

Planning Committee

Tuesday, 10th December 2024, 6.30 pm
Council Chamber, Town Hall, Chorley and [YouTube](#)

Agenda

Apologies

- | | |
|---|--|
| <p>1 Minutes of meeting Tuesday, 12 November 2024 of Planning Committee</p> | <p>(Pages 3 - 4)</p> |
| <p>2 Declarations of Any Interests</p> <p>Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.</p> <p>If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.</p> | |
| <p>3 Planning applications to be determined</p> <p>The Head of Planning and Enforcement has submitted three planning applications to be determined (enclosed).</p> <p>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.</p> <p>a) 24/00590/FUL Wood Lane Farm, Wood Lane, Mawdesley</p> <p>b) 24/00095/FUL Chorley Road, Adlington</p> <p>c) 24/00917/FUL 1 Ashfield Road, Chorley</p> | <p>(To Follow)</p> <p>(To Follow)</p> <p>(To Follow)</p> |
| <p>4 Validation Checklist Refresh</p> | <p>(To Follow)</p> |
| <p>5 Proposed Chorley Borough Council Footpath FP0902026 Public Path Diversion Order 2025</p> | <p>(Pages 5 - 12)</p> |
| <p>6 Appeals Report</p> | <p>(To Follow)</p> |
| <p>7 Any urgent business previously agreed with the Chair</p> | |

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Planning Committee.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk



Minutes of **Planning Committee**

Meeting date **Tuesday, 12 November 2024**

Members present: Councillor June Molyneaux (Chair), Councillor Alex Hilton (Vice-Chair) and Councillors Sarah Ainsworth, Michelle Beach, Russ Green, Adrian Lowe, Alistair Morwood, Jean Sherwood, Craige Southern, Neville Whitham, Alan Whittaker and Katie Wilkie

Officers: Adele Hayes (Head of Planning and Enforcement), Iain Crossland (Principal Planning Officer), Debbie Windslow (Senior Solicitor) and Ruth Rimmington (Democratic and Member Services Team Leader)

Apologies: Councillor Arjun Singh

Other Members: Councillor Dedrah Moss

14 members of the public.

88 Declarations of Any Interests

Councillor Michelle Beach declared an interest in item 3b, 24/00248/FUL - The Beaumont, Woodale Road, Clayton-le-Woods, Chorley, PR6 7TY as the ward councillor.

89 Minutes of the previous meeting of the Planning Committee held on Tuesday, 15 October 2024

Resolved: That the minutes of the meeting 15 October 2024 of the Planning Committee be approved as a correct record.

90 Planning applications to be determined

The Head of Planning and Enforcement had submitted five applications to be determined, however item 3d, 24/00095/FUL - Chorley Road, Adlington had been withdrawn from the agenda.

91 16/00808/REMMAJ - JF Electrical, Little Quarry, Hill Top Lane, Whittle-Le-Woods, Chorley, PR6 7QR

Public Speakers: Peter Higham (Parish Councillor), Dedrah Moss (Ward Councillor) and Paul Sedgwick (Agent)

After careful consideration, it was proposed by Councillor Alex Hilton, seconded

by Councillor Craige Southern and subsequently **Resolved: (unanimously) Reserved matters consent be granted for appearance, layout, scale and landscaping, subject to conditions.**

a 24/00248/FUL - The Beaumont, Woodale Road, Clayton-le-Woods, Chorley, PR6 7TY

Councillor Michelle Beach declared an interest as the ward councillor, made representations and left the meeting for the duration of the item.

Public Speaker: Ron Gates (Objector), Katie Howarth (Agent).

An additional condition to limit the opening hours to 6am to midnight was proposed by Councillor Alistair Morwood and seconded by Councillor Adrian Lowe. It was subsequently **Resolved: (by majority 9:2:0) Full planning permission be granted, subject to conditions as detailed in the report and an additional condition to limit the opening hours to between 6 am and midnight.**

92 24/00725/FUL - Duke Of York, 124 Bolton Street, Chorley, PR7 3DX

After careful consideration, it was proposed by Councillor Craige Southern, seconded by Councillor Michelle Beach and subsequently **Resolved: (by majority 7:2:2) Full planning permission be granted, subject to conditions.**

93 23/00462/FULMAJ - Croston Hall Farm

Public speaker: Robert Harrison (Agent)

An amendment for a site visit was proposed by Councillor Alan Whittaker and seconded by Councillor Neville Whitham, but this was lost (4:8:0).

