

**Planning Applications Report**

**Planning Committee**

**18 February 2016**

**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](http://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](http://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: -

UDP	The adopted Unitary Development Plan 2005
RSS	Regional Spatial Strategy for the North West of England 2008
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

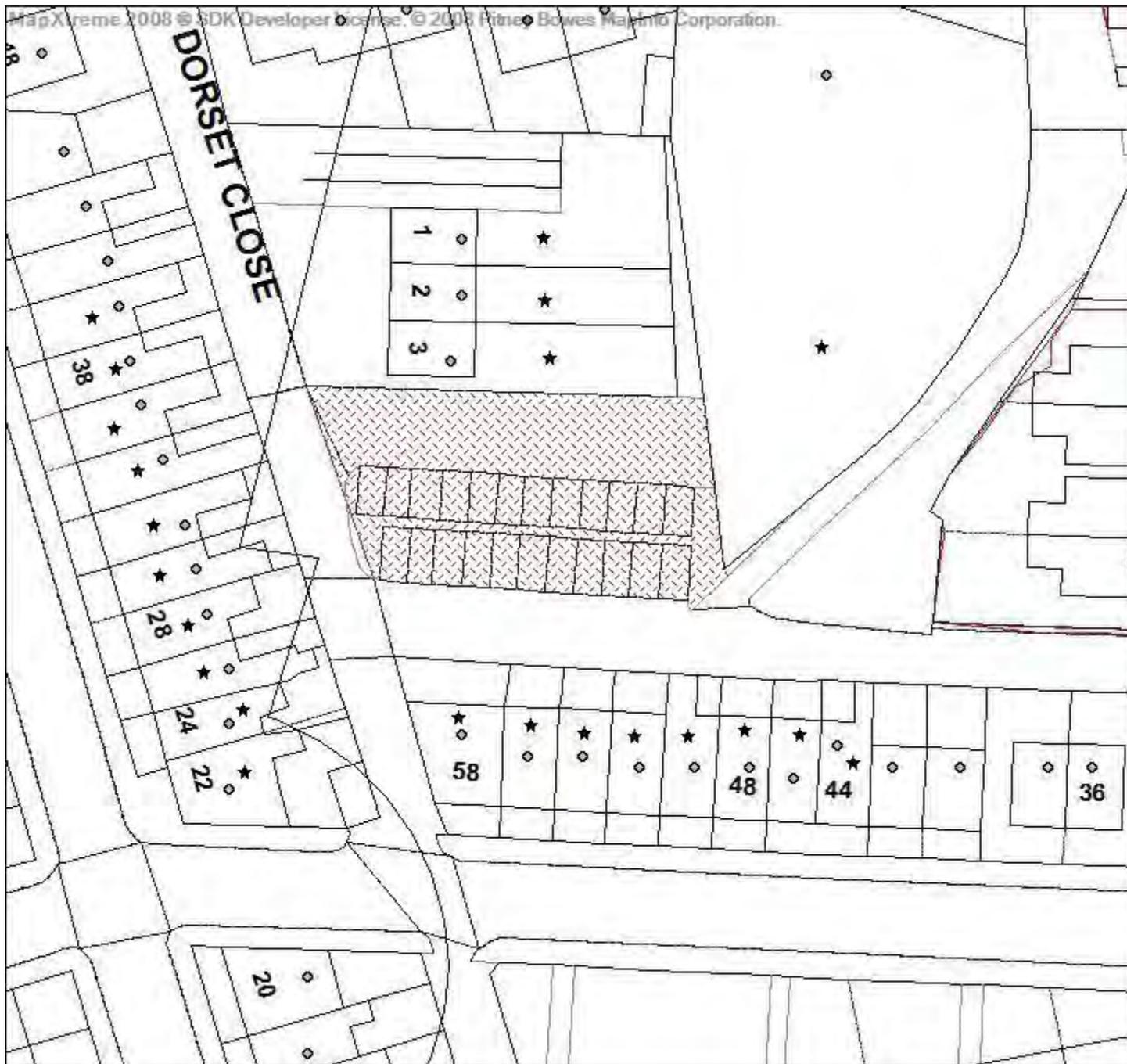
The background documents for this Report are the respective planning application documents which can be found at:-

[www.bolton.gov.uk/planapps](http://www.bolton.gov.uk/planapps)

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**Application number  
94453/15**



**Development & Regeneration Dept  
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Council**

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**Date of Meeting: 18/02/2016**

**Application Reference: 94453/15**

**Type of Application: Full Planning Application**

**Registration Date: 01/07/2015**

**Decision Due By: 25/08/2015**

**Responsible Officer: Paul Bridge**

**Officer:**

**Location: GARAGE COLONY, DORSET CLOSE, FARNWORTH, BOLTON**

**Proposal:** DEMOLITION OF GARAGES AND ERECTION OF 7No APARTMENTS TOGETHER WITH ASSOCIATED PARKING AND LANDSCAPING.

**Ward: Farnworth**

**Applicant: Landmark Investment Group**

**Agent : Walker Design**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Planning permission is sought for the demolition of the existing garage colony and the erection of 7 No. apartments together with associated parking and landscaping.

The proposed apartments would be two bed roomed and accommodated in a three storey building which would have a two storey element to the rear.

The proposed mix is as follows:

Apartment 1 – 58m<sup>2</sup>

Apartment 2 – 56m<sup>2</sup>

Apartment 3 – 58m<sup>2</sup>

Apartment 4 – 58m<sup>2</sup>

Apartment 5 – 53.4m<sup>2</sup>

Apartment 6 - 58m<sup>2</sup>

Apartment 7 – 53.4m<sup>2</sup>

The site is bounded by two roads - Dorset Close and an access ginnel behind Balmoral Road. Access to the car park area would be via a new side entrance formed in Back Balmoral Road which can be accessed from either Balmoral Road or Dorset Close.

Seven car parking spaces are proposed along with a cycle store which could accommodate approximately 5 bicycles.

The storage of bins would be via an internal storage area located in the two storey element to the

rear.

The proposal would also include several improvements to the existing adopted and unadopted roads which serve the site. These will be explained in more detail in the appraisal.

### **Site Characteristics**

The application site is located in Farnworth and to the west of Farnworth Town centre. It is set within a densely populated area with a variety of properties, i.e. terraces, semis and apartments in close proximity to the site. The site is bounded by the unadopted Dorset Close to the west, whilst to the south is the rear access ginnel for the houses fronting Balmoral Road. The site backs on to an active vehicle scrap yard to the east, where general dismantling of cars for resale and metal recycling is carried out.

The existing garages are vacant and have become dilapidated and subject to vandalism.

### **Policy**

National Planning Policy Framework

Core Strategy CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses, SC1 Housing, RA2 Farnworth and Appendix 3 - Parking Standards.

SPD Accessibility, Transport and Road Safety

### **Analysis**

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.

The main impacts of the proposal are:-

- \* principle of residential development;
- \* impact on housing provision
- \* impact on affordable housing
- \* impact on the character and appearance of the surrounding area;
- \* impact on the living conditions of existing and future residents;
- \* impact on the existing highway network and parking;
- \* impact on crime and the fear of crime;
- \* impact on the environment.

### **Principle of residential development**

The National Planning Policy Framework at paragraph 7 defines sustainable development as incorporating a social role - "supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a

high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being".

Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development", whilst one of the 12 core planning principles identified in paragraph 17 is to encourage the effective use of land that has been previously developed (brownfield land). Core Strategy policy CG3 reflects these priorities. The site is previously developed brownfield land and its development would constitute effective use of land in accordance with the NPPF.

Given the fact that the site is brownfield land located within an urban area in an accessible and sustainable locality and having regard to the housing requirements on previously developed land in Bolton, it is considered that the principle of developing the site for residential purposes is acceptable.

#### Impact on Housing Provision

All new housing developments should contribute towards the provision of a balanced mix of dwellings within the local area in terms of size, type, tenure and affordability.

The submitted plans indicate that the following dwelling sizes will be provided:-

- Apartment 1 – 58m<sup>2</sup>
- Apartment 2 – 56m<sup>2</sup>
- Apartment 3 – 58m<sup>2</sup>
- Apartment 4 – 58m<sup>2</sup>
- Apartment 5 – 53.4m<sup>2</sup>
- Apartment 6 - 58m<sup>2</sup>
- Apartment 7 – 53.4m<sup>2</sup>

Typically, the majority of apartments should have a floor space of 55m<sup>2</sup> or more to provide an adequate living space. The submitted plans show that 5 out of the 7 apartments would have a floor space above 55m<sup>2</sup>, with the other two just marginally below this. The proposed development is therefore considered acceptable in this regard.

#### Impact on Affordable Housing

Given that only 7 residential units are proposed there is no requirement for the developer to provide any affordable housing provision within the site.

#### Impact on the Character and Appearance of the Surrounding Area

Policy CG3 of the Core Strategy seeks to ensure that new development proposals contribute to good urban design in that they are compatible with/improve their surroundings, create a safe, secure environment and are accessible by people with a range of mobility and physical ability.

There are no objections to the layout of the development in terms of design. The Local Planning Authority sought amendments to the original plans which brought the proposed building closer to the building line of the dwellings which currently populate this section of Dorset Close. It is considered that the siting of the proposal is considered acceptable and would respect the layout of the immediate surrounding area.

The adjacent dwellings are all principally two storey and whilst the proposed building is three storeys, the overall height of the building would only be approximately 1.3m higher than the adjacent dwellings along Dorset Close. Therefore there are no objections from the Local Planning Authority in respect of the scale and massing of the proposal which is considered to be appropriate in

the context of the dwellings in the immediate area.

The apartment block would have a contemporary appearance to the front with a large protruding window which spans the full height of the proposal and which adds interest and a focal point to this elevation. The application form states that the proposal would be constructed from a mixture of brickwork and render with a flat roof covered in grey single ply. In order to ensure that the materials proposed are of a high quality a materials condition will be recommended requiring the applicant to submit agreed samples of materials prior to the commencement of development.

The proposed site plan shows that the proposed apartments would have a small area of amenity space which would be located to the front of the proposal. Given that the site plan lacks detail in this respect a landscape condition is recommended to agree these details at an appropriate stage within the development. It is considered that a high quality landscaping scheme could be secured and as such there are no objections to the development in this regard.

In light of the above and subject to conditions to secure high quality materials and a landscaping scheme the development is considered to accord with Core Strategy Policies CG3 and RA2.

#### Impact on the living conditions of existing/future residents

Policy CG4 of the Core Strategy has the objective of ensuring that proposals do not adversely affect the level of residential amenity neighbouring occupants can reasonably expect to enjoy.

#### *Future Occupiers*

All new development, alterations and extensions to existing buildings should provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development should not usually be permitted where it would have an unacceptable impact on the living conditions of nearby occupiers.

The proposed apartments are considered to be of an appropriate size to be functional and would provide any potential future occupiers with adequate living space. All of the habitable rooms within the flats are served by way of windows which would provide an adequate source of both light and outlook to these habitable rooms. It is therefore considered that the proposed flats are sufficient in size and design.

There would be a small area of communal open space to the front of the property for the flats and there are areas of open space within walking distance of the site. In addition, the property is located on Dorset Close, which is within close proximity to a number of services and is in a sustainable location with access to regular public transport links. It is therefore considered that the sustainability of the location and close proximity of open spaces mitigate the limited amount of open space contained within the curtilage of the property. Bin storage would be located in an internal area to the rear of the main two storey building which would provide sufficient space for bin storage for the seven proposed apartments.

To the rear of the site is a scrap/vehicle dismantling yard, therefore this has the potential to cause issues in respect of noise, therefore an appropriate condition has been attached to ensure an assessment is carried of any noise likely to affect the application and any subsequent mitigation measures recommended by the Local Planning Authority incorporated into the development.

#### *Neighbouring Residents*

There are a number of residential dwellings adjacent to the site. The proposed development would result in the former Garage Colony being demolished and brought back into use as a residential

development. The site is located in a dense urban location and there are residential properties adjacent to the site. It is considered the proposed use would not increase the potential for noise and disturbance than the previous use as garage colony and therefore would be wholly compatible in a residential area.

#### *Loss of Privacy/Overlooking*

In respect of loss of privacy and overlooking adequate screening would be secured at ground floor level by the proposed landscaping condition.

There would be habitable and non-habitable room windows located at all three levels in the rear eastern elevation, however a distance of approximately 20m would be maintained (from the main building) to the rear boundary beyond which is a scrap/vehicle dismantling yard.

There would be habitable and non-habitable room windows located at all three levels in the southern side elevation. The full length vertical windows would serve a stairwell, whilst the three horizontal windows would be secondary habitable room high level windows (approx. 1.8m above floor level) to prevent any direct outlook. A distance of approximately 8m would be maintained to the rear common boundaries of the residential dwellings along Balmoral Road and approximately 13m to the main rear elevations. In order to prevent any unacceptable loss of privacy/overlooking to the dwellings along Balmoral Road a condition has been attached to ensure these windows are all obscurely glazed.

There would be three habitable room windows located at all three levels in the northern side elevation of the main building and a further habitable room window at first floor level in the two storey rear element. All these windows are secondary habitable room high level windows which are approximately 1.8m above floor level to prevent any direct outlook. In addition a condition has been attached to ensure these windows are all obscurely glazed to prevent any direct overlooking into No.3 Dorset Close.

There would be principal habitable room windows introduced into the western front elevation at all three levels. Directly to the front of the site is Dorset Close beyond which are the rear elevations of the residential dwellings sited along Leinster Street. The dwellings along Leinster Street are set at an angle away from the proposed development. Whilst this is not an extension to a residential dwelling, the principles of the adopted House Extension SPD can be applied in this case. The House Extension SPD considers that a distance of 21 metres should be maintained between facing houses (i.e. 'directly' facing principle habitable room windows.) A distance of approximately 8.5m would be maintained to the nearest rear boundary at No.26 Leinster Road and approximately 13m to the further rear boundary at No.36 Leinster Road which is considered acceptable in respect of the rear yard areas of the residential dwellings along this section of Leinster Road.

In respect of the habitable room window to habitable room window interface distances, a minimum distance of approximately 17m would be maintained to the main two storey rear elevation of the nearest dwelling at No.26 Leinster Road and approximately 21m to the further rear two storey elevation at No.36 Leinster Road. Whilst it is recognised there is a shortfall in the interface distances between the proposal and Nos 26, 28 and 30 Leinster Road, it must be noted that the windows do not directly face and are offset enough to justify a reduction in the normally acceptable interface distances. Furthermore, the distances between the proposal and these dwellings roughly reflect the distances between the juxtaposition of existing residential dwellings along Dorset Close and the dwellings on Leinster Road.

#### *Loss of Light/Overbearing.*

Whilst this is not an extension to a residential dwelling, the principles of the adopted House Extension SPD can be applied in this case. The House Extension SPD considers that a distance of

13.5m should normally be maintained between a principal ground floor habitable room window and a two storey extension and 9m between a neighbouring elevation which contains a principal habitable room window and a facing wall of a single storey extension.

#### *Balmoral Road*

Whilst the building would be three storeys its maximum height would be approximately 9.1m which is approximately 1.3m higher than the adjacent dwellings along Dorset Close. In respect of the dwellings located along Balmoral Road, only No.58 would directly face the main three storey element of the proposal. No.58 Balmoral Road has principal habitable room windows at both ground and first floor level which would directly face the proposal. Notwithstanding the above the habitable room window at ground floor level directly faces their rear yard brick wall which is approximately 2.4m in height. As such it is considered that the outlook from this window is already severely restricted and the proposal would not exaggerate this to any further unacceptable degree. At first floor level the interface distance of approximately 12.2m would be maintained between the proposal and the first floor habitable room windows. Using the principles of the House Extensions SPD, a distance of 12.2m is considered acceptable at first floor level.

An interface distance of approximately 17m would be maintained between the other dwellings along this section of Balmoral Road and the rear two storey element, which is also considered acceptable.

#### *Leinster Road*

Nos 28 to 36 Leinster Road would face the three storey front elevation of the proposal. Due to the juxtaposition of these dwellings in relation to the proposal, interface distances ranging between 15m and 20m would be maintained to the main two storey rear elevations of these dwellings which is considered acceptable to prevent any unacceptable loss of light and outlook to these dwellings.

#### *Dorset Close*

As stated above the proposed development comprises a three storey main building and two storey rear extension. The height of the main building is approximately 9.1m, whilst the adjacent dwelling at No.3 Dorset Close is approximately 7.8m.

No.3 Dorset Close has a single storey rear extension which projects approximately 2.5m beyond the main rear elevation. The proposed three storey element would not project beyond the single storey rear extension and would not project beyond a 45 degree line taken from the midpoint of the nearest principal habitable room window at first floor level of No.3 Dorset Close. In addition, the proposal would be set in approximately 0.7m to the side/rear common boundary and approximately 2m from the side elevation of the dwelling itself. It is considered therefore that this element of the proposal would not result in an unacceptable impact in terms of loss of light or overbearing on the occupiers of No.3 Dorset Close.

In respect of the two storey rear element this would be approximately 6.2m in height and would be set in 4.2m from the side/rear common boundary. It is considered therefore that this element of the proposal would not result in an unacceptable impact in terms of loss of light or overbearing on the occupiers of No.3 Dorset Close.

As such, it is not considered that the proposal would result in an unacceptable impact upon of the residential amenity of neighbouring occupiers in accordance with policy CG4 of the Councils Cores Strategy.

Furthermore the current proposal would, if built, remove an unsightly number of derelict garages in a highly sustainable location adjacent to existing residential properties.

### Impact on the existing highway network and car parking

Core Strategy policies P5 and S1.2 and Appendix 3 seek to ensure that new development proposals make adequate provision for pedestrians, cyclists, servicing and access arrangement and car parking.

The proposal provides for 7 two bedroom apartments and would be accessed via either Balmoral Road or Dorset Close and then via a new entrance into the site from the access road to the rear of the dwellings along Balmoral Road. The Councils Highway Engineers have assessed the amended site layout and have advised that accessing the site off Back Balmoral Street is acceptable in principle subject to following roads being improved to adoptable standards:

- Back Balmoral Street along the site frontage at its existing width.
- Dorset Close along the site frontage widened to 6m.
- Dorset Close from Balmoral Road to Back Balmoral Road at its existing width.

The above improvement to the highway will have a cost implication to the applicant; the case officer has discussed this with the applicant's agent and the funding of these improvements.

Whilst these improvements would bring Dorset Close up to adoptable standards, it must be noted that it is not the Councils intention to adopt Dorset Close but to bring about improvements to the surrounding roads.

In respect of the car parking provision nine spaces would be provided. The proposed spaces equates to 1.3 per unit which is considered acceptable for a development of this nature. In addition, the site is located within an accessible location which is served by good public transport links allowing for trips on foot and public transport. The Councils Highway Engineers have been consulted and have no objections to the proposal, subject to a number of conditions. Consequently, the Local Planning Authority find no substantive evidence that the proposal would lead to a significant increase in on-street parking or have any consequential impact upon highway safety in accordance with policies S1 of the adopted Core Strategy.

### Impact on Crime and the Fear of Crime

All the flats would be accessed via a door on the rear elevation. Whilst not entirely desirable to have an access from the rear of the building with restricted natural surveillance, there is activity in the immediate area due to the properties along Dorset Close and also the fact that the car park for the proposal is located in this area. The proposed plans do not show any external lighting. A condition has been attached requiring further details of external lighting to ensure it is fit for purpose. In respect of the access to the car park a condition will be attached to ensure that the access to the site is gated and can only be accessed by and via the future occupiers of the proposal.

Given the above and subject to appropriate conditions requiring the lighting and security measures to be incorporated in the proposal, it is considered that the proposal is in accordance with policy S1 of adopted Core Strategy.

### Environmental

Core Strategy policy CG2 seeks to ensure that new residential development proposals of 5 or more residential units are built to (a) achieve a Level 3 of the Code for Sustainable Homes, (b) reduce carbon dioxide emissions from the dwellings and (c) a reduction in surface water run-off from the development.

### *Drainage*

The application site is not located within a critical drainage area or Flood Risk 2 or 3 areas. Policy CG2 states amongst other things that proposal for 5 or more residential units that development

should aim for a minimum reduction in surface water runoff rates of 50% for brownfield sites. The applicants in the submitted documents has submitted a proposed drainage plan, however whilst the Council's Drainage Engineer has been consulted no response has been received to date. Therefore a condition has recommended requiring a reduction in surface water flows as required by policy CG2 of the adopted Core Strategy. United Utilities have advised however that the drainage of the site would need to meet the requirements of planning and building regulations.

It is considered that with the imposition of conditions that the development would accord with policy CG2 of the adopted Core Strategy.

#### *Noise and Air Quality*

As stated earlier the application site adjoins a scrap/vehicle dismantling yard to the east with the remainder of surrounding properties being in residential use. Due to the sensitive end use proposed and its close proximity to the scrap yard, conditions have been attached to ensure the above issues are address prior to the commencement of development.

#### *Contaminated Land*

A desktop study has been submitted in support of the application. The Council's Environmental Health Team has assessed the report and have found that it is unsatisfactory. The report assessed the risk from the current use of the site and not for the proposed redevelopment. A preliminary risk assessment needs to assess the contamination risks associated with the proposed redevelopment. As such a condition has been attached to ensure this carried out prior to the commencement of development.

#### *Sustainability*

The application has not been supported by a Sustainability Report. The applicants have in their design and access statement stated only that the developer "has accepted their responsibilities and will adopt the 'Considerate Contractor' scheme, and retain an element of recycling and recovery of reusable materials as part of its management and sustainable policy.

The applicant's submission makes no reference to achieving Level 3 of the BREEAM code for sustainable home or incorporating decentralised, renewable or low carbon energy sources to reduce CO2 emissions of predicated regulated and unregulated energy use by 10%. As such it is considered necessary and appropriate to condition these elements to ensure policy compliance.

#### *Japanese Knotweed*

It has been noted that there may be the presence of Japanese knotweed within the site. Therefore an informative has been attached to ensure if any Japanese Knotweed is found the matter is reported to the Local Planning Authority and any mitigation measures implemented.

Subject to the necessary planning conditions it is considered that the proposal would comply with policy.

### **Conclusion**

The proposal would result in the removal of a number of vacant and derelict garages and the re-use of a brownfield site within a predominantly residential area with a new contemporary residential apartment block which is sensitive to the location within which it is set whilst providing adequate car parking. It is considered that the proposal complies with policy and is recommended for approval subject to conditions.

### **Representation and Consultation Annex**

## **Representations**

### **Letters:-**

Representations have been received from 8 individual addresses (a number of which have written in on a more than one occasion) in response to the planning application publicity and who have raised the following concerns:-

Loss of privacy/overlooking,

Loss of light/overbearing,

Light pollution,

Japanese Knotweed,

Drainage,

Development out of character with surrounding area,

What alterations are being made to the surrounding roads?

Will Dorset Close remain unadopted?

*The above issues have been addressed in the appraisal.*

What is secured by design? *Response* – Secured by Design is the official UK Police initiative combining the principles of designing out crime with physical security.

Noise from future residents. *Response* - The development would provide residential units and as such it is considered there would be no excessive increases in noise

Additional noise and disturbance during the construction phase. *Response* - With any development there will be an element of noise and general disturbance during the construction phase. Whilst this is a material planning consideration it is not a reason to refuse planning permission as this would be for a temporary period.

The proposal would restrict access to the rear of No.1 to 3 Dorset Close – *Response* - The applicant would be able to gain access to his rear garden area through the existing dwelling. This set up is not uncommon and similar situations exist at terraced properties. In respect of access to the garage at No.3 Dorset Close the applicant is under no obligation to set the proposal in from the side common boundary. The current application will be assessed on its own planning merits. In addition the applicant has signed Certificate A (owner of all the land) and one cannot rely on entering another's land for access purposes.

How will the water supply be connected to the new development? – *Response* - This proposal would be the subject of building regulations who would ensure the suitable utilities are suitably installed.

The development could result in the road being used as cut through by speeding vehicles. *Response* – There is no evidence to suggest that the proposal would result in an increase in speeding vehicles. In any event the issues of potential speeding vehicles would not fall within the jurisdiction of the

Local Planning Authority.

Bin Wagons and Emergency Service Vehicles will not be able to pass freely along Dorset Close. *Response* – The existing waste serving arrangements would not be affected by the proposal. Any issues in relation to restricted access already exist and the proposed development would not exaggerate this to any unacceptable degree.

Right to Light . *Response* - Prescription Act 1832 - The Right to Light - Consideration to the impact of the development on the light of neighbouring occupiers is detailed within this report taking account of council separation distances which seek to protect neighbouring amenity. Right to Light legislation is not a material planning consideration and is a civil matter.

Loss of property value. *Response* - The loss of property value is not a material planning consideration.

A previous development was blocked due to lack of parking. *Response* – The application site has been subject to any recent planning applications. Therefore, this application and any future applications for the surrounding area will be assessed on their own planning merits

Inadequate neighbour notification. *Response* - The Local Planning Authority is satisfied the statutory neighbour notifications requirements for development of this nature has been undertaken.

Potential damage to existing dwellings during construction. *Response* – Should any damage be caused to surrounding dwellings or property during the construction phase, this would be a civil matter and would not fall within the jurisdiction of the Local Planning Authority.

What is the history of the developer? *Response* – The history of any developer is not a material planning consideration. Planning decisions are taken in the broader public interest, in the light of policies in development plan documents and of any other factor relevant to land-use planning.

Who will occupy the apartments? *Response* – The Local Planning Authority has no information on the type of tenure the development will offer.

Have the garages been condemned and what will happen to them if the application is refused? – The Local Planning Authority has no information on whether the existing garages have been condemned or what will happen to them if the application is refused. The maintenance of the site and any potential future redevelopment would be solely down to the owner of the site.

Has any other development been considered for this site. *Response* – The Local Planning Authority is not aware if any other development has been considered for this site.

The description in section 4 of the application form differs from the submitted plans. *Response* – The description in section 4 of the planning application is an error on the applicant's behalf. The correct description is given in section 3 of the application form. The case officer has assessed this and is satisfied that the description accurately reflects the proposal.

### **Consultations**

Advice was sought from the following consultees: Environmental Health, Strategic Development Unit, Economic Strategy, Drainage, United Utilities, the Council's Highways Engineers and Design for Security.

## **Planning History**

None relevant

**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. Prior to the commencement of development the details of the type and colour of materials to be used for the external walls, roof, windows and doors are to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness.

3. Prior to the construction of development hereby approved above slab level the developer shall submit to the Local Planning Authority for written approval an assessment of noise likely to affect the application site. The assessment methodology to be used, including measurement positions, shall be agreed with the Local Planning Authority prior to the commencement of noise measurements.

The assessment shall provide details of noise attenuation measures required to ensure that the following standards are attained with respect to residential accommodation on the site as stipulated in BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings:

(i) internal noise levels of less than 30 dB LAeq,8hour within bedrooms between 23.00 hours and 07.00 hours

(ii) internal noise levels of less than 35 dB LAeq,16 hour within living rooms between 07.00 hours and 23:00 hours

(iii) internal noise levels of less than 40 dB LAeq,16hour within dining rooms between 07.00 and 23.00 hours

(iv) external noise levels of less than 55 dB LAeq,16 hour in gardens, patios and private communal gardens between 07.00 and 23.00 hours

The use of ventilation measures which removes the need for future residents to open windows for summer cooling and rapid ventilation shall be identified and incorporated into the noise assessment report. The ventilation measures identified shall ensure the above standards are not compromised. The mitigation measures shall be approved in writing by the Local Planning Authority and installed prior to the occupation of the development. Prior to occupation of the development a Site Completion Report shall be submitted to the Local Planning Authority for approval. The Site Completion Report shall validate that all works undertaken on site were completed in accordance with those agreed by the Local Planning Authority. All mitigation measures shall thereafter be retained.

Reason: To safeguard the amenity of the future occupants of the development

4. Prior to the commencement of the development, a Preliminary Risk Assessment report, including a conceptual model and a site walk over, to assess the potential risk of land contamination, shall be submitted to and approved in writing by the Local Planning Authority. Should a potential risk be identified then:
1. A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment; and
  2. The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and
  3. A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason: In the interests of public safety in accordance with National Planning Policy Framework

5. Prior to the construction of any development hereby approved above slab level the site shall be treated in accordance with a landscape scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of shrubs to be planted, walls, fences, boundary (including height) and surface treatment together with an implementation plan. Any shrubs dying within five years of planting shall be replaced with the same species within twelve months. The development hereby approved shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of the area

6. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To ensure foul water from the site is adequately drained.

7. Prior to the development being first brought into use surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

- 1) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
- 2) Include a timetable for its implementation, and
- 3) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason

To ensure the site provides satisfactory means of surface water drainage.

8. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter,

unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of tackling climate change.

9. Notwithstanding the approved plans and prior to the commencement of development full details of the highway works at Dorset Close from Balmoral Road (upto and including Back Balmoral Road) comprising of improvements upto adoptable standards shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety.

10. Notwithstanding the approved plans and prior to the commencement of development full details of the highway works at Dorset Close along the site frontage comprising of widening to 6m and improvement to adoptable standards shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety.

11. Notwithstanding the approved plans and prior to the commencement of development full details of the highway works at Back Balmoral Street along the site frontage comprising improving it to adoptable standards shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety.

12. Prior to first occupation a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full prior to the occupation of development.

Reason:- In the interest of crime and design.

13. Notwithstanding the approved plans and prior to the development hereby approved being first occupied, a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced, drained and lit 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.

14. Before the approved development is first brought into use no less than 9 car parking spaces with minimum dimensions of 2.5 metres by 5 metres shall be marked out provided within the curtilage of the site, in accordance with Drawing Ref: 1434.P.12.B (proposed site plan). Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

15. Before the first occupation any residential use hereby permitted all the windows in both the northern and southern elevations (at all levels) shall be fitted with obscure glazing whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely obscure) and shall be permanently retained in that condition thereafter.

Reason

To protect the privacy, outlook and living conditions of neighbouring occupiers.

16. Prior to first occupation a scheme for the provision of a secure vehicular access to the site from Back Balmoral Road shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of the location, design, and full specification within the site and the approved scheme shall be implemented in full prior to the occupation of development.

Reason:- In the interest of crime and design.

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

**1434.P10 - Location Plan**

**1434.P12.5 - Proposed Site Plan**

**1434.P.20.B - Proposed Elevations Sheet 1 of 2**

**1434.P.21.B - Proposed Elevations Sheet 2 of 2**

**1434.P.14.B - Proposed Floor Plans**

**1434.P.15.B - Drainage Plan**

Reason

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

18. No dwelling shall be occupied until the access roads, footways and footpaths leading thereto have been constructed and completed in accordance with a scheme which shall be submitted and improved in writing by the Local Planning Authority prior to the commencement of development. .

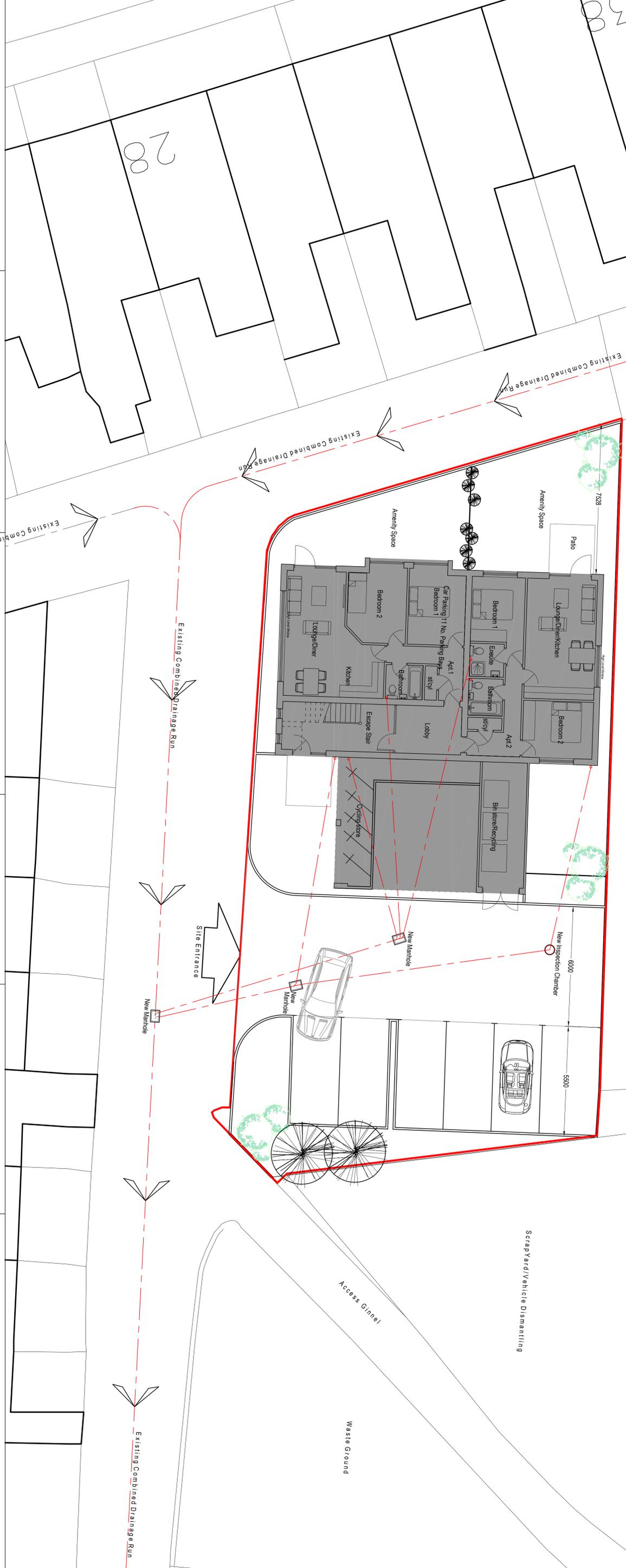
Reason

In the interests of highway safety.

DORSET CLOSE

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3



MB FREEHOLDS LIMITED  
CLIENT

DORSET CLOSE FARNWORTH BOLTON  
PROJECT

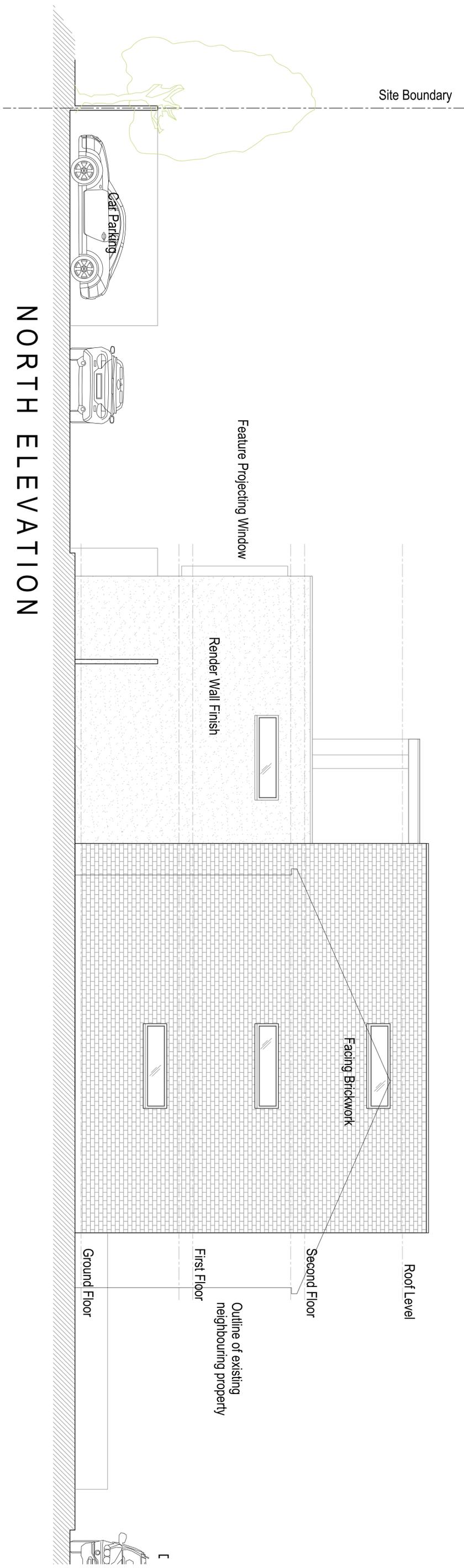
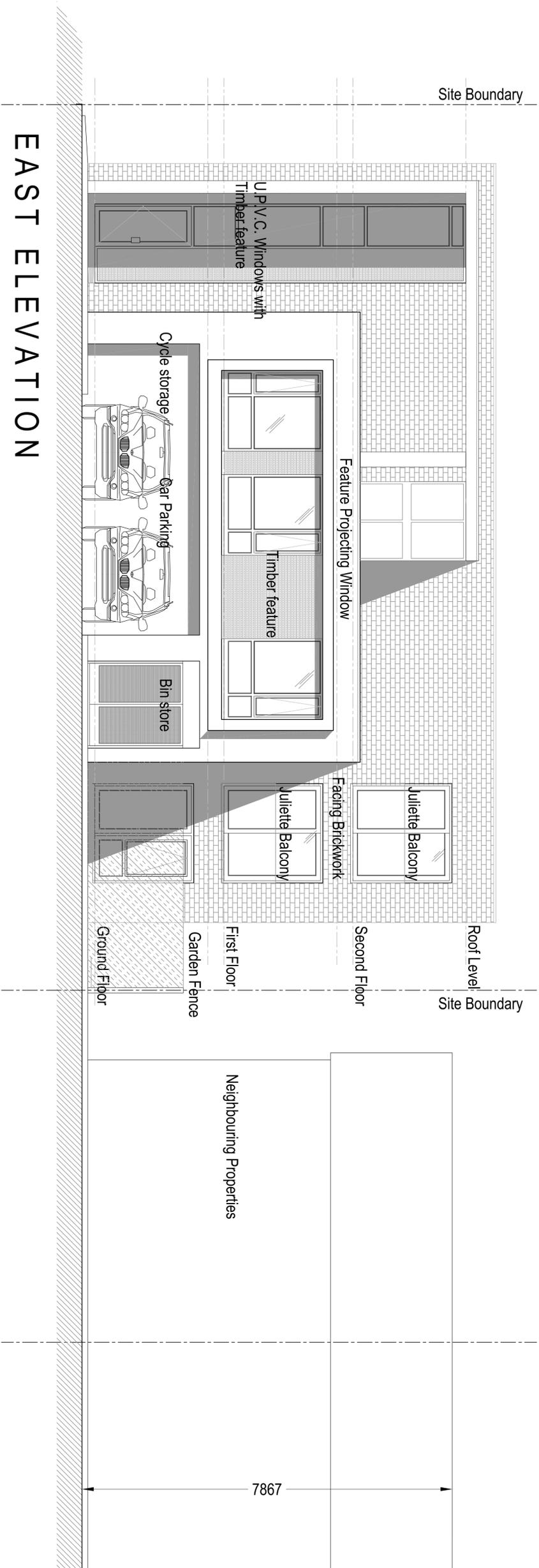
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CLIENT

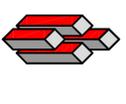
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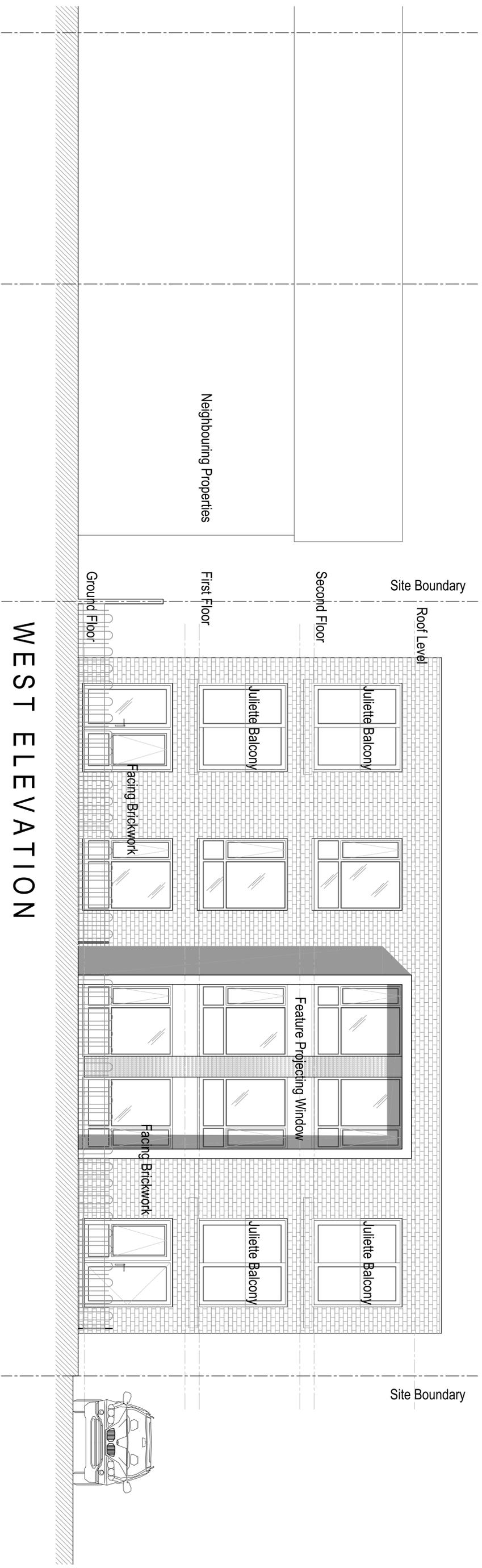
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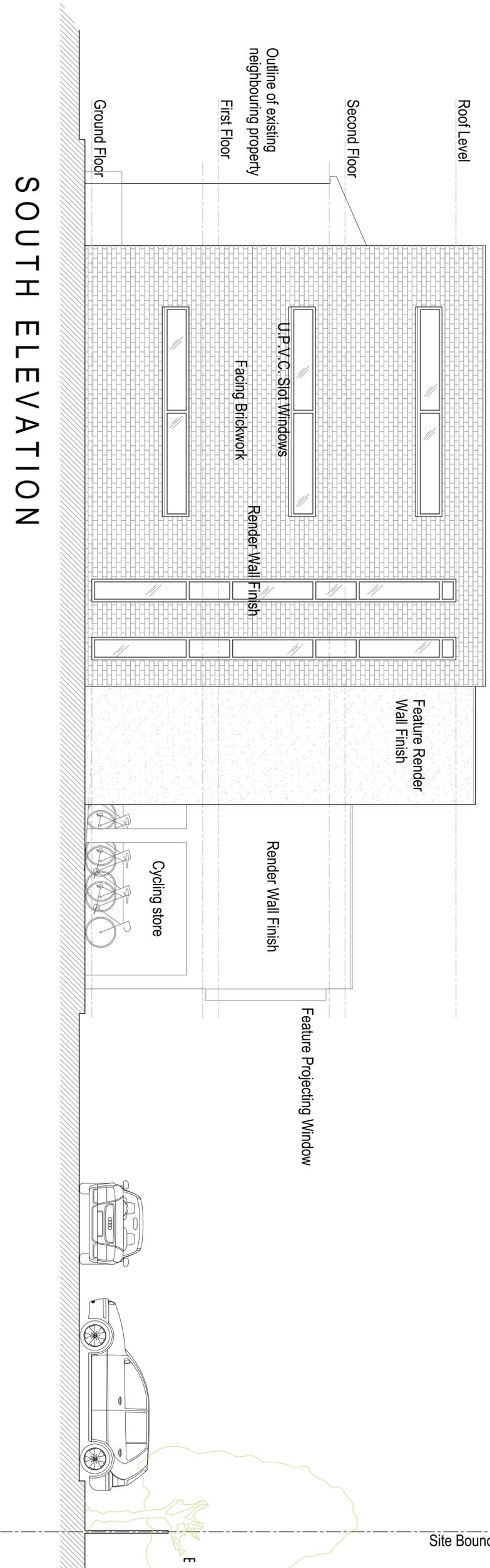
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DRAWN

**WALKERDESIGN**  
UNIT B1 FIRST FLOOR, LONDON DRYDOCK PARK, LONDON, W1A 4GS  
TELEPHONE: 01204 357822 EMAIL: info@walkerdesign.net





**WEST ELEVATION**



**SOUTH ELEVATION**

MB FREEHOLDS LIMITED  
 CLIENT

DORSET CLOSE FARNWORTH BOLTON  
 PROJECT

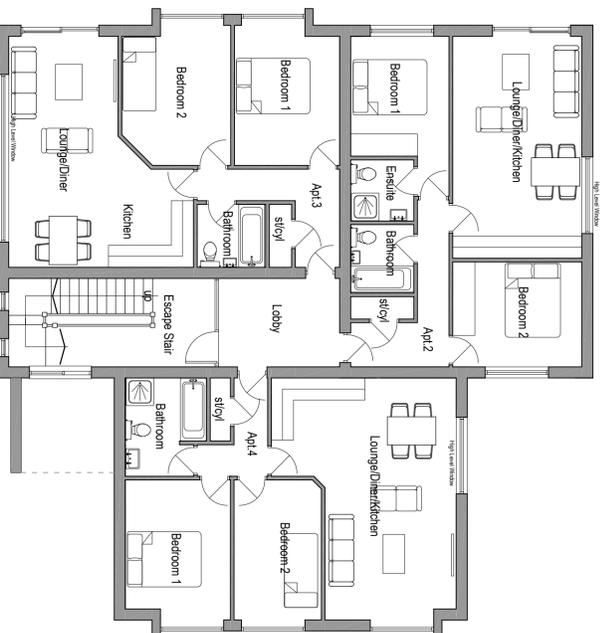
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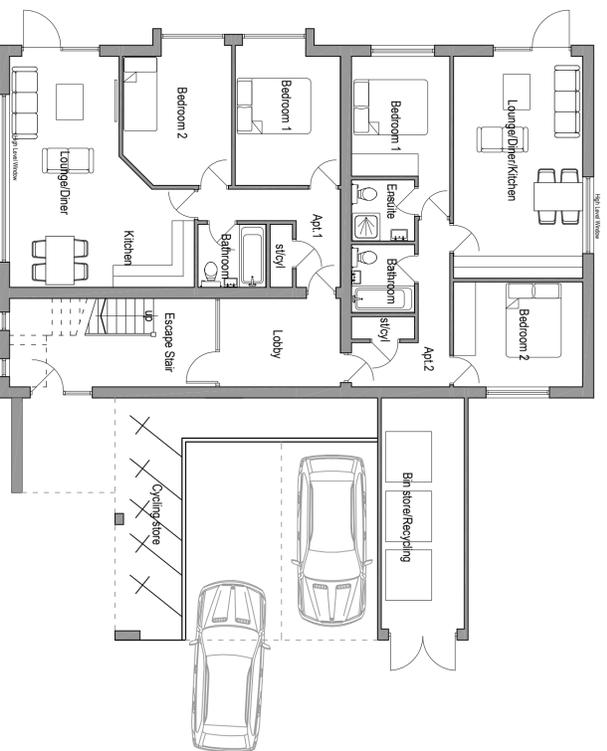
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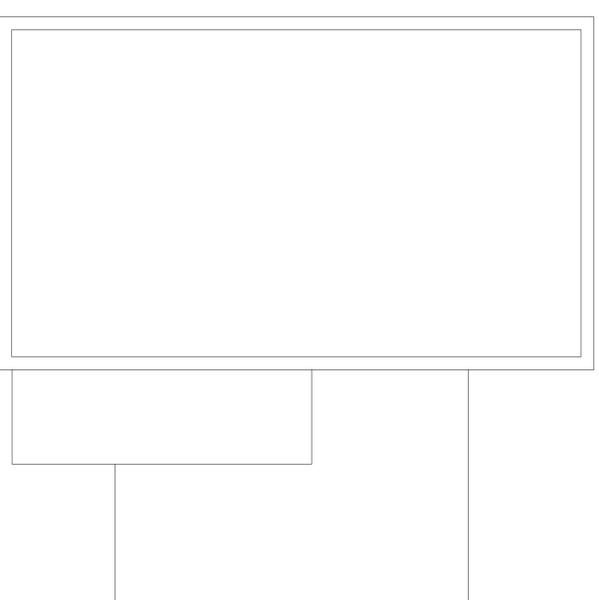
**WALKERDESIGN**  
 UNIT B1 FIRST FLOOR, LANTERNE DESIGN PARK, LUNTON, WYKE, BRISTOL, B16 4SS  
 TEL: 01204 357822 EMAIL: info@walkerdesign.net



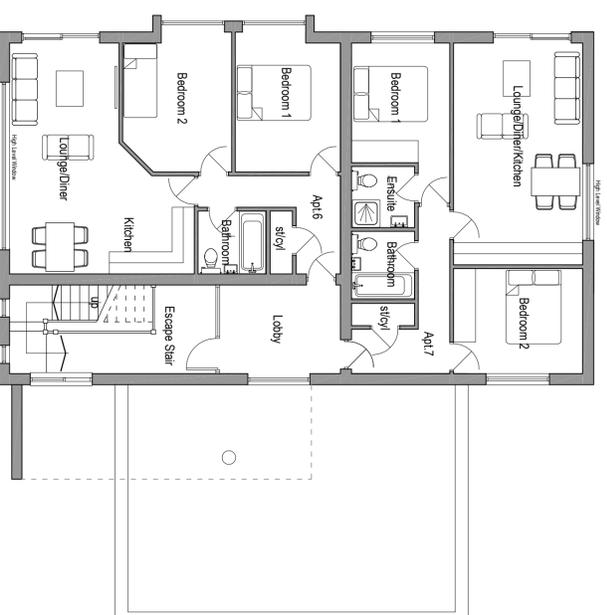
**PROPOSED FIRST FLOOR PLAN**  
 Gross Floor Area 198m<sup>2</sup> = 2130sqft  
 Gross Floor Area Apartment 3: 59m<sup>2</sup> = 634sqft  
 Gross Floor Area Apartment 4: 59m<sup>2</sup> = 634sqft  
 Gross Floor Area Apartment 5: 53.4m<sup>2</sup> = 574sqft



