

**Item 3e**                                **15/00528/FULMAJ**  
**Case Officer**                        **Caron Taylor**  
**Ward**                                        **Brindle And Hoghton**  
**Proposal**                                **Extension to existing marina by connecting it to the existing disused flooded quarry (known as the Shale Hole), new set of pontoons to create up to 22 new boat berths, new access and access track from Bolton Road, creation of new car park and new facilities building**  
  
**Location**                                **Canal Boat Cruises  
Riley Green Marina  
Bolton Road  
Withnell  
Preston  
PR5 0SP**  
  
**Applicant**                                **Canal Boat Cruises**  
  
**Consultation expiry:**    **6<sup>th</sup> August 2015**  
  
**Decision due by:**            **2<sup>nd</sup> October 2015**

**Recommendation**  
**The application is recommended for approval.**

**Representations**  
No representations received.

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
LCC Highways	<p>The proposed extended part of the Marina will not be accessed from the existing access. Instead, a new access is proposed to the A675 Bolton Road about 370m south of the Riley Green Canal Bridge. The proposed access is an existing field access which is to be improved into a 6.0m wide access. The first 10m of the access into the site will be tarmac surfaced, but from this point, a stone track of width varying from 3.5m-6.0m will be constructed through the green belt for approximately 190m to a new car park to be provided at the extended Marina. To allow for vehicles to safely pass each other and as temporary stopping places on the track, the applicant proposes two passing places of length 14m and 15m staggered along the access track.</p> <p>They have no highway concerns for visibility at the proposed access and the applicant's proposal with regard to the access track is acceptable, but the issue as to whether the track is appropriate in the green belt is a matter for the Local Planning Authority to consider. It should however be noted that the applicant has stated in the submitted Design and Access Statement that the stone surface could be removed if use of the access is no longer required.</p> <p>As indicated above, the proposal includes a new car park at the extended Marina with capacity for 23 cars and a facilities building consisting of an office, shower, toilet rooms, a chandlery and a store. The car park will be made of plastic grasscrete to blend with the</p>

	<p>surrounding greenery. The Marina will employ 12 full time staff. Given the rural location of the Marina and the lack of adequate infrastructure in the area to encourage alternative transport modes, it appears travel to the site by employees and visitors will mainly be by private cars. However, considering the scale of the proposed extension; the number of car parking spaces proposed and the proposed number of employees, they do not envisage any significant adverse highways and transportation impacts for the A675 Bolton Road and the surrounding highway network as a result of the proposal.</p> <p>They therefore confirm that the proposal is acceptable from a highways point of view. They suggest an advice note is attached to any approval.</p>
Police Architectural Liaison Officer	<p>Crime levels in the vicinity of this rural location are low and give little cause for concern. However criminals are quick to identify potential targets for crime that have weaknesses. In order to reduce the risk of becoming a victim of crime they make the following recommendations for the proposed development:</p> <ul style="list-style-type: none"> <li>• The site in general should be provided with lighting that makes the area a safe place to be with no dark spots;</li> <li>• The area should have good natural surveillance with low level planting not exceeding 1m high. Low tree canopies should be cut back to be no lower than 2m in height from the ground;</li> <li>• A potential target for crime is the wood build facilities building. This should be fitted with a monitored alarm system;</li> <li>• Life belts should be installed at strategic points around the marina.</li> </ul>
Environment Agency	Have no objection to the application.
Council's Conservation Officer	<p>The application site is located on the Leeds – Liverpool Canal. Whilst there are no listed structures on this section of the Canal, it is considered, as a whole, to be a heritage asset. There is a cluster of grade II listed buildings at Brimmicroft Farm, but the nearest of these is located approximately 113 metres south west of the site on the southern side of Bolton Road. It is not possible to see the listed buildings from the application site due to the presence of trees and hedges in the intervening distance.</p> <p>The proposed development is relatively small scale, sympathetic in design to the heritage asset that is the Leeds – Liverpool Canal and in my opinion sympathetic to its rural context. The significance of the Leeds – Liverpool Canal will, in their opinion, be sustained as will the significance of the designated heritage assets at Brimmicroft Farm.</p> <p>The proposed development is therefore considered to accord with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the other heritage policies.</p>
Council's Ecology Adviser	<p><u>Birds</u></p> <p>The trees and scrub on the site could be used by nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). They therefore recommend that any works to trees, including pruning and any scrub clearance should not be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent, by a suitably qualified person. They therefore suggest that a condition to this effect be placed on any permission, if granted, in order to protect wild birds.</p>

