

Planning Applications Report

**Planning Committee
23rd March 2023**

**Bolton
Council**

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

Application Number 09059/20

Directorate of Place
Development Management Section

Town Hall, Bolton, Lancashire, BL1 1RU
Telephone (01204) 333 333



Bolton
Council

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0100019389



Date of Meeting: 23 March 2023

Application Reference: 09059/20

Type Of Application
Registration Date
Decision Due Date
Responsible Officer
Authorising Officer

Full Planning Permission
10 August 2020
23 March 2023
John Dupre

Location

77-79 CHURCH STREET BLACKROD BOLTON BL6 5EE

Proposal

DEMOLITION OF EXISTING GROUND FLOOR REAR EXTENSION AND ERECTION OF NEW PART SINGLE PART TWO STOREY REAR EXTENSION. ALTERATIONS TO FENESTRATION ON EXISTING FRONT, SIDE AND REAR ELEVATIONS TOGETHER WITH CHANGE OF USE OF FIRST FLOOR TO PROVIDE 2NO. SELF-CONTAINED FLATS WITH SEPARATE AMENITY SPACE TO REAR.

Ward

Horwich And Blackrod

Applicant: Mr S Patel

Agent: Mr S Musa

OFFICER'S REPORT

Recommendation: Approve subject to conditions

Executive Summary

- The proposal is for the creation of 2no. residential apartments above an existing retail unit.
- Also proposed is a part single part two storey rear extension to accommodate additional retail space for the existing ground floor units and a stair well to allow access to the apartments above.
- The rear extensions are subordinate to the main building and will not have an undue impact on the character and appearance of the building.
- The apartments meet the Nationally Described Space Standard and are considered to provide future occupiers with an acceptable level of amenity.
- The proposal will not have an undue impact on neighbouring amenity or privacy.
- No parking is proposed however the application site is accessible by public transport.
- No objections have been received from any consultees including Highways.
- A total of 13 objections have been received from neighbouring residents.
- Officers recommend approval subject to conditions.

Background

1. The application originally included a proposal for the change of use of part of the existing ground floor from retail to residential to form 1no. self-contained ground floor apartment as well as a balcony area at the first-floor rear. However, on the advice of officers, these elements have been removed from the proposal and the ground floor is now proposed to be retained as retail space. The description of development has been amended to reflect this change and neighbours have been reconsulted on the amended proposal.

Proposal

2. The proposal is for the change of use of first floor from vacant retail to provide 2no. self-contained flats with separate ground floor amenity space to rear.
3. Also proposed is the demolition of existing ground floor rear extension and erection of a new part single part two storey rear extension and alterations to fenestration on existing front, side, and rear elevations.
4. A bin storage area is proposed at the rear. No parking is proposed.
5. No changes are proposed to the operation of the existing retail floor space and associated rear storage units.

Site Characteristics

6. The application site is located on the main road through the centre of Blackrod and relates of an existing two-storey end terrace building (Nos. 77 & 79 Church Street). The building has a large, two storey outrigger with a hipped roof that extends approx. 9.5m from the rear elevation of the original building.
7. The ground floor of the building is occupied by retail units with storage and welfare areas at the rear. According to the submitted plans, the first floor consists of a single unoccupied space with no interior dividing walls. No internal site inspection has been undertaken to confirm this layout however the applicant has stated that the first floor is currently unoccupied.
8. The building currently has 3no. high levels windows formed of glass bricks at the ground floor on the western elevation, facing 73 Church Street. There are currently no windows on this elevation at first floor.
9. The site is bounded to the east by 81 Church Street and to the west by the driveway at 73 Church Street. To the rear of the building is a narrow area of amenity space beyond which are three storage units and a yard area. Immediately to the north of this is a small area of open space. Access to this area is via a narrow alleyway between 85 and 87 Church Street, due eastwards of the site.
10. The immediate surrounding area is predominately residential. The site is undesignated however falls within Core Strategy Area OA1 Horwich and Blackwood.

Policy

11. The Development Plan

Core Strategy:

OA1 Horwich and Blackrod; CG1 Cleaner and Greener; CG2 Sustainable Design and Construction; CG3 Built Environment; CG4 Compatible Uses; S1 Safe Bolton; SC1 Housing; P3 Retail and Leisure; P5 Accessibility and Appendix 3 - Parking Standards.

Blackrod Neighbourhood Development Plan (BNDP) 2018 - 2033

12. Other material considerations

National Planning Policy Framework (NPPF).

