Chorley Council Planning Policy** – Supports the principles of the application and concludes that despite being contrary to policy, which the proposed new residential ‘Enabling Development’ is by definition, any tests for acceptability have been met.
17. **Chorley Council Planning Policy – Sustainable Resources Officer** states that the applications are acceptable in terms of reduction in CO² emissions, reduced water consumption, provision of recycling storage facilities and the use of energy efficient appliances. Conditions are suggested to enable conformity with the requirements of the Code for Sustainable Homes.
18. **Environment Agency** – states that the applications are acceptable to them, subject to conditions to secure the appropriate design of surface and foul water disposal and surface water regulation systems.

Assessment

Principle of Development

19. Bank Hall is a grade II* listed building located on the western fringe on the Parish of Bretherton, just off the A59 Preston to Liverpool highway. It is a large country mansion building set in quite extensive grounds with formal gardens and includes parts that date from 1608, with the majority being from the early Victorian period. The building has for many years been placed of the English Heritage register of ‘Buildings at Risk’.
20. The ‘Bank Hall Action Group’ (BHAG) was set up in 1995 by a group of local people with a shared interest and concern for the conservation of the listed building and the grounds in which it is located. A statement of actions undertaken by this group is included with the applications and this demonstrates the considerable level of interest and support for the group shown by local people. This document states that since 2000 there have been over 20,000 visitors to events organised by the BHAG.
21. In 2003 the building was amongst others included on the BBC2 programme, ‘Restoration’ in which it came in second place in the regional finals (behind Victoria Baths, Manchester) despite having the highest number of votes cast overall (if those cast in the first round were added to those cast in the regional final), further demonstrating the level of interest within the north west (40,000 votes being cast in favour) in saving the building.
22. The application is made by the Heritage Trust for the North West (HTNW) which, has been working collaboratively with the BHAG since 1996, and shares a mutual interest in the conservation of Bank Hall. The HTNW is a charitable Building Preservation Trust with extensive experience in the conservation of historic sites throughout the north west of England. The involvement of the HTNW has in itself enabled input of grant funding from a variety of sources totalling in excess of £150,000 (in terms of emergency repair, stabilisation and the erection of security fencing) and has brought considerable technical expertise in repair works to historic buildings to the project as

a whole. The HTNW have, with input from the BHAG, secured a Stage 1 bid approval from the Heritage Lottery Fund (HLF) to the value of £138,000 towards the cost of further research, surveys and exploratory work and have a further £1.59 million ring fenced by the HLF for the stage 2 application, which is conditional upon the granting of this planning permission and this listed building consent.

23. The site owner, Lilford Estate, has provided support to both the BHAG and the HTNW. In addition to a long (999 year) peppercorn lease for the Hall, the estate has also provided funding towards urgent works on the tower and accommodation for the use of BHAG members on site. Furthermore it has allowed use of part of the site to be used by students in archaeology and historic building conservation from the University of Central Lancashire.
24. The resources of the HTNW and the BHAG together with the total HLF grant funding was insufficient to fund the required repair works to the listed building, so it was decided to engage an experienced development partner. Following a rigorous tendering process, detailed in the application documents, Urban Splash were chosen as the preferred development partner.
25. The application site is within the Green Belt. PPG2 (supported by local plan policy DC1) states that there is a general presumption against inappropriate development in the Green Belt. PPG2 goes on to say that such development should not be approved except in **very special circumstances** and that it is for an applicant to show why permission should be granted. PPG2 suggests that a sequence of tests is applied to determine whether inappropriate development can be seen to demonstrate **very special circumstances** which can outweigh this inappropriateness:
 - a. Is the proposed development inappropriate?
 - b. What harm to the green belt, if any (in addition to the in-principle harm arising from the simple fact of inappropriateness), is caused?
 - c. Are there any material considerations in favour of the development?
 - d. If so are these sufficient to outweigh the combined harm caused to the green belt by reason of inappropriateness and any other harm identified at stage b.?
 - e. And if so do those countervailing material considerations actually amount to **very special circumstances**.
26. Policy HE9 of PPS5 favours the conservation of designated heritage assets (in this case a listed building) and Policy 16 (Heritage) of the emerging Central Lancashire Publication Core Strategy further supports this aim.
27. The reuse and conversion of a building located within the Green Belt is acceptable in terms of local plan policy DC7A. Additionally the proposed development supports the encouragement of visitors to the area by the inclusion of public meeting rooms (albeit available on a limited basis) within the development proposals for the listed building.
28. The applications relate to the refurbishment and conversion of a grade II* listed building, to create twelve residential units plus the erection of twenty three new residential units on the former orchard site. PPS3, Local Plan Policies GN5 and HS4 and the emerging Central Lancashire Core Strategy Policy 17 seek good quality residential design.
29. The applicant has put forward a case for **very special circumstances** in the form of **Enabling Development**, an approach identified in Policy HE11 of PPS5.

