

Item 4b **14/00380/FULMAJ**

Case Officer **Nicola Hopkins**

Ward **Astley And Buckshaw**

Proposal **Erection of part single storey and part two storey restaurant / public house (Class A3/A4) with ancillary residential accommodation at first floor and associated external play area, together with new access, car parking, landscaping and ancillary works.**

Location **Land South West of Bishopton Crescent And At The Junction Of Buckshaw Avenue And Ordnance Road, Buckshaw Village**

Applicant **Gough Family Partnership LLP And Greene King Development**

Consultation expiry: 10 June 2014 (due to need to serve notice on other land owners)

Application expiry: 3 July 2014

Recommendation
Permit Full Planning Permission

Executive Summary

The starting off point for consideration of the proposals is the extent that the scheme is consistent with the outline planning approval, Masterplan and relevant Design Codes for Buckshaw Village. However it is important to note that the proposals are not submitted pursuant to the original outline approval and as such from a planning perspective the considerations relate to whether the development accords with the Development Plan and any other material considerations.

Representations

Cllr Perks has requested that this application is considered at Development Control Committee		
In total 6 representations have been received which are summarised below		
Objection	Support	Not specified
Total No. received: 2	Total No. received: 2	Total No. received: 2
<ul style="list-style-type: none"> • Is this a suitable site for a public house, right across from a primary school • There is a substantial amount of anti-social behaviour in the area and this will quite probably increase it further. • There will be more late night noise and possibly more late night anti-social behaviour at the nearby playground. • There is no real police presence on the village and this will stretch further the already stretched police force. • It is beneficial to place a public house right next to a block of what has been stated to be social housing. • This plan will lead to more traffic and increased danger. • Will create late night noise, cans and bottles littered everywhere. • Other related issues that will come with alcohol abuse, drugs, violence. • Property prices will fall as a result, having a pub in close proximity can knock as much as £50.000 off your property price. • Should be using that land to build a 	<ul style="list-style-type: none"> • A great addition to the village. • The building will fit in well to the surroundings and is just what the village needs. • The applicant should make commitments as to how they are going to contribute to the local community and maintain the high standards of the local area. • The fencing that it should be of the 'BV' standard around the boundary. 	<ul style="list-style-type: none"> • Concerned that a pub/restaurant should be located close to a school play field however the style of these facilities are generally not 'drinking dens' but in fact pleasant family orientated businesses. • The location should include suitable landscaping to reduce any direct views of the garden with play area. • If the building can be between the outside area and the school, that would be preferred. • Should include suitable CCTV / security to deter anti-social behaviour and that the surrounding area will be maintained with any litter resulting from the business and its customers is regularly cleaned up. • The proposed fencing should be the same as the residential BV black railings to encompass the village feeling and inclusion. • A commitment to employ Buckshaw Village residents for the site would also be welcomed

<p>car park for the school with a pedestrian bridge over the road for the parents and children to cross safely to get to school.</p>		
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Consultees

Consultee	Summary of Comments received
<p>Chorley Council's Regulatory Services Officer</p>	<p>Has no comments to make</p>
<p>Chorley Council's Waste and Contaminated Land Officer</p>	<p>Has commented that the submitted report does not account for the historic presence of the Royal Ordnance Factory/BAE site at the proposed development site. It seems the review of historic maps failed to identify this industrial site prior to 1980s, when MoD sites classified and erased from wartime OS records and beyond.</p> <p>However the site was remediated by BAE Systems such that it is suitable for development. Therefore in this instance ground investigations at this site are not required.</p>
<p>LCC Highways</p>	<p>No objection to the site access and no highway safety concerns regarding the geometrical layout of the proposed Access.</p> <p>Have requested a contribution to the provision of a new bus stop and upgrading the existing bus stop (£12,000)</p> <p>There is need for provision of wheel washing facility.</p> <p>Have requested a contribution of £6000 to assist Lancashire County Councils Travel Planning Team in securing the provisions of the Travel Plan.</p>

Assessment
Policy Background
National Planning Policy:

1. The relevant national planning policy guidance/statements are as follows:
 - National Planning Policy Framework (the Framework)
2. The Framework states:

'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'
3. The Framework confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.
4. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
5. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
6. At the heart of Framework is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:
 - Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.

