

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.