	<p><u>Bats/Lighting</u> Artificial lighting can affect the feeding and commuting behaviour of bats. Bats will use the canal for commuting and foraging and are likely to use the retained trees on site for commuting. They therefore recommend that any lighting (during construction and post development) be directed away from any of the retained trees. Prior to the commencement of the development a lighting plan should be submitted to and agreed by the council, once agreed the plan should be implemented in full. A condition to this effect should be placed on any permission.</p> <p><u>Badger</u> Badger setts are known to occur within 2km of the site and as badgers are mobile in their habits a number of recommendations have been suggested [in the ecological report] in order to reduce any likely impacts on badgers which may pass through the site. They therefore suggest that the recommendations outlined in the report be followed and a condition to this effect be placed on any permission.</p> <p><u>Trees</u> All trees to be retained on the site should be protected from the development to prevent damage to the root system. Protection should follow guidelines presented within BS 5837:2012 'Trees in relation to design, demolition &amp; construction'. They therefore recommend a condition to this effect should be placed on any permission.</p> <p><u>Biodiversity Enhancement</u> In line with Section 11 of the NPPF, they recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:</p> <ul style="list-style-type: none"> <li>• Bat boxes</li> <li>• Bird boxes</li> <li>• Native tree and shrub planting</li> </ul> <p>In conclusion they are satisfied that the application can be forwarded for determination and that any permission if granted is supported by the conditions above.</p>
Canal and River Trust	See body of report.

**Applicant's Case**

1. The business is in a unique position on the Leeds Liverpool Canal. Most of the canal boat companies renting boats are located in east Lancashire or West Yorkshire. Prior to the opening of the Ribble Link and the Stanley Dock Branch most tourism traffic headed east. With the new access to both Preston and Liverpool an increasing number of tourist visitors, on both weekend and week breaks, are heading west. Canal Boat Cruises is the only company servicing this demand.
2. To meet the growth in visitors the business wishes to invest in additional pontoons and boating facilities. This will benefit the business but also tourism provision in west Lancashire by increasing the number of overnight stays to the area.
3. Currently the business operates five luxury narrow boats, a floating restaurant and operates 20 moorings within the existing marina. It employs four full-time staff and one part-time staff member.
4. The business has grown steadily over the last few years with increasing demand for holiday rental boats on the western side of the Leeds Liverpool Canal. The demand for holiday rentals has expanded in the family market with strong growth for the larger six and eight berth boats. At

present there are few facilities within west Lancashire. Limited pontoon space for visiting boats is restricting growth in canal related tourism.

5. The business is in a precarious position as the main site access and parking are leased from a local brewery. Under the lease Canal Boat Cruises only has the right to use two car parking spaces within the pub car park and therefore would still not be enough space for the current proposal.
6. The existing facilities in the marina are also very limited with only a small shed for an office and a series of timber units for storage and maintenance.

## **Assessment**

### Proposed Development

7. The applicant runs a canal boat cruise business on the Leeds Liverpool Canal from Riley Green Marina off Bolton Road, Withnell. It is situated behind (to the east) The Boatyard Inn public house.
8. There are two parts to the proposed development:

#### Additional moorings.

On the eastern side of the existing site is a disused quarry known as the Shale Hole. The quarry is separated from the canal but flooded. The proposal is to reconnect the quarry to the main canal and construct a series of pontoons capable of accommodating up to 22 narrow boats.

#### A new access, car park and additional facilities.

The current site access and parking are leased from the public house brewery. To secure their long term position the business wishes to develop its own access and parking area to the east of the existing site and a new access track leading from Bolton Road down to the canal. In addition a small facilities block is proposed incorporating toilets an office and chandlery store.