The Development Plan

7. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Adopted Central Lancashire Core Strategy (2012) and relevant adopted Supplementary Planning Documents.
8. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Adopted Chorley Borough Local Plan Review

9. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is later in this report.
10. The relevant policies of the Local Plan are as follows:

- **GN2-** Royal Ordnance Site Euxton
- **GN5** - Building Design and Retaining Existing Landscape Features and Natural Habitats
- **GN9** – Transport Accessibility and Mixed Uses
- **EP17-** Water Resources and Quality
- **EP18** – Surface Water Run Off
- **EP20-** Noise
- **EP21A** - Light Pollution
- **TR1** – Major Development – Tests for Accessibility & Sustainability
- **TR4** – Highway Development Control Criteria
- **TR18** – Provision for Pedestrians and Cyclists In New Development
- **TR19** – Improvement or Provision of Footpaths, Cycle ways and Bridleways in Existing Networks and New Developments

Central Lancashire Core Strategy July 2012

11. The adoption of the Core Strategy (July 2012) postdates the Framework and as such is wholly consistent with the Framework. The following Core Strategy Policies are of relevance to this application:
 - **Policy 1** Locating Growth identifies locations that are appropriate for growth and investment.
 - **Policy 3** encompasses increasing accessibility and promoting sustainable travel as a key theme within chapter 7 Catering for Sustainable Travel. Travel includes measures to reduce the need to travel by improving public transport
 - **Policy 9** identifies that 501 hectares of land for employment development will be allocated in Central Lancashire between 2009 and 2026. Table 5 identifies the proposed provision of employment land in Central Lancashire with a total supply of 129ha in Chorley Borough.

- **Policy 10** relates to employment sites and premises and confirms that all existing employment premises and sites last used for employment will be protected for employment use.
- **Policy 17** relates to the design of new buildings which will be expected to take account of the character and appearance of the local area.
- **Policy 27** relates to incorporating sustainable resources into new developments. Objections related to its implementation and its relationship with other guidance and regulations.

Supplementary Planning Documents

- Central Lancashire Design Guide Supplementary Planning Document (SPD) October 2012

Emerging Policy

12. Chorley Local Plan 2012-2026. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
13. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
14. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
15. It is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications. The Policies relevant to this application are as follows:
 - ST4: Parking Standards
 - BNE1-10: Design Criteria for New Development

Other Material Considerations

Southern Commercial Design Code

16. Outline planning permission was granted for this site, along with the rest of Buckshaw Village, under permission 97/00509/OUT and subsequently amended as part of outline permission 02/00748/OUTMAJ. Policy GN2 of the Adopted Chorley Borough Local Plan Review states that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village for a mix of uses. A Southern Commercial Area Design Code was drawn up in 2006, as a requirement of the outline permission.
17. The land use Masterplan for the whole of Buckshaw Village details appropriate uses for this site which include business or commercial use. A more detailed Design Code has been prepared for the Southern Commercial Area which shows the site, as part of plot 4500, as suitable for hotel/leisure use. When the concept

of the Village was being developed it was considered that this plot lent itself to such uses. Although it is acknowledged that the Southern Commercial Design Code was produced in 2006, over 7 years ago, and paragraph 1.7 of the document states that *'The Land Use Master Plan for Buckshaw is the developer's vision for the village. It is not a detailed layout but a framework to work within'* the range of appropriate uses identified within the Masterplan have been used as a framework to ensure that a sustainable village is secured.

18. Section 5 of the Design Code states that high quality uses such as offices and hotels are envisaged along Buckshaw Avenue, though this site specifically is shown as a hotel/leisure use in the Masterplan.

Ministerial Statement – Planning for Growth

19. On the 23rd March 2011 The Minister of State for Decentralisation and Cities, Greg Clark MP, issued a written parliamentary statement in which he said that ministers will work quickly to reform the planning system to ensure that the sustainable development needed to support economic growth is able to proceed as easily as possible. It states that the Government expects the answer to development and growth wherever possible to be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably, and that they can give clear reasons for their decisions. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.

Principle of the development

20. This is a full planning application for this site (known as plot 4500) to erect a public house/ restaurant. The supporting information submitted with the application considers that it would have been possible to apply for such a use via the submission of a reserved matters application pursuant to outline planning approval 02/00748/OUTMAJ which covered a large proportion of Buckshaw Village. This assertion is disputed by the Local Planning Authority as Buckshaw Village has been through a Masterplanning process at outline stage which identified this plot as land as suitable for mixed use business/ commercial areas. The outline approval required the submission of a Design Code (via condition see below) to expand the Masterplan by identifying appropriate plots to accommodate certain uses in the interests of effective Masterplanning.

Condition 24: Prior to any development commencing on site, a detailed design code shall be submitted to and approved in writing by the Local Planning Authority. (The design code shall include design guidelines for all residential, community and employment buildings and the open spaces between them [incorporating access for disabled persons] the density ratio of such buildings, and measures for sustainability). All subsequent applications shall be submitted in accordance with the design code unless otherwise agreed in writing by the local Planning Authority.

Reason: In the interests of a well planned, sustainable development.

21. This Design Code was published in 2006 and it is acknowledged that this is over 7 years old now and planning policies have changed since both the outline approval was issued and the Design Code was published. Within the Design

Code this plot is identified for a hotel or leisure use and whilst the Framework includes both public houses and restaurants within the definition of leisure uses (leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls) it is important to acknowledge that such a use was specifically identified on an adjacent plot of land (plot 4400) and as such it is considered that other such leisure uses were envisaged for this plot particularly as the Design Code confirms that high quality uses such as offices and hotels are envisaged along Buckshaw Avenue and a hotel use was identified as appropriate for this plot.

