

Application Number 07/2017/1284/FUL

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Development Change of use of part of existing car park to allow car wash including temporary canopy and storage

Officer Recommendation Approval with Conditions

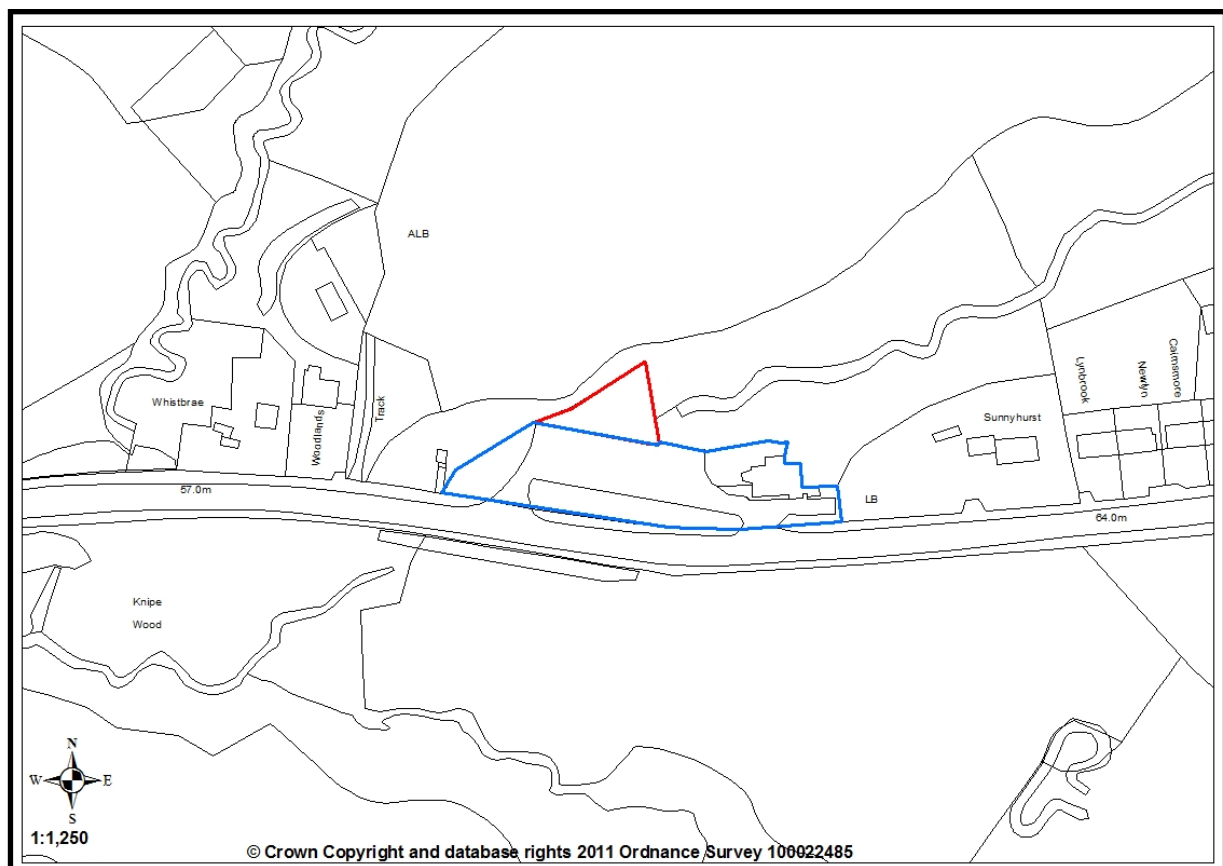
Officer Name Mrs Janice Crook

Date application valid 24.05.2017

Target Determination Date 19.07.2017

Extension of Time 28.07.2017

Location Plan



1. Report Summary

1.1 This proposal for the change of use of part of the existing car park servicing the Bukhara Restaurant on Preston New Road would normally fall within the Council's scheme of delegation. However, the ward councillor has requested it be determined by Planning Committee due to concerns of highway safety. However, County Highways have raised no concerns and consider the sight lines from the site access are acceptable.

1.2 The application site is within the Green Belt and an assessment of its impact on the openness of the Green Belt has been carried out. As the proposal includes the provision of temporary structures, that of a storage container and canopy, it is considered acceptable on balance with a condition being proposed to restrict the use for a temporary period of two years and to ensure the removal of the structures once that period has ended.

