

Planning Committee

Tuesday, 23rd May 2023, 6.30 pm

Council Chamber, Town Hall, Chorley and [YouTube](#)

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

Agenda No	Item	
3	Planning applications to be determined	
	The Head of Planning and Enforcement has submitted four planning applications to be determined (enclosed).	
	Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website .	
	3a) 23/00100/FUL - 36 Empress Way, Euxton, Chorley, PR7 6QB	(Pages 7 - 14)
	3b) 23/00280/PIP - Land Adjacent To Friths Court, Gregson Lane, Brindle	(Pages 15 - 26)
	3c) 23/00262/FULHH - 191 Chorley Old Road, Whittle-Le-Woods, Chorley, PR6 7NB	(Pages 27 - 34)
	3d) 22/00871/FUL - Sarscow Lane, Sarscow Lane, Eccleston, Leyland, PR26 8LS	(Pages 35 - 42)
4	Appeals Report	(Pages 43 - 46)

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Planning Committee

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APPLICATION REPORT – 23/00100/FUL

Validation Date: 3 February 2023

Ward: Euxton

Type of Application: Full Planning

Proposal: Change of use of dwellinghouse (Use Class C3) to residential institution (to accommodate three children, aged 8-17 with carers) (Use Class C2)

Location: 36 Empress Way Euxton Chorley PR7 6QB

Case Officer: Mrs Hannah Roper

Applicant: Mrs Vicky Wilden Northridge Care Group Ltd

Agent: Mr Graham Lea Graham Lea Architecture

Consultation expiry: 14 March 2023

Decision due by: 26 April 2023 (Further extension of time requested)

UPDATE

1. Members will recall that consideration of this application was deferred at Planning Committee on 25 April 2023 to give members the opportunity to visit the site. The original committee report follows on below which has been updated to include the comments from Lancashire County Council Children's Homes which were previously reported on the Addendum.
2. The recommendation remains as per the original report.

ORIGINAL REPORT**RECOMMENDATION**

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

SITE DESCRIPTION

2. The application relates to a link detached property located on Empress way, Euxton. The dwelling is a gable fronted with a garage to the side elevation filling the gap between the dwelling and the neighbouring property. A driveway and garden are located to the front of the property and a garden to the rear.
3. The surrounding area is residential in character, with no.34 located on the corner of Empress Way, having a garage and driveway adjacent to the application dwelling. There are no dwellings directly opposite the dwelling with open grassland and a tree belt.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks planning permission to change the use of the property from a dwellinghouse (Use Class C3) to a children's home (Use Class C2). The garage would be converted to habitable accommodation to facilitate the proposed change of use.
5. It has been confirmed by the agent that the property would be registered for a maximum of three children between the ages of 8 and 17 years old with on site staff support over a 24-hour period.
6. The facility would be managed by a Home Manager who would be on site every day between 8.30am and 4.30pm and staffed by up to five full time members of staff who would work on a shift basis with two members of staff on site at all times. Staff would work on a five-week rota working 8am to 10pm for two days and then having three days off. Staff handover would take place at 8.15am and 9.45pm with a handover taking no more than 15 minutes.

REPRESENTATIONS

7. 1no. letter of support has been received
8. 43no. representations have been received citing the following grounds of objection.
 - Increase in traffic on the surrounding roads
 - Lack of parking and the impact this would have with people parking on the road
 - Will generate noise and disrupt residents
 - The property is unsuitable for the proposed use
 - The proposal would impact on local families
 - This is a business in a residential environment
 - There would be a danger to kids playing in the street
 - The proposal would result in air pollution as a result of increased traffic
 - There would be unsightly vehicles blocking paths
 - GDPR would be breached as the property would be linked
 - There would be anti-social behaviour in the local area
 - There is no relationship with the community
 - Extensions at the property have used up all the garden space
 - Staff wont necessarily use the bus
 - Loss of character to the area
 - It would compromise the neighbour's properties
 - The proposed changeover times would impact on children's bedtimes
 - There would be an impact on neighbouring elderly residents
 - The proposal would make the neighbouring property semi detached rather than link detached
 - There would be a loss in property values
 - No one wants to live next door to people with behavioural problems
 - Police will have to intervene
 - 17 year olds are not children
 - No site notice has been erected
 - Should built in an appropriate location for a business
 - Won't be able to park directly to the front of her son's house
 - This proposal is just about money and not about welfare
 - There is already anti-social behaviour locally
 - There will be multi-disciplinary teams visiting which would increase cars
 - The proposal would impact saleability of local properties

CONSULTATIONS

9. Lancashire County Council Children's Homes – Have stated that despite having more than enough homes 'on paper' in the area, that they still struggle to find suitable, local good quality homes for some children. They consider that new homes should meet a local gap in provision and be delivered by providers who offer good quality, good value provision and who are committed to providing local homes for Lancashire children.

They consider that the proposal to develop a small children's home for up to 3 young people would help to meet a local gap in provision and have confirmed that they have an existing relationship with Northridge Care with both their homes in Lancashire caring for a Lancashire child. However, to date Northridge Care has chosen to not be part of LCC's children's home commissioning arrangements, which, if they were to join, would help to demonstrate their commitment to providing local homes for Lancashire children and further increase the likelihood of Lancashire children being cared for in this new home.

10. Lancashire County Council Highway Services (LCC Highway Services) – Have no objection subject to additional parking being provided
11. Euxton Parish Council – Have objected to the proposal on the grounds that it has inadequate parking, the property is inadequate and that there would be noise issues. They request that a temporary use is granted if the Local Planning Authority is minded to approve the proposal.
12. CIL Officers – Advise that the proposal is not CIL liable.

PLANNING CONSIDERATIONSImpact on character and appearance of the locality

13. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.
14. The proposed development includes the conversion of the internal garage to habitable accommodation. This alteration could be undertaken under permitted development as a residential dwellinghouse and would not alter the residential appearance of the property. Matching materials could be secured by condition. It is, therefore, considered that the proposal accords with policy BNE1 of the Chorley Local Plan 2012 -2026 with regard to the impact on character and appearance of the locality.

Impact on neighbour amenity

15. Policy BNE1 of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
16. The application property is located on a housing estate and is surrounded by further residential properties. It is a link-detached dwelling with hardstanding to the front and a private garden to the rear.
17. The supporting information submitted with the application states that the home would operate with a maximum of three children between the ages of 8 and 17, with two staff on site and a home manager. The exception would be at shift changeover where four staff would be on site for a short period of time.

18. The occupation of the property by three young people and three adults would replicate that of a larger family living together in a residential dwellinghouse. Comings and goings would not be dissimilar to those of a family in terms of school runs and visitors and these would take place at fairly common times such as rush hours and early evenings. Similarly, the use of the garden by three young people would reflect that of a family. It is, therefore, not considered that the proposed change of use would result in a detrimental impact on amenity through an unacceptable degree of noise disturbance.
19. The proposed change from the garage door to a window would not adversely impact on any of the occupiers of neighbouring dwellings due to its location within the site.
20. The proposed change of use would not result in additional noise, disturbance or increased levels of general activity over and above the lawful use of the property as a dwellinghouse. The proposal does, therefore, accord with the policy BNE1 of the Chorley Local Plan 2012-2026 in respect of amenity considerations.

Highway safety

21. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic, or reduce the number of on-site parking spaces.
22. The proposal includes the provision of 3no. parking spaces across the frontage of the property through the hard surfacing of the garden. This would be in accordance with policy ST4 of the Chorley Local Plan 2012-2026 and adopted parking standards.
23. LCC Highway Services have raised no objection, subject to a condition, to secure the parking spaces and an informative advising that a legal agreement for an extension of the dropped kerb will be required. The proposal is therefore considered to accord with policy BNE1 of the Chorley Local plan in respect of highway safety considerations.

Other issues

24. Issues relating to property values and saleability are not material planning considerations and as such cannot be taken into consideration in the determination of this application.
25. With regard to comments relating to the suitability of the property for the proposed use, the applicant has applied on the basis that the property would meet their requirements.

CONCLUSION

26. The proposed development would not result in any adverse impact on the streetscene, residential amenity or highway safety. The proposal does, therefore, accord with policy BNE1 of the Chorley Local Plan 2012-2026.

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

Suggested conditions

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

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

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

Title	Plan Ref	Received On
Location Plan	GL486C/00	6 February 2023
Proposed Plans	GL486C/61	6 February 2023
Elevations	GL486C/21	6 February 2023

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

3. All external facing materials of the development hereby permitted shall match in colour, form and texture to those on the existing building and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

4. The parking spaces/hard surfacing shown on the site plan forming part of GL486C/61 - Proposed Plans received by the Local Planning Authority on 06.02.2023 shall be surfaced or paved, drained and made available in accordance with the approved plan prior to the first opening of the use, hereby approved and shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

Reason: To ensure provision of adequate off-street parking facilities within the site.