22. Notwithstanding the above the application has been submitted as a full application as the applicants wish to *secure a freestanding and clean planning permission and avoid the unnecessary complication of having to deal with planning conditions imposed on the original planning consent.*
23. As such this application will be determined in accordance with the Development Plan. The Adopted Local Plan allocates this plot of land under policy GN2 as part of the Royal Ordnance where high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village. The development of the site will be of mixed uses and include, amongst other uses, leisure uses. It is considered that the erection of a public house within the southern part of the Village will assist with creating a mixed use village and create a valuable facility for the occupiers of the dwellinghouses along with workers at the site. This Policy is supported by Policy 1 of the Core Strategy which identifies Buckshaw Village as a Strategic Site where growth and investment will be focused. As such the principle of such a use on this site is considered acceptable, in principle.
24. Given the stage at which the emerging Local Plan has reached it is considered that significant weight can be afforded to the policies contained therein. The emerging Local Plan allocates this site for employment uses (Policy EP1.13). The Policy confirms that such sites are allocated and protected for business, general industrial or storage and distribution (Use Classes B, B2 or B8 respectively) in the period 2010- 2026. The preamble to the Policy confirms that the range of sites allocated in Policy EP1 assists in catering for the employment needs of businesses and will improve skill opportunities in the borough. It is important to protect all new allocations for employment including greenfield sites which have no previous employment use on site and therefore Chorley Council will expect all allocated sites identified under Policy EP1 to also be covered by criteria (a) to (h) of the Core Strategy Policy 10.
25. Policy 10 confirms: All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:
 - a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;
 - b) the provision and need for the proposed use;
 - c) the relative suitability of the site for employment and for the alternative use;
 - d) the location of the site and its relationship to other uses;

- e) whether the ability to accommodate smaller scale requirements would be compromised;
- f) there would be a net improvement in amenity

26. The supporting information considers this criteria as follows:

- a) Following discussions with Officers in Planning Policy it is clear that there is currently equilibrium in the supply of employment land within the Borough of Chorley. As of March 2013 the residual employment land requirement was 100.5 hectares, whilst the supply of employment land stood at 99.76 hectares. The two are thus broadly balanced. In this context, the loss of 0.5 hectares of employment land would not, in our opinion, result in an unacceptable reduction in the type, quality of quantity of employment land.
- b) There is a very clear need for a family restaurant / public house in Buckshaw Village and this is very well documented and acknowledged by Officers. Plot 4400 on the opposite side of Ordnance Road is identified in the 'Southern Commercial Area Design Code' for a public house; however despite this site having had planning permission for such a use since 2008, development has still not come forward. At present the nearest public house facility is on the northern boundary of Buckshaw Village. This primarily serves the business population of the village in the north of the site and is not conveniently located for residential occupiers, particularly those in the south of the village.
- c) No interest has been identified in the development of the site for employment purposes and given its prominent location it is considered that it lends itself more to redevelopment for leisure / commercial uses than employment uses. Indeed, on the approved Land Use Plan for Buckshaw Village the site is identified for a wide variety of commercial uses including A3 and A4 uses as well as employment development and in the 'Southern Commercial Area Design Code' it is identified for a hotel or leisure uses. The application proposals are clearly consistent with both these masterplans.
- d) The site is in an ideal location for a restaurant / public house. Not only is it located in a prominent location adjacent to other commercial uses, but it is on the edge of the Buckshaw Village District Centre. Furthermore, it is in a sustainable location accessible by a variety of modes of travel and within easy access of a large residential population.
- e) The redevelopment of the site for a non B Class use will not compromise the supply of small to medium sized sites. Indeed, there are a variety of small to medium sized sites available across the Borough which could accommodate development of this scale.
- f) The application site is located in a prominent location on Ordnance Road at what is effectively the entrance to the District Centre. The site is currently vacant and therefore highly unattractive. Boundary landscaping that was introduced a number of years ago is beginning to be damaged and the site is in urgent need of redevelopment. The application proposals would facilitate the development of the site providing an attractive entrance to the District Centre. It is also considered that it may also assist in bringing forward the adjoining plots which also occupy a prominent position on Buckshaw Avenue.

27. The adopted Core Strategy sets the overall employment requirement for Chorley as 112 ha to 2026. The Inspector's Partial Report is accompanied by an Appendix containing the Main Modifications. In respect of employment the Inspector concluded *"that allocations accord with the quantum and locational*

strategy of the CS for employment development, and that the range and of site sizes and types provide a flexible portfolio of sites". The Main Modifications provide a Chorley employment land supply for the period 2010 -2026 as 100.61 ha with commitments (MMEC48). This figure does not take into account vacant stock in the Borough. This figure does include Policy EP1 employment site allocations amounting to 88.74ha including EMP1.13 (Southern Commercial). The employment allocation at Southern Commercial received no representations during the Local Plan stages or at Examination.

