

## APPLICATION REPORT – 23/00984/OUT

**Validation Date: 15 November 2023**

**Ward: Eccleston, Heskin And Charnock Richard**

**Type of Application: Outline Planning**

**Proposal: Outline planning application to redevelop the haulage yard and workshop and erect three bungalows with access (all other matters reserved)**

**Location: Whalleys Farm Preston Road Charnock Richard Chorley PR7 5HR**

**Case Officer: Daniel Power**

**Applicant: Barton Holdings Ltd**

**Agent: Mr Graham Love**

**Consultation expiry: 11 December 2023**

**Decision due by: 29 March 2024**

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### RECOMMENDATION

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

### SITE DESCRIPTION

2. The application site is located to the north west of Coppull, the south western side of Preston Road (A49). The site comprises a bungalow and haulage yard with a single access from Preston Road. The existing bungalow and its garden area occupies the northwest part of the site and the remainder forms the haulage yard. There is a storage building to the southwest of the site, with the majority of the remainder of the site laid to hardstanding.

### DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks outline planning application for the demolition of an existing storage building and the redevelopment of the haulage yard and workshop with the erection of three bungalows with access (all other matters reserved).

### RELEVANT HISTORY OF THE SITE

**Ref:** 22/00720/CLEUD **Decision:** PEREUD **Decision Date:** 22 August 2022

**Description:** Application for lawful development certificate for an existing use as a haulage yard and ancillary workshop

**Ref:** 23/00984/OUT **Decision:** PDE **Decision Date:**

**Description:** Outline planning application to redevelop the haulage yard and workshop and erect three bungalows with access (all other matters reserved)

**Ref:** 93/00604/OUT **Decision:** REFOPP **Decision Date:** 9 November 1993

**Description:** Outline Application for the erection of 1 detached dwelling

**Ref:** 90/00385/FUL **Decision:** PERFPP **Decision Date:** 10 March 1992

**Description:** Erection of workshop and use of land in connection with haulage business

**Ref:** 88/00041/OUT **Decision:** PEROPP **Decision Date:** 8 November 1988

**Description:** Outline application for erection of garage

**Ref:** 78/00354/FUL **Decision:** REFFPP **Decision Date:** 2 January 1979

**Description:** Taxi business (repair and parking vehicles)

**Ref:** 76/00126/OUT **Decision:** REFOPP **Decision Date:** 25 May 1976

**Description:** Outline application for Bungalow

## REPRESENTATIONS

4. No comments have been received

## CONSULTATIONS

5. Charnock Richard Parish Council: has no objections in principle to these proposals, however, concern has been expressed about the sightlines out of the site and vehicles approaching from the bend on the left.
6. CIL Officers: CIL Liability is not calculated at outline application stage. However, this development will be CIL Liable on approval of the final reserved matters application (if approved). At present, if the final reserved matters application is approved, based upon this outline application information, this development will be subject to the CIL Charge for Dwellings as listed in Chorley Councils CIL Charging Schedule.
7. Waste & Contaminated Land: No comments have been received
8. Lancashire Highway Services: LCC Highways does not have any objections regarding the proposed outline planning application to redevelop the haulage yard and workshop and erect four bungalows with access (all other matters reserved) 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.
9. LCC Highways are of the opinion that the proposal will be no worse than the existing use of the site and will not cause an unacceptable impact on highway safety or cause severe impacts on the road network.
10. The vehicular access onto Preston Road within the adopted highway would need to be altered to provide footway, dropped kerbs and tactile paving. LCC Highways would request that applicant enters into a S278 to agreement for the alteration of the site access.
11. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

12. Greater Manchester Ecology Unit: Summary, no objections subject to conditions

*Bats*

A valid assessment of bat roosting opportunities has been provided. Buildings and trees on the site were subject to a day time assessment, with no evidence found and both buildings and all trees assessed as having negligible bat roosting potential. I have no reason to doubt the findings of the report. As individual bats can on occasion turn up in unexpected locations, I recommend an informative informing the applicant of this.