5. The property shall only be used to accommodate up to three children at any one time.

Reason: To prevent an intensification of use which may give rise to wider impacts which would require more detailed assessment, having regard to the amenity of local residents, highway safety and the amenities of the area.

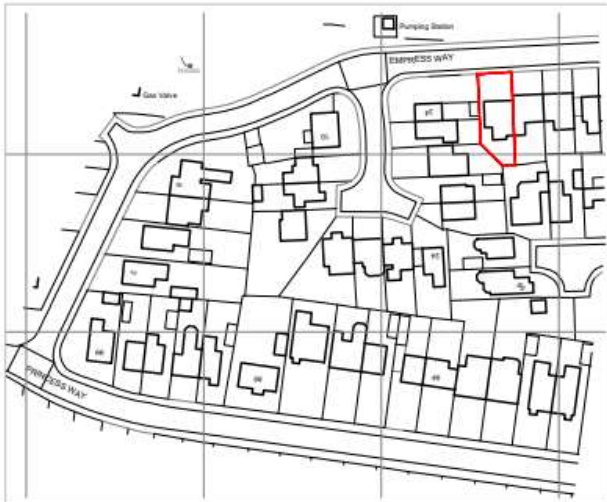
RELEVANT HISTORY OF THE SITE

Ref: 83/00270/FUL **Decision:** REFFPP **Decision Date:** 31 May 1983
Description: Kitchen/dining/bedroom extension

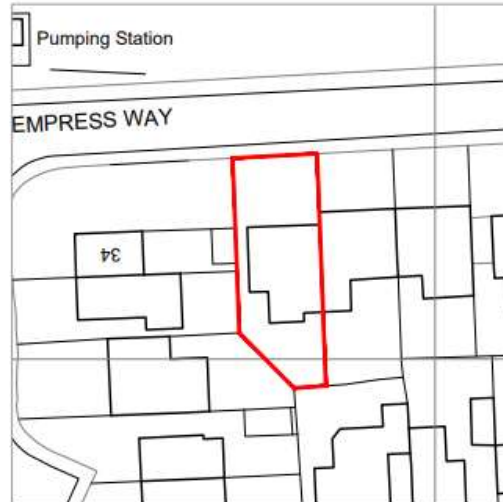
Ref: 84/00697/FUL **Decision:** PERFPP **Decision Date:** 13 November 1984
Description: Extension to garage

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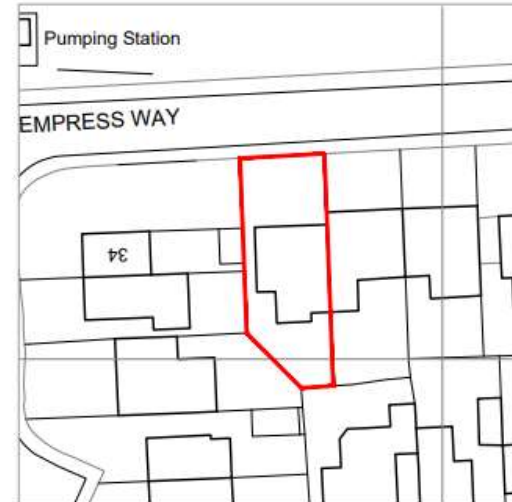
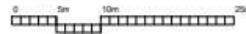
C 36 Empress Way Euxton Chorley PR7 6QB



1:1250 Location Plan



1:500 Site Plan Existing



1:500 Site Plan Proposed



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APPLICATION REPORT – 23/00280/PIP**Validation Date: 30 March 2023****Ward: Clayton East, Brindle And Hoghton****Type of Application: Permission In Principle****Proposal: Permission in principle application for a minimum of 5no. dwellings and a maximum of 7no. dwellings****Location: Land Adjacent To Friths Court Gregson Lane Brindle****Case Officer: Mr Iain Crossland****Applicant: Dr S Mclynn****Agent: Mrs Claire Wilkinson****Consultation expiry: 8 May 2023****Decision due by: 26 May 2023 (Extension of time agreed)**

RECOMMENDATION

1. It is recommended that permission in principle is granted subject to conditions.

SITE DESCRIPTION

2. The application site is located within the settlement area at Gregson Lane, at its eastern edge with open Green Belt land beyond to the east, and comprises an open area of grassland pasture surrounded by post and rail fencing. There is a residential development of new build and converted agricultural buildings to the west of the site, known as Friths Court, with open agricultural land to the north, south and east. The character of the area is that of a rural village surrounded by agricultural land.
3. The application site was once occupied by agricultural buildings and structures associated with a pig farm, however, these were demolished and removed from the site in the early 2000's following the grant of planning permission for a residential development of 12 cottage-style properties (4 by new-build) (Ref: 01/00617/FUL). Condition no.18 of the planning permission required the removal of the buildings that occupied the part of the site that is under consideration through this application and required that the site be kept open. The condition is set out as follows:

Prior to the first occupation of any of the approved dwellings the buildings, silos and slurry tank on the land to the east of the application site within the area defined by a blue edge on the approved plans shall be demolished and all arisings removed from the site and this land and the land to the east of Plot 7 within the application site shall be graded and seeded in accordance with a scheme first agreed in writing by the Local Planning Authority. Thereafter this land shall be retained as open land at all times in the future.

Reason: To ensure buildings and apparatus are removed from this part of the site in order to provide an area of open land adjacent to the boundary of the Green Belt to ameliorate the impact of the conversion/building works hereby approved.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks permission in principle for a minimum of 5no. dwellings and a maximum of 7no. dwellings. Paragraph 012 of the National Planning Practice Guidance (NPPG) on Permission in Principle, states that “the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.”
5. The permission in principle process came into force on 15 April 2017 with the government intention of simplifying the planning process for developers, and to give developers more certainty over whether a site is suitable for development ahead of going to the expense of working up more detailed proposals necessary to obtain full planning permission. The government expected this to encourage new development and increase the amount of land available to build on, thereby helping to boost housing supply. While the council has been clear that it prefers a locally-led planning process, as the local planning authority, the current NPPG has to be followed.

REPRESENTATIONS

6. Representations in objection have been received from 37 individuals. These raise the following concerns:
 - Condition no.18 attached to planning permission 01/00617/FUL required that the land be retained as open land at all times in the future.
 - The site has been discounted from the local plan.
 - Impact on highway safety and capacity.
 - No need for more housing.
 - The site is green land outside the building line and settlement.
 - The development would not be infilling and is contrary to local needs.
 - Adverse impact on local character.
 - The area is subject to unstable land.
 - Schools are oversubscribed.
 - Ecological impacts.
 - Surface water drainage issues already exist.
 - Lack of healthcare infrastructure.
 - Local residents purchased properties on the basis of the commitment made by Chorley Council that the land would be retained as open land.
 - Impact on the Green Belt.
 - Affordable housing would be OK but no need for market housing in this location.
 - The land is important for grazing of animals. The land has been used as agricultural pasture.
 - Empty and dilapidated properties should be renovated instead.
7. Cllr Alan Cullens Has objected on the following grounds:

Firstly, the previous condition placed on the land is that this should be left as green space and not be built on. Whilst this is a matter of conjecture for the Agent this is a legal matter and as such the condition should remain and any challenge be a matter for a legal decision. Therefore, the Condition Statement should form part of any Committee decision. Due to the complexity of this issue, I would request that the matter is referred to the Planning Committee.

Secondly the piece of land in question has been used to graze horses and rare breed sheep. The loss of this land would be of great detriment to the area and especially the opportunity for young people to experience nature. If any In Principle agreement is given a full environmental assessment should be made as a condition.

Thirdly there has been for some time traffic issues on Gregson Lane due to parked vehicles. Any additional build would only add to this problem although I appreciate this is only an in principle decision and no full assessment has taken place. Any development would be at one of the narrowest parts of the road and exacerbate an already difficult issue. Again a full highways impact assessment should be considered.

