

<b>Item 3A</b>	<b>14/00514/REMMAJ</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Astley And Buckshaw</b>
<b>Proposal</b>	<b>Reserved matters application (pursuant to outline planning approval 02/00748/OUTMAJ) for the erection of a public house/ restaurant on plot 4400, Buckshaw Village</b>
<b>Location</b>	<b>Plot 4400, Buckshaw Avenue, Buckshaw Village</b>
<b>Applicant</b>	<b>Mitchells And Butlers PLC</b>
<b>Consultation expiry:</b>	<b>11<sup>th</sup> June 2014</b>
<b>Decision due by:</b>	<b>7<sup>th</sup> August 2014</b>
<b>Link to plans</b>	<b><a href="http://planning.chorley.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application">http://planning.chorley.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application</a></b>

**Recommendation**  
**Approve Reserved Matters**

**Executive Summary**

The main issues for consideration are the degree of conformity with the original outline planning approval at Buckshaw Village and the compliance with the Southern Commercial Design Code which includes this site. For the reasons set out below the proposals, which have previously been approved on this site, are considered to be acceptable.

## Representations

Cllr Mark Perks has requested that this application be determined at Development Control Committee		
In total 9 representations have been received which are summarised below		
Objection	Support	Not specified
Total No. received: 2	Total No. received: 6	Total No. received: 1
<ul style="list-style-type: none"> <li>• Unsuitable for the area. There is already an eating house half a mile away and another is not needed.</li> <li>• The road infrastructure is already struggling with the extra cars entering Buckshaw Avenue.</li> <li>• Cause a danger to pedestrians crossing this increasingly busy road.</li> <li>• Danger to children given the proximity of the school.</li> <li>• Any accidents on the road would fall to the Council.</li> <li>• A similar planning application is in process for a Hungry Horse on the road opposite this proposed development. Only one of these two developments should be allowed in a relatively small area considering there is already a Marston restaurant nearby.</li> <li>• There is an ongoing problem with anti-social driving along Buckshaw Avenue already, the concern is that without speed restrictions in the area this development is going to contribute more to the issue.</li> <li>• Noise around this part of Buckshaw is a nuisance and travels very far.</li> </ul>	<ul style="list-style-type: none"> <li>• Buckshaw is a growing community and there is a definite need for a pub/restaurant on the village.</li> <li>• There is only one within walking distance and the quality there is very poor.</li> <li>• The residents of Buckshaw village deserve to have options of where to go.</li> <li>• There are far too many residents of Buckshaw who feel the need to object to things that will actually improve the area and use nonsensical points to add weight to their argument and speak as if they represent the majority when they themselves are actually the minority.</li> <li>• Will improve quality of life.</li> <li>• Will provide a place for parents to safely park their car close to the school for dropping off and picking up.</li> <li>• Do not foresee any more traffic problems than already exist.</li> <li>• Residents are looking forward to having a pub to service this end of Buckshaw and will be able to walk to the pub to enjoy a drink when they like.</li> <li>• As per the original Master Plan for Buckshaw Village, several Public Houses were always scheduled.</li> <li>• It is good to see a rival chain to the already proposed Greene King and existing Marstons. <ul style="list-style-type: none"> <li>• The pubs appear quite small and finished to a high standard.</li> <li>• Provide the residents with a wider choice</li> <li>• Will enhance the appeal of the area whilst being located in an ideal area to not impinge on local residents.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Although it would be nice to have a pub/restaurant nearer than the Bobbin Mill the following concerns are raised: <ol style="list-style-type: none"> <li>1. This is further away from the school than the previous one but still raises concerns.</li> <li>2. There is a large amount of anti-social behaviour in the area already and no police to deal with it</li> <li>3. A pub in this location will increase traffic in the area and make a road which is difficult to cross now almost impossible to cross.</li> <li>4. There is already enough anti-social behaviour on the playground near the community centre at night</li> <li>5. Children can be heard at the school at playtime and from the Hub nursery(which is not objected to) but noise will be heard from the pub.</li> </ol> </li> </ul>

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Architectural Liaison Officer	In order to reduce the risk of crime and anti-social behaviour affecting the staff, customers and local community, the public house should be designed in accordance with the principles of Secured By Design 'Licensed premises'.
United Utilities	Have no objection subject to suitable conditions
Chorley's Regulatory Services Manager	Has commented in respect of noise which is addressed below

## Assessment

### Policy Background

#### National Planning Policy:

1. The National Planning Policy Framework (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.'*
2. 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. 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).
3. 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).
4. 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

5. 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.
6. 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

7. 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.