28. The application proposal does not fall within the employment definition in Core Strategy Policy 10 which protects sites and premises for B1, B2 and B8 uses. The loss of this site from an employment allocation would render a 0.5ha reduction in the overall employment allocations for Buckshaw Village from 26.96ha to 26.46ha (3 allocations – Group 1, the Revolution and Southern Commercial) and in particular in the Southern Commercial area a reduction from 7.76ha to 7.26ha.
29. Given the size of the site in respect of the current proposals it is not considered that this reduction will compromise the Council's land allocations for employment and the overall employment land supply as the reduced supply remains generally consistent with the Core Strategy requirements.
30. The Council's Planning Policy section has reviewed the proposals and consider that the proposed site is in a sustainable location and close to the Buckshaw Village District Centre. It is unlikely that the development of this site for a restaurant/pub would result in a compromise to accommodate smaller scale employment requirements. Part of the overall employment allocation is completed /under construction for the Momentum Business Park and should this application proposal be granted consent for development the remaining parcel of the overall site will not be compromised and could accommodate smaller scale requirements and is accessible as it already has a completed separate access to this part of the site.
31. It is also important to note that from an employment perspective this family restaurant /pub will, on completion, generate 76 permanent new jobs (30 full time and 46 part time). This figure excludes jobs that will be created during the construction phase.

Plot 4400

32. As set out above Mitchells and Butler own part of Plot 4400 on the opposite side of Ordnance Road from the application site (they have owned the site since 2008). Within the detailed Design Code Plot 4400 was identified as being suitable for a public house and in this regard reserved matters consent, pursuant to outline approval 02/00748/OUTMAJ, has been granted at this site by virtue of applications 08/00396/REMMAJ and 11/00554/REMMAJ.
33. The agents for this planning application do not believe that the most recent reserved matters approval on plot 4400 is extant as although condition 2 states that the applicants have 3 years to commence the development (which would expire on 10th August 2014) the outline consent, to which the reserved matters approval was pursuant, states that an application for approval of the reserved matters must be made to the Council before 24th August 2014 and the development carried out pursuant to the approval of any reserved matter shall be begun within two years of the date of the approval. As such this results in the reserved matters consent expiring on 10th August 2013.

34. It is understood that Mitchells and Butler have sought legal advice in this regard and agree that the reserved matters approval is no longer extant and as such have submitted a reserved matters application (14/00514/REMMAJ) for the erection of a public house/ restaurant. The infrastructure (road) to support the Mitchell and Butler's plot (plot 4400) received reserved matters consent on 16th May 2014 (14/00278/REM).
35. The agents for this application also cite other reasons why they believe that a public house will not be realised on plot 4400 including that Mitchell and Butler no longer construct the type of public house which received reserved matters consent, the reserved matters consent included a number of prior commencement conditions which have never been discharged and Mitchells and Butler have owned the site for a number of years now with no movement on construction. The recently submitted application on plot 4400 is for an identically designed building as previously approved and the application seeks to address the prior commencement conditions, such as materials, within the submission.
36. However, the existence of a planning application for an identical use on an adjacent piece of land is not a material planning consideration as it is acknowledged that any such uses will be market driven and although it is very unlikely that two such similar proposals would be constructed in such close proximity to one another in the event that this did occur this would offer greater choice within the village close to the commercial centre of the site.
37. Members should be aware that the agent for this application has indicated that works on this public house/ restaurant, subject to a positive resolution, will commence on 11th June to ensure opening before Christmas.

Sequential Assessment

38. At a national level the Framework confirms that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. As set out earlier the proposed uses fall within the definition of main town centre uses (leisure). The guidance confirms that main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
39. The plot is located outside of the defined District and Local Centre for Buckshaw Village (Policy EP7 of the emerging Local Plan) and as such the application is accompanied by a sequential assessment in accordance with national guidance.
40. The assessment uses a catchment area of a 1 mile radius (1.6km) around the site. This is the area which the development will most likely serve. In this case, the catchment area falls almost entirely within Buckshaw Village and comprises a large residential and business population. There is only one centre within the catchment area this is Buckshaw Village District Centre located directly to the south of the application site.
41. For completeness two local centres on the edge of the catchment of the proposals have also been considered. These are the Runshaw Lane Local Centre and the Balshaw Lane Local Centre. The assessment concludes that there are no sequentially preferable sites within the catchment of the

development which could accommodate the proposals. The Council's Planning Policy Section have reviewed this assessment and confirmed that as the assessment identified no sequentially preferable sites the applicant has satisfied the sequential test.