CONSULTATIONS

8. **Brindle Parish Council:** Objects in the strongest possible terms to this proposed development, and would like to raise the following concerns:
- The area of land is designated in the Chorley Local Plan for agricultural use and we see no reason why this should change and is in keeping with surrounding fields and agricultural land.
 - The location of the proposed development is on a narrow country lane, close to a bend and raises serious road safety and traffic concerns, which cannot be mitigated in any way.
 - Any development would have a detrimental impact on the amenity and visual appearance of this rural area.
 - Between 5 and 7 houses on a site that size would be an over-development of the relatively modestly sized site.
 - The additional impact of cars, with at least two if not three per household not only impacts on the poor highways and traffic infrastructure but goes against the Council's Climate Change Strategy with increased emissions and poor public transport links.
 - Local infrastructure is not in place for the land to be developed from a drainage and water perspective with a history of water pressure in the area being a particular problem evidenced by the Fire Service not being able to tackle local fires.
 - It is unclear whether the popular local schools would be able to cope and there are limited health services available.
 - The area is known for flooding risks that would be exasperated by the land being developed.
 - We feel it is important that the fields are available for agricultural and food production, contribute to biodiversity, ecology and the wider environment.
 - Any development would have a negative impact on the green belt adjoining and opposite the site, as well as impact on this rural settlement area.
 - We feel that the restrictive covenant that was put in place to protect this land as open space should be respected and support the Council's Planning Department's approach in safeguarding the land as originally intended.
 - The recent review of the Chorley Local Plan has not put forward any proposal to change the designation of this site from agricultural with other areas allowing the Council to achieve its housing supply and other obligations. In fact, the site was discounted.

A number of local residents have also been in touch with us to raise their genuine concerns which we wholeheartedly support.

The proposal is clearly not a sustainable development, not appropriate for this site and would have a major detrimental impact to the area and quality of life of local people. We therefore urge the Council to refuse this planning application.

9. **United Utilities:** General advice provided and a condition recommended.

PLANNING CONSIDERATIONS

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
11. One of the core principles of the National Planning Policy Framework (the Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a relatively sustainable location with two primary schools, community

centre, convenience store, pharmacy, public house, vehicle repair garage, recreational facilities and some access to public transport. The Framework also states that development in sustainable locations should be approved without delay.

12. Gregson Lane is not specified as an area for growth within Central Lancashire Core Strategy policy 1, which seeks to guide development at a strategic level, and falls to be considered as an 'other place'. Criterion (f) of Core Strategy policy 1 reads as follows:
"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."
13. The preamble to the policy provides some limited context to the policy wording stating that growth and investment should be confined here (in other places) to small scale infill, in the interests of sustainable development. The proposed development is small scale, being classified as minor development as it would not fall to be defined as major development by the Town and Country Planning (Development Management Procedure) (England) Order 2010. The development of 5 to 7 dwellings would be commensurate with the scale of the village, whilst the site itself represents one of only a very limited number of opportunities for development within the settlement area of the village. The proposed development would infill an area of the defined settlement area boundary at the periphery of the settlement, adjacent to the Green Belt.
14. The positioning of the site is such that any development would be visually prominent from public vantage points along Gregson Lane to the east, however, as set out above the location does have some sustainability credentials being located within a village that comprises a number of amenities within walking distance. On this basis the site is considered to represent an infill opportunity within the village, in a strategic sense, and the development would be small scale and commensurate with the size of the settlement with access to a number of amenities within walking distance. The proposal is, therefore, considered to be in line with policy 1 of the Core Strategy, as the development would not be contrary to the overarching aim of achieving sustainable development.
15. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012-2026 as it is within the Settlement Area of Gregson Lane. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies. Policy V2 sets out that;

Within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.
16. The preamble to the settlement area policy seeks to encourage development within settlement areas so as to ease pressure on the Green Belt. Further, it advocates the concentration of development in towns and villages to help provide accessibility to services. There is also reference to protecting character and local distinctiveness, however, no such details are required as part of a stage 1 permission in principle process and therefore any impact on character cannot be assessed at this time.
17. The proposed development of 5 to 7 dwellings in the settlement area of the Gregson Lane village, would be small scale development in a sustainable location for a development of this size. It is, therefore, considered that the 'principle' of the proposed development is acceptable in compliance with development plan when taken as a whole and with the Framework.

Other material considerations*Matters relating to previous planning permissions*

18. It is noted that planning permission ref:01/00617/FUL for the development of 12 cottage-style properties (4 by new-build) was granted in 2001 and included a condition specifically relating to the application site. This condition was also carried through to planning permission ref:02/00698/FUL, which was an amendment to planning permission ref:01/00617/FUL and was for the erection of 4 new dwellings.
19. This application must be assessed and determined on the basis of current adopted local planning policies and national policy and guidance, however, the previous planning permission covering the site is a material consideration in the determination of any application for development of the land. It is noted that planning permission ref:01/00617/FUL required the buildings, silos and slurry tank that occupied the application site subject to this application to be demolished and removed from the site, and the land be retained as open land at all times in the future thereafter. The reason given for this at the time was in order to provide an area of open land adjacent to the boundary of the Green Belt to ameliorate the impact of the approved development.
20. There are no planning policies within the local plan that specifically relate to this site, as it is not allocated or designated for any particular use or development type, and is not in a use that is specifically protected by any local plan policies. The site is simply identified as settlement area in the Chorley Local Plan.
21. The condition attached to planning permission ref:01/00617/FUL appears to have been required in order to help overcome a policy conflict at the time the application was under assessment, as the retention of open land adjacent to the Green Belt was treated as a material benefit of the proposed development. There is, however, no fundamental policy basis as to why the site should remain open and free from development in perpetuity. The essential characteristics of Green Belts are their openness and their permanence according to the Framework, however, the site is not within the Green Belt and there is no requirement in local or national policy that requires land adjacent to the Green Belt to be kept open and free from development. This is the role of Green Belt policy. As a result there is no principle reason why the site should remain as open land.
22. The buildings at Friths Court are not listed and are not within a conservation area. Although the residential development of Friths Court is characterful well designed, it is somewhat disconnected with the application site. It is considered possible that a development of between 5 and 7 dwellings could be designed in a way that is sympathetic to the character and local distinctiveness of the area, aspects that would need to be considered as part of any application for technical details consent, which is stage 2 of the process.

National Planning Policy Framework

23. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
 1. Environmental - the protection of our natural, built and historic environment
 2. Economic - the contribution to building a strong and competitive economy
 3. Social - supporting strong, vibrant and healthy communities
24. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

25. Paragraph 11 of the Framework states for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - 1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - 2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
26. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
27. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
28. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
29. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

Housing land supply

30. It is, therefore, necessary to establish whether Chorley has a five year housing land supply (5YHLS) or not in order to determine whether Paragraph 11(d) of the Framework is engaged or not (commonly referred to as the 'tilted balance'). When engaged, the tilted balance changes the 'balancing exercise' which the Council must undertake in deciding whether or not to grant planning permission; from a neutral balance where if the harms outweigh the benefits planning permission is usually withheld, to a tilted balance where the harm should significantly and demonstrably outweigh the benefits for permission to be withheld. The tilted balance, therefore, increases the prospect of planning permission being granted because it 'tilts' the balance in favour of approving an application.
31. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer.
32. Recent appeal decisions concluded that it is appropriate to calculate the housing requirement against local housing need using the standard method, as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development is, therefore, engaged under paragraph 11(d) of the Framework.

Emerging Central Lancashire Local Plan

33. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020. The Central Lancashire Local Plan (CLLP) is at the Preferred Options Stage and public consultation on Preferred Options Part 1 closed in February 2023.

34. The application site was submitted for consideration as part of the Local Plan process. The site was not, however, included in the Preferred Options Part 1 consultation, as it was not considered to be deliverable due to the presence of a restrictive covenant. It has been identified, however, that the land is not subject to any restrictive covenants. There are no third party interests affecting the title which might impede development. Only limited weight can be attached to the emerging local plan at this stage.

Summary - the tilted balance

35. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Although there are no specific policy designations covering the site, and the development is in general accordance with the development plan, it is clear that the absence of a 5 year housing land supply is in issue and is a material planning consideration in the planning balance.
36. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal.
37. In accordance with the Framework, planning permission should be granted for the proposal, unless:
1. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Applying the tilted balance

38. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.
39. As previously noted in this report, the scope of a permission in principle application is limited to location, land use and amount of development. Other matters such as impacts on local character and appearance of development, residential amenity, highway safety, and biodiversity can only be considered at the technical details consent stage.
40. With regards to the amount of development, whilst the visual impact of the development on the character of the area and neighbouring amenity impacts are clearly important factors in the design of any scheme for the site, it is considered that it is possible that between 5 and 7 dwellings could be adequately located on the application site with space for vehicle manoeuvring / parking, gardens and landscaping. This is, however, without the benefit of being able to consider detailed ground investigations and other physical constraints to development.
41. Any adverse impacts of the development are unknown at this stage as they would relate to detailed matters not under consideration as part of a permission in principle application. The visual impacts of development cannot be assessed where there are no policies requiring the preservation of openness. As such it is not considered that there are any harms deriving from the principle of development.
42. In terms of benefits, there would be some moderate economic benefits through the creation of work in the construction industry and demand for services and products within the local

supply chain, whilst there would be some increase in the expenditure available to local businesses and tax income for the local authority from Council Tax through the end use.

