

Item A. 6 **07/00934/REMAJ** **Permit (Subject to Legal Agreement)**

Case Officer **Mr David Stirzaker**

Ward **Chorley North East**

Proposal **Reserved Matters application for the demolition of Talbot Arms Public house and Residential Development (19No Units) .4Ha**

Location **Land East Of The Talbot Arms And South Of Botany Brow Works Mason Street Chorley Lancashire**

Applicant **Primrose Holdings**

Proposal This reserved matters application is for the residential development of land at Botany Brow, Chorley. The site includes the Talbot Arms pub, which is to be demolished. The residential development comprises of 19 properties comprising of a block of 7 no. apartments fronting onto Botany Brow and a mix of 12 detached, semi-detached and terraced properties within the site which comprises of a mix of two and three storey properties.

Background This site was granted outline planning permission in 2005 (05/00796/OUTMAJ) and also benefits for the most part from being designated under Policy No. HS7 as a site suitable for residential development. The outline planning application was submitted as a means of securing the principle of developing the site to include a small additional portion of land not included under the Policy No. HS7 designation.

Planning Policy The site is located within the main settlement area of Chorley hence the proposals will therefore need to comply with Policy 7 (Parking Standards) of the Joint Lancashire Structure Plan and the pertinent policies in the Chorley Borough Local Plan Review which are as follows: -

- GN5 - Building Design
- EP4 - Species Protection
- EP18 - Surface Water Run-Off
- EP19 - Development and Flood Risk
- HS4 - Design & Layout of Residential Developments
- HS7 - Redevelopment for Housing
- HS21 - Playing Space Requirements
- TR4 - Highway Development Control Criteria
- PPS3 - Housing
- SPG - Playspace Provision

Planning History Ref No. 05/00796/OUTMAJ - Outline application for residential development (Permitted)

Ref No. 07/00294/REMAJ - Reserved Matters application for the demolition of Talbot Arms Public house and the erection of 16 residential units (Withdrawn)

Consultations The **Director of Streetscene, Neighbourhoods and Environment Directorate (Environmental Health)** suggests a condition requiring the applicant to undertake an assessment to identify any potential sources of contamination on the land. This matter is covered by virtue of such a condition attached to the outline planning permission (05/00796/OUT).

The **Architectural Liaison Officer** raises no objections to the application.

LCC (Strategic Planning) raise no objections.

LCC (Archaeology) suggest a building recording condition.

The **Environment Agency** reiterate previous comments in relation to 07/00294/REMMAJ in suggesting that the developer considers the use of Sustainable Urban Drainage Systems.

LCC (Ecology) state that no favourable determination of the application can be made until a bat survey has been submitted.

Representations To date, no representations have been received from local residents. If any are received following this report, they will be reported in the addendum.

Assessment The pertinent issues warranting consideration are as follows:

1. Planning Policy;
2. Design and the impact of the character of the area;
3. The amenities of adjoining residents;
4. Highways issues, and;
5. Ecological Issues

Planning Policy

The principle of the residential development of this site has already been established by virtue of its allocation under Policy No. HS7 and the wider reaching outline approval in 2005 (Ref No. 05/00796/OUT). The application is therefore in principle acceptable.

Design and the Character of the Area

The design of the development has been amended since the earlier withdrawn application (07/00294/REMMAJ) and now includes an apartment block fronting onto Botany Brow, in part on the footprint of the existing 3 storey pub, which has fallen into a state of disrepair suffering recent fire damage and vandalism. The existing building is to be demolished to help facilitate the residential redevelopment of the site. The amount of landscaping within the site has also been significantly improved.

The apartment block is a substantial building although from the front it will read as a pair of semi-detached properties by virtue of the window distribution and ground floor door positions. The apartment building contains detailing to provide sufficient visual interest and is also set back at least 8m from the highway enabling the provision of an area of landscaping in the intervening space. The site frontage will be bounded by a low wall and railings as will the opposite side of the access.

The dwellings comprise of two and three storey properties set out in a courtyard style. The dwellings at the rear of the site facing east utilise varying ridge heights with three storey in the centre and two storey on either side, as do those facing south thus creating an interesting mix of dwelling types in terms of design and scale. The two properties (plots 1 & 2) facing north are a pair of more traditional semi-detached properties, one with an attached garage, the other with a separate detached garage.

The locality comprises of a diverse mix of dwelling and building types. Opposite the site is the substantial Initial industrial site, which dominates the roundabout junction. A row of traditional red brick terraced houses then runs along the eastern side of Botany Brow in a northerly direction and on application site side of the road to the north are further smaller existing industrial units and a motor vehicle workshop/garage with the Daisy Fold development bounding the northwestern parts of the site. To the south of the site is St Peters C of E Junior School which is open in character where it bounds the site by virtue of its car park and to the east, the land slopes down towards the M61.

