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**ITEM 3b - 20/01171/FUL- St Lukes Church, Quarry Road, Brinscall**

**The recommendation remains as per the original report**

Comments from Agent

The applicant's agent has requested that the name of the applicant be amended to Mr Chris Homer, which has been undertaken as requested.

An email has been received from the applicant's agent which explains that they consider the committee report contains an '*underlying negative tone, lack of positivity and misleading and inaccurate content*'. The email is available to read on the Council's public access website. Attached to the email is a version of the committee report which has been edited by the applicant's agent, as detailed in the text below, which has been copied from the email. The numbering relates to the paragraphs of the committee report, the black bold text is the edit the agent considers should be made to the report, the plain black text is the text from the committee report, the red text is the agent's comments and the italicised text is the case officer's comments.

**3. Agent suggests the following text is deleted;** following 19/01031/FUL. Planning permission -landowner reassessed their options for the development of the site and decided upon the demolition of the church and redevelopment of the site for housing – *I am aware that the demolition has not been looked at favorably by neighbors so this sentence is consider inflammatory and negatively portrays the applicant.*

*Officer comment: This text of the committee report is considered to be factual and does not require amending.*

**4. Agent suggests the following text is deleted;** church has not yet been demolished, and method of demolition approved – *I am not sure on the relevance of this.*

*Officer comment: This text of the committee report is considered to be factual and does not require amending.*

**9. Access Track:** *There is no mention of what is being proposed actually being something the applicant could do under PD (moving wall lines etc.) which paints a negative simplistic view by the Case Officer instead of a technical planning view. I attach a plan that shows that vehicular access is still available on this track even if the width is being reduced to 2.7m, and two photo's of the track, one which shows the access track impeded by a porch erected under PD.*

*Officer comment: This issue is not a planning matter and so requires no technical planning view from the case officer. As noted within the committee report, land ownership issues/right of access is a civil matter and does not form part of the planning judgement.*

**12. Agent suggests the following text is deleted:** applicant reluctant to provide information regarding United Utilities prior determination – *We had lengthy discussions regarding this point, and I disagree that there was a reluctance to provide the information prior to determination. We advised that as the applicant is not the developer, we did not have this information, and in any case UU recommended conditions to provide this information and raised no objections. I also have an issue with Condition 13 (2 from UU's response) as the email attached from Shoab Tauqeer, UU, infers that this condition would be removed from their formal response. Can we ask whether UU provided further comments on this matter to the contrary?*

*Officer comment: This text of paragraph 12 of the committee report is considered to be factual and does not require amending. The ground investigation information was requested from the applicant prior to the determination of the planning application, as suggested by United Utilities. It was however later agreed that this could be undertaken prior to the commencement of development of the site, in accordance with a condition suggested by United Utilities (Condition 12).*

UU have responded following the committee report being published and have confirmed that condition 13 can be removed.

**24. Agent suggests the following text is deleted:** a fully detailed landscaping scheme could be requested to meet the requirements of a suitably worded planning condition. **A rather negative comment within an otherwise positive paragraph.**

*Officer comment: This text of the committee report is considered to be factual and does not require amending.*

**29. 'and resolved all technical issues through revised plans' should be added for clarity and to show we have worked proactively with the Case Officer to overcome issues raised.**

*Officer comment: This text relates to the revised drawings. It is not considered there is a need to revise the text as requested. The concluding paragraph within this section of the committee report identifies that the impacts from the revised proposal upon residential amenity are considered to be acceptable.*

**30. Agent suggests the following text is deleted:** dwelling would appear more imposing than the church from the side windows of no.3 Quarry Road and would have a greater impact in terms of loss of light. **I understood that this matter was resolved? In any case, this sentence ensures the paragraph ends on a negative instead of the positive sentence that the scheme is consider by you to be acceptable.**

*Officer comment: Again, the concluding paragraph within this section of the committee report identifies that the impacts from the revised proposal upon residential amenity are considered to be acceptable. It is considered that the proposed development would have a greater impact than the Church and so consider this paragraph requires no alteration.*

