

APPLICATION REPORT – 23/00113/FUL

Validation Date: 10 February 2023

Ward: Croston, Mawdesley And Euxton South

Type of Application: Full Planning

Proposal: Demolition of the existing buildings and erection of a convenience store and cafe with parking, landscaping and associated infrastructure

Location: The Crown Station Road Croston Leyland PR26 9RN

Case Officer: Daniel Power

Applicant: Central England Co-operative Ltd

Agent: Mrs Katarzyna McMaster

Consultation expiry: 5 September 2023

Decision due by: 7 April 2023

RECOMMENDATION

1. It is recommended that this application is approved subject to conditions.

SITE DESCRIPTION

2. The application site is located within the Settlement Area of Croston, as defined by policy V2 of the Local Plan. The site is on the western side of Station Road and is currently occupied by The Crown public house. The existing building is a two storey brick built building with single storey extension and outbuildings to the rear. To the rear is a parking area and open grassed area. The pub is currently closed and has been for several years now.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission for the demolition of the exiting pub and outbuilding and proposes the erection of a convenience retail store and café, with associated car parking, landscaping and associated infrastructure. The proposed building would be located further within the site, along the northern boundary and would be formed into three elements, with the larger, higher building in the centre and two small attached to the sides. The area to the south would be parking, with a fenced surface area to the west of the proposed building. The application also proposes landscaped areas to the western, southern and part of the eastern boundary.

REPRESENTATIONS

4. Five letters of objection have been received and can be summarised as follows:

- Light pollution would impact neighbouring amenity
- Noise pollution would impact neighbouring amenity
- Would prevent access for maintenance to neighbouring land/property.
- The proposal would result in an increased in traffic harmful to neighbouring amenity.
- There is no requirement for the proposed uses.
- The development would result in the loss of wildlife.
- Can the parking space be made available for neighbours.
- The proposed development does not meet retail policies for the area as it is situated outside the Local Centre

CONSULTATIONS

5. United Utilities
No objections subject to conditions
6. Lancashire Highway Services- Comments on the originally submitted application.
In principle LCC Highways support the application, however, there are some elements which require more detail and consideration.
7. There is a concern that as the northerly and southerly turning manoeuvres go onto the opposite carriageway as shown in the swept path analysis provided in the Transport Statement.
8. To ensure these turning movements can be undertaken with the prevalence for on street parking in Croston, waiting restrictions will have to be introduced. The extents of which can be decided with the swept path and position of driveways etc.
9. There is also a concern that for properties on Station Road which do not have off street parking and their usual off street parking areas now with waiting restrictions that on street parking will be a premium, if not none existent. It is requested that off street parking is provided within the site for the residents who lose their off street parking. Extra car parking provision will have to be made within the site to accommodate these cars.
10. It is noted from the Transport Statement that the maximum number of spaces for a development of this size is 48 and 30 are proposed. With the potential loss of spaces to residents it is requested that additional spaces are provided. With the site's central location to the village and the café additional spaces are requested to ensure that no on street parking occurs on Station Road. This enables the local traffic to use the facility in an efficient and safe manner for the proposed Co-op and café.
11. There is a bus stop outside the site and upgrades to this stop are requested. A quality bus stop is requested and a shelter if it can be accommodated. A bus stop marking is requested alongside the waiting restrictions. The access and off site highway works will be delivered through a s278 agreement.
12. A Traffic Management Plan will be requested to ensure the construction traffic and deliveries are outside of the peak and outside of the school times with the coaches from the high school. From site visits to Croston the school and college buses are high in number and on Station Road bring the flow of traffic to a halt in places at the peak times. Any additional vehicle movements in these times are to be avoided.
13. The delivery wagons and refuse wagons would also be requested to service the site outside of these times.
14. Lancashire Highway Services – Re consultation
Amended plans were provided by the agent to address the above comments April 2023. Following a re-consultation with LCC and a number of follow up emails, no comments have been received.
15. Regulatory Services - Environmental Health

I have considered the acoustic report (Doc Reference: 91110/NIA) submitted in support of the of the application. I accept the methodology, summary and recommendations within the report.