2. Site and Surrounding Area

2.1 The application relates to part of the car park associated with the Bukhara restaurant on Preston New Road in Samlesbury. The car park is located to the north and west of the restaurant building. The application site is triangular in shape with woodland present to two sides and the main car park to the restaurant to the south. Open fields are present opposite the application site with a ribbon of residential properties present along the northern side of Preston New Road to the east of the site. The site is within the Green Belt.

3. Planning History

3.1 The restaurant site has a planning history dating back to the 1970's. The most recent application, 07/2007/0623, was for a part two, part single storey side extension and external staircase to rear which was approved in July 2007.

3.2 It is noted that the application site shown on the red edge location plan is described as part of the car park. However, no planning permission exists relating to this area of land and its change of use to car park. The formation of this additional area of car park was reported on 14 April 2008 with the Enforcement records showing 'unauthorised extension of car park'. No action was taken at that time. Although a 10 year period is required for the use of land to be immune from Enforcement action, and it remains that the site does not benefit from planning permission for use as a car park to enable it to be considered its lawful use, consideration should be given to that fact that no action was taken. Therefore it is considered that the use of this area of land for car parking was considered acceptable at the time of the Enforcement record.

4. Proposal

4.1 The application proposes the change of use of part of the car park to allow car wash including a temporary canopy and demountable storage/welfare container. The container is to measure 6m by 2.4m wide and 2.4m in height. The site is triangular in shape and the container will be located to the eastern boundary, a valet area and waiting/collection space will be to the north-western boundary with the car wash area with canopy over to the south. The canopy will be mounted on two posts but no details of the height, design or colour have been provided.

4.2 The application site is separated from the main car park by a raised kerbed area. Vehicles will enter the main car park from the existing access from the A677 at the western side and on through to the rear part, the application site, then turn right under the canopy there two lanes are proposed for car washing, the exit at the eastern boundary and on through the main restaurant car park onwards to the A677 exit.

4.3 It is the applicant's intention to operate a car wash facilitate in conjunction with the restaurant and the carwash would operate alternate times to the restaurant opening times. The proposed car wash would therefore operate between 10:00am and 18:00pm on any day. The restaurant operates from 17:30pm until 23:00pm Monday to Friday and 14:00pm to 23:00pm on Saturdays and Sundays.

5. Summary of Publicity

5.1 Neighbouring properties were notified and a site notice posted with four letters of representation being received, three objecting to the proposal on the following grounds:

- A677 is a busy A road between two major commuter centres
- Speed of traffic on A677
- Proposal will result in large number of vehicular movements which will have to queue to enter the site
- Will cause congestion
- Highways safety
- Located on bend in road
- Proposed screening will result in illegal parking or dumping of waste when restaurant is closed
- Issue with claims made in Design and Access statement in respect of environmental issues
- Impact on wildlife corridor along Huntley Brook
- Protection of trees
- Waste water disposal
- Unsightly in a rural location

5.2 One letter of support comments that the car wash will generate a good influx of people to local businesses and will provide a service to the local community.

5.3 Additionally, the ward councillor also raised concerns over the proposed development due to the speed of traffic on the busy A677 and highway safety.

6. Summary of Consultations

6.1 **County Highways** based their comments on all the information provided by the applicant to date. The applicant has indicated that the Car Wash would only operate outside of the opening hours of the Restaurant. County Highways therefore request that a condition to limit the opening hours of the car wash is imposed. This will avoid an accumulative impact of the two business sharing one car park and therefore avoiding an adverse impact on the local network.

6.2 County Highways have also reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates that there has been one slight incident within the vicinity of the site. On investigation of the details recorded, the incident appears to be of a nature that would not be worsened by the proposed development.

6.3 The proposed development will be accessed from the existing site's access on Preston New Road and County Highways are satisfied that the proposed access arrangements are acceptable. The available sight lines from the sites access onto Preston New Road are also acceptable as is the proposed site layout and parking provision is acceptable.

6.4 **Environment Agency** comment that the proposed development would be acceptable if a scheme for the installation, operation and management of the proposed vehicle wash water tank and associated infrastructure is submitted prior to any development commencing. This should be secured by the imposition of a condition.

6.5 **Environmental Health** have no objections to the proposal.