30. **Enabling Development** is simply defined as any development that is contrary to policy, either national or local, and which is thus, by definition, unacceptable. The development can be considered to be acceptable by virtue that it results in the conservation of a heritage asset – in this case a grade II* listed building. All other possible routes to this goal must have been demonstrably explored and therefore the proposed route to saving the building proven. In every case the costs of saving the heritage asset outweigh its forecast value on completion. This shortfall is known as the 'Conservation Deficit'. The solution to funding this deficit can be found via number of alternative routes, which may include grant funding (for example from the Heritage Lottery Fund, English Heritage or other sources or a mixture of different sources added together) or, and sometimes in addition to, the profit that can be realised from the construction of appropriately designed additional development elsewhere but most usually within the overall site.
31. As the applicants have taken the Enabling Development approach they have, by necessity, submitted a considerable amount of supporting information.
32. English Heritage guidance on Enabling Development suggests that the **Development Appraisal** is the key piece of information within any Enabling Development based proposal. This includes detailed cost plans, projected values upon completion, evidence of options appraisals and the procurement of a suitable development partner. English Heritage published guidance on Enabling Development gives finely detailed advice upon all aspects of the Enabling Development process including the accepted basis for fees to be included in the appraisal. It furthermore recognises that is acceptable, necessary even, to include a level of developer's profit.
33. The preferred development partner, as stated above in paragraph 23 is Urban Splash, a company with evidence of considerable experience of this type of development. The submitted development appraisal documents, together with the detailed plans have been the subject of independent scrutiny, procured at the request of both the Council and English Heritage.
34. That independent scrutiny report completed by GL Hearn suggests that the Development Appraisal projects a slightly higher rate of return than might possibly be expected in current market conditions. The scrutiny report suggests that this equates to a need for additional extra new residential units, i.e. more enabling development, to ensure the overall financial viability of the proposal as a whole. The Cost Plan document, included with the application, has been also scrutinised by an English Heritage Quantity Surveyor who confirms that the details are within accepted tolerances. The applicants intend to proceed, subject to the appropriate permissions being in place. In accordance with English Heritage guidance on Enabling Development a Section 106 agreement will be put in place that includes clauses that will secure the works to the listed building and thereby safeguard it's future.
35. In response to the tests referred to in paragraph 25 and with regard to the points made in paragraphs 26 – 30 the conclusion arrived at is that the development is accepted to be inappropriate development and the openness of the Green Belt will, by definition in PPG2, be harmed by the enabling development. The reuse of the listed building will only have a marginally greater impact upon the openness of the Green Belt than the current situation. The use of Enabling Development as the principle of the proposal here is considered to be a material consideration. Securing the future of a designated heritage asset, a nationally significant Grade II* listed building is another. The harm caused by permitting the proposed, inappropriate, development is far outweighed by the benefits gained in facilitating via the enabling development route, the conservation and return to active and sustainable use a

building that is of national significance and which has the long term support of a local action group, a significant number of people from throughout the north west and English Heritage. Other options have been explored over a significant period of time – since 1996. All have proved unsuccessful in realising the required sources of funding whilst at the same time balancing the specific needs of the heritage asset. The current proposal may be the last opportunity to see the building saved before current HLF funding and leasing options expire and the structure deteriorates to an even greater extent such that it no longer represents a viable prospect.

36. I consider that the case for Enabling Development, which will result in the safeguarding of a designated heritage asset (grade II* listed building), does represent very special circumstances in relation to PPG2 and local plan policy DC1. On balance therefore the principle of development is considered acceptable.

