

**Item A. 3**                      **08/00111/FULMAJ**                      **Permit (Subject to Legal Agreement)**

**Case Officer**                      **Mr David Stirzaker**

**Ward**                                      **Chorley North West**

**Proposal**                              **Proposed 3 and 4 storey redevelopment of site comprising of offices, retail and veterinary use at ground floor with flats above following the demolition of existing public house and cafe.**

**Location**                              **The Eagle And Child Hotel 20 Pall Mall Chorley Lancashire PR7 2LA**

**Applicant**                              **Elmwood Construction**

**Proposal**                              This application proposes the redevelopment of a site currently occupied by the Eagle & Child Public House and the Coffee HQ Café on Pall Mall, Chorley. The pub and café would be demolished to make way for the new development comprising of a Vets Surgery and retail unit at ground floor level with 13 apartments above. The apartments comprise of 10 no. 2 bed units, 1 no. 3 bed units and 3 no. 1 bed units. The building is for the most part three storeys high and of modern design with a four storey element at the junction of Fleet Street with Pall Mall which utilises a tower feature with mono pitch roof and glazing encompassing the corner of the building. A car park at the side will provide 12 spaces whilst bin and cycle storage provided at the rear of the building will be accessed separately from Gillibrand Walks.

**Background**                              The submission of this new application follows the submission of an application last year (Ref No. 07/00479/FULMAJ), that only covered part of the site which raised concerns over a lack of coordinated development, residential amenity impact and design issues. Following this, the Council has held various meetings with the applicant in order to resolve these issues and arrive at a suitable scheme, the culmination of which is the redevelopment proposal now presented to Members.

The site occupies a very prominent position on one of the main routes into the centre of Chorley. The buildings on the site comprise of an existing three storey public house and adjoining two storey building with café at ground floor and presumably residential accommodation above. Both are vacant and form the frontage onto a section of Pall Mall opposite QS Fashions. The land adjacent to the buildings is disused and untidy hence the site in general has a very negative impact upon the character and appearance of the locality. Both buildings are to be demolished to make way for the redevelopment of the site.

**Planning Policy**                              National Planning Policy  
PPS1 -                      Sustainable Development  
PPS3 -                      Housing

Joint Lancashire Structure Plan  
Policy 7 (JLSP)                      -                      Accessibility & Transport  
Policy 12 (JLSP)                      -                      Housing Provision  
SPG (To Policy 7)                      -                      Access & Parking

- Chorley Borough Local Plan Review
- GN1 - Settlement Policy – Main Settlements
  - GN5 - Building Design & Retaining Existing Landscape Features
  - HS4 - Design & Layout of Residential Developments
  - HS6 - Housing Windfall Sites
  - TR4 - Highway Development Control Criteria
  - HS6 - Housing Windfall Sites
  - TR18 - Provision for Pedestrians & Cyclists in New Development
  - SPG - Design Guidance Chorley Town Centre Strategy

**Planning History** Demolition of existing public house. Construction of 3 storey development with retail on ground floor and 12no. apartments on first and second floor (Ref No. 07/00479/FULMAJ).

**Consultations** The **Coal Authority** offer Standing Advice

The **Corporate Director (Neighbourhoods)** advises of the need for Desk Study to investigate potential contamination and also advise that the position and accessibility of the bin storage area is acceptable subject to the final details submitted pursuant to a condition.

The **Architectural Liaison Officer** questions the level of car parking, suggests control of the parking spaces and that access through the site from Pall Mall to Gillibrand Walks should not be possible through the site.

**LCC (Archaeology)** suggest a condition requiring the applicant to undertake a scheme of archaeological investigation.

**LCC (Highways)** raise no objection in principle but advise that there should be no through access from Gillibrand Walks to Pall Mall, parking is for residents only, 2 disabled spaces are provided and that there should be a pedestrian access to the units from Gillibrand Walks to avoid short term drop off parking on Pall Mall.

**Representations** To date, only 1 letter of objection has been received citing the difficulty faced by residents with parking. However, further consultation letters have been sent out in relation to the amended plans so any additional comments will be reported to Members in the addendum.

**Applicants Case** The applicant states that the development proposed would enhance the aspect on the approach into Chorley Town Centre. It will provide a mixed use appropriate for tenancy at ground floor level, which in turn will provide a public face onto Pall Mall. The apartments provide new residential accommodation for let on 6 month short hold tenancies inline with previous developments in Chorley. A 12 year lease has already been agreed with Vet for Pets who will utilise one of the ground floor units. However, the lease is in jeopardy if the application is delayed.

**Assessment** Principle of development

The site lies within the main Chorley settlement area and in

accordance with Planning Policy Statement 3: Housing, the site is considered to be previously developed land and as such, previously developed land is land which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. PPS3 encourages the redevelopment of previously developed land as opposed to developing Greenfield land. As such the principle of redeveloping the site for residential development accords with Government guidance in PPS3. The development also accords with the objectives of Policy No. 12 of the Joint Lancashire Structure Plan in that it comprises of a mixed used regeneration project, which is compatible with, and will help to achieve the regeneration objectives of the Council, which are set out in the Town Centre Strategy. This document expresses a desire to see improvements to the entrances or 'gateways' into the town centre through high quality new buildings and the tackling of unattractive sites. The Town Centre Strategy also identifies Pall Mall as one of the main 'gateways' into Chorley and the site is at present vacant and is now in decline since it was last used. The apartments will also increase the number of people living in the town centre thus increasing economic activity particularly in the evenings and at weekends.