**PROPOSED GROUND FLOOR PLAN**  
 Gross Floor Area 140m<sup>2</sup> = 1506sqft  
 Gross Floor Area Apartment 1: 58m<sup>2</sup> = 624sqft  
 Gross Floor Area Apartment 2: 56m<sup>2</sup> = 602sqft



**PROPOSED ROOF PLAN**



**PROPOSED SECOND FLOOR PLAN**  
 Gross Floor Area 140m<sup>2</sup> = 1506sqft  
 Gross Floor Area Apartment 7: 53.4m<sup>2</sup> = 574sqft  
 Gross Floor Area Apartment 8: 58m<sup>2</sup> = 624sqft  
 Gross Floor Area Apartment 6: 58m<sup>2</sup> = 624sqft

MB FREEHOLDS LIMITED  
 CLIENT

DORSET CLOSE FARNWORTH BOLTON  
 PROJECT

A PROPOSED FLOOR PLANS  
 TITLE

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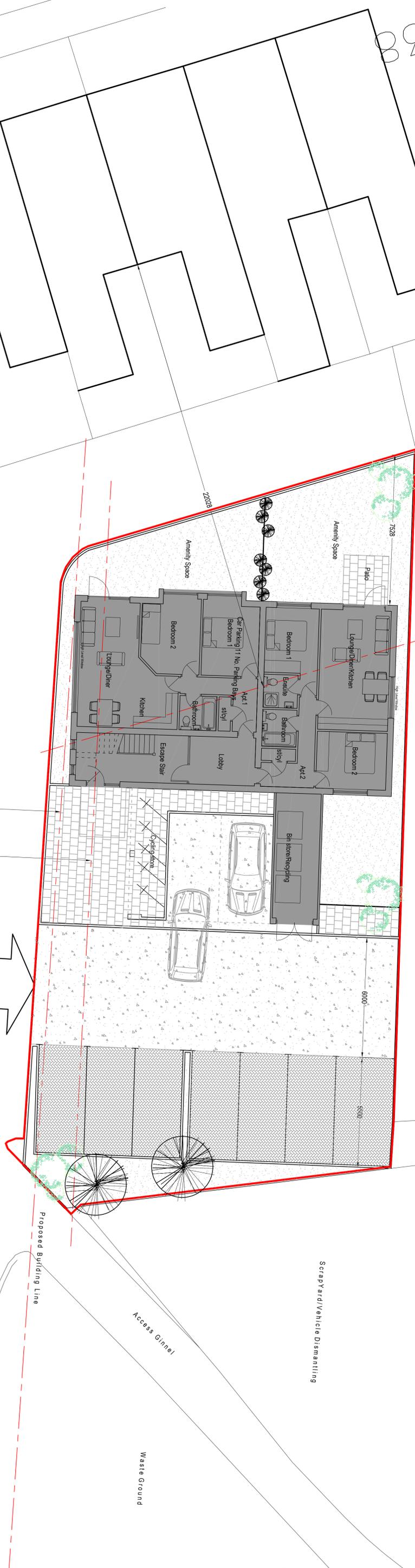
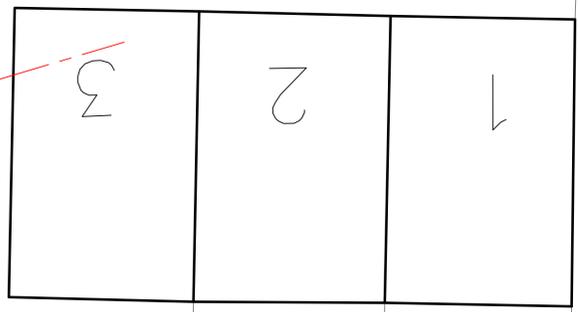
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 DRAWN

**WALKER DESIGN**  
 UNIT 8A FIRST FLOOR, LANTORCK DRIVE PARK, LUNSTON, WYN, BRISTOL, B16 4SG  
 TEL: 01204 357822 FAX: 01204 357823 EMAIL: info@walkerdesign.co.uk



DORSET CLOSE



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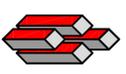
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PROJECT

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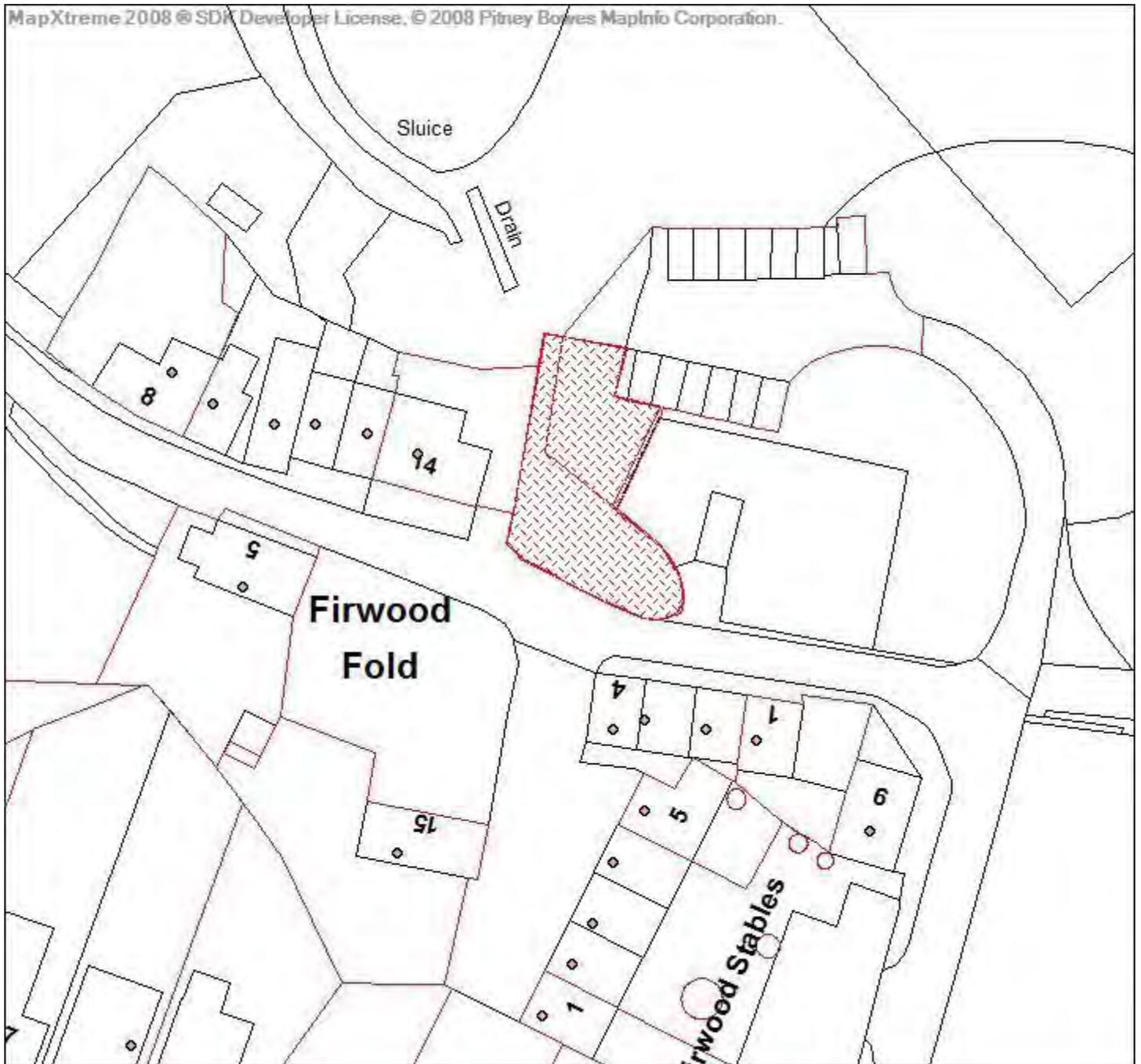
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DRAWING NO.

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DRAWN



**Application number  
94727/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 18/02/2016**

**Application Reference: 94727/15**

**Type of Application: Full Planning Application**  
**Registration Date: 05/08/2015**  
**Decision Due By: 29/09/2015**  
**Responsible Officer: Paul Bridge**

**Location: 14 FIRWOOD FOLD, BOLTON, BL2 3AG**

**Proposal: PART DEMOLITION OF EXISTING GARAGE, TOGETHER WITH EXTENSION TO FORM THREE BEDROOMED DETACHED DWELLING**

**Ward: Crompton**

**Applicant: c/o Neil Pike Architects**  
**Agent : Neil Pike Architects**

## **Officers Report**

**Recommendation: Refuse**

### **Background**

This application is a re-submission of application No. 92496/14 that was previously withdrawn by the applicant in December 2014. Application 92496/14 proposed the conversion and extension of the existing garage to form a new dwelling.

### **Proposal**

Planning permission is sought for the part demolition of and extension of the existing garage to form a three bedroomed dwelling.

The existing single storey garage is sited adjacent to the rear boundary of the application site. In order to accommodate the proposal a number of existing structures would be removed. These are listed below:-

- An outbuilding and small wall to the east of the garage.
- The small flowerbed, steps and stone wall to the west of the garage.
- A small lean-to structure currently attached to the side of the garage.

The existing garage footprint would be extended by approximately 3m to the front to create additional floorspace at both ground and first floor level. In addition to this the ridge height would be increased by approximately 2.3m (total height of approximately 6.8m) in order to provide some first floor accommodation. The proposed materials would be natural slate for the roof and natural stone to match the existing garage.

Access to the site would be via the existing vehicular access which would serve both the proposed dwelling and the existing dwelling at No.14 Firwood Fold. Two car parking spaces would be provided

within the curtilage of the proposed dwelling with two parking spaces remaining for No.14 Firwood Fold.

### **Site Characteristics**

The garage is located on the northern side of Firwood Fold, adjacent to 14 Firwood Fold (A Grade II Listed Building) within the Firwood Fold Conservation Area. The garage is a traditionally built, stone faced double garage with a slate roof. To the front of the garage is an extensive area of hard standing alongside which is a large lawned area, screened by a mature long established hedge.

Firwood Fold is a small hamlet of stone cottages and former agricultural buildings with the more recent addition of a garage colony to the rear. No.10 is the birthplace of Samuel Crompton and this is Grade I Listed. 15 Firwood Fold opposite is Grade II\* Listed. There is a public open green space to the west end of 5 Firwood Fold which was formed after the demolition of a barn, with a stone cobbled road. There is a pedestrian access off Firwood Lane and vehicular access is via Ashdown Drive.

### **Policy**

National Planning Policy Framework 2012

Core Strategy Policies (March 2011): P5 Accessibility; S1 Safe; CG3 Built Environment; CG4 Compatible Uses; SC1 Housing and SO11.

General Design Principles SPD

Firwood Fold Conservation Area Character Study

### **Analysis**

Regard should be had to relevant legislation (principally the Planning (Listed Buildings and Conservation Areas) Act 1990) and to national and local policy and guidance when considering the implications of the proposal. Such policy guidance includes the government's 'National Planning Policy Guidance' (NPPF). General regard has been had to advice and best practice advice including from Historic England.

There is a need to have reference to the primary legislation (Planning (Listed Buildings and Conservation Areas) Act 1990) as it sets out certain clear requirements:

(a) With respect to listed buildings, Section 66(1) of the Act states that decision makers must have "special regard to the desirability of preserving the building or setting or any features of special architectural or historic interest which it possesses."

(b) Similarly, with respect to buildings or other land in conservation areas, Section 72 (1) of the Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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.

The main impacts of the proposal are:-

- \* principle of residential conversion
- \* impact on the character and setting of the Listed Buildings
- \* impact on the character and appearance of the Conservation Area
- \* impact on residential amenity
- \* impact on the highway

#### Principle of Residential Conversion

The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land) and states that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy SC1.2 of the Core Strategy states that at least 80% of housing development will be on previously developed land.

The application site is set within a residential urban area and is previously developed land, in that it is occupied by a building. It is considered that the site is in a sustainable location with local schools, services and shops in easy reach of the site. In principle, the proposed conversion of the building into a dwelling would comply with the housing guidance within the NPPF and Policy SC1 of the Core Strategy

#### Impact on the Character and Setting of the Listed Buildings and Conservation Area

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings. Core Strategy Policy CG3 seeks to ensure that development proposals conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings. Historical associations should be retained where possible.

Policy CG3 of the Core Strategy seeks to ensure that new development proposals contribute to good urban design in that they are compatible with/improve their surroundings, create a safe, secure environment and are accessible by people with a range of mobility and physical ability.

14 Firwood Fold is an end of terrace property situated on a relatively large plot and the existing garage is located immediately to the east. The proposed new dwelling would sit in part on the remaining elements of the garage and would involve the conversion and extension of the existing garage to accommodate the new dwelling. The existing garage would be extended across the front by approximately 3m. As a result the development would significantly increase the footprint of the existing building. The roof of the existing garage would be raised by approximately 2.3m and a structure which is currently clearly subservient to the houses in the streetscene would become much more dominant in its appearance in the immediate setting of the neighbouring listed building. The development of a part of the site so far set back away from the main road would significantly compromise the ability to potentially reinforce the frontage and respect the relationship of the front

and rear gardens as found with the existing settlement pattern and built form found on the north and south side of Firwood Fold which currently reinforces the edge.

The proposal would bring about a change in relationship between front and rear gardens with the new dwelling having little outside amenity space which will also compromise that of No.14 Firwood Fold leading to a an unsatisfactory arrangement.

The existing garage is positioned tight to the rear boundary and at this works because it is a single storey outbuilding, but as a new dwelling the relationship with the existing boundary is poor with very little defined accessible perimeter which would normally be expected in a new build.

Officers consider the proposed design of the house to be a confusing mix of styles, taking some reference from the existing buildings in terms of the front elevation, repeating some features such as the dormer window and stone mullioned window and vertically boarded door. This refers back to the domestic vernacular seen on No.14 but again there has been very little explanation of this design or its appropriateness through the design and access statement. Firwood Fold itself has a limited but still varied elevational treatment and there is an opportunity to add to this layer rather than resorting to a pastiche. The existing composition of the terrace that includes No. 14 creates an interesting and gently varying elevation that contributes to the streetscene. However, the proposed single dwelling unit is of very standardised proportions and appearance which would undermine and weaken the qualities of the existing listed building by creating a watered down version of this aesthetic. In this context the building would look lost and isolated. The rear elevation is a mismatch of poorly proportioned windows that bear no relationship whatsoever to the front. The very large picture windows with corner glazing are at distinct odds with the traditional front and as a result the design lacks coherence and quality.

It is considered therefore that the siting and design of the proposed development would currently cause significant harm to the significance of the heritage assets and would neither preserve or enhance the character and appearance of Firwood Fold Conservation Area or the setting of the surrounding listed buildings contrary to the with the guidance set out within the National Planning Policy Framework, Policies SO11 and CG3 of the Core Strategy, and the Firwood Fold Conservation Area Character Study.

#### Impact on residential amenity

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.

#### *Future Occupiers*

All new development, alterations and extensions to existing buildings should provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development should not usually be permitted where it would have an unacceptable impact on the amenity of occupiers and users of other development.

The proposal is considered to be of an appropriate size to be functional and would provide potential future occupiers with adequate living space. The habitable rooms within the dwelling are served by way of windows which would provide adequate light, however, the master bedroom and bedroom 3 on ground floor level would have windows sited within 1.1m of the rear common boundary and relies on land not in the ownership of the applicant for their outlook. Given the above, it is considered that the proposal would not provide the future occupiers of the dwellings with adequate residential amenity in respect outlook to the master bedroom and bed 3 at ground floor level.

### *Neighbouring Occupiers*

The nearest property to the proposed dwelling would be 14 Firwood Fold. The scheme would not result in any direct overlooking towards the neighbouring windows and the nearest facing residential properties are in excess of 21 metres away.

Therefore, whilst the proposed development is considered to be compatible with the surrounding residential dwellings, it is considered that the proposed dwelling would not provide adequate residential amenity for the future occupants of the dwellings contrary to policy CG4 of the Core Strategy.

### Impact on highway

S1 of the Bolton Core Strategy seeks to promote road safety in the design of new development.

The proposed development would provide two car parking spaces within the curtilage of the site which would be accessed via the existing vehicular access which would serve both the proposed development and the existing dwelling at No.14 Firwood Fold. Bolton Council's Highways Engineers have reviewed the proposal and raised no objections to the proposal

The site plan therefore complies with Policy S1 of the Core Strategy.

### **Conclusion**

It is considered that the conversion and extension of the garage and the creation of the driveway would harm the settings of the listed buildings at Firwood Fold and the character and appearance of the Firwood Fold Conservation Area. The scheme is in conflict with the National Planning Policy Framework, Policies SO11 and CG3 of the Core Strategy and the Firwood Fold Conservation Area Character Study. It is therefore recommended that Members refuse planning permission.

## **Representation and Consultation Annex**

### **Representations**

**Letters:** - 10 letters have been received from 12 individual households from local residents raising objections of the following grounds:

- Firwood Fold is a conservation area and the proposal would be out of character with the area and existing buildings;
- Loss of privacy and overlooking;
- There would be no benefit or enhancement to Firwood Fold as a result of the proposal;
- Impact on wildlife;
- The proposal will change the nature and the environmental integrity of a designated area of Bolton's historical past;
- The provision of even one extra new house in Firwood Fold would intrude on the landscape of one of the most important conservation areas in Bolton;
- Noise and disturbance during construction
- Loss of view
- Additional traffic and parking issues.

A letter has also been received from Bolton and District Civic Trust raising the following objections:

- Firwood Fold Conservation Area represents one of the few places in Bolton where the history and architecture spanning the 16th to 19th centuries can be contemplated through a compact ensemble of so many listed buildings within a quality setting;
- The proposed development (if permitted) would be the first substantive and habitable building to be erected amongst the Fold's ensemble of buildings in the last 200 years. Its presence would be highly evident from the green, this focal point of the conservation area;
- The proposed development does not, therefore, preserve either the setting or the integrity of the historical core of the conservation area. Instead it would only detract from its aggregate quality;
- The proposal would result in an increase in on street parking.

20 letters of support from 10 individual households have been submitted who support the proposals for the following reasons:

- \* the development is well thought out and would improve the area;
- \* the proposal would help meet housing demand
- \* the dwelling would screen the unattractive Council garages to the rear

**Petitions:**-none received

**Town Council:**-no comments received

**Elected Members:**- None

### **Consultations**

Advice was sought from the following consultees:

Highways Engineers, Historic England, Strategic Development Limited, Economic Strategy, Environmental Health, Drainage, Manchester City Council (Conservation) and Design for Security.

### **Planning History**

**92496/14** - Proposed the conversion and extension of existing garage to form a dwelling.

Withdrawn

**66130/03** - Erection of a two storey rear extension to form extended dining room with bedroom and en-suite together with erection of a double garage/store at rear of property. Approved with conditions

**66131/03** - Listed building consent for erection of a two storey rear extension to form extended dining room with bedroom and en-suite together with erection of a double garage/store at rear of property. Approved

**61628/02** - rebuilding of front elevation using existing materials. Approved with conditions

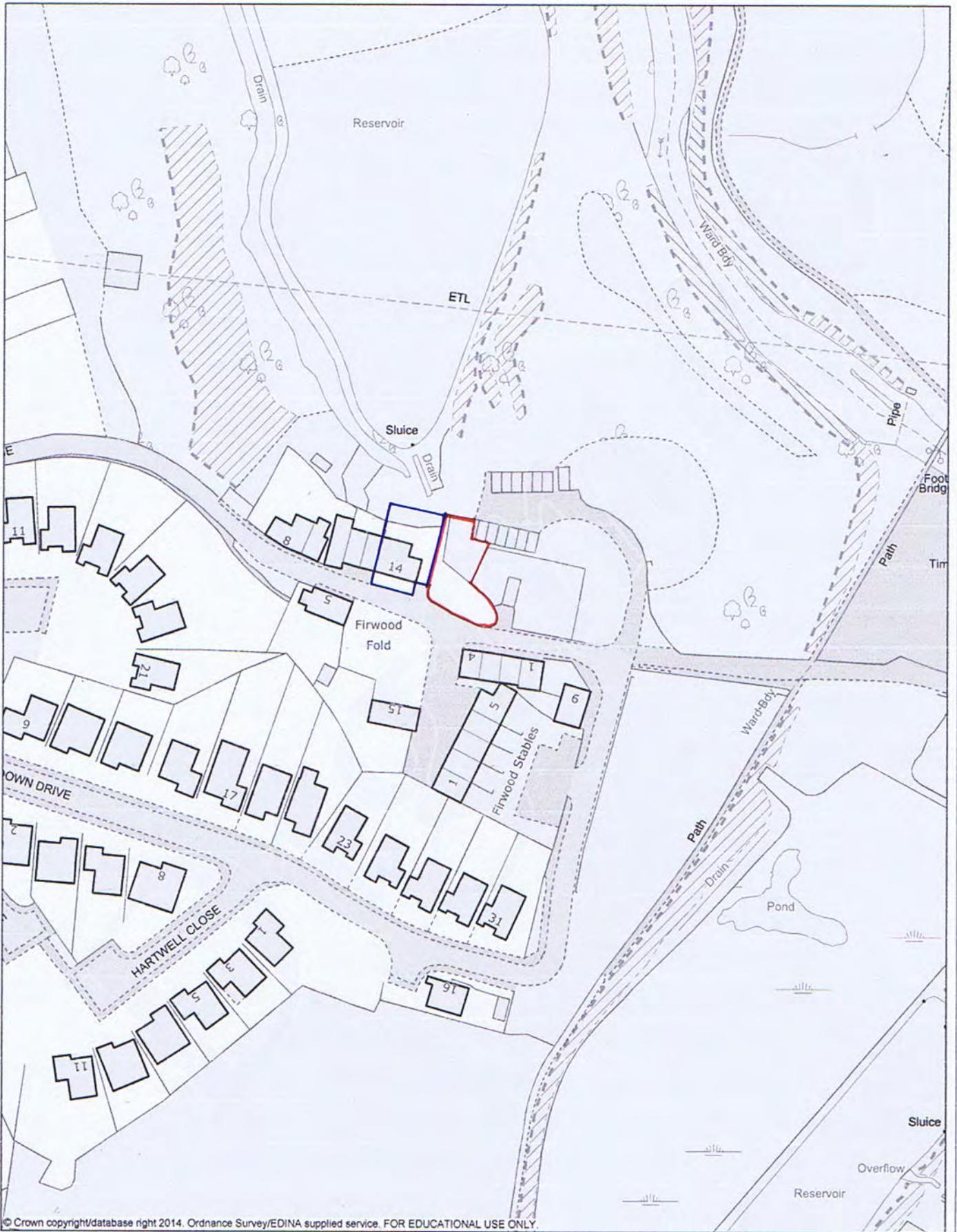
**51010/97** - Listed building consent for the reconstruction of front elevation using existing materials. Approved with conditions.

**Recommendation: Refuse**

### **Recommended Conditions and/or Reasons**

1. The proposed development by virtue of its size, siting and design will have a detrimental effect on the setting of the listed buildings at Firwood Fold and the character and appearance of the Firwood Fold Conservation Area. It is therefore contrary to the National Planning Policy Framework, Policies SO11 and CG3 of the Core Strategy and the Firwood Fold Conservation Area Character Study.
2. The proposed development will result in a loss of outlook for future occupiers of the development and is thus contrary to Policy CG4 of Bolton's Core Strategy.

# 14 Firwood Fold, Bolton

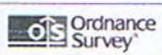


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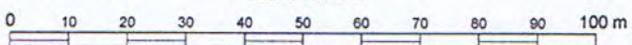


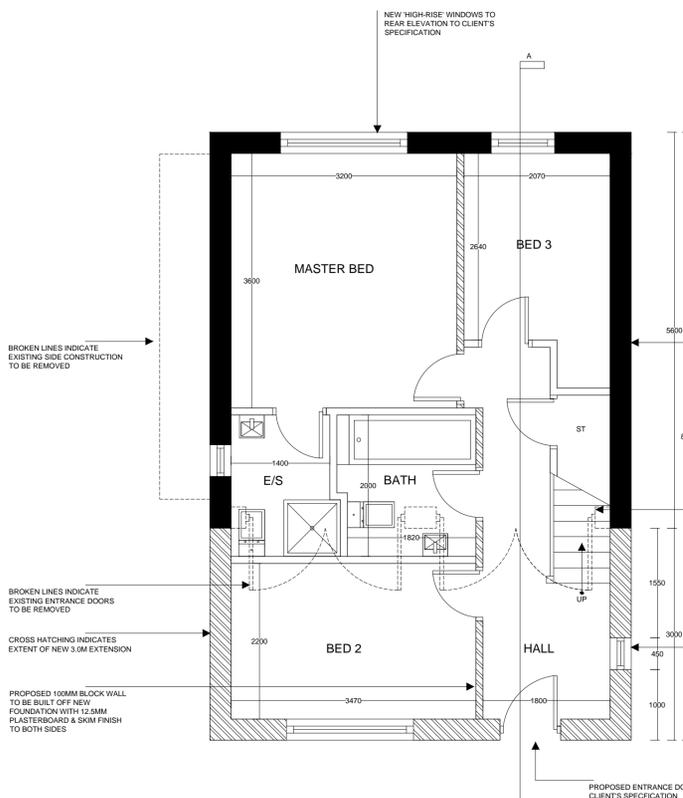
**Digimap**<sup>®</sup>

Mapping sourced from

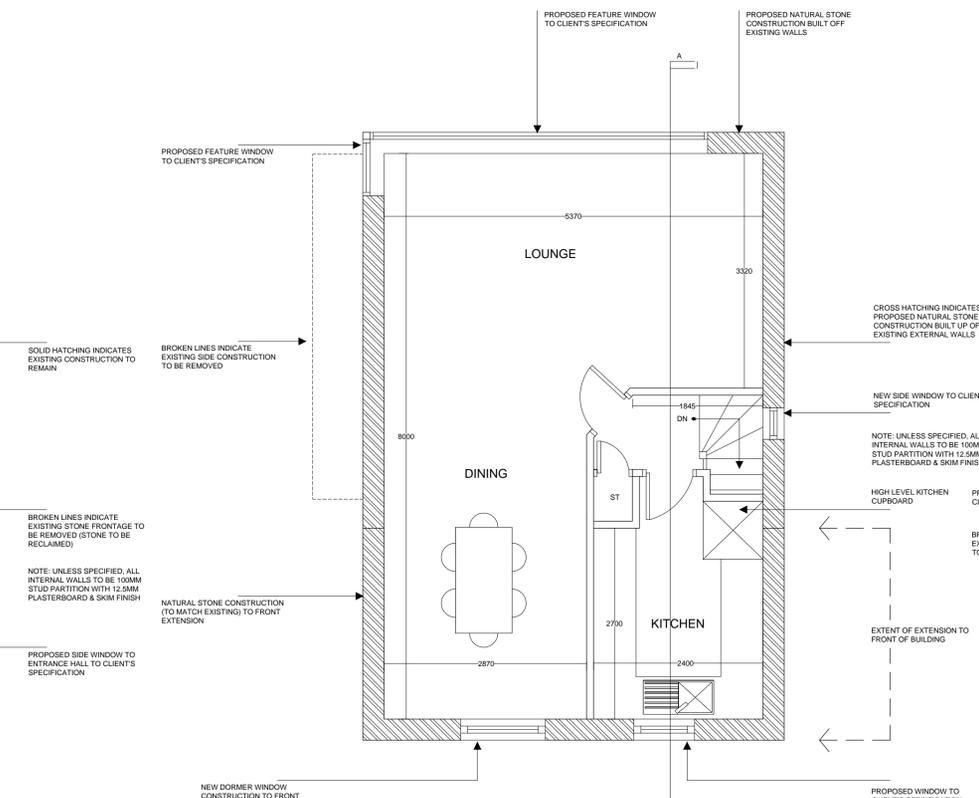


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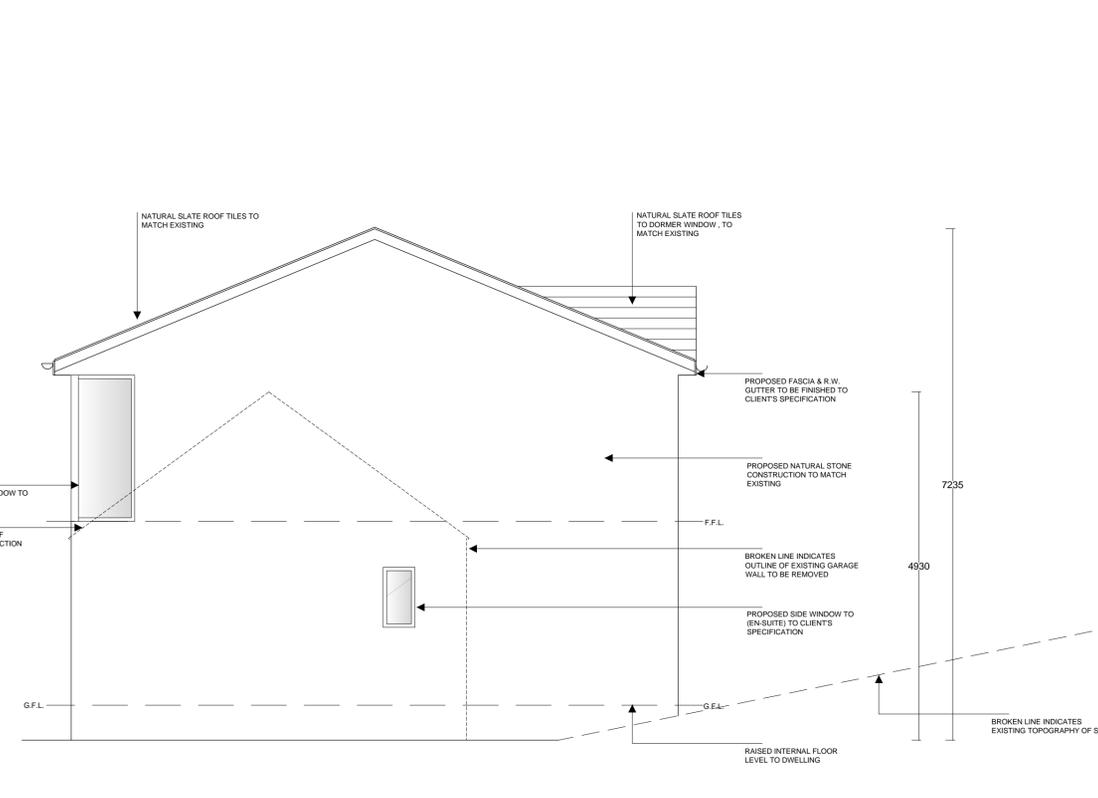




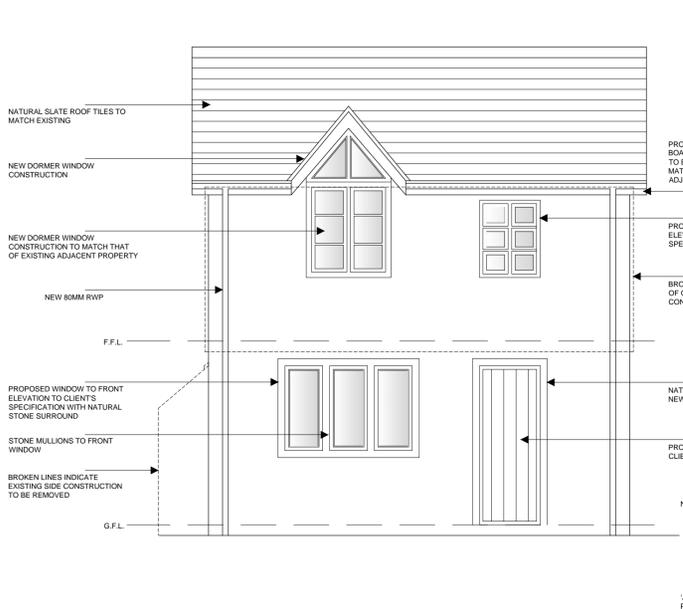
GROUND FLOOR PLAN



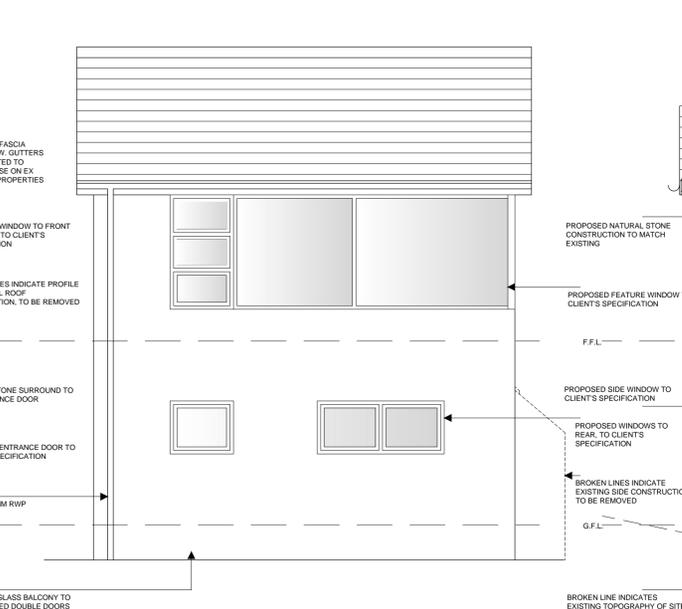
FIRST FLOOR PLAN



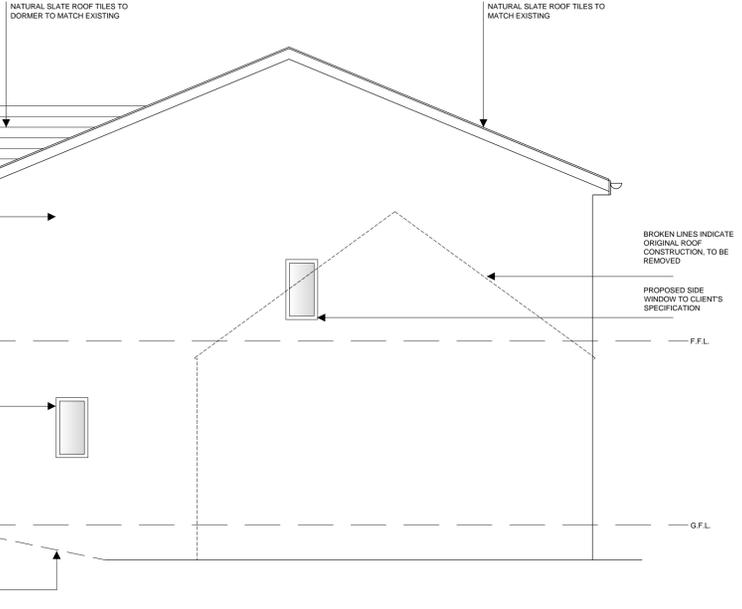
SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION

REV	DESCRIPTION

**PROPOSED FLOOR PLANS & ELEVATIONS**

**PROPOSED CONVERSION & EXTENSION TO GARAGE TO FORM DWELLING**

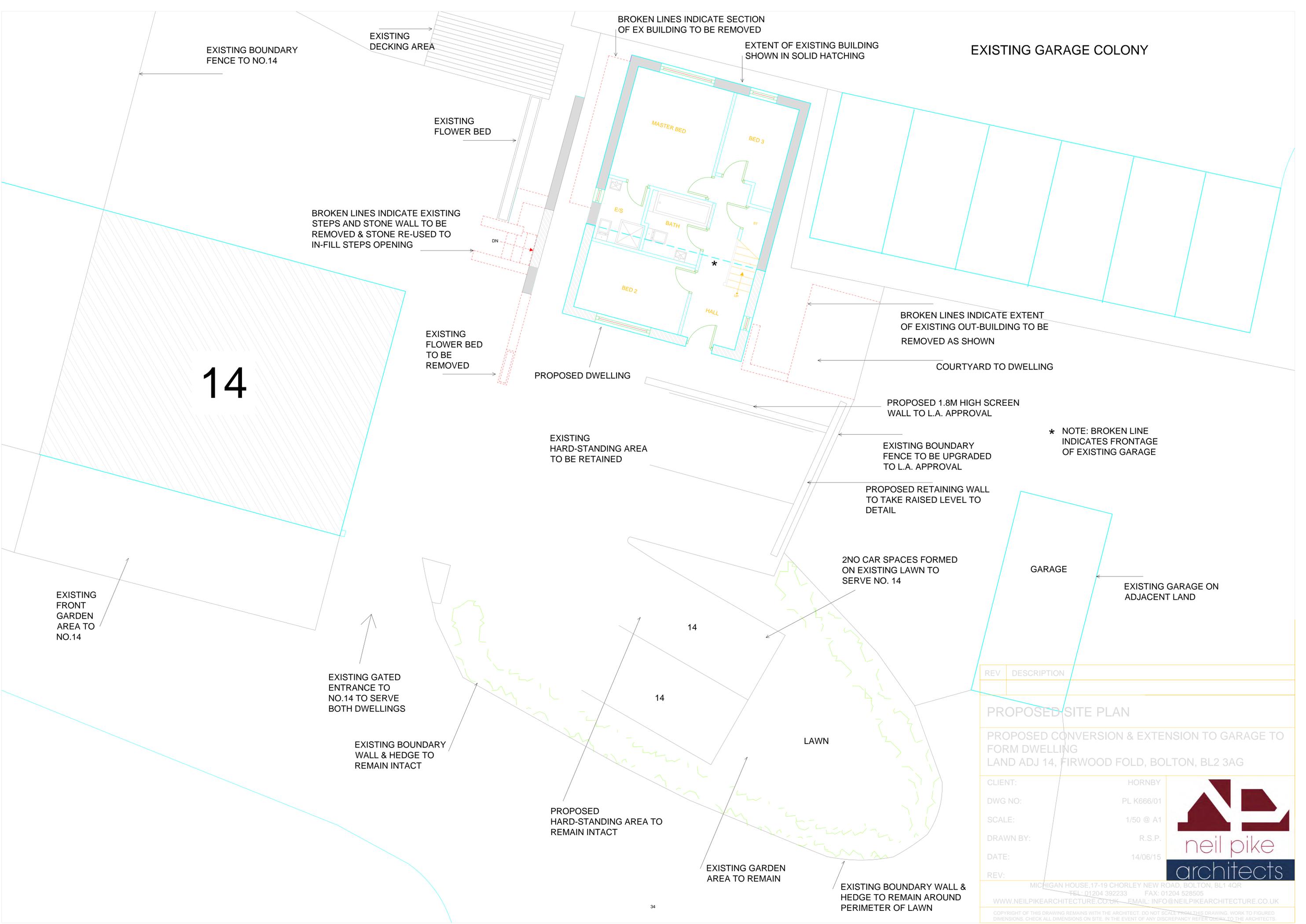
**LAND ADJ 14, FIRWOOD FOLD, BOLTON, BL2 3AG**

CLIENT: HORNBY  
 DWG NO: PL K666/02  
 SCALE: 1/50 @ A1  
 DRAWN BY: R.S.P.  
 DATE: 14/07/14  
 REV:



MICHIGAN HOUSE, 17-19 CHORLEY NEW ROAD, BOLTON, BL1 4QR  
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14

REV	DESCRIPTION
<b>PROPOSED SITE PLAN</b>	
<b>PROPOSED CONVERSION &amp; EXTENSION TO GARAGE TO FORM DWELLING</b>	
LAND ADJ 14, FIRWOOD FOLD, BOLTON, BL2 3AG	
CLIENT:	HORNBY
DWG NO:	PL K666/01
SCALE:	1/50 @ A1
DRAWN BY:	R.S.P.
DATE:	14/06/15
REV:	



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**Application number  
94753/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 18/02/2016**

**Application Reference: 94753/15**

**Type of Application: Full Planning Application**

**Registration Date: 17/08/2015**

**Decision Due By: 11/10/2015**

**Responsible Officer: Alex Allen**

**Location: HILLCREST, DOBB BROW ROAD, WESTHOUGHTON, BOLTON, BL5 2BB**

**Proposal: ERECTION OF 4No DWELLINGS TOGETHER WITH NEW ACCESS ROAD AND 7No PARKING SPACES FOR USE BY RESIDENTS ON DOBB BROW ROAD.**

**Ward: Westhoughton South**

**Applicant: Sparkle Developments Ltd**

**Agent : Hattrell DS One Architects LLP**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Background**

Members deferred the determination of this application at the October 2015- meeting for a site visit and further consideration as to how more improvements can be made to the Dobb Brow Road environment. Specific issues regarding the site were the potential for enhanced road surfaces and lighting. Members also requested that the application be the subject of an advanced site visit and clarification regarding the proposed levels of plot 1.

### **Proposal**

The applicant proposes the development of four, detached two storey properties each having 4 bedrooms with an integral double garage. Plot 1 would face Dobb Brow Road whilst the remaining three properties (Plots 2 - 4) would be located at the rear of the site with access via an internal road which would run along the western boundary of the application site, to the east of 134/138 Dobb Brow Road. Under the original submission each property was to be constructed of red facing brick and slate grey concrete roof tiles with stone cills. However, the applicant has reconsidered the proposed materials and has changed these to the use of natural stone for the facing material and the use of grey concrete roof tiles for the roof material.

Each new property would have a relatively large curtilage both at the front and rear of the dwellings.

As a result of the earlier deferral the applicant has met with the Council's Highways Engineers, Planning Officer and ward councillor to discuss the improvements required at the site. This has resulted in the submission of amended plans which include the following features:

- Reduced finished floor level for Plot 1 - improved relationship between Plot 1 and No. 88 Dobb

- Brow Road;
- Provision of a new light at the South West corner of the application site and Dobb Brow Road - opposite No. 88 Dobb Brow Road;
  - Surfacing and drainage for the road fronting No's 64 - 70 (evens).

The applicant has also amended the site plan by changing the orientation of the proposed car parking for No's 82-88 Dobb Brow Road which would be located within the development site. Eight new car parking spaces would be provided together with a widening of the road outside No's 82-88.

### **Site Characteristics**

The application relates to a greenfield site which is located at the northern end of Dobb Brow in Westhoughton. The site is comprised of two distinct areas:

- (i) land directly adjacent to 118 Dobb Brow Road and opposite No's 82 - 92 Dobb Brow Road. This area has become unmaintained scrub land over recent years.
- (ii) The land then rises up to the north to become what appears to form part of the wider garden curtilage of Hillcrest.

Land adjacent to the north and east of the site is characterised by open farmland.

### **Policy**

National Planning Policy Framework

Core Strategy policies:- P5 Accessibility, S1 Safe, CG1 Cleaner Greener, CG3 The Built Environment, CG4 Compatible Uses, SC1 Housing and OA3 Westhoughton.

Allocations Plan policies:- P8AP Public Rights of Way.

General Design Principles SPD

### **Analysis**

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.

The main impacts of the proposal are:-

- \* principle of residential development;
- \* impact on the character and appearance of the area;
- \* impact on the living conditions of existing/future residents;
- \* impact on highway safety;
- \* impact on existing trees;
- \* impact on land stability;
- \* impact on land drainage / surface water run - off and flooding.

### Principle of residential development

National policy on residential development is contained in the National Planning Policy Framework. Paragraph 47 states Local Planning Authorities should ensure a sufficient 5 year housing land supply, in the context of the presumption in favour of sustainable development. In addition, paragraphs 50 and 53 seek to provide a mix of housing reflecting local demand with Council's setting out policies to resist the inappropriate development of residential gardens where this would result in harm to the local area.

Policies outlined in Bolton's Core Strategy sets out clearly the approach which needs to be taken. Core Strategy policy SC1 seeks to prioritise the use of previously developed land whilst making an allowance for some greenfield development, predominantly as part of the Transforming Estate Programme.

Notwithstanding the above, it is considered that the site lies within the urban area, is well served by public transport along Wigan Road and is in a sustainable location. The development will contribute to the range of housing types and designs in the Dobb Brow and Westhoughton areas and will not make a significant demand upon the existing infrastructure.

Members will be aware that they have accepted the principle of residential development on adjoining parts of greenfield land which have recently been completed to a high standard.

The proposal will have a positive impact in housing provision terms. It is considered that application complies with policy.

### Impact on the character and appearance of the area

Core Strategy Policy CG3 seek to ensure that the design, landscaping and context of new residential developments, reflect their surroundings and make a contribution to good urban design.

The character of Dobb Brow is very mixed with a variety of house types. The site is predominantly residential in character located on the western edge of the urban area of Bolton. The original character of the area was one of linear development along the road with small two storey cottages. The overall character of the area has changed overtime with a number of infill sites coming forward for the development of larger houses including the 'Grange' development and properties at Old Lane Farm.

Furthermore, a previous Planning Inspector when assessing the character of the Dobb Brow area stated:

'...the character of Dobb Brow Road is unremarkable...'

The proposed development whilst representing new residential development (Plot 1) would address the street scene whilst providing replacement hedge planting and other landscaping, which would reflect the character of the area and result in an improvement to the scrub land. Whilst the surrounding area does have a number of terraced cottage style properties it also has a number of large detached properties. Therefore, the overall character of the area is mixed with a broad range of house types.

The proposed house type would be similar to those properties recently constructed to the west of the site.

It is considered that the proposal is in character with the area and complies with policy.

#### Impact on the living conditions of existing/future residents

Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses by way of privacy, amenity and security. In addition, guidance contained within the House Extension SPD provides advice on interface distances to ensure adequate privacy between existing and new developments.

The proposal would comply with the Council's interface distances from properties which abut the application site. A number of residents have raised concerns over Plot 1 being sited at a higher level than existing properties on Dobb Brow Road. The applicant has subsequently reduced the finished floor level of Plot 1 to reduce any overbearing impact it may have had.

The closest property at No. 88 is over 21 metres and at an oblique angle to Plot 1, in addition to the finished floor levels for each property being similar, therefore not resulting in an overbearing impact. The plots located to the rear of the site would have no direct impact on any of the other adjoining properties at either Hillcrest or No. 138 Dobb Brow Road.

It is considered that the proposal complies with policy.

#### Impact on highway safety

Core Strategy policies P5 and S1 states that the Council will permit those developments that have taken into account provision for pedestrians and cyclists; road design, layout and construction; vehicle servicing and access arrangements; car, cycle and motor-cycle parking; and access to, and by, public transport. Development proposals should not adversely affect the safety of highway users, including pedestrians, as well as the safe and efficient circulation of vehicles.

The applicant has agreed to the provision of two car parking spaces at the front of 118 Old Lane and the widening of the road in front of the proposed development site. In addition, one double integral garage would be provided for each proposed dwelling together with a long driveway which varies in length between 14-16 metres depending on which plot and has the capacity to around 6 cars.

The proposal is not considered likely to give rise to significant changes in the nature of vehicular or other movements over and above the existing situation in this area. The size and shape of the plots make adequate provision for car parking within the site. It is also noted that the Council's Highway Engineers do not raise objection. The Council's Public Rights of Way team have no objections to the proposal as it does not impact on any existing public rights of way.

It is noted that the Ramblers Association raise objection to the proposal on the grounds of the disappearance of open fields. However, this issue is beyond their remit as a statutory consultee. Issues of impact on the character of the area are addressed above.

If members are minded to approve this proposal it is considered appropriate to condition the implementation of the resurfacing of the road adjacent to No's 64-70 Dobb Brow Road prior to first occupation of the proposed development as well as the widening, surfacing and provision of off road car parking to the south.

#### Impact on existing trees

Core Strategy policy CG1.2 seeks to safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows.

The Council's Trees and Woodland Officer states that the proposal would retain existing trees located within the site and provides the opportunity to provide additional tree and shrub planting subject to

the provision of a satisfactory landscape plan.

This would be conditional upon any approval for the site.

The proposal would comply with policy.

#### Impact on land stability

Core Strategy policy CG4 seeks to ensure that new development proposals on land affected by ground instability must include an assessment of the extent of the issues and any possible risks. Development will only be permitted where the land is, or is made suitable for the proposed use.

It is noted that the Coal Authority had placed a holding objection for the proposal in the absence of a Coal Mining Risk Assessment. The applicant has subsequently submitted a CMRA which the Coal Authority have confirmed is acceptable which has allowed the holding objection to be withdrawn.

The proposal complies with Core Strategy policy CG4.

#### Impact on land drainage / surface water run - off and flooding

Core Strategy policy CG1.5 seeks to ensure that new development proposals 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. In addition, Core Strategy policy CG2.2 (b) seeks to demonstrate sustainable management of surface water run-off from developments. However, Core Strategy policy CG2 only applies to developments of 5 dwellings or more.

Attention has been drawn to the fact that over the Christmas period (Boxing Day) the area was subjected to a large quantity of rainfall which resulted in flooding in the locality, in particular on adjoining land and the road and footpath network.

The Council's Drainage officers have visited the site and initial conclusions are that the flooding was a result of a number of issues (i) high levels of rainfall, (ii) saturation of the existing ground (iii) failure of existing field drainage systems; (iv) the lack of anywhere for the water to go i.e. no grids located within the existing unadopted road network and (v) the area which flooded is a the lowest point and therefore all the water collected there.

The applicant has identified the location of the failure of the field drainage system, as it is within land that he controls, took short term remedial action and is in the process of providing new sections of drains to repair the drains.

The Council's Drainage officer has recommended that road drainage be installed outside No. 132 Dobb Brow Road together with drainage from the proposed new surface outside No's 64-70 Dobb Brow Road. This would ensure that at times of peaks in surface water run off the water flowing on roads and land will be directed into the existing drainage network including the local culvert.

It is considered that the proposal complies with Core Strategy policy CG1.

#### **Value Added to the Development**

The applicant has amended to levels of Plot 1 to ensure that it would not be overbearing to properties on the south side of Dobb Brow Road.