Design, Scale and Layout

37. It is intended that Bank Hall will be repaired and converted to form twelve residential apartments. The repair works will reinstate the 'original' form of the building, including the original roof profile, albeit with a limited number of roof lights on elevations that will not be visible from the ground. The **Conservation Management Plan** that accompanies the application has been completed by consultants that are nationally recognised experts in this field. It gives a high level of detail about the current condition of the building and the repairs required. It also provides a highly detailed analysis of the significance of the building, in line with the requirements and principles of PPS5. Also included is a **Structural Appraisal** and suggested long term management requirements.
38. An **Historic Landscape Report** together with detailed **Ecological Reports** also accompany the applications. These together with the aforementioned reports from paragraph 33 have been used, in the opinion of the Council's Conservation Officer to inform the design process for both the conversion of the Hall and the design of the enabling development.
39. The design, scale and layout of the enabling development (23 new dwellings) have furthermore been informed by a clear and rigorous design process. This process examines the materials and forms of the local vernacular, in particular taking reference from agricultural buildings, and then applies a contemporary flavour. A key and accepted philosophy within the building conservation profession for the design of new buildings in an historic context is the adoption of a contemporary yet sympathetic approach. Both English Heritage and the Commission for Architecture and the Built Environment (CABE) endorse this and advise that architectural design should be of its own time, and should attempt to build tomorrow's heritage today. It further suggests that any form of pastiche – an attempt to copy or mimic the design of an old building - is to be avoided. The Principles of Conservation as enshrined by the International Council on Monuments and Sites (ICOMOS), and endorsed by the Institute of Historic Building Conservation (IHBC), suggest that new building in the historic environment should be both sympathetic yet honest.
40. I suggest that the design of the enabling development achieves this objective. The design utilises a mixture of traditional, local, brick together with contemporary materials in a built form that looks to vernacular farm buildings, barns, built in farmsteads or courtyard settings. They are furthermore separated from the listed building by a distance of 60m, the former walled garden and some tree planting. In my opinion this approach conforms to accepted conservation practice. Precise details will be controlled by condition and will result in an appropriate built solution is developed on site.

41. The use of contemporary materials in the construction of the enabling development has further functions. This choice will allow for sustainable construction and will allow the buildings to be resource efficient, both in terms of construction methods and in post completion use of finite resources – energy and water consumption and in the reduction in CO² emissions. The applicants assert that they will attempt to incorporate as many of the same measures as possible into the works to the listed building, whilst at the same time having regard to the needs of the significance of this designated heritage asset.

Impact on the Listed Building

42. The proposed enabling development is both complimentary to the setting of the listed building and is set at a sufficient distance from it such that it will sustain the significance of the designated heritage asset and its setting and is therefore acceptable in terms of the requirements of PPS5.
43. The information provided with the application clearly demonstrates that the applicant has a clear understanding of the needs of the listed building, and its historic setting. In his opinion the proposed development will secure the future of a building that has long been 'at risk' and will provide it with a secure, sustainable future. The significance of the designated heritage asset has been clearly demonstrated in the Conservation Management Plan and therefore accords with the policies contained within PPS5.
44. Policy HE12 of PPS5 relates to the need for recording of designated heritage assets prior to any works commencing. The Conservation Management Plan and the Historic Landscape Report demonstrate that this requirement has been fulfilled.
45. It should be noted that access to the interior of the listed building is at present severely restricted on Health and Safety grounds. The proposed works to the listed building at this stage only give specific details as to the shell repairs. Whilst the submitted cost plan includes values for internal works, the precise design detail has in many areas still to be determined and will be part of an evolutionary conservation and development process. I suggest that an appropriate level of control can be exercised by a number of conditions attached to any permissions that may subsequently be granted and that to avoid being an overburdening restriction that these be split between those works to the listed building and those to the enabling development. I recognise that it will not be possible to agree precise details of design and finishes for the internal works until the major structural repair works have progressed. The application of appropriate conditions will thus ensure that the works can be controlled and I suggest that the discharge of these can be at a delegated level.
46. As stated in paragraph 40 above the applicants stated objective is to, where possible, enhance the energy efficiency and reduce CO² emissions of the listed building. It is suggested that the final details of how this is achieved cannot be determined at this stage but that such information should be the subject of conditions attached to any permissions that may subsequently granted.

Access and Parking

47. The applicant has proposed improvements to the principal access (from the A59) within the Design and Access Statement. The applicant is also proposing parking for both prospective residents and visitors for both the listed building and the enabling development. The former includes limited visitor parking for the 'Propsect Tower' rooms that are to be made available on limited, specific, occasions throughout the year to the BHAG and members of the public (which is also a condition to the offer of

HLF Grant funding). As stated in paragraph 11, LCC Highways officers support the application on this basis.