8. 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

9. 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**

10. 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.
11. 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 later this year to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
12. 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.”*
13. The Council accepted the Inspector’s modifications for Development Control purposes at its Executive Committee on 21st November 2013. 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***

14. Outline planning permission was granted for development on 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.
15. The land use Masterplan for the whole of Buckshaw Village details appropriate uses for this site which include business or commercial uses. A more detailed Design Code has been prepared for the Southern Commercial Area which shows the site, as part of plot 4400, as suitable for a public house/ car showroom. 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.

#### **Principle of the development**

16. This is a reserved matters application for this site (known as plot 4400) for the erection of a public house/ restaurant. Buckshaw Village has been through a master planning process at outline stage which identified this plot of land as suitable for the use proposed. 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 Master planning.

*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.*

17. This Design Code was published in 2006 and although 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, this plot has always been identified for a public house use. As such the principle of such a use on this site has been established as being acceptable
18. 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.

19. 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.
20. 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
21. Although a public house/ restaurant on this plot will have associated employment generation it does not fall within Use Class B which Policy EP1 and Policy 10 of the Core Strategy are seeking to secure on this site. However it is important to note that this is a reserved matters application not a planning application and as the acceptability of the principle of the proposed use has been established on this plot, it is considered to be an appropriate use.

#### Background Information

22. Mitchells and Butler own the part of the site subject to this planning application. Reserved matters consent for the erection of a public house on this site, pursuant to outline approval 02/00748/OUTMAJ, has previously been granted by virtue of applications 08/00396/REMMAJ and 11/00554/REMMAJ. However works have yet to commence on the approved scheme.
23. It was initially understood that the most recent reserved matters approval on plot 4400 was extant as condition 2 of the approval states that the applicants have 3 years to commence the development (which would mean that it would expire on 10<sup>th</sup> August 2014). However 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 24<sup>th</sup> 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 means that the most recent reserved matters consent actually expired on 10<sup>th</sup> August 2013. Mitchells and Butler have sought legal advice in this regard to clarify the planning position and agree that the reserved matters approval is no longer extant hence the submission of this application. The infrastructure (road) to support the Mitchell and Butler's plot (plot 4400) received reserved matters consent on 16<sup>th</sup> May 2014 (14/00278/REM).
24. Members will recall that an application for a public house/ restaurant on plot 4500, which is on the other side of Ordnance Road, was considered at DC Committee in June. This scheme was granted conditional planning approval. The existence of a planning approval for an identical use on an adjacent piece of land is not a material planning consideration however 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.

#### Sequential Assessment

25. 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. The proposed use falls 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.
26. However this is not a planning application and as such the sequential assessment is not applicable. Issues to do with impacting on vitality and viability were considered at outline planning stage.

#### Impact on the neighbours

27. 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, and Spennymoor Close. These properties are at least 28 metres 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.
28. 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 with the bar being a subsidiary element. It is considered that the proposed floor plans support this aspiration as they show the majority of the ground floor as restaurant and seating area.
29. The public house/ restaurant will be two storey. 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.
30. On the other side of Ordnance Road opposite the site to the east is plot 4500 which has planning approval for a similar use. As such it is not considered that the proposals will adversely impact on the future uses of this site.
31. Opposite the site to the north-west, 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.
32. 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

33. The proposals incorporate the erection of nine 5m high floodlights within the car park and to the rear of the proposed building. 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

34. 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

35. As noted above concerns have been raised about noise associated with the proposed development. In this regard the application is supported by a Noise Impact Assessment. The proposals are for a two storey building with a restaurant, kitchen, customer toilets and plant room. There will be customer car parking to the south and east of the building. The



plant room and yard area will be located at the rear of the premises on the far side of the building to the nearest dwellings.

36. The planning application proposes that the premises will open between 08:00 and midnight on Mondays to Thursdays, between 08:00 and 01:00 on Fridays and Saturdays and between 09:00 and midnight on Sundays.
37. The assessment concludes that relatively modest levels of noise are generated inside Harvester restaurants. It has been demonstrated that noise in the restaurant will not result in an unacceptable noise impact on residential amenity. Therefore there is no requirement for any special sound insulation measures for the building.
38. Likely noise levels from the proposed items of building services equipment have been calculated. The results are low and are no higher than the lowest measured background noise levels of the area that were measured in the late evening. Therefore noise impact from the building, and associated mechanical services, will be adequately controlled and thus ensure that residential amenity is maintained.
39. The assessment has been reviewed by the Council's Regulatory Services Manager who has confirmed that although she is not convinced that there won't be a tonal noise from the kitchen extraction equipment, as the submitted assessment has just looked at the overall noise level likely to be audible at the nearest properties, the levels are not excessive. As there is a good distance of separation and a road in between the pub and the houses it is not considered that there would be any significant issues.
40. The previous reserved matters approval included the following condition:

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.*
41. However given the submitted assessment and the comments from the Regulatory Services Manager this is not considered necessary on this application.