The density of the development is in line with PPS3 objectives and the development will have its own character and identity whilst the apartment block fronting onto Botany Brow will make a positive contribution to the character and appearance of the streetscene as will the intervening landscaped area by removing the somewhat ad-hoc road and footpath arrangement adjacent the existing pub. Given the diversity of the locality in streetscene terms, the design, layout and scale of the development is considered to be acceptable in terms of how it will integrate with the wider locality.

Whilst some trees are to be removed at the front of the site, the landscaped area in front of the apartment block should mitigate the loss of these trees.

In terms of the outward impact of the development, the site sits elevated when seen from the east wherein the most prominent views of the development will be achievable. The properties facing east are two and three storey in nature and have varying ridge heights, which helps to break up the overall massing of the development. In other respects, the attainable views of the site are from within the built up locality and it is considered that the development will not have a detrimental outward impact on the

character and appearance of the locality, especially given the current derelict state of the site.

It is considered that the development proposed accords with the objectives of the pertinent Planning Policies.

Residential Amenities

To the north and northeast of plots 1 to 4 are residential properties on Daisy Fold, the slab levels of which sit below those of the proposed dwellings. The Council's spacing standards require greater separation distances under such circumstances to ensure an acceptable level of amenity is maintained. Based on the proposed slab levels and the separation distances, it is considered that the position of the dwellings occupying plots 1 to 4 in relation to the existing properties (Nos. 1 to 4 Daisy Fold) will not result in detrimental harm to the living conditions of the occupiers of these properties. It should also be borne in mind that the properties occupying plots 2,3 and 4 are on the site of an existing industrial unit hence the outlook from properties on Daisy Fold should actually be improved.

With regards to the relationship between the apartment blocks and the existing terraced properties opposite on Botany Brow, there will be a separation distance of 27m, which again is considered to be sufficient to maintain existing amenity levels.

In terms of the internal relationships, the apartment blocks will be sited 12m from the rear garden of the property on plot 12 which is 2m more than the standard separation distance to take account of the apartment block being three storey in nature. The property on plot 8 has a restricted outlook from the front onto the side of the property on plot 9 at a distance of 6.2m. However, the dwelling has been designed with the main windows to the lounge and bedroom facing south where the immediate outlook is open hence this relationship is considered acceptable. In all other respects, the development meets with the Council's spacing standards.

Highways

Access to the site is to be provided off Botany Brow and the existing section of highway in front of the site of the Talbot Arms will be incorporated into the development and landscaped as a means of improving the current situation. The land in question will be the subject of a stopping up order, the agreement of which will have to be reached between the applicant and LCC (Highways).

In terms of parking provision, the levels proposed for the dwellings are in line with the adopted LCC standards. In relation to the apartments, 9 no. parking spaces are proposed. Given the site is in close proximity to the town centre and its bus and train stations, it is considered that the site is in a sustainable location hence the level proposed is deemed acceptable.

LCC (Highways) at outline stage sought the provision of a crossing to mitigate the additional traffic generated by the development. The final position of this will be agreed between the developer and LCC (Highways) and will be the subject of a Section 278 agreement.

Ecological Issues

LCC (Ecology) have commented that no favourable determination of the application can be made until a bat survey has been undertaken. This has been requested from the applicant and its contents will be reported in the addendum as will any further comments from LCC (Ecology) on the survey.

Conclusion

On the basis of the above, it is considered that the proposals accord with the objectives of the pertinent planning policies hence it is recommended that planning permission be granted subject to a Section 106 agreement to secure commuted sums towards the provision of off-site play space and towards the Kickstart initiative to help improve public transport provision.

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

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

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

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

4. No works shall take place until the applicant, or their agent or successors in title, have secured the implementation of a programme of building recording and analysis. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. Upon completion of the programme of building recording and analysis it shall be submitted to the Local Planning Authority.

Reason : To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the building and in accordance with Policy No. GN1 of the Adopted Chorley Borough Local Plan Review.

5. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on the approved plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

6. The development hereby permitted shall not commence until a completed Section 278 Agreement under the Highways Act accompanied by a plan detailing the position agreed with Lancashire County Council of a pedestrian crossing has been submitted to and approved in writing by the Local Planning Authority and no dwelling or apartment shall thereafter be occupied until the pedestrian crossing has been provided and brought into operational use.

Reasons: In the interests of highway safety and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.

7. The development hereby permitted shall not commence until a completed Section 116 Agreement under the Highways Act for the stopping up of the land which is currently adopted highway in front of the proposed apartment building has been submitted to and approved in writing by the Local Planning Authority and no dwelling or apartment shall thereafter be occupied until the land in question has been stopped up in accordance with the approved site plan (Ref No. 0649:11 date stamped 13th September 2007) and landscaped in accordance with the approved scheme of landscaping required by condition no. 2 of this permission.

Reason: In the interests of ensuring a satisfactory form of development and in the interest of highway safety in accordance with Policy Nos. GN5, HS4 and TR4 of the Chorley Borough Local Plan Review.