#### **Conclusion**

The proposal represents development which would be in character with the broad mix of housing

types which make up the character and appearance of the Dobb Brow area, provides adequate provision for vehicular movement and off road car parking without compromising the living conditions of existing residents. It is considered that the proposal complies with policy and is recommended for approval subject to conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** six comment letters and six objections letters (3 objections from the same person) have been received. The objection letters raise the following concerns:

- Plot 1 would have an elevated position which would have an overbearing impact on existing properties and would have a negative impact on privacy (No. 92 Dobb Brow Road);
- Safety concerns with the new access road creating a 4 way access road;
- General increase in traffic;
- Access to the site is via single track;
- No pavements in Dobb Brow results in potential increase in danger for school children and pedestrians;
- The landscaped areas within the new development may become play areas (football for children) reducing privacy for existing dwellings;
- No. 134 Dobb Brow Road has a side window which would be overlooked from the site/new properties;
- Permission has been refused on the site before;
- The site is greenfield;
- Increase in flooding in the area - no action has been taken to remedy this problem;
- Overland surface water run-off has resulted in flooding from fields to the north. The absence of road drainage and the continued development and modification of the terrain may have contributed to the flooding;
- Recent development has built over the recorded location of a culvert - **Officer comment: *the Council's Building Control section have confirmed that when No's 128 - 132 Dobb Brow Road were recently built the culvert which ran through the site was diverted to the side (west of the houses) and not built over.***

The comment letters provide the following responses:

- Will spare land within the site be used as a football pitch resulting in a reduction in privacy;
- The road outside No's 64-70 needs upgrading;
- Low water pressure is a problem for properties on the Grange;
- Building line of No. 80 as shown on the plan is wrong.

**Petitions:-** no petitions received.

**Town Council:-** raise objection to the proposal on the grounds that the site is greenfield and the hamlet of Dobb Brow has become overdeveloped and there are other brownfield sites in Westhoughton which should be used. The site is on a blind bend with the area having no footpaths and has poor lighting. The proposal would add to existing traffic problems.

**Elected Members:-** no comments received to date.

### **Consultations**

Advice was sought from the following consultees: Westhoughton Town Council, the Council's Drainage, Landscaping, Public Rights of Way team, Trees and Woodland Officer. Peak and Northern Footpath Group, Open Spaces Society, Ramblers Society and the Coal Authority.

### **Planning History**

Planning permission was granted in November 2009 for the change of use of land to car

parking/passing area (Ref: 82974/09).

Planning permission was refused in October 2010 for the erection of 3 dwellings and land adjacent to Hillcrest and at the rear of 116/118 Dobb Brow Road. The proposal was refused as the site was a greenfield site and also the applicant had not submitted evidence to support the site's development. Land at the rear of 116/118 Dobb Brow Road was subsequently granted planning permission and has now been completed.

**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. Development shall not commence until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The contents of the scheme shall be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with Model Procedures for the Management of Land Contamination (CLR 11) and a written report of the findings must be produced. The written report shall be subject to the approval in writing of the Local Planning Authority and shall include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health, property or the environment;
  - (iii) an appraisal of remedial options and proposal for a preferred option.

Reason

To ensure the development is safe for use.

3. The development hereby permitted shall not be commenced until such time as a surface water drainage scheme has been submitted to and approved in writing by, the local planning authority for the development hereby approved. The approved scheme shall be implemented in full and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

4. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to 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 in full and carried out within 6 months of the 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 reflect and soften the setting of the development within the landscape.

5. Prior to the development being first occupied or brought into use, details (including a brick or masonry specification and colour scheme) of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.

6. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Dobb Brow Road in accordance with the drawing ref 2376-10 Rev C.

Reason

In the interests of highway safety

7. Before each dwelling hereby approved/permitted development is first occupied the car parking spaces as indicated on Drawing No. 2376-10 Rev. C shall be provided within the curtilage of the dwelling in accordance the approved site plan. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway

8. Development shall not commence until any remediation scheme required as a result of the investigation carried out in accordance with Condition has been prepared, approved in writing by the Local Planning Authority, and implemented as approved. The scheme shall include provision for verifying that the remediation objectives (verification report) have been met and for any subsequent monitoring and maintenance in accordance with Model Procedures for the Management of Land Contamination (CLR 11), details of which should be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use or first occupied.

Reason

To ensure the development is safe for use.

9. Within 3 months of the commencement of the development hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority for the resurfacing and surface water drainage for the road at the front of No's 64 to 70 Dobb Brow Road. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter.

Reason

In the interests of highway safety.

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

**Drawing No. 2376-09 Site and Topo Plan dated 11/15;**  
**Drawing No. 2376-10 Site Plan Proposed dated 02/15;**

**Drawing No. 2376-11 Proposed House Plans and Elevations dated 11/15.**

Reason

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

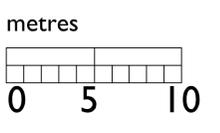
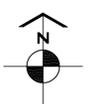
11. No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with the drawing ref: 2376-10 Rev. C dated 02/15 .

Reason

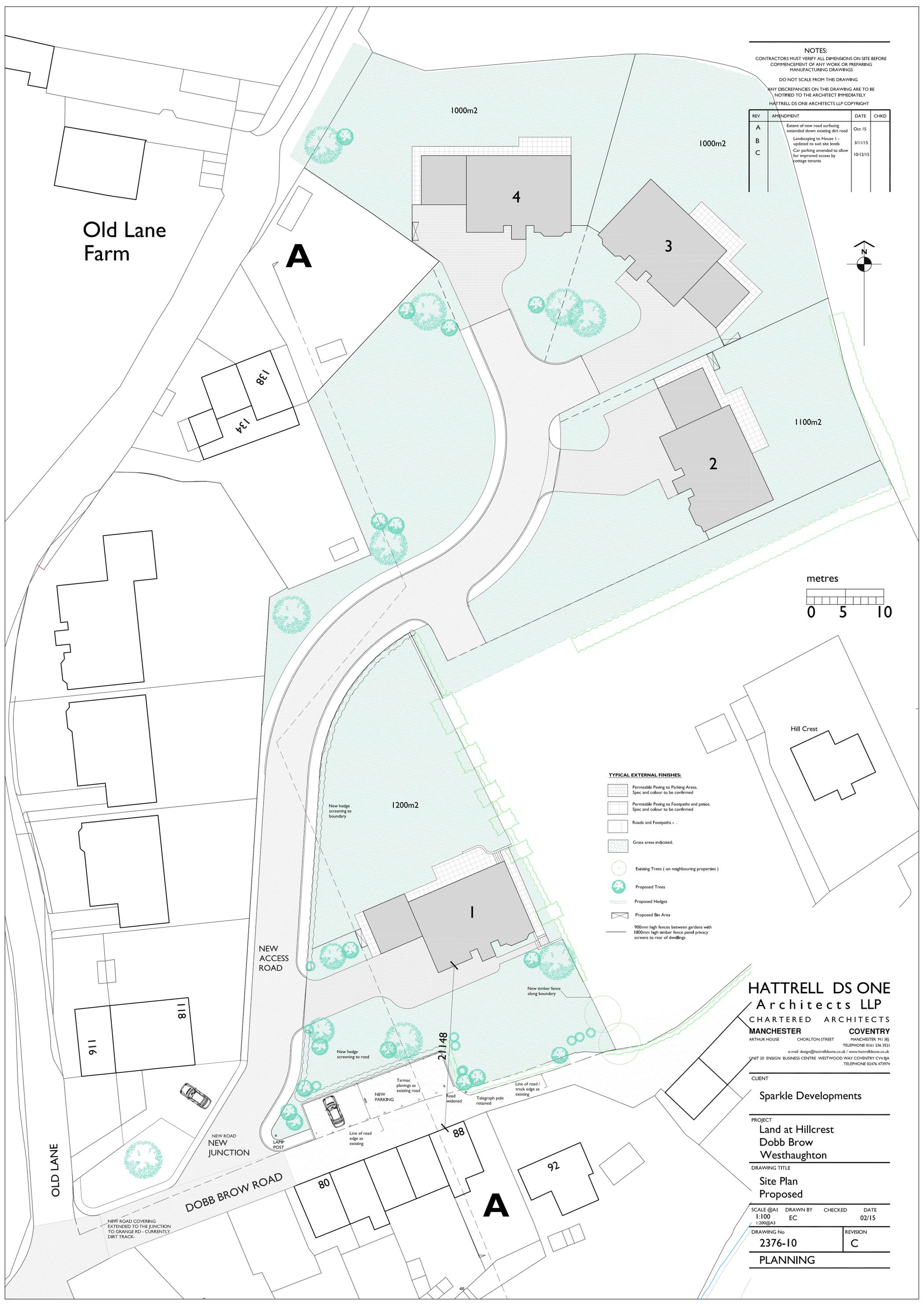
In the interests of highway safety.

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REV	AMENDMENT	DATE	CHKD
A	Extent of new road surfacing extended down existing dirt road	Oct 15	
B	Landscaping to House 1 - updated to suit site levels	3/11/15	
C	Car parking amended to allow for improved access by cottage tenants	10/12/15	



- TYPICAL EXTERNAL FINISHES:**
- Permeable Paving to Parking Areas. Spec and colour to be confirmed
  - Permeable Paving to Footpaths and patios. Spec and colour to be confirmed
  - Roads and Footpaths - .
  - Grass areas indicated.
  - Existing Trees (on neighbouring properties)
  - Proposed Trees
  - Proposed Hedges
  - Proposed Bin Area
  - 900mm high fences between gardens with 1800mm high timber fence panel privacy screens to rear of dwellings



**HATTRELL DS ONE**  
**Architects LLP**  
 CHARTERED ARCHITECTS  
**MANCHESTER**      **COVENTRY**  
 ARTHUR HOUSE      CHORLTON STREET      MANCHESTER, M1 3EQ  
 e-mail: design@hattrelldsone.co.uk / www.hattrelldsone.co.uk  
 UNIT 20 ENSIGN BUSINESS CENTRE WESTWOOD WAY COVENTRY CV4 8JA  
 TELEPHONE 02476 473974

CLIENT  
**Sparkle Developments**

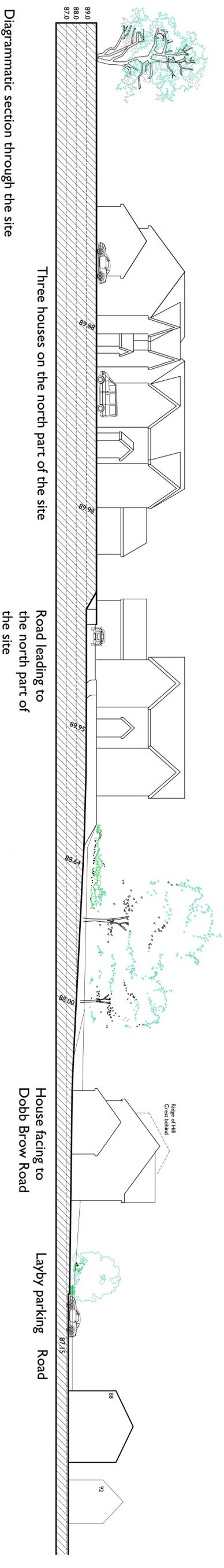
PROJECT  
**Land at Hillcrest  
 Dobb Brow  
 Westthoughton**

DRAWING TITLE  
**Site Plan  
 Proposed**

SCALE @A1	DRAWN BY	CHECKED	DATE
1:100	EC		02/15
1:200@A3			

DRAWING No	REVISION
2376-10	C

**PLANNING**



REVISION	AMENDMENTS	DATE	CHKD
A	Front of site to be levelled with gentle gradient off road front dwelling -house 1 to sit at lower level. Opposite house indicated for information.	Sep 15	
B	Dwelling -house 1 to sit at lower level as cottages. Parking area for cottages increased	Dec 15	

Sparkle Developments  
Land at Hillcrest  
Dobb Brow, Westhaughton Bolton

SCALE	1:200	A1
<p>CONTRACT DOCUMENTS APPLY TO ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF WORK. DIMENSIONS SHOWN ON DRAWINGS DO NOT SCALE FROM THE DRAWING.</p> <p>ANY DISCREPANCIES ON THE DRAWINGS ARE TO BE NOTICED TO THE ARCHITECT PRESENTED COMMENT.</p> <p>HATTRELL DS ONE ARCHITECTS</p>		
DATE	July 15	DRAWN BY
APPROVED BY		ISSUED TO SITE

Proposed House  
Plans and Elevations

**HATTRELL DS ONE** Architects LLP

CHARTERED ARCHITECTS  
MANCHESTER COVENTRY

2376-12

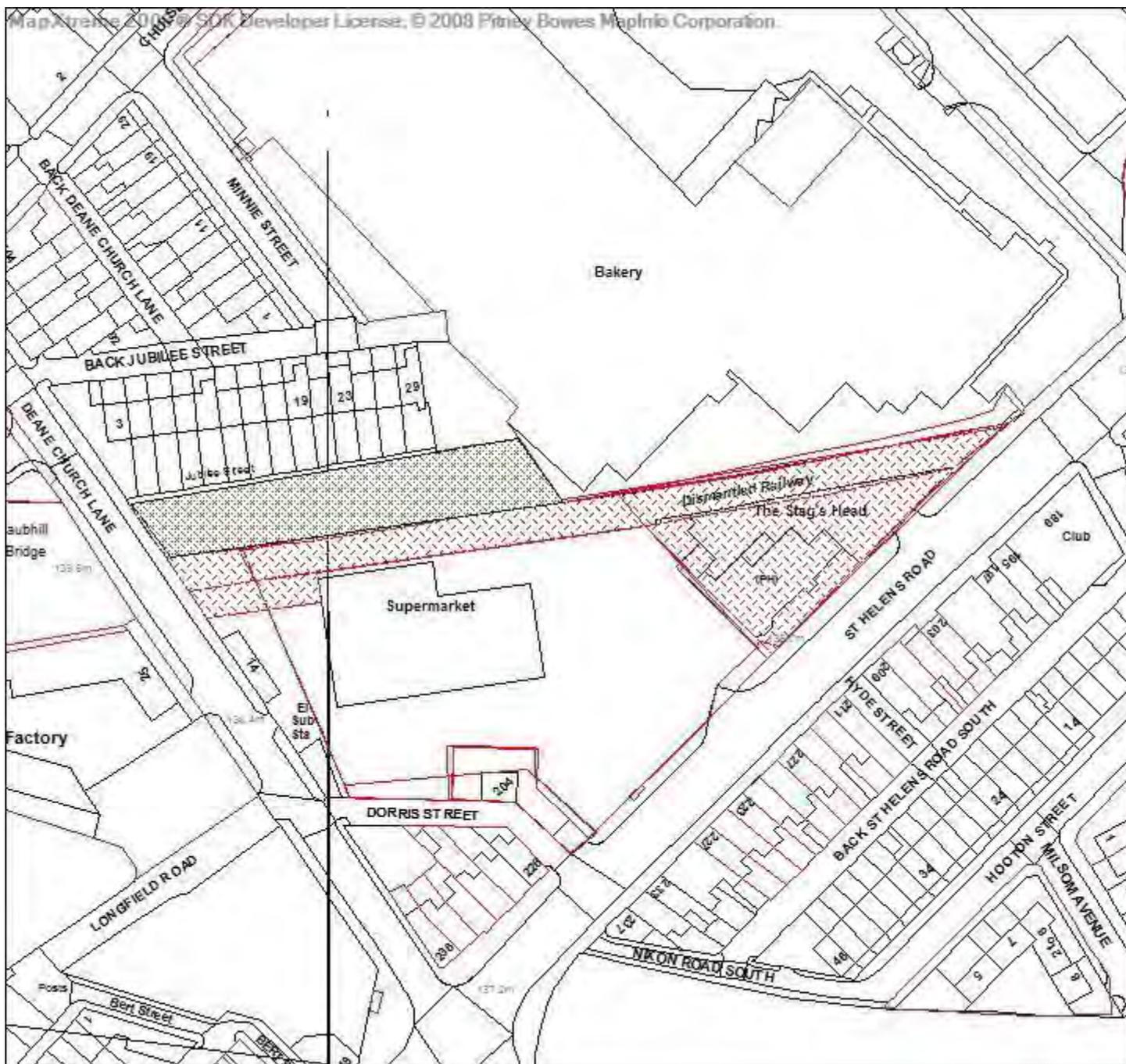
**B**

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TELEPHONE 02476 528 446 FACSIMILE 02476 530 460

# Application number 95030/15



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Telephone (01204) 333 333

# Bolton Council

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**Date of Meeting: 18/02/2016**

**Application Reference: 95030/15**

**Type of Application: Full Planning Application**

**Registration Date: 24/11/2015**

**Decision Due By: 18/01/2016**

**Responsible Officer: Jeanette Isherwood**

**Location: 200 ST HELENS ROAD, BOLTON, BL3 4EB**

**Proposal:** CHANGE OF USE FROM PUBLIC HOUSE TO A FUNCTION AND CONFERENCE FACILITY ON GROUND FLOOR AND OFFICES ON FIRST FLOOR TOGETHER WITH DORMER AT REAR, SINGLE STOREY REAR EXTENSION AND CAR PARKING TO LAND AT REAR INCLUDING ERECTION OF LIGHTING

**Ward: Rumworth**

**Applicant: Mr Ali**

**Agent : Smusa1**

## **Officers Report**

**Recommendation: Refuse**

### **Background**

The proposal is a resubmission of an almost identical scheme that was refused under delegated powers on 6th July 2015 under reference 93685/15. The application was refused for the following reasons:-

- The proposed development will increase noise and activity in and around the premises, along with increased light pollution from the floodlights, to the detriment of the living conditions of nearby residents and is contrary to Policy CG4 of Bolton's Core Strategy and Planning Control Policy Note No.16 - Floodlighting.
- The proposal makes insufficient provision for car parking in connection with the proposed development which is likely to result in on-street traffic and parking problems, to the detriment of highway safety, and is thus contrary to Policies S1 and P5 of Bolton's Core Strategy.
- The proposed development would be contrary to Policy CG1.2 of Bolton's Core Strategy in that it would be likely to result in damage to and ultimately the unacceptable loss of trees from the site, to the detriment of the character, appearance and amenity of the application site and the area in which it is set.

### **Enforcement History**

The Council first received complaints regarding the change of use of the premises - and the formation of a car park with floodlighting - in June 2014. The complaints centred around noise

disturbance from the venue, traffic noise from the unauthorised car park together with light disturbance with the introduction of floodlighting to the rear and the unauthorised removal of trees. All the works were unauthorised and without the benefit of planning permission. A planning application to regularise the breach was not submitted and, therefore, on 6<sup>th</sup> November 2014 the Council served an Enforcement Notice. The Notice became effective on 11<sup>th</sup> December 2014 and required the owner to take the following steps:

- i. Permanently cease to use the premises (marked "A" on the attached site plan) as a functions and conference venue.
- ii. Permanently cease to use the land (within the hatched area on the attached site plan) for the parking of motor vehicles.
- iii. Permanently dismantle and remove from the land, to an authorised place of disposal, all lighting columns and floodlights shown for identification purposes on photograph 1 marked "B", "C", "D" and "E" and within the hatched area on the attached plan.
- iv. Remove all the deposited aggregate material which forms the hardstanding, to an authorised place of disposal, shown for identification purposes on photograph 2 marked "F" and within the hatched area in the attached plan, to a maximum depth of 300mm.
- v. Replace the removed aggregate material with 200mm of subsoil to be rotovated to a depth of 150mm to break up compaction and to remove stones larger than 50mm including rubble contaminants, top off with 100mm of top soil and re-seed it with grass. All removed contaminants to be taken to an authorised place of disposal.

Steps (i) and (ii) should have been complied with within 24 hours after the notice took effect; step (iii) within 30 days; step (iv) within 3 months; step (v) within 6 months. The Notice should have been fully complied with by 11th June 2015. However the owners have failed to comply with any of the requirements of the Notice.

In the interim period, the Council accepted two planning applications from the owner in an attempt to regularise the situation. The first application was withdrawn whilst the second application was refused, as per the above details.

Enforcement Officers have advised the owners that they should appeal against the decision to refuse the second planning application (93685/15) or the Council would begin preparing papers for prosecution for non-compliance with the Enforcement Notice. However, the owners did not appeal against the decision. Papers for prosecution have been prepared and it would be usual practice for the Council to now lodge those papers in the magistrates court. However, this process has been held in abeyance whilst this planning application is determined.

It is a criminal offence to contravene the requirements of a valid Enforcement Notice. The maximum penalty is a fine up to £20,000. Furthermore, as the owner has been operating the business since 11<sup>th</sup> June 2015, in contravention of the Enforcement Notice, Officers believe that the Council would stand a reasonable chance of gaining substantial costs from the owner by virtue of the Proceeds of Crime Act (POCA) as it is highly likely that the owner has benefited financially from the criminal offence.

### **Proposal**

The application proposes to retain a change of use from a public house (A4) to a wedding hall/conference facility (D2) on the ground floor and offices (B1) on the first floor, together with 1 no. dormer at the rear, a single storey rear extension and car parking to land at the rear. The repositioning of 5 metre high floodlighting is also proposed.

The proposed car park is in situ and the floodlighting already in use.

The application proposes an increase in staff from 2 part time employees to 22 full time employees.

The hours of opening for the offices are proposed at 9:00am - 5:00 pm Monday to Saturday

The hours of opening of the venue are 5:00pm to 11:30pm Monday to Sunday including bank holidays.

### **Site Characteristics**

The Manor is located on St Helen's Road and was formerly The Stags Head Public House. A small car park is to the side of the property; it is accessed directly from St Helen's Road. The area contains a multitude of uses some commercial, some residential. Asda supermarket adjoins the site to the south west. A parking area separates the respective buildings. Opposite is a row of terraces containing a number of retail uses interspersed with residential occupations. To the north is an industrial unit together with a row of terraced properties on Jubilee Street. These properties are sited behind the disused railway embankment and are therefore set at a higher level.

To the west is a traffic light controlled junction at Deane Church Lane and Hudson Road. Regular bus services run along St Helen's Road providing links into and out of Bolton town centre.

### **Policy**

National Policy Framework

Bolton Core Strategy Policies: CG1 Green Bolton; CG3 Design and the Built Environment; CG4 Compatible Uses; RA1 Inner Bolton; P5 Accessibility; S1 Safe Bolton.

SPD General Design Principles

### **Analysis**

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.

The main impacts of the proposal are:-

The main impacts of the proposal are:-

- \* principle of converting a public house
- \* impact on the character and appearance of the area
- \* impact on residential amenity
- \* impact on parking provision
- \* impact on protected trees.

### Principle of Converting a Public House

There are no planning restrictions which require the property to remain as a public house, therefore its use needs to satisfy the relevant national and local policies.

### Impact on the Character and Appearance of the Area

The National Planning Policy Framework states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Core Strategy Policy CG3 seeks to ensure that development proposals display innovative, sustainable design that contributes to good urban design, respects and enhances local distinctiveness, and has regard to the overall built character and landscape quality of the area. Proposals should also be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment including hard and soft landscaping and boundary treatment. Historical associations should be retained where possible. Policy RA1 relates to Inner Bolton and states that the Council will ensure that development has particular regard to massing and materials used.

The proposed rear extension is of irregular, triangular shape, 12.378 metres wide and 13.569 metres long incorporating a flat roof. Although large in size the proposal is relative to the size of the plot and sited to the rear, not particularly visible from any public vantage point. The property has a distinct 'Tudor style' design using a beam effect and render with the new extension continuing this.

The proposed dormer is situated to the rear and does not overlook any residential accommodation. The style of the dormer is one small individual, dual pitched dormer of the same material and design as the existing building.

The proposed extension and dormer are not considered to have a detrimental impact on the character and appearance of the area and are considered to comply with policies CG3 and RA1 of Bolton's Core Strategy.

### Impact on Residential Amenity

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, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.

Section 6 of SPD "General Design Principles" provides policy guidance regarding the siting and operation of floodlights. The floodlights are sited approximately 30 metres from the fronts of properties on Jubilee Street. Although there is a ground level difference, the height and angle of the lights are on a level with the ground floor windows of these properties. The Council's recommended guidelines for use at this distance (20 to 34 metres) are as follows:-

- 09.00 and 21.00 Monday to Friday,
- 09.00 and 18.00 Saturdays and
- 09.00 and 17.00 Sundays for a temporary period of one year in order to monitor the impact upon residential properties nearby.

The positioning of the current floodlighting has been amended and detailed as 'facing away' from the

properties on Jubilee Street (however this is not yet apparent on site). However the use of the lights remains contrary to section 6 of the SPD and the new position of the floodlighting brings it closer to the properties to the rear on Jubilee Street.

The Council's Pollution Control Officers were consulted and had no objections subject to conditions regarding the following:-

- Possible ground contamination
- Lighting Lux levels
- Filtration methods for cooking odours
- Restrictions to opening hours and deliveries

Notwithstanding the above, the Environmental Health Officer commented further that the applicant had submitted insufficient information to demonstrate if the specifics of the proposed lighting condition could actually be met. There has been no detailed information submitted as to the new position of the lighting (only that it will be closer to residential properties) to fully assess if the current issues can actually be addressed in the new location with redirection.

The wedding venue is to be in use until 23:30, 7 days a week.

The new proposal was to address the issues of disturbance to the residents of Jubilee Street. As such the rear parking area has now been suggested as an 'informal' parking area for staff. However, if staff were to use this car park area to the rear this would still result in disturbance to the neighbours when leaving the venue upon its closure.

Officers do not consider that the amendments to the previous application have successfully addressed previous issues with regard to impacts on nearby residents and it therefore remains contrary to CG4 of Bolton's Core Strategy.

#### Impact on Parking Provision

Core Strategy policy S1 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.

The site is situated on St Helens Road, a busy thoroughfare between Bolton and Westhoughton. The proposal details an increase in parking from 6 spaces to 22 and includes the provision of an informal staff parking area to the rear, adjacent to the embankment.

The Highways and Engineers Officers were consulted with their comments as follows:-

*As with the previous application 93685/15, there would be insufficient turning space at the end of the informal staff parking area to allow vehicles to turn. This would result in inconvenience and possible underuse of the spaces, which would be exacerbated by the lack of formal car park space markings. In addition, as with the previous application, it is considered that the amount of parking for visitors would be insufficient to cater for the numbers of visitors to the large venue.*

On the basis that the venue is marketed as a 'Modern Marriage Venue' and described as such in paragraph 6.1 of the applicant's Design and Access Statement. Highways Engineers offered the further following comments:-

*For the B1 office space a calculation of 8 spaces is required.*

*For the D2 use, the Council's parking standards fail to address the issue of modern wedding venues. The comparison with cinema, bingo hall or concert hall is the closest that the D2 standards allow and equates to 13 spaces based on a maximum of 100 people. If recommended for approval a condition should be imposed to limit the maximum number of people to 100.*

*However, in terms of traffic generation, a wedding venue could be more accurately compared to an A3 restaurant use, which would equate to 29 spaces based on a maximum of 200 sq m of public floor area, modern wedding venues often attract vehicle numbers far in excess of the Council's maximum parking standards and as a result, overspill on-street parking occurs to the detriment of highway safety and residential amenity.*

It is noted that Highways have stated that conditioning the number of attendees to the venue could dispel parking issues. However a condition such as this would be unenforceable and therefore difficult to control, possibly leading to over capacity of the venue and therefore this does not outweigh the initial concerns.

In view of the historical residential complaints with regards to traffic disturbance it is clear that the applicants statement that, *"the current venue has operated at this site for a number of years without any known detriment to residential amenity"* is not correct as the change of use was brought to the attention of the Council whilst investigations of a number of complaints were ongoing.

It is considered that the available parking, due to problems highlighted, would be insufficient to cater for the numbers of visitors to the large venue and it is therefore considered that the proposal does not comply with policies P5 and S1 of the Core Strategy.

#### impact on Trees

Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development.

The Council's Tree and Woodlands Officers have highlighted a number of issues. These include the following:-

- A complaint was received during the summer that trees and soil were being removed from the linear car parking area to the rear of the supermarket. I visited the site and spoke to the owner who advised that they were clearing the area of rubbish. I advised that excavation works should not occur next to the protected trees. They advised that they would not excavate further than they had at the time of the meeting. Visiting the site today it is clear that excavation works have continued cutting into the embankment where the trees stand. It is recommended that this embankment is reinstated to protect the long term health of the trees.
- Directly to the rear of Manor House there was a high hedge of Privet bushes which provided a valuable screen to the large industrial unit/offices to the rear. Attempts had been made to remove this in 2010 and along with the dumping of hard core on the site. This was the subject of an investigation by planning enforcement officers. It is understood that the owner agreed to retain the hedge and not to remove it. This hedge has now been removed. It is recommended that a landscape strip of trees/shrubs is provided along the back boundary line to replace this lost landscaping.

- The submitted landscape plan for the current application is not appropriate for the area.

It is therefore considered that due to the number of issues highlighted the proposal does not comply with Policy CG1.2 of Bolton's Core Strategy

### **Conclusion**

Officers conclude that the amendments to the previous application are not sufficient to address the previous reasons for refusal and therefore the proposal is considered to be contrary to Bolton Core Strategy Policies CG4, S1, P5 and CG1 and the guidance within section 6 of SPD General Design Principles.

Members are therefore recommended to refuse the application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Four letters of objection have been submitted with concerns being as follows:-

- Noise disturbance - Banging car doors and people shouting
- Loss of trees
- Light disturbance
- Loud music at unsociable hours
- Flouting of Planning Laws
- Lack of parking
- Highway safety issues due to increased traffic
- Light pollution

**Elected Members:-** The Ward Members for Rumworth have requested that the final determination of this planning application is made by the Planning Committee.

### **Consultations**

Advice was sought from the following consultees; Highways Engineers, Pollution Control Officers, Coal Authority, Trees and Woodlands Officers.

### **Planning History**

Permission refused for an almost identical scheme under reference 93685/15

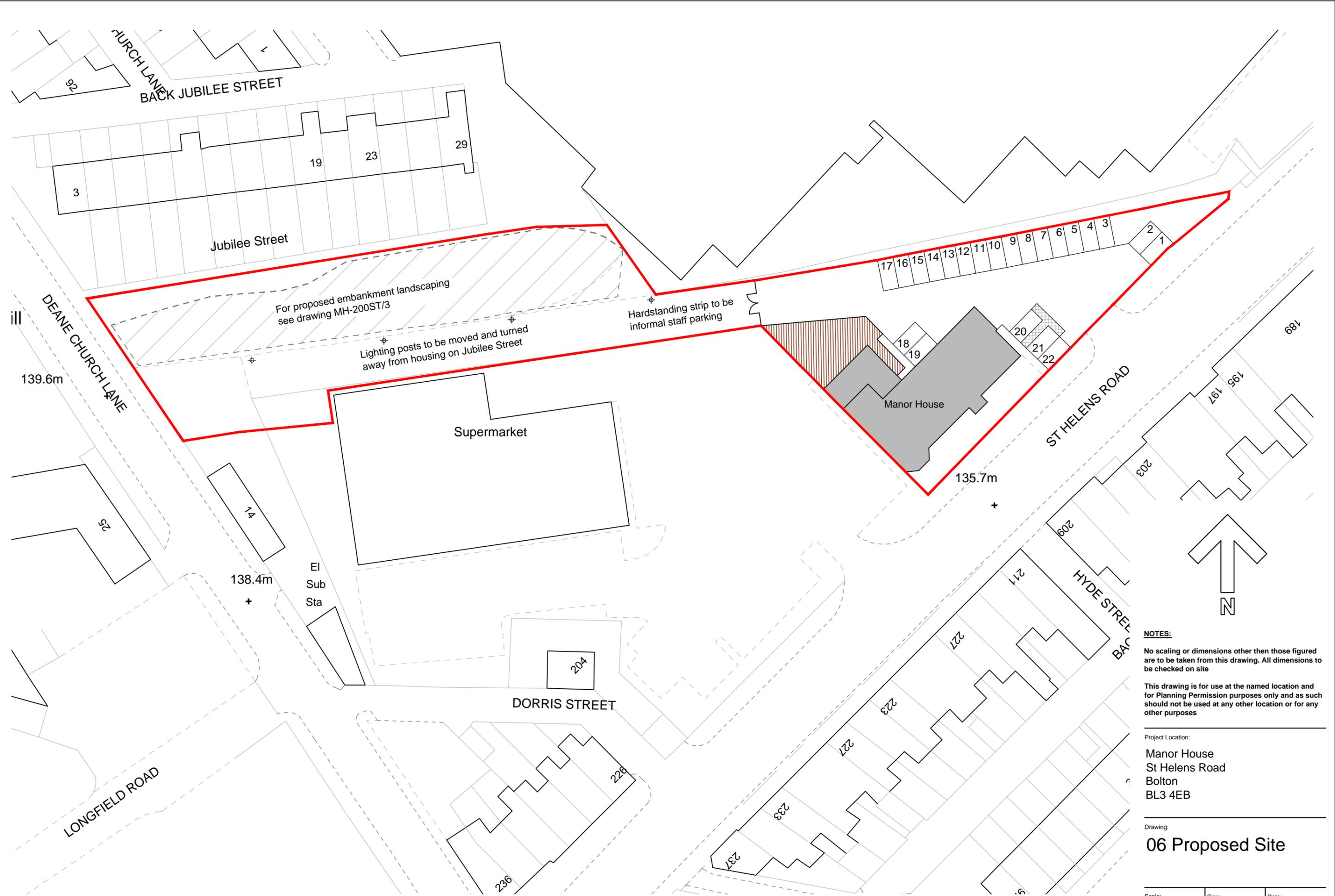
Permission was granted for a two storey rear extension and 2m boundary fence/wall under reference 83849/10

Permission was granted to change the use of the property to Offices (B1) under reference 82463/09

**Recommendation:            Refuse**

### **Recommended Conditions and/or Reasons**

1. The proposed development will increase noise and activity in and around the premises, along with increased light pollution from the floodlights, to the detriment of the living conditions of nearby residents and is contrary to Policy CG4 of Bolton's Core Strategy and the guidance within section 6 of SPD "General Design Principles".
2. The proposal makes insufficient provision for car parking in connection with the proposed development which is likely to result in on-street traffic and parking problems, to the detriment of highway safety, and is thus contrary to Policies S1 and P5 of Bolton's Core Strategy.
3. The proposed development would be contrary to Policy CG1.2 of Bolton's Core Strategy in that it would be likely to result in damage to and ultimately the unacceptable loss of trees from the site, to the detriment of the character, appearance and amenity of the application site and the area in which it is set.



For proposed embankment landscaping see drawing MH-200ST/3

Lighting posts to be moved and turned away from housing on Jubilee Street

Hardstanding strip to be informal staff parking

**NOTES:**

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

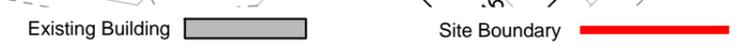
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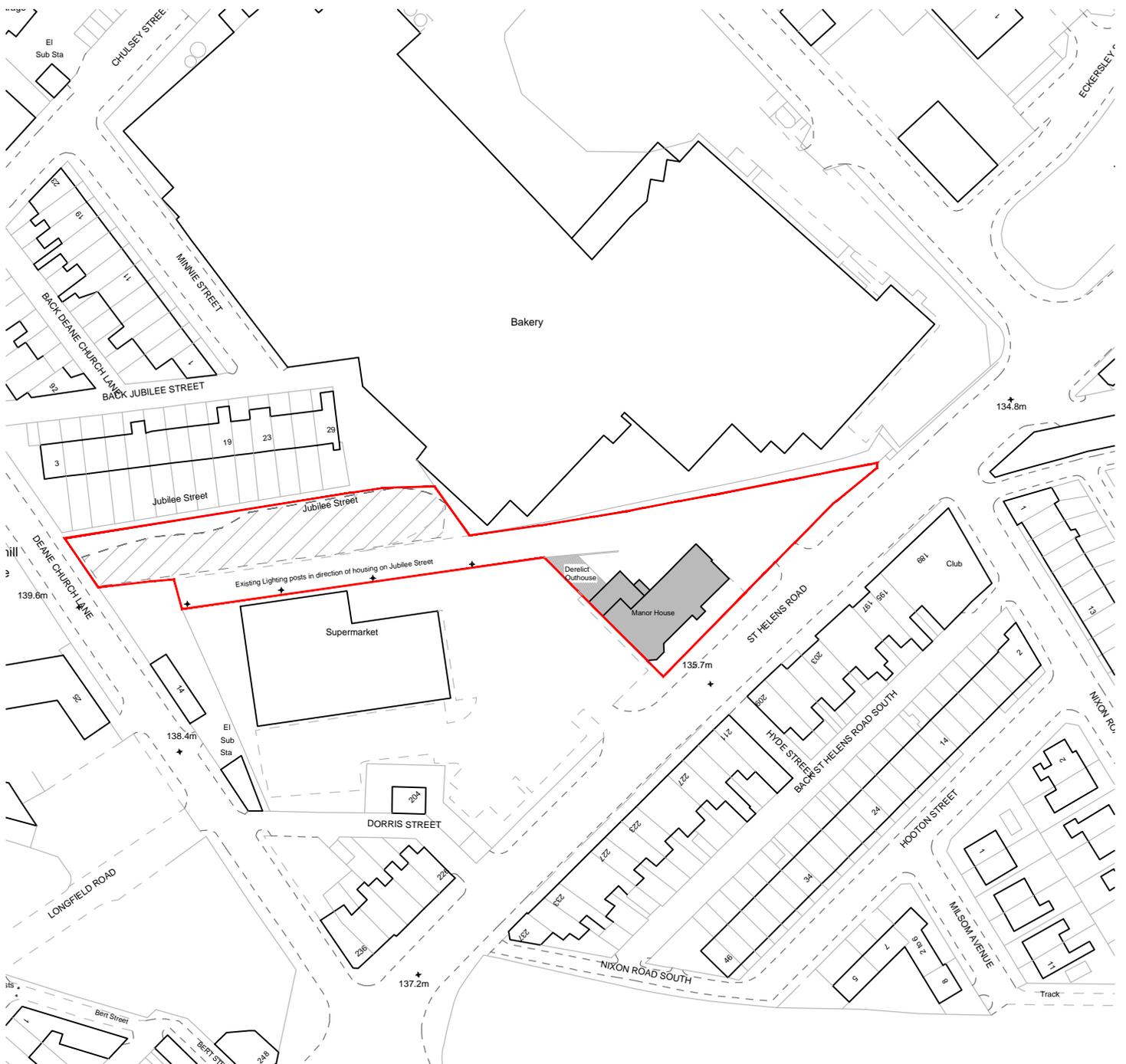
Project Location:  
 Manor House  
 St Helens Road  
 Bolton  
 BL3 4EB

Drawing:  
**06 Proposed Site**

Scale: <b>1:500</b>	Size: <b>A3</b>	Date: <b>09/15</b>
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**Site Plan**  
 Scale 1:500 @ A3



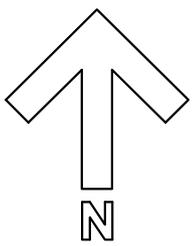


### Site Location

Scale 1:1250 @ A3



Site Boundary ———  
 Existing Building



**NOTES:**

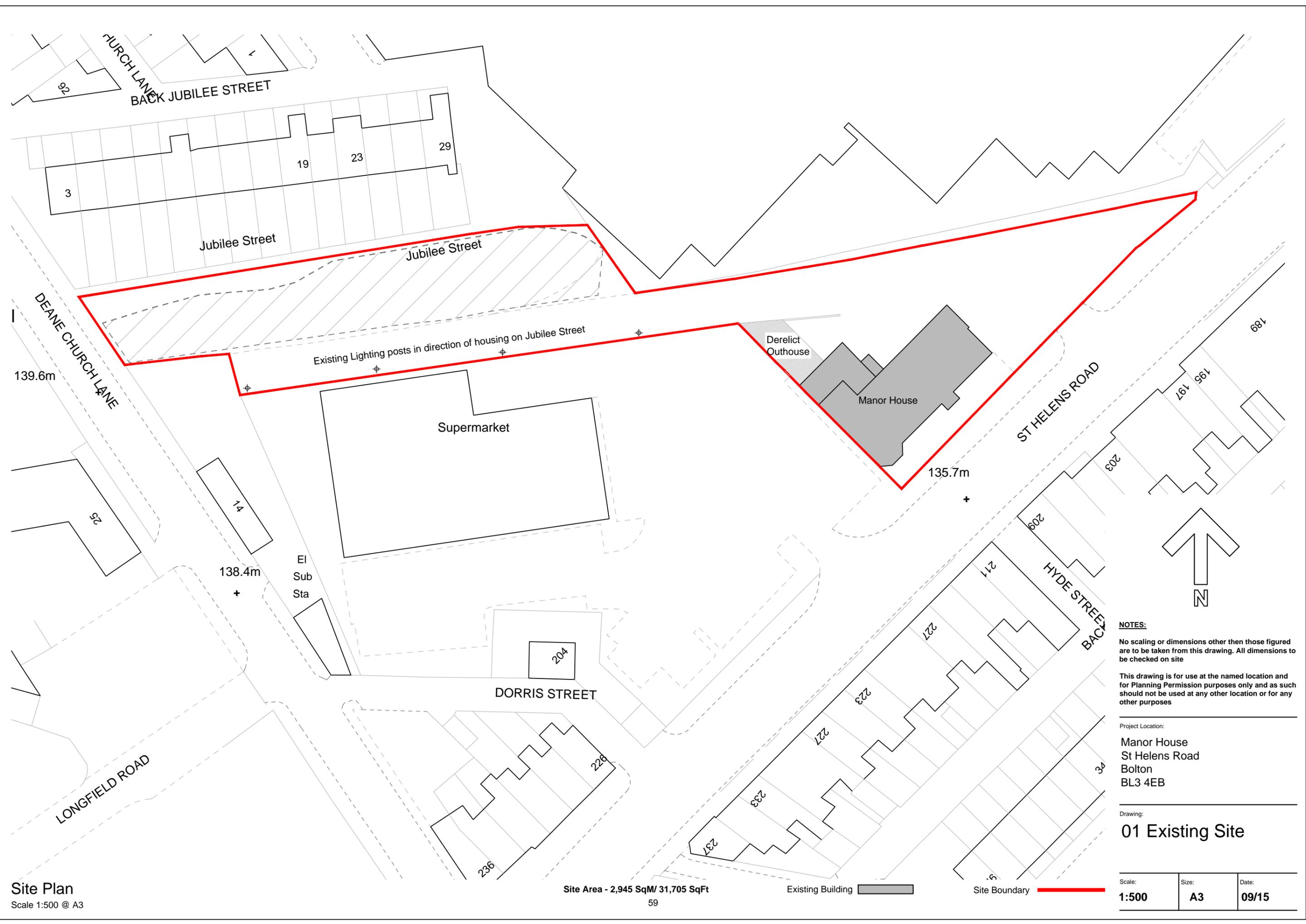
No scaling or dimensions other than those figured are to be taken from this drawing. All dimensions to be checked on site

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Project Location:  
 Manor House  
 St Helens Road  
 Bolton  
 BL3 4EB

Drawing:  
**00 Site Location**

Scale:	Size:	Date:
<b>1:1250</b>	<b>A3</b>	<b>09/15</b>

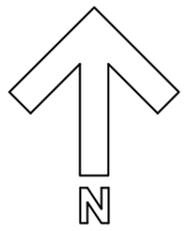


**Site Plan**  
Scale 1:500 @ A3

Site Area - 2,945 SqM/ 31,705 SqFt  
59

Existing Building

Site Boundary

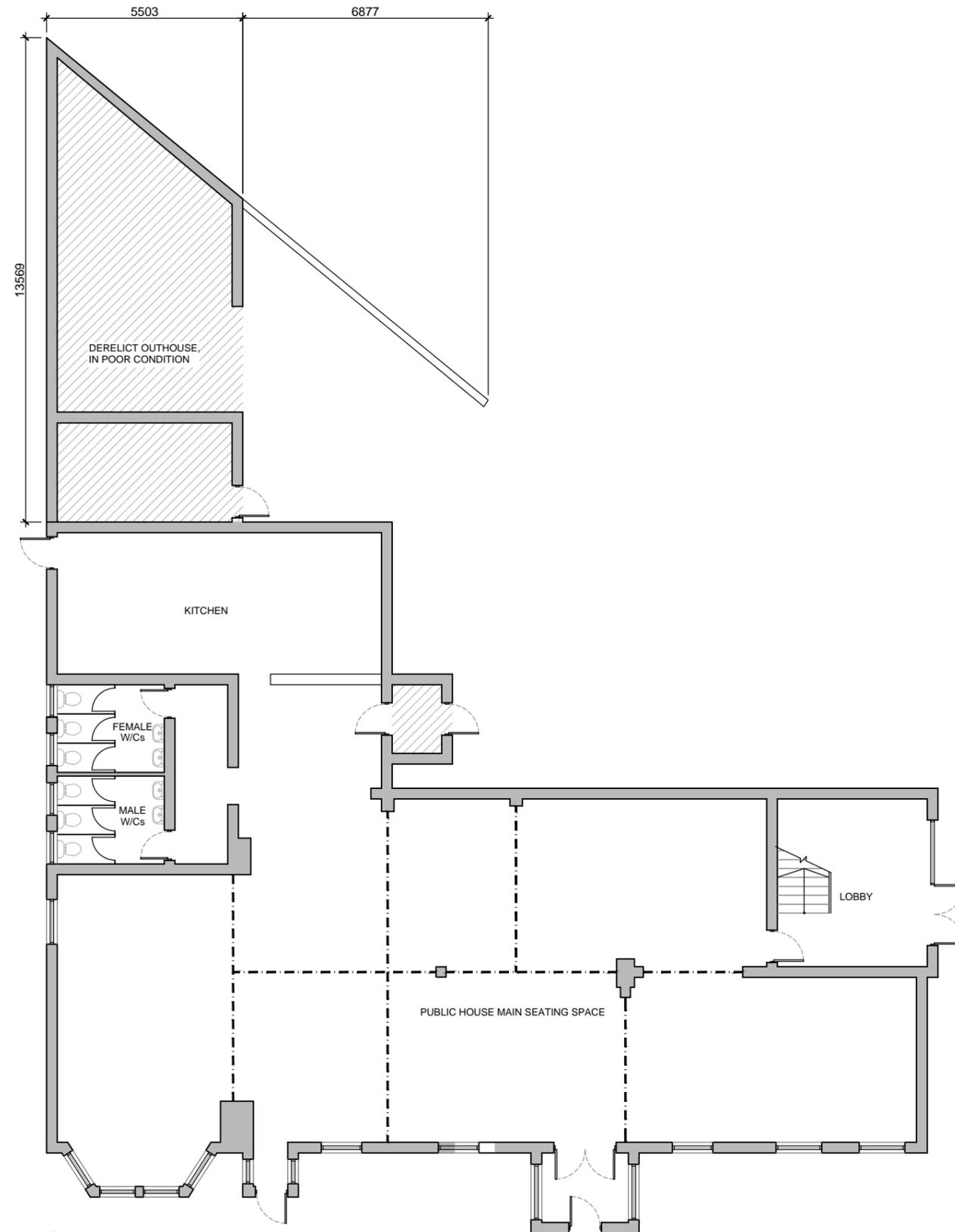


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Project Location:  
Manor House  
St Helens Road  
Bolton  
BL3 4EB

Drawing:  
**01 Existing Site**

Scale: <b>1:500</b>	Size: <b>A3</b>	Date: <b>09/15</b>
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Ground Floor

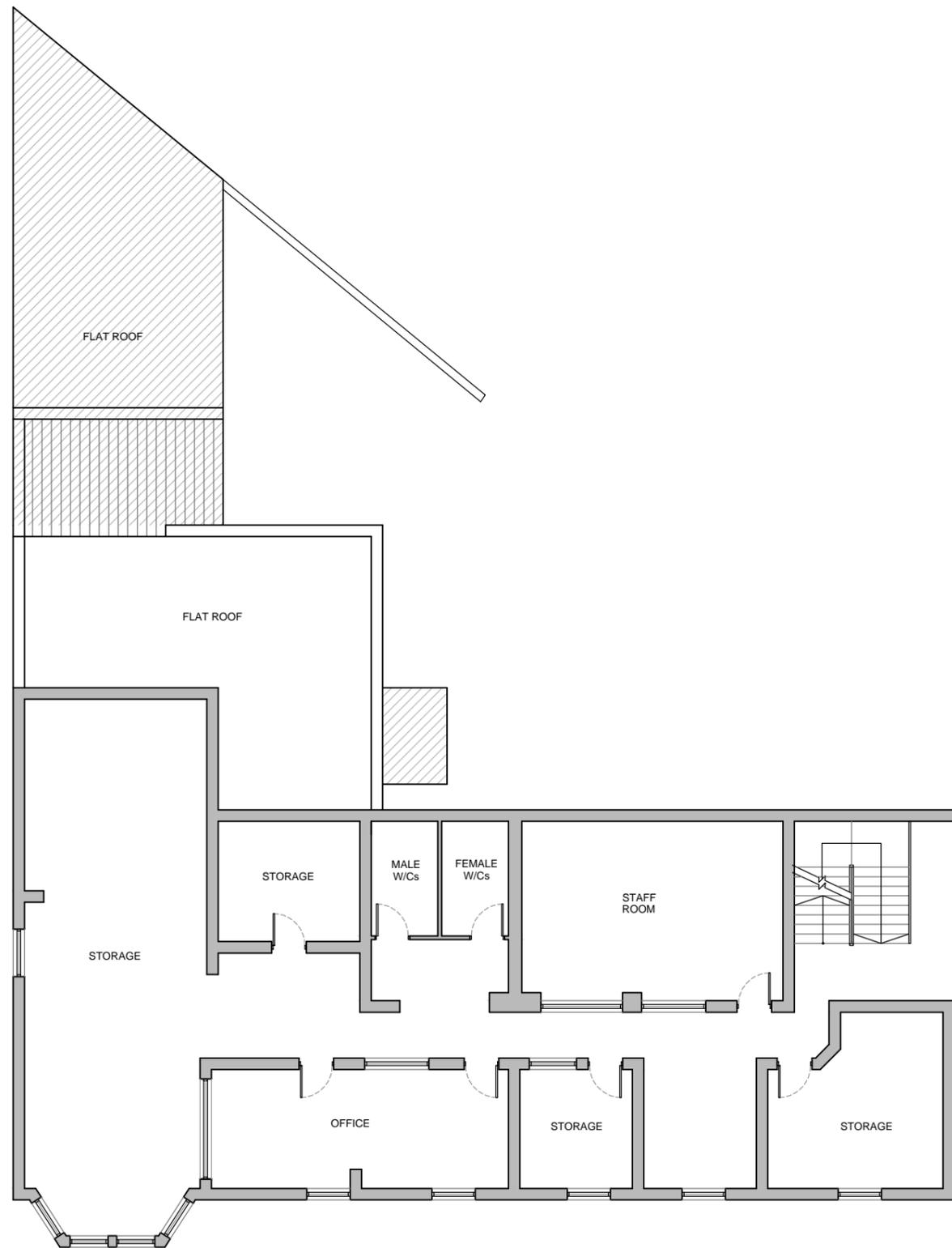
- Area to be demolished
- Existing

**NOTES:**  
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Project Location:  
 Manor House  
 St Helens Road  
 Bolton  
 BL3 4EB