16. **Noise From Plant:**
In section 6.8- It is stated that the noise level predictions demonstrate that cumulative noise emissions from the proposed plant will comply with the proposed limits at the nearest noise sensitive properties inclusive of the mitigation measures specified. I would recommend that it is conditioned that these mitigation measures must be installed i.e. screening from a closed board fence around the plant as well as appropriate mitigation, in the form of an acoustic 'j-kit' enclosure to the VRF air conditioning unit.
17. **Noise From Deliveries:**
In section 7.18- It is recommended that the store implements a noise management plan to reduce the noise impact of deliveries on the neighbours as much as possible. A typical set of mitigation measures has been suggested. All of which seem reasonable and suitable and I would request that they make the measures site specific and commit to them as a working noise management plan for that site and that the plan is placed as a condition should the application be approved.
18. Waste & Contaminated Land
No comments
19. Growth Lancashire
(Summary) As I am required to do so, I have given the duties imposed by s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.
20. For the reasons above, I feel the proposal would meet the duty to preserve and would cause no substantive harm to the contribution made by the setting to the character or appearance of Croston Conservation Area. In this regard the proposal meets the requirements of Section 16 of the NPPF and is in accordance with Local Plan Policy BNE8 and Policy 16 of the Central Lancashire Core Strategy.
21. Lancashire County Council Archaeology Service
The Heritage Statement gives an accurate assessment of the building and site. As far as we are aware there is no known archaeological interest on the site and the building is not sufficiently unusual or interesting to merit any further recording work.
22. Lead Local Flood Authority
The Lead Local Flood Authority (LLFA) has no comment to make on the application. For further information please refer to the LLFA Standing Advice for Minor Planning Applications.
23. Environment Agency
No comments have been received.
24. Parish Council
No comments have been received
25. CIL Officers
This development is subject to the CIL Charge for Retail Warehouse, retail parks, and neighbourhood convenience stores as listed in Chorley Councils CIL Charging Schedule
26. Greater Manchester Ecology Unit
27. **Bats**
The survey found that the building is being used as a Common Pipistrelle day/transitional roost by singular/small numbers of these species. Details of the mitigation measures that are required have been provided and these are acceptable. We are therefore satisfied

that provided the mitigation measures are followed in full the favourable conservation status of bats would be maintained at this site.

28. As the works will require a licence from Natural England we would recommend that the following condition (BS4020:2013) be attached to any permission, if granted:
29. *The following works demolition of the existing buildings shall not in any circumstances commence unless the local planning authority has been a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019 authorizing the specified activity/development to go ahead.*
30. **Biodiversity Net Gain**
A Biodiversity Net Gain Assessment has been submitted, although a copy of the actual metric does not appear to have been included so the calculations cannot be verified. Nevertheless, the assessment demonstrates that the proposals will result in a net loss for biodiversity and are therefore contrary to National Planning Policy Framework. Further information is therefore required as how the proposals will compensate of the loss of biodiversity at the site.
31. **Other issues**
The proposals include the remove of trees and hedgerows. As these may be used by nesting birds, we would advise that the following condition be attached to any permission:
32. *No removal of or works to any hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation or structures for active birds' nests immediately before the vegetation is cleared or works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*
33. The Preliminary Ecological Appraisal made recommendations for precautionary measures to protect other species during site clearance. We would therefore advise that these are incorporated in the Construction Environmental Management Plan for the site.

PLANNING CONSIDERATIONS

Principle of development

34. The application site is located within the Settlement Area Croston, as allocated within policy V2 of the Local Plan, where the principle of new development is supported, however, the application proposes a mixed use retail building. The site is located approximately 350 metres from Croston town centre as designated within the Chorley Policies Map. Policy EP9 (Development in Edge-of-Centre and Out-of-Centre Locations) states that *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.*
35. The application site is located within close proximity to a number of bus stops and a train station to the north. The application was submitted with a Retail Impact Assessment, which considered the impact of the proposal, being located outside of the town centre, on

the viability of the town centre. The impact assessment considered that there are no suitable or available sites in a sequentially preferable location. In addition, the assessment considered the proposed development would not significantly impact on any existing, committed or planned public investment within Croston Local Centre or the defined catchment area. Croston Local Centre is demonstrated to be in a very good state of health and is demonstrated to be vital and viable. It concluded that the nature and scale of the proposal would not give rise to significant adverse impacts on the vitality and viability of Croston Local Centre. It is therefore considered the proposal accords with policy EP9 as is therefore acceptable in principle.