48. Chorley Council's Design Guidance Supplementary Planning Document (SPD) details current parking requirements. The applications propose an acceptable number of parking spaces for the proposed number of dwellings.

The Environment

49. The application submission includes detailed ecological surveys that in the opinion of Lancashire County Council (Ecology) offer acceptable mitigation measures to safeguard all protected species and any local (unprotected) populations. A number of conditions are suggested by the LCC Ecology Officer to ensure compliance with the applicable statutory regulations.
50. The application submission also includes a flood risk assessment. This concludes that the site whilst being within Flood Zone 3A represents a minimal risk. The applicants suggest a system of rainwater attenuation be included within the development and this will be included as a condition to any permission that may be granted.
51. The application also includes information on how energy consumption will be reduced, how (as stated in paragraph 46 above) rainwater discharge will be minimised, and how CO² emissions will be reduced both during and after construction and to achieve the required standards for the Code for Sustainable Homes. Conditions have been suggested by Chorley Council's Sustainable Resources Officer to ensure the development meets the highest possible standards.

Neighbour Amenity

52. The location of the proposed development site is within open countryside but with considerable screening by established trees. Nevertheless there are a number of neighbouring properties, located at the former Bank Hall Farm Barn, now known as Bank Hall Barns, where residents have expressed concerns about, in their opinion, the potential for loss of their privacy. The proposed development is situated at least 250m (at the nearest point) to these properties and is surrounded by trees which to a large extent screen the two sites from one another. The required separation distance between neighbouring properties, as defined in local plan policy HS4 and the Design Guidance Supplementary Planning Document has been achieved.

53. Referral to Government Office North West (GONW)

Under the Communities and Local Government Circular 02/2009 planning applications within the Green Belt which consists of or includes any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt may be referred to the Secretary of State for a decision as to whether he or she wishes to call in the application.

In this instance having regard to the above report and the scale of development as a whole, whilst the principle of development within the Green Belt is inappropriate, this principle is outweighed by very special circumstances as detailed above. The consideration in this instance of referral to the Secretary of State is that the inappropriate element of the development would not have a significant impact on the openness of the Green Belt. This conclusion also takes into account the decision of the Secretary of State on the application at Golden Acres for approximately 10,000 m² of additional floorspace that was determined to be "of no more than local significance".

Overall Conclusion

54. The applications are considered acceptable in relation to PPG2, PPS3, PPS5, PPS9 and PPS25, Local Plan Policies DC1, DC7A, GN5, HS4, SR1 and Central Lancashire Publication Core Strategy Policies 16 and 17. The applications are recommended for approval subject to conditions and a S.106 agreement, the latter which will secure the repairs to the listed building. The building is a nationally recognised heritage asset that is at risk and that has had many previous attempts to secure improvement/remedial works, some of which being successful but none that would realise the required level of funding to secure the future of this important building. It is accepted that Enabling Development is inappropriate development in the Green Belt, however the importance of this building, both locally and nationally, and the efforts that have been made to date and the current limited window of opportunity represent very special circumstances that outweigh the presumption against the development.

Planning Policies:

55. National Policies
PPG2: Green Belts
PPS3: Housing
PPS5: Historic Environment
PPS9: Biodiversity and Geological Conservation
PPS25: Flood Risk
56. Adopted Chorley Local Plan Review:
GN5: Building Design and Retaining Existing Landscape Features and Natural Habitats
DC1: Development in the Green Belt
HS4: Design and Layout of Residential Development
TR4: Highway Development Control Criteria
57. Chorley Local Development framework:
58. Development Plan Document:
Sustainable Resources
Supplementary planning Documents:
Sustainable Resources
Householder design Guidance
58. Central Lancashire Publication Core Strategy, December 2010 (note this document is only at the first consultation stage so carries a commensurate degree of weight within these considerations):
Policy 16: Heritage Assets
Policy 17: Design of New Buildings

Recommendation: Permit (Subject to a Section 106 Agreement)

Conditions for 09/01021/FULMAJ :

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 approved plans are:

Bank Hall		
Plan Ref:	Received On:	Title:
351(P)06	09/02/2010	East Wing elevation
351(P)07	09/02/2010	South elevation
351(P)08	09/02/2010	South Returns elevation

351(P)09	09/02/2010	West Wing elevation
351(P)10	09/02/2010	North elevation
023/P200	09/02/2010	Ground Floor plan
023/P201	09/02/2010	Mezzanine, 3 rd & 4 th floor Tower plan
023/P202	09/02/2010	First Floor plan
023/P203	09/02/2010	Second Floor plan
023/P204	09/02/2010	Roof plan
023/P205	09/02/2010	Sections
023/P206	09/02/2010	Sections
023/P207	09/02/2010	Sections
023/P208	09/02/2010	Sections

Enabling development

Plan Ref.	Received On:	Title:
023/P100	09/02/2010	Ground Floor plan Court 1 House Type A & B
023/P101	09/02/2010	1 st Floor plan Court 1 House Type A & B
023/P102	09/02/2010	Ground Floor plan Court 2 house Type C
023/P103	09/02/2010	1 st Floor plan Court 2 House Type C
023/P104	09/02/2010	1 st Floor plan Court 2 House Type C
023/P105	09/02/2010	Courts 1 & 2 Roof plan
023/P106	09/02/2010	Court 1 units 1 – 4 elevations
023/P107	09/02/2010	Court 1 units 5 – 8 elevations
023/P108	09/02/2010	Court 1 units 9 – 12 elevations
023/P109	09/02/2010	Court 1 units 13 – 15 elevations
023/P110	09/02/2010	Court 2 units 16 – 17 elevations
023/P111	09/02/2010	Court 2 units 18 – 19 elevations
023/P112	09/02/2010	Court 2 units 20 – 21 elevations
023/P113	09/02/2010	Court 2 units 22 – 23 elevations

Overall

Plan Ref.	Received On:	Title:
023/P001	09/02/2010	Location Plan
023/P002	09/02/2010	Site and Landscape plan
023/P003	09/02/2010	Site Sections

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

3. Prior to the commencement of the development, full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.

Reason: To ensure the satisfactory management of the private driveway, resident's parking spaces and refuse storage/collection at the site and in accordance with Policy TR4 of the Adpoted Chorley Borough Local Plan Review

4. Before the development hereby permitted commences the mitigation measures outlined in the ecological surveys entitled:

- Proposed Restoration and Redevelopment of bank Hall, Bretherton, Lancashire: Ecological Survey and Evaluation (Pennine Ecological, 2009);
- Great Crested Newt Survey (Pennine Ecological 2010);
- Bank Hall, Bretherton: Dawn/Dusk Surveys in Relation to Bats and Barn Owls, The Tyrer Partnership, August 2010 and;
- Bank Hall Bretherton: Dawn/Dusk Surveys in Relation to Bats and Barn Owls, The Tyrer Partnership, Revision 1, 23 September 2010.

Shall be implemented, subject to any amendments required by Natural England at the licensing stage, and shall have been agreed in writing by the local planning authority.

Reason: To safeguard Ecology including protected species in accordance with PPS25.

5. The development hereby permitted shall not commence until the mitigation measures indicated within the Design and Access Statement , page 34, shall have been implemented and approved in writing by the Local Planning Authority:
 - The access road shall be widened to 5.5m for the first 20m from the A59 and shall be realigned at 90°. The 5.5m is to have 0.5m clearance to any trees/hedge.
 - The Junction with the A59 is to have a minimum of 10m radii.
 - A 2m wide footpath is to be provided on both sides of the access up to a point 2m past the tangent points to the site access road.
 - Dropped kerbs are to provided on both sides of the footpath adjacent to the junction and shall extend for 2m back from the edge of the main carriageway.
 - A passing place is to included to give a minimum 5.5m plus 0.5m clearance for a length of 15m to include 5m splays at either end.

Reason: To ensure safe access and egress to/from the development and to comply with policies within PPG13.

6. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level as required by Policy SR1 of the Sustainable Resources Development Plan Document and achieve 1 credit within Issue Ene7: Low or Zero Carbon Technologies.