Drawing:  
**02 Existing Ground Floor**

Scale: <b>1:150</b>	Size: <b>A3</b>	Date: <b>09/15</b>
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First Floor

-  Area to be demolished
-  Existing

**NOTES:**

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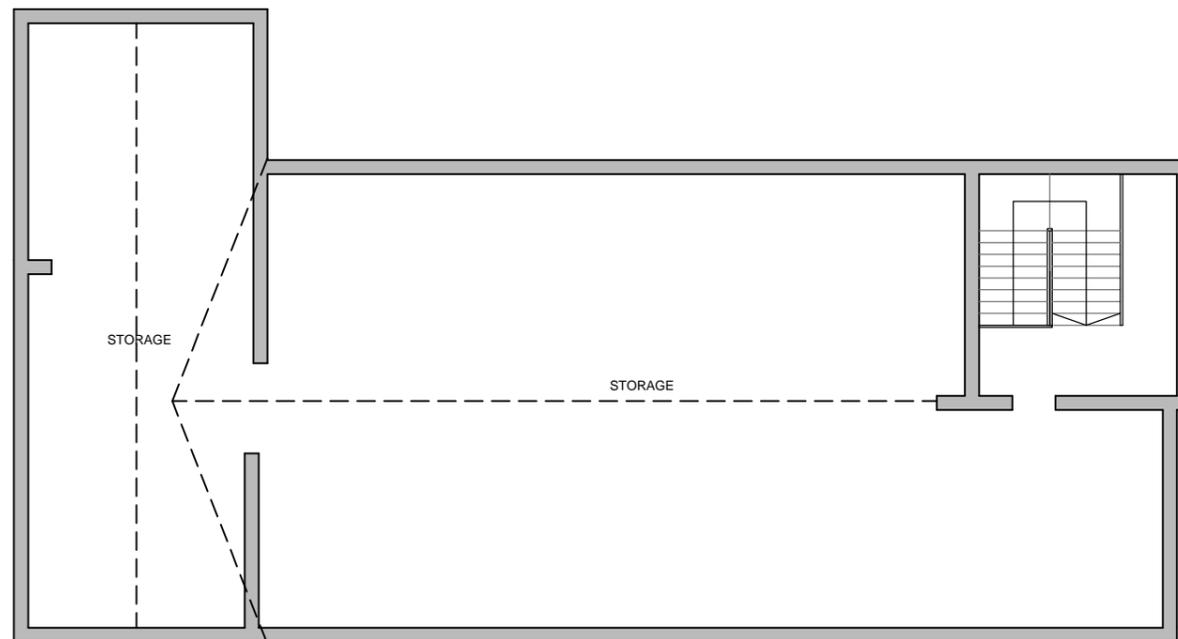
Project Location:

Manor House  
 St Helens Road  
 Bolton  
 BL3 4EB

Drawing:

**03 Existing First Floor**

Scale: <b>1:150</b>	Size: <b>A3</b>	Date: <b>09/15</b>
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Second Floor

**NOTES:**

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Project Location:

Manor House  
 St Helens Road  
 Bolton  
 BL3 4EB

Drawing:

**04 Existing Second Floor**

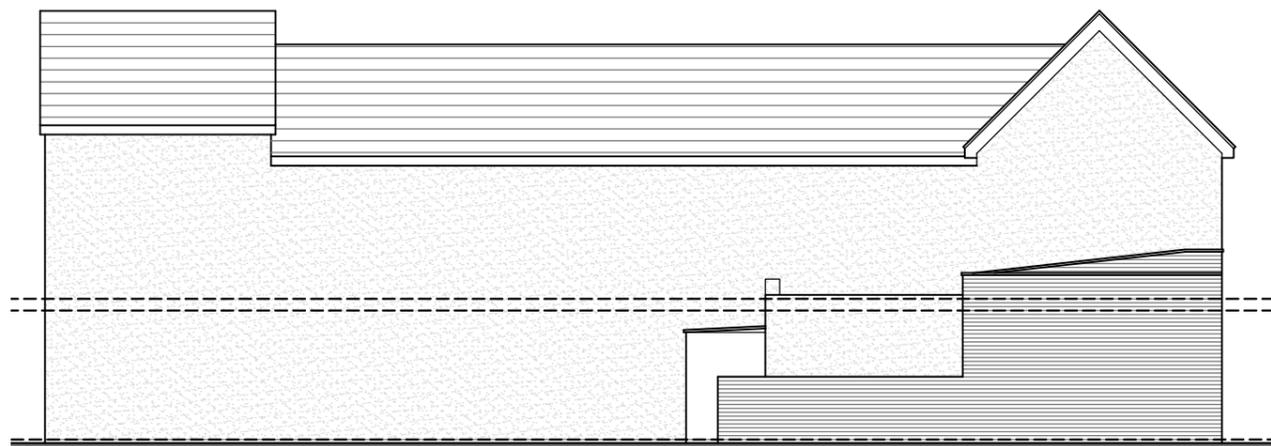
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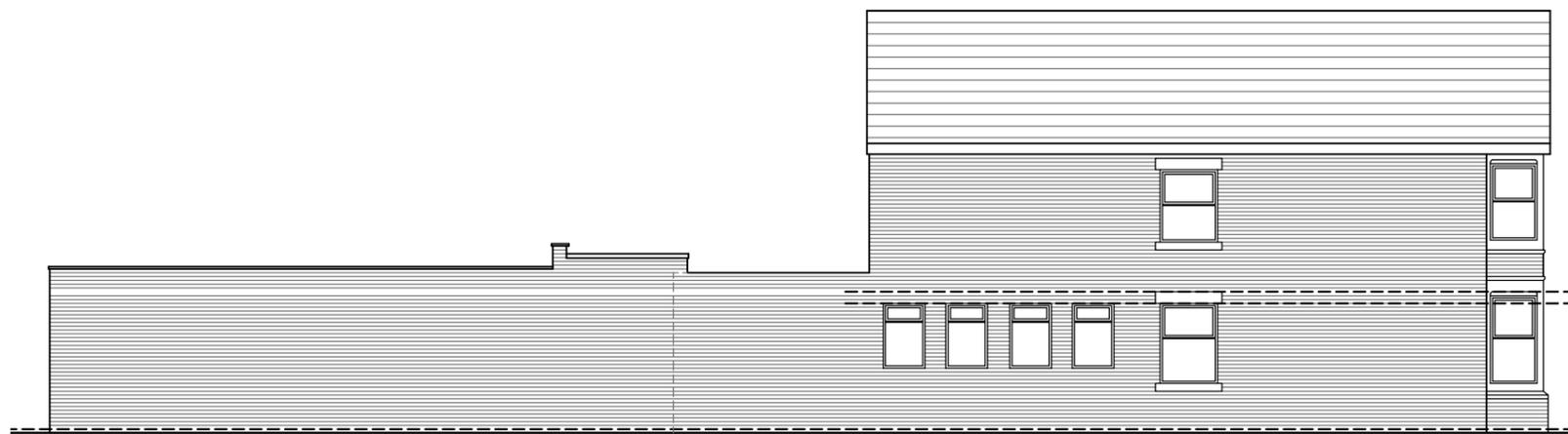
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

**NOTES:**

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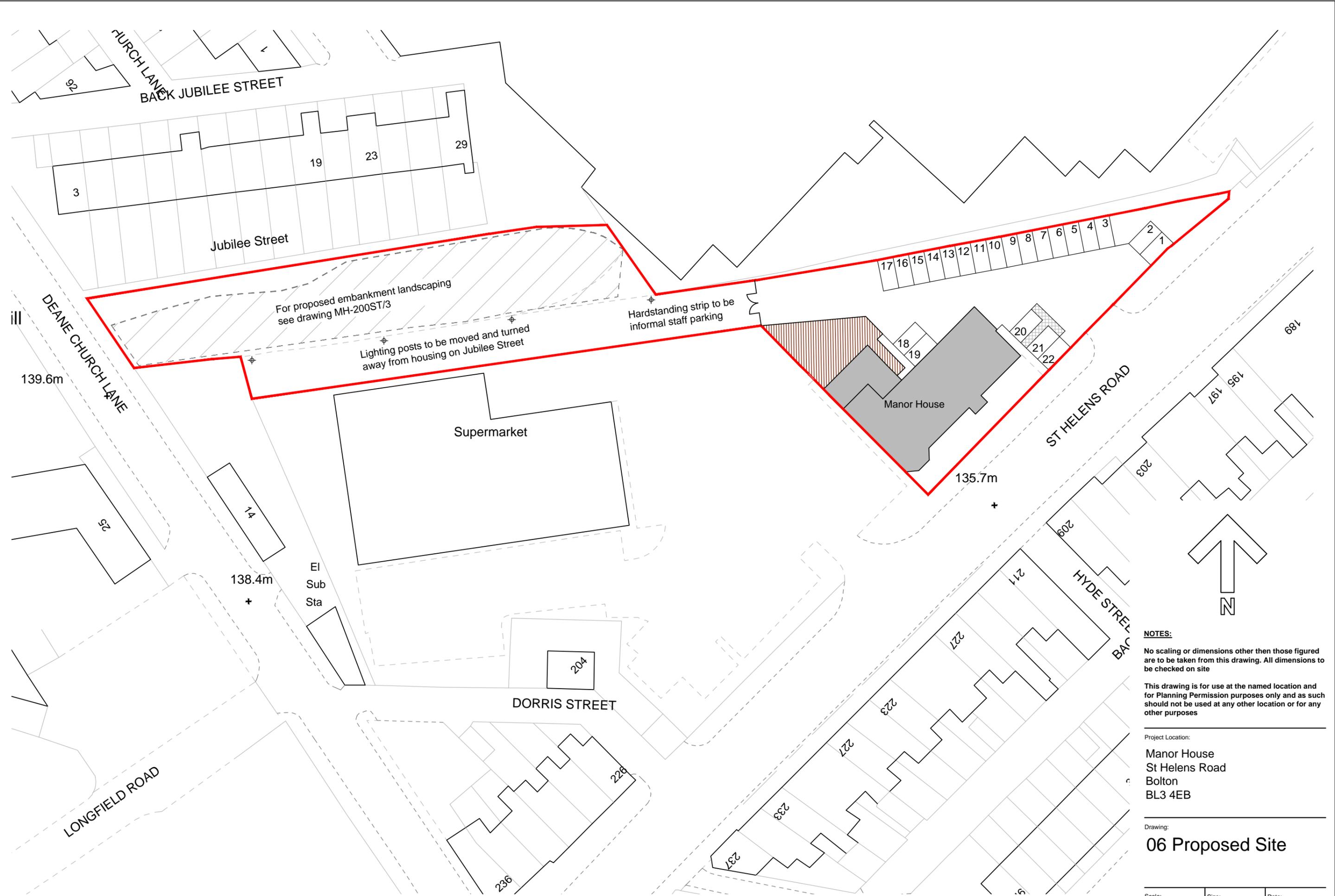
Project Location:

Manor House  
St Helens Road  
Bolton  
BL3 4EB

Drawing:

**05 Existing Elevations**

Scale:	Size:	Date:
<b>1:150</b>	<b>A3</b>	<b>09/15</b>



**NOTES:**  
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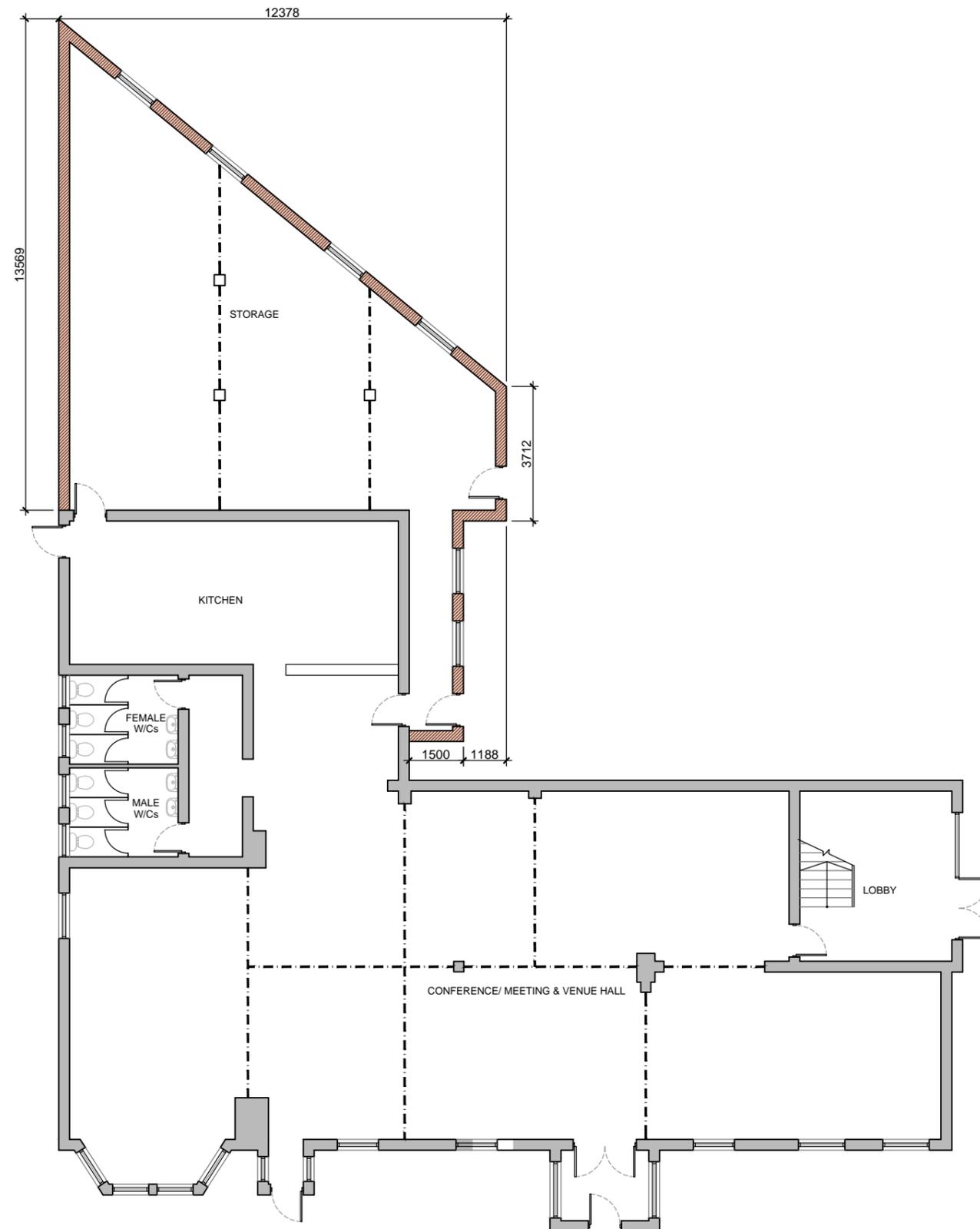
Project Location:  
 Manor House  
 St Helens Road  
 Bolton  
 BL3 4EB

Drawing:  
**06 Proposed Site**

Scale: <b>1:500</b>	Size: <b>A3</b>	Date: <b>09/15</b>
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**Site Plan**  
 Scale 1:500 @ A3





Ground Floor

- Proposed
- Existing

**NOTES:**

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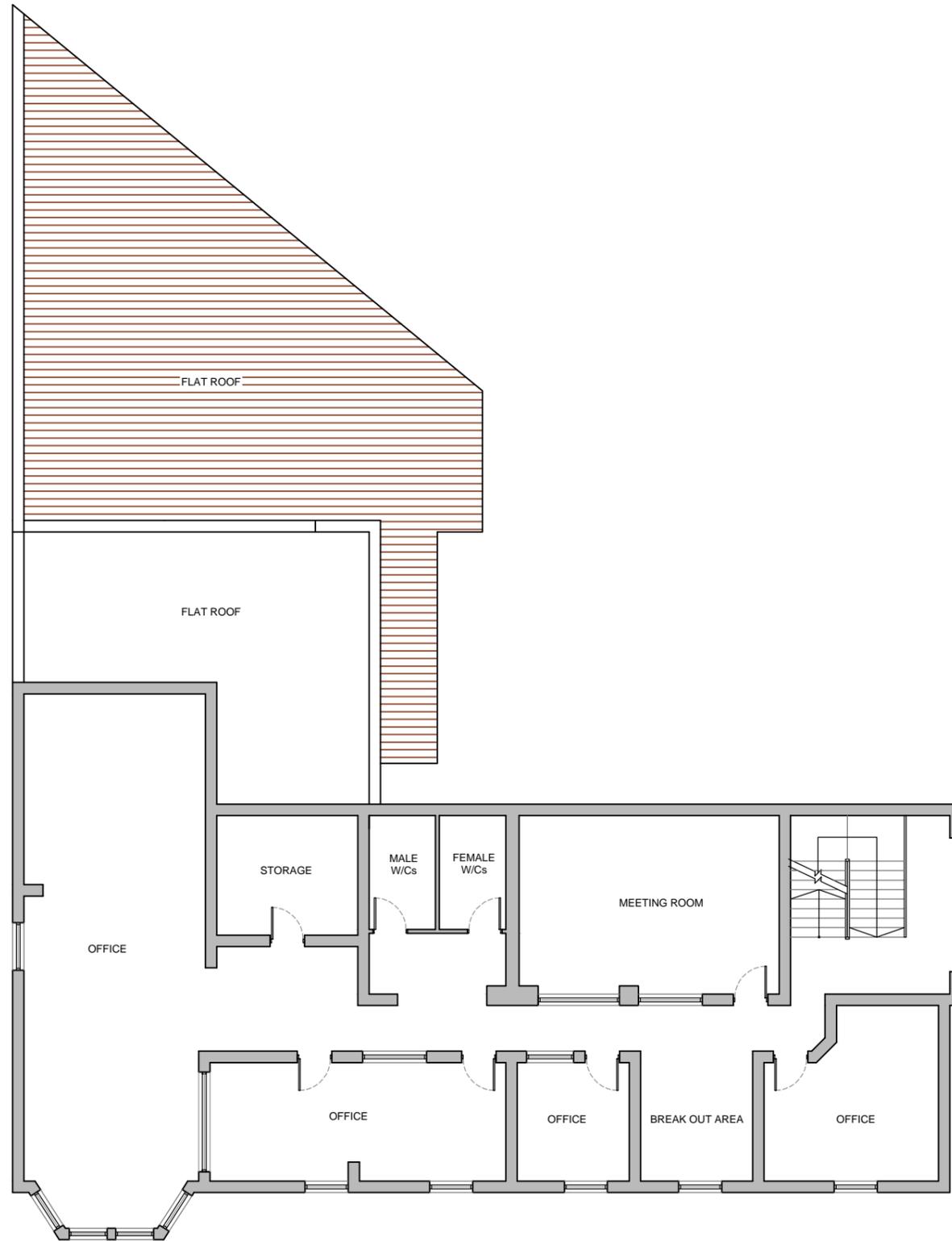
Project Location:

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 St Helens Road  
 Bolton  
 BL3 4EB

Drawing:

## 07 Proposed Ground Floor

Scale: <b>1:150</b>	Size: <b>A3</b>	Date: <b>09/15</b>
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First Floor

-  Proposed
-  Existing

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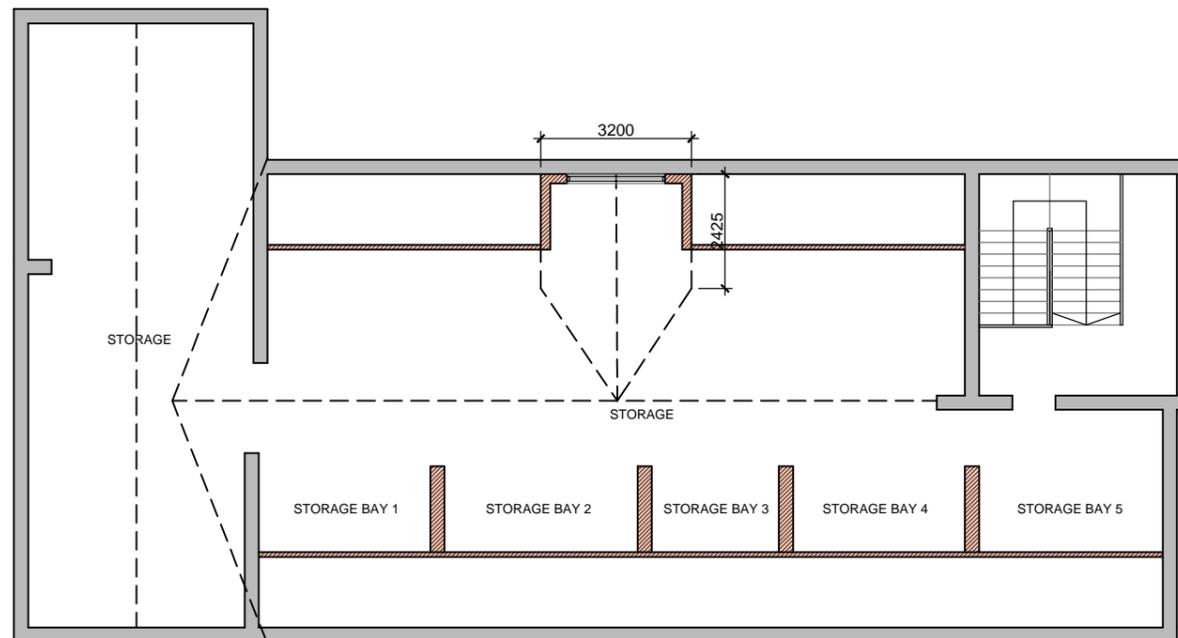
Project Location:

Manor House  
 St Helens Road  
 Bolton  
 BL3 4EB

Drawing:

**08 Proposed First Floor**

Scale: <b>1:150</b>	Size: <b>A3</b>	Date: <b>09/15</b>
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Second Floor

-  Proposed
-  Existing

**NOTES:**

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Project Location:

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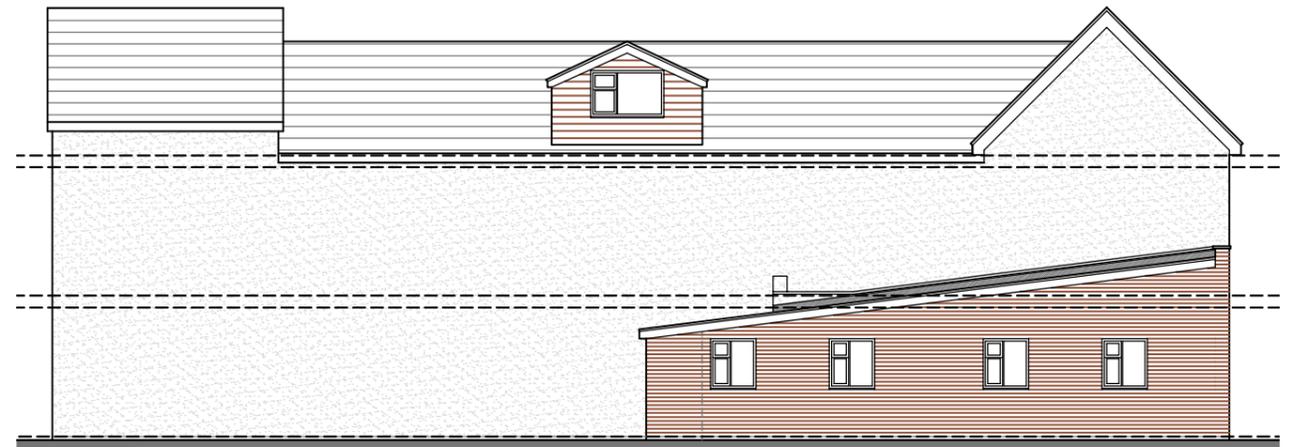
Drawing:

**09 Proposed Second Floor**

Scale: <b>1:150</b>	Size: <b>A3</b>	Date: <b>09/15</b>
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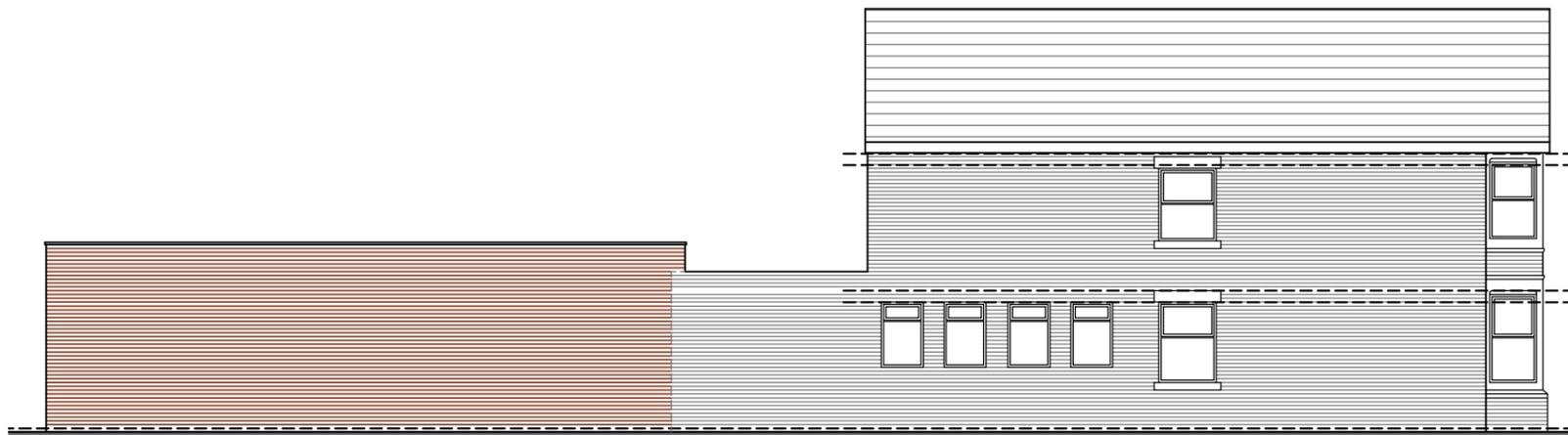
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

**NOTES:**

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Project Location:

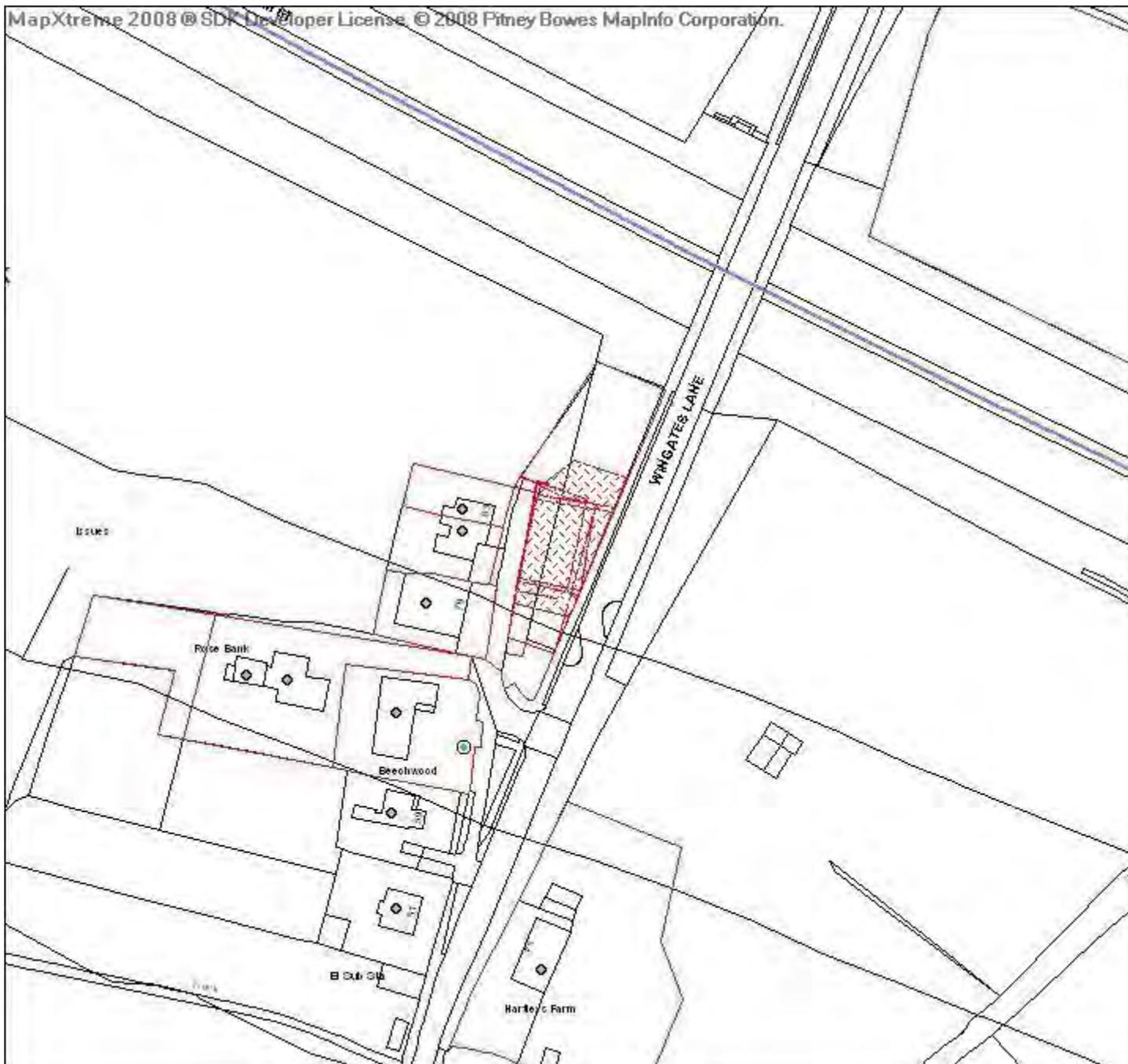
Manor House  
St Helens Road  
Bolton  
BL3 4EB

Drawing:

**10 Proposed Elevations**

Scale: <b>1:150</b>	Size: <b>A3</b>	Date: <b>09/15</b>
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**Application number  
95045/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 18/02/2016**

**Application Reference: 95045/15**

**Type of Application: Full Planning Application**  
**Registration Date: 29/09/2015**  
**Decision Due By: 23/11/2015**  
**Responsible Officer: Jeanette Isherwood**

**Location: LAND OPPOSITE WINGATES MOTORS, WINGATES LANE, WESTHOUGHTON, BOLTON**

**Proposal: ERECTION OF A FIVE-BED DETACHED DWELLING**

**Ward: Westhoughton North**

**Applicant: Mr A Banks**  
**Agent : ASC Designs Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

The application proposes the erection of one, five bed roomed detached property. The accommodation is spread over three floors, however the outward appearance is one of a two storey property with the third floor contained within the roof space. The property will cover approximately 576 m2 with the provision of private garden space to the north and east and three parking spaces to the south of the proposed dwelling. Access will be taken from the existing road off Wingates Lane with the further provision of a 2 metre footway to the front of the proposed new property for pedestrian access. A 1.8 metre close boarded fence will bound the site.

### **Site Characteristics**

The application site comprises a piece of overgrown land and partial garage hardstanding off Church Lane, it forms part of a small cul de sac, with Wingates Motors and associated car lot sited near to its entrance to the south. To the east is a small embankment leading up to the motorway bridge spanning the M61. To the west are 81 and 83 Wingates Lane, which are two storey semi-detached dwellings.

There are a number of residential properties on Church Lane, all of individual architectural style and scale,

Surrounding the application site is Green Belt although this site is not located within it.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA3 Westhoughton.

SPD General Design Principles.  
SPD Accessibility, Transport and Safety

### **Analysis**

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.

The main impacts of the proposal are:-

- \* impact on urban regeneration
- \* impact on the character and appearance of the area
- \* impact on the amenity of neighbouring residents
- \* impact on the highway
- \* impact on trees

### **Impact on Urban Regeneration**

The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land) and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy SC1.2 of the Core Strategy states that at least 80% of housing development will be on previously developed land in accordance with the Regional Spatial Strategy. Policy OA3.3 states that in Westhoughton the Council will concentrate sites for new housing in Westhoughton town centre and on other sites within the existing urban area.

The principle of residential development on the application site (both the site of Wingates Motors garage and the land opposite 81 and 83 Wingates Lane) has previously been established under a number of planning applications (40917/92, 52637/98, 66193/03, 78686/07, 80052/08, 85149/10 and 90236/13). It is therefore considered that the principle of development on this part of the site is acceptable, compliant with policies SC1.2 and OA3.3 of the Core Strategy.

### **Impact on the Character and Appearance of the Area**

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 require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA3 refers specifically to development in Westhoughton and states that the Council will conserve and enhance the character of the existing physical environment and ensure regard is had to the character of farm complexes, folds, vernacular cottages and the wider open landscape.

In principle development has been accepted on the land facing 81 - 83 Church Lane, however this

proposal offers a new scenario in that the design and overall footprint have been altered. The previously approved proposal was for the erection of one pair of semi-detached houses, 15.6 metres by 8 metres. This proposal details the erection of one, two storey detached property 15.78 metres x 6.97 metres, with single storey side sun lounge, 5 metres x 4.7 metres.

The design, siting, height, scale and appearance of the proposed dwelling would be relatively similar to that of the previously approved schemes and as such has already been considered to be appropriate in relation to surrounding area under applications 78686/07 and 85149/10. There have also been no significant changes to the application site or the surrounding area. There are therefore no material differences in this sense. Conditions will continue to be attached to the decision requiring samples of the materials and restricting permitted development rights.

It is therefore considered that the proposal would comply with Policies CG3 and OA3 of the Core Strategy.

#### Impact on the Amenity of Neighbouring Residents

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 minimum interface standards between dwellings.

There will be a slight shortfall in interface distance of approximately 800mm between the proposal and 81 and 82 Wingates Lane. However the original design has been amended to reduce the scale of the development in overall footprint and height to minimise the impact of this shortfall. There are no main windows proposed in the front elevation of the proposed dwelling with the applicant making use of the open views from the side elevations. There has also been no objections from 81 and 83 Wingates Lane.

On balance, due to previous approvals at the site and the details above, the proposal is considered to be acceptable in terms of impact on surrounding neighbours.

It is therefore considered that the proposal complies with Policy CG4 of the Core Strategy.

#### Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.

Several amendments have been received to the access and site layout to adhere to specifications from Highways Engineers and as such they have raised no objections to the amended plans.

The previous approved proposals were for a greater density of development and therefore this amended proposal is considered to lessen any impacts on highway safety.

The detached property will have 3 parking space within its curtilage and complies with the guidance contained within Appendix 3 - car parking standards.

It is therefore considered that the proposal complies with Policies P5 and S1.2 of the Core Strategy.

#### Impact on Trees

Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from

adverse development.

The Council's Tree and Woodlands Officers were consulted on the proposals and had no objections providing a condition was added to the approval for a landscape plan to be agreed prior to the commencement of the build.

It is therefore considered that the proposal would not result in the unacceptable loss of trees, compliant with Policy CG1.2 of the Core Strategy.

**Conclusion**

For the reasons discussed above it is considered that the proposed development complies with national and local planning policies and therefore it is considered to be acceptable

It is recommended that Members approve the application.

## **Representation and Consultation Annex**

### **Representations**

**Westhoughton Town Council:-** raised objection to the proposal due to the loss of greenspace and increase in traffic on Wingates Lane.

### **Consultations**

Advice was sought from the following consultees: Highways Engineers, Tree Officer, Pollution Control, National Grid and United Utilities.

### **Planning History**

An application for an extension to the time limit for implementation of 78686/07 was approved in September 2013 (90236/13)

An application for an extension to the time limit for implementation of 78686/07 was approved in November 2010 (85149/10).

Permission was granted in July 2008 for the erection of three town houses and a pair of semis (80052/08).

Permission was granted in December 2007 for the erection of three town houses and a pair of semi-detached houses (78686/07).

A detached dwelling with garage (amended house type to previously approved application 52637/98) was approved in December 2003 (66193/03).

Application 63696/03 for the erection of 4 2 bedroom apartments in one two storey building was refused in February 2000.

A detached house and double garage (amendment of previous approval) were approved in June 1998 (52637/98).

Application 51640/97 for the erection of a storage building for motor vehicles was refused in November 1997.

A detached house was approved in August 1992 (40917/92).

The retention of ground works and the use of land as staff car park was dismissed at appeal in November 1991 (37292/90).

**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. Prior to the commencement of development samples of the materials to be used for the external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with policy CG3 of Bolton's Core Strategy.

3. Prior to the commencement of development a detailed specification for all doors and windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and retained thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with policy CG3 of Bolton's Core Strategy.

4. Before the approved development is commenced details of the existing and proposed ground levels within the site and on adjoining land including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason

To safeguard the visual appearance and or character of the area and the amenity of neighbouring residents, and to comply with policies CG3 and CG4 of Bolton's Core Strategy.

5. Prior to the commencement of development full details of the highway works at Wingates Lane comprising the construction of a 2 metre wide footway to adoptable standards along the full frontage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

6. No demolition, development or stripping of soil shall be started until:

1. The trees and hedgerows within or overhanging the site which are to be retained/or are subject of a Tree Preservation Order (TPO) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.

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).

3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

To protect the health and appearance of the trees and to comply with policy CG1.2 of Bolton's Core Strategy.

7. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to 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 in full and carried out within 6 months of the 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 reflect and soften the setting of the development within the landscape and to comply with policies CG3 of Bolton's Core Strategy.

8. Prior to the development being first occupied or brought into use, details of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area, and to comply with policies CG3 and CG4 of the Core Strategy.

9. 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 Drawing Ref: 01B approved by the Local Planning Authority. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

10. Before the approved development is commenced details of the existing and proposed ground levels within the site and on adjoining highways including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. All cross sections shall be based on actual measured spot levels and not on interpolated levels. During construction and on completion of the development hereby approved, the slope of the embankment supporting Wingates Lane shall not exceed 1 in 2 (50% or 26.6°). The approved details shall be implemented in full and retained thereafter.

Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

11. 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 to comply with policies P5 and S1.2 of Bolton's Core Strategy.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches,

garages, outbuildings, decking, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

Reason

To safeguard the character and appearance of the dwelling and as the plot sizes are limited and any extension could result in an unsatisfactory scheme.

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

**Amended elevations and floor plans - Drawing 01B - dated January 15**

Reason

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

14. No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with the drawing ref: 01B .

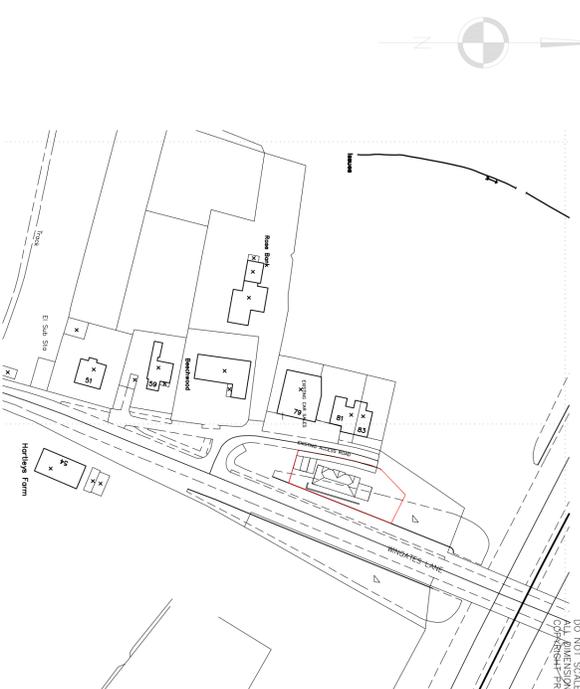
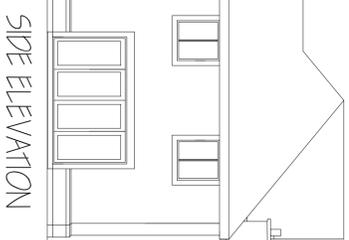
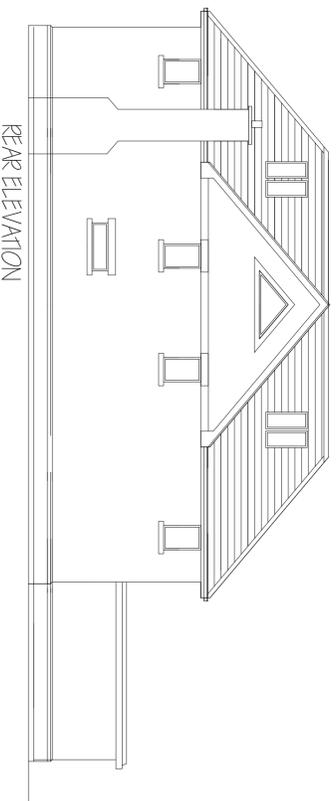
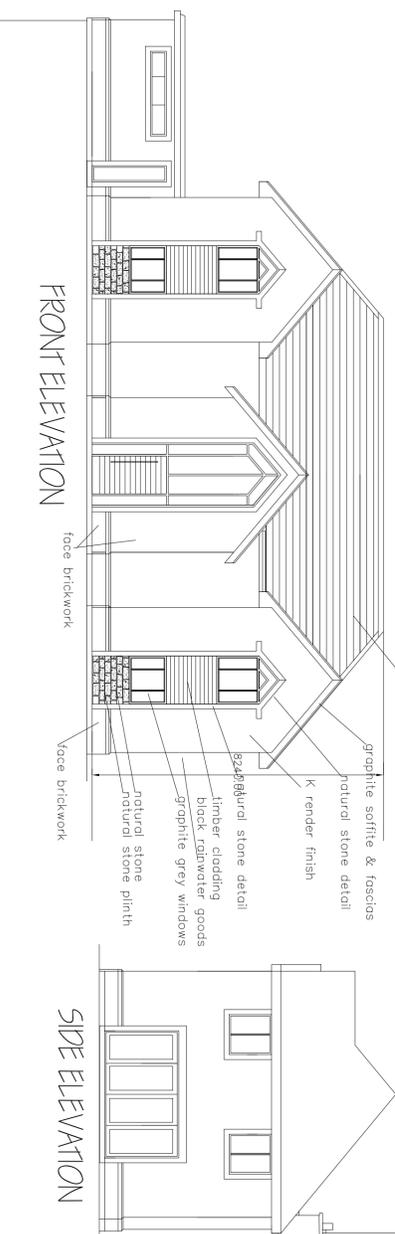
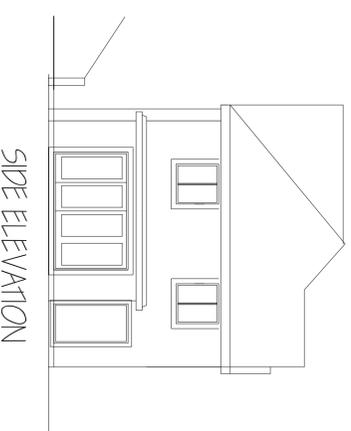
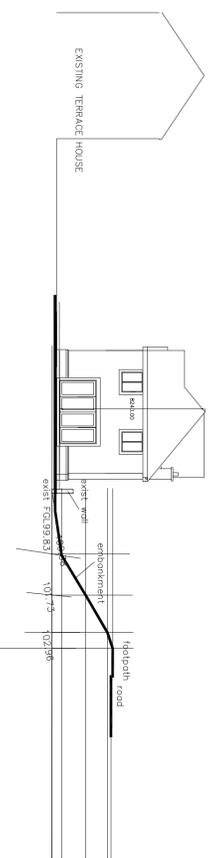
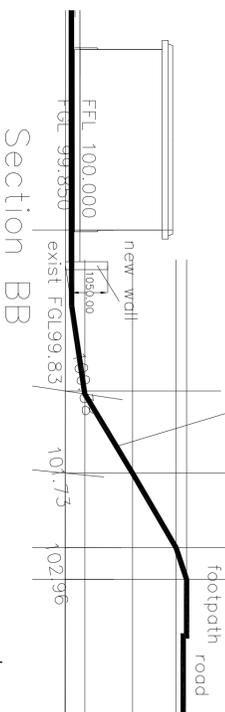
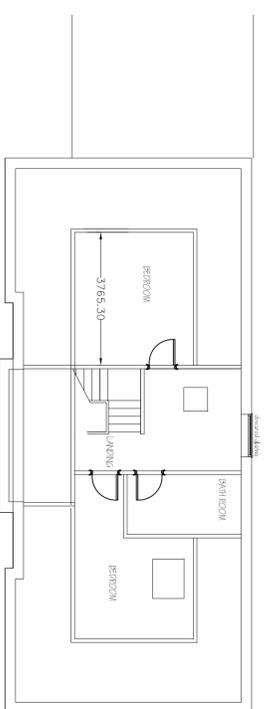
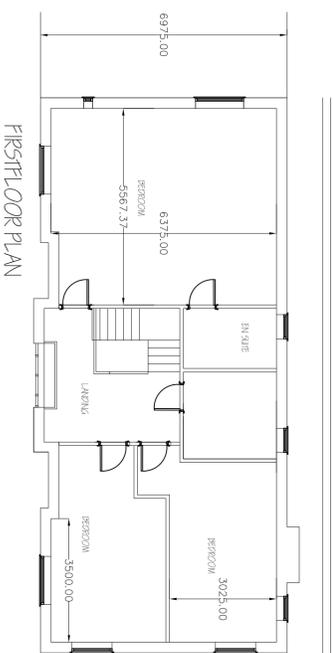
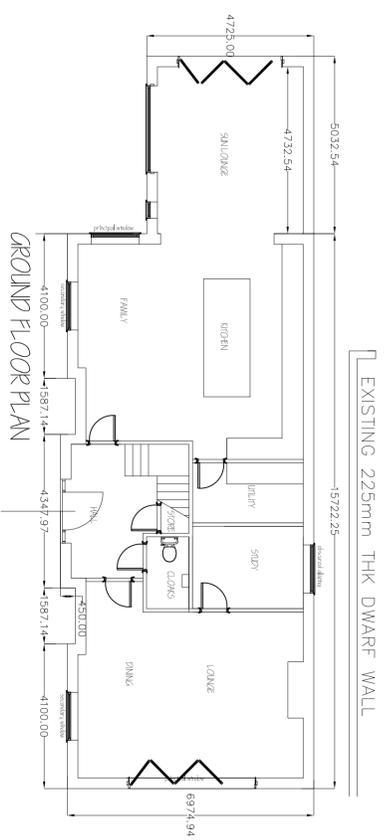
Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no windows or doors shall be formed in any of the elevations of the semi-detached dwellings hereby approved other than those shown on the approved drawings, nor shall those approved windows or doors be enlarged or altered.

Reason

To safeguard the outlook, privacy and living conditions of neighbouring residents and to comply with policy CG4 of Bolton's Core Strategy.



