

Item 8 **09/00783/FUL** **Permit Full Planning Permission**

Case Officer **Mrs Nicola Hopkins**

Ward **Chorley North West**

Proposal **Erection of a Public House/Restaurant**

Location **Land 65m South East Of Tesco Superstore And On
The South Side Of Foxhole Road Chorley
Lancashire**

Applicant **Marston's Inns & Taverns**

Consultation expiry: 5th November 2009

Application expiry: 1st December 2009

Proposal The application relates to the erection of a public house/
restaurant on Foxhole Road to the South East of Tesco
supermarket. The site is a vacant piece of land which has been
vacant for a number of years.

The proposal incorporates the erection of a two storey building
which incorporates a restaurant and public house at ground floor
level with ancillary living accommodation at first floor level.

Summary The proposal will create employment opportunities and a leisure
facility within a sustainable location which will benefit the local
community and Borough as a whole

Planning Policy PPS1, PPS6. Policy W3, Policy W4 (NWRSS). GN1, GN5, EM1, TR4,
PS2, SR1 (ACBLPR)

Planning History **96/00649/FUL-** Engineering operation to prepare land for
subsequent building development. Approved November 1996

Applicant's Case The following points have been submitted in support of the
application:

- The site is in a sustainable location within walking distance of the adjacent business park and Tesco supermarket. Bus stops are also within walking distance with regular bus services
- The proposed development has been developed as a series of building elements focused around a central 'core' evocative of traditional development forms
- The compact form and layout of the proposal avoids the common 'front versus back' approach frequently associated with serviced buildings. This maximises the public frontage, thereby enabling the best face of the building to be presented in as many different views as possible.

- The architectural style adopted for the proposed development derives from historical precedents including the coaching inn, tavern and public house.
- The proposal has been designed to incorporate 'Secure by Design' principles
- The public house/ restaurant will generate employment
- The development will provide a service and sustainable choice

Representations None received

Consultations **Corporate Director Neighbourhoods** has no comments. Noise issues can be covered by the premises licence and there are no nearby residential properties

Chorley Borough Council (Planning Policy) have commented on the employment land allocation, Sustainable Resources and the design of the proposals.

Assessment **Principle of Development**

The site is allocated within the Local Plan under Policy EM1.3 which allocates the site for business, general industrial and storage and distribution uses (Uses B1, B2 and B8 respectively). Additionally the allocation permits financial and professional services on the site (Use Class A2).

In 1996 planning permission was granted for an engineering operation on the land which involved importing surplus sub-soil from the development on the opposite side of the road to prepare the land for business development. The development involved levelling the site. The Committee report associated with this development identified that the site was allocated for general industrial and business uses

The proposed development for a public house (Use Class A4) and restaurant (Use Class A3) do not fall within the allocated uses for this site. The application is supported by an Employment Land Report which sets out the applicants justification for the loss of employment land at this site. As this site is allocated under Policy EM1 Policy EM9 does not apply to this site.

A Joint Employment Land Review with South Ribble and Preston (April 2009) looked at a range of employment sites in the Central Lancashire Area. The application site was included within the Ackhurst Park/Common Bank Employment Area, which was classified as a Good Urban Site, which are the preferred sites for retention. Policy W4 of the North West Regional Spatial Strategy is also relevant to this application as it relates to the release of allocated employment land. This Policy states that when considering the release of allocated sites consideration should be

given to spatial principles including social and economic inclusion, sustainable travel choices and access to services

The remaining sites available in Policy EM1 for employment use waiting to be developed including the application site amount to 37.36 hectares (April 2009). This figure does not include employment land still available at the Revolution, the Southern Commercial area and within Policy EM8 sites amounting to 50.29 hectares. In total 87.65 hectares are available for employment development. However, as part of the Core Strategy work, it is clear that the Council will need to find more employment land in the Borough and provide a range and choice of employment sites that are actively marketed, readily available and conform to the adopted North West Regional Spatial Strategy (NWRSS).

