# Planning Applications Report 

Planning Committee
$4^{\text {th }}$ April 2019

Bolton Council has approved a Guide to Good Practice for Members and Officers Involved in the Planning Process. Appendix 1 of the Guide sets down guidance on what should be included in Officer Reports to Committee on planning applications. This Report is written in accordance with that guidance. Copies of the Guide to Good Practice are available at www.bolton.gov.uk

Bolton Council also has a Statement of Community Involvement. As part of this statement, neighbour notification letters will have been sent to all owners and occupiers whose premises adjoin the site of these applications. In residential areas, or in areas where there are dwellings in the vicinity of these sites, letters will also have been sent to all owners and occupiers of residential land or premises, which directly overlook a proposed development. Copies of the Statement of Community Involvement are available at www.bolton.gov.uk

The plans in the report are for location only and are not to scale. The application site will generally be in the centre of the plan edged with a bold line.

The following abbreviations are used within this report: -

| CS | The adopted Core Strategy 2011 |
| :--- | :--- |
| AP | The adopted Allocations Plan 2014 |
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Policy Guidance |
| PCPN | A Bolton Council Planning Control Policy Note |
| PPG | Department of Communities and Local Government Planning Policy Guidance |
|  | Note |
| MPG | Department of Communities and Local Government Minerals Planning Guidance |
|  | Note |
| SPG | Bolton Council Supplementary Planning Guidance |
| SPD | Bolton Council Supplementary Planning Document |
| PPS | Department of Communities and Local Government Planning Policy Statement |
| TPO | Tree Preservation Order |
| EA | Environment Agency |
| SBI | Site of Biological Importance |
| SSSI | Site of Special Scientific Interest |
| GMEU | The Greater Manchester Ecology Unit |

The background documents for this Report are the respective planning application documents which can be found at:-
www.bolton.gov.uk/planapps

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## Application number 05542/19



Directorate of Place
Town Hall, Bolton, Lancashire, BL1 1RU

## Development Management Section

Telephone (01204) 333333

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## Application Reference: <br> 05542/19

Type of Application: Local Authority Applications\Development
Registration Date: 22/02/2019
Decision Due By: 18/04/2019
Responsible
Officer:

Location: HEATON FOLD HORTICULTURAL CENTRE, OVERDALE DRIVE, BOLTON, BL1 5BU

Proposal: ERECTION OF A MODULAR BUILDING TO ACCOMMODATE ADDITIONAL CAFE AND KITCHEN

Ward: Heaton and Lostock

## Applicant: Bolton Council

Agent : Sibcas Ltd

## Officers Report

## Recommendation: Approve subject to conditions

## Proposal

1. Permission is sought for the erection of a modular building to accommodate an additional cafe and kitchen proposed to be located on the eastern side of Overdale Drive within Heaton Fold Horticultural Centre.
2. The applicant states within their Design and Access Statement that the additional space would "increase the usability of facilities on site".
3. The application is before Members as this is a Council application.

## Site Characteristics

4. Heaton Fold Horticultural Centre is an established garden centre sited within allocated Other Open Protected Land. There are no protected trees (by way of a Tree Preservation Order) within the site.
5. The application site is adjacent the main car park (south of the garden centre site) towards the western site boundary. Dwellings bound the garden centre site to the north (Maple House and West Lodge). New Overdale Cemetery lies to the west. Heaton Cemetery lies to the east.

## Policy

6. Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1 Cleaner Greener Bolton; CG3 The Built Environment; CG4 Compatible Uses; OA4 West Bolton.
7. Allocations Plan Policy CG6AP Other Protected Open Land
8. National Planning Policy Framework (NPPF)

## Analysis

10. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
11. The main impacts of the proposal are:-

* impact on Other Protected Open Land
* impact on the character and appearance of the area
* impact on residential amenity
* impact on the local highway network


## Impact on Other Protected Open Land

12. The application site is located within "Other Protected Open Land". Policy CG6AP of Bolton's Allocations Plan describes protected open land as countryside that is not Green Belt, and land whose character and appearance should be protected from inappropriate development.
13. Policy CG6AP of the Allocations Plan states that the Council will permit development proposals within defined areas of Protected Open Land shown on the Proposals Map provided that they fall within one or more of the following categories:
14. The development represents limited infilling within an established housing or industrial area, is in scale with it and would not adversely affect its character or surroundings; or
15. It forms part of, and is required for, the maintenance of an existing source of employment; or
16. The development requires a location outside the urban area, but is inappropriate within the Green Belt and providing it maintains the character and appearance of the countryside;
17. The development would be appropriate within the Green Belt.
18. It is considered that the proposed development would not be inappropriate development if it was sited within the Green Belt, as it would comprise limited infilling within developed land in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development, that would preserve the openness of the Green Belt (given its scale and location) and would not conflict with the purposes of including land within the Green Belt (paragraph 145 ( g ) of the NPPF as above). It is therefore considered that the proposed development would meet criteria 4 of Allocations Plan Policy CG6AP, and therefore would not be inappropriate development in Other Protected Open Land.