43. There would be a clear and significant social benefit of the development in contributing towards the shortfall in housing land supply in the Borough. The proposal would boost the supply of housing, albeit on a small scale, in a situation where there is no five-year supply and, as a result, significant weight can be given to the social benefits of the proposal. It is considered that the economic benefits for proposal would be modest and so can be afforded moderate weight.
44. It is not considered that there are any adverse impacts of the proposed development that would significantly and demonstrably outweigh the economic and social benefits of the proposal, particularly when applying the tilted balance. The scheme, therefore, benefits from the presumption in favour of sustainable development, and as such, the proposal is recommended for approval.

Other matters

45. *Condition 18 attached to planning permission ref:01/00617/FUL requiring that the land be retained as open land at all times in the future:* The presence of a planning condition attached to the grant of a previous planning permission does not in itself preclude the submission and assessment of a planning application for development of land affected or covered by such a condition. The application must be considered on its own merits on the basis of policies and material considerations at the point of determination.
46. *Affordable housing would be OK but no need for market housing in this location:* The proposal does not specify between market and affordable housing at this stage, however, the number of dwellings proposed does not meet the threshold at which a contribution to affordable housing would be required.
47. Issues such as local character, land stability, ecological impacts, surface water flood risk, infrastructure requirements and highway safety and traffic congestion raised within the representations and by the Parish Council are technical matters that could only be assessed as part of any future application for technical details consent. They fall outside of what the Council can assess as part of this current application, as set out in the above paragraph from the NPPG.

CONCLUSION

48. The principle of erecting a minimum of 5no. dwellings and a maximum of 7no. dwellings at the application site is considered acceptable in terms of location, land use and the amount of development, as there are no identified adverse impacts of the proposal at this stage that significantly and demonstrably outweigh the economic and social benefits it would deliver. It is, therefore, recommended that permission in principle is granted, subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 74/00623/OUT **Decision:** REFOPP **Decision Date:** 18 December 1974
Description: Outline application for demolition of agricultural buildings and erection of 4 dwellings

Ref: 74/00624/OUT **Decision:** PEROPP **Decision Date:** 18 December 1974
Description: Outline application for bungalow

Ref: 76/00422/OUT **Decision:** REFOPP **Decision Date:** 3 August 1976
Description: Outline application for dwelling

Ref: 91/00956/FUL **Decision:** PERFPP **Decision Date:** 20 January 1991
Description: Above ground slurry and farmyard manure store

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

Suggested conditions

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 permission in principle hereby approved relates to the erection of a minimum of 5no. dwellings and a maximum of 7no. dwellings. Any application for technical details consent shall not exceed seven residential units.

Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area.

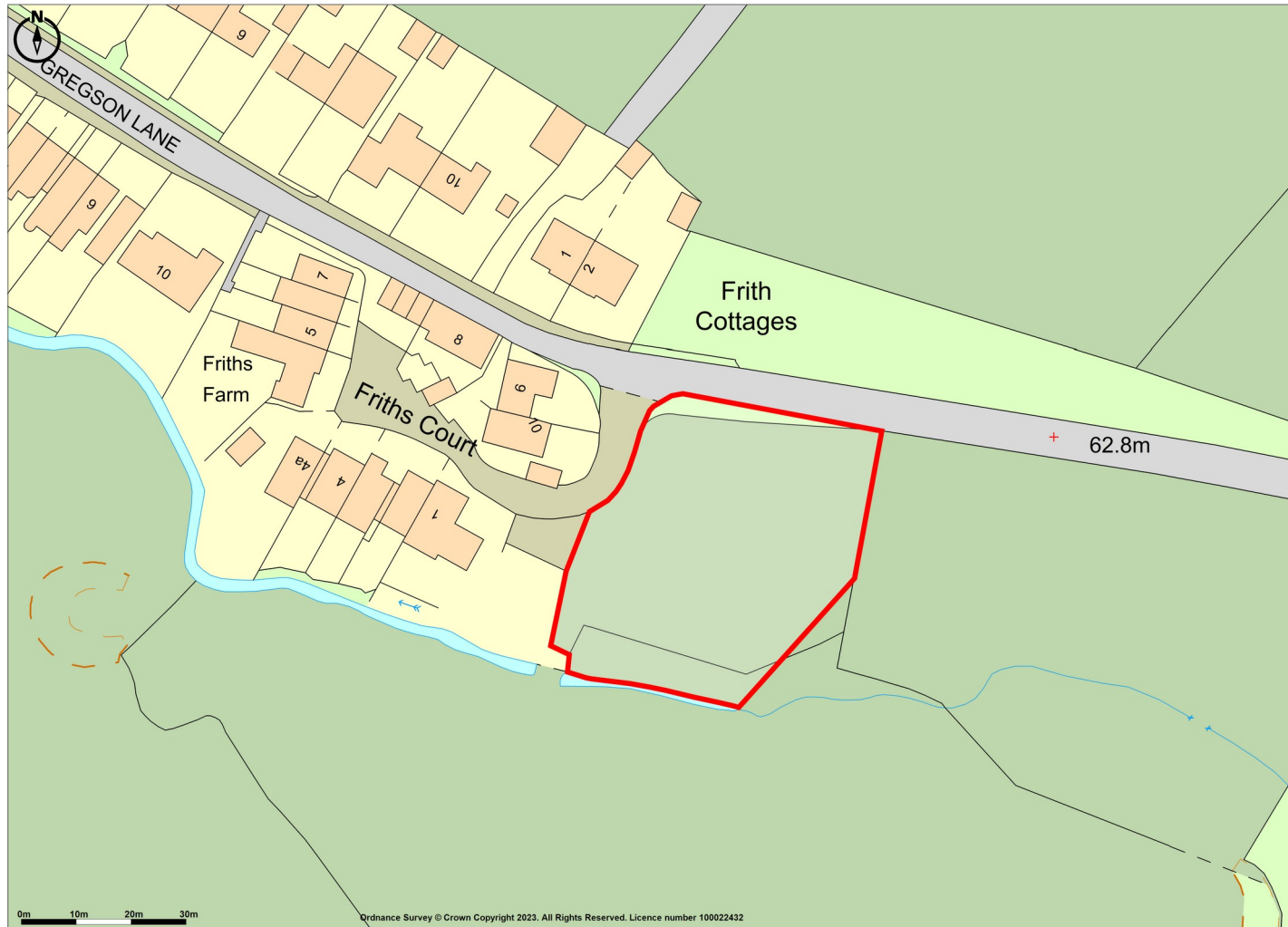
3. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Site Location Plan	SAA.3858.1	28 March 2023

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

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Site Location Plan
Land adjacent Friths Court, Gregson Lane, Hoghton, PR5 0ED
Plan Ref: SAA.3858.1



Promap

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APPLICATION REPORT – 23/00262/FULHH

Validation Date: 22 March 2023

Ward: Buckshaw And Whittle

Type of Application: Householder Application

Proposal: Single storey rear extension, new dormer to rear elevation and detached double garage (following the demolition of existing shed)

Location: 191 Chorley Old Road Whittle-Le-Woods Chorley PR6 7NB

Case Officer: Simon Lems

Applicant: Mr Terence Trelfa

Agent: Mr Terence Trelfa

Consultation expiry: 26 April 2023

Decision due by: 26 May 2023 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.
2. This application is being brought to committee for determination as it has been requested by the Ward Councillor.

SITE DESCRIPTION

3. The application site is located within the settlement area of Whittle-le-Woods, on the western side of Chorley Old Road. The existing property is a semi-detached bungalow with front and rear gardens. The immediate locality is characterised by similar properties.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for a single storey rear extension, new dormer to rear elevation and a detached double garage.
5. The proposed rear extension would project approximately 3.83m from the existing rear elevation of the dwelling, with a maximum height of approximately 3.5m with a flat roof. The proposed rear dormer would have a depth of approximately 3m and height of 2.23m, spanning almost the entire width of the roof slope, set slightly up from the eaves and below the ridgeline. The proposed detached garage would be located at the rear of the garden measuring approximately 2.64m in height with a flat roof, with a square footprint of approximately 5.6m x 5.6m.
6. Whilst decking is shown on the submitted plans to be located to the rear of the dwelling, of a height which would require planning permission, the case officer has requested the plans be amended to remove the decking as it has not been included in the description of development and therefore is not assessed below. The revised plan reference numbers and planning conditions will be included in the committee addendum report.