Loss of Community Facilities

36. The application would result in the loss of a community facility, in this case a pub, therefore policy HW6 (Community Facilities) is relevant and states that *development proposing the change of use or loss of any premises or land currently or last used as a community facility (including community centres, village and church halls, places of worship, public houses, children's centres, libraries, cultural facilities and health facilities) will be permitted where it can be demonstrated that:*
- a) The facility no longer serves the local needs of the community in which it is located; and*
 - b) Adequate alternative provision has been made, or is already available, in the settlement or local area; and*
 - c) The use is no longer financially viable; and*
 - d) The facility is in an isolated location remote from public transport routes; or*
 - e) There is an amenity or environmental reason why the facility is no longer acceptable.*
37. The Planning Statement submitted in support of the application states that Croston benefits from a provision of pubs, with 28 pubs located within 10min drive from the site and 5 pubs located within 10min walk. Furthermore, the statement advises that The Crown Pub, pre-covid trade was predominantly from the local area offering a limited, basic food offering and good selection of drinks – therefore the trade was a ‘wet-led’ operation which has been difficult to sustain in a limited footfall rural village location such as Croston. Trade suffered during the pandemic, specifically with lockdowns but also a hesitancy for people to return meaning the business closed and could not be re-opened. Marketing information has been provided and it appears that the public house was advertised for a length of time without any intreats. Given the number of other pubs within the local area, and the length of time the pub has been closed, the proposal is considered to accord with the above policy.

Heritage, design and appearance

38. The site is located on the west side of Station Road, approximately 50 metres from the northern boundary of the Croston conservation area. The Council’s conservation adviser, Growth Lancashire, was therefore consulted.
39. The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA’s should, in coming to decisions, consider the principle Act, which states the following: *Conservation areas – Section 72(1)*
40. In undertaking its role as a planning authority, the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

41. The Design and Conservation officer considers the contribution of the site to the significance of the Croston Conservation Area (CA). Whilst they recognise that the existing building/site forms part of a wider mixed C19 and early C20 setting north of the historic core of the village they agree with paragraph 4.19 – 4.21 of the submitted Heritage statement and consider its contribution to the CA is very limited and of no consequence. In addition, in the consideration of the significance of the Non Designated Heritage Asset. The officer comments that the current building is of limited individual merit and they agree with the submitted heritage Statement that it would not warrant recognition or designation as being a building of local interest when assessed against Historic England's HEAN7 guidance. In this respect, they place very little weight on the need to preserve the building.
42. It is therefore considered that the proposal would meet the duty to preserve and would cause no substantive harm to the contribution made by the setting to the character or appearance of Croston Conservation Area. In this regard the proposal meets the requirements of Section 16 of the NPPF and is in accordance with Local Plan Policy BNE8 and Policy 16 of the Central Lancashire Core Strategy.

Impact on the neighbour amenity

- 43 *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that new development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing; and that the proposal should not cause an unacceptable degree of noise disturbance to surrounding land uses;*
- 44 The existing property is located within an area where there are several residential properties. The permitted use of a pub, would have an impact to neighbouring properties, with daily coming and going and noise from visitors to the pub. The Council's environmental health officer has considered the proposal and the submitted Noise Impact Assessment, is of the opinion that subject to conditions the proposal would be acceptable. The proposed building is further away from neighbouring dwellings than the existing pub. Given the distance to neighbouring dwellings and the scale of the building, it is not considered that the proposal would have an undue impact through overbearing or overlooking. Given the existing use of the site and subject to the recommended conditions, it is not considered the proposal would have a significant to neighbouring amenity.

Highways

- 43 Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction. The policy is considered to be consistent with the Framework and should be attributed full weight.
- 44 LCC Highways were consulted on the application and state that in principle they support the application. They do, however, consider there to be some elements requiring further detail and consideration, and their comments can be found earlier within this report. Following the initial LCC response additional information was provided by the applicant, which included a new swept path analysis and addresses a number of points raised. A consultation was sent to LCC Highways on this basis, however, no further comment has been received.

- 45 Within their comments the local highway authority requested a Travel Plan, which has been recommended as a condition. Additional parking spaces were requested by LCC for residents to use, however, it is not for the proposed development to provide additional parking for the village and should only respond to demand arising from the proposed development. Given the locations close to a bus stop and train station, and the likelihood that local residents will walk to the site, the proposed level of parking is considered to be acceptable. It is considered that the issues raised can be addressed via condition and given the local highway authority does not have an objection in principle, it is considered the proposal would not have a significant impact to local highway safety, capacity or amenity.

Ecology and Bio-diversity

- 43 The Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 44 Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012-2026 sets out how development should safeguard biodiversity. Any adverse impacts on biodiversity should be avoided, and if unavoidable should be reduced or appropriately mitigated and/or compensated.
- 45 Policy BNE11 (Species Protection) of the Chorley Local Plan 2012-2026 states that planning permission will not be granted for development which would have an adverse effect on a priority species, unless the benefits
- 46 The Council's ecology advisor considered the submitted bat survey and Biodiversity Net Gain Assessment and had no objections subject to condition and Section 106 to secure the offsite biodiversity net gain. In consideration of the above, subject to a S106 and the advice from GMEU, it is not considered that the proposed development would be detrimental to nature conservation or protected species interests.