It was proposed by Councillor Michelle Beach, seconded by Councillor Craige Southern and subsequently **Resolved: (by majority 9:2:1) Members were minded to approve the application, subject to conditions, and delegate the decision to the Chief Planning Officer in consultation with Chair and Vice Chair, subject to no objections being received from Natural England.**

Chair

Date



Report of	Meeting	Date
Director of Governance	Planning Committee	10 December 2024

PROPOSED CHORLEY BOROUGH COUNCIL FOOTPATH FP0902026 PUBLIC PATH DIVERSION ORDER 2025

PURPOSE OF REPORT

1. To consider an application submitted on behalf of Lea Valley Limited for the diversion of FP0602026 in order to facilitate the development of up to 33 individual units for employment and commercial uses. The public path diversion order authorised by members on 16 January 2024 which has been made but not confirmed will not be pursued in the light of defects in the route on the order map identified by Lancashire County Council (LCC). The new order proposed will not be made until 2025 given the looming Christmas shutdown which is reflected in the title of the proposed order.

RECOMMENDATION(S)

2. That the making of the proposed Chorley Borough Council Footpath FP0902026 Public Path Diversion Order 2025 pursuant to Section 257 of the Town and Country Planning Act 1990 be approved in respect of lengths of Footpath 26 shown on the proposed order map reference 1181-02-031-P4 at Appendix 2 so as to facilitate development in accordance with the grant of planning permission reference 21/00439/FULMAJ.
3. That the Director of Governance is authorised to serve notice regarding the making of the order on prescribed persons and arrange for notice in the local press and on site.
4. That the Director of Governance is authorised, in the event that no representations are received or in the event that any which are received are withdrawn, to confirm the order as unopposed and to serve notice regarding the confirmation of the order on prescribed persons and arrange for notice in the local press and on site.

EXECUTIVE SUMMARY OF REPORT

5. Sections of FP0602026 affect a site next to the M61 motorway. The land benefits from the grant of planning permission to construct up to 33 individual units for various employment and commercial uses, namely retail and food and drink uses, light industry, general industry and warehousing.
6. Full planning permission was granted for the development on 25 January 2023.
7. A public right of way recorded as Public Footpath 26 traverses the site to be developed and indeed crosses the middle of proposed Building E which is intended for employment use.
8. An alternative route for this public footpath has been proposed.
9. Works will be required by the diversion order at the cost of the applicant to make it the legal public right of way.

10. The applicant’s solicitors have submitted a fresh application by letter dated 13 September 2024 which is attached as Appendix A. The letter refers to a plan. The plan referred to in the letter is not appended to this report to avoid confusion because it has been superseded by further plans the final agreed version of which is reference 1181-02-031-P4 following comments by LCC.

Confidential report Please bold as appropriate	Yes	No
--	-----	----

CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

PREVIOUS ORDER WHICH IS TO BE ABANDONED

12. Following approval by members of this committee on 10 January 2024 the Chorley Borough Council Part of Footpath 26 (Chorley North and Astley) Diversion Order 2024 was made on 27 February 2024 and subject to statutory consultation and public advertisement commencing on 5 March 2024. Comments were received from the Public Rights of Way team at LCC in May 2024. No other consultee made representations. The comments of LCC may be summarised as follows:

A section of diverted footpath follows the canal towpath to the bridge and stops at the bridge.

The Order describes the footpath as surfaced with a 200mm layer of Type 1 stone rolled with dust finishing to a width of 2 metres and such other works as Chorley Borough Council should specify. However the canal towpath is less than 2 metres even taking the most generous land available from the fence to the edge of the bank. This would require the fence moving back but that is not the best or necessary solution.

A significant issue is that the landowners of the towpath, Canal and River Trust (CRT), say they had not consented to this diversion onto their land and in fact were not identified as a consultee. The alternative route finishes as the towpath goes under the bridge. There are steps but those are not the alternative route shown in the Order and it is 3rd party land so the applicant does not have power to dedicate it.