*Great crested newts (gcn)*

A valid assessment of the risk to great crested newts has been provided. I agree with the consultant that the combination of distance, barriers and general unsuitability of the site for amphibians combine to make the risk of gcn being present as negligible. *No further information or measures are required.*

*Other Protected Species*

I agree with the consultant that all other protected species can be reasonably discounted owing to a lack of suitable habitat on or near the site, combined with adequate survey. *No further information or measures are required.*

*Nesting Birds*

Trees and shrubs are present on the site. At least one tree appears to be proposed for removal, potential bird nesting habitat and as this is an outline permission, further tree removal may be proposed at reserved matters if outline permission was granted. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

*Other Wildlife*

I agree with the consultant that the site is very low risk for other wildlife such as hedgehog and other amphibians. *No further information or measures are required.*

*Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain*

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site is primarily bare ground, with the majority of the higher value ecological features, the trees retained. This would be replaced with buildings and vegetated gardens. Wildlife issues appear restricted to nesting birds.

The indicative soft landscaping layout indicates good use of additional tree and hedge planting and includes provision of bird and bat boxes. A biodiversity net gain assessment has been provided that demonstrates the indicative layout would easily achieve 10% biodiversity net gain on both area based and linear habitats. Whilst the excel spreadsheet has not been provided, given the simple nature of the site, I am satisfied that the information supplied is adequate and that 10% BNG can be achieved. I am also satisfied that the bird and bat provision is would mitigate and enhance the site.

**PLANNING CONSIDERATIONS**

13. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the Framework. Section 13 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
14. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special

circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

15. Paragraph 154 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 154 of the Framework of development that need not be considered inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
16. Local Plan Policy BNE5 states that for the redevelopment of Previously Developed Sites in the Green Belt the reuse or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:
  - a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
  - b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.
17. The applicant's calculations, which have been verified by the case officer, detail the existing volume of the buildings of 1023 m<sup>3</sup>. The Rural Development SPD details that a 30% increase in volume to the existing is not considered to be inappropriate. An increase of 30% would be a total volume of 1309 m<sup>3</sup>. Whilst the application seeks outline consent indicative plans have been submitted showing three dwellings on the site, which the agent states would have a volume of 1591m<sup>3</sup>. While this volume is above the 30% increase it could be that smaller dwellings could fall within the policy requirement. However, the assessment of openness does not solely relate to a simple volume calculation. The building to be demolished is located to the south west of the site, and therefore the redevelopment of the site would result in built form spread further across the site. Given the above, it is considered that the proposed development would have a materially greater impact on the openness of the Green Belt than the existing development and as such represents inappropriate development in the Green Belt.

#### **Impact on the character and appearance of the area**

18. Policy BNE1 (Design Criteria for New Development) 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 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; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
19. This application seeks outline consent with all matters reserved, therefore should a reserved matters application be submitted a full assessment of the design and siting would be carried out. As noted in the preceding section of this report, it is considered that single storey buildings as a maximum would be an appropriate scale for the proposed dwellings, given part of the site is elevated. This would help to reduce the visual impact of the proposal from distance views, and reduce the prominence of the built form from public vantage points. It is considered that dwelling of such scale could be designed in a way that would ensure the proposal is not harmful to the character and appearance of the area.

#### **Impact on neighbouring amenity**

20. Policy BNE1 (Design Criteria for New Development) 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.

21. Given this is an outline application, the impact of the proposal on neighbour amenity would be a detailed matter that would be assessed at reserved matters stage. Any proposed scheme would need to ensure that an acceptable layout is achieved with adequate separation distances between dwellings, to avoid adverse impacts on neighbouring residential amenity, and that of future occupiers. That said, given the proximity of the nearest existing dwellings to the application site, it is considered unlikely that the proposal would give rise to any unacceptable impacts with regards to residential amenity. In terms of land use compatibility, the proposed residential use would be compatible with neighbouring uses.

### **Highway safety**

22. Policy BNE1 (Design Criteria for New Development) 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 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.
23. LCC Highway Services do not have any objections in principle to the proposal but state that vehicular access onto Preston Road within the adopted highway would need to be altered to provide footway, dropped kerbs and tactile paving. LCC Highways have requested that the applicant enters into a S278 to agreement for the alteration of the site access. A condition is recommended to secure the S278 agreement.
24. The illustrative site layout plan adequately demonstrates that the site could provide off street parking and vehicle manoeuvring areas in line with the parking standards set out in policy ST4 of the Chorley Local Plan 2012 – 2026 and Appendix A.
25. The proposal is considered to be acceptable in terms of highway safety having regard to policy BNE1 (d) of the Chorley Local Plan.