The A3/A4 pub/restaurant use is contrary to Policy EM1.3. However this site has not been developed during an 18-year time span when the site has remained allocated for employment use. The land owners have marketed the site and indicate there has been limited interest in the site for direct employment uses, which the Council are satisfied with. Additionally the proposed use is a loss of only 0.37 hectares, is likely to generate 40 equivalent full time jobs and will assist the local economy.

Furthermore in 1999 the Council refused an application for a mixed development comprising B1 offices and a public house on Euxton Lane, Euxton as the public house part of the scheme was contrary to the Local Plan allocation, which allocated the site for business and general industrial use (B1 and B2). The public inquiry centred on employment supply in the Borough and the Inspector concluded that whilst the site is allocated for employment purposes there were material considerations which did not support its retention. Namely that there was a considerable oversupply of employment land in the Borough, which was likely to last beyond the end of the period covered by the existing and emerging local policy and as such the loss of the small site would not undermine local policy towards the provision of employment land. The Inspector therefore allowed the appeal and granted planning permission however the pub was never developed.

The proposal is considered to be contrary to Policy EM1 of the Local Plan, the site is classified as Good Urban within the Employment Land Review and the proposal would result in the loss of employment land within the Borough. This notwithstanding however the site is located within a sustainable location, will contribute to the creation of jobs within the Borough contributing the Boroughs economy and will only result in the loss of a small area of allocated employment land which has remained undeveloped for a number of years. The Council will be charged with identifying employment sites in accordance with the RSS and it is not considered that the loss of this small area of land will

significantly impact on the supply of employment land within the Borough.

Additionally the site has been marketed by the land owners with little/ no interest in developing the site for employment uses. There are also vacancies at Ackhurst Business Park which supports the view that there is little interest in employment uses within the immediate vicinity. As such the proposal, on balance, is considered to be acceptable.

A similar public house/ restaurant has been erected at Matrix Park, Buckshaw Village. Matrix Park comprises of office and industrial uses which is similar in nature to the uses which surround the application site. The premises at Matrix Park supports the existing employment uses and it is envisaged that the proposed development will support the existing and future employment uses which are located in close proximity to the application site.

Design and Appearance

The proposal incorporates the erection of a two storey building adjacent to Foxhole Road with an outside terrace area and play area to the side of the premises and a car park to the rear. The design of the proposed building has been developed as a series of building elements focused around a central 'core'.

The design incorporates a two storey 'core' element and single storey elements with various facing materials, two different roofing materials and various roof pitches and heights. The Design and Access Statement submitted with the application explains that this has been done to break up the massing and add visual interest.

At first floor level there will be living accommodation for a member of staff as it is Marstons Policy to have a senior member of staff on the premises at all times. This accommodation is ancillary to the main public house/ restaurant use and will be conditioned to ensure this accommodation does not become separate living accommodation.

The Urban Design Manager has commented on the proposed design and layout which have been forwarded to the agent for the application. Any further amendments will be reported on the addendum.

Highways and Parking

The site will be served via the existing access road and hammerhead which serves the rear of Tesco.

The proposal incorporates 58 car parking spaces including 3 disabled spaces and provision for cycle spaces. The applicants

have completed a Simple Transport Assessment and Accessibility questionnaire which has been submitted as part of the application.

The accessibility questionnaire demonstrates that the site has a medium/ moderate level of accessibility. The site is located with walking distance of bus stops and there is a dedicated cycle lane along Foxhole Road. As such the site is accessible by various modes of transport.

In accordance with the draft Regional Spatial Strategy (RSS) Parking Standards for the proposed use 1 parking space is required per 5 square metres of public floor area and 3 disabled spaces are required these are, however, maximum parking standards. The publicly accessible areas of this proposal equates to approximately 388 square metres which equates to a maximum 77 parking spaces. However as this site has a medium level of accessibility this number can be reduced by up to 10% which results in a maximum of 69 spaces. The dedicated disabled parking spaces accords with the RSS standards

The proposed number of parking spaces is below this number however the site is accessible by various transport modes other than the private car, the site is within walking distance of various employment uses including the offices on the opposite side of Foxhole Road and is within walking distance of a few residential properties. As the figure set out with the RSS is a maximum it is considered that 58 car parking spaces is sufficient.