HOUSE FOUNDATIONS TO BE STEEL PILES BY SPECIALIST

Site plan 1/200

NOTES  
DO NOT SCALE FROM THIS DRAWING.  
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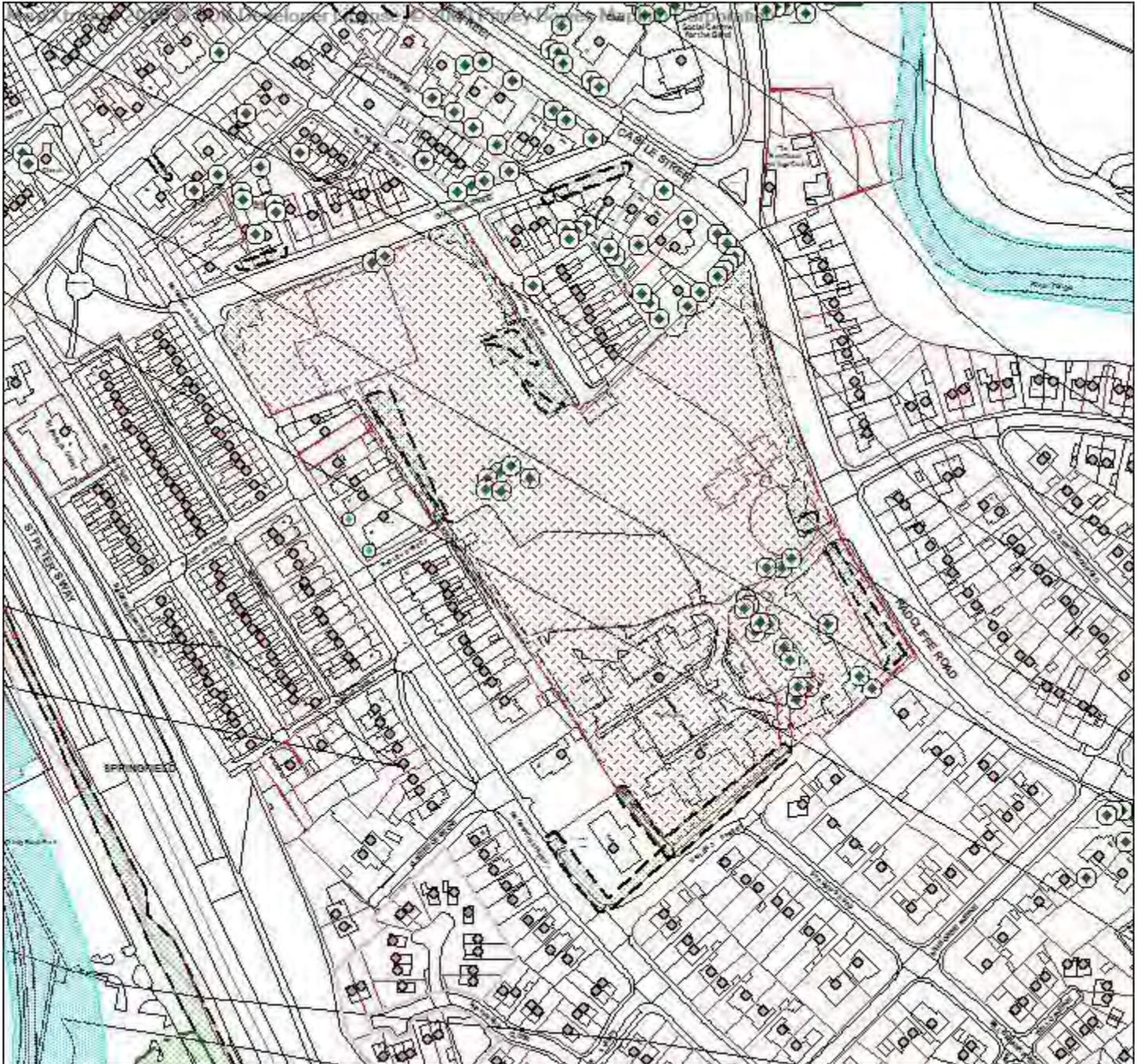
ORIGINAL A1

reduce footprint of dwelling 12/15  
DETAILS OF POSITION OF HOUSE AND EMBANKMENT 11/15  
SERVICES  
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CLIENT TONY BANKS

TITLE  
PROPOSED ERECTION OF DETACHED  
DWELLING ON LAND PREVIOUSLY  
APPROVED FOR TWO DWELLINGS  
ON LAND OFF CHURCH LANE OPPOSITE,  
WINGFIELD MOTORS, LOSTOCK, BOLTON

DRAWING NO.  
01B

**Application number  
95062/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 18/02/2016**

**Application Reference: 95062/15**

**Type of Application: Outline Planning Permission**

**Registration Date: 11/10/2015**

**Decision Due By: 09/01/2016**

**Responsible Officer: Alex Allen**

**Location: HOLLINS HALL OF RESIDENCE, RADCLIFFE ROAD, BOLTON, BL2 1NW**

**Proposal:** OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (UPTO 185 DWELLINGS) WITH ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION OF EXISTING HALLS OF RESIDENCE (ACCESS DETAILS ONLY)

**Ward: Tonge with the Haulgh**

**Applicant: University of Bolton**

**Agent : Spawfords**

## **Officers Report**

**Recommendation: Delegate the decision to the Director**

### **Proposal**

The applicant is seeking to obtain outline planning approval for the residential development of the site for upto 185 dwellings with associated vehicular and pedestrian access, landscaping, open space and infrastructure following demolition of the remaining halls of residence. The applicant expects that the development would comprise of a mix of dwelling types including apartments.

The original application sought access from the existing access onto Radcliffe Road which currently serves the Hollins Halls of Residence and new access points on Chadwick Street and Crawford Avenue. Private driveways are also proposed to serve a limited number of dwellings from Crawford Avenue and Rydley Street. The applicant proposes the existing access on to the junction of Chadwick Street and Bromwich Street will be closed.

Existing mature trees within the site and along the boundaries will be retained and a central area of public open space, incorporating an equipped area for children's play, will be provided within the site.

Subsequently, as requested by the Local Planning Authority the applicant has removed the proposed main new access point off Crawford Avenue whilst retaining the private drive off Crawford Avenue.

### **Site Characteristics**

The proposed site extends to c. 4.49 hectares and is comprised of two main areas: (i) The northern part of the site is the former site of Bolton University's Chadwick Street campus and comprised of halls of residence and associated amenity and car parking areas. These buildings have been demolished and the site is open and grassed, (ii) the southern part of the site is currently occupied

by the Hollin's Halls of Residence, which are again connected to the University's main campus in Bolton town centre.

The site lies within a predominantly residential area which is mixed in terms of size, style and tenure. Neighbouring development to the east and south is dominated by larger detached and semi-detached properties, whilst the area to the north and west is dominated by larger dwellings which have been subdivided into flats and houses in multiple occupation.

A large number of mature trees are present within the site and along its boundaries with the majority of trees protected by a Tree Preservation Order. A large part of the eastern boundary of the site with Radcliffe Road is formed by a stone wall approximately 1.6 metres in height.

### **Policy**

National Planning Policy Framework

Core Strategy policies - CG1 Cleaner Greener, CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses, P5 Accessibility, S1 Safe, SC1 Housing, TC5 - Cultural Quarter, TC6 - Knowledge Campus, RA1 Inner Bolton and IPC1 Infrastructure and Planning Obligations.

Supplementary Planning Documents - General Design Principles and Affordable Housing Provision. Draft SPD - Infrastructure and Planning Contributions, September 2015.

### **Analysis**

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.

The main impacts of the proposal are:-

- \* principle of residential development;
- \* impact on the character and appearance of the area;
- \* impact on highway safety;
- \* impact archaeology
- \* impact on trees;
- \* impact on local infrastructure.

### **Principle of Residential Development**

Section 6 of the National Planning Policy Framework (NPPF) concerns delivering a wide choice of high quality homes. It states that housing applications should be considered in the context of the presumption in favour of sustainable development. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- \* plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community;
- \* identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- \* where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

Core Strategy Policy SC1 states that the Council and its partners will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026 and states at least 80% of housing development will be on previously developed land; the Transforming Estates programme will provide up to 20% of housing development on greenfield land. Policy RA1 states that the Council will develop new housing throughout the area on a combination of brownfield and on a limited number of greenfield sites.

The northern part of the application site is allocated as housing land within the Council's Allocations Plan (site ref. 2SC) and is identified as having the potential to provide a total of 120 dwellings. The remainder of the site is unallocated as it has an existing use as a Halls of Residence. The applicant states that the Halls are in need of major refurbishment to meet the demands of students and are not fully occupied. The University have an aspiration for accommodation to be consolidated around the Deane Road campus.

The proposal forms an integral part of the Council's strategy to provide adequate housing land within the Borough. The principle of residential development on the site has therefore already been established and the site is also in a highly sustainable location, close to Bolton town centre, and close to facilities / services.

It is therefore considered that the proposed residential development of the site is compliant with the aims of the NPPF and Policies SC1 and RA1 of the Core Strategy.

It is noted that the applicant wishes to use the proceeds from the sale of the land to be reinvested in the University of Bolton's capital works programme, thus enabling development at the Deane Road campus, ensuring that the University's vision for creating a high quality, consolidated town centre campus within the Innovation Zone and realization of the aims and objectives of the Core Strategy. The acceptability of this concept will be assessed further in the impact on local infrastructure.

The residential development of the site complies with policy.

#### Impact on the Character and Appearance of the Area

Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Core Strategy policies CG3 and RA1 seek to ensure development proposals conserve and enhance local distinctiveness ensuring development has regard to the overall built character and landscape quality of the area.

The application is currently in outline form and therefore detailed matters of layout, other than the proposed access points from existing roads including the detailed internal layout of the site and the proposed scale and siting of new dwellings would be considered at the reserved matters stage.

The existing character of the site will be maintained through the retention of the large number of trees which are located within the site. These are protected by a Tree Preservation Order.

It is considered, that the proposed development would be compliant with the aims of the NPPF and Policies CG3 and RA1 of the Core Strategy.

#### Impact on Highway Safety

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 and parking, in accordance with the parking standards sets out in Appendix 3 of the Core Strategy. Policy S1.2 states that the Council will promote road safety in the design of new development.

The application is outline to approve access points onto the highway and demonstrate the potential impact on the surrounding junctions/network.

#### ***Proposed access points***

The proposed development would have two main access points, one from Chadwick Street was approved under the previous application 76638/07 and although it will displace on-street parking at that location, it should pose limited amenity/road safety implications. The other proposed access would be from Radcliffe Road and is an existing access from the highway that currently serves the Halls of Residence. The proposed improvements will bring it up to the Council's standards for adoption. The maximum visibility requirements indicated under the 'Manual for Streets' criteria should be applied at this location (2.4m x 59.0m x 1.05/2.0m) owing to issues with vehicle speeds on Radcliffe Road.

The access from Crawford Avenue is an existing access point onto the highway which is to be improved to facilitate development, although the submitted site plan appears to show that this access will only serve a limited parcel of the development. In terms of the Council's standards for adoption for the internal road layout for the site, the access points from Chadwick Street and Radcliffe Road should suffice with an internal restriction to prevent rat-running traffic that could be utilised into an emergency access point. This would potentially negate the requirement for an access point from Crawford Avenue. The internal highway layout will be approved fully at reserved matters stage.

Concerns were raised by residents/ward councillors on the previous application (76638/07) in terms of taking access from Crawford Avenue to serve development. It is proposed to serve 5 dwellings off a private-drive at the bottom of Crawford Avenue and the other access point (although deemed redundant as indicated above) is located before the existing residential properties. Both will potentially have a limited impact in terms of vehicle movement at that location and thus a negligible impact on residential amenity.

The proposed access from Rydley Street will serve approximately 5 dwellings from a private drive. This proposal will have a limited impact on the current traffic/parking situation at that location (mosque).

The Council's Highways Engineers have no objections to the principle of access at the points indicated in the submission subject to the highway improvements indicated.

#### ***Impact on the existing highway network***

The applicant's transport consultant has submitted a transport assessment (TA) in order to substantiate development from a transport/highway perspective. This document has been reviewed

by the Highways Authority and independently reviewed by Transport for Greater Manchester (TfGM). The TA gives a robust assessment of the potential impact on the surrounding highway network and also demonstrates that the site is highly accessible to sustainable modes of transportation.

Although the TA demonstrates congestion issues on Bradford Street within the AM/PM peak periods of traffic flow, and subsequent capacity issues at the junction of Castle Street/Bradford Street, the net impact on capacity issues based on development flows will be negligible and will thus have a limited impact on the operational capacity of the highway network at that location. Based on this, the criteria indicated in national guidance (NPPF) and the sustainable nature of the proposal, the Highways Authority has no objections.

The TA demonstrates an appreciable accident record on the section of Bradford Street between Bury Road and St Peter's Way. The Highways Authority is currently looking at potential road safety improvements at this location. There is justification based on the level of vehicle movement associated with development impacting at this location for the applicant to make a contribution towards this scheme (£20,000).

Based on the above recommendations/comments, the Highways Authority raise no objections to what is being proposed and the proposal would comply with Policies P5 and S1.2 of the Core Strategy.

#### Impact on Archaeology

Core Strategy policy CG3.4 states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their setting.

In accordance with paragraph 128 of NPPF advises local planning authorities that they require applicants to submit a heritage assessment of the significance of any heritage assets which may be affected by development proposals. The applicant has not submitted a Heritage Assessment to assess the current proposal. Officers from the Greater Manchester Archaeological Advisory Service comment as follows:

'The site is located close to the grade II listed building of Haulgh Hall and grounds and the Grade II listed St Peter's Court. Early Bronze Age burial mounds were discovered and investigated nearby...prior to the construction of the university buildings there were a number of large detached buildings latterly associated with the University of Bolton. This will have had a negative impact upon the below ground remains of any earlier phases of activity. It is important that there is an independent assessment of the archaeological potential and significance of the site.'

GMAAS officers recommend that the applicant provide an archaeological desk-based assessment of the site prior to determination of the application.

Whilst the comments of GMAAS officer are noted it is considered that as the proposal is in outline form there is the opportunity of the submission of a desk top assessment of the site's archaeological potential at the reserved matters stage. This would have the same goal informing detailed layout and design of the scheme and any further site surveys / investigation works which would be required prior to the commencement of development.

Subject to a condition being placed that a desk top assessment being provided with the reserved matters submission, the proposal complies with policy CG3.4.

#### Impact on Trees

Core Strategy policy CG1.2 seeks to ensure that new development proposals safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development.

There is a tree preservation order which covers the site protecting the existing trees within the site. The Council's Tree and Woodland officer has commented that the proposed layout of the roads avoids the main groups of trees. The access from Crawford Avenue will result in the loss of three trees. It is recommended that the road be relocated. The TWO also comments that it is unclear whether the site can accommodate upto 185 dwellings.

The applicant has subsequently removed the main access from Crawford Avenue (amended plans are to follow). It is considered that a reserved matters application would need to assess the siting of the properties to take into account the retention of protected trees within the site. It is considered that the site has the potential to provide upto 185 units if there was to be an element of apartment accommodation. Again the reserved matters application would provide clarity on the actual numbers of properties which could be accommodated within the site, taking into consideration all the key factors including the retention of trees and the overall conservation of the character and appearance of the site.

It is considered that the proposed development would comply with Core Strategy policy CG1.2

#### Impact on Land Contamination/Stability

Policy CG4.3 of the Core Strategy states that development proposals on land that is (or suspected to be) affected by contamination of ground instability must include an assessment of the extent of the issues and any possible risks. Development will only be permitted where the land is, or is made, suitable for the proposed use.

The Council's Environmental Health Officers and the Environment Agency have confirmed that the submitted reports justify that the proposal is capable of being safely developed subject to site remediation and verification.

It is considered, subject to the required remediation works, that the proposed development would comply with Policy CG4.3 of the Core Strategy.

#### Impact on Infrastructure

Core Strategy policy IPC1 seeks to ensure that new residential development provides specific contributions for affordable housing, open space provision, health and well being, education provision and public art provision.

Based on Policy IPC1 this development would require the following contributions:

Affordable housing:- 18 units to provided within the site;

Education provision:- £228,924.97;

Public Open Space - nil provision as the applicant is seeking to provide areas of public open space within the development;

Public Health provision:- £41,440

Public art:- would be met on site and secured by condition;

Road safety scheme - £20,000.

The applicant has commented that it may be appropriate to have a s.106 agreement to allow for maintenance of the areas of POS and potential adoption in the future by the Council. It is clear that areas of POS would need to be maintained by the applicant or future developer by way of a private

management company.

The applicant has submitted a Market Report which provides an assessment of the value of the site under two scenarios (i) with and (ii) without affordable housing. The difference in land value is noted to be in the region of £1.115 million. The report assumes a total of 140 units being developed out on the site and also assumes that other s.106 contributions would be taken out of the land value if required.

The applicant also seeks a relaxation in the on / off site contributions for the site. The rationale for this request is as follows:

The applicant maintains that if the Council accepts permission without a requirement for affordable housing provision, the uplift in the value of the site together with the rest of the capital receipt will be reinvested in the University of Bolton's capital works programme. The applicant maintains they are committed to reinvesting the capital in the development of a new University of Bolton's Arts Centre and the refurbishment of Le Mans Crescent and that without the uplift there is uncertainty about whether the projects will proceed in the short term and the timescales for delivery.

The applicant references guidance contained within the Affordable Housing SPD (para. 3.11) which states:

*'The requirement for affordable housing may be relaxed if the inclusion of affordable housing provision Core Strategy policy IPC1 makes provision for the Council to relax affordable housing provision on a site would adversely impact on the delivery of other important planning or regeneration activities, or other strategic aims of the Council; or that the financial impact of the provision of affordable housing combined with other planning obligations could be proven to affect scheme viability for developments which the Council wants to see delivered.'*

Officers note that the University of Bolton is a core partner in the Bolton Innovation Zone and that the aspirations of the Council for the Knowledge Campus and the Cultural Quarter are strategic aims of the Council.

The applicant's assumption about affordable housing provision on site was estimated to be c. 21 units. The Council's Strategic Housing officers have commented that a total of 18 units would be required. Whilst it is noted the general comments made by the applicant, no detailed information has been provided by the applicant to qualify their general comments. The viability of the site is not an issue as the proposal is at an outline stage and s.106 requirements would come off the land value.

Without the submission of detailed financial information from the applicant they are unable to verify their comments and whether the future of town centre development and the refurbishment of Le Mans Crescent is in doubt is debatable.

Subject to the signing of a s.106 agreement with the applicant to secure the above amounts it is considered that the proposal complies with policy.

### **Value Added**

The applicant has agreed to remove the proposed main access road from/onto Crawford Avenue. Amended plans have been provided.

### **Conclusion**

For the reasons discussed above, it is considered that the proposed development of the site would

comply with policy and is recommended the decision is delegated to the Director for Development and Regeneration pending completion of the s.106 agreement as outlined above.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** three letters have been received from local residents, one objection letter and two comment letters. The objection letter is a 'temporary objection' as the resident objects to there being no visual representation of the houses proposed and also due to the location of the low cost homes not being shown on the plan.

The comment letters request clarification / comment on the following issues:

- What does s.106 (***legal agreement to ensure required on/off site contributions are provided for***) and POS standard for (***Public Open Space***);
- Concern with access onto Crawford Avenue and resultant increase in traffic flow - ***the applicant has been requested to remove of the two access points from Crawford Avenue. The remaining access would only be for access to a private drive which would provide access for upto 5 dwellings;***
- Loss of electricity to homes during demolition of the former Chadwick Campus buildings - residents do not want this to occur again - ***this is not a planning consideration;***
- No visualisation of the proposed homes - ***the application is in outline form and this is not a requirement at the outline application stage;***
- Concern over future parking problems - ***detailed parking arrangements for the proposed development would be provided at the reserved matters stage;***
- Disruption to local residents during construction - ***this is not a material planning consideration;***
- No objections to the principal of residential development;
- The overall character, appearance and visual amenity of the site should be retained with the retention of existing trees and shrubs - ***the Council's Trees and Woodland Officer has confirmed that the proposal would respect the siting of the existing protected trees which are located within the site. The reserved matters stage would look at the specific siting of properties together with detailed landscape proposals;***
- Proposed buildings are close to 114 Castle Street - recommend retention of screening along the boundary with this property - ***again this would be looked at during the reserved matters stage;***
- Careful attention is required to proposed traffic flows and parking resulting from the proposed development - ***the applicant has submitted a detailed Transport Assessment. A detailed assessment is provided within the assessment part of the report (see above).***

**Petitions:-** no petitions have been received.

**Elected Members:-** no comments received.

### **Consultations**

Advice was sought from the following consultees: the Council's Drainage team, Trees and Woodland Officer, Highways Engineers, Pollution Control officers, Economic Strategy, Strategic Development Unit, Housing Strategy, Asset Management Unit and Landscape Architects. The Coal Authority, Greater Manchester Archaeological Advisory Service and Design for Security (Greater Manchester Police).

### **Planning History**

Outline planning permission was granted in June 2007 on the site of the former Chadwick Street campus (access detail only) [Reference 76637/07] for the demolition of existing buildings and the erection of dwellings.

The applicant submitted an application in 2010 to enable an extension of time to the 2007 permission (Ref: 84302/10). This permission has subsequently lapsed.

**Recommendation: Delegate the decision to the Director**

### **Recommended Conditions and/or Reasons**

1. Application for the approval of 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from the date of this permission, or
- ii) The expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Details of the access, appearance, landscaping, layout, and scale, [delete as appropriate] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason

To application is for outline planning permission and these matters were reserved by the applicant for subsequent approval.

3. Prior to the commencement of development hereby approved/permitted, all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality and to enable the Local Highway Authority to consult, advertise, promote and implement Traffic Regulation Orders to mitigate the likely impact of the development.

Reason

In the interests of highway safety and to comply with Core Strategy policies S1 and P5.

4. Before development commences details of the signing scheme within the site to inform drivers of the proposed 20 mph speed limit within the site shall be submitted to and approved by the Local Planning Authority. The approved signing scheme shall be implemented in full before the development hereby approved is first occupied or brought into use and retained thereafter.

Reason

In the interest of highway / pedestrian safety and to comply with Core Strategy policies S1 and P5.

5. The reserved matters submission should include an archaeological desk-based assessment of the site.

Reason

To ensure the proposal conserves / enhances heritage assets which are potentially located within the site.

6. The submission of a reserved matters application shall include necessary allowance for the provision of public art, craft or decoration within the proposed development which should equate to a value of 1% of total construction costs.

Reason

To ensure the existing and potential infrastructure has the capacity to absorb the development.

7. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Chadwick Street shall be constructed in accordance with the drawing ref SCP/15165/F01.

Reason

In the interests of highway safety and to comply with Core Strategy policies S1 and P5.

8. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Radcliffe Road shall be constructed in accordance with the drawing ref SCP/15165/F04.

Reason

In the interests of highway safety and to comply with Core Strategy policies S1 and P5.

9. Prior to the development hereby approved/permitted being first occupied or brought into use the existing vehicular access onto Crawford Avenue shall be closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards. There shall thereafter be no means of vehicular access to or from Crawford Avenue, other than as shown on drawing ref: tbc.

Reason

In the interests of highway safety and to comply with Core Strategy policies S1 and P5.

10. Prior to the development hereby approved/permitted being first occupied or brought into use the existing vehicular access onto \*\* shall be closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards. There shall thereafter be no means of vehicular access to or from \*\*, other than as shown on drawing ref: [\*\*] .

Reason

In the interests of highway safety and to comply with Core Strategy policies S1 and P5.

11. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site at the Chadwick Street / Bromwich Street junction shall be constructed to include a 10.0 metre radius improvement as indicated on Drg No. SCP/15165/F01.

Reason

In the interests of highway safety and to comply with Core Strategy policies S1 and P5.

12. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 59 metres shall be provided at the junction of the application site with Radcliffe Road, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

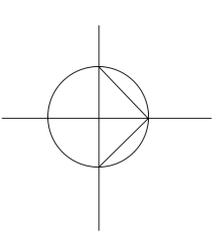
To ensure traffic leaving the site has adequate visibility onto the highway and to comply with Core Strategy policies S1 and P5.

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

**[\*insert  
Title of plan  
Plan Reference  
Date]**

Reason

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



**NOTE:**  
Location of the electricity easement to be confirmed.  
For highways proposal details please refer to Transport Assessment prepared by SCP consultants.



Revision   C	Drawn   RB	Reviewed	Date   25/09/2015
Revision   B	Drawn   RB	Reviewed	Date   17/09/2015
Revision   A	Drawn   RB	Reviewed	Date   24/08/2015

The layout updated in line with highway consultants comments.



planners | urbanists | architects

Client Name  
University of Bolton

Project No  
3868

Project Title  
Holhills Halls of Residence

Drawn By  
MB

Reviewed By  
MB

Scale  
1:500

Discipline  
Design

Date  
20/10/08

Revision  
C

Indicative Site Plan

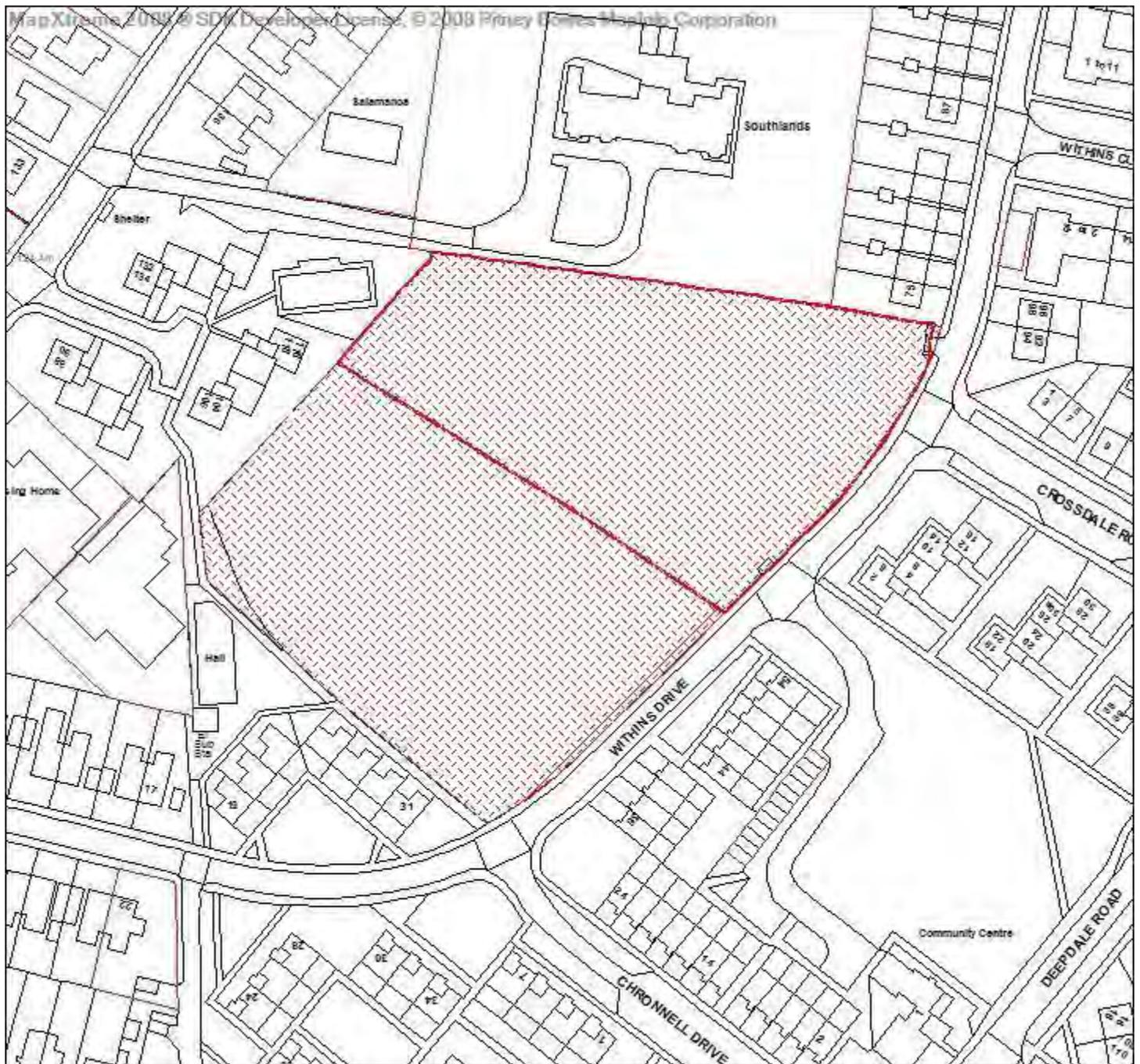
001/0-0112

MB

001/0-0112

Indicative Site Plan

# Application number 95194/15



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 18/02/2016**

**Application Reference: 95194/15**

**Type of Application: Full Planning Application**

**Registration Date: 26/10/2015**

**Decision Due By: 24/01/2016**

**Responsible Officer: Helen Williams**

**Location: SITE OF SS OSMUND AND ANDREW RC PRIMARY SCHOOL,  
WITHINS DRIVE, BOLTON, BL2 5LF**

**Proposal: ERECTION OF 41 DWELLINGS WITH ASSOCIATED ACCESS AND  
LANDSCAPING.**

**Ward: Brightmet**

**Applicant: Brightmet Developments Ltd**

**Agent : Sedgwick Associates**

## **Officers Report**

**Recommendation: Delegate the decision to the Director**

### **Background**

This application was deferred at the last Planning Committee meeting for further negotiations with the applicant regarding the amount of commuted sum being offered and for ward councillors to agree how this is spent.

A meeting was held on 27th January with Cllrs. John and Lynda Byrne, the applicant's planning agents and the case officer. The applicant has now agreed to increase the commuted sum from £75,000 to £90,000 and it has been agreed with the two ward councillors that the £90,000 be split proportionately between the requirements for affordable housing, education, open space and health.

The proposed commuted sums within the Section 106 Agreement would therefore be:

- \* Off-site affordable housing contribution - £74,493
- \* Towards primary school provision in North East Bolton - £6,696
- \* Towards the existing play are at Waggon Road - £7,605
- \* To Brightmet Health Centre - £1,206

Members are therefore recommended to delegate the decision to the Director to secure this Section 106 Agreement.

## **ORIGINAL REPORT TO COMMITTEE 14TH JANUARY 2015**

### **Proposal**

Permission is sought for the erection of 41 dwellings on the site of the former SS Osmund and Andrew RC Primary School. The dwellings are all proposed at two storeys in height and the

development would comprise 23 detached dwellings, six semi-detached dwellings and 12 town houses/terraced dwellings. The dwellings would be a mix of three and four bedroomed dwellings. The detached dwellings would have either integral or detached garages, with the semis and terraced properties having adjacent surfacing parking provision.

A single vehicular access is proposed into the residential development off Withins Drive, opposite 54 Withins Drive. The houses not fronting Withins Drive would be served off the internal road, which would form three culs-de-sac.

Six house types are proposed, each having a design motif of a piked gable front element with floor to ceiling glazing.

### **Site Characteristics**

The application site is that of the former SS Osmund and Andrew RC Primary School. The site is currently vacant (buildings demolished) and fenced off. The former school playing fields (to the south of the site) are no longer classed as school playing fields as they have not been used as such for over 10 years. The application site is allocated as housing land within the Council's Allocation Plan (sites 44SC and 45SC).

Members will recall that previous planning approvals have been given for the northern half of the site (where the school building formerly stood) for 30 dwellings (78757/07) and a 90 bed care home (86884/11).

The site measures 1.24 hectares. The ground level rises up to the north the site. There are two plateaus within the site where the school buildings and the playing field were once sited.

The site is bounded with a number of trees (not protected) and a beech hedge.

The application site is surrounded on all four sides by residential properties (the site is located within a residential area). Opposite the site to the south east are terraced houses (36 to 54 Withins Drive) and the rears of the flats at 2 to 16 Crossdale Road (all two storeys in height). Neighbouring the site to the south west are the rears of the bungalows at 25 to 31 Withins Drive and bordering the site to its western corner is the 8th Bolton St James Scout Group's building and the rear of Withins Nursing Home (Withins Lane). To the north west of the site are the rears of the two storey apartments at 104 to 118 Withins Lane and to the north are the grounds to Southlands Care Home, which contain a number of protected trees. The side of the two storey terraced dwelling at 75 Withins Drive adjoins the site to its north eastern corner.

### **Policy**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

Core Strategy Policies: H1.2 Health Contributions; A1.4 Educational Contributions; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; RA3 Brightmet; IPC1 Infrastructure and Planning Contributions.

Allocations Plan: Appendix 4 Allocated Housing Land - site refs. 44SC and 45SC.

SPDs: Affordable Housing; Accessibility, Transport and Safety; General Design Principles.  
PCPN1 Health and Well-Being; PCPN8 Children's Play Within Residential Developments; PCPN22 Provision of Public Art; PCPN30 Education.

## **Analysis**

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.

The main impacts of the proposal are:-

- \* principle of residential development
- \* impact on the character and appearance of the area
- \* impact on the amenity of neighbouring residents
- \* impact on the highway
- \* impact on biodiversity
- \* impact on drainage and flooding
- \* impact on local infrastructure

### Principle of Residential Development

Section 6 of the National Planning Policy Framework (NPPF) concerns delivering a wide choice of high quality homes. It states that housing applications should be considered in the context of the presumption in favour of sustainable development.

A core planning principle of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Core Strategy Policy SC1 states that the Council and its partners will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026 and states at least 80% of housing development will be on previously developed land; the Transforming Estates programme will provide up to 20% of housing development on greenfield land. Policy RA3.1 specifically concerns new housing in Brightmet and states that the Council will develop new housing throughout the area on a combination of brownfield sites and on a limited number of greenfield sites in existing housing areas.

The application site is allocated as housing land within the Council's Allocations Plan (site refs. 44SC and 45SC). The principle of residential development on the site has therefore already been established and has been accepted as such by the Planning Inspectorate at inquiry stage. Previous planning approvals have also been granted for the northern half of the site for 30 dwellings (78757/07) and a 90 bed care home (86884/11).

The site is located within the urban area and is previously developed land, in that it previously contained a primary school and the curtilage/playing fields of that school. It is considered that the site is in a sustainable location with local schools, services and shops within easy reach of the site.

It is therefore considered that the proposed development is sustainable development and compliant with Policies SC1 and RA3.1 of the Core Strategy.

#### Impact on the Character and Appearance of the Area

Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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. Policy RA3.8 refers specifically to development in Brightmet and states that the Council will require development to introduce increased levels of high quality, distinctive design that will enhance the local area.

41 dwellings are proposed on this 1.24 hectare site, which equates to a development density of 33 dwellings per hectare and is compliant with Policy SC1.5 of the Core Strategy, which requires a density of at least 30 dwellings per hectare. Each dwelling would have an ample rear garden and the interface distances between the proposed dwellings are considered sufficient and compliant with design guidance.

The development would front onto Withins Drive and would replicate the existing building line found at the northern side of Withins Drive. The siting of the dual aspect dwellings at plots 6 and 37, at the vehicular access to the development, helps create a strong entrance to the development with natural surveillance as well as interesting elevations overlooking both Withins Drive and the internal road. Similar dual frontages are also proposed for dwellings located at other important junctions within the development, such as at plots 16, 23 and 33.

All dwellings within the development are proposed at two storeys in height, which reflects the predominant height and scale of dwellings within the local area. Six different house types are proposed, but each house type has a central design motif of a piked gable front element with floor to ceiling glazing, which gives the development a connected design and creates a sense of place.

It is considered that the proposed development represents good urban design, compliant with Policies CG3 and RA3.8 of the Core Strategy.

#### Impact on the Amenity of Neighbouring Residents

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, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution. SPD General Design Principles sets out the Council's recommended interface distances between dwellings.

A minimum interface distance of approximately 23 metres would be maintained between the houses proposed on the Withins Drive frontage of the development and the existing houses on Withins Drive, which exceeds the required 21 metres set out in the SPD. 75 Withins Drive presents a side elevation to the dwelling proposed at plot 1 and does not contain any main windows in its side elevation; it is therefore considered that the residents at no.75 would not be unduly affected by the proposed development.

There would only be a distance of approximately 11 metres between the rears of 25 and 27 Withins Drive and the side elevation of plot 29, however it is not considered that the residents of these

properties would be unduly harmed by the siting of plot 29 as it is sited to their north (and therefore would not unduly affect natural light reaching the rear of these properties), contains no main windows in the side elevation facing the properties (and therefore there would not be any overlooking between the dwellings), and as there is already a hedge along the boundary here which is to be retained and would afford screening.

The rears of the apartments on Withins Lane are approximately 14 metres away from the side elevation of plot 20, as well as angled away, which exceeds the interface recommendation within the SPD.

It is therefore considered that the proposed residential development of the site would not result in any neighbours' amenity being unduly harmed, compliant with Policy CG4 of the Core Strategy.

#### Impact on the Highway

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 and parking, in accordance with the parking standards sets out in appendix 3 of the Core Strategy. Policy S1.2 states that the Council will promote road safety in the design of new development.

A new vehicular access would be created from Withins Drive into the development site opposite 54 Withins Drive. Three culs-de-sac would be formed within the development off the internal road.

The applicant has amended their plans following comments from the Council's Highways Engineers, so that the access roads are 5.5 metres in width, the internal footways are 2 metres in width and the footway along Withins Drive is 2 metres in width. Highways Engineers raise no objection to the proposed development but recommend a number of conditions, including visibility splays of 2.4 metres by 59 metres at the proposed access, that the footway on Withins Drive is sufficiently widened and that the dedicated parking spaces to each dwelling are retained.

Each dwelling would have two dedicated parking spaces, which is compliant with the maximum car parking standards contained within appendix 3 of the Core Strategy.

A neighbour has raised concern regarding an increase in traffic in the area caused by the development. A Transport Statement has been submitted with the application that demonstrates that the proposed development is only likely to generate a very low level of traffic on the local highway network and it would therefore have a negligible impact on the surrounding highway network.

It is considered that the proposed development would not jeopardise highway safety, compliant with Policies P5 and S1.2 of the Core Strategy.

#### Impact on Biodiversity

Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development, and improving the quality and interconnectivity of wildlife corridors and habitats.

#### *Trees*

The Council's Tree Officers have commented that the few trees on the site are not of significant size or amenity value to require their retention. They confirm that the main trees of importance, to the north of the site, have been given sufficient clearance from the development. Officers also advise that the proposed landscaping is acceptable subject to further details; a landscape condition is therefore suggested.

### *Ecology*

An Ecological Survey and Assessment has been submitted with the application. The application site has no designation for nature conservation.

A number of stands of Japanese knotweed together with a Cotoneaster species have been identified on the site. Greater Manchester Ecology Unit (GMEU) and the Council's Wildlife Liaison Officer have therefore recommended that a condition be attached for the eradication of these species before development commences.

GMEU and the Wildlife Liaison Officer have also agreed with the recommendations of the applicant's ecological assessment that bat bricks, bat boxes, bird boxes, native planting and hedgerow bolstering should be incorporated into the new development; these are to be conditioned.

It is therefore considered, subject to the recommended conditions, that the proposed development would safeguard and enhance biodiversity, compliant with Policy CG1.2 of the Core Strategy.

### Impact on Drainage and Flooding

Policy CG1.5 of the Core Strategy 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.

The application site is located within Flood Zone 1 of the Environment Agency Flood Map, therefore it has a low risk of fluvial flooding.

A flood risk and drainage impact assessment has been submitted with the application. The Council's Drainage Officers have confirmed that this assessment is comprehensive and they recommend a condition that ensure a sustainable urban drainage system (SUDS) is submitted to and approved by the local planning authority before commencement of development.

It is therefore considered that the proposed development complies with Policy CG1.5 of the Core Strategy.

### Impact on Local Infrastructure

Policy IPC1 of the Core Strategy states that the Council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. In doing so, the Council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development. Policy IPC1 continues that the policy is applicable unless it can be demonstrated by the applicant that the scheme would not be viable if contributions were sought or offered.

The proposal for 41 dwellings in this location generates the following Section 106 requirements:

- \* Affordable housing: 6 houses on site (5 for social rent and 1 intermediate/shared ownership);
- \* Education: £50,789.23 towards primary school provision in North East Bolton;
- \* Public open space: £57,728;
- \* Health: £9,184;
- \* Public art: 1% of total development costs.

The applicant has submitted an economic viability assessment with the application in support of their claim that the scheme would not be viable if contributions were sought in full. At the time of writing

this report the applicant had been asked to amend their assessment to take into account the above generated requirements, and this amended assessment is to be analysed by the Council's Surveyors. An updated position on the requested Section 106 contributions will be reported directly to Members at the meeting.

**Conclusion**

For the reasons discussed above it is considered that the proposed development would represent sustainable development and would contribute towards the provision of housing within the borough, would be compatible with the character and appearance of the area, would not unduly harm the amenity of neighbouring residents, would not jeopardise highway safety, would safeguard biodiversity, and would not increase the risk of flooding. Members are therefore recommended to delegate this decision to the Director to enable the required Section 106 Agreement to be secured.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One letter of objection has been received from a neighbouring resident. This raises the following concerns:

- \* Increase in traffic (during building and once properties have been built);
- \* Chronnell Drive is already in a state of disrepair and full of potholes; an increase in traffic will make this worse;
- \* Chronnell Drive will be used as a cut through for vehicles;
- \* Additional traffic will increase accidents and hazards.

### **Consultations**

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Pollution Control Officers, Tree Officers, Landscape Officers, Wildlife Liaison Officers, Asset Management and Pupil Place and Planning Unit (Education), Housing Strategy, Strategy Development Officers, Economic Strategy Officers, Greater Manchester Police, Greater Manchester Ecology Unit, Bolton Primary Care Trust, Coal Authority, NHS Property Services, and Environment Agency.

### **Planning History**

Application 88421/12 to extend the time limit for implementation of approval 78757/07 was deemed withdrawn in November 2015. This application was heard at Planning Committee in March 2014 and November 2013; Members deferred the application in both instances to seek renegotiated Section 106 contributions. The Section 106 contributions were never agreed between the applicant and the Council.

Planning permission was granted in April 2014 on the northern half of the site for the erection of a two storey 90 bed care home (86884/11).

Planning permission was granted in July 2009 for the erection of 30 dwellings on the northern half of the site (78757/07).

**Recommendation: Delegate the decision to the Director**

### **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 development approved by this permission shall be commenced until a strategy to include a Sustainable Urban Drainage System (SUDS) has been submitted to and approved in writing by the Local Planning Authority. The strategy should detail the pre-development discharge rate for the site, a plan demonstrating the impermeable areas/permeable areas of the site, a network drawing annotated clearly (manhole numbers, invert/cover levels, pipe sizes, pipe number) that can be referenced to the model, network and manhole details and results for a 1 in 1, 1 in 30 and 1 in 100 year return periods, all durations (plus the appropriate allowance for climate change) both summer and winter storms (a summary of results for these storms is acceptable), the method employed to delay and control the surface water discharged from the site, storage requirements, proposals for dealing with exceedance flows generated from the development site and the measures taken to

prevent pollution of the receiving groundwater and/or surface waters; as detailed in the CIRIA SUDS Manual (C697). The approved strategy shall be carried out in full in accordance with the approved plans and it shall be retained thereafter.

Reason

To ensure the site provides satisfactory means of surface water drainage and to comply with Policies CG1.5 and CG2.2 of Bolton's Core Strategy.

3. Development shall not commence until a scheme for the eradication of Japanese knotweed has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for its implementation. The scheme shall be carried out as approved. Should there be a delay of more than one year between the approval of the scheme and its implementation or the commencement of development then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the Local Planning Authority.

Reason

To ensure the safe development of the site and eradication of an invasive species, and to comply with Policy CG1.2 of Bolton's Core Strategy.

4. Prior to the commencement of development details of how the mitigation measures recommended within section 5 of the submitted Ecological Survey and Assessment (August 2015) are to be provided within the development (such as the provision of bat bricks, bat boxes and nesting boxes and native planting and the bolstering of hedgerow) shall be submitted to and approved in writing by the local planning authority. These approved details shall be implemented in full prior to first occupation of the development, or at a date agreed with the local planning authority, and shall be retained thereafter.

Reason

To safeguard and enhance biodiversity, in accordance with Policy CG1.2 of Bolton's Core Strategy.

5. Prior to the commencement of development full details of the highway works at Withins Drive comprising the widening of the footway to a minimum of 2 metres (or to the back of the visibility splay), the removal of flagged areas, and the resurfacing of the full width of the footway along the frontage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety and to comply with Policy P5 and S1.2 of Bolton's Core Strategy.

6. Before the approved development is commenced details of the existing and proposed ground levels within the site and on adjoining land including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason

To safeguard the visual appearance and or character of the area and the amenity of neighbouring residents, and to comply with Policies CG3 and CG4 of Bolton's Core Strategy.

7. Prior to the commencement of development the details (samples if required) of the type and colour of materials to be used for the external walls and roof to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with Policy CG3 of Bolton's Core Strategy.

8. Prior to the commencement of development a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and retained thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with Policy CG3 of Bolton's Core Strategy.

9. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to 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 in full and carried out within 6 months of the 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 reflect and soften the setting of the development within the landscape and to comply with Policies CG3 and CG1.2 of Bolton's Core Strategy.

10. Prior to the development being first occupied or brought into use, details (including a brick or masonry specification and colour scheme) of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area and to comply with Policy CG3 of the Core Strategy.

11. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Withins Drive shall be constructed to a minimum width of 5.5 metres with 6 metres radii and 2 no. 2 metres wide footways in accordance with the drawing ref 14124 (PL) 001 Rev. A.

Reason

In the interests of highway safety and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

12. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 59 metres at the back of the footway shall be provided at the junction of the access with Withins Drive, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

To ensure traffic leaving the site has adequate visibility onto the footway and to comply with Policies P5 and S1.2 of the Core Strategy.

13. Prior to the development hereby approved/permitted being first occupied the existing vehicular access onto Withins Drive shall be closed to vehicles and the existing highway (kerbing and footway)

made good to adoptable footway standards. There shall thereafter be no means of vehicular access to or from Withins Drive, other than as shown on drawing ref: 14124 (PL) 001 Rev. A.

Reason

In the interests of highway safety and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

14. 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, drained and lit 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 to comply with Policies P5 and S1.2 of the Core Strategy.

15. No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with drawing ref: 14124 (PL) 001 Rev. A.

Reason

In the interests of highway safety and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

16. Prior to the occupation of the dwelling houses hereby permitted provision shall be made for the parking or garaging of (a) motor vehicle(s) adjacent to each of the dwelling houses in the area identified for that purpose on the approved plan. Those areas shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order) other than (a) garage(s), no extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines or satellite antennae shall be erected within that area.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with Policies P5 and S1.2 of the Core Strategy.

17. The garage(s) hereby approved/permitted shall be made available at all times for the parking of motor vehicles.

Reason

The loss of garage spaces would be likely to lead to an increase in on-street parking to the general detriment of highway safety, and to comply with Policies P5 and S1.2 of the Core Strategy.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution, and to comply with Policy CG4 of Bolton's Core Strategy.

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

**14124 (PL) 001 Rev. A; "Site Layout"; received 3 Dec 2015**

**14124 (PL) 007; "Garages - Plans and Elevations"; received 27 Oct 2015**

**14124 (PL) 101; "House Type A - Plans and Elevations"; received 27 Oct 2015**

**14124 (PL) 102; "House Type A (corner turner) - Plans and Elevations"; received 27 Oct 2015**

**14124 (PL) 103; "House Type B - Plans and Elevations"; received 27 Oct 2015**

**14124 (PL) 104; "House Type C - Plans and Elevations"; received 29 Dec 2015**

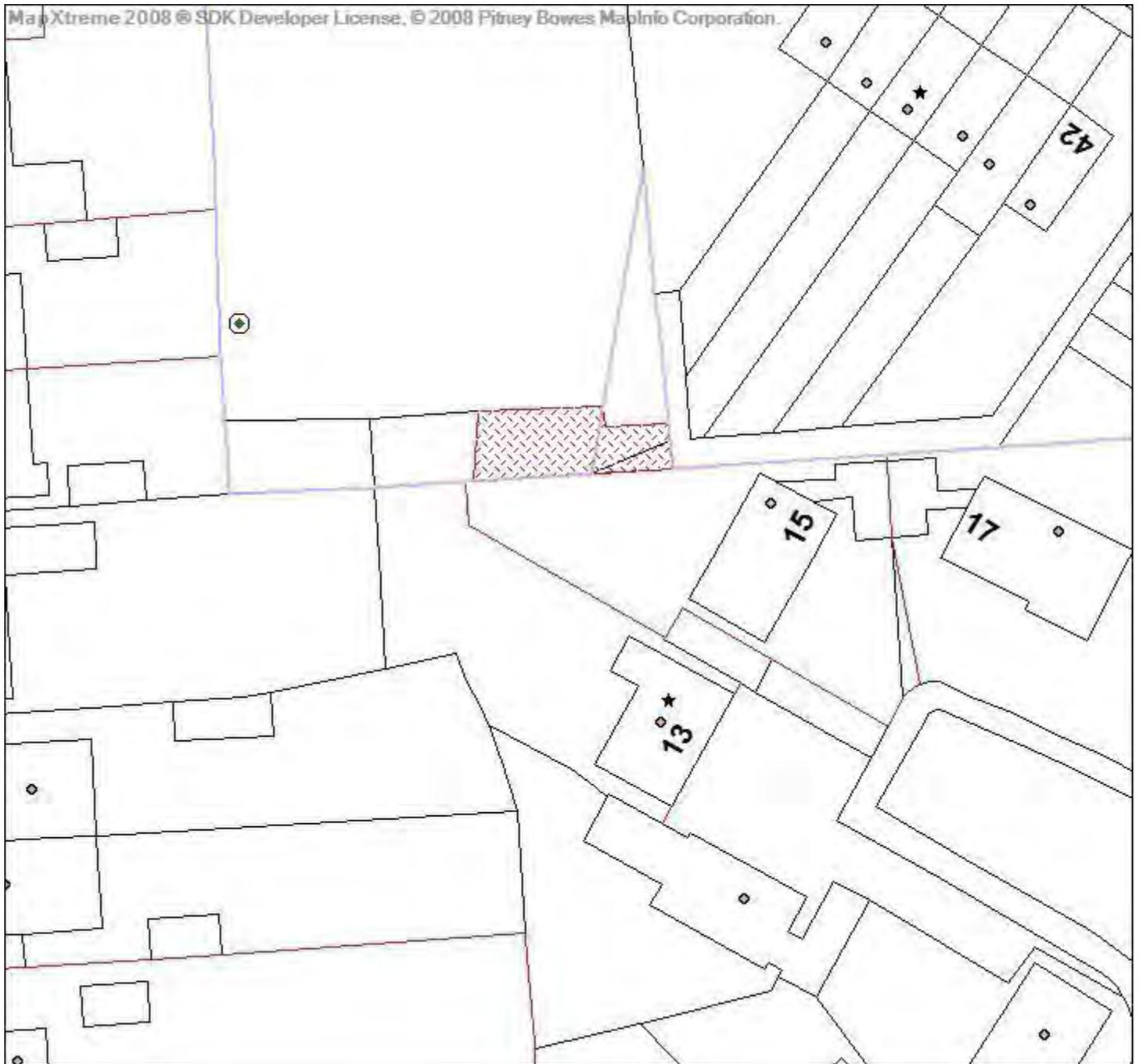
**14124 (PL) 105; "House Type D - Plans and Elevations"; received 27 Oct 2015**

**14124 (PL) 106; "House Type E - Plans and Elevations"; received 27 Oct 2015**

Reason

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

**Application number  
95233/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 18/02/2016**

**Application Reference: 95233/15**

**Type of Application: Full Planning Application**

**Registration Date: 18/11/2015**

**Decision Due By: 12/01/2016**

**Responsible Officer: Paul Bridge**

**Location: LAND TO REAR OF 15 THE COPPICE, BOLTON, BL2 3EP**

**Proposal: CHANGE OF USE OF LAND AT REAR FROM OPEN LAND TO DOMESTIC USE.**

**Ward: Bradshaw**

**Applicant: Dr A Birch**

**Agent :**

### **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Planning permission is sought to change the use of the overgrown land directly adjacent to No.15 The Coppice, Bolton, into an extension of the existing private garden. The area of land forms part of a larger area of woodland, however, no substantial trees will be removed in order to accommodate the proposal.

