

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 16/02/2023	Ref: 69314/LDCP
Registration: 02/02/2023	LDFC:	Expiry Date: 30/03/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for the use of the ground floor former indoor climbing/kayak storage room as a function room, principally for the sale of food and drink (Use Class E(b)) and the first floor former bunk room for short-term letting (sui generis) and proposed general internal refurbishment.

Location: Lamppost cafe, Burrs Activity Centre, Woodhill Road, Burrs, Bury, BL8 1DA

Description

The site relates to the building at Burrs Country Park that contains a cafe and the Burrs Activity Centre. Other uses within the building include an indoor climbing facility with sports equipment storage (Use Class E (d)) at ground floor and a 3 bedroom bunkhouse, which is a short term let (Sui Generis), at first floor.

The application for lawful development under Section 192 of the Town and Country Planning Act 1990 for the proposed use of the ground floor former indoor climbing/sports equipment storage room as a function room, principally for the sale of food and drink (Use Class E(b)) and the first floor former bunk rooms for short-term letting (sui generis) and proposed general internal refurbishment.

Relevant Planning History

57671 - Erection of a new 'wardens accommodation unit'. - Approve with Conditions 25/07/2014

58768 - Variation of condition 2 of planning permission 51368 to shorten the platform; relocate the maintenance access to the south end of the platform; Amend construction method of platform to cross walls, located perpendicular to track; provide timber fencing to rear of platform; realignment of fence to caravan club site; additional pitch to caravan site. - Approve with Conditions 25/06/2015

69065 - Change of use of indoor climbing room (Class E) to multi-use function room (Class F2(b)); Change of use of first floor bunkrooms to short term holiday apartment let (Class C1); External alterations and provision of bin storage area and fenced wood store - Withdrawn by Applicant 25/01/2023

Publicity

Not applicable

Statutory/Non-Statutory Consultations

Not applicable

Pre-start Conditions - Not applicable

Unitary Development Plan and Policies

DELEGATED REPORT

Not applicable

Issues and Analysis

The definition of development in section 55(1) of the 1990 Act includes “the making of any material change in the use of any buildings or other land”.

Planning application 69065 was withdrawn by the applicant following further clarification of the nature of the proposed uses, particularly the proposed use of the ground floor former indoor sports and storage area, which was presented as being for a Use Class F2 (b) use (Halls or meeting places for the principal use of the local community). However, the proposed use is principally for the serving of food and drink in association with the existing cafe in the building. Whilst it is intended that the space could be hired for private parties and would be gifted for use by local community groups on occasion, this would still largely entail the serving of food and drink (including alcohol). When available, it would be open to the general public as overflow to the existing cafe for the serving of food and drink.

The intended use would fall within the definition of use class E (b), which therefore falls within the same use class as indoor sport and recreation (i.e. Class E - Commercial, Business and Service).

The existing three bunkrooms would be reconfigured to form two bedroom with dining kitchen. The former and proposed form of accommodation constitute short-term letting accommodation (Sui Generis).

Given the above facts, the proposed use would not therefore amount to development as defined by Section 55 of the 1990 Act and so would be lawful.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal, described in the First Schedule, is not deemed to constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended)

<u>Case Officer</u> DSC	<u>Date</u> 16/02/2023	<u>Sign off Officer</u>	<u>Date</u>
----------------------------	---------------------------	-------------------------	-------------