Reason: To ensure the development is in accordance with Government advice contained in PPS1 and in Policy SR1 of the Chorley Borough Council adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

7. No phase or sub phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.

Reason: To ensure the development is in accordance with Government advice contained in PPS1 and in Policy SR1 of the Chorley Borough Council adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

8. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a Final Code Certificate has been issued certifying that the required Code Level and 1 credit under Issue Ene7 has been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is in accordance with Government advice contained in PPS1 and in Policy SR1 of the Chorley Borough Council adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

9. No development hereby permitted shall commence until a scheme for the disposal of fowls and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage and that the development meets the requirements of PPS25.

10. No development hereby permitted shall commence until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the increased risk of flooding and ensure the development meets the requirements of PPS25.

11. The development hereby permitted shall not commence until samples of all external facing materials (including pre-painted cladding) to the proposed buildings (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with PPG2, PPS3, PPS5, Policy Nos. GN5, DC1 and HS4 of the Adopted Chorley Borough Local Plan Review, and Policy 17 of the emerging Central Lancashire Publication Core Strategy, December 2010..

12. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

13. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate 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 detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

15. The permission hereby granted does not imply or grant consent for the demolition and rebuilding of any external walls of the building to be converted, except as may be delineated on the approved plans or specifically approved in writing by the Local Planning Authority before the works of conversion are first commenced.

Reason: To define the permission and to prevent inappropriate rebuilding or new build within an area subject to policies of development restraint and in accordance with PPS5.

16. Before the use of the premises hereby permitted is first commenced, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

17. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with PPS9 and Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

18. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5, HS4 of the Adopted Chorley Borough Local Plan Review.

19. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

20. Before the development commences, full details of the treatment of all the proposed windows and doors shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, sills or lintels.

Reason: In the interests of the character and appearance of the buildings and in accordance with PPS5 and Policy HS4 of the Adopted Chorley Borough Local Plan Review.

21. Before the development commences, full details of the proposed rainwater goods, including the eaves detail, to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the building and in accordance with PPS5 and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A and Schedule 2, Part 2, Class C) or any Order revoking and re-enacting the Order, no external wall of the building to which this permission relates shall be painted, rendered or otherwise surface treated (other than as may expressly be authorised by this permission).

Reason: To protect the character and appearance of the building and in accordance with Policy Nos. GN4 and HS4 of the Adopted Chorley Borough Local Plan Review.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows/rooflights other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time in any elevation or roof of the dwellings hereby permitted.

Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review.

26. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the former orchard site and, where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with PPS23.

27. Prior to the commencement of the development hereby permitted (including initial site preparation, tree felling, vegetation clearance works, demolition etc.) precautionary surveys for the presence of badgers shall be submitted to and approved in writing by the Local Planning Authority. The surveys shall include full mitigation measures to ensure that the development does not disturb badgers and/or their setts in the event that badgers are identified on site. The development thereafter shall be carried out in accordance with the approved mitigation measures.

Reason: to ensure the continued protection of badgers on the site. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and the Protection of Badgers Act 1992

28. Himalayan Balsam is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause Himalayan Balsam to grow in the wild. Therefore a programme of control/eradication of this species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure the eradication of Himalayan Balsam of in accordance with the Wildlife and Countryside Act 1981 (as amended).

29. Prior to the commencement of the development a habitat creation/enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of mitigation/compensation measures for impacts upon protected and priority species and woodland assets. Thereafter the approved management plan shall be implemented in full.

Reason: To ensure that the protected and priority species and the woodland assets are protected and enhanced as part of the development.. In accordance with Policy EM1 of the North West Regional Spatial Strategy.

Informatives:

It is the applicant's responsibility to properly address contaminated land issues, to ensure safe development and secure occupancy.

Desk Study Report – The report should include a desk study and site reconnaissance (walk over) in accordance with the recommendations in planning Policy Statement 23: Planning and Pollution Control 2004. Further guidance and advice on producing the report can be obtained from the Council's Contaminated Land Officers on 01257 515737/515661.

Under the terms of the Environment Permitting Regulations 2010, an Environmental Permit is required from the Environment Agency for any proposed sewage or trade effluent discharge to any inland freshwaters, coastal waters or relevant territorial waters. Domestic effluent discharges from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic meters or less to surface water in any 24 hour period may be registered as an exempt activity provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

The final geometrical layout of the proposed highway junction with the A59 is to be agreed in writing by both the Local Planning Authority and Lancashire County Council Highways.

Only the Highway Authority, or its approved contractors, or contractors approved to act on its behalf may undertake works to the public highway (A59).