## Impact on the Character and Appearance of the Area

15. Core Strategy policy CG3 seeks to ensure that development proposals contribute to good urban design, conserve and enhance local distinctiveness and have regard to the overall built character and landscape quality of the area. Furthermore, development should be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local
materials and landscape treatment.
16. The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
17. The garden centre site has good access to Chorley New Road via Overdale Drive yet is semi rural in nature. Dwellings are located approximately 35 metres to the north.
18. The application proposes a single storey building measuring approximately 12 metres by 9 metres. The building would host a flat roof. External materials comprise; Index Roof with dark grey finish, vertical cedar cladding, cedar fascia, Stoneflex debris skirt and aluminium windows. A covered link would provide access to the adjoining shop/payment area.
19. Within the wider site, the location of the building is close to the existing on site parking provision. The building would be accessed via existing footpath networks. The building would occupy an existing hardstanding area.
20. Officers are aware of Members' dislike of timber cladding, however it is considered that this material is more appropriate in this semi isolated rural setting away from the urban area and not affecting an urban street scene.
21. The proposed design, siting, scale and material pallet are considered appropriate for the wider site and are not considered to affect the character and appearance of the surrounding wider area, thus the proposal is considered to comply with Core Strategy policy CG3.

Impact on Residential Amenity
22. Core Strategy policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.
23. The nearest dwellings to the application site are located approximately 35 metres to the north (Maple House and West Lodge). Officers consider that these interface distances are wholly acceptable and long established with regards to the garden centre site, thus the proposal is considered to be in accordance with Core Strategy policy CG4.

Impact on the Local Highway Network
24. Core Strategy policy S 1 seeks to promote road safety in the design of new development. Core Strategy policy P5 seeks to ensure that development is accessible by different types of transport, prioritising pedestrians, cyclists and public transport over the motorised vehicle. Appendix 3 provides guidance on parking standards.
25. The site has good access to Chorley New Road via Overdale Drive. The location of the building is close to the existing on site parking provision. The building would be accessed via existing footpath networks, thus the proposal is considered to be in accordance with Core Strategy policies S1 and P5.

## Conclusion

26. It is considered that the proposal complies with policy as detailed above and Members are therefore recommended to approve the application.

## Representation and Consultation Annex

## Representations

Letters:- None received.

## Consultation

Advice was sought from the following consultees: Bolton Council's Trees and Woodland Manager and Environmental Health.

## Planning History

None relevant to the application.

## Recommendation: Approve subject to conditions

## Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason
Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No demolition, development or stripping of soil shall be started until:

1. The trees and hedgerow within or overhanging the site which are to be retained have been surrounded by fences set out as per the fencing detail on page 21 of the BS5837 (2012) Trees in Relation to Design Demolition and Construction (Fig 3a or 3b - Heras type fencing) and in accordance with approved plan ref: Site Plan with Tree Protective Fencing submitted on 21/3/19.
2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).

Reason
To protect the health and appearance of the tree(s) and in order to comply with Bolton's Core Strategy policies CG1 and CG3.
3. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref: Floor Plan and Elevations, 2731801 S-2, 19.02.19

Reason
For the avoidance of doubt as to what is permitted and in order to comply with Bolton's Core Strategy policy CG3.
4. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Floor Plan and Elevations, 2731801 S-2, 19.02.19
Site Plan, 27318101 S-0, 15.02.19
Location Plan, 27318100 S-0, 15.02.19
Section Details, 2731802 S-0, 15.02.19
Step Details, 2731803 S-0, 15.02.19
Foundation Details and Loadings, 2731805 S-0, 15.02.19

Reason

For the avoidance of doubt and in the interests of proper planning.




Elevations @ 1:75


## Application number 05276/19



## Directorate of Place

## Development Management Section <br> Development Management Section

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## Application Reference:

 05276/19
## Type of Application: Full Planning Application <br> Registration Date: 10/01/2019 <br> Decision Due By: 06/03/2019 <br> Responsible Adam Mustafa <br> Officer:

Location: 3 SANDRAY CLOSE, BOLTON, BL3 4QA
Proposal: RAISING RIDGE HEIGHT OF DWELLING, RECONSTRUCTION OF GARAGE WITH FIRST FLOOR ABOVE, REAR DORMER AND GROUND FLOOR SIDE EXTENSION AND HARD SURFACING OF FRONT DRIVE.