SPD General Design Principles
SPD Accessibility, Transport and Road Safety
SPD House extensions (principle)

Technical housing standards – nationally described space standard (NDSS) – March 2015

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:
- * principle of development
 - * impact on the character and appearance of the building and the surrounding area
 - * impact on the amenity of existing residents and future occupiers
 - * impact on highway safety
 - * other matters

Principle of the development

15. It is acknowledged that the Council is not able to demonstrate a 5-year supply of deliverable housing sites (currently the Council is able to demonstrate a 3.9-year supply). This represents a housing shortfall. In this circumstance, paragraph 11d of the NPPF indicates that the policies that are most important for determining the application should be regarded as out-of-date and that permission should be granted unless:
- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. Policy H1 of the BNDP 2018 – 2033 states [amongst other things] that development will be supported for a target of 215 new homes built within the Plan Area of Blackrod in the Plan period, new residential development should be designed to meet local needs, and that new housing development proposals will only be supported where they are located on previously developed land, or are within existing residential built up areas of Blackrod, or represent a re-use of redundant or disused building(s) and lead to an enhancement to their immediate setting, and respond to an identified local need.
17. Policy H2 states that housing development should provide for a mix of housing types and sizes, taking account of local needs.
18. In principle, it is considered that change of use of the first floor of the retail unit to provide 2no. residential apartments is acceptable, provided that the development accords with the relevant

policies within the Framework and the Development Plan as a whole, as discussed in further detail below.

Impact on character and appearance of the surrounding area

19. Core Strategy policy CG3.1 states that the council expects development proposals to display innovative, sustainable designs that contribute to good urban design.
20. Core Strategy policies CG3.2 and CG3.3 require proposals to respect and enhance local distinctiveness, being compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape details, including hard/soft landscaping and boundary treatment.
21. Policy OA1 of the Core Strategy and SPD House Extensions seek [among other things] to ensure that the development does not adversely affect the character and appearance of the existing building or the surrounding area.
22. Policy DES1 of the BNDP states that all new developments, extensions and alterations to existing buildings should demonstrate good quality design and respect the character and appearance of the surrounding area.
23. The proposed single storey rear extension is in two parts. The first part, adjacent to the boundary with 73 Church Road, is approx. 3.6m in length; 7.6m in width with a flat roof approx. 2.9m in height. This part of the extension will replace an existing 'lean to' extension. The second part, adjacent to the boundary with 81a Church Road, is approx. 4.5m in length; 4.7m in width with a flat roof approx. 2.9m in height.
24. A further two storey section is proposed to the side of the existing two storey rear outrigger. This will project approx. 3.8m from the rear elevation of the existing building with a flat roof in line with the existing eaves. The extension will then slope down to accommodate a stair well that will provide access to the first floor.
25. The rear extensions are subordinate to the existing building and materials will match existing. Located at the rear of the building, they will not have an undue impact on the character or appearance of the existing building or the street scene.
26. The proposed alterations to fenestration are minor in nature and will also not adversely impact on upon the character and appearance of the existing building.
27. An area of outdoor of outdoor amenity space is proposed to the north of the yard / storage units. This should have a positive impact on the appearance the of the site, facilitating new landscaping on site, which can be secured by a recommended landscaping condition.
28. Subject to conditions, it is considered that the proposal accords with Policies CG3 & OA1 of the Core Strategy, Policy DES1 of the BNDP.

Impact on neighbouring residential amenity

29. Policy CG4 of the Core Strategy and SPD states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security and should not generate unacceptable nuisance, odours, fumes, noise or light pollution.

Existing residents

30. The application includes a proposal to change the use of the first floor of the building from vacant retail space to 2no. self-contained 1-bedroom apartments. A part single, part two storey rear extension is proposed at the rear to provide additional retail space at the ground floor and a staircase to provide access to the first-floor apartments.

81a Church St

31. The extension will extend at single storey for 4.5m along the boundary with 81a Church Street and will be bounded by an existing conservatory at that neighbouring property. Given that it bounds a conservatory, it will not infringe on a line drawn at 45 degrees from any ground floor main windows at that property, with north-facing and roof windows of the conservatory being largely unaffected by the proposal. As such, this extension would not adversely impact No.81a in terms of visual bulk or overshadowing.

32. The two-storey section of the extension will be set away from the boundary with No.81a by 3.2m and will have no windows in the side elevation facing this property. In this regard, it is not considered that this section of the extension will adversely impact the amenity of No.81a in respect of visual bulk, overshadowing, or visual privacy.

73 Church Street

33. The extension will extend at single storey for 3.5m along the boundary with 73 Church Street and will replace an existing extension of a similar scale and siting. As such the extension will have no additional adverse impact on this neighbouring property in terms of visual bulk and overshadowing.

34. 2no. first floor obscure glazed windows are proposed in the side elevation of the existing building facing 73 Church Street. A condition is recommended to ensure these are obscure glazed and non-openable below 1.7m (above finished floor level). Subject to this condition, the proposed windows will not have any adverse impact on privacy to this neighbouring property.

35. The proposed extensions and internal works are minor in scale. No changes in use or operations are proposed to the existing retail units. Therefore, it is not anticipated that the proposed development will give rise to ongoing issues in relation to noise and disturbance. Although there will be some noise and disturbance during the construction period this will be temporary in nature and is not expected to have an undue impact on neighbouring amenity.