### **Ecology and trees**

26. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
27. The Council's ecological advisors have reviewed the submitted ecological assessments submitted in support of the application and have responded with no objection to the proposal. The officer makes a number of recommendations for conditions relating to nesting birds, bio enhancements and further surveys submitted as part of a reserved matters application. Subject to these conditions it is considered that the proposal is acceptable in this regard.
28. The site contains some hedgerows and trees and so it is considered appropriate for a condition to be attached requiring the submission of an Arboricultural Method Statement and Tree Protection Plan in support of any future reserved matters application.

29. In light of the above, the potential ecological and arboricultural impacts of the proposal are considered acceptable, subject to conditions. The proposal is considered to comply with policy BNE9 of the Chorley Local Plan (2012-2016).

### **Very Special Circumstances**

30. Paragraph 152 of the Frameworks states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
31. The application represents inappropriate development in the Green Belt, which should not be approved except in very special circumstances. As outlined above, the proposal would result in built form spread further across the site, which is currently devoid of built form. The site is previously developed land and is used as a haulage yard. The submission makes reference to the amount of lorries and vehicles that could be stored on the land, which would have an impact on openness. The land is largely hardstanding and while the parking of vehicles would not be considered within the volume assessment of openness, the operation of the site for a haulage yard would have an impact on the openness of the Green Belt through the activity associated with the parking of HGVs and other commercial vehicles. The submitted indicative plan illustrates a layout in which the landscaped parts of the site could be retained, whilst gardens with potentially improved landscaping would replace hardstanding. Furthermore, the proposed dwellings would be single storey, rather than the current larger building and hardstanding. It is therefore considered that the proposal would result in an overall visual improvement such that very special circumstances exist to outweigh the harm of the inappropriate development.

### **Community Infrastructure Levy**

32. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

### **CONCLUSION**

33. The proposed development would represent inappropriate development in the Green Belt, however, very special circumstances exist to outweigh the harm to the Green Belt. The development would not have an unacceptable adverse impact on the character and appearance of the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents, highway safety or ecology. It is, therefore, considered that the development accords with the National Planning Policy Framework and policies BNE1, BNE9 and BNE11 of the Chorley Local Plan 2012 – 2026. 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

1. An application for approval of the reserved matters, namely the access, appearance, layout, landscaping and scale of the site, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

*Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended 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:

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

Title	Plan Ref	Received On
Location Plan	23 1248 L01	15 November 2023
Proposed Site Plan	23 1248 P01 Rev A	11 March 2024

3. The development shall be restricted to the following:

Scale: single storeys in height

Total combined volume of dwellinghouses: maximum of 1600 m<sup>3</sup>

*Reason: To ensure that the development is acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in paragraph 154 (g) of the National Planning Policy Framework.*

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

*Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.*

5. No part of the development hereby approved shall be occupied or opened for trading until all the highway works in condition 4 have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

*Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.*

6. No works to trees, shrubs or hedgerows or demolition of any building shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and that appropriate measures in place to protect nesting bird interests on site. Written confirmation of such shall be submitted to the Local Planning Authority.

*Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).*

7. As part of the first application for reserved matters or prior to the commencement of the development a biodiversity enhancement plan and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall be implemented in full in accordance with the approved details and timetable.

*Reason: To ensure biodiversity on the site is enhanced.*

8. As part of the application for reserved matters or prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwelling
- b) Details of the colour, form and texture of all hard ground- surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) The finished floor level of the proposed dwelling and any detached garages

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

*Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents.*

9. A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The content of the plan should include elements to mitigate for loss of trees shrubs and bird nesting habitat.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

10. Any application(s) for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and to ensure that any reserved matter(s) application can be properly assessed.*

11. The existing buildings on the site identified on drawing 23-1248-IL01 Rev. A shall have been demolished and all resultant materials removed from the site prior to any above ground level development of the dwellings hereby approved.

*Reason: To protect the openness of the Green Belt*