Ward: Heaton and Lostock

## Applicant: Mrs Guzel

Agent: SHWilkinson Architects Ltd

## Officers Report

## Recommendation: Approve subject to conditions

## Proposal

1. This application seeks planning permission for raising the ridge height of dwelling, reconstruction of the garage with a first floor extension above, rear dormer, a ground floor side extension and the hard surfacing of the front drive.
2. The ridge height of the dwelling will be raised from 4.96 metres to 5.66 metres; this is a 0.7 metre increase.
3. The existing garage projects 0.46 metres beyond the main front wall. The proposed garage will be set 0.46 metres behind the front wall and it will be increased in width to 3 metres.
4. There will be a first floor extension above the garage which will feature a gable roof and this will feature a roof light in the front elevation.
5. The rear dormer will be incorporated in the proposed first floor addition over the garage. This will feature a flat roof and it will have a height of 2.06 metres, depth of 5.35 metres and length of 5.75 metres resulting in a volume of 32 cubic metres.
6. The ground floor side extension will project 5.25 metres from the rear of the garage and it will have a width of 3 metres.
7. The proposal will create space for 4 bedrooms and a bathroom on the first floor and an enlarged living space and garage on the ground floor.
8. The front garden will be partly hard surfaced in order to accommodate three vehicles.

## Site Characteristics

9. The application relates to a 3 bedroom detached bungalow property sited on the east side of Sandray Close which is a cul-de-sac. The dwelling is constructed in red brick and features a gable roof. There is an attached side garage and space for a vehicle to park on the front drive. Sandray Close consists of detached bungalow properties which vary in terms of design, for example there are different pitch roof designs and brick and tile colours. Sandray Close slopes down in gradient towards the north/Armadale Road.

## Policy

10. Core Strategy Policies: P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses.
11. SPD House Extensions; SPD General Design Principles
12. National Planning Policy Framework (NPPF)

## Analysis

13. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
14. The main impacts of the proposal are:-

* impact on the character and appearance of the dwelling and the surrounding area
* impact on the amenity of neighbouring residents
* impact on parking

Impact on the Character and Appearance of the Dwelling and the Surrounding Area. -
15. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.
16. SPD House Extensions provides general advice on house extensions and offers guidance relating to the effect of extensions on the appearance of the dwelling itself and the effect of extensions on the street scene and the character and appearance of the area.
17. Paragraph 5.7 of The House Extensions SPD states the increase in the roof height of dwellings may not unduly affect the street scene if there is a difference in levels of existing roof lines. There may also be a change in ground levels along the street, which lead to uniform building heights appearing to step up and down in any event. In this case, due to the change in ground levels along the street the proposed raising of the ridge will not appear as an incongruous feature as the properties already appear stepped above each other. When viewed in the street
scene the proposed new ridge height will be the same height as the adjacent neighbour at No. 5 Sandray Close and therefore it will respect the immediate context and not appear as an inconsistent feature.
18. Paragraph 5.4 of The House Extensions SPD states two storey side extensions that come up to the party boundary with the adjacent property can alter the character of the area by creating a terraced effect. In this case the proposed first floor extension above the garage will be offset 0.75 metres from the side boundary and maintain a total distance of almost 1.9 metres to the side wall of the neighbour at No. 5 and this is considered a sufficient distance to maintain a clear visible gap between the two dwellings. Further to this the proposed first floor addition will have a facing gable roof and this is a visibly different design from the neighbour at No. 5 which features a non-symmetrical sloping roof and therefore this difference in roof design will also negate any chances of the two properties appearing terraced.
19. No. 9 Sandray Close features a hipped roof constructed over their garage and when viewed in the street scene this appears as a similar design to the applicant's proposal albeit the applicant's proposal features a gable roof and therefore the proposal is seen to respect the context. Sandray Close is characterised by dwellings with varying roof designs and therefore the proposed roof addition is not considered an incongruous feature in the street scene and therefore is acceptable. Paragraph 3.8 of The House Extensions SPD states pitched roofs are the most suitable for extensions especially if they are visible from the street, the proposed first floor addition will feature a pitched roof and therefore is acceptable.
20. The proposed garage will be set back behind the main front wall and the ground floor side extension to the rear of the garage will retain outdoor amenity space and is therefore considered an acceptable scale.
21. Paragraph 3.9 of The House Extensions SPD states one way of creating additional usable space within a dwelling is to convert the roof space into extra bedrooms or facilities such as bathrooms and studies. This usually involves providing a dormer structure and window as a means of providing necessary room height, light and ventilation to the room therefore the applicant's proposal is considered acceptable.
22. Paragraph 3.12 of The House Extensions SPD states design and materials to be used for dormers should fit in with those of the existing property. The face and cheeks of the new dormer should, where possible, match in colour and texture the materials of the existing roof. In this case the applicant's proposed dormer will be clad in matching tiles.
23. Paragraph 5.9 of The House Extensions SPD states because of their impact on the street scene, dormers are more likely to be acceptable on rear and less important elevations of the dwelling. In this case the dormer is proposed on the rear elevation of the dwelling. The proposed dormer will not face a highway nor is it considered that it will be prominent in the wider street scene and therefore is acceptable.
24. Paragraph 5.9 of The House Extensions SPD states in design terms the scale of a proposed dormer should always be a subordinate feature within the roof plane. The proposed dormer sits well within the confines of the roof, it is set below the ridge, set above the eaves line and not full width; it is therefore considered an acceptable scale. The proposed dormer will have a volume of 32 cubic metres and this is considered an acceptable size as a dormer on a detached property with a maximum volume of 50 cubic metres could be constructed without planning consent using permitted development rights. In this case the applicant could construct a 50 cubic metre dormer in the side elevation of the dwelling and this would be considerably more detrimental to visual
amenity in the street scene than the applicant's current proposal.
25. Paragraph 5.10 of The House Extensions SPD states applicants are encouraged to incorporate a pitched roof design where appropriate. It is considered a flat roof dormer is an appropriate design in this instance as it is required to provide additional living space and therefore is acceptable.
26. Paragraph 5.12 of The House Extensions SPD states dormers that project above the existing or proposed ridge line of the dwelling look very prominent in the street scene and tend to unbalance the appearance and as such they are unlikely to be acceptable. In this case the proposed dormer will be set almost 0.4 metres below the ridge line and therefore is acceptable.
27. It is considered that the proposed extension would not have a detrimental visual impact on the character and appearance of the surrounding street scene. The design and materials are compatible with the existing dwelling and surrounding street scene and access will remain to the rear of the property for the storage of bins on non-collection days. It is therefore considered that the proposed extension complies with Policy CG3 of the Core Strategy and SPD House Extensions in respect of its design and appearance.