36. Accordingly, it is not considered that the proposal will have an undue impact on any other neighbouring dwelling.

Future occupiers

37. The application includes a proposal to change the use of the first floor of the building from vacant retail space to 2no. self-contained 1-bedroom apartments. The floor area of the apartments are as follows:

- Flat 1 (First Floor Front) - 44sqm
- Flat 2 (First Floor Rear) - 38sqm

38. The Nationally Described Space Standard (NDSS) sets out the minimum gross internal floor area for new dwellings. The minimum gross internal floor area for a 1-bedroom 1-person dwelling with a shower unit is 37sqm. In this regard the proposal meets the minimum space standards for 1-bedroom 1-person apartments as set out by the NDSS.
39. The main aspect of each apartment will be to the front and rear respectively. Although the bedroom and kitchen / living areas will be quite narrow, it is considered that they will provide adequate amenity and outlook for future occupiers.
40. On the advice of officers, a separate outdoor amenity area has been provided at the north end of the site, adjacent to the yard area and storage units. No landscaping detail has been provided for this area; however, it is considered that this can be secured by condition.
41. A bin storage area is proposed at the rear and will be accessible to both apartments.
42. Subject to the aforementioned conditions, it is considered that the proposed accords with Policy CG4 of the Core Strategy and SPD House Extensions.

Impact on the highway network

43. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility, servicing arrangements and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.
44. The proposal does not include any parking provision. Vehicular access to the apartments will be via an existing, narrow alleyway located between 85 and 87 Church Road. Although this is not as wide as a newly installed access road for a new development, it is clearly navigable and indeed is being used by the neighbouring dwellings. It also already serves as the vehicular access to the rear of the retail units and the associated storage units to the rear of the site. Any rights of access over the land are a private matter between the landowners and not a material planning consideration.
45. In respect of parking impacts, Council's Highways Engineer has been consulted and has noted that the site is located on a bus route within Blackrod Town Centre and close to amenities and is therefore in a sustainable location. Furthermore, they note that on-street parking is available in the wider area. On this basis they have raised no objection to the proposal on highways grounds.
46. No cycle store has been proposed on site. Taking into account the lack of parking and the need to promote sustainable forms of transport, a condition has been added to secure this.
47. Subject to condition it considered that the proposal accords with Policy P5 and S1 of the Core Strategy in respect of highways safety.

Other Matters

Bin Collection

48. A bin storage area is proposed at the rear of the property. The Council's Waste and Recycling team has been consulted and has advised that in order for bins to be collected, they will need to be left on Church Road. To avoid this having an undue impact on the outlook of neighbouring dwellings or obstructing the highway, the applicant has advised that they will either be left at the

front of the retail unit or collected privately from the rear. This arrangement is considered acceptable and would not give rise to adverse impacts on the visual amenity of the locality.

Design for Security

49. Greater Manchester Police's Design for Security Consultant has been consulted and has raised concerns about the entrance at the rear and the lack of natural surveillance. Should the application be approved, they have recommended that a condition be imposed requiring a scheme of crime prevention measures to be implemented prior to first occupation. Subject to this condition, it is considered that the development would provide future occupants with an adequate level of security.

Conclusion

50. For the reasons discussed about it is considered that the proposal accords with Bolton's Development Plan and the NPPF.
51. Members are therefore recommended to support the application.

Representation and Consultation Annex

Representations

Letters: A total of 13 objections were received to the application based on the amended plans. The reason for the objections were as follows:

- Insufficient plans in reference to property boundary
(Officer comment – a site location plan with red line boundary has been provided and the applicant has filled our Certificate A of the application form. This meets the council's requirements for application validation. Any dispute over private land ownership or rights of access would be a civil matter between the relevant parties and are not a material planning consideration)
- Incorrect application form
(Officer comment – the correct application form has been submitted. The agent has also agreed the change to the description of development to reflect the amended plans)
- Extension would dominate and block light to neighbouring properties
- Noise and disturbance from the property
- Ongoing issues with existing uses at the site
- Overdevelopment of the site
- Privacy impacts
- Balcony would overlook properties and gardens
- Fire safety issues
- Lack of parking
- Traffic and congestion impacts
- Security and safety
- Lack of space for bin storage
- Restricted access over privately owned land
- Impacts on foul sewage connection.
- Development does not accord with Neighbourhood Plan
- Impact during construction
(Officer comment: Where material planning matters have been raised and no comment as been made these matters have been discussed in the report).

Town Council: Blackrod Town Council has objected to the proposal. The reasons for the objection are as follows:

- Neighbours raised many concerns in relation to the planning application, including over development & restricted access.
- Councillors also repeated many concerns in relation to the planning application including:
 - o That the comments made by Highways appear to be irresponsible
 - o Although requested by Planning no plans have been submitted for the foul sewage connection which they have stated as N/A
 - o There will be no adequate parking facilities as depicted by Bolton's Policy.
 - o The land that they currently park on is private property not owned by the address.
 - o According to the parking policy the application suggests that with all the extra rooms there should be parking for 4 cars – no arrangements have been made on this application and parking in this area is already a problem.
 - o The area is already congested with extremely limited access at the rear any further development would be a considerable over development.
 - o The neighbourhood plan which has significant weight on planning applications – retail policy states "Where planning permission is required the loss of shops cafes and takeaways and services (A1-A5 uses) will not be supported unless it can be demonstrated that there is no prospect of a sale or letting for the existing use following active marketing at a realistic price for at least 12 months. Church Street is 2 individual units (Planning app 01774/17) therefore to seek to change for one or both without conforming to Policy ER1 is not acceptable.