### Principle of the Development

9. The whole of the application site is within the Green Belt. The application proposes a new facilities building that will house a small shop, store, office, sluice and toilets. Paragraph 89 of The Framework states that the construction of new buildings is inappropriate development in the Green Belt, but exceptions to this include the provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The building is considered to be only of a size necessary for what is proposed and the facilities need to be located in the Green Belt adjacent to the canal. It is considered an appropriate facility for outdoor recreation. The building will be sited on a small plateau on the banking between the carpark and canal surrounded by trees. Although it will be more visible when the trees are not in leaf, due to the ground levels in the immediate vicinity it will only be readily visible when viewed from the canal itself or its towpath on the opposite side when viewed directly onwards. It is considered it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
10. The application also proposes to connect the disused quarry to the canal which would require the removal of a section of the canal bank and the creation of new pontoons to provide moorings. In addition an upgraded access point from Bolton Road is proposed along with the creation of a new access track to a new car park with steps from the car park down to the canal edge and a new stone path along the side of the canal. The car park and track will be on previously undeveloped agricultural land. These aspects of the application are considered to be an engineering operation in accordance with paragraph 90 of the Framework. This states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of it and do not conflict with the purposes of including land in Green Belt. These include engineering operations. Whilst the Framework contains no specific definition of 'openness' the creation of a hard surfaced track, car park, steps and path effectively preserves the openness of the Green Belt.

11. In terms of if the proposals conflict with the purposes of including land in the Green Belt paragraph 80 of the Framework sets out the five Green Belt purposes which the scheme is assessed against as below:

*Purpose 1 (to check the unrestricted sprawl of large built-up areas):*

12. The proposals do not involve any built development and as such will not result in the encroachment of built development into the Green Belt.

*Purpose 2 (to prevent neighbouring towns merging into one another):*

13. Development of the site would not lead to the coalescence of any neighbouring towns or villages.

*Purpose 3 (to assist in safeguarding the countryside from encroachment):*

14. The path and steps down to the canal will be situated amongst trees where the land drops away. The car park will be situated at the north boundary of the field just before the land falls away down to the canal. The proposed track will be 3.5m wide with two passing places along its length where it will be increased to 6m wide. The track will not sever the field being sited along the southeast boundary. Farm vehicles and machinery will be able to cross the new access track easily and the land will be able to be mowed. As such it is not considered that the scheme represents encroachment into the countryside.

*Purpose 4 (to preserve the setting and special character of historic towns):*

15. This does not apply as the site is not located near a historical town.

*Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land):*

16. It is not considered that the proposals conflict with this purpose as the proposals do not involve new built development that is not associated with the existing canal as a recreational facility.
17. It is therefore considered that connecting the quarry to the canal, the proposed access track, steps, path, pontoons or car park will preserve the openness of the Green Belt and will not conflict with the purposes of including land in it in accordance with paragraph 90 of the Framework. The proposals therefore do not represent inappropriate development within this Green Belt location and are therefore acceptable in principle.
18. The Framework states at paragraph 28 that to promote a strong rural economy local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing building and well designed new buildings. In addition they should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
19. Policy 13 of the Core Strategy covers the Rural Economy and aims to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses in the following ways:  
....(b) Supporting rural based tourist attractions, visitor facilities, recreational uses, business and storage activities.
20. Policy HS4 of the Local Plan 2012-2026 relates to The Leeds Liverpool Canal. The pre-amble to this policy states:

*The Leeds and Liverpool Canal is an important heritage and recreational resource, and the Canal and Rivers Trust encourages the inclusion of proposals for the conservation and recreational use of canals in Local Plans. Awareness of pleasure boating on canals is increasing, and there is a clear need for additional moorings locally. These would generally be encouraged on off-canal marina developments rather than linear facilities.*

21. The policy itself states:

Proposals for tourism or recreational facilities along the canal will be permitted provided that all of the following criteria are satisfied:

- a) The historic character of the waterway will not be damaged.
- b) The water quality or ecological value of the canal will not be damaged.
- c) The design reflects the character and appearance of the surrounding area.