REPRESENTATIONS

7. One representation has been received in objection to the proposal, citing the following:
 - Our neighbouring property has its dining room window immediately adjacent to the proposed extension and would therefore impinge on the 45-degree rule
 - Paragraph 2.18 of the Householder Design Guidance SPD states that the design of the extension should complement the original building, it is unclear which materials are to be used and the extension has a flat roof it therefore will not complement the original building. In addition, the SPD states that rear extensions should remain visually subservient. This is a massive extension and cannot be said to be subservient.
 - The plans do not show the change in levels between the properties and nor do they show the proposed height of the extension. The gardens of the bungalows are split-level with approximately 1000mm difference between the garden level and the floor level of the property. The extension will therefore appear visually dominant and overbearing from our dining room and garden area.
 - The proposed rear extension will be completely overbearing and visually detrimental. We will face a blank brick wall which will extend almost 4m and will tower over our garden.
 - The Householder Design Guidance SPD states:
 - 2.39 – “where rear dormer windows need planning permission, they should cumulatively cover less than 2/3rds of the width of the roof”. The proposed dormer occupies the entire roof and almost the entire depth of the roof therefore contrary to the policy.
 - 2.40 – “They should be designed with care, to be subordinate to the main roof structure and set in from the side elevations. Flat roofed dormers do not sit comfortably with pitched roofs and are unlikely to be acceptable...” The proposed dormer occupies almost the entire rear roof and would therefore be contrary to policy.
 - 2.41 - “Where dormers are considered acceptable, they should be designed to complement the original building in terms of style, detailing and materials.” The proposed dormer is to be clad in PVCU cladding which would not match the existing materials of the property and would therefore be contrary to policy. The proposed dormer is completely contrary to the Council's SPD, would be visually intrusive and out of character with the area. The dormer would overlook the neighbouring properties and would cause privacy issues.
 - Although timber decking is proposed on the plans, no measurements are given and nor are full details given. Given the levels difference between the properties, this could impact detrimentally on our privacy.
 - We note that the applicant has signed Certificate A as part of the application. Has the ownership been checked? Section 65 of the TCPA states that the LPA shall not entertain an application unless the requirements of this section have been met.

CONSULTATIONS

8. Parish Council – Have commented stating they wish to ensure that due consideration is provided to the neighbours of the property. That all materials used are in keeping with the established dwelling and area, and that property boundaries are not encroached upon in any way.
9. CIL Officers – Commented stating the development is currently exempt from CIL under Reg.42 as the new floor space is less than 100sqm and does not constitute a new dwelling.
10. Lancashire Highway Services – Commented stating they do not have any objections and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

PLANNING CONSIDERATIONSDesign and impact on the dwelling and streetscene

11. Policy HS5 of the Chorley Local Plan 2012 – 2026 stipulates that the proposed extension respects the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.
12. The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and respect the scale, character, proportions of the existing dwelling and surrounding area. In particular, it states that proposed dormers shall be contained well within the body of the roof, by being well set back from the party/end walls, below the ridge of the roof and above the eave gutterline. Where a rear dormer needs planning permission, they should cumulatively occupy less than 2/3rds of the width of the roof.
13. The Householder Design Guidance SPD states it is important to consider and understand that garages and other outbuildings, whether or not they require planning permission, can have a similar impact as other extensions. Such features should, therefore, respect the scale, character and materials of the original property and care should be taken to safeguard the amenities of neighbours.
14. The proposed single storey rear extension would be built to the rear of the property, however as there is a public footpath that runs behind the property it would be visible from public vantage points. It would be of modest scale and would respect the existing property and the surrounding buildings in terms of scale and size, resulting in a subservient addition. The design would be red/brown facing brick to match the existing dwelling.
15. The proposed rear dormer would be a large addition, occupying the majority of the rear roof slope. However, given that it would be located to the rear of the property, it would not be overly prominent or appear as a visually discordant feature in the immediate streetscene. The rear dormer would however be visible from the public footpath that runs behind some of the properties on this section of Chorley Old Road. It should be noted that neighbouring properties to the rear along Derek Road have rear dormers which are also visible from the public footpath, as well as some of the terraced houses further along Chorley Old Road that also back onto the footpath. The design would be uPVC horizontal cladding and therefore would not match the existing property. That said, it must be stressed that a dormer of this size would be lawful development under permitted development rights. Consequently, it is not considered that refusal of the application is warranted on design grounds.
16. The proposed detached garage would also be visible from public vantage points due to the public footpath that runs behind the property. It would be of modest scale and would respect the existing property and the surrounding buildings in terms of its scale and appearance, resulting in a subservient addition, whilst the design would be compatible with the appearance of the host property.
17. On the basis of the above the proposed works would respect the appearance of the existing building and would not be harmful to the character of the area.

Impact on the amenity of neighbouring occupiers

18. Policy HS5 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.
19. The Householder Design Guidance SPD seeks to ensure that property extensions have a satisfactory relationship with existing neighbouring buildings, do not have overbearing impact on adjacent properties and amenity areas and do not lead to the excessive loss of daylight or overshadowing of habitable rooms and amenity spaces of adjacent properties. Furthermore, it asserts that extensions should be located, and windows orientated, to prevent direct overlooking of habitable rooms or private amenity space that belongs to

nearby properties. In particular, the SPD states that single storey extensions shall not project further than 3 metres beyond a '45-degree' guideline drawn on plan from the near edge of the closest ground floor habitable room window on an adjoining/affected property. The SPD also sets out that two storey extensions must be a minimum 7 metres away from any boundary of its curtilage which is opposite the rear wall of the house being enlarged.

20. The Householder Design Guidance SPD states care must always be taken to ensure that any outbuildings and other structures, such as decking, do not lead to an unacceptable level of overshadowing of neighbouring properties, disturbance or loss of privacy.
21. The proposed single storey rear extension would project slightly more than 3m beyond a 45-degree guideline drawn on plan from the near edge of the closest ground floor window at no.189 Chorley Old Road. However, the breach is negligible and the proposed extension having a flat roof would lessen its impact. It is not therefore considered that the extension would have an unacceptable adverse impact on the amenity of the occupiers of no.189 Chorley Old Road as a result of light loss, overbearing or loss of outlook.
22. The 3m 45-degree assessment ensures that a satisfactory relationship is achieved between the proposed extension and the neighbour and does not result in an unacceptable adverse impacts due to loss of light or an overbearing effect to the neighbouring dwellings or their associated private amenity areas.
23. The proposed dormer would be more than 7m from the rear boundary and there are no properties located directly to the rear, with the next property to the rear being over 70m away.
24. The proposed detached garage would have an acceptable relationship with neighbouring properties due to being positioned at the rear of the garden away from other dwellings in the vicinity. The proposed garage would be built close to the shared boundary with no.189 Chorley Old Road. The entrance would be to the north as well as the access and therefore the degree of separation is considered acceptable. As such it is not considered that there would be any impact on neighbouring dwellings as a result of the proposal.
25. The application also includes the addition of new windows to the front and side elevations of the dwelling. These windows would replace existing windows in the same elevations and so it is considered that they will have no added adverse impact as a result of loss of privacy.

Impact on Highway Safety

26. Policy BNE1 of The Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that, the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
27. The Householder Design Guidance SPD states that off-street parking should generally be provided at a ratio of 2 spaces for a two or three bed dwelling, and 3 spaces for a larger property, including garages.
28. It is worth noting that LCC Highways have no objection to the proposal and it would not involve the creation of any extra bedrooms that may increase parking demand or the loss of any off-road parking space. The proposal includes the erection of a detached garage which would class as one additional parking space and so there is a betterment with regards to off-street parking.

CONCLUSION

29. The proposed development would not be harmful to the character and appearance of the existing dwelling or the surrounding area, nor would it cause any unacceptable adverse impacts on the amenity of neighbouring residents. It is, therefore, considered that the development accords with policy HS5 of the Chorley Local Plan 2012 – 2026 and the Householder Design Guidance Supplementary Planning Document. Consequently, it is recommended that the application is approved, subject to conditions.

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

Suggested Conditions

To follow.