## Impact on the Amenity of Neighbouring Residents

28. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.
29. SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on neighbouring properties, particularly in relation to natural light, privacy and overlooking.
30. The proposed raised ridge height of the dwelling is not considered to impact upon the adjacent neighbour at No. 1 Sandray as this neighbour's main side gable wall is approximately 5 metres away and this distance will mitigate any overbearing impacts.
31. Although the applicant is proposing to erect a ground and first floor side extension these are not considered to impact upon the adjacent neighbour at No. 5 Sandray as there are no main room windows in their side elevation. The side elevation of No. 5 facing the proposed development features obscure windows serving their kitchen and W.C. and therefore the proposed extensions will not impact upon outlook.
32. To the east of the site is 4 Winsford Grove and this dwelling features two large windows in the rear elevation as well as a rear conservatory extension. One window serves a kitchen/diner and the other serves a bedroom. There is a distance of 21 metres from the rear elevation of No. 4 to the rear elevation of the application dwelling and therefore the proposed rear windows are not considered to lead to an unacceptable level of undue overlooking or loss of privacy due to maintaining the recommended interface distance as outlined in paragraph 4.7 of The House Extensions SPD.
33. The proposed first floor front elevation bedroom window will not directly face any main room windows and will be sited over 27 metres away from the neighbour's gardens across the road and therefore no issues of undue overlooking are anticipated from here.
34. It is therefore considered that the proposal will not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

## Impact on Parking

## 35. Policy P5 of the Core Strategy and SPD House Extensions

36. The proposed extension will convert the property to a 4-bedroom dwelling; therefore three off-road parking spaces would be required to be accommodated within the site to comply with the Council's residential parking standards for this level of development. The front garden will feature an increased area of hardstanding to allow for three vehicles to park on site. A further vehicle can park within the proposed garage. As four vehicles can park on site it is not considered there will be any impacts upon parking.

## Local finance considerations

37. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. There are not considered to be any local financial considerations in this case.

## Conclusion

38. For the reasons discussed above it is considered that the proposed extension would not harm the character and appearance of the existing dwelling or street scene and would not unduly harm the amenity of any neighbouring residents.
39. Members are therefore recommended to approve this application.