22. The application is for moorings off-canal rather than linear which is preferred by the Canal and Rivers Trust. In addition it is considered that the three criteria of this policy are met.
23. Overall the proposal is therefore not considered inappropriate in the Green Belt and complies with the aims of the Framework, Core Strategy and Local Plan in encouraging tourism and recreational facilities and supporting a rural business. The proposal is therefore considered acceptable in principle.

#### Highways

24. The new track to the car park will be accessed from Bolton Road. There is an existing field gate at the access point and this will be upgraded to a new vehicular access. LCC highways state that the visibility from the access point is acceptable. Highways also consider that the number of parking spaces proposed is acceptable.
25. The applicant envisages that they will employ the equivalent of 7.5 full-time employees and 23 parking spaces are proposed (please note the LCC highways engineer has mis-read the application form that there will be 12 employees). The Council has parking standards as set out in policy ST4 of the Local Plan 2012-2026 and its associated appendix, however the proposed use does not fall within any of the categories listed which generally require a certain number of spaces based on the floor area of the building proposed. The applicant has however provided justification for the level of parking they are proposing based on a survey of eight other canal marina facilities in Lancashire. The average parking at other marinas is equivalent to 0.8 parking bays per berth. The new marina will have 22 moorings and there are seven existing linear moorings to the east. The proposed car park will serve both but the existing marina will continue to be served by the existing car park at the public house. Based on an average of 0.8 spaces per berth 23 new spaces are required as proposed by the application. The justification provided is considered reasonable. Given the length of the access track to the site from Bolton Road it is considered very unlikely that vehicles would park on Bolton Road should the car park be full which the Council would wish to avoid.
26. The proposal is therefore considered acceptable in terms of the access and parking proposed.

#### Layout and Design

27. The proposed access track itself will follow the line of trees to the east of the site. The track will be visible when viewed directly onwards from Bolton Road but will be well screened from other directions in the wider landscape due to hedgerows on Bolton Road and trees surrounding the site. The track itself will be constructed of stone which is considered appropriate to the rural area, apart from the first 10m back from the access point which will be laid with tarmac to prevent loose stone being dragged onto Bolton Road by vehicles and possibly causing a highway safety hazard.
28. The creation of the car park will involve 'cut and fill' at the north end of the field to provide a level surface. This will result in a small bund being created to the south boundary of the car park which will provide further screening of the car park in the landscape. The car park itself will be constructed using plastic grass crete so grass should establish itself on parts of the car park to again minimise its impact in design terms and is looked upon favourably.
29. The facilities building will be sited on a small existing plateau on the banking between the carpark area and the canal. It will be constructed of timber with green felt tiles on a concrete base and measure approximately 13.8m by 6.2m and 4m to the ridge. The facilities proposed within it are not considered excessive and its siting will mean it is screened from view in the wider area.
30. The siting and design of the proposals is considered acceptable in the landscape.

### Canal and River Trust

31. The Canal and River Trust who operate and manage the Leeds Liverpool Canal have assessed the proposal from a number of perspectives:

### 32. Impact on Water Resources

They consider the proposal acceptable for leisure craft. They advise there is currently a hydraulic link between the quarry and the canal [water passes through the rock between them] and this has not caused problems in the past and so allays their concerns about connecting the quarry to the canal. They do however comment that future works such as dredging, deepening or expanding of the quarry may interfere with the proposed marina's groundwater interaction with implications for the water resources of the canal. They therefore ask the Council to consider removing permitted development rights for such works in the future so a planning application would be needed and any impacts could be assessed.

### 33. Operational Matters

They advise that the applicant will require the consent of the Canal and River Trust to connect the proposed marina to their network. As part of this the applicant will need to demonstrate that the marina can be isolated from the canal to allow it to be drained for repair and maintenance purposes. They advise that a wide channel (11.250m) forms the proposed marina entrance and this width is too great to accommodate stop planks which are typically 4.8m wide and the means by which the marina can be isolated from the canal. They also state there should be at least a 24m diameter turning circle between the marina isolation structure and the opposite bank which is now shown on the plans and may result in the loss of a berth. However, they advise that they do consider that, in principle, the requirements for an isolation structure can be satisfied at the site and ask the Council to consider if this matter could be addressed by the imposing of a planning condition. They also advise that the council/applicant may also wish to consider if it would be appropriate to amend the description of the proposal for up to 22 berths to accommodate any change that may be required.