The consequence of this is that as it stands the Order cannot take effect. In order to be able to be certified it would require:

- *the agreement of the CRT to accept the diversion*
- *the fence moved back to give at least 2 metres usable width*
- *the CRT to dedicate land to create access rights between the top of the bridge and the towpath and this to be constructed to accessible standard (this would normally require a ramped access not steps)*

LCC suggested that a cheaper and easier solution would be to make a new diversion order.

FRESH APPLICATION FOR DIVERISON ORDER

13. The applicant’s solicitor submitted a fresh application by letter dated 13 September 2024 at Appendix 1. The letter advised that the previous application for a diversion order was withdrawn. The applicant stated that all of the new route falls within the ownership of their client Lea Valley Limited. This means that the issue of ownership of the Canal and River Trust described above identified by LCC is avoided. The letter proposed that the new diversion will be made of a tarmac path of between 2m and 1.5m in width.
14. LCC commented on 23 September 2024 that the width of the newly diverted footpath should be two metres and that the proposed new route diverted unnecessarily southwards at one point and that the co-ordinates were quoted to 1 mm precision which leaves little margin for error.
15. LCC made further comments on 26 September pointing out the applicant’s proposed route would require a retaining structure at one point and that the surface should be tarmac with pin kerb edges and camber to shed water built to an LCC specification. LCC suggested alternative routes one of which the applicant accepted.
16. In light of these comments the applicant supplied a revised plan which went through successive revisions. The final version proposed to be used as the order map is Drawing reference 1181-02-031-P4 which is attached as Appendix 2.
17. The proposed order map shows the existing route to be stopped up between the points A-B-C-D 430m long shown by a bold black line. It will be diverted onto a new route between points A-W-X-Y-Z-D 286 metres long shown by a broken black line and constructed to a minimum width of two metres. It will have a bitumen macadam surface.
18. The diversion comprises a shorter route so it is not materially less convenient for users.
19. The cost of dealing with the fresh application and statutory notices in the local press will be met by the applicant.

IMPLICATIONS OF REPORT

1. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	x	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

20. The applicant was required to make a contribution of £1,500 to the costs of making the abandoned order. Given the further work, costs of £750 for making the new order have been sought and received from the applicant. The applicant will be required to meet in full the cost of advertisement of the making and (if unopposed) confirmation of the new order in the local press.
21. When the order comes into effect after it is certified that its provisions have been complied with legal responsibility for maintenance of the newly created sections of public footpath will rest with LCC.

COMMENTS OF THE MONITORING OFFICER

22. An order made under Section 257 may provide for the creation of an alternative highway for the footpath to be diverted. The order may also authorise or require works and require any person named in the order to meet the costs of such works.

23. A public notice describing the order must be advertised in the local press and the order placed on deposit for public inspection. This public notice and order map must also be placed at each end of the length of public footpath to be diverted. Owners of land affected by the order and various statutory consultees must be contacted and served with the order and notice and allowed the opportunity to make objections within 28 days from the making of the order. If no objections are made the order may then be confirmed as an unopposed order. After the order is confirmed i.e. made permanent it does not come into effect until Chorley Borough Council certifies that the provisions of the order have been complied with in relation to any works required to bring the diverted route up to standard.

Background Papers			
Document	Date	File	Place of Inspection
E-mails from Public Rights of Way at LCC E-mails from applicant's solicitor Earlier iterations of proposed order maps	Various	22718	Town Hall

Report Author	Ext.	Date	Doc ID
Alex Jackson	5166	27 November 2024	IKEN File 22718

FAO: Alex Jackson
Legal Services Team Leader
South Ribble Borough Council

Date: 13 September 2024

Our ref: 1917\63520165.3\115704.16\4022

Direct tel: +44 (0) 161 836 7724

By E-mail Only: alex.jackson@southribble.gov.uk

E-mail: richard.bailey@gateleylegal.com

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257: PROPOSED DIVERSION OF PART OF FOOTPATH FP0902026, GREAT KNOWLEY, CHORLEY

We act on behalf of Lea Valley Limited in relation to land at Botany Brow, Great Knowley.

As you are aware there was a previous application to formally divert part of the existing route of footpath FP0902026 to a new alignment to allow for the completion of the employment land development. The route of footpath FP0902026 where it crosses land at Botany Bay is affected by the implementation of a planning permission for a business park (an extract of the definitive map is shown at figure 1). That application was the subject of a made order.