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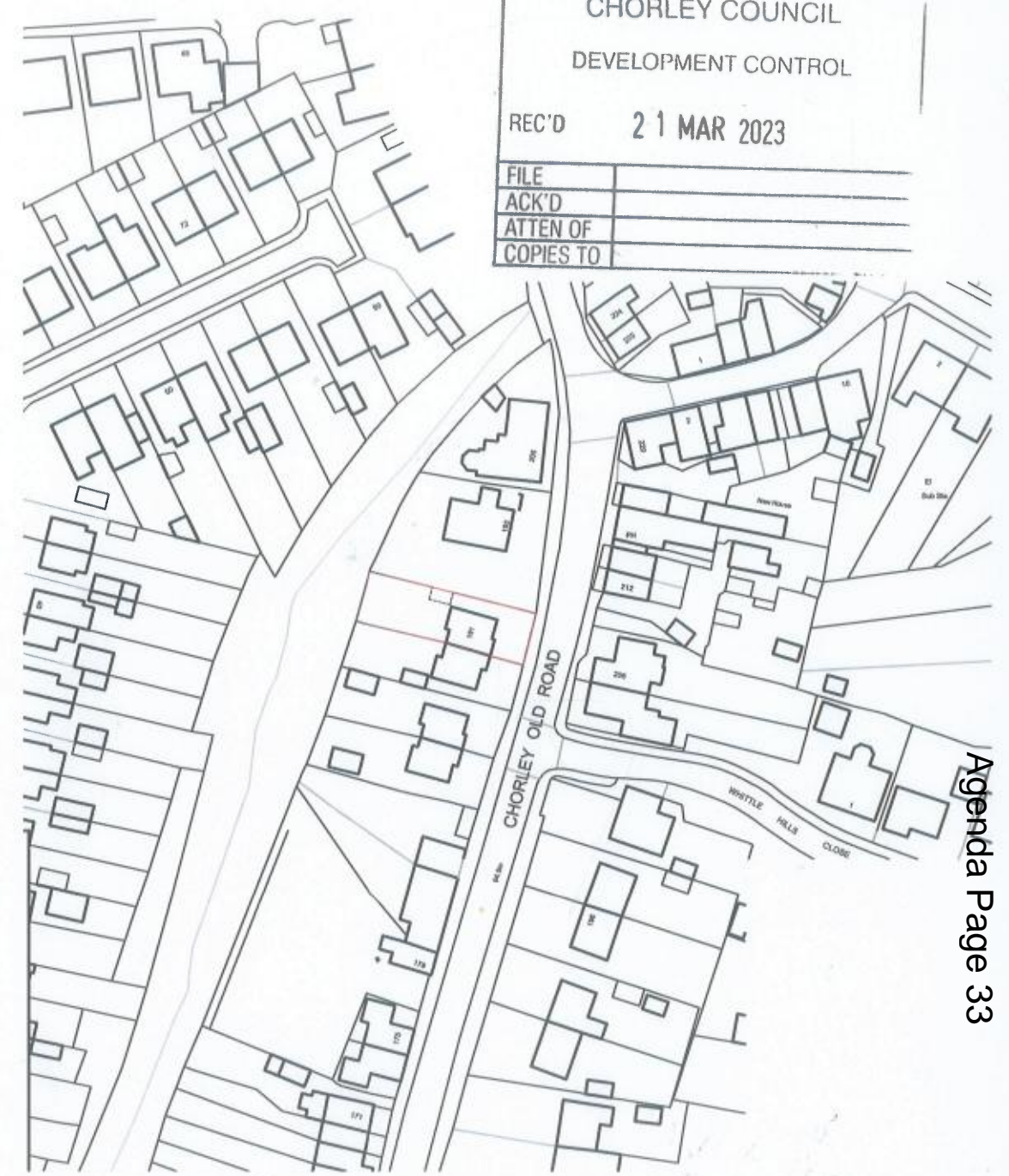
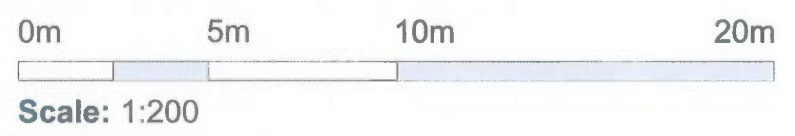
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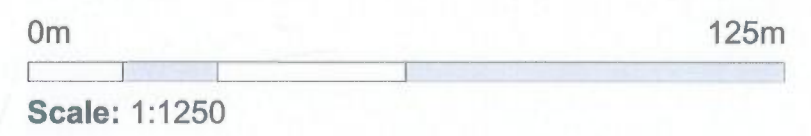
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PROPOSED SITE PLAN 1:200



LOCATION PLAN 1:1250



CLIENT	Mr T. Trelfa.			
PROJECT NAME	Proposed Rear Extension, Detached Double Garage and Internal Alterations at			
	191 Chorley Old Road, Whittle-le-Woods, Chorley, PR6 7NB.			
DRAWING NAME	Location & Proposed Site Plans.			
SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
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APPLICATION REPORT – 22/00871/FUL

Validation Date: 19 August 2022

Ward: Eccleston, Heskin And Charnock Richard

Type of Application: Full Planning

Proposal: Section 73 application to vary condition no.3 (approved plans) attached to planning permission ref: 17/01046/FUL (Change of use of barn from agriculture to offices (Use Class B1), retention of farm house for residential (Use Class C3), retention of barns for agricultural use, provision of 19 parking spaces for use by office staff, and alterations to Sarscow Lane, to create 3 no. passing places) to alter the position, number and dimensions of the passing places

Location: Sarscow Farm Sarscow Lane Eccleston Leyland PR26 8LS

Case Officer: Mr Iain Crossland

Applicant: Mr A Roberts

Agent: Mr Robert Harrison, P Wilson & Company

Consultation expiry: 20 April 2023

Decision due by: 26 May 2023 (Extension of time requested)

RECOMMENDATION

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

SITE DESCRIPTION

2. Sarscow Farm, historically known as Little Sarscow, was at one time a quite substantial farm complex set in open countryside within the Green Belt. The wider planning unit includes the farm house, offices in the converted barn and several more modern agricultural buildings situated in a close grained cluster at the southern end of Sarscow Lane that leads to the site from Southport Road.
3. Sarscow Lane itself is a single-track private lane that serves Sarscow Farm, the agricultural land on either side and to the south of it and a limited number of other properties. It is lined by a significant number of mature trees that are the subject of a Tree Preservation Order (TPO). Drainage ditches variously line one or both sides of the lane at different points along its length, which restricts the carriageway width within these areas.
4. There are no immediate neighbours to the site, other than the farmhouse, the nearest being the property known as Oakfield, which located approximately 360 metres to the north, and Butterfly Hall that is approximately 380 metres to the north west.
5. A public footpath, no.2, runs in a north to south direction along Sarscow Lane.
6. It is the older barns clustered around the farm house that were subject to the original application for planning permission for a change of use to offices (application ref. 17/01046/FUL) to which this application relates. This was approved in March 2018. The larger more recent agricultural sheds are retained for agricultural purposes as per their lawful use.

DESCRIPTION OF PROPOSED DEVELOPMENT

7. This application seeks to vary condition no.3 (approved plans) attached to planning permission ref: 17/01046/FUL, which was for the change of use of a barn from agriculture to offices (Use Class B1), retention of farm house for residential (Use Class C3), retention of barns for agricultural use, provision of 19 parking spaces for use by office staff, and alterations to Sarscow Lane, to create 3 no. passing places. In seeking to vary condition 3 this would have the effect of altering the position, number and dimensions of the passing places that were originally approved and required by condition.

REPRESENTATIONS

8. Two representations in objection have been received raising the following issues:
 - The lane is used by heavy vehicles and plant which the road is unsuitable for.
 - The passing places that are being used are not suitable for heavy vehicles and plant.
 - Heavy vehicles and plant result are harmful to the safety of pedestrians.
 - Amenity impacts from wagons using the lane at unsocial hours.
 - Lack of visibility splay at junction with Southport Road impacts on highway safety.
 - Legal rights of access to use land for passing places may not be secured.
 - The applicant has carried out a criminal offence by removing hedgerow that is in another ownership without consent.
 - Current provisions are unsuitable and result in highway safety and pedestrian safety issues.

CONSULTATIONS

9. Lancashire Highway Services: does not have any objections regarding the proposed section 73 application to vary condition no.3 (approved plans) attached to planning permission ref: 17/01046/FUL and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
10. Lancashire County Council Public Rights Of Way: No comments have been received.
11. Eccleston Parish Council: No comments have been received.