## Representation and Consultation Annex

## Representations

Letters:- 4 objection letters have been received from neighbouring properties on the following grounds:

* Proposal not in keeping with area/ overdevelopment of site/ too tall - (officer response - see analysis above. Amended plans were submitted which altered the design and reduced the scale of the proposal)
* Impacts upon privacy - (officer response - see analysis above)
* Loss of light - (officer response - see analysis above)
* Will spoil view from neighbouring dwellings - (officer response - not a material planning consideration)
* Reduction in value of surrounding dwellings - (officer response - not a material planning consideration)

4 support letters have been received from neighbouring properties on the following grounds:
Amended plans are -

* In keeping with street scene and very similar to no. 9 Sandray Close.
* No loss of light anticipated
* No loss of privacy anticipated
* Proposal will improve the look of the close

Petitions:- None
Elected Members:- Councillor Morgan has requested that the application be brought before Committee if the officer recommendation is to approve.

## Consultations

None

## Planning History

None

## Recommendation: Approve subject to conditions

## Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason
Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Before the approved/permitted development is first brought into use no less than 3 car parking spaces with minimum dimensions of 2.5 metres by 5 metres shall be provided within the curtilage of the site, in accordance with approved plan (drawing ref 101A Proposed Site Plan). Such spaces shall be made available for the parking of cars at all times the premises are in use.

To ensure that adequate provision is made for vehicles to be left clear of the highway and in order to comply with Bolton's Core Strategy policies S1, P5 and Appendix 3.
3. Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced and drained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

## Reason

To encourage drivers to make use of the parking and circulation area(s) provided and in order to comply with Core Strategy policies S1 and P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.
4. The external surfaces of the extension hereby permitted shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter.

## Reason

To ensure the development fits in visually with the existing building and safeguards the character and visual appearance of the locality and in order to comply with Core Strategy policy CG3.
5. The dormer front and cheeks shall be clad in materials similar to the existing roof.

## Reason

To ensure the development safeguards the visual appearance of the building and in order to comply with Core Strategy policy CG3.
6. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

110 Proposed Front Elevation (sent to LPA on 21.03.19)
111 Proposed Rear Elevation (sent to LPA on 21.03.19)
101A Proposed Site Plan
114 Street Elevation
103 Proposed Ground Floor (sent to LPA on 04.03.19)
104 Proposed First Floor (sent to LPA on 04.03.19)
105 Proposed Roof Plan (sent to LPA on 04.03.19)
112 Proposed Side Elevation (sent to LPA on 04.03.19)
113 Proposed Side Elevation (sent to LPA on 04.03.19)
Reason
For the avoidance of doubt and in the interests of proper planning.


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## Application number 05443/19



## Application Reference: <br> 05443/19

## Type of Application: Local Authority Applications\Development <br> Registration Date: 05/02/2019 <br> Decision Due By: 01/04/2019 <br> Responsible Beth Bradburn <br> Officer:

Location: HULTON LANE PLAYING FIELDS, EDGE HILL ROAD, BOLTON
Proposal: ERECTION OF 2.1M HIGH STEEL RAILING FENCE AND GATES TO CHANGING \& TOILET FACILITIES

Ward:
Hulton

## Applicant: Department of Place

Agent: Landscape Development \& Design,

## Officers Report

## Recommendation: Approve subject to conditions

## Proposal

1. This application seeks permission for the erection of steel railing fencing around the perimeter of the changing and toilet facilities which would abut the hard surfacing. The toilet and changing facilities are part of an approved application (91194/13) which included a play area, MUGA (multi-use games area), footpaths, access track and car park.
2. To the north and west of the site the existing railings will be removed and re-used, and additional steel fencing would be installed. A pedestrian gate would be installed near the toilets and double gates for both vehicles and pedestrians would be installed to the front of the changing rooms. The steel railing fencing would be 2.1 metre in height. The bottom rail would be set 75 mm above the finished ground levels. The railings would be treated in galvanised and polyester powder and coloured RAL 9005 Jet Black.
3. In order to install the railings, one car bay will be removed. The three disabled car parking spaces closest to the proposal will be retained, however the location of one bay will moved away from the proposed fence.
4. No objections have been received nor have any concerns been raised by statutory consultees, however the Council's Constitution currently requires that all Council applications be presented to Planning Committee.

## Site Characteristics

5. The application site comprises of part of Hulton Lane Playing Fields off Edge Hill Lane, the application site is to the north of the car park. To the east of the application site is a playing field and play area and to the south east of the site are residential properties.