- o There would be major impact on neighbouring properties.
- o Balcony and roof terraces would have a negative impact on neighbouring properties on both sides and rear.
- o The border of the application appears to extend into neighbouring property boundaries.
- o Privacy would be an issue due to layout.
- o The application form is not completed accurately or correctly.

(Officer comment: *Where material planning matters have been raised and no comment as been made these matters have been discussed in the report).*

Elected Members: Cllr Baines has requested that the application be heard by committee for the material planning reasons raised by Blackrod Town Council. These include:

- Overdevelopment of plot
- Impact on neighbouring amenity
- Parking and access issues

(Officer comment: *Where material planning matters have been raised and no comment as been made these matters have been discussed in the report).*

Consultations

Advice was sought from the following consultees:

- BMBC Highways Authority, BMBC Economic Strategy, BMBC Housing Standards, BMBC Strategic Development, BMBC Pollution Control, BMBC Waste and Recycling, GMP Design for Security

No objections have been received.

Planning History

06036/19 – Erection of single storey shop front extension – Approved with conditions.

04075/18 – Siting of internally illuminated fascia signs and non-illuminated hoarding sign – Approved with condition.

02209/17 – Certificate of lawful development (section 192) to provide 2no. dwelling flats above existing premises at 77 church street – Permitted Development.

01774/17 – Conversion of ground floor to two shops including single storey extension at front of No. 79 – Approved with conditions.

63469/02 – Demolition of existing shed and erection of three detached garages with hardstandings – Approved with conditions.

44178/93 – Erection of a single storey storage unit at rear of shop /workshop - Refused.

10825/79 - Change of use of No. 81 Church Street from single dwelling to ground floor shop with self-contained flat over, which, in conjunction with the erection of a first-floor extension and alterations to the existing single storey shop and workshop at 77 Church – Approved with conditions.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

Subject to the following conditions, which have been imposed for the reasons stated:-

- 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 development hereby permitted shall be carried out in complete accordance with the following approved plans:

- Proposed Site and Location Plan - Drwg. No. 00 Rev E - dated 11/22
- Proposed Plan - Drwg. No. 03 Rev F - dated 02/23
- Proposed Elevations - Drwg. No. 04 Rev F - dated 02/23

Reason

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

- 3 A landscape scheme including details of fencing, hard landscaping and native trees and shrubs for the ground floor amenity space located at the north of the site shall be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved scheme shall be implemented before first occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. 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 ensure adequate amenity space is provided for future residents in accordance with Core Strategy policy CG4.

- 4 Notwithstanding the submitted details, upon first installation of the first floor bathroom windows hereby approved in the western side elevation of the existing building, facing No. 73 Church Street, shall be either non opening or with openings more than 1.7 metres above the finished floor level and fitted with obscure glazing whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely) of the Pilkington Glass scale (or equivalent) and shall be permanently retained in that condition thereafter.

Reason

To protect the privacy, outlook and living conditions of neighbouring occupiers and in order to comply with Core Strategy policy CG4.

- 5 Before the development hereby permitted is first occupied a scheme to allow the safe access and egress of residents and visitors shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme should as a minimum include a secure front door operated via a video intercom system, CCTV cameras, security lighting, and a peep hole in the front door of the apartments. The approved scheme shall be implemented prior to first occupation of the approved development and retained in full working order thereafter.

Reason

To ensure the security and safety of future residents in accordance with Policy CG4 of the Core Strategy.

- 6 Before first occupation of the development hereby approved details of on-site cycle parking to be provided within the site shall be submitted to and approved in writing by the Local

Planning Authority. The approved cycle parking shall be implemented in full before the development hereby approved is first occupied or brought into use and retained thereafter.

Reason

To encourage cycle use and provide adequate facilities for cyclists and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document ""Accessibility, Transport and Road Safety"".

- 7 Notwithstanding the submitted details, the external surfaces of the extensions and elevations 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.

