

**Item** 11/00554/REMMAJ

**Case Officer** Mrs Nicola Hopkins

**Ward** Astley And Buckshaw

**Proposal** Application to extend the time limit for implementation of extant planning permission 08/00396/REMMAJ for the erection of a public house on plot 4400, Buckshaw Village.

**Location** Plot 4400 Buckshaw Avenue Buckshaw Village Lancashire

**Applicant** Mitchells & Butlers Retail Ltd & CBRE Investors

**Consultation expiry: 27 July 2011**

**Application expiry: 16 September 2011**

### **Proposal**

1. This application relates to an extension to the time period for implementation of a previously approved planning application (which was extant at the time of submission) for the erection of a public house on plot 4400, Buckshaw Village.
2. Reserved matters planning approval was granted on 3<sup>rd</sup> July 2008 and the applicants had until 3<sup>rd</sup> July 2011 to commence the development. This development has not commenced however in October 2009 legislation was introduced, subsequent to the 2008 Planning Act, which allows applicants to extend the time period for implementation of extant planning approvals.
3. This legislation was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. A new planning permission is applied for to replace the existing permission.
4. In accordance with the legislation it is normal to extend the time period attached to the outline planning approval as the reserved matters approval is directly linked to the outline approval. However in this case the outline approval is still extant (the time limit for submitting reserved matters does not expire until 2014) and as such it is considered appropriate to extend the time period for commencing the reserved matters approval.

### **Recommendation**

5. It is recommended that this application is granted conditional reserved matters planning approval.

### **Main Issues**

6. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Other issues

### **Assessment**

#### Principle of the development

7. Guidance issued by the Department of Communities and Local Government states that when determining applications for extensions to time limits the development will by definition have been judged to be acceptable in principle at an earlier date (in this case by permitting application 08/00396/REMMAJ). While such applications must be decided in accordance with the plan, unless material considerations indicate otherwise, Local Planning Authorities should in making their decision focus their attention on development plan policies and other material consideration which may have changed significantly since the original grant of planning

permission.

8. In this case there has not been any physical change to the site however, there have been changes to policy that the proposal should be assessed against. The Government has amended PPG13 which allows local authorities to set their own parking levels.
9. The public house/ restaurant will be two storeys. The ground floor is 489 square metres and the first floor is 307 square metres. Principal trading areas are provided at ground floor. The first floor will be occupied by 'on site' management accommodation, together with toilet facilities for customers and office accommodation. There is a 50-space car park, outside storage area and landscaped areas also proposed.
10. The building will be sited in a very prominent location within the Village and as such the building has been designed and orientated to fit into the surroundings and ensure that 'appropriate' elevations are introduced for all four elevations. The design is a modern building which utilises a palette of materials including cedar horizontal boarding, slate and brickwork. Full height glazing and glazed corners have been introduced to create a contemporary building.
11. Parking is proposed adjacent to Buckshaw Avenue, however additional planting is proposed along the highway boundary to screen the parking area. A low post and rail fence is proposed around the boundary of the site with entrance gates and posts at the pedestrian access to the site via Buckshaw Avenue.
12. The proposal incorporates 50 parking spaces including 3 disabled parking spaces. The site forms part of Buckshaw Village which, when completed, will form a sustainable village with various modes of transport serving the Village. As such the site will be accessible by a number of different transport modes, including by foot as the public house will serve occupants of the village and the nearby businesses. In accordance with the North West Regional Spatial Strategy parking standards the size of the public areas proposed would result in the requirement for approximately 58 parking spaces. However, in accordance with PPG13, levels of parking provided in association with development should promote sustainable transport choices (paragraph 50). Within this sustainable location it is considered that a reduced parking provision will encourage other modes of transport to the premises.

#### Other Issues

13. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted which post dates the planning approval. The agent for the application has acknowledged this change within his submission documents and has requested that appropriately worded conditions are attached in this regard. However this application is a reserved matters application based on the original 2002 outline planning approval. As the outline application is still extant, in respect of the submission of reserved matters, and the requirements of Policy SR1 did not form part of the outline planning permission it is not possible to impose further requirements, such as BREEAM, at this stage.

#### **Overall Conclusion**

14. The Planning Policy changes which have occurred since the original grant of reserved matters approval would not have resulted in a different outcome if a new planning application for this site was submitted now. As such it is recommended that a three year extension for the commencement of this development is approved.

#### **Planning Policies**

##### National Planning Policies:

PPS1, PPS4

##### Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5, TR4, PS2

## Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

### **Planning History**

**97/00509/OUT:** Outline application for mixed-use development. Approved August 1999

**02/00748/OUT:** Modification of conditions on outline permission for mixed use development. Approved December 2002

**07/01420/REM-** Reserved matters application under outline ref 9/02/00748 for a proposed spur road. Approved January 2008

**08/00396/REMAJ-** Reserved Matters application for the erection of a public house on plot 4400, Buckshaw Village. Approved July 2008

**10/00975/REM-** Application to extend the time limit for implementation of extant planning permission 07/01420/REM for the construction of a spur road at Buckshaw Link, Buckshaw Village. Approved December 2010

### **Recommendation: Approve Reserved Matters 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. 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 accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*
3. 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.*
4. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building (notwithstanding any details 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 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.*
5. 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 of the Adopted Chorley Borough Local Plan Review.*

6. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy 7 of the Joint Lancashire Structure Plan*

7. The use hereby permitted shall be restricted to the hours:
- between 8am and 12am (midnight) on Monday to Thursday,
  - between 8am and 1am Friday and Saturday and
  - between 9am and 12am (midnight) on Sundays.

On the following dates the use hereby permitted shall be restricted to the hours between 8am and 1am:

New Years Day; Valentine's night; Burns night; St David's Day; St Patrick's Day; Good Friday; Easter Sunday; Easter Monday; Boxing Day, Halloween and Bank Holiday Mondays.

On the following dates the use hereby permitted shall be restricted to the hours between 8am and 2am: Christmas Eve and New Years Eve.

On the following dates the use hereby permitted shall be restricted to the hours between 9am and 1am: the three Sundays of the year prior to the two bank holidays in May and the one bank holiday in August.

The use hereby permitted shall be restricted to the hours listed.

*Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.*

8. Prior to the commencement of the development a scheme to control noise emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate methods to contain noise within the building. The development thereafter shall be constructed in accordance with the approved details.

*Reason: To protect the amenities of the nearby residents and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.*

9. The approved plans are:

Plan Ref.	Received On:	Title:
2652/103A	21 April 2008	Elevations
2652/102	21 April 2008	Floor Plans
	21 April 2008	Landscape Proposals
HGO695:01/1	21 April 2008	Location Plan
2652/001	21 April 2008	Existing Site Plan
G14999/LEV 1	21 April 2008	Proposed Site Development Levels
G14999/FW1	21 April 2008	Proposed Foul Water Drainage
G14999/SW1	21 April 2008	Proposed Surface Water Drainage
2652/101B	21 April 2008	Proposed Site Plan
2652/104	21 April 2008	External Works Detail

*Reason: To define the permission and in the interests of the proper development of the site.*