

## **APPLICATION REPORT – 18/01007/FUL**

**Validation Date: 30 October 2018**

**Ward: Eccleston And Mawdesley**

**Type of Application: Full Planning**

**Proposal: Change of use of car park and car storage area to a car sales area.**

**Location: Deane Motors Ltd Southport Road Eccleston Chorley PR7 6ES**

**Case Officer: Chris Smith**

**Applicant: Mrs Rachel Cole**

**Consultation expiry: 6 December 2018**

**Decision due by: 25 December 2018**

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### **RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions.

### **SITE DESCRIPTION**

2. The application site is in the Green Belt and on the northern side of Southport Road (A581). The immediate locality is of mixed character with a variety of land uses evident. A row of detached residential properties are located along the southern side of Southport Road and to the east the site adjoins with the detached residential property 38 Southport Road. Boyes Farm lies to the west of the site. Directly to the north there is open rural land.
3. The site itself comprises a series of buildings that accommodate the sales showroom and office areas of the motor sales business 'Deane Motors'. The curtilage comprises an area of hard standing used for off road vehicle storage and sales, which 'wraps around' these buildings.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for the change of use of an area of land located to the east of the site. It is an elongated and rectangular parcel of land, which bounds with the detached residential property no. 38 Southport Road to the east and no. 44 Southport Road to the west.
5. The applicant states that the land has been used for the parking and storage of vehicles for over 40 years and that due to increased demand for space to display vehicles, which are for sale, the land has been used as a vehicle sales area for at least 14 years. The land is still used for general vehicle storage, staff and customer car parking. The change of use applies to the use of the land as a sales area.
6. A low level fence of approximately 0.5m high has been built along the southern site boundary facing towards Southport Road. This has replaced a previous boundary fence that was covered by vegetation and included the felling of 2no. silver birch trees. The trees were not protected by a Tree Preservation Order, and the removal of landscaping and erection of a 0.5m high fence do not require planning permission.

## REPRESENTATIONS

7. Five representations have been received citing the following grounds of objection:

- The application is retrospective
- Development is out of keeping with the character of the area
- Traffic and highways impact
- Light pollution from floodlights
- Loss of boundary hedge
- Highway safety as passing drivers are distracted by the sales vehicles
- Development has resulted in a change of view in a semi-rural area

## CONSULTATIONS

8. **Eccleston Parish Council** – Stated that in view of the issues raised by residents, it is requested that the application be considered by the Development Control Committee.
9. **Lancashire Highway Services (LCC Highways)** – Confirmed that they have no objections to the development.

## PLANNING CONSIDERATIONS

### Principle of development in the Green Belt

10. The application site is in the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

*133. The Government attaches great importance to Green Belts. 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.*

*134. Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

11. Paragraph 146 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

*e) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);*

12. As such there are two considerations in respect of the proposal and the appropriateness of the development in the Green Belt as follows:

- Would the development preserve the openness of the Green Belt?
- Would the development conflict with the purposes of including land in the Green Belt?

13. Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of 'openness'. The development has not extended the buildings associated with the existing car sales business and relates to the use of land as a car sales area. This land has previously been used for the storage and parking of vehicles and as such it is not considered that using the land as a car sales area would have a greater impact on the openness of the Green Belt than the previous use. An approximately 0.5m high wooden fence has been erected along the southern site boundary, however, this is a permitted development by virtue of the provisions of the Town and

Country Planning (General Permitted Development) (England) Order 2015 (as amended) in any event.

14. It is not considered that the development conflicts with any of the five purposes of including land in the Green Belt as detailed above.
15. Given that it is considered that the development preserves the openness of the Green Belt and does not conflict with any of the purposes of including land in Green Belt in accordance with paragraph 134 of the Framework, the principle of the development is considered to be an acceptable one, subject to other material planning considerations.