34. They request conditions requiring a lighting scheme, hard and soft landscaping scheme details of materials for the facilities building to be submitted and approved. They also advise that waste water should go to a sealed tank and be disposed of offsite through a commercial waste disposal contract and this should also be secured by a condition. The application details confirm this will be the case for the waste water.

35. It is considered that details of an isolation structure at the entrance to the new marina could be secured and implemented through a planning condition, in addition the applicant has agreed to amend the description so it allows up to 22 berths so that it is still accurate if the isolation structure leads to the loss of any berths. Therefore it is considered that the proposal meets with the requirements of the Canal and River Trust.

### Trees and Landscaping

36. The trees on either side of the proposed access track and on the banking down to the canal are protected by Tree Preservation Order 7 (Withnell) 1981. The proposal will result in the removal of three trees covered by the Order to allow for the construction of the facilities building. Whilst the loss of these trees is regrettable, the position chosen for the facilities building is considered the most appropriate on the site, as siting it on the banking down to the canal means it will not be readily visible in the surrounding landscape and for this reason it is considered acceptable. The trees to be removed are within a wooded area so it is not considered that their loss will impact unacceptably on the landscape character of the area. Additional planting is proposed to the southern boundary of the new car park which will mitigate for the loss of the trees. The proposal is therefore considered acceptable in relation to Policy BNE10 of the Local Plan 2012-2026.

### Ecology

37. An ecology report has been submitted with the application and the Council's Ecological Adviser has reviewed this and visited the site. They consider that the application is acceptable subject to conditions. The proposal is therefore considered acceptable in relation to BNE9 for the Local Plan 2012-2026.

### Drainage

38. As stated above, foul water from the toilets and showers will run to a sealed tank and be disposed of off-site through a commercial waste disposal contract which is acceptable to the Canal and River Trust. Surface water from the roof of the facilities building will run into the neighbouring beck which is also considered acceptable.

#### Impact on Listed Building/Heritage Assets

39. There are three listed buildings; Brimmicroft Farm, Brimmicroft Cottage and a cottage adjacent to it which are situated down a track almost opposite the proposed access point to the marina on Bolton Road. As noted by the Conservation Officer these are not visible from the site due to screening by vegetation and their distance off Bolton Road. It is not therefore considered that the proposal will have an unacceptable impact on the setting of these buildings.
40. The canal itself is a heritage asset as a whole, however the Council's Conservation Officer considers the proposal sympathetic in its design and rural context and will maintain the significance of the canal in heritage terms.
41. The proposal is therefore considered acceptable in relation to Policy BNE8 of the Local Plan 2012-2026.

#### Other Issues

42. It is noted that planning permission was granted in 2007 (ref: 07/00794/FUL) for an extension to the car park at the public house. One of the considerations in respect of approving this application was that the car park was directly linked with tourism as it would be linked to the canal. The approval secured 37 additional spaces which could be used by canal users secured via the following condition:

*The additional car park hereby permitted shall be available for use by visitors to the Canal without restriction as well as users of the public house. This use shall continue whilst the public house remains in operation.*

43. The applicant states however that the car park extension, although allowing free use by canal users did not specify what type of use, in addition, even if Canal Boat Cruises could use this area, which they can't due to their pre-existing lease, there would still not be sufficient space on site to accommodate the additional parking requirements for the new marina. In addition access to the new marina area would be very difficult as the new Shale Hole opening will block access to most of the new berths.
44. Conditions have been requested by consultees relating to hard and soft landscaping and the materials of the proposed facilities building. However, it is considered that there is sufficient detail on the plans submitted in relation to these and they are considered acceptable, it is not therefore considered necessary to impose conditions in relation to these matters.

#### **Overall Conclusion**

45. The application is considered acceptable in the green belt and the details of the scheme are considered acceptable subject to conditions.

#### **Planning Policies**

46. 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.