## Policy

6. Core Strategy Policies: RA1 Inner Bolton, CG3 Built Environment; CG4 Compatible uses; P5 Accessibility; S1 Safe
7. Core Strategy Objectives: SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety
8. Supplementary Planning Documents: SPD General Design Principles; SPD Accessibility
9. National Planning Policy Framework 2019 - Building a strong and competitive economy, Promoting healthy communities

## Analysis

10. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
11. The main impacts of the proposal are:-

* impact on the character and appearance of the area
* impact on the amenity of neighbouring residents
* impact on the highway
* impact on security
* impact on drainage
* other matters


## Impact on the Character and Appearance of the Area

12. Section 12 of the NPPF recognises that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime and do not undermine quality of life or community cohesion.
13. Policy CG3 of the Core Strategy states that the Council will expect development proposals to contribute to good urban design, conserve and enhance local distinctiveness and be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.
14. The proposed railings are entirely typical of fencing that is erected on sites such as playgrounds, playing fields and schools for security reasons and is considered to be an appropriate height and style.
15. Due to the location of the proposed fencing close to the existing structures which will abut the hard standing, the proposal would not be considered to appear as an incongruous feature within its setting nor would harm the appearance or character of the wider area.
16. For the reasons discussed above, it is considered that the proposed steel railing fencing would be suitable within its setting and is necessary to the security and management of the changing rooms and toilet facilities for Hulton Lane Playing fields. The development is therefore compliant with Policies CG3 and RA1 of Bolton's Core Strategy.

## Impact on the Amenity of Neighbouring Residents

17. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. SPD General Design Principles sets out the Council's recommended interface distances between dwellings.
18. The fencing would only be partially visible from "The Bungalow" on Edge Hill Road and would have no impact onto the amenity of any neighbouring residential properties, the development is therefore compliant with policy CG4 of Bolton's Core Strategy.

## Impact on the Highway

19. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3), and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 states that the Council will promote road safety in the design of new development.
20. The Council's Highways Engineers have been consulted and consider that the proposed development would not jeopardise highway safety, compliant with Policies P5 and S1.2 of Bolton's Core Strategy.

## Impact on Security

21. Policy S1 of the Core Strategy states that the Council will aim to ensure that the design of new development will take into account the need to reduce crime and the fear of crime.
22. Paragraph 91 of the NPPF also states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas
23. Greater Manchester Police, Design for Security were consulted and have no objection to the proposed application.

## Impact on Drainage

24. Policy CG1 states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.
25. The application site lies adjacent to a SUDs drainage system and swale. The Council's Drainage Officers were consulted and noted that public sewers and a culverted watercourse lies immediately to the east of the fencing location and therefore precautionary measures should be taken to ascertain where these assets are to avoid damage and potential flooding.
26. An advisory note will therefore be attached to the decision, should the application be approved, regarding the management of land containing watercourses. The proposal is considered to be compliant with Policy CG1 of the Core Strategy.

## Conclusion

27. The proposed development is considered to comply with all national and local policies, would not harm the appearance of the site or the wider area and is necessary to the security and management of the facilities Hulton Lane Playing Fields.
28. Members are therefore recommended to approve this application subject to the necessary conditions.

## Representation and Consultation Annex

## Representations

Letters:- None
Elected Members:- None.

## Consultations

Advice was sought from the following consultees: The Council's Highways Engineers, Design for Security GM Police and Flood Risk.

## Planning History

An application was approved for a proposed play area, MUGA (multi-use games area), footpaths, access track, car park and changing rooms under the application reference 91194/13

## Recommendation: Approve subject to conditions

## Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason
Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The fence hereby approved shall be coloured Jet Black (RAL 9005) within 30 days of its installation. The fencing shall remain so coloured thereafter.

## Reason

To ensure the development safeguards the character and visual appearance of the locality and in order to comply with Core Strategy policy CG3.
3. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Base Plan, Drawing no. 2975/001, Dated Feb 2019
Site Location, Drawing no. 2975/002, Dated Feb 2019
Site Layout, Drawing no. 2975/003, Dated Feb 2019
Fence Detail, Drawing no. 2975/004, Dated Jan 2019
Reason
For the avoidance of doubt and in the interests of proper planning.





## Application number 04395/18



Directorate of Place Development Management Section

Town Hall, Bolton, Lancashire, BL1 1RU Telephone (01204) 333333

Application Reference: 04395/18
Type of Application: Full Planning Application
Registration Date: 06/09/2018
Decision Due By: 31/10/2018
Responsible Alex Allen
Officer:

Location: 96, 106 \& PADDOCK, CHORLEY ROAD, WESTHOUGHTON, BOLTON

Proposal: RETENTION OF RETAINING WALL AND ADDITIONAL LANDSCAPING AND BOUNDARY TREATMENTS TO PREVIOUSLY APPROVED APPLICATION 97531/16

Ward: Westhoughton North

Applicant: Oaktree (Construction, Design and Management) Ltd Agent : PAB Architects Ltd

## Officers Report

| Recommendation: | Approve the application subject to conditions and <br> authorise the Director of Place and Borough Solicitor to |
| :--- | :--- |
| complete all the necessary legal formalities in |  |
| consultation with the Chair of Planning Committee. |  |

## Proposal

1. The current application proposes the following:

- Retention of a retaining wall which provides a support for the existing rear curtilages of Plots 7 to 12;
- Provision of a gated access to the approved / implemented development including stone clad wall;
- Provision of a 2 metre wide strip of landscaping along the whole northern (field) side of the wall to soften the impact of the retaining wall.