PLANNING CONSIDERATIONS

12. Planning permission for the change of use of a barn from agriculture to offices (Use Class B1), retention of farm house for residential (Use Class C3), retention of barns for agricultural use, provision of 19 parking spaces for use by office staff, and alterations to Sarscow Lane, to create 3 no. passing places was approved in March 2018 under reference 17/01046/FUL.
13. The approved development incorporated the provision of three passing places along Sarscow Lane and the widening of Sarscow Lane at the junction with Southport Road. This was in response to comments made by LCC Highways on the application to change the use of the farm buildings to offices. This application now seeks to amend the provision of the approved passing places on the basis that the existing provisions for passing vehicles along Sarscow Lane are acceptable for the approved office use.
14. The initial LCC response in November 2017 stated:

The site is currently accessed via a narrow Public Right of Way (FP 2). While there are no highway objections to the proposed change of use, for safety and ease of access due to the potential increased vehicular movements associated with the use of the site as offices, it is considered that the applicant provides two passing places along the access, one at the north end of the wider site boundary and the other approximately 65m south of the north boundary.

Adequate visibility should be maintained at the entrance to the car park to ensure the safety of pedestrians who may be using the public right of way.

15. The applicant subsequently provided a scheme showing 7 no. passing places. LCC Highways responded in February 2018 stating that:

The amended plans show 7no proposed passing places which seems more than the highway authority would normally require for an access road of this length, however, providing the 7no passing places would not compromise highway safety if it is the applicant's wish to do so. I can confirm that the passing places are acceptable.

16. Following on from this and in response to further assessment of the application by the local planning authority the proposal was amended and reduced in scale, such that the only building to be converted to offices was a traditional brick barn. LCC Highways were approached for further comment and advised as follows:

Given that 19 car parking spaces are proposed, there is need for some passing places to be provided. The applicant should provide 3no. passing places in addition to the proposed widening at the junction of Southport Road and Sarscow Lane. I have attached two plans above showing the required passing places and crossing out those that are not required.

17. The LCC Highways officer identified which of the proposed passing places should remain and be provided as part of the development proposal. These were subsequently conditioned as part of the approved plans, whilst condition 7 of the planning permission required the provision of these passing places prior to the development being occupied or brought into use.
18. In the event the development has been carried out and brought into use without the approved passing places having been provided. Some limited engineering works to create slightly wider sections of road and the laying of loose material have been carried out. Other features that have been identified for passing vehicles include wider sections of road where there is a bend, a driveway entrance and areas of verge. This section 73 application essentially seeks permission not to have to construct the approved passing places on the basis that adequate opportunities for vehicles to pass currently exists, which are suitable for the scale of office development that occupies the site as approved under planning permission 17/01046/FUL.
19. It is noted that LCC initially requested two passing places, for what was originally a larger development. The applicant later offered up seven passing places, which were in excess of what LCC Highways would require for such a development. This was later reduced down to three passing places and widening at the junction with Southport Road, which exceeds the original request for two passing places.
20. LCC Highways have now had the opportunity to review the development on the basis of the existing arrangements and current conditions along Sarscow Lane. The approved development uses direct access along definitive footpath FP0913002. Sarscow Lane is a private road. It does, however, carry a PROW in FP0913002, which means that public usage of the lane is limited to foot traffic. LCC have confirmed that they are not aware of what restrictions, if any, are in place limiting access to properties on or accessed off the lane. LCC Highways interests are limited to ensuring that the PROW remains safe for all its users and that its access with Southport Road operated in a safe manner.
21. LCC Highways consider that the usage of the lane in regard to large vehicles is similar to the previous agricultural use. It must also be noted that the use of the site for offices would not involve extensive use by heavy vehicles and there is no consent in place for the storage of plant, machinery and heavy vehicles. LCC Highways consider that the passing places installed and that exist reduce the conflict with opposing vehicles and allow for safe pedestrian movements.

22. LCC's five year data base for Personal Injury Accident (PIA), was checked on 25 April 2023. The data base indicates that there has not been any reported incidents near the access to the development from 200m in each direction from the junction of Sarscow Lane with Southport Road.
23. LCC Highways consider that the passing places that have been constructed serve the same purpose as the original scheme and are acceptable as an alternative scheme. As such no highway objections are raised to this s73 application.
24. Given the absence of any highway objections to the amended proposal there are no grounds upon which any undue harm to highway safety can be identified. The passing places that were originally approved would have been more heavily engineered and visually intrusive, which would have resulted in a more urbanising effect on the rural character of Sarscow Lane. Therefore the ability of the offices to operate on the basis of current highway arrangements along Sarscow Lane is of benefit in relation to maintaining the character of the area.
25. Overall the proposed amendments to the development would not prejudice highway safety, pedestrian safety or the free flow of traffic and would have no adverse impact on the character of the area. As such the development would remain consistent with policy BNE1 of the Chorley Local Plan 2012-2026.
26. A number of conditions attached to the grant of planning permission required protective measures during the construction phase of the development, or details to be approved. As the development is now complete it is no longer necessary to repeat these conditions within any grant of planning permission under this section 73 application and it is recommended that these are omitted.

Other matters

27. The lane is used by heavy vehicles and plant, which the road is unsuitable for: The planning permission to which this section 73 application relates does not provide for the use or storage of heavy vehicles and plant.
28. The passing places that are being used are not suitable for heavy vehicles and plant: The planning permission to which this section 73 application relates does not provide for the use or storage of heavy vehicles and plant.
29. Heavy vehicles and plant result are harmful to the safety of pedestrians: The planning permission to which this section 73 application relates does not provide for the use or storage of heavy vehicles and plant.
30. Amenity impacts from wagons using the lane at unsocial hours: The planning permission to which this section 73 application relates does not provide for the use or storage of heavy vehicles and plant.
31. Legal rights of access to use land for passing places may not be secure: Legal rights in relation to the use of land are a civil matter that cannot be controlled through planning powers.
32. The applicant has carried out a criminal offence by removing hedgerow that is in another ownership without consent: Damage to property is a civil matter that cannot be controlled through planning powers.

CONCLUSION

33. It is recommended that the application is approved and condition 3 (approved plans) is varied for the reasons set out above.

RELEVANT HISTORY OF THE SITE

Ref: 17/00239/FUL **Decision:** PERFPP **Decision Date:** 4 May 2017

Description: Conversion of existing barn to dwelling including part demolition, new extensions and external works.

Ref: 17/01046/FUL **Decision:** PERFPP **Decision Date:** 6 March 2018

Description: Change of use of barn from agriculture to offices (use class B1), retention of farm house for residential (use class C3), retention of barns for agricultural use, provision of 19 parking spaces for use by office staff, and alterations to Sarscow Lane, to create 3 no. passing places.

Ref: 18/00521/FUL **Decision:** REFFPP **Decision Date:** 12 September 2018

Description: Change of use of existing agricultural buildings to storage of plant and machinery in association with a groundwork contractors and alterations to Sarscow Lane, involving the construction of 4 no. passing places.

Ref: 18/00560/FUL **Decision:** PERFPP **Decision Date:** 9 November 2018

Description: Siting of 6no. cabins to provide temporary office accommodation for use during the construction of previously approved offices.

Ref: 19/00841/NOT **Decision:** PERTEL **Decision Date:** 12 September 2019

Description: Notice of intention to install 1no. 10m wooden pole for the installation of fixed-line broadband apparatus.

Ref: 19/01096/TPO **Decision:** REFTRE **Decision Date:** 13 January 2020

Description: Application for works to protected trees - Chorley BC TPO 1 (Eccleston) 2018: Crown lift branches that overhang Sarscow Lane(3m width, 1.5m either side of the centre of the lane) to a height of 4.85m

Ref: 21/00103/DIS **Decision:** PEDISZ **Decision Date:** 12 February 2021

Description: Application to discharge condition no.8 (external facing and roofing materials) attached to planning permission 17/01046/FUL (Change of use of barn from agriculture to offices (use class B1), retention of farm house for residential (use class C3), retention of barns for agricultural use, provision of 19 parking spaces for use by office staff, and alterations to Sarscow Lane, to create 3 no. passing places)

Ref: 21/00382/MNMA **Decision:** PEMNMZ **Decision Date:** 29 July 2021

Description: Minor non material amendment to planning permission 17/01046/FUL (Change of use of barn from agriculture to offices (use class B1), retention of farm house for residential (use class C3), retention of barns for agricultural use, provision of 19 parking spaces for use by office staff, and alterations to Sarscow Lane, to create 3 no. passing places) involving alterations to a window opening

Ref: 22/01165/FULHH **Decision:** PERFPP **Decision Date:** 14 February 2023

Description: First floor extension to northern elevation, single storey extension to southern elevation, erection of outbuilding/garage, removal and rebuilding of existing brick wall with stone coping and erection of timber fence and gate to side of dwelling

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

Suggested conditions

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

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

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

Title	Plan Ref	Received On
Site Location Plan	0015	2 March 2018
Proposed Site Plan	007D	14 February 2018
Proposed Ground Floor Plan	008	5 January 2018
Proposed First Floor Plan	009	5 January 2018
Proposed Elevations Sheet 1	010	5 January 2018
Proposed Elevations Sheet 2	011	5 January 2018
Proposed Section A-A	012	5 January 2018
Proposed Section B-B	013	5 January 2018
Proposed Section C-C	014	5 January 2018
Proposed Access Passing Places	015C	2 March 2018