Lilac Cottage

77 73

77 79

85

162.5m CHURCH STREET

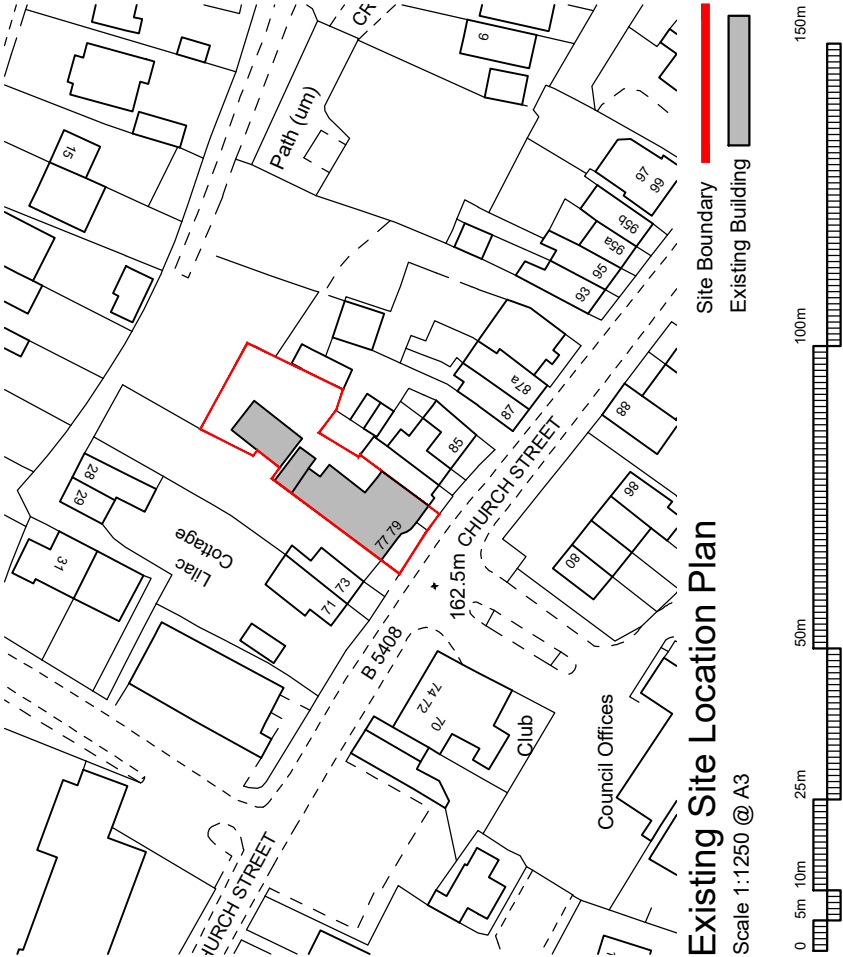
Proposed Site Plan
Scale 1:200 @ A3

Site Area - 565 SqM/ 6084 SqFt

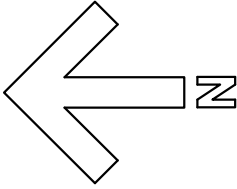
AMENITY SPACE

BIN STORAGE AREA

Existing Building
Proposed Extension
Site Boundary



Existing Site Location Plan
Scale 1:1250 @ A3



NOTES:

No scaling or dimensions other than those figured are to be taken from this drawing. All dimensions to be checked on site

This drawing is for use at the named location and for Planning Permission purposes only and as such should not be used at any other location or for any other purposes

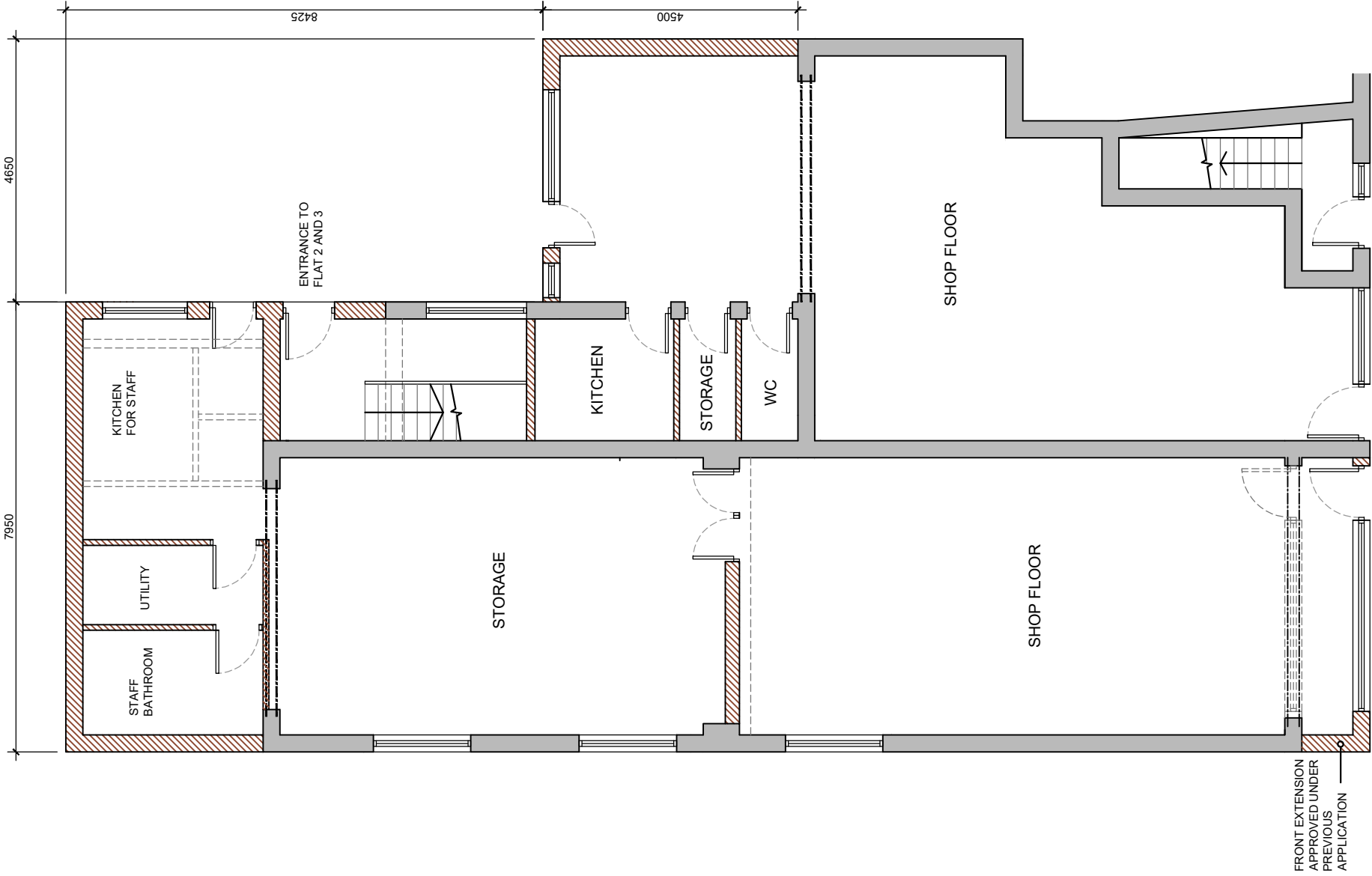
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77-79 Church St,
Bolton,
BL6 5EE