Community Infrastructure Levy

- 43 The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

RELEVANT HISTORY OF THE SITE

Ref: 02/00653/FUL **Decision:** PERFPP **Decision Date:** 16 September 2002
Description: Single storey rear extension

Ref: 96/00392/FUL **Decision:** PERFPP **Decision Date:** 11 October 1996
Description: Refurbishment of public house including side extension to form new stairway and extension to car park,

Ref: 07/00196/FUL **Decision:** REFFPP **Decision Date:** 13 April 2007
Description: External covered area.

Ref: 13/00642/FUL **Decision:** PERFPP **Decision Date:** 13 September 2013
Description: Provision of disabled access and accessible WC to the rear of the building

Ref: 84/00252/FUL **Decision:** PERFPP **Decision Date:** 22 May 1984
Description: Porch and bay extensions and change of use of hairdressing salon to lounge for public house

Ref: 80/00053/FUL **Decision:** PERFPP **Decision Date:** 9 April 1980
Description: Alterations, rear porch, and provision of customers car park

Ref: 76/00354/ADV **Decision:** PERADV **Decision Date:** 25 May 1976
Description: Illuminated sign

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

Suggested 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 approved plans below:

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

Title	Plan Ref	Received On
Location & Block plan	15883 DB3 B01 00 DR A 90-003 REV P01	8 February 2023
External Plant Enclosure Details	15883 DB3 B01 00 DR A 90-006 REV B	8 February 2023
Proposed Site Plan	15883 DB3 B01 00 DR A 90-002 REV F	8 February 2023
Proposed Floor Plans and Elevations	15883 DB3 B01 00 DR A 20-001 REV B	8 February 2023
Proposed Roof Plan	15883 DB3 B01 00 DR A 27.001 REV A	8 February 2023
Landscaping Plan	STR18027-WSL- ZZ-ZZ-DR-S- (95)001 REV P02	8 February 2023

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. The development hereby permitted shall not commence until full details of the junction between the proposed service road and the existing highway have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied or used until that junction has been constructed in accordance with the approved details.

Reason: In the interests of highway safety.

5. 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.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. hours of operation (including deliveries) during construction
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: in the interests of highway safety and to protect the amenities of the nearby residents.

7. The use hereby permitted shall be restricted to the hours between 07:00; and 22:00 on weekdays, Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents.

8. No development shall commence until a Traffic Management Plan (TMP) has been submitted to and approved by the Local Planning Authority in conjunction with the Highway Authority. The TMP shall include details relating to:-

- Any temporary or permanent highway alterations and improvements necessitated by the development, including details of temporary warning signing;
- Measures for reinstating the highway after the removal of any temporary works together with details of the timing of any remediation measures;
- Construction vehicle routing;
- The management of junctions and crossings of the public highway;
- The timing of delivery vehicle movements including turbine component delivery vehicles;
- Details of banksmen/escorts of abnormal loads;
- Traffic management of the existing highway network.

The development shall be carried out in accordance with the approved TMP at all times unless otherwise agreed in writing with the local planning authority.

Reason: To maintain the operation of through routes in the area during the sites period of construction and to ensure the safety of other highway users.

9. Prior to the first use of the development hereby approved, the acoustic screening shown on approved plan drawing no. 15883 DB3 B01 00 DR A 90-006 REV B shall be installed in accordance with the suggested within the submitted Noise Impact Assessment Acoustic Report (Ref: 91110 Rev 01; dated 16th December 2022). The development thereafter shall be completed in accordance with the approved details.

Reason: In the interests of the amenity of future occupants of the nearby dwellings.

10. Prior to the first use of the development hereby approved, the mitigation measures outlined within section 7 of the submitted Noise Impact Assessment Acoustic Report (Ref: 91110 Rev 01; dated 16th December 2022). The development thereafter shall be completed in accordance with the approved details.

Reason: In the interests of the amenity of future occupants of the nearby dwellings.

11. The private car parking and manoeuvring areas to be marked out in accordance with the approved plans, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

Reason: To allow for the effective use of the parking areas.

12. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. No works to trees and shrubs or vegetation clearance or demolition of buildings shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

14. The following works demolition of the existing buildings shall not in any circumstances commence unless the local planning authority has been a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019 authorizing the specified activity/development to go ahead.

Reason: To safeguard a protected species.