## Site Characteristics

2. The application site relates to a residential development site which was granted planning permission in 2016 by Planning Committee subject to conditions. The development comprises of 12 large detached properties with a private access road with ancillary landscaping. The site is adjoined by residential properties to the south, east and west. Open fields lie to the north.

## Policy

3. Core Strategy policy: CG1 Cleaner Greener, CG3 The Built Environment, CG4 Compatible Uses and OA3 Westhoughton.
4. General Design Principles Supplementary Planning Document.
5. National Planning Policy Framework.

## Analysis

6. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
7. The main impacts of the proposal are:-

* impact on the character and appearance of the area;
* impact on the living conditions of adjoining occupiers;
* impact on biodiversity/ecology.


## Impact on the character and appearance of the area

8. Core Strategy CG1.1 seeks to safeguard and enhance rural areas of the borough from development which would adversely affect biodiversity including trees and woodland. In addition, Core Strategy policy CG3 seeks to ensure development is compatible with the surrounding area in terms of scale. massing, local materials and landscape treatment. Core Strategy policy OA3.7 also seeks to conserve and enhance the character of the existing physical environment.
9. There are two elements of the proposal to consider: (i) retention of the retaining wall and (ii) provision of access gates and wall to the site entrance. Each matter will be considered in turn.

## Retention of the retaining wall

10. As detailed above the development is nearing completion. The retaining wall has been in place since the early stages of development which has enabled the increase in levels within the northern part of the site. The levels as constructed on site have been approved by the case officer. The applicant agreed at this stage to soften any retaining feature by substantial landscaping which would need to be secured and maintained. Planning officers stated that the retaining wall would not be appropriate boundary treatment on its own as it was considered to be out of character with this urban fringe location.
11. At a later stage the applicant was asked to submit a formal application to regularise the retaining wall as it was determined the wall required planning permission in its own right.
12. The applicant subsequently submitted this application in August 2018 and discussions between the applicant and the Planning officer have been ongoing since then to reach a suitable solution. The applicant has agreed in principle to purchase a 2 metre strip of land from the adjoining land owner to enable them to implement the proposal. The ownership of the land is to be secured by the applicant.
13. The principle of the landscaping scheme has been agreed with the Council's Landscape team and they have provided comments that minor amendments are required to achieve appropriate mitigation to soften the impact of the retaining wall. An amended landscaping scheme is awaited as is a management / maintenance arrangement for any landscaping which is planned.
14. Subject to an amended scheme being provided and sufficient maintenance provision for the landscaping, it is considered that overtime the proposal would successfully soften the retaining wall assisting the development to blend in with the surrounding character of the area. An update will be provided to Members by way of the Supplementary Information List on the amendments achieved.
15. However, given the delays in submission of the application and progress to reach a suitable solution, Officers consider a time limit should be given to the developer to purchase the land required for the additional landscaping. To this effect if Members are minded to go with the Officers recommendation it is suggested that if the applicant has not purchased the land by mid May then the application would be either refused under delegated powers or taken back for consideration at the May 30th Planning Committee meeting again recommended for refusal. If the application is subsequently refused permission then Officers would seek to serve an Enforcement Notice on the applicant for removal of the retaining wall.

## Provision of access gates and wall

16. Whilst the access gates and wall were not shown on the plans previously approved by Members it is considered that they would not be out of character with the surrounding area. The new dwellings including drainage, roads and lighting would be privately maintained by the homeowners via a management company. The proposed materials of the wall would be the same stone material used in the construction of the houses.
17. It is considered that both elements subject to implementation of landscaping would comply with policy.

Impact on the living conditions of adjoining occupiers
18. Core Strategy policy CG4 seeks to ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. The resident who directly adjoins the development at 108 Chorley Road has raised concerns over the proximity if the gates and wall to his property, in particular his bedroom. He is concerned regarding the noise and disturbance of people using the gates close to his house. In addition, concerns remain over headlights from cars shining into his habitable room windows when cars turn into the new / enhanced vehicular access.
19. The specification of the gates has been received from the developer. The Council's Pollution Control officers have assessed the information and consider that the operation of the gates and intercom would not result in significant disturbance to adjoining existing/future owner/ occupiers. In addition, the location of the vehicular access to the approved development was approved by Members previously. Due to the nature of the development the number of houses served off the road has increased. It is likely that if the occupier of No. 108 does not have curtains or blinds which are used then lights from vehicles would momentarily shine through the windows of the house. However, there is nothing within the proposed changes to the site which would result in this issue being made worse nor is it any different than houses which occupy locations on housing estates in general where lights will occasionally shine through people's windows.
20. The proposed changes would not impact on adjoining owner/occupier privacy.
21. It is considered that the proposed changes would not have a detrimental impact on the living conditions of adjoining owner/occupiers and is thus compliant with Core Strategy policy CG4.