7. Policy Considerations

7.1 **National Planning Policy Framework** - The NPPF sets out the Government's economic, environmental and social planning policies for England. At the heart of the planning system is a presumption in favour of sustainable development which should be seen as a 'golden thread' running through both plan making and decision making. In respect of this application, the relevant chapters of the NPPF are considered to be:

- Chapter 1. Building a strong, competitive economy which states, at paragraph 19. *"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."*
- Chapter 9 Protecting Green Belt Land states at paragraph 89. *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include..... Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green belt and the purpose of including land within it than the existing development.*

7.2 Central Lancashire Core Strategy

- **Policy 13: Rural Economy** aims to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses in a number of ways.
- **Policy 17: Design of New Buildings** requires new building to take account of the character and appearance of the local area in terms of, among others, siting, layout, scale, design, materials. It also requires that new development is sympathetic to surrounding land uses and occupiers and avoids demonstrable harm to the amenities of the local area.
- **Policy 29: Water Management** aims to improve water quality, water management and reduce the risk of flooding through a number of measures.

7.3 South Ribble Local Plan

- **Policy G1: Green Belt** has a general presumption against inappropriate development and planning permission will not be given for the construction of new buildings unless there are very special circumstances. However, there are a number of exceptions to this, including the limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

8. Material Considerations

8.1 Impact on the Green Belt

8.1.1 Among the exceptions to the general presumption against inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed sites. The application site is part of the car park serving the Bukhara Restaurant and therefore can be considered as a Previously Developed site. The proposal is for the change of use of part of the existing car park for use as a car washing facility. It has been established that the area of car park does not benefit from planning permission, as reported above in the 'Planning History' section of this report, but as no action was taken at that time, it is considered that the use of the land as car park was found acceptable. Therefore the

proposed development, on land that is previously developed, is in compliance with the NPPF providing that the development does not have a greater impact on the openness of the Green Belt and purposes of including land within it.

8.1.2 The proposal includes two structures, the provision of a storage container for use as an equipment store and staff area and the formation of a canopy over the car washing area.

8.1.3 The applicant, in the submitted Design and Access Statement, has indicated that, as a result of the site being within the Greenbelt, *“no new permanent buildings proposed. There are temporary canopies over the washing and valeting areas which will be finished in a green colour and the lock-up porta cabin used as a secure store and rest area for staff will be clad in timber and finished in green. There is a 2m temporary screen proposed to the south of the wash area which will be set behind a traditional thorn hedge to be planted in front.”* The applicant also indicates that this application diversifies and supports the existing business by redeveloping a small portion of the existing brown field site.

8.1.4 The storage container by its nature can be considered a ‘temporary’ structure. It is finished in green and located to the site’s eastern boundary and will be viewed against the backdrop of trees, part of the wooded area to the north of the site. Given the temporary nature of the storage contained and its siting, it is considered that this element of the proposal will not unduly impact on the openness of the Green Belt to such an extent as to warrant a refusal of planning permission.

8.1.5 The proposed canopy will cover an area of approximately 13m by 6m, located to the south of the application site, adjacent to the existing main car park. There is currently a raised kerb area of 24m by 2m (approximate) which is proposed to be planted with a traditional thorn hedge and a 2.4m high timber fence to prevent spray and help screen the car wash facility from the A677. The proposed canopy is umbrella style and consists of posts with stretched fabric canopy over and will be finished in green. The height of the posts is 5.5m with the edges of the canopy being 3m in height. Due to the proposed area the canopy will cover and its location, it will be visible from Preston New Road from both directions. Although this element of the proposal will have some visual impact on the openness of the Green Belt but this is considered to be acceptable, given that it is a relatively lightweight and temporary structure. However, it is considered appropriate to impose a condition granting permission for a temporary period only in order that the Local Planning Authority can retain control over the use of this site.

8.2 Access, Parking and Highway Safety

8.2.1 The proposed development will be accessed from the existing site’s access on Preston New Road and County Highways are satisfied that the proposed access arrangements are acceptable. The available sight lines from the sites access onto Preston New Road are also acceptable as is the proposed site layout and parking provision is acceptable.

8.2.2 The submitted Design and Access Statement indicates that the Bukhara Restaurant has a large car park with 46 parking spaces and it is only the northern portion, which is relatively unused, which is proposed for the change of use. The applicant has also indicated that the Car Wash would only operate outside of the opening hours of the Restaurant. County Highways consider that a condition to limit the opening hours of the car wash be imposed. This will avoid an accumulative impact of the two business sharing one car park and therefore avoiding an adverse impact on the local network.