#### Design

42. The site is located on the corner of Buckshaw Avenue and Ordnance Road. From a design perspective it is important that the proposals integrate into the Southern Commercial Area. 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.
43. 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.
44. The building has been designed and orientated to fit into the surroundings and ensure that 'appropriate' elevations are introduced for all four elevations. The southern elevation, which incorporates more of the functional elements of the building faces the commercial development, which will be constructed on the remainder of the plot, and the industrial development which has been constructed.
45. The orientation of the public house followed extensive pre-application discussions with the Council and the scheme as submitted is considered to be acceptable. The proposals reflect the design of the building that has previously been granted reserved matters approval.
46. 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.
47. In this location it is important to create a focal building, which the orientation of the proposal ensures, and taking into consideration the character of the surrounding area a modern, contemporary building is considered to be appropriate.

48. 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

49. There are no trees on the site as the ground is vacant land that has previously been remediated. The Southern Commercial Design Code details appropriate landscaping which includes 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).
50. 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.
51. 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 car park from the access road. The landscaping proposals are considered to be appropriate for this location.

#### Traffic and Transport

52. The proposals include 50 car parking spaces, including 3 disabled bays and cycle parking. Policy ST4 of the emerging Local Plan requires public houses and restaurants to have 1 parking space per 5m<sup>2</sup> of public floor space with 3 disabled parking bays. The area of the ground floor where the public are allowed is 284 sqm, including the entrance lobby and the disabled toilet (4 sqm). On the first floor there is 48 sqm where the public are allowed, (toilets and the access corridor). Based upon the public floor space (332m<sup>2</sup>) there is a requirement for 66 parking spaces plus 3 disabled parking bays. As such the proposals have a deficit of 19 parking spaces in respect of the standards. However it is noted that the toilet areas will not increase the number of customers within the premises and purely based on the ground floor public areas there is a requirement for 56 spaces plus 3 disabled bays. As such there is still a deficit however given the sustainable nature of this location it is not considered that the deficit will significantly impact on parking within the area and reflects what has previously been approved at this site.
53. No comments have been received from the Highway Engineer, these will be reported on the addendum, however it is noted that these proposals are identical to the previous approval on this site and the access arrangements are also identical. No adverse comments were received in respect of the previously approved scheme and as the situation on site has not changed significantly from a highway perspective the proposals are considered to be acceptable.

#### Contamination and Coal Mines

54. The site has already been remediated and it is considered that given the extent of remediation which has already occurred at Buckshaw Village, ground investigations at this site are not specifically required.

#### Drainage and Sewers

55. A Sustainable Urban Drainage Scheme (SUDS) serves the whole of Buckshaw Village and was designed to serve the whole of the developed areas. As set out above United Utilities have no objections to the proposals subject to suitable conditions.

#### **Overall Conclusion**

56. The proposals are considered to be acceptable from a design perspective and as such a public house use has always been identified as an appropriate use on this plot of land. Whilst the proposals will result in a loss of employment land identified within the emerging Local Plan the loss of this site from an employment allocation would render a 0.46ha reduction in the overall employment allocations for Buckshaw Village from 26.96ha to 26.50ha (3 allocations – Group 1, the Revolution and Southern Commercial) and in particular in the Southern Commercial area a reduction from 7.76ha to 7.3ha. This

reduction will not compromise the Council's land allocations for employment and the overall employment land supply. Additionally the proposals will generate both part and full time employment.

57. It is not considered that there will be any loss of amenity and as such the proposals are recommended for approval.

### Planning Policies

58. 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 within 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	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/REMMAJ	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
11/00554/REMMAJ	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.	Approved	August 2011
14/00278/REM	Reserved matters application (pursuant to outline planning approval 02/00748/OUTMAJ) for a proposed spur road	Approved	May 2014