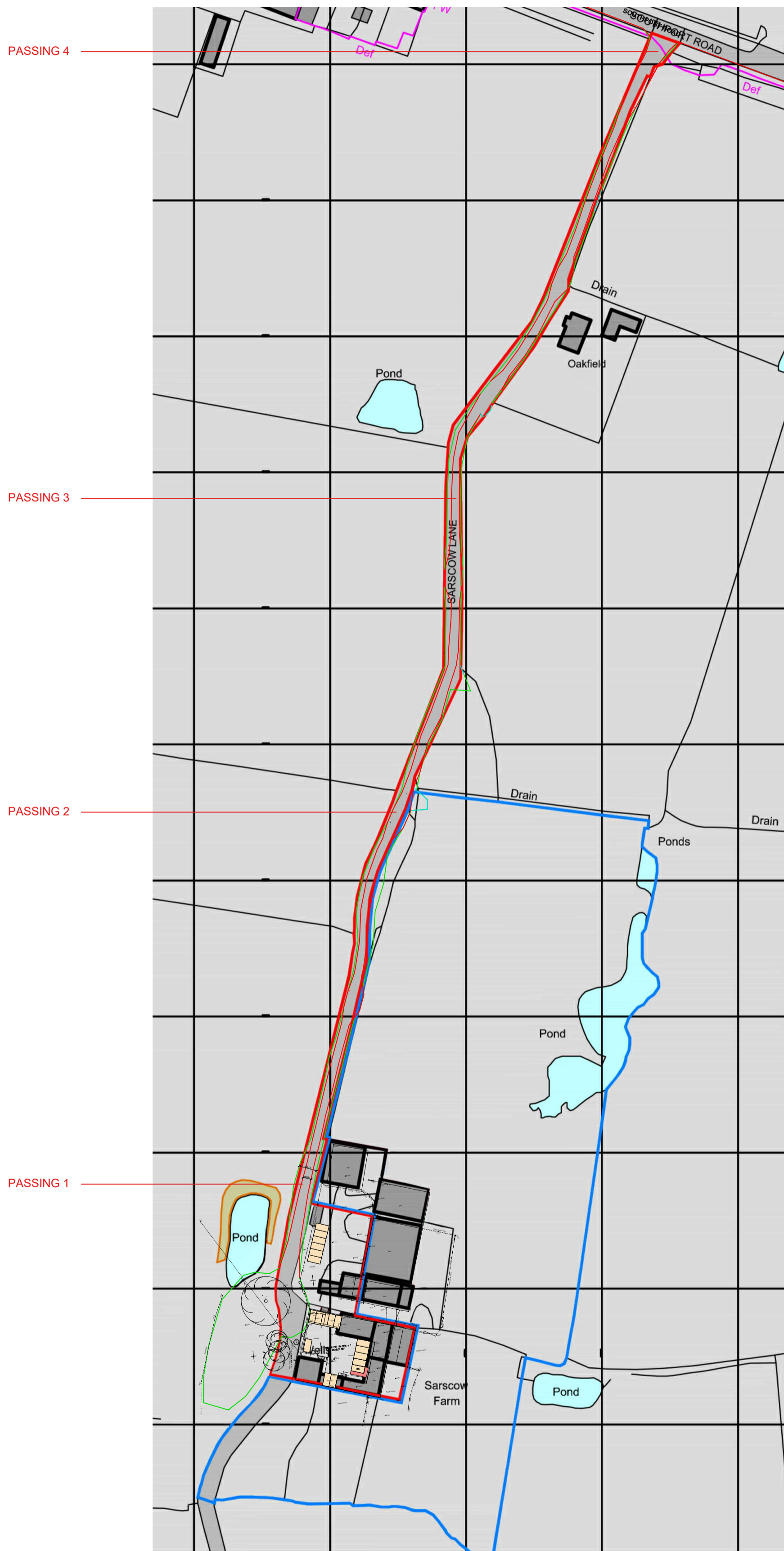
Reason: For the avoidance of doubt and in the interests of proper planning.

3. No part of the development shall be occupied or brought into use until the passing places shown on the approved plans have been provided in full and are available for use. The passing places shall be retained at all times thereafter specifically for this purpose.

Reason: In the interest of highway safety.

4. The parking and manoeuvring facilities shown on the plans hereby approved shall be made available in accordance with the approved plan prior to the occupation of any of the office buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).

Reason: To ensure provision of adequate off-street parking facilities within the site.



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Report of	Meeting	Date
Head of Planning & Enforcement	Planning Committee	15 May 2023

PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 28 FEBRUARY 2023 AND 15 MAY 2023

PLANNING APPEALS LODGED AND VALIDATED

Local Planning Authority Reference: 22/01164/PIP - Inspectorate Reference: APP/D2320/W/22/3313589

Appeal by Mr Mohammed Shah against the Planning Committee decision to refuse permission in principle for a minimum of six dwellings and a maximum of nine dwellings.

Land Opposite Hampton Grove, Wigan Road, Clayton le Woods, Lancashire, PR25 5SB.

Inspectorate letter confirming appeal valid received 7 March 2023.

Local Planning Authority Reference: 22/01227/FULHH- Inspectorate Reference: APP/D2320/D/23/3318484

Appeal by Mr S. Morris against the delegated decision to refuse planning permission for a first floor rear extension.

The Oaks, Preston Road, Charnock Richard, Chorley, PR7 5LH.

Inspectorate letter confirming appeal valid received 19 March 2023.

Local Planning Authority Reference: 22/00987/FULHH- Inspectorate Reference: APP/D2320/D/23/3317609

Appeal by Mr V Harris and Ms S Berry against the delegated decision to refuse planning permission for a single storey side/rear extension (following demolition of existing conservatory).

39 Grape Lane, Croston, Leyland, PR26 9HB.

Inspectorate letter confirming appeal valid received 24 March 2023.

Local Planning Authority Reference: 23/00005/FULHH - Inspectorate Reference: APP/D2320/D/23/3320330

Appeal by Ms Danielle Wilkinson against the delegated decision to refuse planning permission for a single storey side/rear extension (following demolition of existing conservatory).

7 Rothwell Road, Anderton, Chorley, PR6 9LZ.

Inspectorate letter confirming appeal valid received 17 April 2023.

Local Planning Authority Reference: 22/00959/CLPUD- Inspectorate Reference: APP/D2320/X/23/3321231

Appeal by y Mr Myles Newhouse against the delegated decision to refuse an application for a certificate of lawful development for a proposed detached outbuilding to accommodate a swimming pool and gymnasium.

Rose Hips Barn Tithe Barn Lane, Heapey, Chorley, PR6 8TE.

Inspectorate letter confirming appeal valid received 28 April 2023.

Local Planning Authority Reference: 22/01125/FULHH - Inspectorate Reference: APP/D2320/D/23/3321418

Appeal by Mr John Wiggans against the delegated decision to refuse planning permission for the extension of the existing balcony to the rear of the property, with glass balustrades and 1.8m high fencing on balcony along the western elevation (retrospective).

Sundance Bolton Road, Anderton, Chorley, PR6 9HN.

Inspectorate letter confirming appeal valid received 6 May 2023.

PLANNING APPEAL DECISIONS

Local Planning Authority Reference: 21/01475/FULMAJ - Inspectorate Reference: APP/D2320/W/22/3309262

Appeal by Bellway Homes Limited (Manchester Division) against the Planning Committee decision to refuse planning permission for the erection of 108no. dwellings (Use Class C3) with associated access, landscaping, parking and other works following demolition of existing building.

DXC Technology, Euxton House, Euxton Lane, Euxton, Chorley, PR7 6FE.

Appeal allowed 31 March 2023.

Local Planning Authority Reference: 21/00327/FULMAJ - Inspectorate Reference: APP/D2320/W/22/3313413

Appeal by Conlon Holdings Ltd against the Planning Committee decision to refuse planning permission for the erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station).

Land 120m east of 27 Charter Lane, Charnock Richard.

Appeal allowed 5 May 2023.

The Inspector made an award of full costs to the Appellant.

PLANNING APPEALS WITHDRAWN

None

ENFORCEMENT APPEALS LODGED

None

ENFORCEMENT APPEAL DECISIONS

None

ENFORCEMENT APPEALS WITHDRAWN

None

Report Author	Ext	Date	Doc ID
Adele Hayes	5228	15 May 2023	***

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