**31: Agent suggests the text is deleted: I again feel this paragraph has been worded in the negative as opposed to the positive.**

*Officer comment: This relates to the potential impact upon the first floor window of no.3 Quarry Road that serves the study/office. The paragraph expresses the case officer's judgement that there would be an impact upon this window, and this would be acceptable. It is not considered there is a need to change this paragraph.*

**32. Agent suggests the following text is deleted:** in this regard

*Officer comment: It is not considered there is a need to change this wording.*

**36. Comment made:** The scheme was drastically altered to comply with the required interface distances and as such considered acceptable. No further information was requested following this agreement. **I again feel this final paragraph has been worded in the negative as opposed to the positive.**

*Officer comment: It is not considered there is a need to change this wording.*

**43. Struck out and comment made:** I would add that 'The applicant also supplied also conveyance geo-report that states that the site is not in a flood zone.' **Why is this not added to balance the equation?**

*Officer comment: This paragraph is factual and so does not require deletion. The following paragraphs identify that the site is not within Flood Zones 2 or 3 and so there is no need to include the reference to the applicant's geo-report.*

**46: All text struck out:**

*Officer comment: This is a direct quote from United Utilities' response and so does not require deletion.*

**50. Comment made:** *'A detailed investigation into the possibility of surface water infiltration options at the site before they allow connection to the combined sewer which is the least preferable option'*  
This is factually incorrect. UU's formal response is attached and this point is not referenced in the response?

*Officer comment: The United Utilities response outlines that surface water should be drained in the most sustainable way and drainage into a combined sewer is identified within the NPPG as being the least sustainable option. There is therefore no need to amend this paragraph.*

**52. Comment made:** *'only if the demolition and site clear takes place within the bird nesting season- march-august = It should say that a planning condition attached as precautionary measure to check nesting prior site clearance – for the avoidance of doubt'*

*Officer comment: Members will note that planning condition 10 specifies a bird nesting check is only required should site clearance work take place in bird nesting season. For clarity, paragraph 52 can be amended to the following:*

*'The site has no nature conservation designations, legal or otherwise The application site is considered to be of low ecological value; however, it is considered that a planning condition could be attached as a precautionary measure requiring a check for nesting birds to take place prior to site clearance works, should the works take place in bird nesting season.'*

**62. Text struck out and commented:** *This paragraph has no evidence to support it, impact on outlook matches the church (neutral conclusion), loss of light (the property has been fully redesigned at significant cost to overcome all technical guidance, resulting to mitigate all original concerns and there is no evidence that it causing any loss of light).*

*Officer comment: This is the case officer's judgement and is a summary of paragraphs 28 to 36 of the committee report which provides the full analysis. It is not considered there is a need to amend this paragraph.*

The applicant's agent sent a further email to the case officer to say they accept the planning conditions as worded in the officer report, with the exception of condition 13 which it is agreed can be removed.

In summary, it is considered that the report provides the case officer's professional opinion to members and is fundamentally sound and does not require any further amendments, other than some additional text to paragraph 52 for clarification purposes and the removal of condition 13, as requested by United Utilities.

#### Additional neighbour comments

Five further neighbour representations have been received since the committee report was written. The first was from the occupiers of the adjoining property to the north, no.3 Quarry Road who had already responded to the proposal as originally submitted. The letter is available to read on the Council's public access website, but in summary raises the following issues that are not already listed at paragraph 8 of the committee report for this application:

- The proposed dwellings would be much closer to the five facing windows of no.3 Quarry Road than the church. *'Natural sunlight comes to us for much of the day and evening from the west, and the sun is of course lower in the western sky from autumn through to late spring.'*
- Lack of clarity in relation to the amended plans which show a hatched area labelled '2 metre high wall' between the proposed development and no.3 Quarry Road.