The applicant has already agreed that one of the ground floor units will be let to a Vets Practice (Vets for Pets), whilst the other unit will be permitted for retail purposes. The use of these ground floor units is acceptable given the town centre location and will generate employment opportunities and as with the introduction of additional people living in the town centre, will increase economic activity in the same.

The site is also in a highly sustainable location being close to the bus and train stations and the range of facilities that the town centre offers meaning it is less likely that the occupiers of some of the apartments will own cars. Likewise, employees in the ground floor units will have access to public transport links into the town centre thus again reducing reliance on car journeys. The development is therefore in line with the broad sustainability objectives of PPS1. The applicant has also agreed to fix the rent levels of the apartments through a Section 106 agreement at a maximum of 10% above the Local Housing Allowance (LHA) Rates for a period of five years meaning the rental levels will encourage quick occupation.

### Design & Scale

The design of the development is modern with a 4 storey tower feature on the corner with the Pall Mall/Fleet Street junction whilst the site occupies a prominent position on one of the main 'gateway' routes into Chorley.

The building, by virtue of its design and scale, will provide a prominent and good quality addition to the locality improving the general character and appearance of this part of the town centre whilst also acting as a 'gateway' building signifying the start of the town centre. The redevelopment of this site should also act as a pre-cursor to further regeneration projects in the locality.

The elevation to Pall Mall is of modern character with simply designed ground floor units with the apartments above. The first and second floor elevations utilise full height sections of glazing in the centre and at either end with the entrances to the ground floor

units and the French doors with Juliet balconies above to the apartments set in returns. At the right hand side is a four storey tower feature with full height glazing above the retail unit wrapped around the corner of the building rising to a modern style mono-pitch roof above the only 3<sup>rd</sup> floor apartment. The ground floor retail unit also fronts onto Fleet Street. The elevation contains a good level of relief to maintain visual interest whilst the four storey element to the corner of the Pall Mall/Fleet Street junction with its modern roof design marks this out as a 'gateway' or 'landmark' building signifying the start of the town centre, particularly when it is approached from Pall Mall.

The elevation to Gillibrand Walks contains sufficient relief in terms of breaks in the elevation and eaves height to maintain visual interest, as does the south facing elevation. The stone wall bounding the site with Gillibrand Walks is also to be made good and will be more attractive than a utilitarian fence proposed by the 2007 application. The elevation to Fleet Street will be prominent and with the main 4 storey element being visible from George Street, Market Street and Bolton Street, the design and scale of the building and its said prominence, means it will enhance the visual character whilst adding interest to this part of the town centre on one of the 'gateway' routes into Chorley.

Materials, window design and detailing and the final details of the ground floor unit frontages are to be reserved for approval by pre commencement conditions so as the Council can ensure that high quality sympathetic materials/windows etc to all elements of the building are utilised for its construction.

The design and scale of the building is therefore considered to be acceptable and accords with the requisite Local Plan Review Policies. It should be noted that any signage to the ground floor units is likely to require advertisement consent for which a separate application will be required.

#### Impact on Neighbour Amenity

At present, part of the site is occupied by the Eagle & Child Pub and the adjoining Coffee HQ Café. The Eagle & Child Pub is a three storey structure whilst the adjoining café is two storeys high. The originally submitted plans have now been amended to take account of concerns in relation to overlooking issues from some of the second and third floor apartment windows although it should be noted that no objections have been received in relation to this issue. In particular, the nearest window to the properties on Gillibrand Walks serving the living room of flat 3 has been moved to the side return, as has the bedroom window above. The bedroom windows to flat 1 and flat 7 (west elevation) have also been moved to the south elevation to reduce overlooking of 1A Gillibrand Walks. The footprint of the building has also been reduced over that proposed by the 2007 application, again to reduce the impact on the occupiers of the neighbouring properties.

The footprint of the building at its closest point will be approx. 12.6m away from the nearest 2 storey property on Gillibrand Walks and as explained, has been reduced over that proposed by the previously submitted application (07/00479/FULMAJ), again to address neighbour amenity issues. The separation distances are in line with the Council's usual 12m standard applied to new

developments in terms of windows to built development and whilst the window to window distances are below the usual 21m guidance distance, the three storey building already occupying the site has habitable room windows in its rear elevation at second and third floor level whilst further along Gillibrand Walks, the traditional terraced street layout has properties sat at only 11m from each other. Therefore, the relationship, given the town centre location and the fact that a 3 storey building already occupies the site, will not be an unusual one and is considered acceptable. Outlook from nos. 2 to 6 Gillibrand Walks will obviously encompass the proposed building although it has to be borne in mind that the existing pub building is a very prominent 3 storey building and whilst the proposed development is slightly closer and occupies a larger footprint, it is angled away from these properties and due to its orientation, will only reduce natural light to a limited extent during the earliest part of the day when the sun is at its lowest point.