42. Policy EP9 of the emerging Local Plan relates to developments at edge of and out of centre locations and confirms the outside the town, district and local centres, change of use and development for small scale local shopping and town centre uses (either as part of mixed use developments or in isolation) will be permitted where:
- a) The proposal meets a local need and can be accessed in its catchment by walking, cycling and public transport; and
 - b) Does not harm the amenity of an adjacent area; and
 - c) The Sequential Test and Impact Assessment are satisfied setting out how proposals do not detract from the function, vitality and viability of the borough's hierarchy of centres.
43. It is considered that the proposals accord with criteria (a) and (c) and impact on amenity is assessed further below.

Impact on the neighbours

44. Nearby properties to the site include those on Bishopton Crescent, which are three storey town houses in a crescent on the opposite side of the roundabout to the application site. These properties have their lounge at first floor looking towards the site. These properties are at least 70m away from the nearest part of the proposed building which far exceeds the Council's interface guideline of 21m between facing windows and is therefore considered an acceptable relationship.
45. As noted above concerns have been raised by neighbouring residents about the impact of such a use in close proximity to residential dwellings and the primary school. However it is important to acknowledge that the main element of the proposals will be the restaurant elements with the bar being a subsidiary element. The applicants intention is to construct a family restaurant with an associated bar. It is considered that the proposed floor plans support this aspiration as they show the majority of the ground floor as restaurant and transition area as follows:

Ground floor

- Restaurant / bar 385 sq.m
- Kitchen 71 sq.m
- Cellar / wines and spirits store 46 sq.m
- Toilets 38 sq.m

First Floor

- Managers flat 126 sq.m
- Assistant Manager's flat 40 sq.m
- Office 6 sq.m
- Staff areas and storage 34 sq.m
- Plant room 14 sq.m

46. There are properties that face onto Buckshaw Avenue to the west of the application site and again are over 70m away from the site, so it is not considered the proposal will impact unacceptably on them.
47. Planning approval was granted for the erection of 23 no. two, three and four bedroom dwellings on land to the west of the application site (12/01005/FULMAJ)

in June 2013. This was not pursuant to the original outline consent for Buckshaw Village as residential properties did not accord with the Masterplan or Design Code which identified this parcel as commercial use however the proposals were considered acceptable. The layout of the approved dwellings results in only two dwellings which will have direct views of the proposals (plots 12 and 13) however there are no windows in the side elevations of these properties and over 60 metres retained between these properties and the public house. It is also important to note that part of plot 4500, between the proposed public house/ restaurant, is retained which will be developed in the future screening the current proposals from the residential dwellings. As such it is not considered that the proposals will adversely impact on the amenities of these future residents.

48. Additionally it is important to acknowledge that the opening hours will be restricted in accordance with the suggested hours by the applicant which supports the assertion that the premises primary function will be restaurant.
49. On the other side of Ordnance Road opposite the site to the east is plot 4400 which is identified as appropriate for commercial/ employment uses. As such it is not considered that the proposals will adversely impact on the future uses of this site.
50. Opposite the site to the north, on the other side of Buckshaw Avenue, is Buckshaw Primary School accessed from Unity Place, the playing field of which is closest to the application site. There is no access to the school from Buckshaw Avenue. It is not considered that the proposal will impact on the amenity of the school.
51. There are other non-residential buildings within the village such as The Hub (nursery and training pool) that have a similar relationship to existing properties and therefore as a mixed use Village this is considered acceptable.

Lighting

52. The proposals incorporate the erection of fourteen 5m high floodlights within the car park and as such the application is supported by a lighting plan which demonstrates light spillage. The lighting faces into the car park which limits light spillage outside the application site. As the car park is located at the rear of the premises and the immediate neighbours are commercial users it is not considered that the floodlights will adversely impact on the neighbours amenities. The use of the floodlights will be directly linked to the proposed opening hours to remove the potential for extended use of these lights.

Levels

53. The site is flat and the submitted plans detail the proposed finished floor levels of the building and the car parking area. These levels reflect the adjacent land levels and as such are appropriate.

Noise

54. As noted above concerns have been raised about noise associated with the proposed development. In this regard the application is supported by an Environmental Noise Impact Assessment Report. The premises require a number of pieces of plant and equipment, including a freezer / refrigeration pod, cellar cooling equipment, various heat dumps and fresh air intake and kitchen extract equipment.

55. The fresh air intake equipment this will be located within the building roof space. The kitchen extract, cellar cooling and heat dumps are proposed to be located on the flat roof at the rear of the building or within the service yard. The freezer/refrigeration pod is proposed to be located within the service yard behind a 1.8 metre high brick wall.
56. The service yard and flat roof are located at the rear of the building away from residential properties to the north and east.
57. The Noise Assessment demonstrates that subject to an approved acoustic scheme being implemented plant noise at the nearest noise sensitive receptors will be within acceptable levels. This has been assessed by the Council's Regulatory Services Officer who has no comments to make on the proposals. Suitable attenuation is contained within the assessment and this can be secured by condition.

