

## **APPLICATION REPORT – 18/00317/FUL**

**Validation Date: 28 March 2018**

**Ward: Heath Charnock And Rivington**

**Type of Application: Full Planning**

**Proposal: Use of land for the siting of double decker bus for use as a cafe**

**Location: Ellerbeck Narrowboats The Boatyard Rawlinson Lane Heath Charnock Chorley PR7 4DE**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr L Burkhadt**

**Agent: Mr Chris Weetman**

**Consultation expiry: 30 April 2018**

**Decision due by: 22 June 2018**

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### **RECOMMENDATION**

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

### **SITE DESCRIPTION**

2. The application site is located in the Green Belt at Heath Charnock and forms part of a canal boatyard located between the Leeds Liverpool Canal to the west and A6 to the east, with Rawlinson Lane to the south. To the north is a disused former railway cutting where historically coal was brought from local mines to the canal boats for distribution further afield.
3. The boatyard is long established and comprises a residential dwelling, associated garage, workshop, moorings and jettys, and a variety of small outbuildings with toilets and a number of residential houseboats. The site is split over two distinct levels with the house, garage and car park being at the upper level, and the boatyard and jettys being at the canal side level.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for the use of the land for the stationing of a double decker bus for use as a café.

### **REPRESENTATIONS**

5. One representation has been received citing the following grounds of objection:
  - Impact on car parking and increase in cars obstructing pedestrian movements.
  - Increase in litter.

### **CONSULTATIONS**

6. Heath Charnock Parish Council: Have commented that the site is in the green belt which the Parish Council is keen to protect but it is within the existing boatyard. The proposal suggests the proposed cafe would be incidental to the main purpose of providing moorings and

facilities for boat users. It is also intended to attract passing trade. The Parish Council is concerned about the possible scale and impact of the proposal. There is pressure on existing car parking facilities. The access to the boatyard site is close to a busy junction onto the A6. The Parish Council asks that these points be considered in addition to the views of adjacent residents.

7. Canal & River Trust: Have confirmed that they have no objection.
8. Lancashire Highway Services: Have no objection but have concerns with the proposed increase in vehicle and pedestrian movements close to the junction of Westhoughton Road and Rawlinson Lane commenting that there are large trees adjacent the driveway entrance and exit.

## **PLANNING CONSIDERATIONS**

### Principle of development in the Green Belt

9. The application site is a long established boatyard for the mooring and repair of canal boats. As such the site is previous developed land located in the Green Belt. The National Planning Policy Framework (The Framework) states that there is a general presumption against inappropriate development in the Green Belt and The Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

10. National guidance on Green Belt is contained in Chapter 9 of the Framework which states:

*79. 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.*

*80. 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.*

*87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*88. 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, is clearly outweighed by other considerations.*

11. In order to station the bus an existing building would be demolished to create an adequate space and the land would be levelled and surfaced to create a suitable parking plot. The Framework sets out a number of other exceptions to inappropriate development in the Green Belt. Paragraph 90 of the Framework states that:

*Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:*

- *mineral extraction;*
- *engineering operations;*
- *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- *the re-use of buildings provided that the buildings are of permanent and substantial construction; and*
- *development brought forward under a Community Right to Build Order.*

12. The proposed demolition and operations to create a levelled and surfaced parking plot would be considered to be engineering operations in accordance with paragraph 90 of the Framework. Engineering operations are not necessarily inappropriate development within Green Belt locations providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
13. As such there are two considerations in respect of the proposal and the appropriateness of the development in the Green Belt as follows:
- 1) *Will the development preserve the openness of the Green Belt?* 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 demolition of the existing building would reduce the built form on the site, whilst the levelling and surfacing works effectively preserve the openness of the Green Belt.
  - 2) *Will the development 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).*  
The proposal is small in scale and would be contained within a wider previously developed site, and would not, therefore, contribute to sprawl.
    - Purpose 2 (to prevent neighbouring towns merging into one another)*  
Development of the site would not lead to the coalescence of neighbouring towns as the development would be contained within a wider previously developed site.
    - Purpose 3 (to assist in safeguarding the countryside from encroachment;).*  
As the proposed development would be contained within a wider previously developed site there would be no encroachment into the countryside.
    - Purpose 4 (to preserve the setting and special character of historic towns;).*  
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).*  
It is not considered that the proposal conflicts with this purpose as the development is of such small scale and is proposed to support the existing use of the site.
14. It is considered that the proposed development preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt in accordance with paragraph 90 of the Framework. The proposal does not, therefore, represent inappropriate development within this Green Belt location.
15. The visual impact and harm from stationing the bus on the site would be limited, given the scale and relative positioning of existing buildings and structures across the site. The bus would be sited at a lower level to the highways and views from the canal would be seen in the context of existing buildings and structures. In addition, the bus would replace an existing building in the same position. It is, therefore, considered that the visual impact of stationing a double decker bus in this location would be limited.
16. It is considered that the proposed development would preserve the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt in accordance with paragraph 90 of the Framework. The proposal does not, therefore, represent inappropriate development within this Green Belt location.

Impact on character and appearance of the locality

17. The application site itself is visible from both adjacent highways and the canal. The site is split over two levels and it is proposed that the bus would be sited at the lower level closer to the canal. This would result in only limited visibility of the bus from the adjacent highways.