No detailed information has been submitted in respect of the proposed mean of enclosure (fencing) other than it would be a standard panel fence.

This application is to be determined by the Planning Committee because the applicant Dr Anthony Birch is an employee of Bolton Metropolitan Borough Council.

### **Site Characteristics**

This application relates to a small area of land to the rear/side of 15 The Coppice. The land forms part of a larger area of woodland which provides a substantial buffer between the properties on Bradshaw Meadows and Bradshaw Road. The area subject to the application and proposed to be extended is currently vacant and suffers from neglect.

### **Policy**

National Planning Policy Framework 2012

Core Strategy: CG3 - The Built Environment, CG4 Compatible Uses, OA5 North Bolton, S1 - Safe Bolton, P5 - Transport and Accessibility.

### **Analysis**

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.

The main impacts of the proposal are:-

- \* principle of the development
- \* impact on occupiers and neighbours

### **Principle of the Development**

The application site is not allocated in the Allocations Plan. Currently, the plot of vacant land contains overgrown vegetation which has been neglected. The conversion of the land will extend the existing private garden and transform it into a usable space with its management controlled by the land owner. The site is located in a residential area so the extension to the private garden will be compatible with the adjacent land uses. No pathways or Public Rights Of Way would be compromised by the proposal

It is therefore considered that the principle of the proposal is acceptable.

### **Impact on Occupiers and Neighbours**

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. Policy RA2 of the Core Strategy relates specifically to developments in Farnworth and states that the Council will conserve and enhance the distinctive character of the existing physical and natural environment.

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.

The proposed extension of the private garden will not undermine the amenity of neighbouring properties as it has the potential to allow the implementation of an improved maintenance scheme, including the clearance of the existing overgrown vegetation.

There is currently a fence to the rear/side of the land which separates the proposed garden area from the existing residential curtilage.

No detailed information has been submitted in respect of the proposed mean of enclosure (fencing)

other than it would be a standard panel fence, therefore an informative has been attached to ensure the applicant is aware that this proposal does not authorise the erection of any means of enclosure.

The proposal is therefore in accordance with Policies CG3, CG4 and OA5 of the Core Strategy.

**Conclusion**

The proposal would not compromise the aims and objectives of the relevant policies contained within the NPPF and Core Strategy and there are no material planning considerations that would justify a refusal. It is accordingly recommended that Members approve the application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** None

### **Consultations**

Advice was sought from the following consultees: None

### **Planning History**

None Relevant

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

Location and Site Plan Dated 03.11.2015

Reason

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

3.     The development site shall be used for domestic garden purposes only and for no other purpose.

Reason

To protect the openness of the land.

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Council**

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**Application number  
95279/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 18/02/2016**

**Application Reference: 95279/15**

**Type of Application: Full Planning Application**  
**Registration Date: 04/11/2015**  
**Decision Due By: 29/12/2015**  
**Responsible Officer: Simon Coles**

**Location: 1 PRESTWOOD ROAD, FARNWORTH, BOLTON, BL4 0HP**

**Proposal: ERECTION OF PART SINGLE STOREY PART TWO STOREY EXTENSION TO SIDE, REAR AND FRONT.**

**Ward: Harper Green**

**Applicant: Mr Khan**  
**Agent : RA Design & Project Management Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

The application seeks permission for the erection of a two storey extension at side and a part two storey/part single storey extension at rear.

The application has been amended to reduce the width of the side extension to 4 metres and incorporate a shallower roof pitch to the rear elevation.

### **Site Characteristics**

This is a semi-detached property sited within a corner plot on the junction of Springfield Road/Prestwood Road. The area is solely made up of residential properties. Within the area there is a fairly regimented building line, both to Springfield Road and Prestwood Road.

The front elevation of the property faces onto Springfield Road and is attached to number 10 Springfield Road.

To the rear of the property is a detached pre-fab garage with vehicle access from Prestwood Road. There are gardens to the front, side and rear.

To the rear of the property is number 3 Prestwood Road. This property has its side elevation facing the rear of the application property. There are no main room windows in this elevation.

On the footpath to the front of the property is a mature tree that is within Council ownership (it is unlikely that the works would impact on this tree given the siting of the extension).

There is a similar two storey side/rear extension (with regard to size/massing) been built at 16 Prestwood Road (opposite end of the road).

## **Policy**

National Planning Policy Framework (NPPF)

Core Strategies Policies: P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses and RA2 Farnworth.

SPD House Extensions and SPD General Design Principles

## **Analysis**

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.

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

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. Policy RA2 of the Core Strategy relates specifically to developments in Farnworth and states that the Council will conserve and enhance the distinctive character of the existing physical and natural environment, will respect and strengthen the traditional grid-iron pattern and the street-scaping of existing houses where it is compatible with good urban design, and will require development to provide adequate privacy and amenity space.

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.

The proposal is to extend the property to the side and rear to provide additional living accommodation. The side two storey extension is to project 4 metres in width leaving 2 metres to the back of the footpath on Prestwood Road. The extension is to retain the same eaves and ridge height as the existing property and is to incorporate a hipped design to match.

The proposed side extension is to have a similar appearance with regard to size/massing as an extension at 16 Prestwood Road (opposite end to the application property). The extension will come forward of the building line of the properties that run to the rear on Prestwood Road, although it is

considered that it would have no greater impact than the extension at 16 and thus on balance it is considered that the proposal is acceptable with regard to its impact on the character and appearance of the area, in this instance.

#### Impact on the Amenity of Neighbouring Residents

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 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.

#### *Impact on 10 Springfield Road*

SPD House Extensions (2012) states that "single storey rear extensions of up to 3 metres in length (taken from the original rear elevation of the property) on semi-detached houses, and up to 4 metres on detached houses will normally be acceptable (where they are not already permitted development). Similar sized two storey rear extensions will normally be acceptable if set away from any shared boundary by at least 2 metres, although this may not always be practicable or necessary, depending on the layout of the original dwellings and the locations of principal rooms".

The neighbouring attached property at number 10 Springfield Road has a small single storey rear extension that projects approx. 1.5 metres. The single storey element of the proposal extends out to the rear by 3 metres. The first floor rear element also extends 3 metres but is set-in from the boundary with number 10 Springfield Road by 2 metres.

The proposal is therefore in line with the guidance outlined above and is considered acceptable with regard to any impact on amenity to the residents at this property.

#### *Impact of 3 Prestwood Road*

Number 3 is sited with its side elevation facing the rear of the application property. There are no main room windows in this elevation. Although the proposal extends out beyond the front building line of this property, the proposal will not impinge on the main room windows in the front elevation using the 45 degree rule and as such it is considered that the proposal will have no undue impact on the residents at this property.

Furthermore, the extension will have a similar appearance in terms of size/massing to that of the extension at 16 Prestwood Road (opposite end of the road).

It is considered therefore, that the proposal is acceptable with regard to any impact on amenity of the neighbouring residents and the proposal therefore complies with Policy CG4.

#### Impact on Parking

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] parking, in accordance with the parking standards set out in Appendix 3. Policy S1.2 states that the Council will promote road safety in the design of new development.

SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on highway safety.

The proposed plans show that 2 parking spaces are to be provided at the front of the dwelling. Within the immediate area there are no parking restrictions in place and should any cars park on the

road it is considered that there would be no highway safety implications and therefore the provisions proposed are considered to be adequate in this instance.

A condition will be added to any approval for the two spaces to be provided and retained thereafter.

**Conclusion**

The proposal is consistent with the guidelines contained in SPD - House Extensions (2012). Similarly the proposal is consistent with Bolton's Core Strategy (2011) by reason of its scale and massing and is reflective of the design and appearance of the host building.

For the reasons given above Members are recommended to approve the application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One letter of objection has been received from a neighbouring resident. They raise the following points: -

- The proposed extension at 1 Prestwood Road has not taken into account the topography of the site and the adjacent property. The front door on my property is on the side of the property; therefore the proposed work will impact on the natural light and street lighting at the front door and hall way. The rear patio doors will be 500 mm above the present ground level and 1000 mm above the ground level at my front door. Can it be confirmed that the ground level will not be raised to suit the extension. The side extension will also affect the natural light within the cartilage of my property and will be a predominant feature viewed from the lounge bay window .This will put my property 4.5 metres behind the building line. This will also reduce the natural lighting levels during the shorter days. Prior to the plan being submitted could a plan be submitted with heights in relation to the topography of the site as the current plan shows no relation to the issue

**Elected Members:-** Cllr Mistry requested the application be determined by Planning Committee.

### **Consultations**

Advice was sought from the following consultees: 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. Prior to the commencement of development full details of the highway works at Springfield Road to install a dropped kerb/VAC shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

3. Before the approved development is first brought into use no less than 2 car parking spaces with minimum dimensions of 2.4 metres by 4.8 metres shall be provided within the curtilage of the site. Details to be submitted to and approved by the Local Planning Authority. Such spaces shall be made available for the parking of cars at all times.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

4. Prior to the development hereby approved being first occupied, 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.

Reason

To encourage drivers to make use of the parking and circulation area(s) provided and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

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

**RAD/1296/15/1/RevB; "Proposed Extension"; dated October 2015**

Reason

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

6. 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.

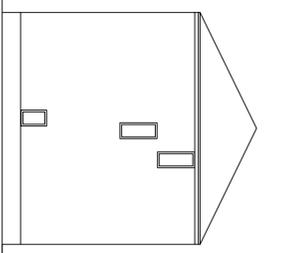
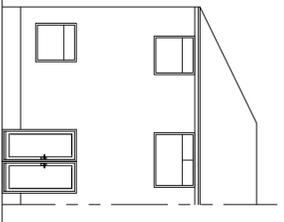
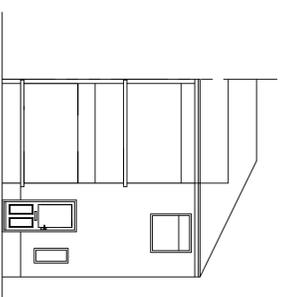
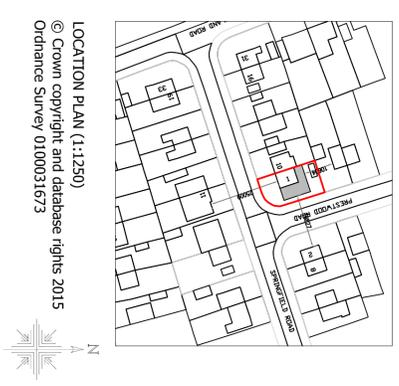
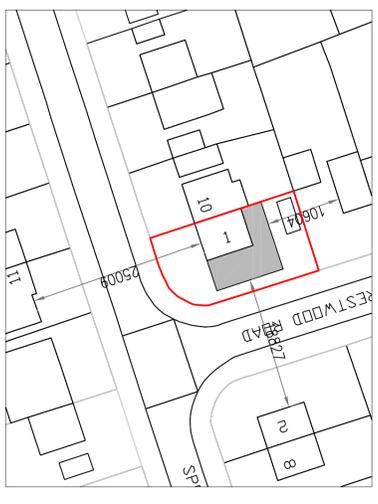
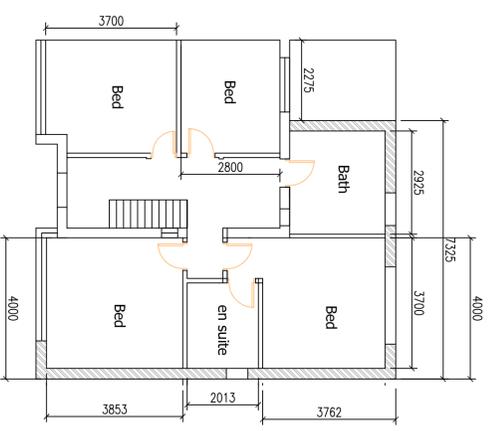
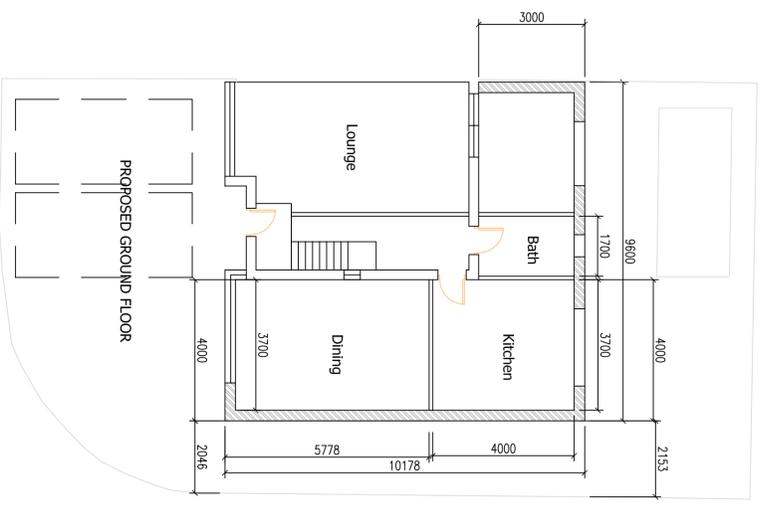
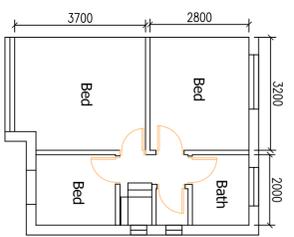
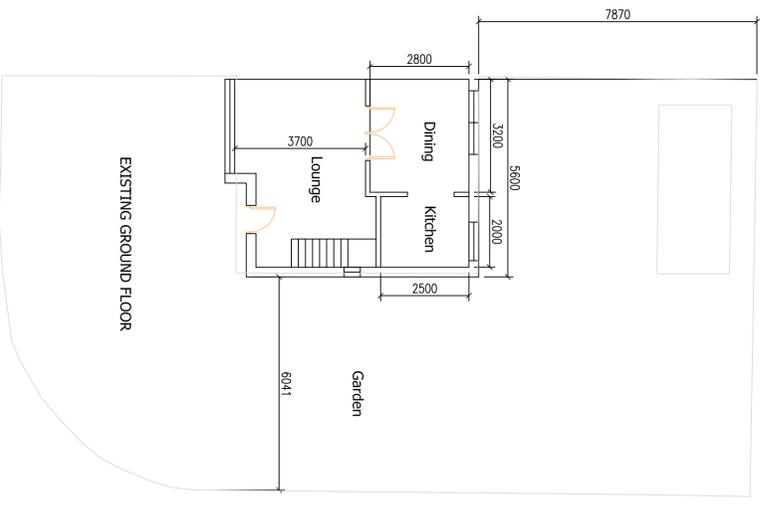
Reason

To ensure the development visually reflects the existing building and to comply with policy CG3 of Bolton's Core Strategy.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no dormers or any other alterations to the roof shall be constructed.

Reason

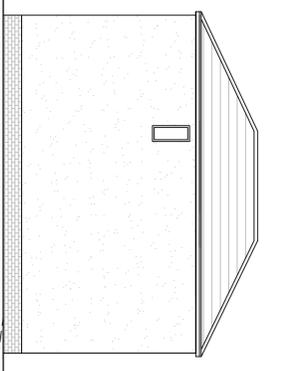
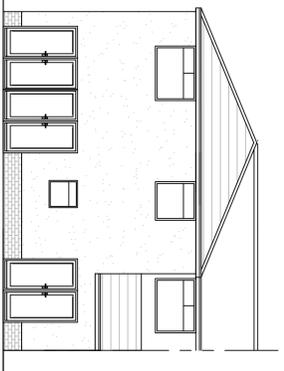
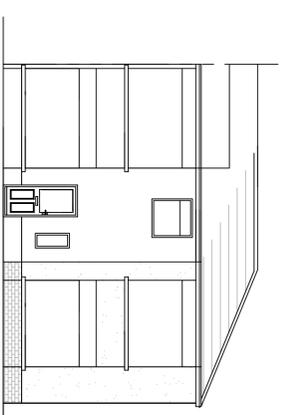
To safeguard the character and appearance of the dwelling and to comply with policy CG3 of Bolton's Core Strategy.



EXISTING FRONT ELEVATION

EXISTING REAR ELEVATION

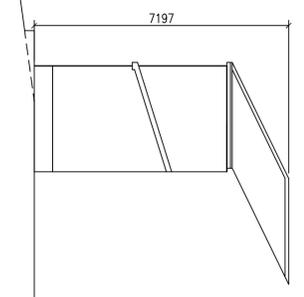
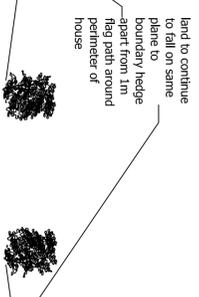
EXISTING SIDE ELEVATION



PROPOSED FRONT ELEVATION

PROPOSED REAR ELEVATION

PROPOSED SIDE ELEVATION



Date	Rev.	Notes	Initials
11/11/16	A.	Reduction in both width of side extension reduced to project max. 4m from existing gable.	RA
18/11/16	B.	Side extension reduced to project max. 4m from existing gable.	RA
7/21/16	C.	Land fall at rear to be maintained.	RA

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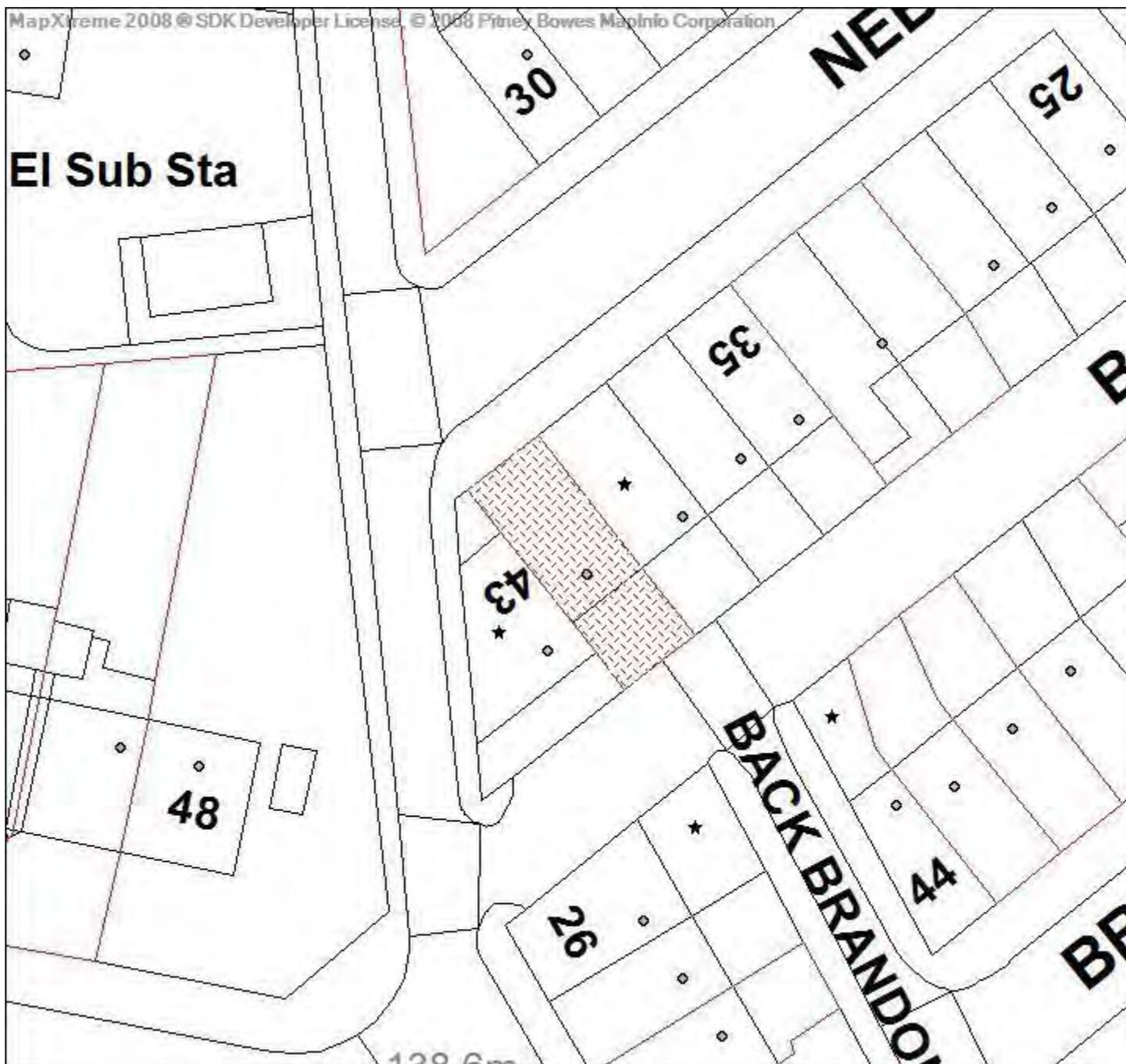
Notes

**RAD**  
The White House,  
210-212, New Road,  
Botton,  
BL1 4AP  
Tel: 01204 323196  
Fax: 01204 214110  
Mob: 07790 361104  
Email: info@radesignprojects.co.uk

**Project**  
1 PRESTWOOD ROAD  
BOLTON  
BL4 0HP

**Client**  
MR RAJA ILIYAS KHAN  
**Drawn**  
RA  
**Date**  
OCTOBER 2015  
**Scale**  
1:100  
**Drawing Number**  
RAD/1296/15/1/RevC

**Application number  
95381/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 18/02/2016**

**Application Reference: 95381/15**

**Type of Application: Full Planning Application**  
**Registration Date: 24/11/2015**  
**Decision Due By: 18/01/2016**  
**Responsible Officer: Simon Coles**

**Location: 41 NEBO STREET, BOLTON, BL3 6LQ**

**Proposal: ERECTION OF FIRST FLOOR EXTENSION AND DORMER AT REAR.**

**Ward: Rumworth**

**Applicant: Mr Vawda**  
**Agent : Smusa1**

### **Officers Report**

**Recommendation: Approve subject to conditions**

#### **Proposal**

The application seeks permission for the erection of a first floor extension at the rear with a projection of 4.46 metres.

#### **Site Characteristics**

This is a mid-terraced property with an existing single storey extension that projects the full length of the yard. This extension is handed with number 43 which extends out further than the application property.

The property at number 39 has a full single storey rear extension handed away from the application property. At first floor the property has a bathroom window closest and also has a rear dormer extension.

There are various examples of similar sized two storey extensions within the immediate area, as well as rear dormer extensions.

#### **Policy**

National Planning Policy Framework (NPPF)

Core Strategies Policies: CG3 The Built Environment; CG4 Compatible Uses and RA1 Inner Bolton.

SPD House Extensions and SPD General Design Principles.

#### **Analysis**

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.

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 the Character and Appearance of the Dwelling and the Surrounding Area

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. Policy RA1 of the Core Strategy relates specifically to developments in Inner Bolton and states that the Council will ensure that development has particular regard to massing and materials used, will respect and strengthen the traditional grid-iron pattern and street-scaping of existing houses where it is compatible with good urban design, and will require development to provide adequate privacy and amenity space.

The first floor extension would be constructed above the existing single storey extension and would have a dual pitched roof with an eaves height to match. There are many of the properties with rear elevations within the immediate area that exhibit a variety of different sizes and styles of extensions. Given that there is an existing single storey extension which extends the full depth of the yard, it is considered that a 4.46 metre deep extension at first floor level would reflect the character of the host dwelling as well as the character, quality and local distinctiveness of the area. Also it would respect the general street scene.

Further to the above, if the extension was to be set back to 4 metres it would lead to a small mono pitched roof being incorporated that would appear out of place and would represent poor design within this location.

A dormer extension is to be installed into the rear roof plane. This dormer appears to be a size that would fall within permitted development rights and therefore it is considered that this element of the proposal is an acceptable addition given it would not be in a prominent location (that is, at the rear of property).

The materials to be used are to match the existing building. An area is to remain for the storage of bins and private amenity space.

Further to the above, it is considered that the proposal complies with Policy CG3.

#### Impact on the Amenity of Neighbouring Residents

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 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.

Supplementary Planning Document - House Extensions states that rear single and two storey extensions on terraced properties of up to 4 metres in length (taken from the original rear elevation of the property) will normally be permitted.

The purpose of the above is to ensure that neighbouring properties are not unduly affected in terms of their living conditions by reason of being overshadowed by any development to a degree where reasonable outlook would be lost.

The Council has taken the view that applications to extend such properties need to be considered more sympathetically. These principles may also be applied to more modern terraced and town houses which, by reason of style and fashion at the time they were built, also offer very limited accommodation to meet growing demands for home owners.

In this case the first floor proposal will be 4.46 metres long and therefore exceeds this guidance by 460 mm. Whilst it is recognised that the projection is greater than normally permitted for two storey extensions, the impact would not significantly harm the neighbours living conditions at numbers 39 and 43 and it would not detrimentally affect the character and appearance of the locality. There are also other extensions within the immediate area that extend at varying sizes and styles, some of which project the full length of the yard area.

The window proposed in the first floor side elevation facing number 39 will be conditioned to be obscure glazed and retained thereafter to alleviate any privacy/overlooking issues.

Further to the above, and on balance, it is officer's view that the proposal would be acceptable with regard to any impact on the living conditions of the neighbouring residents and that the extension is in line with a similar extensions within the immediate area.

### **Conclusion**

It is considered that on balance the proposal is acceptable and therefore Members are recommended to approve the application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** one letter of comment has been received from a neighbouring resident with concerns of loss of daylight. They also state that they may need to install larger windows to their dwelling to alleviate this issue. They may be willing to do this should there be a contribution to these works. (Officer's comments: contribution to works would a private civil issue).

### **Consultations**

Advice was sought from the following consultees: none.

### **Planning History**

Not applicable.

**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 first occupation of the extension hereby permitted the bedroom window in the side elevation facing **39 Nebo Street** shall be fitted with obscure glazing whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely obscure) and shall be permanently retained in that condition thereafter.

Reason

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

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

**Drg No. 02 Proposed Plans, Elevations & Section - Date 07/15**

Reason

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

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

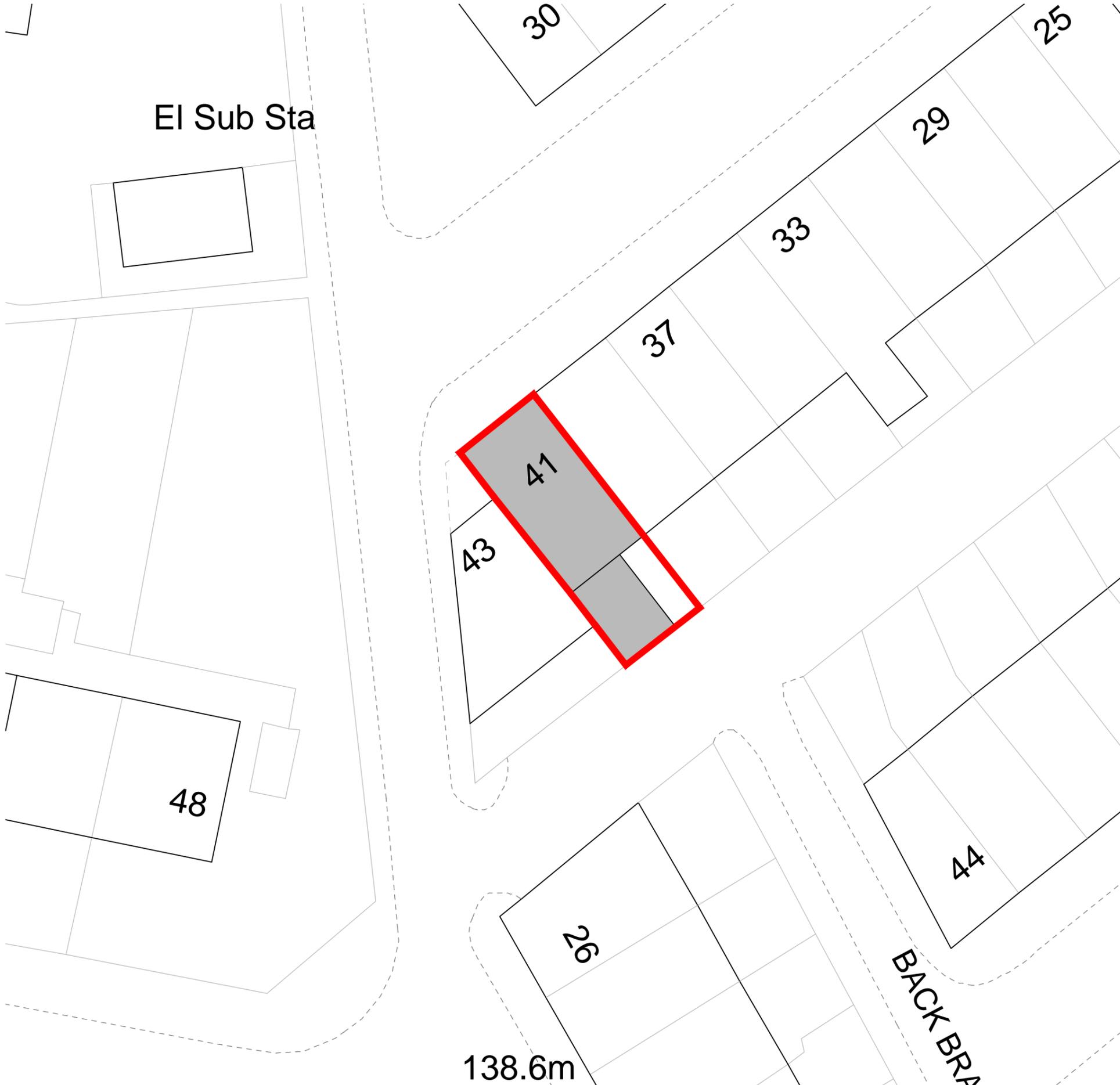
To ensure the development visually reflects the existing building and to comply with policy CG3 of Bolton's Core Strategy.

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 complies with policy CG3 of Bolton's Core Strategy.

El Sub Sta



Site Plan  
Scale 1:200 @ A3

Site Area - 60 SqM/ 645 SqFt

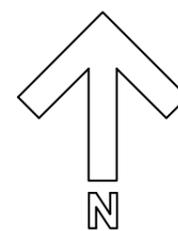
Existing Building  127

Site Boundary 



Site Location  
Scale 1:1250 @ A3

Site Boundary   
Existing Building 



**NOTES:**

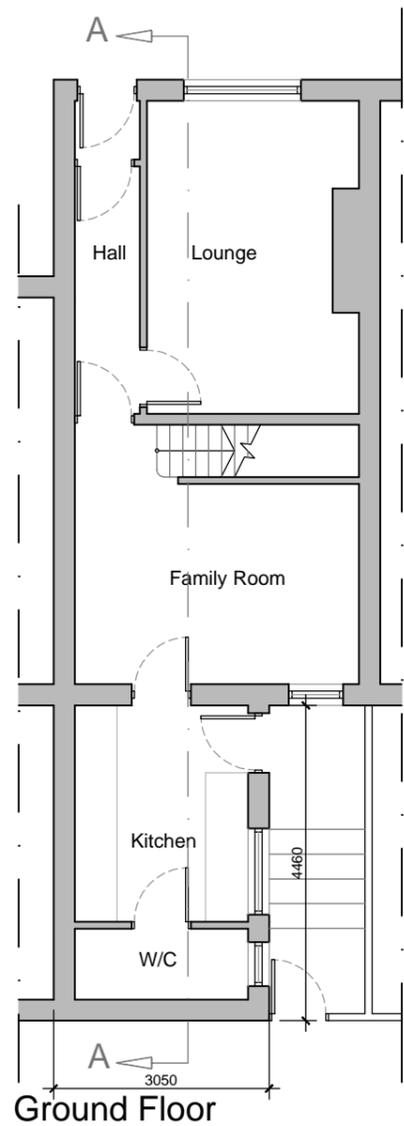
No scaling or dimensions other than those figured are to be taken from this drawing. All dimensions to be checked on site

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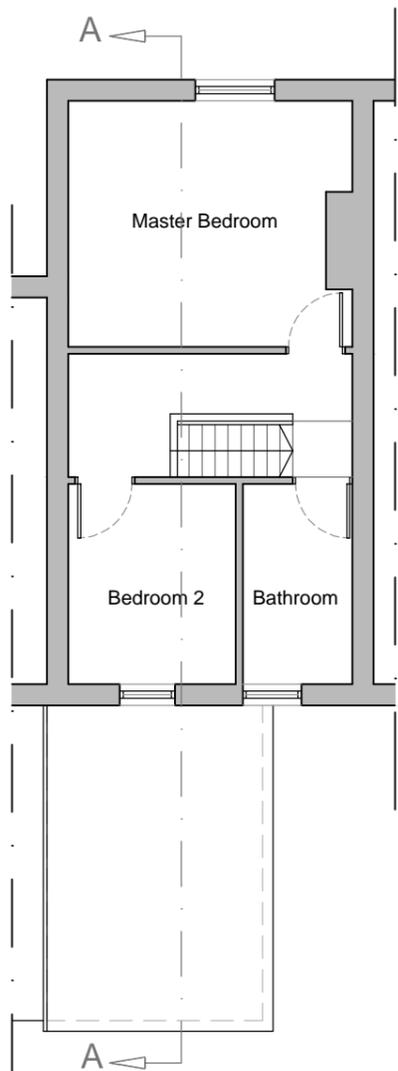
Project Location:  
41 Nebo Street  
Bolton  
BL3 6LQ

Drawing:  
00 Site Location

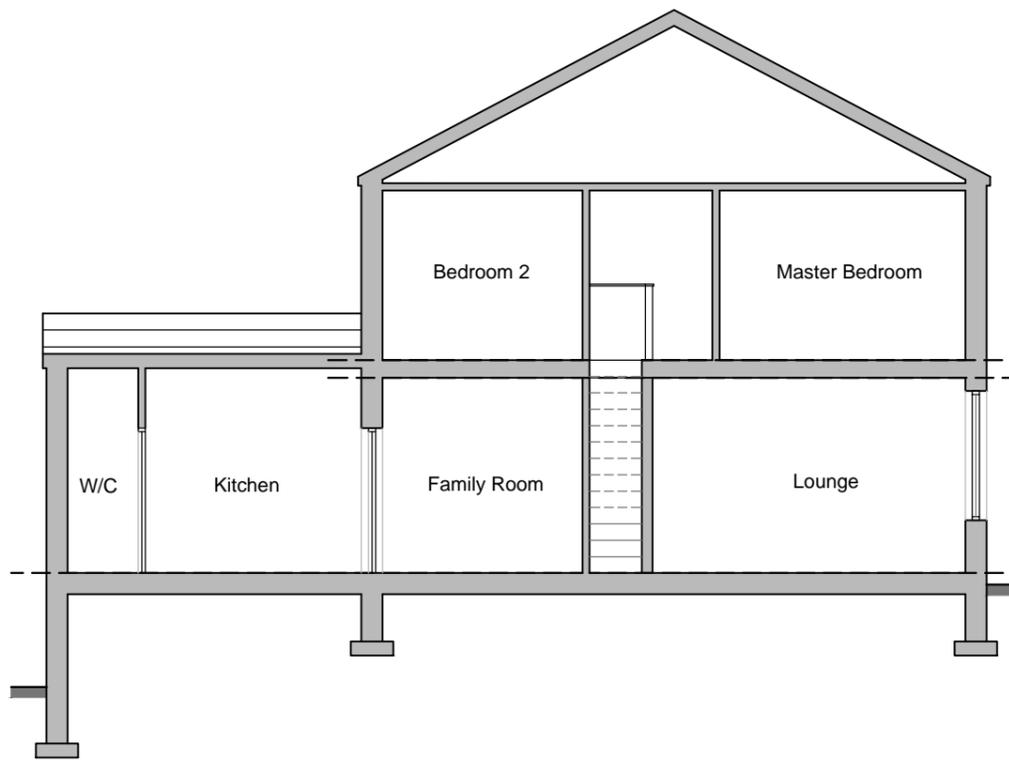
Scale: <b>1:100</b>	Size: <b>A3</b>	Date: <b>07/15</b>
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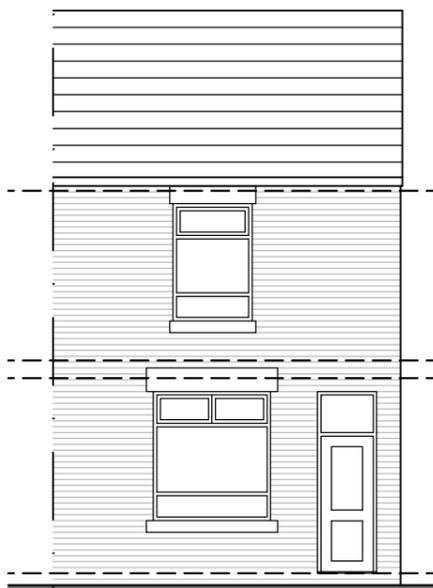
Ground Floor



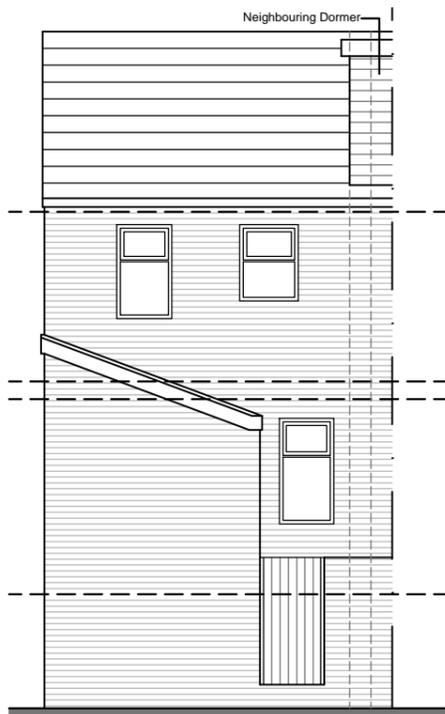
First Floor



Section A-A



Front Elevation



Rear Elevation



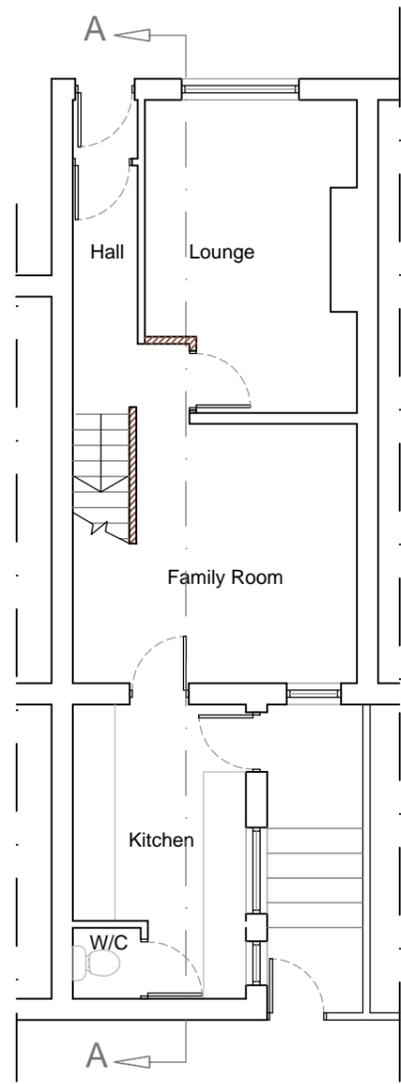
Neighbouring Elevation

**NOTES:**  
 No scaling or dimensions other than those figured are to be taken from this drawing. All dimensions to be checked on site.  
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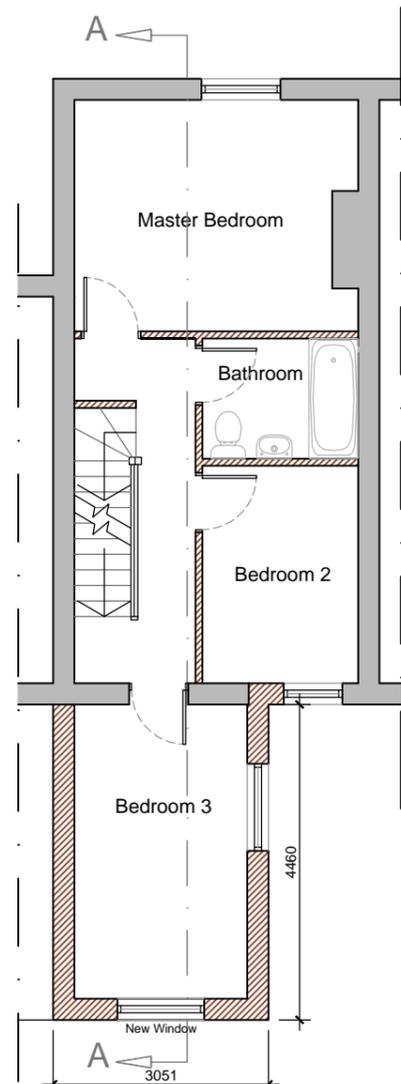
Project Location:  
 41 Nebo Street  
 Bolton  
 BL3 6LQ

Drawing:  
**01 Existing Plans, Elevations & Section**

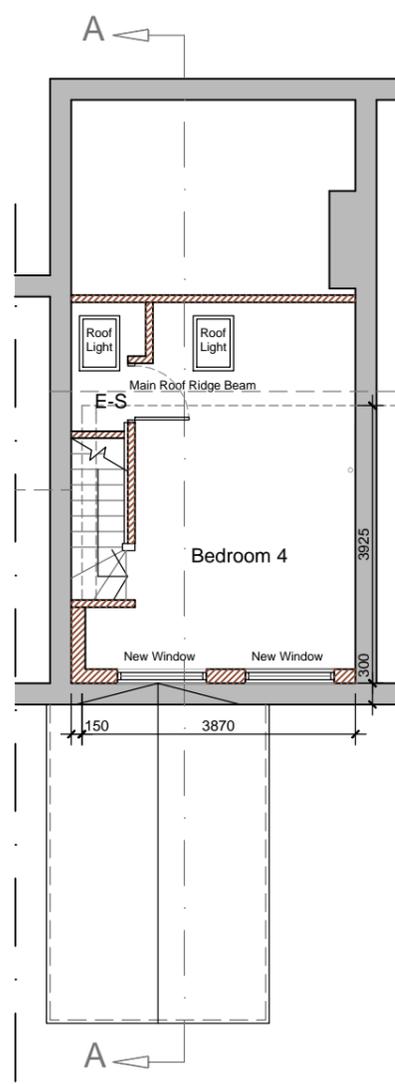
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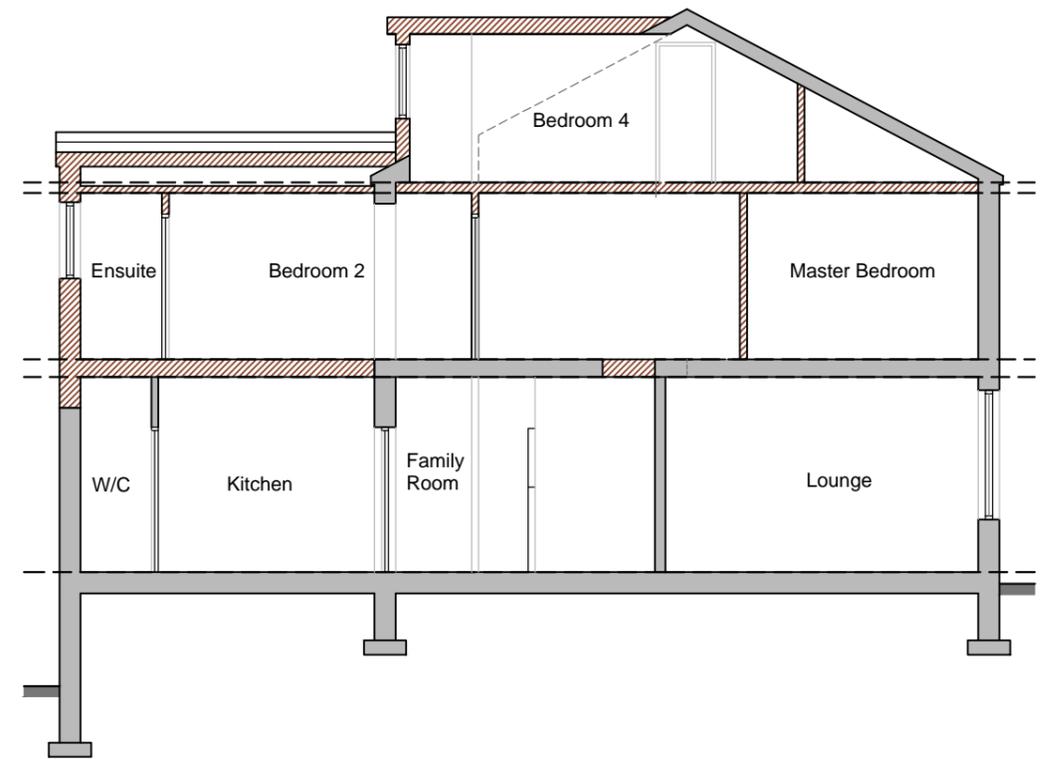
Ground Floor



First Floor



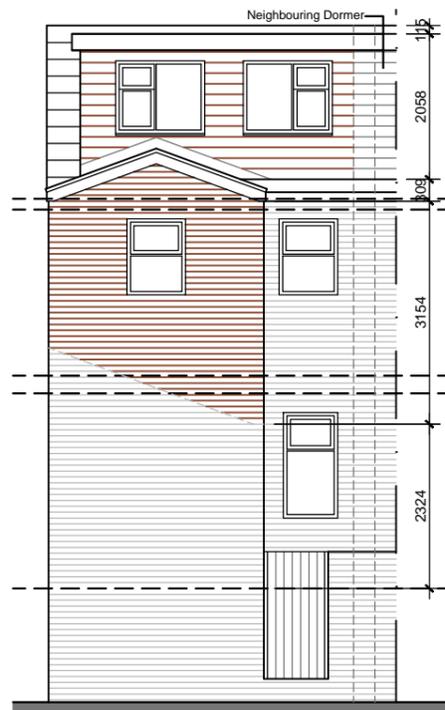
Second Floor



Section A-A



Front Elevation



Rear Elevation



Neighbouring Elevation

**NOTES:**

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

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Project Location:

41 Nebo Street  
Bolton  
BL3 6LQ

Drawing:

**02 Proposed Plans,  
Elevations & Section**

Scale:  
**1:100**

Size:  
**A3**

Date:  
**07/15**



**Date of Meeting: 18/02/2016**

**Application Reference: 95392/15**

**Type of Application: Full Planning Application**  
**Registration Date: 18/12/2015**  
**Decision Due By: 11/02/2016**  
**Responsible Officer: Kara Hamer**

**Location: 46 LEE LANE, HORWICH, BOLTON, BL6 7AE**

**Proposal: CHANGE OF USE FROM SHOP (A1) TO CAFE (A3)**

**Ward: Horwich and Blackrod**

**Applicant: Mr Zela**  
**Agent : MDA Architectural Services**

### **Officers Report**

**Recommendation: Approve subject to conditions**

#### **Proposal**

Permission is sought for the change of use of the premises from a former printers (Use Class A1) to a restaurant/cafe (Use Class A3). There are no changes proposed to the front elevation. The only change proposed to the rear elevation is the siting of a stainless steel flue.

Proposed staff will be 2 full time positions and 1 part time position. The opening hours are proposed as 10:00 to 22:00 hours, seven days a week.

#### **Site Characteristics**

The application property was formerly a printers (Use Class A1). The premises are now vacant and have been since March 2013.

The property is within the centre of Horwich, on the main road through the town. It is sited within a terraced row of other retail and commercial uses (including a betting shop, a pound store, a greengrocer, a hair and beauty salon, a jeweler, a newsagent, a barber and an estate agent). Lee Lane contains numerous shops, cafes, restaurants, beauty salons, bars/public houses and financial services. There are also a number of vacant units, including the application premises.

At the rear of the application site is Captain Street public car park.

Lee Lane is sited within Horwich Town Centre Conservation Area.

#### **Policy**

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas

## SPD General Design Principles

### **Analysis**

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.

The main impacts of the proposal are:-

- \* impact on the character and appearance of the Horwich town centre
- \* impact on residential amenity
- \* impact on highway safety

### Impact on the Character and Appearance of Horwich Town Centre

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, will require development to be compatible with the surrounding area, and conserve and enhance the heritage significance of heritage assets and heritage areas. Policy OA1 relates specifically to developments in Horwich and Blackrod and states that the Council will continue to promote Horwich town centre as being suitable for a mix of retailing, leisure, employment and housing uses, will conserve and enhance the character of the existing landscape and physical environment (especially the conservation areas), and ensure that development respects street patterns and the grain and form of predominant architectural styles.

### *Proposed change of use to a restaurant/cafe (Class A3)*

SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas states in paragraph 24, "Where local residential and business occupiers are facing disturbance due to the number of similar types of use within a particular area or locality, a planning application for an additional restaurant, cafe, public house, bar or hot food takeaway may be refused when it is considered that an additional facility would increase the level of noise and disturbance to an unacceptable level, and so would adversely affect the character and visual appearance of the area."

The application premises are currently vacant but were formerly in an A1 use (printers). The applicant seeks to change the use of the premises to a restaurant/cafe (Class A3). The premises are located centrally within Horwich town centre, which contains a mix of shops, cafes, restaurants, beauty salons, public houses, bars and financial services. The nearest other A3 uses in the town centre are "Corner Cafe" at 43 Lee Lane, "Thyme Deli" at 4 to 6 Winter Hey Lane, "Brewed Coffee" facing the application site at 49 Lee Lane and "Victoria Sandwich" (though this may actually be an A1 use rather than A3 as it is sandwich shop) at 67 Lee Lane.