#### Impact on the character and appearance of the locality

16. 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.
17. It is not considered that the use of the site as a car sales area has a significantly greater or more adverse impact on the character of the area than the use of the site for general vehicle storage. The main difference that has occurred as a result of the development, relates to the visibility of the cars parked at the site within the street scene, following the removal of the boundary fence and vegetation.
18. Whilst it is accepted that the cars within the site are more visible from public vantage points located along Southport Road and that there is greater visibility of the site from facing residential properties to the south, it must be noted that planning consent is not required for the removal of the landscaping. In addition to this, it is considered that the site would reflect the relatively mixed context and character of the immediate locality and would reflect the character of the existing car sales area, which is located approximately 23m to west of the site. This area is also open allowing for uninterrupted views towards vehicles, which are on sale.
19. The fencing that has been erected along the southern site boundary benefits from a modest and low profile design and is more in keeping with the partly domestic and residential character of the locality than the metal 'hooped' barriers, which delineate the boundary of the sales area located to the west. Given the approximate 0.5m height, it is not considered that the fence is a highly visible or visually discordant feature within the street scene. Furthermore, it could be built, under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in any event.

#### Impact on the amenity of neighbouring occupiers

20. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that the development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
21. The site has previously been used for general car storage and also as a staff and customer car parking area. As this is the case, members of the public have always been able to access the site and there would have always been a degree of impact on neighbouring amenity. Whilst there is now greater intervisibility between the site and the facing residential properties to the south at nos. 47, 45 and 43 Southport Road, it is considered that there is a sufficient degree of separation (approximately 24m) between these residential properties and the site, to ensure that there would be no unacceptable adverse impact on neighbouring amenity through overlooking. The view towards the site from neighbouring properties has been altered by the development in that neighbouring occupiers no longer have a view of a boundary hedge, however, the loss of a private view cannot be taken into account when assessing a planning application.
22. The nearest neighbouring residential properties to the site are at nos. 44 and 38 Southport Road, located to west and east of the site respectively. However, the boundary treatments to

the east and west of the site have not been altered by the development and as such it is not considered that the development has a significantly greater or more adverse impact on the levels of amenity enjoyed by the occupiers of these properties. The fence which has been erected along the southern boundary would not be of a size and scale that it would be capable of having any unacceptable adverse impact on neighbouring amenity.

#### Highway safety

23. Several representations of objection have been received which make the claim that the proposed development would have an unacceptable adverse impact on highway safety as drivers would slow down to obtain a better view of the cars located within the site. However, LCC Highways have confirmed that they have no objections to the development and it is not considered that the sales area would have a greater visual impact than the sales area located to the west.

#### Other matters

24. Representations of objection have been received which object to the development on the grounds that security lights within the site are leading to unacceptable levels of light pollution. However, the council's Environmental Health Officer has stated that a complaint about the lighting has been received and the owners were advised of this and following this no further complaints have been made to the council's Environmental Health Department. The Environmental Health Officer advised that a further complaint would be required for further action and investigation to be taken which would be able to determine whether there is any statutory light nuisance. In addition to this, the applicant has confirmed that the lights have been on site for approximately 6 years.

### **CONCLUSION**

25. The development does not have an unacceptable adverse impact on the Green Belt and the character and appearance of the existing site or the surrounding area, nor does it cause any significant harm to amenity of highway safety. It is, therefore, considered that the development accords with the National Planning Policy Framework and policy BNE1 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 01/00318/FUL **Decision:** PERFPP **Decision Date:** 21 May 2001

**Description:** Erection of car wash enclosure to rear,

**Ref:** 01/00319/ADV **Decision:** REFADV **Decision Date:** 30 May 2001

**Description:** Display of 2 internally illuminated projecting signs and 6 flag pole signs,

**Ref:** 94/00801/ADV **Decision:** PERADV **Decision Date:** 6 December 1994

**Description:** Display of Illuminated Signs

**Ref:** 97/00647/FUL **Decision:** PERFPP **Decision Date:** 2 October 1997

**Description:** Installation of Communications Satellite Antenna,

**Ref:** 91/00609/ADV **Decision:** PERFPP **Decision Date:** 31 July 1991

**Description:** Display of various illuminated and non-illuminated signs

**Ref:** 76/00112/ADV **Decision:** PERADV **Decision Date:** 22 March 1976

**Description:** Illuminated sign

**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 hereby permitted shall be carried out in accordance with the approved plans below:

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	N/A	24 October 2019
Site Plan	N/A	24 October 2019
Block Plan	N/A	24 October 2019

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