**Recommendation: Permit listed building consent is granted
Conditions for 09/01022/LBC**

1. The approved plans are:

Bank Hall

Plan Ref:	Received On:	Title:
351(P)06	09/02/2010	East Wing elevation
351(P)07	09/02/2010	South elevation
351(P)08	09/02/2010	South Returns elevation
351(P)09	09/02/2010	West Wing elevation
351(P)10	09/02/2010	North elevation
023/P200	09/02/2010	Ground Floor plan
023/P201	09/02/2010	Mezzanine, 3 rd & 4 th floor Tower plan
023/P202	09/02/2010	First Floor plan
023/P203	09/02/2010	Second Floor plan
023/P204	09/02/2010	Roof plan
023/P205	09/02/2010	Sections
023/P206	09/02/2010	Sections
023/P207	09/02/2010	Sections
023/P208	09/02/2010	Sections

Enabling development

Plan Ref.	Received On:	Title:
023/P100	09/02/2010	Ground Floor plan Court 1 House Type A & B
023/P101	09/02/2010	1 st Floor plan Court 1 House Type A & B
023/P102	09/02/2010	Ground Floor plan Court 2 house Type C
023/P103	09/02/2010	1 st Floor plan Court 2 House Type C
023/P104	09/02/2010	1 st Floor plan Court 2 House Type C
023/P105	09/02/2010	Courts 1 & 2 Roof plan
023/P106	09/02/2010	Court 1 units 1 – 4 elevations
023/P107	09/02/2010	Court 1 units 5 – 8 elevations
023/P108	09/02/2010	Court 1 units 9 – 12 elevations
023/P109	09/02/2010	Court 1 units 13 – 15 elevations
023/P110	09/02/2010	Court 2 units 16 – 17 elevations
023/P111	09/02/2010	Court 2 units 18 – 19 elevations
023/P112	09/02/2010	Court 2 units 20 – 21 elevations
023/P113	09/02/2010	Court 2 units 22 – 23 elevations

Overall

Plan Ref.	Received On:	Title:
023/P001	09/02/2010	Location Plan
023/P002	09/02/2010	Site and Landscape plan
023/P003	09/02/2010	Site Sections

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

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

Reason: Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Before the commencement of the conversion works to the listed building commence the applicant shall have submitted to and received approval in writing from the Local Planning Authority full details of the interior design scheme. These details shall include the following information:

- A room by room schedule to show the proposed treatment of the following, both existing and proposed, items:
 - Walls
 - Ceilings
 - Floors
 - Doors (including ironmongery)
 - Windows
 - Other extent architectural details not included in the above.

Reason: To ensure the safeguarding of the significance of the listed building and its contents and to ensure appropriate treatment of both existing and replacement materials in line with PPS5.

4. Before the works to the listed building commences, full details of the treatment of all the proposed windows and doors shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, cills or lintels. Sample elevations shall be supplied at a scale of 1:5 with sections at a scale of 1:1.

Reason : In the interests of the character and appearance of the building and in accordance with PPS5.

5. Before the works to the listed building commences, full details of the proposed rainwater goods and external waste water and soil pipes to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority.

Reason : In the interests of the character and appearance of the building and in accordance with PPS5.

6. Notwithstanding the details already submitted, this consent relates to the use of 'flush' fitting 'conservation' roof lights, only in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details shall include the model/make, exact dimensions and the fixing detail (including a cross section) of the roof light(s) to be used.

Reason : To protect the character and appearance of the building and in accordance with PPS5.

7. The development hereby permitted shall not commence until samples of all materials for the repairs to the listed building (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved materials. The materials shall include:

- Bricks
- Roof slates
- Stone

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with PPS5 and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

8. Before work commences, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to the type of mortar to be used on the building. The required details shall include the ratio of the materials to be used in the mortar, its colour and the proposed finished profile of the pointing. A sample panel of both rebuilding and repointing of no less than one square metre shall be prepared for examination by the Local Planning Authority.

Reason : In the interests of the character and appearance of the Listed Building and in accordance with PPS5.

9. Before the development commences the applicant shall submit and have approved in writing the details of how and where any materials removed during the course of the repair works shall be safely and securely stored to safeguard their appropriate future reuse/ reinstatement in the listed building.

Reason: To safeguard the significance of the designated heritage asset as defined by PPS5.

Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds should be avoided between March and July inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.