It is not considered that the proposed change of use would be contrary to the advice contained within paragraph 24 of the SPD as it is not considered that local residents and business would face disturbance due to the number of similar types of use within the locality. Apart from the A3 uses listed above, all the other premises in the immediate vicinity are either A1 uses, A2 uses or beauty

salons (sui generis). It is not considered that an additional A3 use along this stretch of the road and in the centre of Horwich town centre would affect the character of the town centre. Instead, the proposal would bring back into use a currently vacant premises in a prominent location within the town centre.

"Proliferation" is only a determining factor for applications for hot food takeaways (Use Class A5), and therefore is not relevant here.

For these reasons it is considered that the proposed change of use of the premises would not harm the character or appearance of Horwich town centre, compliant with Policies CG3 and OA1 of the Core Strategy and the advice contained within SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas.

#### Impact on Residential Amenity

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, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.

Paragraph 8 of SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas states that, "Applications for restaurants, cafes, public houses, bars and hot food takeaways will normally be approved within the Borough's designated shopping centres provided that they do not result in detriment to the living conditions of residential occupiers or impact negatively on the vitality and viability of the centre.

It has been considered above that the proposed change of use of the premises to a restaurant/cafe would not negatively impact on the character, visual appearance or the vitality and viability of Horwich town centre.

There are registered addresses at first floor level above the adjacent premises at 44 and 48 Lee Lane and a registered address at first floor level above the proposed restaurant/cafe, therefore it is supposed that these are used as residential accommodation. The application site is however located within a designated shopping centre and therefore residents should accept some amount of disturbance. The proposed premises will be open between the hours of 10:00 and 22:00. It is recommended that these opening hours be conditioned and that details of any means of extraction from the restaurant/cafe are submitted to the local planning authority for approval before the proposed restaurant/cafe opens.

It is not considered that the proposed change of use would unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

#### Impact on Highway Safety

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.

SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas states that planning applications for restaurants, cafes, bars and public houses will be expected to provide car parking facilities within the curtilage of the site, however this requirement may be relaxed where the site is within a town centre, the site is in close proximity to a public car park or is sited on a public transport corridor.

The application property is within a town centre, is close to a number of public car parks and is on a

public transport corridor. The Council's Highways Engineers raise no objection to the proposal.

It is therefore considered that the proposal will not jeopardise highway safety, compliant with Policies P5 and S1.2 of the Core Strategy and the advice contained within the SPD.

**Conclusion**

For the reasons discussed above it is considered that the proposed change of use of the vacant premises to a restaurant/cafe would not harm the character and appearance of Horwich town centre, would not unduly harm the amenity of neighbouring residents and would not jeopardise highway safety, complying with Policy CG4 of the Core Strategy and the guidance contained within SPD "Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas".

Members are therefore recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** 11 letters of objection have been received from; 4-6 Winter Hey Lane (Thyme Deli), 7 Winter Hey Lane (The Sandwich Specialist), 49 Lee Lane (Brewed Coffee Ltd), 34 Lee Lane (Regency Estates) and 6 members of the public (2 anonymous - without addresses). These letters raise the following concerns:

- \* Proliferation of food businesses in the town centre, to the detriment of the town;
- \* The balance of the town could tip from a retail shopping centre to an area where people go to eat but no longer shop;
- \* Horwich already has 9 trading cafes and 10 trading restaurants, some of which open during the day time;
- \* There is no need to increase food establishments in the town, in turn decreasing the number of properties trading as or likely to open as retail shops;
- \* Horwich town centre needs diversity to drive the local economy;
- \* The identity of the town is being changed to provide more leisure than retail, which will in turn affect the viability of the commercial centre;
- \* Horwich has been providing grants to encourage services not currently provided in the town centre, approving this application would be contradictory to this grant scheme;
- \* The applicant has another similar business on Lee Lane and owns other retail premises on Lee Lane which could be made into one large cafe/restaurant in the future resulting in the loss of further retail units (Officer comment - this is not a planning matter for consideration in this instance);
- \* The Council should reduce business rates and rents, forcing private landlords to do the same to encourage diversity of shops (Officer comment - this is not a planning matter);
- \* Regency Estates have a large waiting list of new businesses seeking premises in Horwich and commercial property is in high demand;
- \* The shop is situated immediately on the pelican crossing, this will cause issues with accessing the crossing during peak periods of trading (Officer comment - Highway Management have raised no objections);
- \* The proposal will lead to the creation of new employment equivalent to 2.5 FTE, Economic Strategy Policy should encourage the growth of already established businesses and encourage different types of business creations;
- \* Customers will have to walk through the kitchen to access toilet facilities (Officer comment - this is not a planning matter);

It is considered that these objections have been addressed in the main body of this report.

**Horwich Town Council:-** raised no objections at their meeting of 21/01/16.

### **Consultations**

Advice was sought from the following consultees: Highways Management, Drainage and Technical Support and Design for Security GM Police.

### **Planning History**

A Prior Notification application (94889/15) was withdrawn by the applicant in October 2015 for change of use from shop (A1) to cafe (A3) at 46-48 Lee Lane, Horwich

Installation of roller security shutters to the frontage (68034/04) was granted approval in July 2004

**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 use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 14 days of the use commencing and retained thereafter.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and to comply with policies CG3 and CG4 of Bolton's Core Strategy.

3. The premises subject of this consent shall not be open for trade outside the following hours:-

**1000 – 2200 Monday to Sunday**

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance, and to comply with policy CG4 of Bolton's Core Strategy.

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

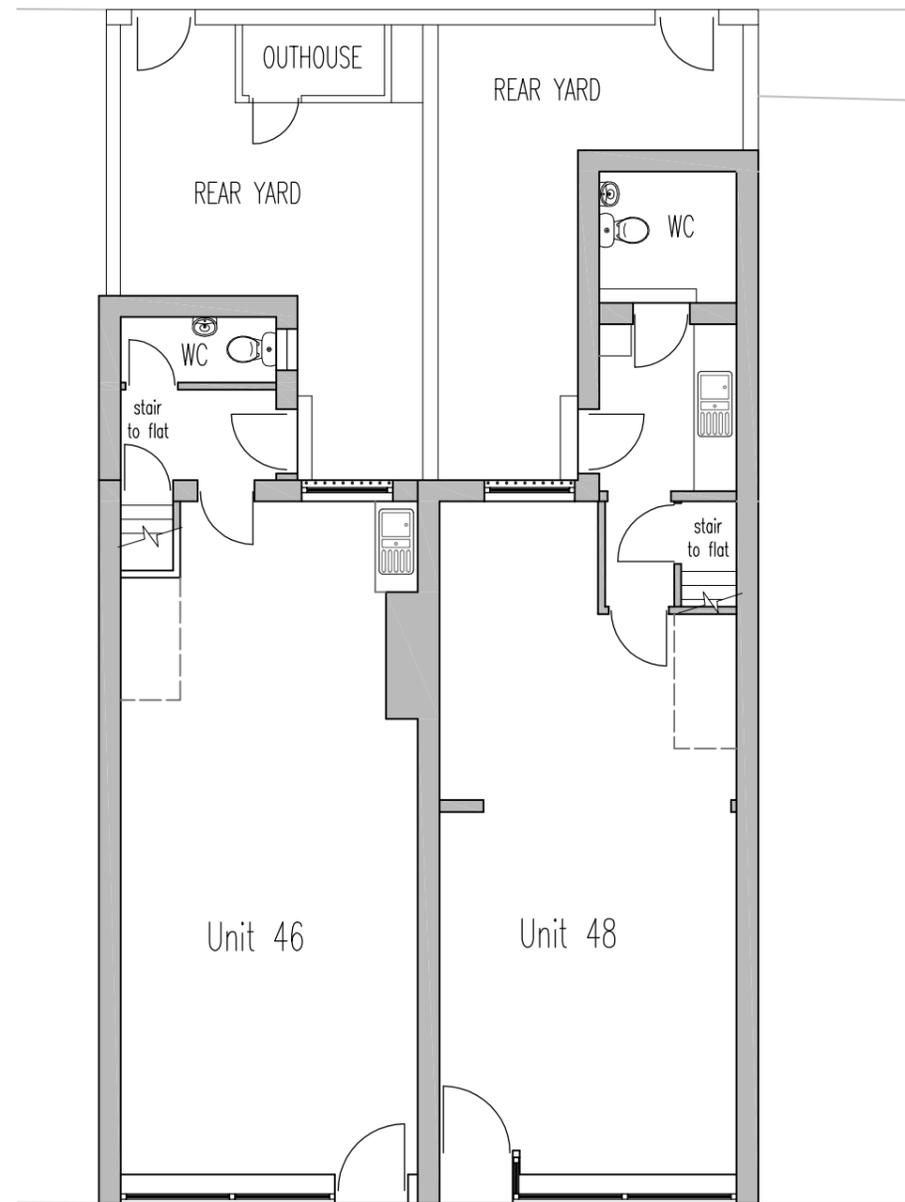
**Existing and proposed plans, Dwg no. 0187/001 Rev A, 16/09/15 (scanned to file 25/11/15)**

**Proposed plan, Dwg no. 0187/003 Rev -, 16/09/15 (scanned to file 25/11/15)**

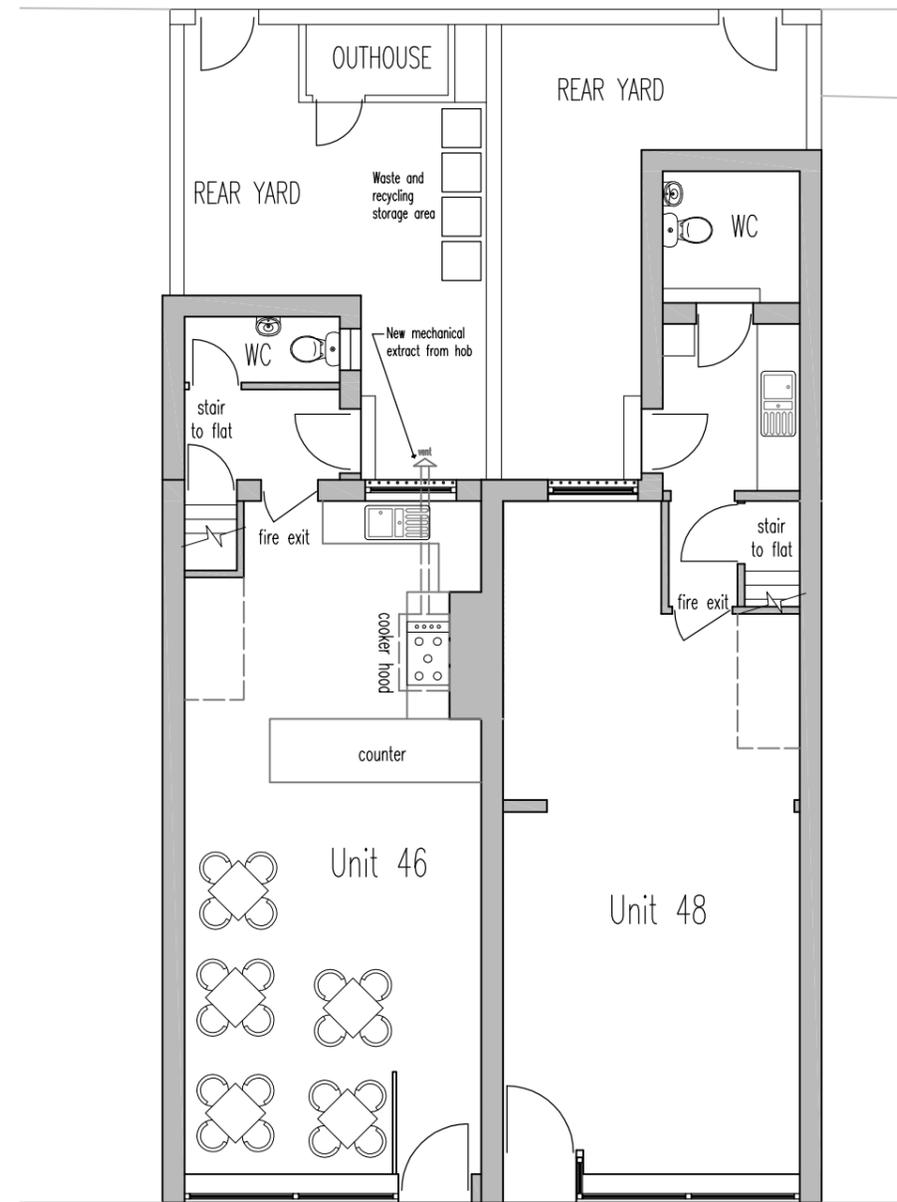
**Site plan, Dwg no. 0187/04 Rev -, 16/11/15 (scanned to file 25/11/15)**

Reason

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



Existing Ground Floor Plan



Proposed Ground Floor Plan

Notes:-

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2. All dimensions are to be checked on site prior to fabrication and/or construction. Any discrepancies are to be brought to the attention of MDA Architectural Services.
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6th Floor, 120 Bark Street,  
Bolton, BL1 2AX  
www.mdaas.co.uk  
07587 080 007

EXISTING AND PROPOSED PLANS

46 Lee Lane  
Horwich  
Bolton  
BL6 7AE

Scale 1:100 @ A3 Drawing No. Rev.  
Date 16/09/15 0187/001 A  
By DC

PLANNING



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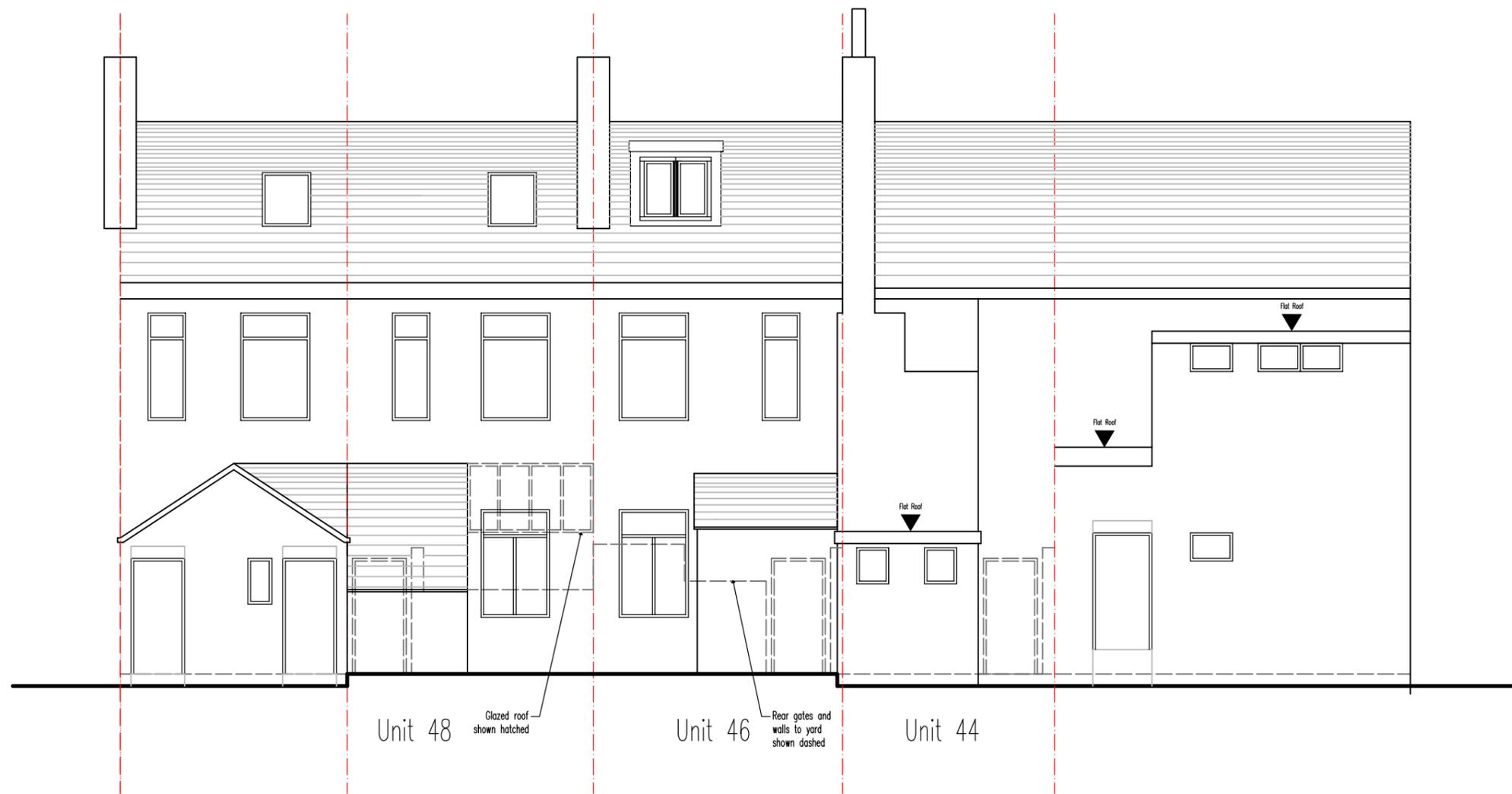
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**Proposed Plan**

46 Lee Lane  
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Scale 1:100 @ A3 Drawing No. Rev.  
 Date 16/09/15 0187/003 -  
 By DC

**FEASIBILITY**

**Application number  
95400/15**



**Development & Regeneration Dept  
Development Management Section**

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

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**Date of Meeting: 18/02/2016**

**Application Reference: 95400/15**

**Type of Application: Full Planning Application**

**Registration Date: 26/11/2015**

**Decision Due By: 20/01/2016**

**Responsible Officer: Martin Mansell**

**Officer:**

**Location: UNITS 10/11, HALLIWELL INDUSTRIAL ESTATE, ROSSINI STREET, BOLTON, BL1 8DL**

**Proposal: CHANGE OF USE FROM VACANT GENERAL/LIGHT INDUSTRIAL (CLASS B1 AND B2) TO A DOGGY DAY CARE FACILITY (SUI GENERIS)**

**Ward: Crompton**

**Applicant: Mrs Nuttall**

**Agent :**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Consent is sought to use part of this former textile mill as a Dog Day Care Centre. This use does not fit comfortably within any class of the Use Classes Order and is therefore considered to be sui generis.

The use would involve supervised care and exercise for up to 30 dogs. All activities would take place within the building and there is no intention for the land attached to Halliwell Mill to be used in conjunction with the use, other than for parking and for owners transferring their dogs from their cars. Hours of use are proposed as from 7am until 6.30pm Monday to Friday and from 8am until 1pm Saturdays, with no use on Sundays. The available internal floorspace measures 560m<sup>2</sup>.

The Applicant envisages that the use would provide 3 full time and 2 part time jobs.

No external changes are proposed, though it is understood that a glazed entrance vestibule would be provided internally. This would not, in itself, be development requiring planning permission.

### **Site Characteristics**

This site is part of Halliwell Mills - a complex of former textiles mills now subdivided and operated by Bizspace for typically Class B1 Office/Light Industry and Class B2 Industrial Uses. It is accessed from Halliwell Road via the residential area of Raglan Street and using a junction improved in the mid 1990s to serve the industrial uses. The application site itself is located in the far north-west corner of the site, accessed via an internal road that runs from the frontage car park along the west side of the building. To the west, at a higher level than the application site, lie the residential properties of Avoncliff Close. To the north, the land drops steeply down to the valley of Astley Brook and the

recently constructed housing at Smithills Glade / Temple Road.

Halliwell Mills is allocated in the development plan as being subject to Policy P6AP which seeks to achieve a balanced mix of employment and housing uses over the whole area.

### **Policy**

National Planning Policy Framework - building a strong and competitive economy, promoting healthy communities

Core Strategy Objectives

SO5 Bolton's Economy, SO6 Accessibility, SO7 Waste, SO9 Crime and Road Safety

Core Strategy Policies

P1 Employment Sites, P5 Transport

S1 Crime and Road Safety

CG4 Compatible Uses

RA1 Inner Bolton

P6AP Mixed Use Development

### **Analysis**

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.

The main impacts of the proposal are:-

- \* impact on nearby uses
- \* impact on the road network
- \* impact on economic development
- \* impact on the mixed use development policy

### **Impact on Nearby Uses**

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and reduce pollution.

Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account.

The use is considered appropriate for this area, given the generally industrial context, history and employment allocation. This unit could be used for Class B2 General Industry purposes, without any

planning controls on operation times and this fallback position is a material consideration of significant weight. As a former textile mill, the building was originally constructed for an industrial purpose.

Two objections have been received on the grounds of potential noise pollution - one from a neighbouring commercial use, a training centre, and one from a residential property on Avoncliff Close. It is noted, however, that the closest residential property to the application site is set at a higher level, does not have principal windows facing the site and has a garage on the side closest to Halliwell Mills. Provided that the care of animals is limited to the inside of the building it is not considered that odours or waste disposal are likely to be a problem. It is not considered that the potential exists for this property to experience greater impacts on living conditions over and above the existing situation of a site with as lawful use for general industry.

The adjacent training centre has also objected on the basis of the potential for noise from dogs to affect its training activities. It is noted that the applicant has undertaken, with the building owner, to insulate the intervening wall. However, based on the lawful industrial use, this is considered to be a private matter beyond the remit of planning control involving two neighbouring occupants of a predominantly industrial site.

The proposed use is not considered to be likely to give rise to land use conflicts over and above the existing lawful use of general industry. The proposal is considered to comply with Policy CG4 of Bolton's Core Strategy.

#### Impact on the Road Network

Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety.

The site is reasonably well provided with a shared car park at the front of the site and the application site has three parking places close to its own self-contained entrance.

The proposed use is not considered to be likely to give rise to significant changes in the nature of vehicular or other movements over and above the existing lawful use. It is also noted that the Council's Highway Engineers do not raise objection. The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1.

#### Impact on Economic Development

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should proactively drive and support sustainable economic development to deliver the infrastructure, business and industrial units and thriving local places that the country needs. In the section "Building a Strong, Competitive Economy" it states that significant weight should be placed on the need to support economic growth through the planning system.

The Council has adopted the Sustainable Community Strategy which identifies two main aims - to narrow the gap between the most and the least well off and to ensure economic prosperity. The Core Strategy is consistent with this, seeking a prosperous Bolton by making sure that jobs are provided in accessible locations in a range of different sectors.

Policy RA1 relates specifically to Inner Bolton and states that the Council will continue to focus jobs in modern employment areas in The Valley, locate new employment-related development on

undeveloped sites in The Valley and surrounding area, regenerate mills and other older industrial premises in the area with a mixture of new build and refurbishment for primarily employment uses, with supporting residential and mixed uses.

The Applicant states that the unit has been vacant for 18 to 24 months, though no evidence has been provided to support this. In any case, Officers confirm that the unit is currently vacant and therefore provides no economic benefit to the Borough. The Applicant envisages that the use would provide 3 full time and 2 part time jobs and this is considered to be a small but positive contribution to economic development.

#### Impact on the Mixed Use Development Policy

Halliwell Mills is one of the industrial sites listed in Policy P6AP which states that the council and its partners require proposals for sites within mixed use areas to be brought forward in the context of achieving a balanced mix of employment and housing uses over the whole area. Development in these areas will be guided by the following principles in order to ensure they are economically, socially and environmentally suitable:-

- neighbouring uses should be compatible
- opportunities for employment should be maximised
- impact on the highway network must be acceptable
- development must be well served by public transport, and make effective provision for cycling and walking
- potential for sustainable energy sources must be maximised

Issues of compatibility, employment and the road network have been considered above. The site is accessible via public transport via Halliwell Road, though it is accepted that the majority of users would drive their dogs to the site. As a relatively small change of use, the issue of sustainable energy sources is not considered to be relevant.

The use will provide employment and is considered to make a contribution to the mix of uses at this site.

#### **Conclusion**

Whilst the use as a dog day care centre is an unusual one, it is not considered that it will have the potential to cause significant impacts over and above the existing situation of an industrial site. Indeed, subject to the recommendation conditions restricting hours of use, the use of open land, numbers of dogs and noise emanation, the proposed use is actually considered to have less potential for harm than an unrestricted industrial use. The proposal will provide a service to local people and a small number of jobs and insufficient harm has been found to outweigh this.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** two letters of objection have been received - one from a nearby residential properties and one from a neighbouring commercial use. The grounds of objection are:-

- we work training young people and would be concerned about the noise levels and how it would affect our training
- we already have enough noise and smells from the other units on this estate

### **Consultations**

Advice was sought from the following consultees: Highways Engineers

### **Planning History**

None relevant for this unit. The history of the site as a whole contains no decisions which could affect the lawful use for industrial purposes.

**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. Details of a scheme to limit the emanation of noise from the site shall be submitted to and approved in writing by the Local Planning Authority prior to the use first commencing.

Reason

To safeguard the living conditions of nearby occupiers from noise pollution and to comply with policy CG4 of Bolton's Core Strategy.

3. The site shall not operate as a dog day care centre outside of the following hours:-

**0700 - 1830 Mondays – Fridays**

**0800 - 1300 Saturdays**

**No use shall take place on Sundays.**

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance, and to comply with policy CG4 of Bolton's Core Strategy.

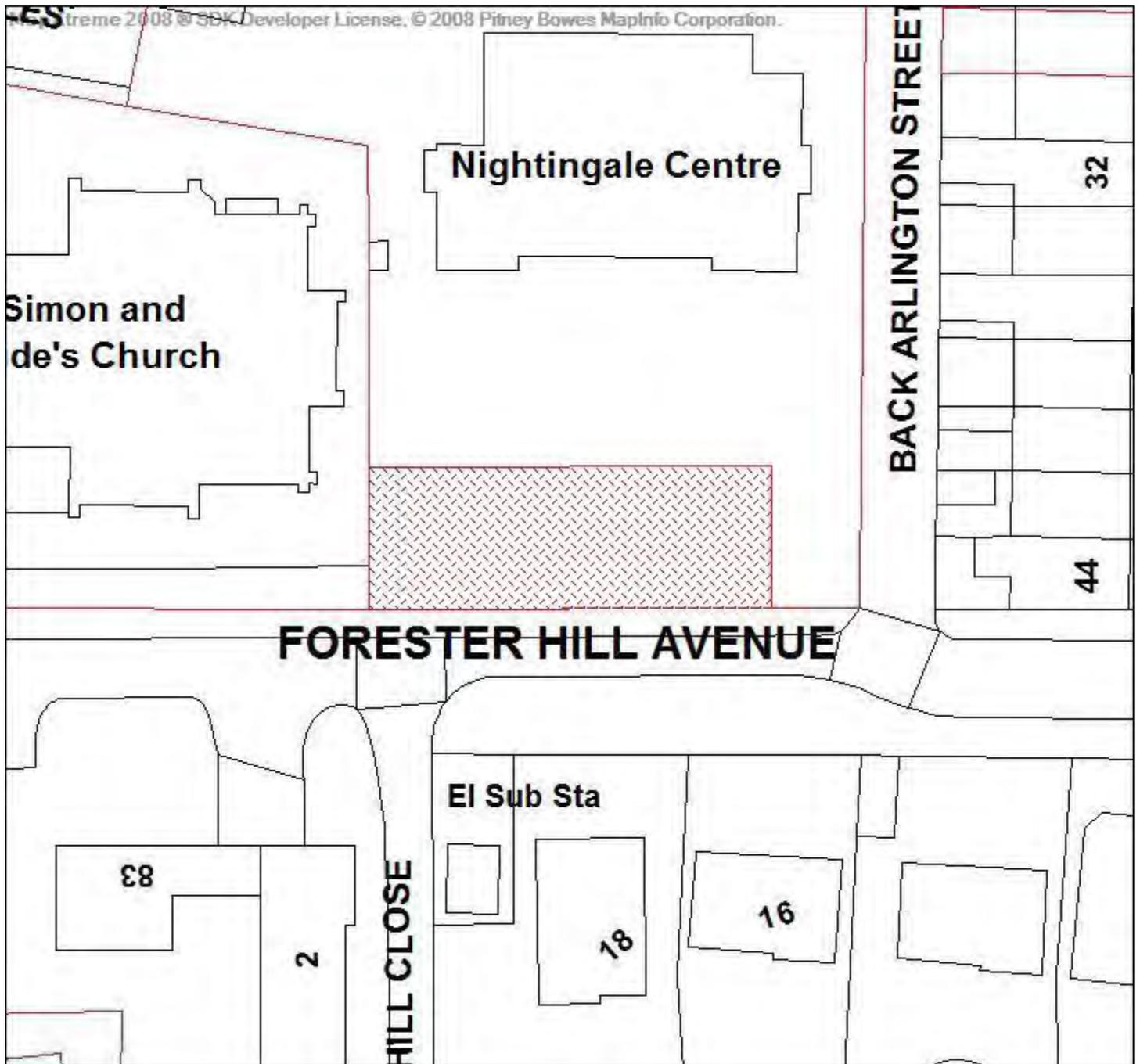
4. Other than parking and the reasonable transfer of animals from cars, no activities connected with the dog day care centre shall take place in the open air within the curtilage of Halliwell Mills.

Reason

To safeguard the amenity of neighbouring uses and to comply with policy CG4 of Bolton's Core Strategy.



**Application number  
95410/15**



**Development & Regeneration Dept  
Development Management Section**

Town Hall, Bolton, Lancashire, BL1 1RU  
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**Date of Meeting: 18/02/2016**

**Application Reference: 95410/15**

**Type of Application: Full Planning Application**

**Registration Date: 14/12/2015**

**Decision Due By: 07/02/2016**

**Responsible Officer: Martin Mansell**

**Location: LAND OFF FORESTER HILL AVENUE, BOLTON**

**Proposal:** ERECTION OF A TWO STOREY DWELLING WITH DORMERS PROVIDING ACCOMMODATION AT SECOND FLOOR WITH INTEGRAL GARAGE.

**Ward: Great Lever**

**Applicant: Mr Akhtar**

**Agent : Smusa1**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Consent is sought for the erection of a large two storey house fronting Forester Hill Avenue. Accommodation would also be provided at second floor level in the roofspace via the provision of three front dormers and rear roof lights. It is proposed that the dwelling be constructed in brick with stone banding and quoins with a concrete tile roof.

The dwelling would have six large bedrooms - four at first floor level and a further two in the dormer roofspace. A lean-to garage at the side would provide parking for up to three cars and on the other side of the site an area of 70 square metres would be given over to amenity space and bin storage.

The site is relatively large for a single housing plot, measuring 332 square metres in total, which would provide the following:-

- footprint of single storage garage - approximately 70 square metres
- footprint of dwelling - approximately 192 square metres
- amenity space - approximately 70 square metres

The dwelling would be 9.1 metres to the ridge, 6 metres to the eaves.

Members are advised that consent was granted in 2007 for a development of a similar scale and footprint but instead containing four flats (77647/07). This consent was subsequently renewed in 2010 (85150/10) but was not implemented and expired in November 2013.

### **Site Characteristics**

The application site is a narrow site located in a mixed but predominantly residential area. Directly

to the north is the former Bolton and District Anglers Club, now the Nightingale Centre, which is a large three storey property. To the west is the former St Simon and St Jude's Church, now the Peace Community Theatre and to the south there are detached and semi detached properties on Southbrook Grove and Forester Hill Close. To the east is Back Arlington Street with the rear elevations of terraced properties on Arlington Street facing the application site.

The application site is generally level with large amounts of hardstanding located within the site. The boundary of the site is formed by palisade fencing and railings.

Forester Hill Avenue is an unadopted street with a substandard carriageway width and no footways. Pedestrians seem to either use the grass verges either side or walk within the carriageway.

### **Policy**

National Planning Policy Framework - promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, conserving and enhancing the historic environment.

#### Core Strategy Objectives

SO1 Access to Health, Sport, Recreation and Food, Walking and Cycling, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO10 Climate Change, SO11 Built Heritage, SO14 Inclusive Housing, SO15 Sustainably Located Housing, SO16 Community Cohesion and Access

#### Core Strategy Policies

P5 Transport, S1 Crime and Road Safety, CG1 Biodiversity, Open Space, Flood Risk and Climate Change, CG2 Sustainable Development, CG3 Design and the Built Environment, CG4 Compatible Uses, SC1 Housing Targets, SC2 Cultural and Community Facilities, RA1 Inner Bolton

#### SPD General Design Principles

### **Analysis**

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.

The main impacts of the proposal are:-

- \* impact on the character and appearance of the area
- \* impact on living conditions
- \* impact on the road network
- \* impact on housing provision

#### Impact on the Character and Appearance of the Area

Section 39 of the Planning and Compulsory Purchase Act 2004 places a general duty on Local

Planning Authorities that in the exercise of their powers they have regard to the desirability of achieving good design.

The National Planning Policy Framework recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including replacing poor design with better design. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings. Core Strategy Policy CG3 seeks to ensure that development proposals display innovative, sustainable design that contributes to good urban design, respects and enhances local distinctiveness, and has regard to the overall built character and landscape quality of the area. Proposals should also be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment including hard and soft landscaping and boundary treatment. Historical associations should be retained where possible.

It is accepted that the proposed dwelling would be a significantly large one - in fact it would be substantially larger than any other dwelling within the area as this consists predominantly of traditional terraces houses and some bungalows. However, any harm caused by the impact of street scene incompatibility would be limited by the lack of public prominence of the site - the new property would not be prominent when viewed from Rishton Lane due to its location. Furthermore, the site (and therefore the dwelling) would be read in the context of the former church and school buildings that make up this site. The dwelling would be set against these buildings of an institutional scale rather than against other dwellings. Lastly, it is also noted that the proposed dwelling is of a similar scale and footprint to the flats approved in 2007 and subsequently renewed in 2010. Whilst this consent is no longer capable of being implemented, the consents are relatively recent and the two consents remain material considerations.

For the reasons given above, the impact on the character and appearance of the area is considered to be acceptable.

#### Impact on Living Conditions

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and reduce pollution.

Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account. The use is obviously considered to be appropriate in principle for this area, given the generally residential context.

In terms of interfaces, the relationships to the west and north and considered to be unproblematic as they face the theatre and the community centre respectively rather than residential properties. The rear elevation, facing north to the Nightingale Centre, generally lacks principal windows.

To the east, the dwelling would face the rear elevations of the terraced houses of Arlington Street. Large windows are proposed for this elevation at ground and first floor level. Despite it being a side elevation it is considered to be a principal elevation in this instance; however, the interface between these two elevations would be 25 metres, comfortably in excess of the recommended 21 metres. The current proposal shows two features to the two first floor windows - whilst these are not balconies in the true sense of the word they cannot be easily classed as Juliet balconies either as they do project slightly from the side elevation, sufficient to allow someone to effectively stand outside of the property at first floor level. Even though the interface with Arlington Street is reasonably generous, the Applicant has agreed to replace these within true Juliet balconies - essentially fully opening windows with railings flush to the side elevation.

To the south, the properties faces the bungalows of Southbrook Grove. The relationship between the front of the new dwelling and the rear principal elevation of the closest of these existing dwellings would be approximately 18 metres. The recommended interface is 21 metres for a two storey dwelling, 24 metres for a three storey dwelling. However, despite the original description, this is not considered to be a three storey dwelling. A three storey dwelling typically involves three levels of accommodation with the roof over but this proposal involves two levels of accommodation with a third in the roof. Development of this scale is sometimes referred to as 2.5 storey but it cannot be considered to be 3 storey. Furthermore, of the windows in the upper level, the two central windows in the central feature dormer would serve en suite bathrooms and therefore are not principal windows and can be conditioned to be opaque. The other two windows, either side of the feature dormer, serve the two large upper bedrooms and are considered to have sight over the roofs of the bungalows opposite.

The impact on living conditions is considered to be acceptable.

#### Impact on the Road Network

Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety.

The Council's Highway Engineers have responded to advise:-

"Forester Hill Avenue is unsuitable to serve new development, being an unadopted street with a substandard carriageway width and no footways. The existing width of the carriageway is also inadequate to accommodate manoeuvring in and out of the garage. Forester Hill Avenue must be improved along the frontage of the site to adoptable standards with a 5.5m wide carriageway, a 2m wide footway, street lighting and drainage. This would lead to the loss of street trees and the Tree and Woodland Manager should be consulted. The garage would only accommodate two cars, not three as shown on the plans. For a 6 bedroomed house, the lack of on-site parking to the Council's maximum standards would be likely to lead to on-street parking to the detriment of residential amenity."

Officers have considered this recommendation and take the view that the number of vehicle movements generated by the development would be insufficient to justify the scale of the suggested highway improvements. Furthermore, they would lead to a change in the character and appearance of Forester Hill Avenue, to its detriment. It also noted that the recommended highway improvements were not imposed on the original 2007 consent for flats, nor was this recommended at that time. Clearly, Members may take a different view and may wish to impose a condition requiring the highway improvements that Engineers recommend.

At 10 metres by 5.7 metres, the garage is relatively large. Concerns have been raised that this would be insufficient for the three cars suggested - however, the plans do show that two large and one smaller car could be accommodated within the garage.

One of the objectors states that because the residents maintain Forester Hill Close they have the ability to restrict access to it. This is not the case - Forester Hill Close (and this section of Forester Hill Avenue) are unadopted but they remain highways and therefore people have the right to use them within the terms of the Highways Acts.

The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1.

#### Impact on Housing Provision

The National Planning Policy Framework recognises the role of the planning system in providing the supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should proactively drive and support sustainable economic development to deliver the homes and thriving local places that the country needs whilst encouraging the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value.

Policies SO14, SO15 and SO16 of Bolton's Core Strategy are strategic objectives within the "Strong and Confident Bolton" theme and seek to provide housing that meets the needs of everybody, reflecting the needs of an ageing population and a growth in the number of households, focus new housing in the existing urban area, especially in Bolton town centre, council-owned housing areas and in mixed-use developments on existing older industrial sites and to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.

This is a proposal for a single family house on a brownfield site, within a renewal area and in a sustainable location well served by public transport and close to shops, services and places of employment. As such, it is considered to comply in full with national and local planning policies on new housing provision and to deliver benefits in those terms, particularly in the context of the presumption in favour of sustainable development.

#### **Conclusion**

The proposed development will contribute to sustainable development in the form of a new dwelling and insufficient harm has been identified to outweigh this. Whilst large, it is consistent with the scale of apartment development approved in 2007 and renewed in 2010. Forester Hill Avenue is an unusual highway but it is not considered that the development is of such a scale that it would have significant impact on the highway.

The proposal is considered to be in compliance with the National Planning Policy Framework and Bolton's Core Strategy and is recommended for approval.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** five representations of objection have been received nearby properties on Southbrook Grove, Arlington Street, Forester Hill Avenue and Forester Hill Close. The grounds of objection include:-

- I strongly object to the application on the grounds of loss of privacy, overlooking, overshadowing, loss of light, inadequate parking and access together with highway safety
- I also think this will have a detrimental affect on selling my property in the future (Officer's Note: Members will be aware that this is not a planning consideration)
- the three storey dwelling is too high, the back bedrooms and bathrooms of four or five of the terraced houses on Arlington Street will be overlooked (Officer's Note: at 25 metres, the interface here is more than acceptable)
- three storeys would completely dominate the nearest residences which are all bungalows
- Forester Hill Close is unadopted, paid for and maintained by residents
- the proposed garage for 3 cars looks as if it would only be accessible by using our close for any vehicle to reverse out of the garage, in order to turn towards the main highway
- all our utilities meet directly at the bottom of the close and the highway there is not of the best quality to support more permanent traffic
- there is no indication of the one streetlight on the plans
- there is no indication of any provision for visiting vehicles to park
- road is too narrow and poorly surfaced
- will cause parking problems and access problems to Forester Hill Close residents
- any damages arising on our close are the responsibility of the three home owners and therefore access is only allowed by our consent
- the other problems are that all our homes are one storey and I would not like the fact that we can be observed
- the bin men find getting through Forester Avenue at the bottom of our close if cars are parked there an issue therefore bins could be missed
- if ambulance or fire service need to gain access there would be problems.

### **Consultations**

Advice was sought from the following consultees: Highways, Drainage, GM Police.

### **Planning History**

An application for a large dwelling of a different design than now proposed was withdrawn by the Applicant in July 2014 (92218/14)

Consent was renewed in November 2010 for a development of four flats at this site. This consent expired unimplemented in November 2013 (85150/10)

Consent was granted in November 2007 for a development of four flats at this site. A plan comparing the scale of the approved development with the development now proposed is provided with this report (77647/07)

An application for a development of flats was withdrawn by the Applicant in June 2007 (76876/07)

**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. Prior to the commencement of development the details of the type and colour of materials to be used for the external walls and roof to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with policy CG3 of Bolton's Core Strategy.

3. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason

To ensure the development safeguards the character and visual appearance of the locality and to safeguard the living conditions of nearby residents particularly with regard to privacy and outlook, and to comply with policies CG3 and CG4 of Bolton's Core Strategy.

4. Development shall not commence until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The contents of the scheme shall be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with Model Procedures for the Management of Land Contamination (CLR 11) and a written report of the findings must be produced. The written report shall be subject to the approval in writing of the Local Planning Authority and shall include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health, property or the environment;
  - (iii) an appraisal of remedial options and proposal for a preferred option.

Reason

To ensure the development is safe for use and to comply with policy CG4.3 of Bolton's Core Strategy.

5. Prior to the development being first occupied or brought into use, details (including a brick or masonry specification and colour scheme) of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area, and to comply with policies CG3 and CG4 of Bolton's Core Strategy.

6. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to 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 in full and carried out within 6 months of the 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 reflect and soften the setting of the development within the landscape and to comply with policy CG3 of the Core Strategy.

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

**00 Site Plan 11/15**

**01 Proposed Plan Ground Floor First Floor amended 02/04**

**02 Proposed Plan Second Floor amended 02/04**

**03 Proposed Elevations 11/15**

**04 Proposed Elevations and Section 11/15**

**05 Proposed Street Scene 11/15**

Reason

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

8. The dormer fronts and cheeks shall be clad in materials similar to the roof.

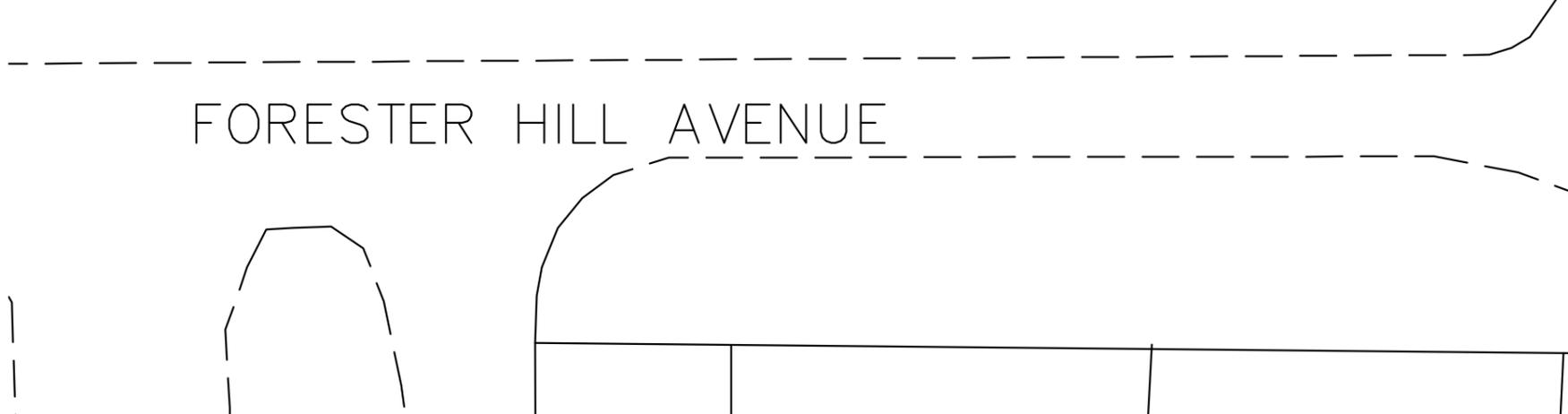
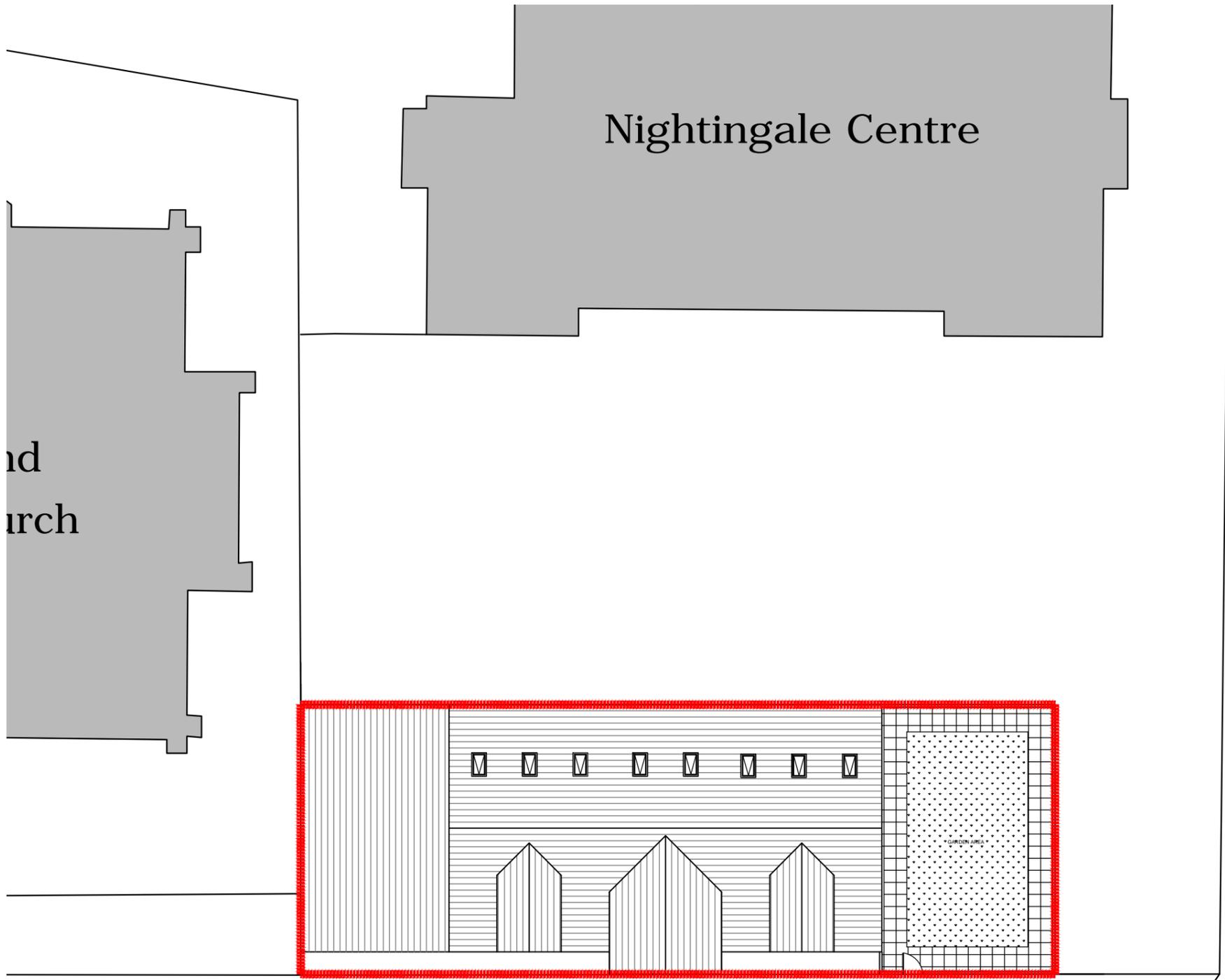
Reason

To ensure the development safeguards the visual appearance of the building and to comply with policy CG3 of Bolton's Core Strategy.

9. The garage hereby approved shall be made available at all times for the parking of three motor vehicles.

Reason

The loss of garage spaces would be likely to lead to an increase in on-street parking to the general detriment of highway safety and in order to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.