Design

58. The site is located on the corner of Buckshaw Avenue and Ordnance Road and is approximately 0.5 hectares in area. Although this application is not pursuant to the outline approval for Buckshaw Village it is important that the proposals integrate into the Southern Commercial Area from a design view point. This plot is a key frontage along Buckshaw Avenue/ Ordnance Road and the way in which this plot is seen from the road is particularly important.
59. As such it is considered appropriate to address the design concepts included within the Southern Commercial Design Code to ensure integration into the wider Buckshaw Village area. In terms of the building form, height and materials the Design Code states this is generally unrestricted and design innovations will be encouraged. The only restriction is that development should not be detrimental to Station Road. Parking should be provided on site and screened from Buckshaw Avenue.
60. At pre-application stage the agents were advised that any building on this plot should take full advantage of the corner of the plot and create active, interesting frontages to both Buckshaw Avenue and Ordnance Road. The agents were advised to locate the building to create a focal point at the corner with interest along both key highways with all of the parking sited at the rear.
61. It is considered that comments raised at pre-application stage have been taken into account with the building being located in the north of the site fronting onto Buckshaw Avenue with car parking to the south of the building. The proposals incorporate the erection of a part single storey/ part two storey building. The two storey element has a maximum height of 9 metres to the ridge and 5.3 metres to the eaves. The single storey element has a maximum high of 6.4 metres to the ridge and 2.6 metres to the eaves.
62. From a design perspective it is considered that the proposals will create a high quality development in accordance with the aspirations of the Framework and Policy 17 of the Core Strategy, Policy GN5 of the adopted Local Plan and Policy BNE1 of the emerging Local Plan.

Trees and Landscape

63. There are no trees on the site as the ground is vacant land that has previously been remediated. Similar with the design of the building it is considered appropriate to consider the principles of the Southern Commercial Design Code

in respect of landscaping to ensure the proposals integrate into the village. The Design Code shows a Landscape Framework along the north and eastern boundaries. Buckshaw Avenue has been set out with the grass verges and a Sustainable Urban Drainage System as envisaged in the Design Code (minus the trees due to LCC restrictions).

64. The proposals include a landscaped strip between the site boundary and the combined footway and cycleway along both Buckshaw Avenue and Ordnance Road. Along Buckshaw Avenue this is planted with trees at approximately 2 metre intervals.
65. Trees along with shrub beds are proposed along the section of Buckshaw Avenue from which the car park will be visible providing screening. Shrub beds and trees are also proposed on the southern boundary to soften the carpark from the access road, with evergreen and deciduous planting to the east boundary with the adjacent as yet undeveloped parcel.
66. During the application process the plans have been amended to incorporate a footpath link from the car park along the western elevation of the public house to Buckshaw Avenue. This assists with permeability and the agent has confirmed that the public house have no issue with parents/ guardians utilising the car park to drop off/pick up their children from Buckshaw Primary School
67. The landscaping proposals are considered to be appropriate for this location.

Traffic and Transport

68. The application is supported by a Transport Statement and Travel Plan which has been reviewed by the Highway Engineer at Lancashire County Council. Although an existing access junction is already in situ to serve parcel 4500 as the proposals only occupy part of plot 4500 the proposals incorporate the creation of a new access junction off Barnes Wallis Way.
69. The proposals include 79 car parking spaces, including 3 disabled bays and cycle parking. In accordance with Policy ST4 of the emerging Local Plan requires public houses and restaurants to have 1 parking space per 5m² of public floor space with 3 disabled parking bays. Based upon the public floor space there is a requirement for 77 parking space which plus the disabled spaces is provided on this site. As such the proposals have a deficit of one parking space in respect of the standards however given the sustainable nature of this location it is not considered that a deficit of one parking space will significantly impact on parking within the area.
70. The Highway Engineer has made the following comments on the proposals:
 - Traffic to be generated by the proposed restaurant/pub will be lower than the approved warehouse/office on this site. The trip rates and traffic generation figures used are acceptable. There should therefore be no negative impact on the highway network as a direct result of the development proposal.
 - The site is located in an area with good infrastructure for walking and cycling and the train station is also within an acceptable radius of the site. However, the site seems to lack adequate infrastructure to encourage use of public transport. To address the issue, an appropriate financial contribution should be agreed with the developer towards provision of a quality standard bus stop in the other direction near the existing bus stop on Village Way and for upgrading the existing bus stop to quality standard. Provision of the new bus

stop and improvement of the other should be undertaken through the s278 agreement. The cost of each bus stop is estimated to be in the region of £12,000.