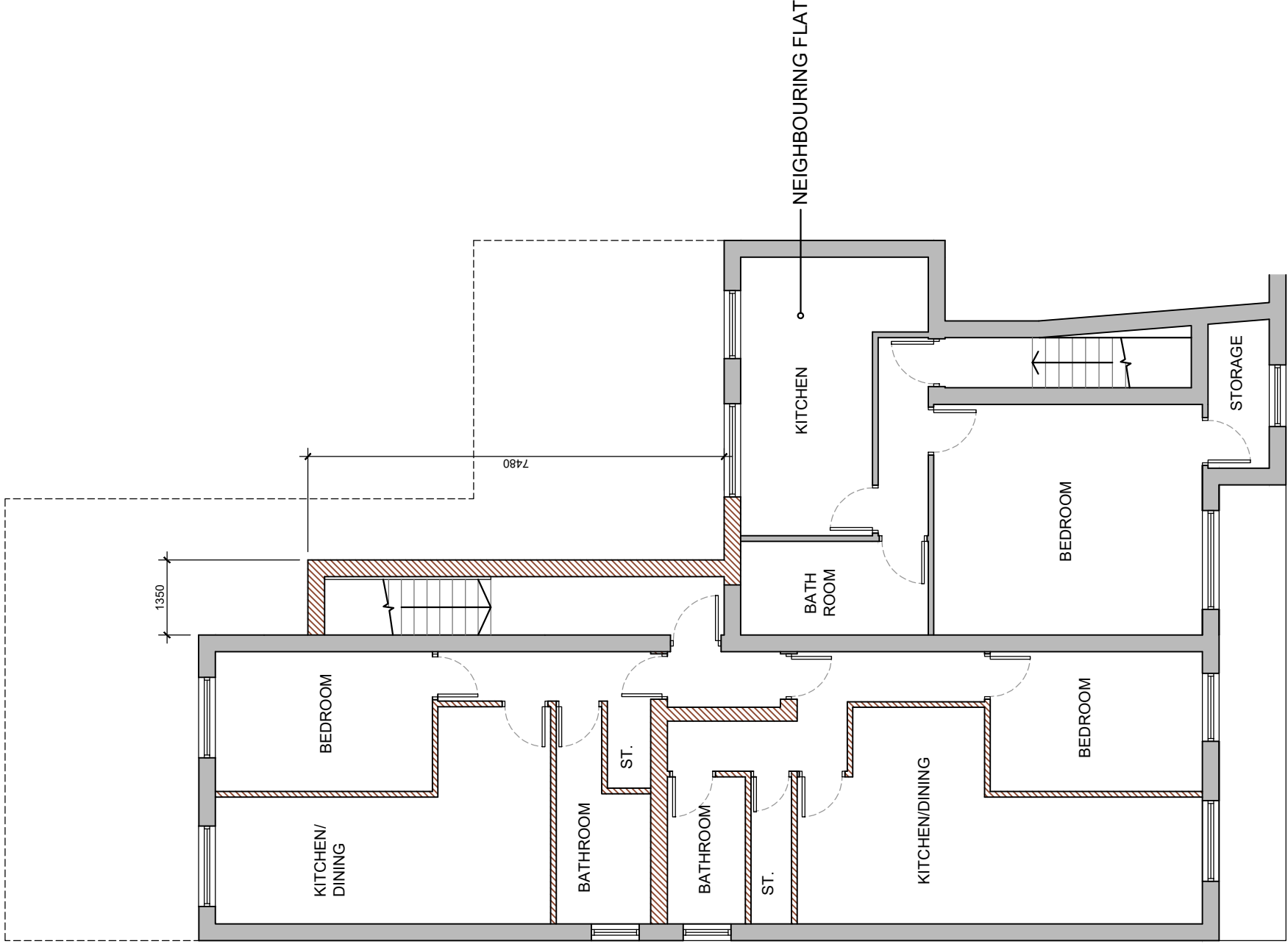
Drawing:

00 Site Location
REV E

Scale:	Size:	Date:
Varies	A3	11/22



GROUND FLOOR
1:100



FIRST FLOOR
1:100

NOTES:

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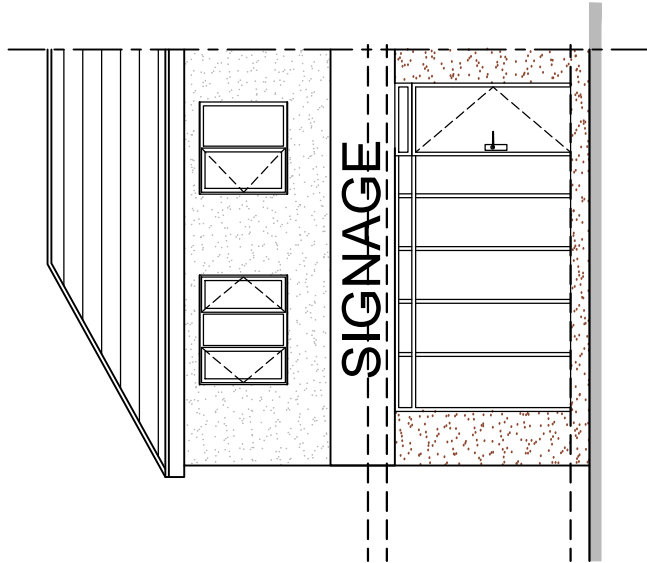
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BL6 5EE

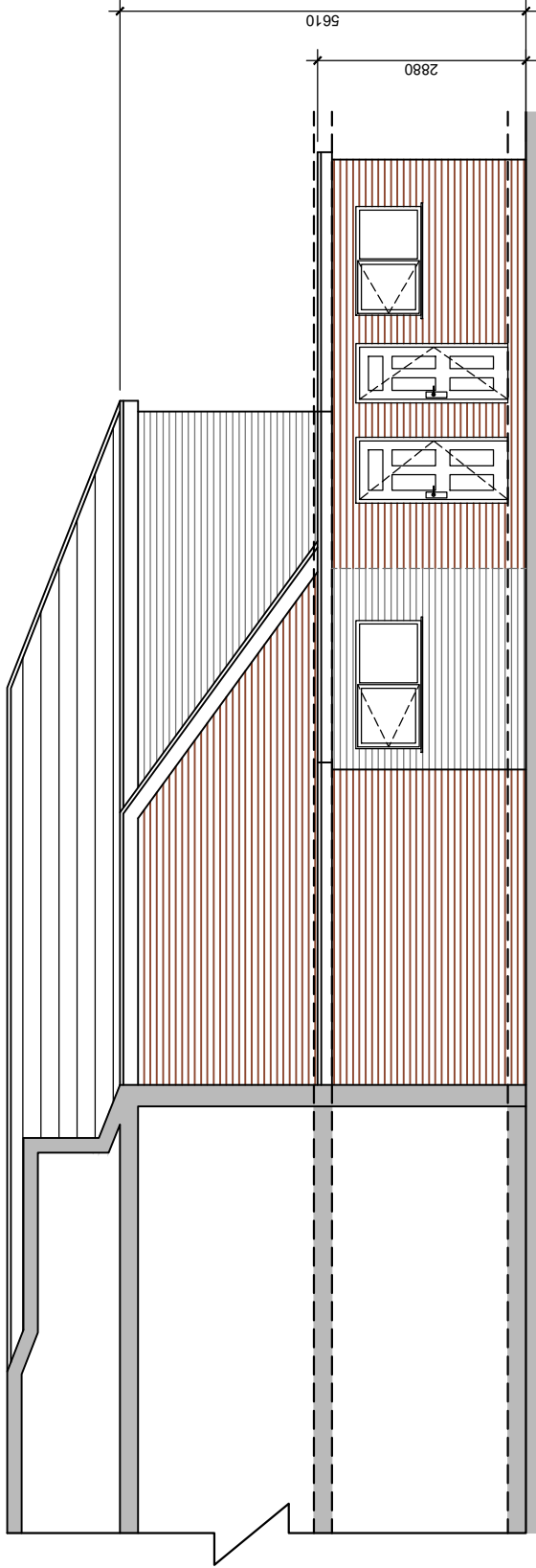
Drawing:

03 Proposed Plan
REV F

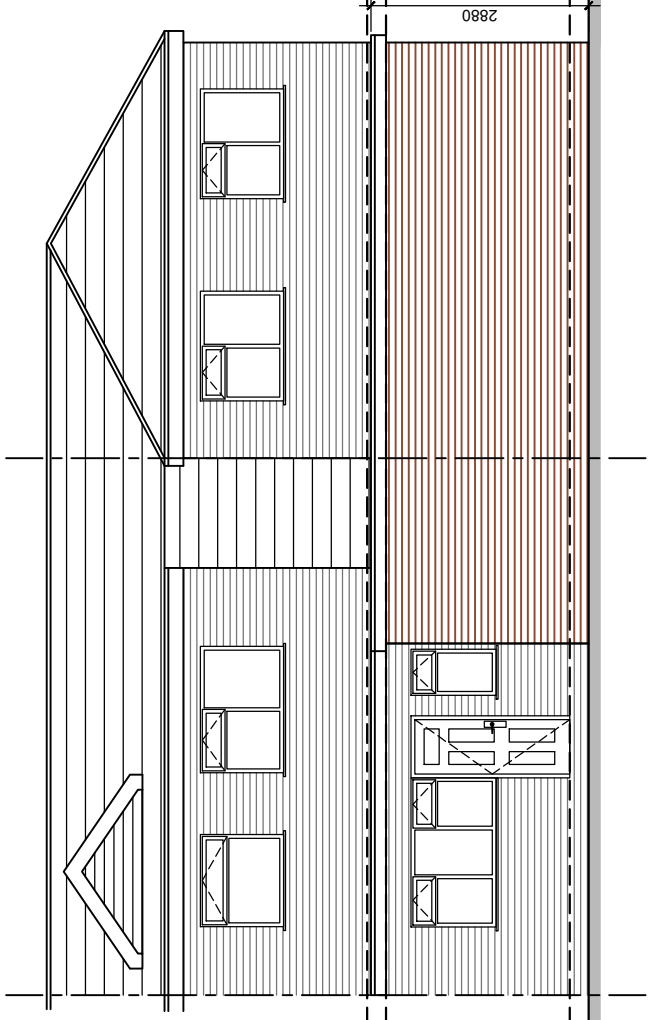
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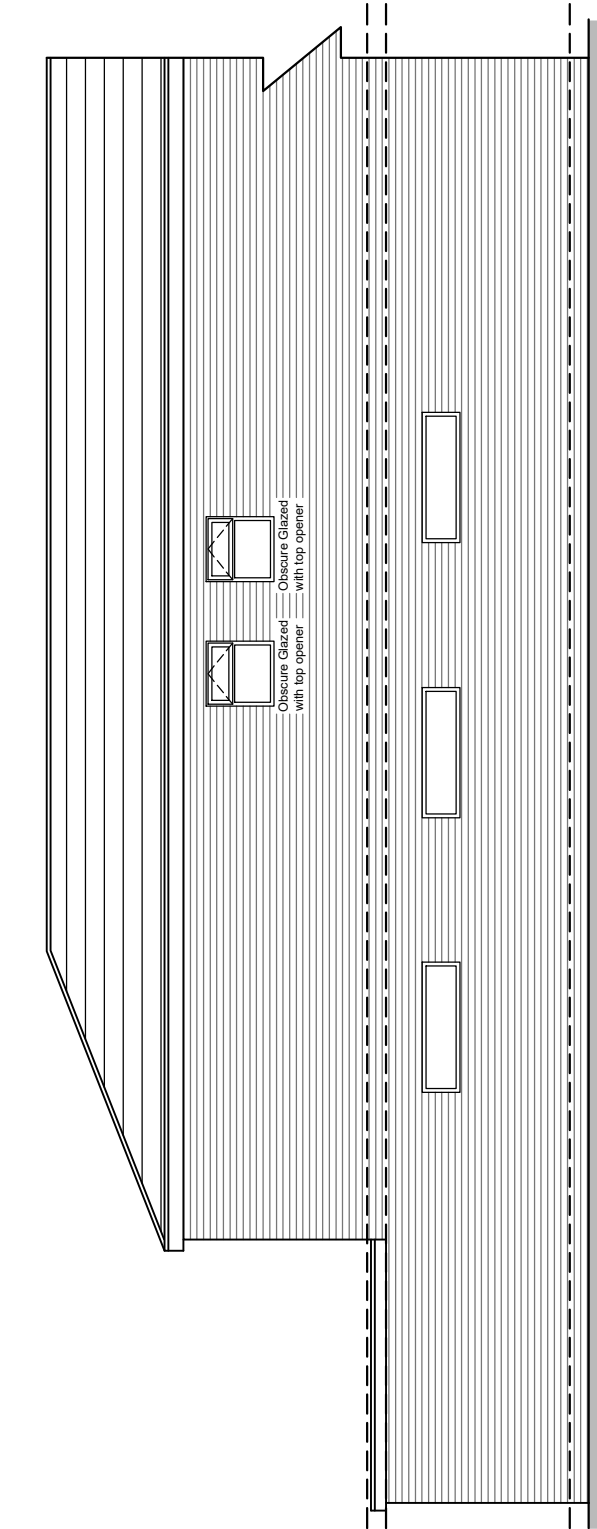
FRONT ELEVATION
1:100



SIDE ELEVATION
1:100



REAR ELEVATION
1:100



SIDE ELEVATION
1:100

NOTES:
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Project Location:
77-79 Church St,
Bolton,
BL6 5EE

Drawing:
**04 Proposed
Elevation REV F**

Scale:	Size:	Date:
1:100	A3	02/23

Sagar Restaurant
& Takeaway
Indian • EE

Speaks Pharmacy

Church St

Simpson Dr R.A

Surepass Cra