## **Recommended Conditions**

<b>No.</b>	<b>Condition</b>																														
1.	The proposed development must be begun not later than two 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. Reason: To protect the appearance of the locality.																														
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																														
4.	The development hereby permitted shall only be carried out using the approved external facing materials detailed on the approved plans unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that the materials used are visually appropriate to the locality.																														
5.	The development hereby permitted shall only be carried out in conformity with the approved hard ground- surfacing materials as detailed on the approved plans. Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.																														
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.																														
7.	The use hereby permitted shall be restricted to the hours: <ul style="list-style-type: none"> <li>• between 8am and 12am (midnight) on Monday to Thursday,</li> <li>• between 8am and 1am Friday and Saturday and</li> <li>• between 9am and 12am (midnight) on Sundays.</li> </ul> Reason: To safeguard the amenities of local residents.																														
8.	The approved plans are: <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Plan Ref.</th> <th style="text-align: left;">Received On:</th> <th style="text-align: left;">Title:</th> </tr> </thead> <tbody> <tr> <td>2652/103A</td> <td>8th May 2014</td> <td>Elevations</td> </tr> <tr> <td>2652/102</td> <td>8th May 2014</td> <td>Floor Plans</td> </tr> <tr> <td>HGO695:01/1</td> <td>8th May 2014</td> <td>Landscape Proposals</td> </tr> <tr> <td>2652/001</td> <td>8th May 2014</td> <td>Location Plan</td> </tr> <tr> <td>G14999/LEV 1</td> <td>8th May 2014</td> <td>Existing Site Plan</td> </tr> <tr> <td>Development Levels</td> <td></td> <td>Proposed Site</td> </tr> <tr> <td>3196/300 Rev B</td> <td>8th May 2014</td> <td>Proposed Site Plan</td> </tr> <tr> <td>2652/104</td> <td>8th May 2014</td> <td>External Works Detail</td> </tr> <tr> <td>3196/304 Rev D</td> <td>8th May 2014</td> <td>Materials</td> </tr> </tbody> </table> Reason: To define the permission and in the interests of the proper development of the site.	Plan Ref.	Received On:	Title:	2652/103A	8th May 2014	Elevations	2652/102	8th May 2014	Floor Plans	HGO695:01/1	8th May 2014	Landscape Proposals	2652/001	8th May 2014	Location Plan	G14999/LEV 1	8th May 2014	Existing Site Plan	Development Levels		Proposed Site	3196/300 Rev B	8th May 2014	Proposed Site Plan	2652/104	8th May 2014	External Works Detail	3196/304 Rev D	8th May 2014	Materials
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9.	. The development hereby approved shall incorporate the following measures: <ul style="list-style-type: none"> <li>• Ground floor glazing should include one pane of 6.8mm laminated glass which is more resilient to attack or accidental damage, should an incident occur.</li> <li>• External doors should be certified to PAS 24:2012, LPS 1175 SR2 or an alternative acceptable security standard and have laminated glazing (as above) in any glazed panels, to reduce the risk of burglary offences.</li> </ul>																														

	<ul style="list-style-type: none"> <li>• An intruder alarm linked to an Alarm Receiving Centre should be installed at the premises to deter break-ins and to notify police and keyholders should a burglary attempt be made.</li> <li>• A comprehensive CCTV system should be installed providing coverage of the main entrance where a clear head and shoulders image of everyone entering should be obtained. Other areas that should be covered by the CCTV are internal and external seating and bar areas, entrance to toilets, other entrance/exits including fire doors and the external smoking shelter. A full Operation Requirement should be provided by a qualified CCTV Engineer in order to ensure an adequate system is installed which records clear images and is compatible with the lighting. Further advice on CCTV requirement can be obtained through this office.</li> <li>• All bar counters should be high and wide to deter customers from reaching over. This is measure helps to protect staff from abusive or threatening customers and deter theft offences.</li> <li>• The landscaping should not impede the natural surveillance of the building and parking areas from the street and neighbouring properties, as natural surveillance helps to deter crime and anti-social behaviour.</li> <li>• The parking areas should be well lit to promote feelings of safety for users and also to reduce the risk of auto-crime by enhancing natural surveillance.</li> <li>• The rear yard should be secure and well lit for the safe and convenient use of staff and management occupying the above accommodation. A security light fitted with a motion sensor should be installed at a height that cannot be easily reachable. The boundary treatment to this area should be a minimum height of 1.8m and robust, with all cross rails and fixings installed internally so they cannot be used as a climbing aid or be easily removed.</li> </ul> <p>Reason: In order to reduce the risk of crime and anti-social behaviour affecting the staff, customers and local community in accordance with Section 17 Crime and Disorder Act 1998</p>
10.	<p>Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5 l/s. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding</p>
11.	<p>The car park lights hereby approved shall only be illuminated during the hours the premises are open to the public.</p> <p>Reason: In the interests of the amenities of local residents and the area as a whole.</p>