My client has held discussions with the Authority and it has been agreed that the previous application be withdrawn to allow for a new application to be processed. The revised diversion route is shown on the drawing enclosed with this letter known as drawing no. 1181-02-030-P1 by a blue dashed blue line. The proposed diversion runs from the steps to the west of the Development in a generally north easterly direction, before heading in a general south easterly direction before it meets the pavement and turns to run in a southerly direction where it meets a set of dropped kerbs and crosses the estate road on a zebra crossing in a easterly direction before turning in a general northerly direction running along a pavement to where it meets the existing FP0902026. The new diversion will be made of a tarmac path of between 2m and 1.5m in width. We have requested a drawing that details the coordinates, lengths and widths and will provide it to you in due course.

We understand that through discussions the authority has confirmed to our client that it sees the revised route as an improvement and has authorised the resubmission of the application. Importantly, the revised route falls solely within Lea Valley Limited ownership, as does all of the existing parts of FP0902026 that require diverting (see enclosed title).

We do not propose to set out the planning position, statutory framework, legal tests – necessity test or merits test and their application and rely on the previous submissions submitted by Mr Piatt on 19 September 2023 (enclosed).

Ship Canal House
98 King Street
Manchester M2 4WU
DX 14317 Manchester 1
0161 836 7700

gateleylegal.com

In conclusion therefore, the diversion is necessary, and the benefits of the diversion far outweigh any minor inconvenience caused by it so that the statutory test is satisfied.

Please let us know if you require anything further.