- An amended plan should therefore be requested to show the parking provision in its entirety, i.e. 80no spaces including 3no for the disabled. The proposed cycle storage needs to be secure and covered. In addition, secure parking space is required for 3no motorbikes including infrastructure for locking.
- The disabled bays are sited too far away from the main entrance of the building.
- There is need for provision of a wheel washing facility.
- The Framework Travel Plan must be adhered to and a Full Travel Plan developed and implemented in line with agreed timescales. Given the size of the proposed development, s106 contribution of £6,000 should be requested from the applicant to enable Lancashire County Councils Travel Planning Team (the Sustainable Travel Team) to provide the following suitable services.
- Suitable conditions in respect of the access junction, surfacing the car park, wheel wash facilities, site access construction and a travel plan are suggested.

71. Buckshaw Village has been designed to be a sustainable urban village and includes a dedicated a circular bus route with bus stops. It is a concern that the Highway Engineer considers that the provision is not sufficient however it is not considered that this proposal generates the need for the improvements suggested given the sustainable nature of this location. Any future improvements identified as required along Buckshaw Avenue could be secured at a later date by Lancashire County Council using CIL.

72. The agent has been advised of the parking comments and amended plans have been provided detailing covered cycle parking and space for motorcycle parking. Bollards are provided so they can be secured. The disabled bays are located in the closes position to the path providing access to the entrance.

73. Wheel wash facilities will be secured by condition.

74. In accordance with the CIL regulations 2010 for planning obligations to be attached to a planning approval the following tests need to be met:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

75. Although from a sustainable transport perspective it is considered reasonable for the proposals to have a Travel Plan it is considered that this can be adequately addressed by condition particularly as the size of the proposals is below the threshold of development which usually requires a Travel Plan for A3 restaurant uses (2,500sqm- the proposed restaurant / pub is 898sqm) and only marginally above the threshold for A4 pubs (600sqm). This application is accompanied by a Travel Plan because the applicants operate Travel Plans for their Hungry Horse premises and it demonstrates they are a sustainable operator. In this case it is considered that a condition would make the proposals acceptable in planning terms. It is not reasonable to impose a planning obligation in respect of the proposals in this case.

Contamination and Coal Mines

76. The site has already been remediated however the application is supported by a Phase I Environmental Report. This has been reviewed by the Council's Waste and Contaminated Land Officer who has confirmed that given the extent of remediation which has already occurred at Buckshaw Village ground investigations at this site are not specifically request.
77. Concerns were raised by the officer in respect of omissions within the document however these do not change the outcome of his considerations due to existing knowledge of the site. A Phase II Geoenvironmental Report was provided during the application process which has also been sent to the Officer. His comments on this additional document will be reported on the addendum.

Drainage and Sewers

78. A Sustainable Urban Drainage Scheme (SUDS) serves the whole of Buckshaw Village and was designed to serve the whole of the developed areas. The application is supported by a drainage plan which has been forwarded by United Utilities. At the time of writing the report no comments had been received however these will be reported on the addendum.

Sustainable Resources

79. Policy 27 of the Adopted Core Strategy requires the building to meet BREEAM 'very good' and a 15% reduction in carbon emission. In this regard a Renewable Planning Statement supports the application. This has been reviewed by the Council's Planning Policy Section who initially considered that these requirements had not been addressed and the submissions referred to a 10% reduction.
80. Following receipt of these comments an updated Renewable Planning Statement and a BREEAM 2011 New Construction Pre-Assessment Estimator have been submitted. The submitted documents detail that the building will achieve a minimum of BREEAM very good in accordance with the first part of Policy 27.
81. In respect of the carbon emission reduction the proposals incorporate both PV panels (which represent an 8.7% reduction) and a heat recovery system (which represents a 6.3% reduction). Whilst a heat recovery system is not a renewable or low carbon energy technology Policy 27 allows for either additional building fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources to reduce the carbon dioxide emissions. As such in this case it is considered that a mix of technologies will ensure the features are maintained in perpetuity (some renewable energy sources have a limited lifespan) resulting in a building which continues to reduce carbon emissions.
82. Provision of these sustainable resources elements will be secured by condition.

Overall Conclusion

In conclusion the proposals do not accord with the Design Code published for this part of Buckshaw Village pursuant to the original outline planning approval and will also result in the loss of employment land in respect of the most up to date policy situation. However the proposals will provide a valuable resource for the Village enhancing the range of uses within this mixed use community in an appropriate sustainable location. It is not considered that the small loss of employment land will compromise the Council's land allocations for employment and the retention of part of plot 4500 enables an employment use to be secured on part of the site. Although this application has not been submitted pursuant to the original outline planning

approval for Buckshaw Village it is considered that the proposals accord with the design principles of the wider Village and as such is recommended for approval.