- No consideration has been given to the privacy of all existing houses on Quarry Road and adjacent properties on Brinscall Brow.
- Loss of privacy into rear gardens from the proposed balconies

*Officer comment: Boundary treatments would be controlled by planning condition no.4 which includes details of 'means of enclosure' to be submitted to the local planning authority for approval. The other issues have already been addressed within the committee report, including potential impacts upon other dwellings and loss of privacy from balconies.*

The second representation outlines that they *'do not agree with many of the points that the agent has requested are changed [to the committee report] and are also deeply concerned that he is suggesting the report is made more positive, this could be potentially misleading for the planning committee. The report should remain factual.'*

They also wish the following changes to be made to the report. The numbering relates to the paragraphs of the committee report, the plain black text is the text from the neighbour's representation and the italicised text is the case officer's comments.

39. Request that this also states the NPPF also states "local planning authorities should ensure that flood risk is not increased elsewhere"

The 3<sup>rd</sup> bullet point also incorrectly quotes the NPPF and is potentially misleading to planning committee. Please remove the following:

~~less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs)~~

And replace with the correct information:

*"land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use."*

*Officer comment: It is not considered there is a need to change this wording. Paragraph 39 of the committee report quotes National Planning Practice Guidance (NPPG), not the NPPF. The quote is correct.*

42. This is missing the quote above so again is potentially misleading to the committee.

*Officer comment: As above, the quote within the committee report is correct.*

43. In addition to the information provided please include that the development site is close to an area at risk of surface water flooding.

*Officer comment: Parts of Quarry Road are susceptible to surface water flooding, but this does not trigger the requirement for a Flood Risk Assessment in support of the application, as outlined by the Environment Agency.*

44. Please make it clear this is as the result of informal communication with the Environment Agency. The officer involved has not commented on the risk of connecting to the sewer and the areas nearby at risk of flooding from surface water.

*Officer comment: The statement within the committee report is factual and does not require editing. The comments from the Environment Agency (EA) state that the submitted drainage strategy shows a conservative approach that surface water runoff would be restricted to greenfield rates.*

45. Incorrect – as you have not quoted the NPPF correctly, the Environment Agency have also not commented on the risk of connecting to the sewers or the nearby areas that are at risk of surface water flooding.

*Officer comment: The statement within the committee report is factual and does not require editing. As noted above, the quote is from the NPPG, not the NPPF. The EA have stated that the submitted drainage strategy shows a conservative approach that surface water runoff would be restricted to greenfield rates.*

48. Please add (as per Jenny Quinn's) email that UU are concerned about connecting to the sewer due to surface water flooding in the area.

*Officer comment: There is no correspondence from UU to suggest they have concerns about connecting the sewer due to surface water flooding in the area. There is no mention of this within their formal consultation response or their follow-up email. UU require the applicant to first explore other more sustainable options before connecting to the sewer and have requested this be addressed by a planning condition.*

62. Incorrect – the development would have a significant impact on the loss of light to no 3. The new dwelling is set further back and will be closer than church so will be an imposing feature and the loss of light in the living space will be significant. The distances from windows do not meet the requirements of the Chorley SDP Design Guidance.

*Officer comment: This paragraph of the committee report is the judgement of the case officer and, whilst others may come to a different conclusion, the paragraph requires no alteration.*

The third representation is from the Flooding in Brinscall Action Group which represents the affected residents at the lower end of School Lane and surrounding area. They state that *“the drains and sewers in lower Brinscall are regularly overwhelmed at times of heavy rains and the sewer is an old combined system which readily floods entering the houses at the lower end of school Lane. I'm told that you propose to add 4 more residences onto the inadequate sewer system in quarry Road which feeds into the sewer at the flood zone.”*

The fourth representation states the following in relation to the committee report. Numbering relates to paragraphs of the committee report, bold text is from the committee report and plan black text is the neighbour's comments. Officer comments are provided in italicised text below.

23. Mentions **“The rear elevations would have a more modern design style with a first-floor balcony area and larger window openings, particularly to the second floor serving the master bedroom. These features would add interest and some degree of distinctiveness to the development”**

This development is in the middle of one of the oldest streets in Brinscall, with houses built around a mid victorian rural church. The loss of this historical building is bad enough, but to replace it with a rear elevation primarily made of glass particularly to the top floor and to have balconies on the first floor is not interesting and distinctive, it is wildly out of character and causes great problems with the privacy in the outside space of neighbouring residents.