8.2.3 County Highways have also reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates that there has been one slight incident within the vicinity of the site. On investigation of the details recorded, the incident appears to be of a nature that would not be worsened by the proposed development.

8.2.4 Taking the above matters into consideration, County Highways confirm that have no objections to the proposal and consider them to have a negligible impact on highway safety and capacity in the vicinity of the site.

8.3 Drainage

8.3.1 The Environment Agency consider that the development will be acceptable if measures are implemented and secured by way of a planning conditions in respect of the submission of a scheme for the installation, operation and management of the proposed vehicle wash water tank and associated infrastructures. The Environment Agency explain that effluent discharged from any premises carrying on a trade or industry and effluent generated by a commercial enterprise where the effluent is different to that which would arise from domestic activities in a normal home is described as trade effluent. If the site operator is not able to discharge effluent, it will be classed as waste and the site operator must then comply with their duty of care responsibilities. It is noted from the drainage strategy as submitted that the proposals involved the collection and storage of vehicle wash water in a sealed tank for off-site disposal. It is stated that only wash water will be collected from a covered washing area and rainwater will not enter the tank. However, the site plans suggest an ACO drainage channel will be installed beyond the canopy of the wash area and run across the existing car park to the proposed storage tank. Rainwater from the canopy over the wash area and the car park would appear to be able to drain to the ACO channel, contrary to the drainage strategy. The tank is therefore more likely to fill much more rapidly than indicated. There is no detail in the drainage strategy regarding how the capacity of the wash tank will be monitored. There is a clear risk of pollution to the adjacent watercourse if measures are not in place to prevent the tank from overflowing. Such measures may include but are not limited to, alarm systems on the tank and management plans to prevent further vehicles being washed until such time as the tank has been emptied and the waste water disposed of in accordance with the operators duty of care responsibilities.

8.3.2 If the applicant decides to revise the drainage proposals and to discharge any effluent after appropriate treating it to ground water or surface water, they are advised to contact the Environment Agency as a permit under the Environmental Permit Regulations will be required. Alternatively, a trade effluent consent or a trade effluent agreement with the water and sewerage company must be obtained before the applicant discharges trade effluent to a public foul sewer or a private sewer that connects to a public foul sewer.

9. Conclusion

9.1 The proposal for the change of use of part of the existing car park to the Bukhara restaurant on Preston New Road for use as a car wash facility with associated temporary structures is considered acceptable in this Green Belt location due to the temporary nature of the structures. However, it is considered appropriate to grant a temporary permission for a period of two years in order that the Local Planning Authority can retain control over the use of this site. The application is therefore recommended for approval subject to the imposition of conditions.

10. Recommendation

10.1 Approval with Conditions.

11. Recommended Conditions

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The use of the land hereby permitted shall be discontinued and the storage cabin and canopy shall be removed from the site and the land restored to its former condition, two years from the date of implementation of the development hereby approved.
REASON: To enable the Local Planning Authority to retain control over the use of the land.
3. The development, hereby permitted, shall be carried out in accordance with the approved plans Dwg GA3097-PSP-01-B Propose Site Plan; GA3097-001 Proposed Unit; GA3097-LP-01-B Location Plan; GA3097-TPM-01 Tree Protection Measures or any subsequent amendments to those plans that have been agreed in writing by the Local Planning Authority.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
4. The carwash shall only operate outside of the opening times of the business trading out of the Bukhara Restaurant building. The use of the carwash shall therefore be restricted to the hours of 10:00am until 17.30pm Monday to Friday and 10:00am until 14:00pm on Saturdays, Sundays and Bank Holidays
REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy
5. Prior to the commencement of development, a scheme for the installation, operation and management of the proposed vehicle wash water tank and associated infrastructure (including drainage from the vehicle wash bay) shall be submitted to and approved in writing by the local planning authority. No vehicles may be washed on site until the approved scheme has been implemented and the vehicle wash water tank is operational.
REASON: To prevent the discharge of contaminated vehicle wash water to Huntley Brook, in accordance with Policy 29 in the Central Lancashire Core Strategy.

12. **Relevant Policy**

National Planning Policy Framework

Central Lancashire Core Strategy

- 13 Rural Economy
- 17 Design of New Buildings
- 29 Water Management

South Ribble Local Plan

- G1 Green Belt