Planning 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 Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
97/00509/OUT	Outline application for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities & rail station) & indication of junction improvements on surrounding road network	Approved	August 1999
02/00748/OUTMAJ	Modification of conditions on outline permission for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities, road improvements & rail station).	Approved	December 2002
11/00025/FULMAJ	Proposed warehouse, office and trade counter building and associated infrastructure.	Withdrawn	
11/01080/FULMAJ	Proposed warehouse, office and trade counter building and associated infrastructure	Approved	March 2012

**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. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Site Location Plan	1550/01 Rev B	20 May 2014
Kitchen Ventilation System	065412 Rev A	3 April 2014
Existing Site Plan	1550/02 Rev A	20 May 2014
Construction Management Site Plan	1550/03 Rev A	20 May 2014
Proposed Site Plan	1550/04 Rev C	29 May 2014
Proposed Landscape Plan	1550/05 Rev D	29 May 2014
Proposed Car Park Lighting Plan	1550/06 Rev C	29 May 2014
Proposed Ground Floor Plan	1550/07	3 April 2014
Proposed First Floor Plan	1550/08	3 April 2014
Proposed Roof Plan	1550/09 Rev A	20 May 2014
Yard Details	1550/10	3 April 2014
Proposed Elevations Sheet 1 of 2	1550/11 Rev A	20 May 2014
Proposed Elevations Sheet 2 of 2	1550/12 Rev A	20 May 2014
Proposed Section	1550/13	3 April 2014
Ironmongery Schedule	1550/16	3 April 2014
Drainage Plan	BGK50_10 Rev C	19 May 2014
Horizontal Illuminance (lux)		3 April 2014
Developers Roads Plan	1550/14 Rev C	29 May 2014

Reason: For the avoidance of doubt and in the interests of proper planning

3. The external facing materials, detailed on the approved plans and the submitted Material Schedule (received 29th May 2014), shall be used and no others substituted.
Reason: To ensure that the materials used are visually appropriate to the locality.
4. Prior to the use of the premises hereby permitted all fences and walls shown in the approved details shall be erected in conformity with the approved details.
Reason: To ensure a visually satisfactory form of development

5. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.
6. 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 earlier, 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..
Reason: In the interest of the appearance of the locality
7. The development hereby approved shall be carried out in accordance with the approved Construction Management Site Plan during the entirety of the construction period.
Reason: in the interests of highway safety and to protect the amenities of the nearby residents.
8. The use hereby permitted shall only operate between 9am and 11pm on Mondays to Thursdays, between 9am and 12am on Friday and Saturdays and between 9am and 11pm on Sundays.
Reason: In the interests of the amenity of the area and nearby residential properties and in accordance with the details submitted in support of the application.
9. The car park lights hereby approved shall only be illuminated during the hours the premises are open to the public.
Reason: In the interests of the amenities of local residents and the area as a whole.
10. The play area, detailed on the approved plans and within the Supporting Information for Planning Application document received 29th May 2014, shall be constructed and completed in accordance with the approved plans prior to the use of the premises hereby approved
Reason: for clarification and in the interests of the proper development of the site.
11. Prior to the use of the premises hereby permitted a Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be generally in accordance with Travel Plan submitted with the application (ref: VACE/AR/njg/ITM9336-002A R dated 28th March 2014). The development thereafter shall be carried out in accordance with the approved details.
Reason: To reduce the number of car borne trips and to encourage the use of public transport
12. The building hereby permitted shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. Within 6 months of occupation a 'Post Construction Stage' assessment and a Final Certificate shall be submitted to the Local Planning Authority certifying that a BREEAM standard of 'very good' has been achieved.

Reason: In the interests of minimising the environmental impact of the development

13. Prior to the use of the building hereby permitted a letter of assurance; detailing how the buildings has achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development

14. The development hereby approved shall be constructed in accordance with the measures contained within the submitted Renewable Planning Statement (dated 15th May 2014/ received 20th May 2014) to reduce the carbon dioxide emissions of the development beyond what is required to achieve the relevant BREEAM rating. The approved measures shall thereafter be maintained in perpetuity.

Reason: In the interests of minimising the environmental impact of the development

15. The building and plant shall be constructed in accordance with the acoustic scheme contained within the submitted Environmental Noise Impact Assessment Report (dated February 2014/ received 3rd April 2014). The approved measures shall thereafter be retained and maintained in perpetuity.

Reason: to ensure that plant noise at the nearest noise sensitive receptors is within the acceptable limits and to protect the amenities of occupiers of nearby premises.

16. Before the access hereby approved is used for vehicular purposes, that part of the access extending from the junction of Barnes Wallis Way for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

17. Before the use of the premises hereby permitted is first commenced, 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

18. Facilities shall be provided for the cleaning of the wheels of vehicles leaving the site, before the development hereby permitted is first commenced and thereafter retained at all times during construction of the development.

Reason: To prevent the tracking of mud and/or the deposit of loose material on to the highway, in the interests of highway safety

19. Before the development hereby permitted is first occupied, provision for covered, secure cycle parking, in accordance with the approved details, shall have been provided in all respects and made available for use, and shall thereafter be retained.

Reason: To ensure adequate on site provision for covered, secure cycle parking