I find that describing them as interesting and distinctive is entirely out of touch with the local community and inaccurate. Adding to that the double fronted front elevation and the sheer scale of the properties is also not in keeping with the road.

*Officer comment: This paragraph of the committee report is the judgement of the case officer and, whilst others may come to a different conclusion, the paragraph requires no alteration.*

25. **“The proposed dwellings would sit back from the existing building line to enable sufficient off-street parking to be accommodated to the front of the dwellings and to reduce impacts upon an upstairs window of no.3 Quarry Road. This is a considerate approach and would not harm the appearance of the properties in the streetscene, as an active frontage would still be achieved.”**

Setting the properties back again is not in keeping with the road, the current church building maintained the building line by adding a wall to keep the line of buildings. I think your saying “This is a considerate approach and would not harm the appearance of the properties in the streetscene, as an active frontage would still be achieved.” is opinion and is not the opinion of local residents.

*Officer comment: This paragraph of the committee report is the judgement of the case officer and, whilst others may come to a different conclusion, the paragraph requires no alteration.*

26. **“There would be a suitable dwelling to plot ratio and the proposed dwellings would be of similar scale to others on Quarry Road. As such the proposed development would be appropriate in the context of the site and surrounding development and would not be detrimental to the character of the locality, given their design and positioning.”**

The plots are 27% larger than any other property on Quarry road and 27% larger than the planning in principle. This is not similar in scale, it is substantially larger and would not be similar in character either. Again this does not seem objective.

When mentioning impact on local amenities there is no mention of the detrimental effect of the 100% increase of traffic on the non tarmacked road. It needs constant repair as it is and would soon become unusable if substantial improvements, such as tarmacking, were not made.

*Officer comment: This paragraph of the committee report is the judgement of the case officer and, whilst others may come to a different conclusion, the paragraph requires no alteration. Highways impacts are addressed elsewhere in the report.*

35. **“ Balcony areas are proposed which could result in overlooking into the rear garden areas of neighbouring dwellings. It is, therefore, considered necessary to provide screening to the sides of the balconies, the details of which can be required to be submitted for the agreement of the local planning authority by planning condition.”**

Quite apart from the balconies being wildly out of character and keeping with the area, just fitting a screen to one side would not resolve the overlooking issue, particularly on plot 4.

This building would be angled so that the rear elevation would be facing so as to look across the outside space of number 2 Quarry road, hence just a side screen would not be enough to prevent overlooking. If concessions have been made to remove a balcony on plot one why not on plot 4?

*Officer comment: The privacy screens are considered sufficient to protect the privacy of neighbouring residents and direct overlooking of private garden areas.*

37. **“Based on the car parking standards set out in policy ST4 of the Chorley Local Plan 2012 – 2026 and Appendix A, it is clear from the proposed layout that off-road parking provision for at least three vehicles for each dwelling can be achieved in line with the Council’s adopted standard. LCC Highways have assessed the proposal and raise no objection subject to conditions.”**

If my earlier points about the setting houses back from the existing building line at the front and protruding past building lines at the rear causing overlooking issues and being out of keeping and character are valid then this would reduce parking at the front.

*Officer comment: It is not considered necessary to move the dwellings forward towards Quarry Road, issues noted by the neighbour are all addressed within the committee report.*

The fifth representation states that the neighbour has contacted the Environment Agency as they are “concerned that the comments made [within the committee report] did not make reference to the risk of surface water flooding and the risk of connecting to the sewer. He has confirmed that the EA do not have the authority to comment on surface water flooding. Currently, these comments are being given significant weight in the planning report to suggest that an FRA is not required. I request that either the comments are removed from the planning report and the part that says it is clear that and [stet] FRA is not required are removed. Or it is made clear that issue of surface water flooding has not been addressed along with the connection to the sewer.”

*Officer comment: It is considered that the EA’s comments are not being given significant weight within the committee report, they simply support the Council’s stance throughout the determination of this planning application that requesting a FRA in support of the application is not justified. The full reasons for this are set out within the committee report. No changes are therefore considered necessary to the report in this regard.*