The bus would be visible from the canal, however, it would be viewed in the context of the existing boatyard buildings and structures, such as cranes. The bus café would result in a rather quirky feature forming part of a somewhat characterful site. As such, it would be appropriate in the context of its surroundings and would not be harmful to the character of the area.

#### Impact on neighbour amenity

18. The bus would be stationed over 50m from the nearest dwellings, other than the dwelling within the application site. As such, there would be no impact on outlook, light or privacy due to the siting of the bus. Given that the bus café would be sited within an active boatyard, and separated from dwellings by some distance and features including the canal, highways and former railway cutting, there would be a limited impact through disturbance to occupiers of surrounding properties through the functioning of the café use itself. It is, therefore, considered that the proposed development would have no harmful impact on neighbour amenity.

#### Highway safety and parking provision

19. There would be a requirement for 10 off street car parking spaces and it has been demonstrated that 10 spaces would be provided on site with adequate turning areas. The car park is accessed via an existing vehicular access, and this would remain unchanged. As a result there would be very little difference in the way this existing access functions. It is acknowledged, however, that LCC Highways have concerns with visibility and have recommended that a condition is attached requiring that visibility splays are put in place at the entrance and maintained thereafter.

20. The café itself would be relatively small scale and the applicant has set out that it is the intention of the business to attract its custom from canal boat users and those using the canal for leisure. As such it is unlikely to derive a large amount of trade as a destination for customers travelling by car. The bus itself would be permanently stationed and would not be entering and departing from the site. It is not, therefore, considered that the proposed development would result in any severe cumulative impact on highway safety.

#### Other matters

21. Litter: It is recognised that unfortunately people sometimes discard packaging and half eaten food. However, the applicant has a responsibility to ensure that the site is kept free of litter and maintained managed in an appropriate manner.

### **CONCLUSION**

22. The development is not considered to have an adverse impact on the openness of the Green Belt or landscape character and there is a suitable distance between the site and the adjacent residential properties to ensure that living conditions would not suffer detrimental harm. In addition, the proposed development would not result in any severe cumulative impact on highway safety. It is, therefore, recommended that the application is approved subject to conditions.

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

**Ref:** 74/00381/FUL **Decision:** PERFPP **Decision Date:** 26 June 1974  
**Description:** Amended plan for Marina

**Ref:** 86/00698/FUL **Decision:** PERFPP **Decision Date:** 2 December 1986  
**Description:** Single and two storey extensions

**Ref:** 87/00780/FUL **Decision:** PERFPP **Decision Date:** 12 January 1988  
**Description:** Extension to dwelling

**Ref:** 89/00257/COU **Decision:** WDN **Decision Date:** 13 June 1989  
**Description:** Change of use of vacant barn to dwelling

**Ref:** 91/01022/OUT **Decision:** REFOPP **Decision Date:** 20 January 1992  
**Description:** Outline application for the erection of one detached house

**Ref:** 95/00134/FUL **Decision:** PERFPP **Decision Date:** 10 April 1995  
**Description:** Erection of Porch and Conservatory

**Ref:** 96/00206/COU **Decision:** PERFPP **Decision Date:** 22 May 1996  
**Description:** Change of use of shop and offices to dwelling and additional use of workshop as shop and offices

**Ref:** 00/00186/FUL **Decision:** PERFPP **Decision Date:** 26 May 2000  
**Description:** Erection of 1.8 metre high boundary fence

**Ref:** 02/00647/OUT **Decision:** WDN **Decision Date:** 20 August 2002  
**Description:** Outline planning application for residential development

**Ref:** 08/00801/FUL **Decision:** WDN **Decision Date:** 3 December 2008  
**Description:** Erection of a detached sectional garage

**Ref:** 08/01202/FUL **Decision:** PERFPP **Decision Date:** 10 February 2009  
**Description:** Removal of condition No 5 of planning permission 96/00206/COU to allow dwelling to be occupied without being linked to the boat yard, formation of domestic curtilage and erection of garage for domestic and business use

**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

No.	Condition									
1.	The proposed development must be begun not later than three years from the date of this permission.  <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>									
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1" data-bbox="336 1563 1327 1659"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>N/A</td> <td>28 March 2018</td> </tr> <tr> <td>Proposed site plan</td> <td>N/A</td> <td>25 May 2018</td> </tr> </tbody> </table> <i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>	Title	Drawing Reference	Received date	Location plan	N/A	28 March 2018	Proposed site plan	N/A	25 May 2018
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Location plan	N/A	28 March 2018								
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3.	The use of the bus to be permanently stationed as a café hereby approved shall only be used for A3 (restaurants and cafés) class purposes in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).  <i>Reason: To define the planning permission.</i>									
4.	The café hereby permitted shall only operate between 08:30 and 18:00 hours									

	<p>Monday to Saturday and 09:30 and 16:00 hours on Sundays.</p> <p><i>Reason: In the interests of the amenity of the area and adjoining and nearby residential properties.</i></p>
5.	<p>The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.</p> <p><i>Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.</i></p>
6.	<p>Before the development hereby permitted becomes operative the visibility splays measuring 2.4 metres by 43 metres in both directions to be provided, measured along the centre line of the access from the continuation of the nearer edge of the existing carriageway of Rawlinson Lane. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.</p> <p><i>Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.</i></p>
7.	<p>The private car parking and manoeuvring areas to be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes and permanently maintained thereafter.</p> <p><i>Reason: To allow for the effective use of the parking areas.</i></p>