## Impact on biodiversity/ecology

22. Core Strategy policy CG1.1 and CG1.2 seeks to safeguard and enhance biodiversity in rural and urban areas including trees, woodland and hedgerows.
23. During the construction of the site a number of trees have been lost (for a variety of reasons) along the northern edge of the site. The proposed landscaping scheme would provide both mitigation to screen the retaining wall and would also provide mitigation for the loss of these trees. Subject to minor changes to the submitted scheme, the proposal would provide both a new hedge line along the northern edge of the wall together with tree planting. This would also complemented by planting within the site.
24. Therefore, on balance, it is considered that the proposed landscaping scheme has the benefit of mitigating trees lost and providing an effective soft edge to the development which would overtime be a benefit to ecology/biodiversity.
25. At the time the original application was considered by Planning Committee concerns were raised over ecology and the use of the former paddock as a wildlife corridor. The creation of a residential development on the site provides a minor infill into the surrounding residential area and provides an edge to development which wildlife such as deer would find difficult to breach. Officers do not consider that the retaining wall has any detrimental impact on wildlife or movement of wildlife in the local than the previously approved residential development would have had.
26. The proposal would comply with CS policy CG1.

## Conclusion

27. Officers consider that subject to the provision of landscaping along the northern edge of the retaining wall the appearance of the wall can be successfully mitigated against together with providing replacement trees and hedgeline which will have a positive impact on the ecological value of the site. The proposed wall/gates would not have a detrimental impact on the living conditions of the adjoining owner/occupier and nor would they have a harmful impact on the character of the area.
28. Officers recommendation is to delegate the decision to the Director of Place pending successful purchase of the 2 metre strip of land to the north of the main development site. Officers consider that it is necessary to provide the applicant with a strict deadline to secure the land (mid May 2019). The landscaping itself would need to be planted in the next planting season which is around November 2019.

## Representation and Consultation Annex

## Representations

Letters:- objection letters have been received from 2 local residents raising the following concerns:

- Concerns over land ownership - the wall/gates are considered to be in the ownership of the applicant. There are outstanding ownership disputes between the applicant and the adjacent land owner. This is a civil matter.
- Lack of privacy - see report.
- Private gate was not shown on the original plans - correct - this does not prevent the applicant from applying to vary the plans.
- Gates are a marketing tool - potentially but not a planning matter in itself.
- The gates/wall are close to the boundary with No. 108 Chorley Road and are likely to result in increased disturbance when in operation - see Impact on living conditions section of this report;
- Retaining wall is incongruous and is a barrier to wildlife - see Impact on biodiversity section of this report.
- Levels for No. 21 Ploughfields - these have been successfully addressed under a variation of condition application for amended levels. The approved revised levels have been fully implemented on site.
- Fenceline with No. 19 Ploughfields is unclear.

Petitions:- no petitions received.
Town Council:- no comments received.
Elected Members:- Cllrs Wild and Kirk-Robinson have requested that the application be considered by Planning Committee.

## Consultations

Advice was sought from the following consultees: Westhoughton Town Council, Council's Trees and Woodland officer, Pollution Control officers and Landscape Architects.

## Planning History

Demolition of 106 Chorley road \& erection of 12 no. residential dwellings (5 bed) together with associated parking and landscaping approved with conditions in February 2017 by Planning Committee (Ref:97531/16).

Various condition discharge planning applications.

## Recommendation: Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.

## Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason
Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Trees and shrubs shall be planted on the site in accordance with the approved landscape scheme in the next available planting season and by no later than December 2019. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason
To reflect and soften the setting of the development within the landscape and in order to comply with Core Strategy policies CG1,CG3 and OA3.
3. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Drawing No. 1718-BR-03 Rev. N - Proposed Site Plan - dated 14/03/19;
Drawing No. 1718-BR-500 Rev. E - Site Sections A-A, B-B, C-C, dated 14/03/19;
Drawing No. 05 Rev. J-Planting Plan, dated October 2017.
Drawing No. 06 Rev. F - Boundary Treatment Plan dated July 2018;
Drawing No. 1718-BR-602 Rev. B - Retaining wall elevation, entrance gates, wall and fences, dated 14/03/19.

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