The Highway Engineer at Lancashire County Council has been consulted on the proposal and his comments are awaited.

Planning Policy Statement 6: Planning for Town Centres

The proposed restaurant/ public house falls to be considered leisure use and as such the provision of Policy PPS6 apply. In accordance with PPS6 part of the assessment for this type of development includes whether there is a need for the development, whether the development is of an appropriate scale, whether there are any more central sites for development, whether there will be any unacceptable impacts on existing centres and whether the location is accessible. The onus is on the applicant to demonstrate these points.

The applicants have submitted a justification report as part of the submission documents. The main element of this proposal is the food offer and as such the premises need to be easily accessible during lunch time and early evening. Typically such facilities are located in suburban/ edge of town locations which are close to commercial businesses/ business parks to provide lunchtime trade, close to major shopping facilities and within residential areas.

The applicants argue that as the premises will be opposite Ackhurst Park and close to Chorley West Business Park this is an ideal location for lunch trade. The site is located adjacent to Tesco which will encourage linked trips to the supermarket and proposed public house. In respect of public house provision within the immediate area which includes all the facilities proposed as part of this development, the applicant argues that such facilities are under provided for.

It is considered that the applicants have demonstrated a need for this type of facility in this location due to the under provision in the area. The site is located close to its assumed customer base with relatively close links to residential development. The site is accessible for various modes of transport and will encourage linked trips and there is adequate on site parking. As such it is considered that the provisions of PPS6 have been satisfied and the site is acceptable for this type of development.

Levels

As set out previously planning permission was granted in 1996 to prepare the land for development which included levelling the site. This notwithstanding however there are still various levels across the site and an earth mound along the front of the site which runs along the highway boundary.

The submitted plans incorporate proposed levels and it is proposed to level the site. The level of the proposed building will be similar to the road level although at a slightly lower level. The access road to the rear of the premises will be approximately 1 metre lower than the public house and the existing hammerhead is at a lower level which will create a slope up into the site. The site will slope downwards in a north-south direction with the parking at the rear of the premises approximately ½ metre lower than the access road.

Sections through the site have been requested which would enable a full assessment of the scheme.

Sustainable Resources

The application was supported by a BREEAM Assessment and Mechanical and Electrical Services Energy Assessment /Recovery Statement. These documents state that solar thermal collectors will be installed to reduce carbon emissions however details are required to demonstrate what carbon reduction these will achieve. Further information has been requested from the agents for the application.

Conclusion

The proposal incorporates the erection of a restaurant/ public house within a sustainable location. Although the site is allocated as an employment site under Policy EM1 it is considered, for the reasons set out above, that the scheme is acceptable.

Recommendation: Permit Full Planning Permission Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

4. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.

5. The use hereby permitted shall be restricted to the hours between 10.00 hours and 00.00 hours Monday to Thursday, 10.00 hours and 01.00 hours Friday and Saturday and 11.00 hours and 00.00 hours on Sundays.

Reason: To define the permitted opening hours and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.

6. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

9. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5, DC8A of the Adopted Chorley Borough Local Plan Review.

10. The first floor living accommodation shall be occupied and used only in conjunction with the ground floor use hereby permitted (namely public house Use Class A4 and restaurant Use Class A3) and shall not be used as a separate dwelling unit.

Reason: The first floor living accommodation is to accommodate staff associated with the permitted use of the site. The erection of a dwelling on this site would be contrary to Policies EM1 and HS6 and as such to avoid the creation of a separate dwelling unit on this site.

11. Before the development hereby permitted is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.

Reason : To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.