In terms of impact on 1A Gillibrand Walks, the windows in the rear elevation of this property are angled away from the development with the ground floor windows sitting behind a substantial boundary wall hence outlook will not be detrimentally harmed. Due to the orientation of the development, the rear of this property will only experience loss of light/overshadowing in the very earliest part of the date, which will not be detrimental. As already explained, the first and second floor bedroom windows to the apartments (Flat 1 and Flat &) have been moved to the side (south facing) elevation of the building to mitigate overlooking.

On this basis, it is considered that the impact of the development on the residential amenities of adjacent residential properties will not be detrimental and therefore accords with the objectives of Policy HS4 of the Local Plan Review.

### Highways

No objections in principle have been raised by LCC (Highways). However, one issue raised by both LCC (Highways) and the Architectural Liaison Officer was the through access from Gillibrand Walks to Pall Mall. This has now been addressed by the provision of a lockable gate meaning pedestrian access will not be possible. The level of parking provision is considered to be acceptable as a low level of provision (12 spaces including 2 disabled bays) is suitable on this site given its proximity to the town centre and the bus and train stations. Also, to the northwest of the site just behind Gillibrand Walks, there is a long stay and a short stay car park accessible from Fleet Street providing parking for customers of the vets practice and the retail unit.

The access to the car park is off Pall Mall and again no objections have been raised in relation to this by LCC (Highways). As discussed, a gate will close off the car park preventing through access from Gillibrand Walks to Pall Mall. Access to the rear servicing area will be from Gillibrand Walks wherein the bin storage area along with a cycle storage area will be sited. On this matter, the Corporate Director (Neighbourhoods) is satisfied that adequate bin storage facilities are to be provided and access for collection purposes is acceptable. The final details of the bin storage facilities are reserved for approval through the imposition of a condition. The proposal therefore provides an adequate level of car parking and is in line with the objectives of Policy 7 of the JLSP and in terms of

access and serviceability, accords with the objectives of Policy No. TR4 of the Local Plan Review.

**Conclusion** The redevelopment of this site will provide a high quality modern and prominent building improving the visual character of the northern end of Pall Mall whilst signifying the start of the town centre on one of the 'gateways' leading into the Town Centre. The development accords with the objectives of the requisite development plan policies and is in line with the Council's Town Centre Strategy, which seeks to encourage improvements to this part of the Town Centre whilst the development also constitutes a significant investment in the Town Centre and will lead to increased economic activity, particularly once the retail unit is occupied.

**Recommendation** **Permit (Subject to Legal Agreement). Refuse prior to 2<sup>nd</sup> June 2008 if the legal agreement is not signed**

### 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. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and/or walls to be erected to the site boundaries (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied before all walls and fences have been erected in accordance with the approved details. Fences and/or walls shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

3. 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 detail 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.*

4. Before the development commences, full details of the treatment of all the proposed windows and doors shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, cills or lintels.

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

5. Prior to the commencement of the development hereby permitted, full plans and particulars (notwithstanding any details shown on the approved plans) of the ground floor unit frontages shall have been submitted to and approved in writing by the Local Planning Authority. The submitted plans and particulars shall include detailed elevations and floorplans of the final design of the ground floor unit frontages including details of the

proposed fenestration layout and distribution, the type of glazing to be used, the materials to be used to all elements of the frontages (window frames/walls/doors etc) and the depth of the reveals. The development shall only thereafter be carried out in accordance with the approved ground floor unit frontage details.

*Reason: In the interests of securing a high quality shop front and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.*

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

*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review and Policy No. 7 of the Joint Lancashire Structure Plan.*

7. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

*Reason: In the interests of safety and in accordance with Policy No. EP16 of the Chorley Borough Local Plan Review.*

8. Prior to the commencement of the development hereby permitted, plans and particulars of the cycle storage facilities to be provided shall have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details prior to the first occupation of the building hereby permitted and shall be retained as such at all times thereafter.

*Reasons: To ensure adequate provision of cycle storage space and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan.*

9. Prior to the commencement of the development hereby permitted, plans and particulars of the refuse storage facilities for household and commercial waste to be provided shall have been submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities for household and commercial waste shall be provided in accordance with the approved details prior to the first occupation of the building hereby permitted and shall be retained as such at all times thereafter.

*Reasons: To ensure adequate provision of cycle storage space and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan.*

10. Prior to the commencement of the development hereby permitted, full details of the management arrangements to be put in place for the provision, repairing and cleaning of the communal refuse/recycling facilities shall have been submitted to and approved in writing by the Local Planning Authority. The provision, repairing and cleaning of the communal refuse/recycling facilities shall thereafter only be carried out in accordance with the approved management plan.

*Reason: To ensure the refuse and recycling facilities are provided, kept in a good state of repair and cleaned and in accordance with Policy No. HS4 of the Chorley Borough Local Plan Review.*

11. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building (notwithstanding any details shown on the approved plans) have been submitted to and approved in writing by the Local Planning

Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

12. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

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