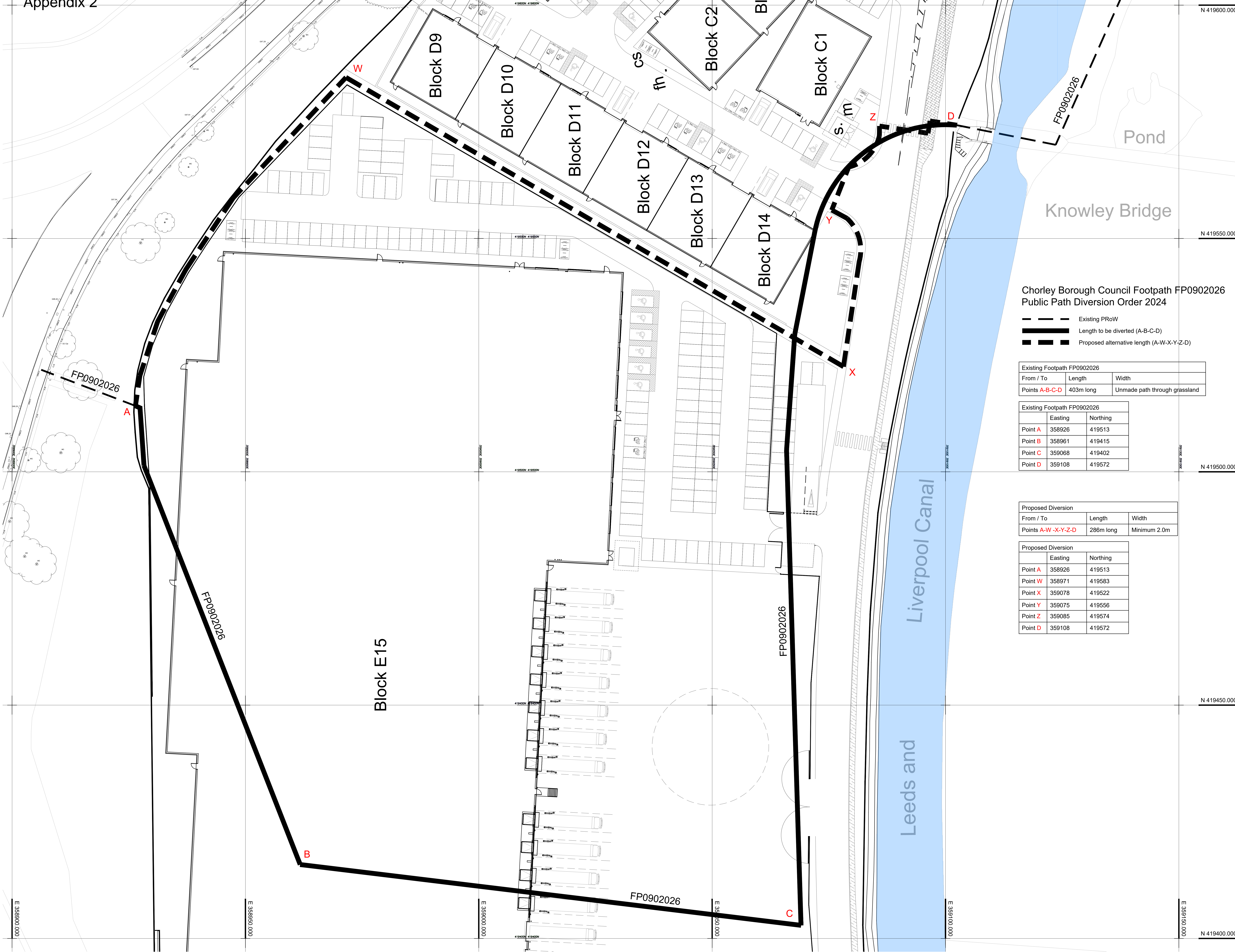
Yours faithfully

A handwritten signature in blue ink that reads "Gateley Legal". The signature is written in a cursive, flowing style.

Gateley Legal

Encls.

Rev	Description	By	Date
P1	Initial Issue	JT	16.09.24
P2	Updated to Gateway Legal comments	JT	17.09.24
P3	Updated to LCC comments	JT	30.09.24
P4	Gap shown in fence	JT	01.10.24



**Chorley Borough Council Footpath FP0902026
Public Path Diversion Order 2024**

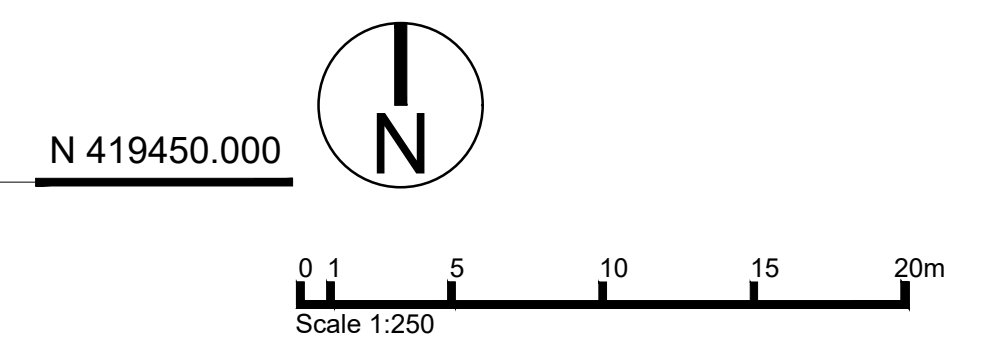
- Existing PRoW
- Length to be diverted (A-B-C-D)
- Proposed alternative length (A-W-X-Y-Z-D)

Existing Footpath FP0902026		
From / To	Length	Width
Points A-B-C-D	403m long	Unmade path through grassland

Existing Footpath FP0902026		
	Easting	Northing
Point A	358926	419513
Point B	358961	419415
Point C	359068	419402
Point D	359108	419572

Proposed Diversion		
From / To	Length	Width
Points A-W-X-Y-Z-D	286m long	Minimum 2.0m

Proposed Diversion		
	Easting	Northing
Point A	358926	419513
Point W	358971	419583
Point X	359078	419522
Point Y	359075	419556
Point Z	359085	419574
Point D	359108	419572



MC AU Modern City Architecture & Urbanism
 Eastgate
 2 Castle Street
 Castlefield
 Manchester
 M3 4LZ
 t: 0161 974 7203
 e: info@mcua.co.uk
 www.mcua.co.uk

Client
FI Real Estate Management
 Project
Botany Bay Industrial Chorley
 Description
PRoW Diversion Details

Status		
Planning	Scale	Drawn By
1:250@A0	JT	Scale
Job Number	Drawing Number	Date
1181	02-031	Sep 24
		Revision
		P4

This page is intentionally left blank