**Site Plan**  
Scale 1:200 @ A3

Site Area - 312 SqM/ 3360 SqFt

Existing Building 160

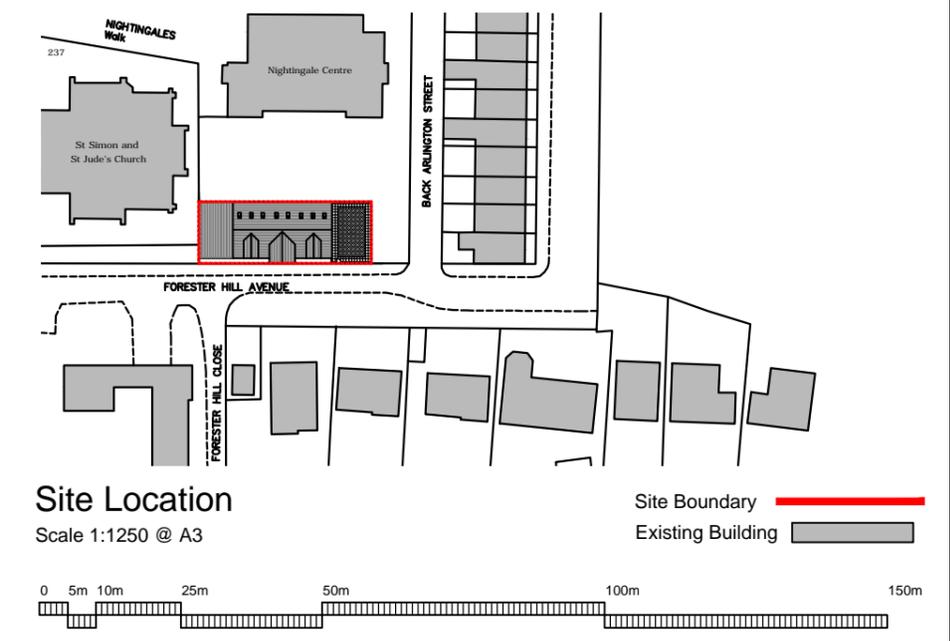
Site Boundary

BACK ARLINGTON STREET

FORESTER HILL AVENUE

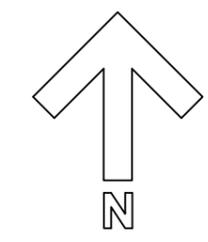
Nightingale Centre

nd  
rch



**Site Location**  
Scale 1:1250 @ A3

Site Boundary   
Existing Building



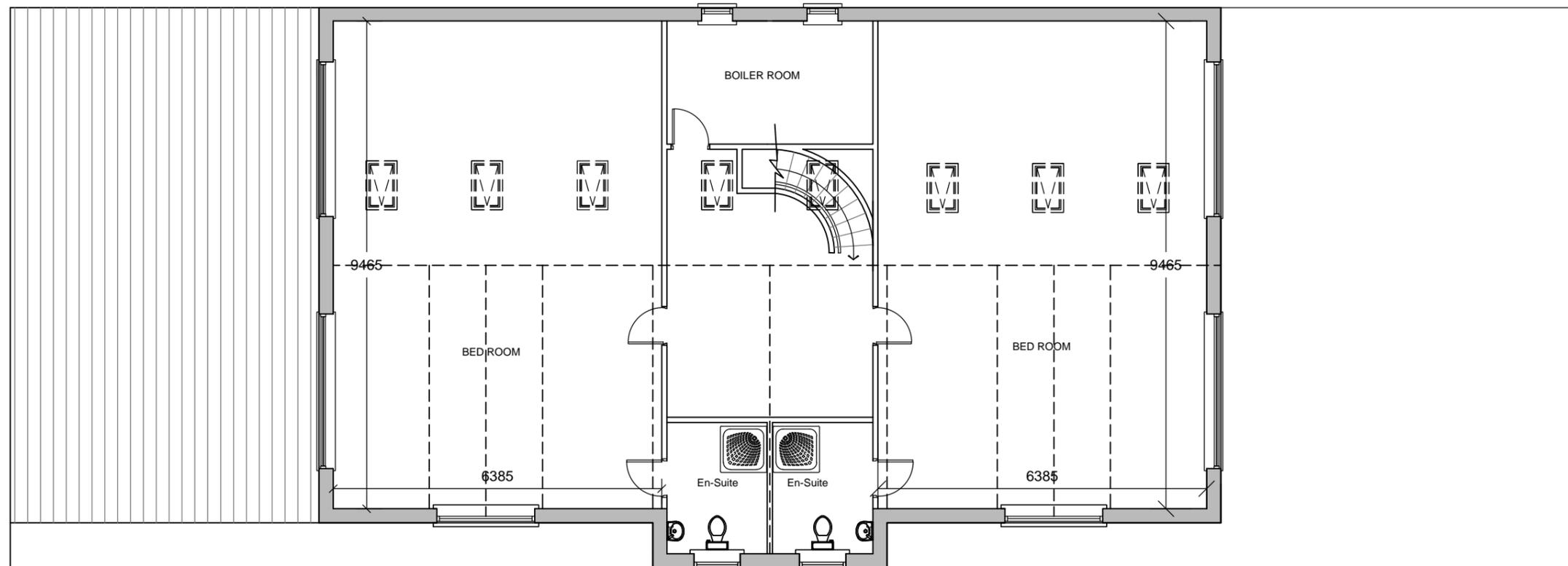
**NOTES:**  
No scaling or dimensions other than those figured are to be taken from this drawing. All dimensions to be checked on site  
This drawing is for use at the named location and for Planning Permission purposes only and as such should not be used at any other location or for any other purposes

Project Location:  
Land Off Forester Hill Av  
Bolton  
BL3 2BP

Drawing:  
**00 Site Location**

Scale: <b>1:100</b>	Size: <b>A3</b>	Date: <b>11/15</b>
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PROPOSED SECOND FLOOR PLAN

**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

Project Location:

Land Off Forester Hill Av  
Bolton  
BL3 2BP

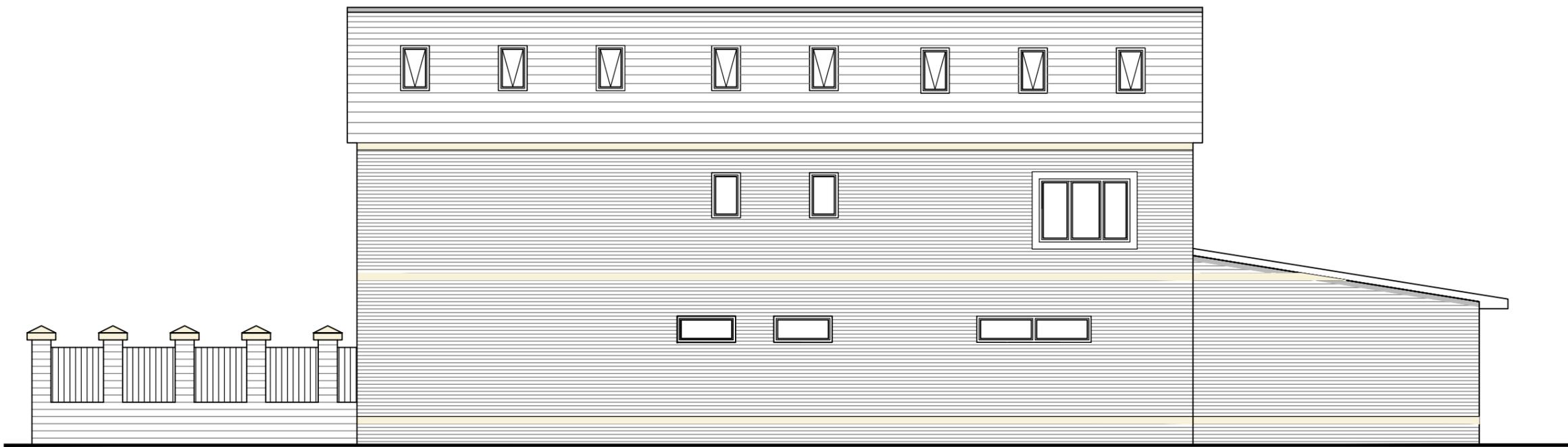
Drawing:

**02 Proposed Plan**

Scale: <b>1:100</b>	Size: <b>A3</b>	Date: <b>11/15</b>
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PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

**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

Project Location:

Land Off Forester Hill Av  
Bolton  
BL3 2BP

Drawing:

03 Proposed Elevations

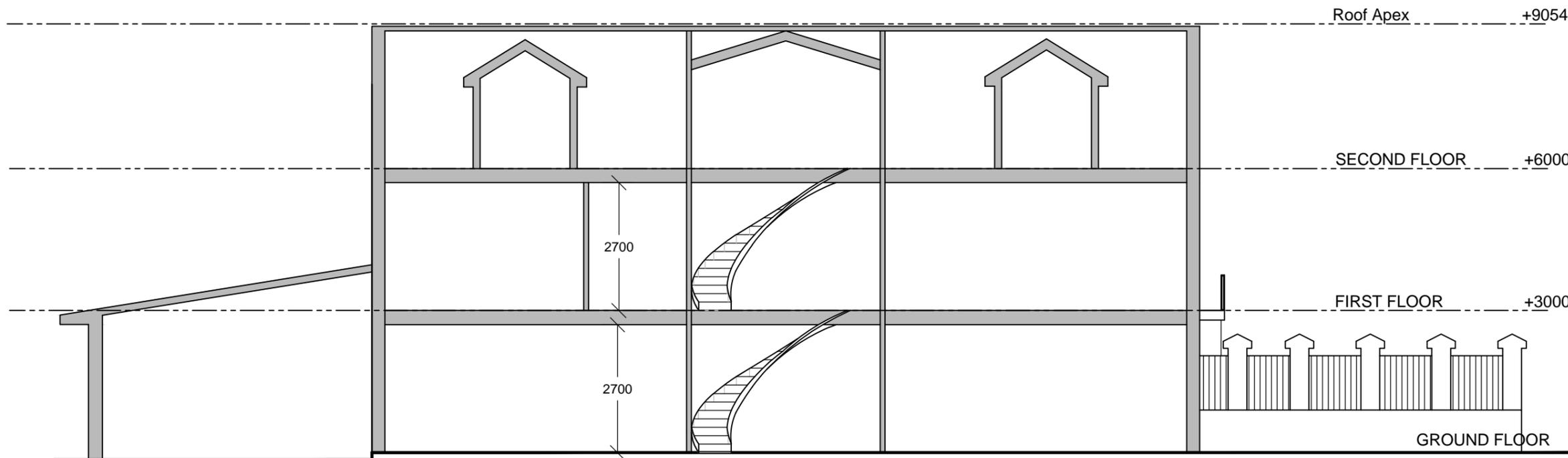
Scale: <b>1:100</b>	Size: <b>A3</b>	Date: <b>11/15</b>
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PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED SECTION

**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

Project Location:

Land Off Forester Hill Av  
Bolton  
BL3 2BP

Drawing:

**04 Proposed Elevations & Section**

Scale: <b>1:100</b>	Size: <b>A3</b>	Date: <b>11/15</b>
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PROPOSED STREET ELEVATION FROM FORESTER HILL AV

**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

Project Location:

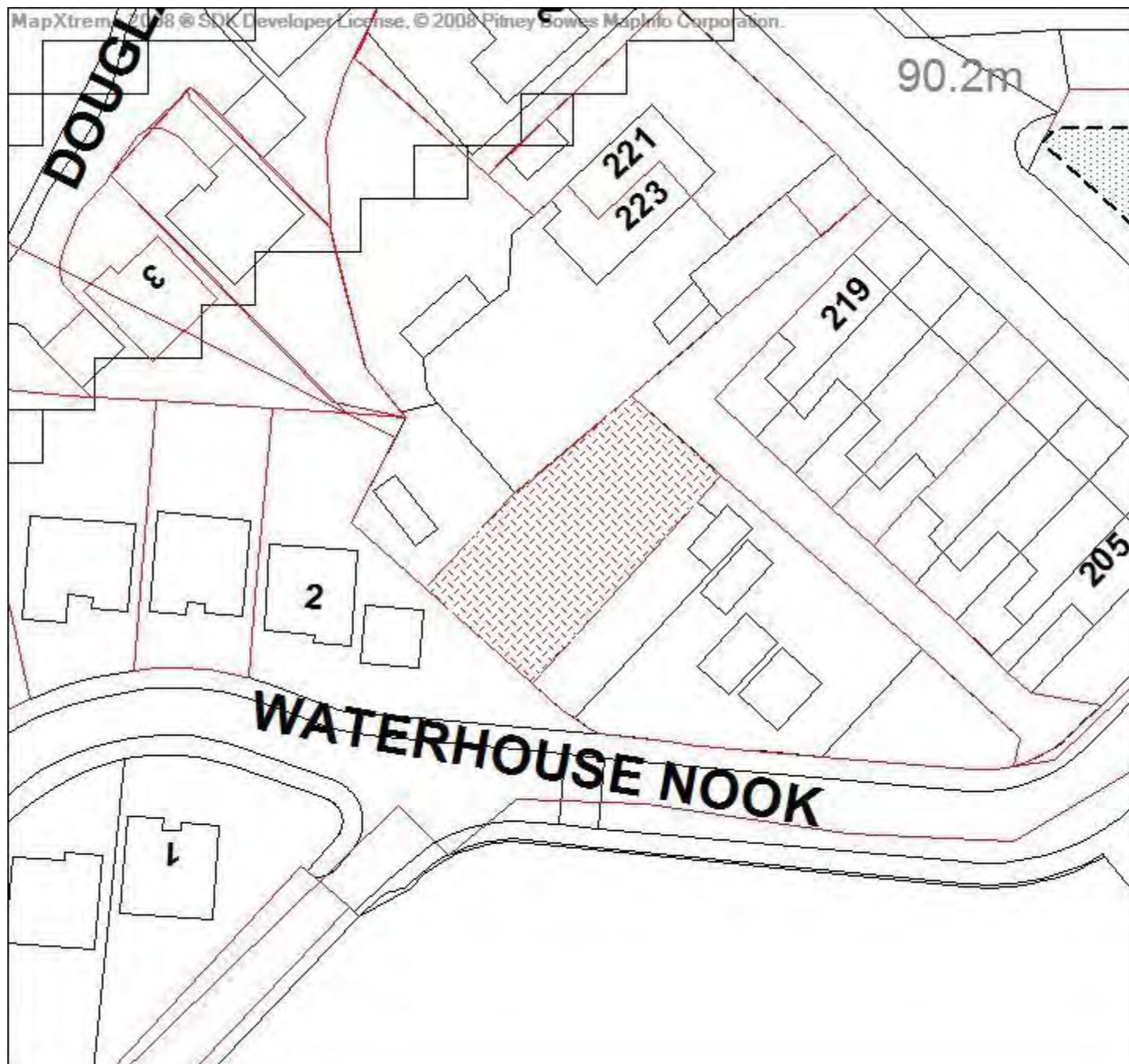
Land Off Forester Hill Av  
Bolton  
BL3 2BP

Drawing:

**05 Proposed Street Scene**

Scale: <b>1:100</b>	Size: <b>A3</b>	Date: <b>11/15</b>
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**Application number  
95416/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 18/02/2016**

**Application Reference: 95416/15**

**Type of Application: Full Planning Application**  
**Registration Date: 27/11/2015**  
**Decision Due By: 21/01/2016**  
**Responsible Officer: Helen Williams**

**Location: REAR OF 219 CHORLEY ROAD, BLACKROD, BOLTON, BL6 5LJ**

**Proposal: SUBSTITUTION OF HOUSE TYPE (APPLICATION 90425/13).**

**Ward: Horwich and Blackrod**

**Applicant: Mr & Mrs Connolly**  
**Agent : CW Planning Solutions Ltd**

### **Officers Report**

**Recommendation: Approve subject to conditions**

#### **Proposal**

Application 90425/13 for the erection of a dwelling on the application site was approved at Planning Committee in October 2013 following two previous refusals (88392/12 (also dismissed at appeal) and 89007/12). Members approved the 2013 plans as they considered that the amended plans had sufficiently addressed the Planning Inspector's reasons for dismissing the appeal for 88392/12 by:

- \* re-siting the dwelling further to the south west of the site, so that it better addressed Waterhouse Nook and appeared more in keeping with the built form on Waterhouse Nook; and,
- \* re-orientating the dwelling so that its front elevation faced Waterhouse Nook (rather than the backs of the dwellings on Chorley Road), to give it a more active frontage onto Waterhouse Nook and again to better fit in with the street scene of Waterhouse Nook.

Following an enforcement complaint, officers discovered (in October 2015) that the dwelling being built on the site was not being constructed in accordance with the approved plans for 90425/13. The dwelling was in effect being constructed the wrong way round, with the approved front elevation being built at the rear (facing the backs of the houses on Chorley Road) and the approved rear elevation being built at the front (facing Waterhouse Nook). The house has been built up to eaves level but work has now ceased (until the enforcement matter has been resolved).

The applicant has now submitted a new application to retain some elements of the dwelling as built and to amend other parts, so that the dwelling still has the appearance of having a front elevation facing Waterhouse Nook.

The following amendments are therefore sought:

- \* To replace the opening for the French doors at first floor level on the Waterhouse Nook elevation (as built without permission) with a standard bedroom window, similar to previously approved under application 90425/13;
- \* To replace the patio doors at ground floor level on the Waterhouse Nook elevation (as built

- without permission) with a window, the same as previously approved;
- \* To erect a porch on the Waterhouse Nook elevation, similar to previously approved but smaller in scale. This porch however will no longer be an entrance to the hall but a door to the lounge/kitchen;
  - \* To remove the previously approved central window at first floor level facing Waterhouse Nook;
  - \* To retain the rear elevation/elevation facing Chorley Road as built (windows are now proposed instead of the approved first floor French doors with Juliet balcony and ground floor patio doors);
  - \* To retain the chimney on the left hand side of the south eastern side elevation as built (it was approved on the right hand side of this elevation);
  - \* To retain the additional window at ground floor on the south eastern side elevation as built;
  - \* To approve the removal of the ground floor window on the north western side elevation (a ground floor window was approved here but has not been built);
  - \* To retain the internal layout as built (which has been built "back to front" from the layout approved).

The proposed siting of the half constructed dwelling is also slightly amended from that approved, with the elevation facing Waterhouse Nook being more parallel with the south west boundary of the application site (by approximately 10 degrees) than approved.

The proposed amendments will result in the dwelling being "dual-fronted", with both the elevation facing Waterhouse Nook and the elevation facing the rears of the houses on Chorley Road having the appearance of front elevations (the main entrance into the house will however be from Chorley Road as built).

Vehicular access into the site and in-curtilage parking is proposed as approved.

### **Site Characteristics**

A two storey, detached dwelling has been constructed up to eaves level on the southern part of the application site. The half constructed building is currently surrounded by scaffolding and there is a caravan (associated with the build) parked to the rear.

The application site is a former garden and vehicular parking area for the applicants at 219 Chorley Road.

To the north east of the site are the rears of the terraced dwellings at 205 to 291 Chorley Road and to the north are the dwellings at 221 and 223 Chorley Road. To the south east of the site, and to the rears of the terraces, are further garden areas/allotments. Immediately to the south of the application site is a grass verge which separates the site from the highway at Waterhouse Nook. This verge is owned by 2 Waterhouse Nook, which is sited immediately to the west and whose garage adjoins the western corner of the site. The residents at 2 Waterhouse Nook have erected a timber fence on the party boundary between the grass verge and the application site, which screens the ground floor of the half constructed dwelling from view from Waterhouse Nook.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod.

SPD General Design Principles; SPD Accessibility, Transport and Safety.

### **Analysis**

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.

The main impacts of the proposal are:-

- \* principle of the development
- \* impact on the character and appearance of the area
- \* impact on neighbouring residential amenity

#### Principle of the Development

Planning permission has already been granted in October 2013 for the erection of a two storey, four bedroom, detached dwelling on the application site. This current application before Members only seeks permission for proposed elevational changes and for the minor re-siting of the dwelling (the siting of the dwelling is now more parallel with the south western boundary of the site than previously approved). The principle of erecting the dwelling on the site has already been established and Members are advised that the applicant could still implement their planning approval for 90425/13 (until October 2016). Members are therefore advised that the two determining issues of this application are whether or not the proposed amendments would result in demonstrable harm to the character and appearance of the area and/or undue harm to the amenity of neighbouring residents. These issues are considered below.

#### Impact on the Character and Appearance of the Area

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. Policy OA1 refers specifically to developments in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment and will ensure that development respects street patterns and the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive material such as stone.

#### *Siting*

The siting of the approved dwelling (90425/13) differed from the siting of the proposed dwellings refused under applications 88392/12 and 89007/12 in that it was to be sited at the south eastern end of the site, adjacent to the south eastern boundary (the previously proposed and refused dwellings were to be sited more central to the site). The approved dwelling was to be sited at an angle approximately 15 degrees away from the south western boundary.

The dwelling as partially built has instead been built approximately 10 degrees away from the south western boundary, and therefore slightly closer to the site edge and resulting in the dwelling looking slightly further towards the west of Waterhouse Nook than originally approved.

The dwelling now proposed faces Waterhouse Nook at a slightly different and slightly sharper angle, however it is considered that the minor repositioning does not significantly alter the dwelling's relationship with the existing built form along this side of Waterhouse Nook nor is it any more materially harmful to the street scene than the approved siting.

#### *Elevational changes*

The dwelling approved under application 90425/13 had its front elevation facing Waterhouse Nook. It was proposed to orientate the dwelling this way to give the dwelling an active elevation onto Waterhouse Nook, to better integrate it with the street scene. The rear elevation, complete with patio doors at ground floor and French doors with a Juliet balcony at first floor, was to face the rear of 219 Chorley Road.

As reported above in the proposal section, the dwelling has been built 'the wrong way round', so that its rear elevation now faces Waterhouse Nook and its front elevation faces the rear of 219 Chorley Road. The applicant proposes to rectify this error by the amending the elevations as reported above. The proposed amendments will result in front and rear elevations not dissimilar to those already approved, with the main exceptions being:

- \* The patio doors at ground floor level and the French doors with Juliet balcony at first floor level on the elevation facing the rear of 219 Chorley Road are proposed to be replaced with windows;
- \* The entrance door is to be retained on the elevation facing the rear of 219 Chorley Road so that the dwelling will now have the appearance of being dual-fronted (as both the Waterhouse Nook and Chorley Road elevations will have the appearance of front, principal elevations).

It is considered that the elevation now proposed to face Waterhouse Nook is just as compatible with the street scene as the previously approved elevation. The elevation facing the rears of the terraced houses on Chorley Road is also considered to be acceptable and compatible with the character and appearance of the area.

For the reasons discussed above, it is considered that the proposed amendments are acceptable and compliant with Policies CG3 and OA1 of the Core Strategy.

#### Impact on Neighbouring Residential Amenity

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. Section 3 of SPD General Design Principles sets out the Council's recommended interface distances between dwellings.

The minor change in siting of the proposed dwelling results in it being slightly further away from the rears of the dwellings at 217 and 219 Chorley Road than the previously approved dwelling. The interface distance between the proposed dwelling and these houses is approximately 26 metres, which exceeds the recommended 21 metres within the SPD. It is therefore considered that the proposed amendments to the dwelling (including the elevational changes) would not unduly harm the amenity of the neighbours at Chorley Road.

The proposed amendments do not materially change the dwelling's relationship with 2 Waterhouse Nook in terms of their amenity.

It is considered that the proposed amendments will not unduly harm the amenity of any neighbouring resident, compliant with Policy CG4 of the Core Strategy.

**Conclusion**

For the reasons discussed above it is considered that the proposed substitution of house type would not harm the character and appearance of the area or the amenity of neighbouring residents to any greater an extent than the dwelling already approved under application 90425/13. Members are therefore recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One letter of objection has been received from residents of a neighbouring property, who raise the following concern:

- \* Object to the front elevation facing the rear of Sunnyview (205-219 Chorley Road) as to have a front door facing the back of these houses is out of character with the area.

One letter commenting on the application has been received from an immediate neighbour, which states the following:

- \* Have no objection to the house being completed in its current orientation and without a balcony;
- \* Is there a precedent for houses with two fronts and no back in Bolton?;
- \* If planners wish to make the applicants go to the trouble and expense of putting in a 'front door' on the back of the house in order to flex muscle then we say 'go right ahead';
- \* The back of the house will always be the back as the entire ground floor is below the level of our fence;
- \* The Juliet balcony is a touch too far and should be removed in favour of a standard bedroom window;
- \* The dwelling will however continue not to blend in with the Waterhouse Nook street scene.

**Blackrod Town Council:-** objected to the application at their meeting of 4th January 2016 as they felt strongly that the siting and orientation of the dwelling would result in a particularly prominent feature within the street scene that would detract from the character and appearance of the immediate surroundings.

### **Consultations**

Advice was sought from the following consultees: None, given the nature of the proposed amendments.

### **Planning History**

Permission was granted at Planning Committee in October 2013 for the erection of a 4 bedroom detached dwelling (90425/13).

Planning permission was refused by Committee in October 2012 for the erection of a detached dwelling on the site (88392/12), and this decision was later upheld at Appeal in June 2013.

Planning permission was refused by Committee in January 2013 for the erection of a detached dwelling on the site (89007/12).

**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. Prior to the commencement of development a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and retained thereafter.

Reason

To ensure the development reflects local distinctiveness and complies with Policies CG3 and OA1 of Bolton's Core Strategy.

3. Prior to commencement of development a site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority, to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken in accordance with Model Procedures for the Management of Land Contamination (CLR 11) and a written report of the findings must be produced. The written report shall include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health, property or the environment;
  - (iii) an appraisal of remedial options and proposal for a preferred option. This should include details of testing methodology for any soil or soil forming materials to be brought onto site.

Prior to first use/occupation of the development hereby approved:

(iv) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

4. Before the development is first brought into use a detailed scheme shall be submitted to and approved by the Local Planning Authority showing the design, location and size of a facility to store refuse and waste materials. The approved scheme shall be implemented in full within 21 days of the Local Planning Authority approving the scheme in writing and retained thereafter.

Reason

To ensure satisfactory provision is made for the storage of waste materials and to comply with Policy CG3 of the Core Strategy.

5. Prior to the occupation of the dwelling hereby permitted provision shall be made for the parking of four motor vehicles as detailed on approved plan reference: 064/PL/02/B; Site Plan; received 10.12.15. The area shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or replacing that Order), no garages, extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines or satellite antennae shall be erected within that area.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

6. The development hereby approved/permitted shall not be brought into use unless and until the access (including alterations to the rear boundary wall of 219 Chorley Road) and vehicular parking (4 spaces) have been implemented in full and hard-surfaced entirely in accordance with the approved plan and retained as such thereafter.

Reason

In the interests of highway safety and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

7. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to 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 in full and carried out within 6 months of the 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 reflect and soften the setting of the development within the landscape and to comply with Policy CG3 of Bolton's Core Strategy.

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

**064/PL/01/D; Elevations and floor plans; dated 10.12.15**  
**064/PL/02/B; Site Plan; received 10.12.15**

Reason

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

9. The development hereby permitted shall be constructed entirely of the materials previously approved by the local planning authority, which are:

Marlon Modern dark grey roof tile  
Terca Autumn Russet Sovereign Stock brick

Reason

For the avoidance of doubt as to what is permitted.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

Reason

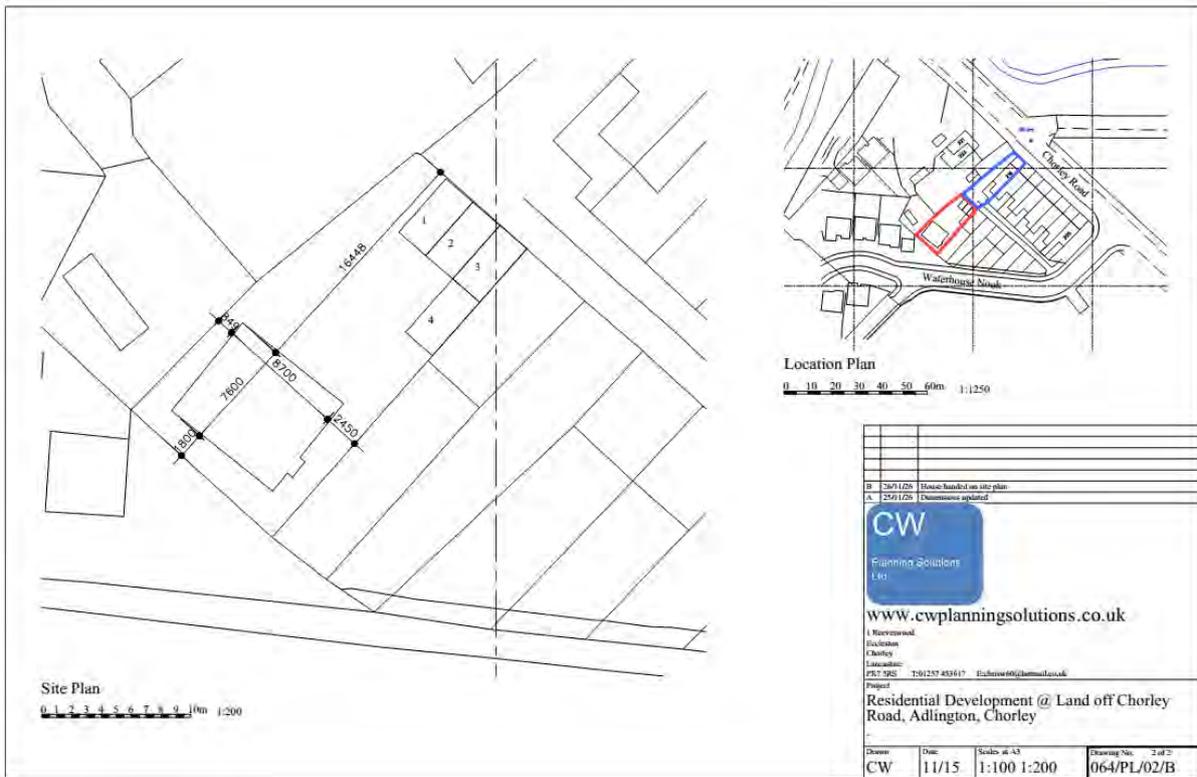
To safeguard the character and appearance of the dwelling/land and the plot size is limited and any extension would result in an unsatisfactory scheme, and to comply with Policies CG3, CG4 and OA1 of Bolton's Core Strategy.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no windows or doors shall be formed in the western side elevation of the development hereby approved other than those shown on the approved drawings, nor shall those approved windows or doors be enlarged or altered.

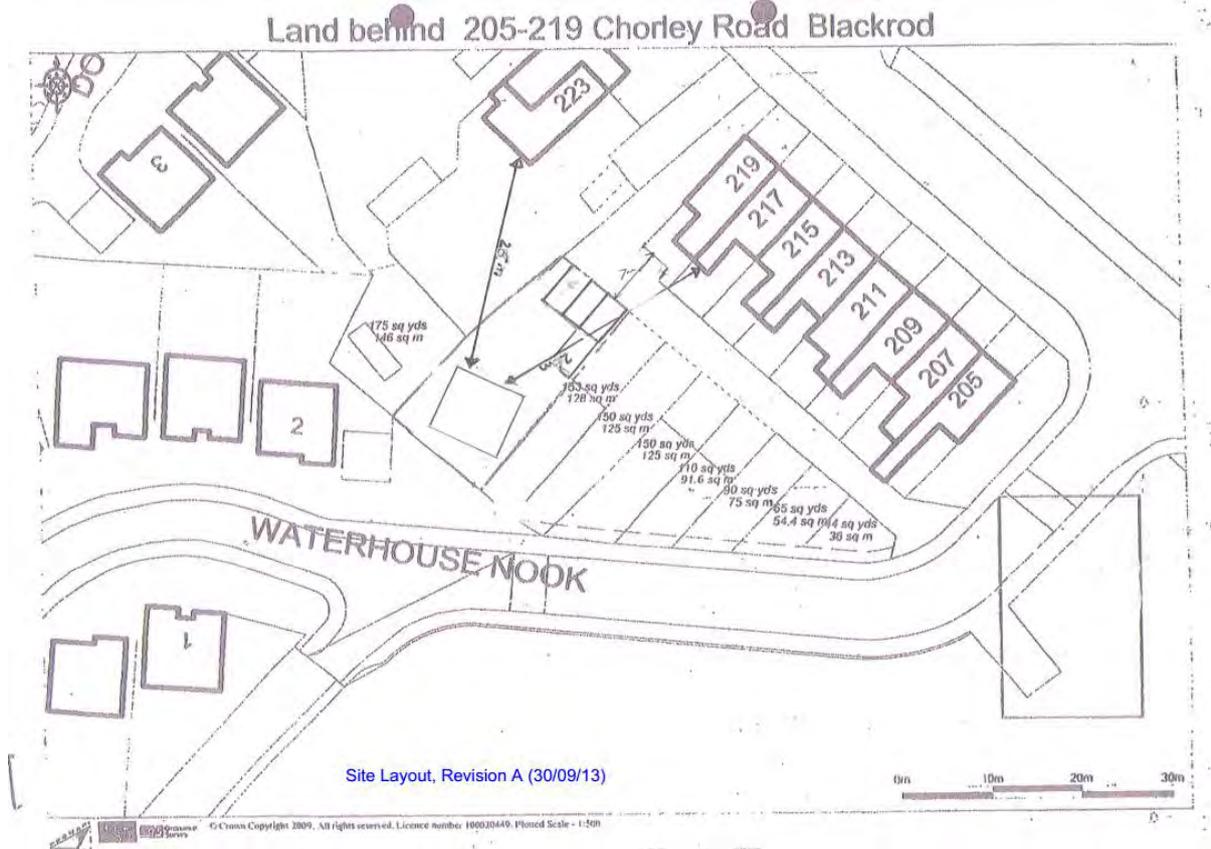
Reason

To safeguard the outlook, privacy and living conditions of neighbouring residents and to comply with Policy CG4 of Bolton's Core Strategy.

# Proposed plans



Approved plans (application 90425/13)



Scales 1:50 1:100



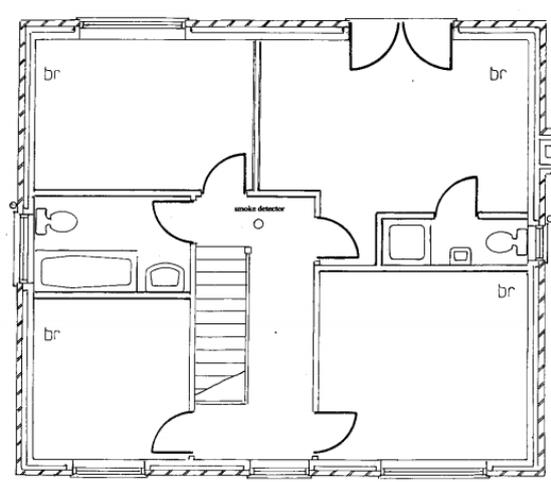
Proposed Elevations and Layout, Revision A: 30/09/13

**Prop House at Rear of 219 Chorley Road  
Blackrod**

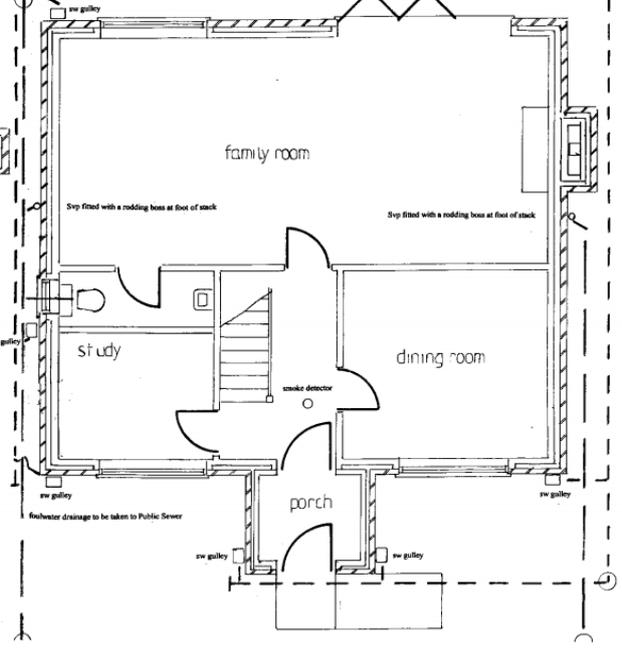
use of scaffolding to be determined after a prohibition  
test has been carried out by a nominated contractor,  
supervised by local authority.

12 1077 002

### Prop First Floor Plan



### Prop Ground Floor Plan



### Prop House at Rear of 219 Chorley Road Blackrod

## Elevations as built

Facing Waterhouse Nook



Facing the rear of the houses on Chorley Road



**Application number  
95423/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 18/02/2016**

**Application Reference: 95423/15**

**Type of Application: Full Planning Application**  
**Registration Date: 01/12/2015**  
**Decision Due By: 25/01/2016**  
**Responsible Officer: Simon Coles**

**Location: 282 RISHTON LANE, BOLTON, BL3 2EN**

**Proposal: RETENTION OF SINGLE STOREY EXTENSION AT REAR.**

**Ward: Harper Green**

**Applicant: Mr G Khan**  
**Agent : RA Design & Project Management**

## **Officers Report**

**Recommendation: Approve without condition**

### **Proposal**

The application seeks permission for the retention of a single storey extension at rear. The extension is handed towards the boundary with the neighbour at 280 Rishton Avenue and extends 6.697 metres. It incorporates a dual pitched roof with an overall height of approximately 2.66 metres.

A Prior Notification application for a Larger Home Extension (app. ref. 93288/14) was approved in January 2015 for a 6 metre extension. A complaint was submitted via Planning Enforcement about the extension, as built, projecting longer than approved 6 metres. A site visit was conducted and it was found that the extension did in fact extend longer and a retrospective application was therefore requested.

### **Site Characteristics**

This is a semi-detached dwelling sited within a residential area consisting of similar dwellings. The properties within this row benefit from fairly long rear gardens which back onto the brook beyond.

There is an approx. 1.8 metre high fence between the application property and the neighbouring property at number 280. The garden of 280 is also on a slightly higher level.

Number 280 have extend at the rear to add a part two storey/part single storey extension that project approx. 3 metres. The single storey element abuts the boundary with the application property.

The property at 286 has a kitchen window closest to the boundary with the application property.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategies Policies: CG3 The Built Environment; CG4 Compatible Uses and RA1 Inner Bolton.

SPD House Extensions and SPD General Design Principles

### **Analysis**

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.

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 the Character and Appearance of the Dwelling and the Surrounding Area**

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. Policy RA1 of the Core Strategy relates specifically to developments in Inner Bolton and states that the Council will ensure that development has particular regard to massing and materials used, will respect and strengthen the traditional grid-iron pattern and street-scaping of existing houses where it is compatible with good urban design, and will require development to provide adequate privacy and amenity space.

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.

Although the extension is longer than policy normally allows the height is set fairly low. When measured from the side elevation facing number 282 the eaves height is 2.49 metres, with an overall height of 3.185 metres. The roof incorporates a shallow dual pitch design.

The extension cannot be seen from public land and therefore there is no impact on the street scene.

Further to the above, the proposal is considered to be acceptable with regard to the impact on the character and appearance of the dwelling and the surrounding area.

### **Impact on the Amenity of Neighbouring Residents**

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 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.

SPD House Extensions states that *"single storey rear extensions of up to 3 metres in length (taken from the original rear elevation of the property) on semi-detached houses, and up to 4 metres on detached houses will normally be acceptable (where they are not already permitted development). Similarly sized two storey rear extensions will normally be acceptable if set away from any shared boundary by at least 2 metres, although this may not always be practicable or necessary, depending on the layout of the original dwellings and the locations of principal rooms"*.

It goes onto state that *"longer extensions may well be acceptable where they do not cause significant overshadowing of main room windows in neighbouring properties. This can usually be achieved by setting the extension away from a shared boundary. A good rule of thumb is the "45 degree rule" (that the extension avoids infringing a line drawn at 45 degrees from the centre of the nearest main room window) but circumstances will vary and the Council will also take into account other factors such as any difference in levels that might exist between neighbouring properties, the presence of existing extensions to neighbouring properties, and the availability of other screening measures (which may include walling, fencing, planting, or using high level or obscure glazed windows where appropriate)"*.

The extension extends approximately 6.7 metres and is handed with the other half of the semi pair. The neighbouring property has a single storey approx. 3 metre extension that abuts up to the boundary with the application property. An extension projecting 6 metres from the rear of the application property was granted under a Prior Notification Application for a Larger House Extension. It is therefore necessary to assess whether the additional approx. 700 mm to the approved extension would cause any greater impact on the neighbouring residents than the 6 metres applied for under the prior notification scheme. The properties have west facing rear elevations and there would be therefore some impact in terms of loss of sunlight in the mornings to the rear of the property at number 280, however, it is considered that in this case it would not be any greater in reality to a 6 metre extension and therefore on balance it is considered that the proposal as built is acceptable with regard to any impact on number 280. It is also noted that due to the extension at number 280, this extension appears as an approx. 3.7 metre extension when viewed from this property.

The proposed extension does not impact on any main room windows in the opposite neighbouring property at number 284 using the "45 degree rule" and it is therefore considered to be acceptable.

### **Conclusion**

The extension as built is considered, on balance, to be acceptable and Members are therefore recommended to approve the retention of this extension.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** None

### **Consultations**

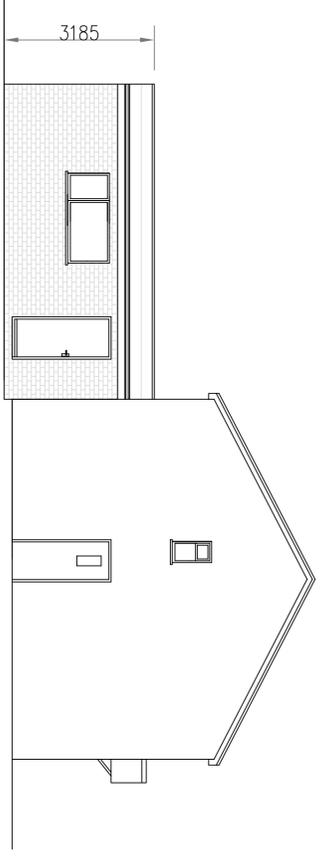
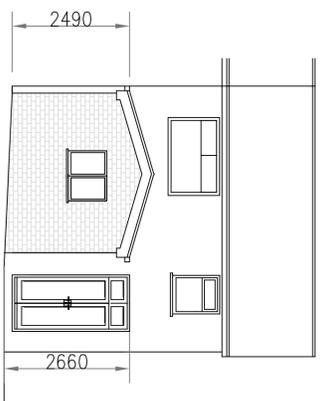
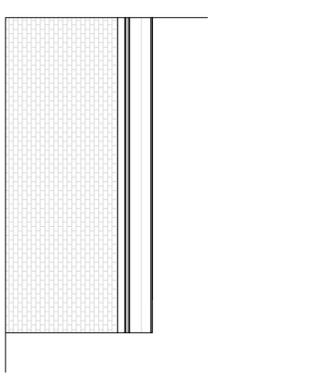
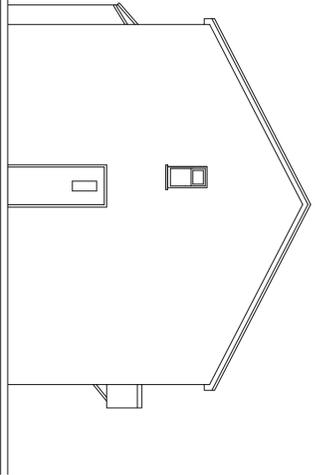
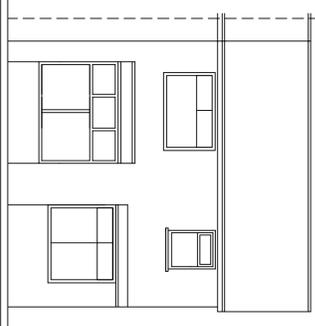
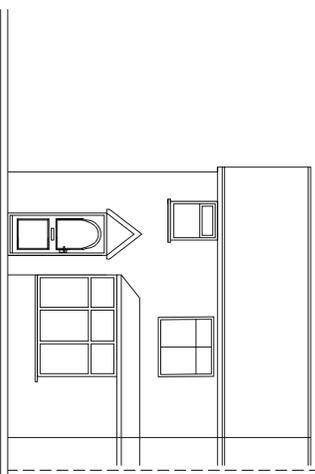
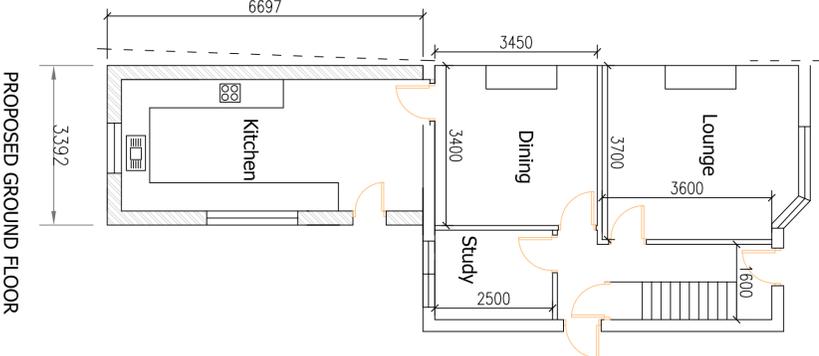
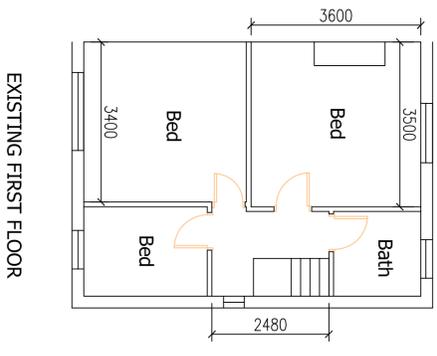
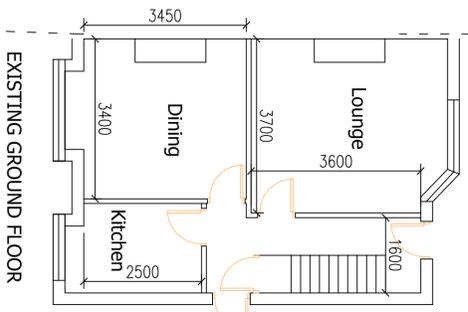
Advice was sought from the following consultees: None

### **Planning History**

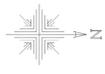
93288/14 - PRIOR NOTIFICATION APPLICATION FOR A PROPOSED LARGER HOME EXTENSION AT REAR (6M LONG; 2.972M MAX HEIGHT; 2.49M EAVES HEIGHT).

**Recommendation:**            **Approve without condition**

**Recommended Conditions and/or Reasons**



LOCATION PLAN (1:1250)  
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Ordnance Survey 0100031673



BLOCK PLAN (1:500)

EXISTING FRONT ELEVATION

EXISTING REAR ELEVATION

EXISTING SIDE ELEVATION

Date	Rev	Revised
22/11/15	A.	Revisions to reflect as-built
7/7/16	B.	Revisions to reflect as-built

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Notes

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282 RISHTON LANE  
BOLTON  
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**Client**  
MR GULNAWAZ KHAN

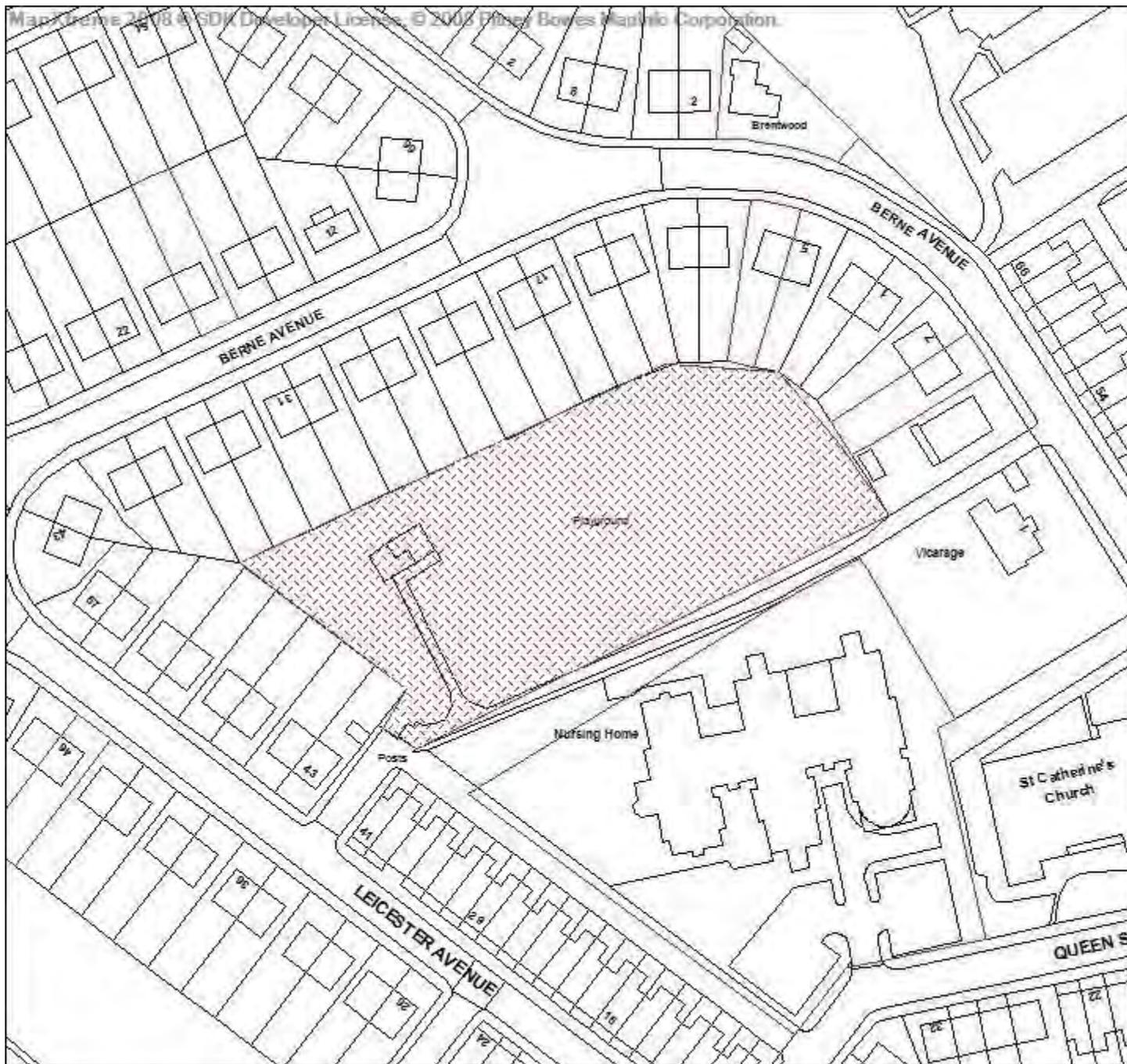
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**Date**  
OCTOBER 2014

**Scale**  
1:75

**Drawing Number**  
RAD/1123/14/1/RevB

# Application number 95486/15



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 18/02/2016**

**Application Reference: 95486/15**

**Type of Application: Full Planning Application**

**Registration Date: 14/12/2015**

**Decision Due By: 13/03/2016**

**Responsible Officer: Helen Williams**

**Location: LAND AT REAR LEICESTER AVENUE & BERNE AVENUE,  
HORWICH, BOLTON, BL6 7QZ**

**Proposal: ERECTION OF 22NO. RESIDENTIAL DWELLINGS INCLUDING  
LANDSCAPING AND DETAILS OF IMPROVED ACCESS OFF  
LEICESTER AVENUE**

**Ward: Horwich and Blackrod**

**Applicant: Bolton at Home**

**Agent : Nicol Thomas**

## **Officers Report**

**Recommendation: Delegate the decision to the Director**

### **Proposal**

Permission is sought for the erection of 22 affordable dwellings on the greenfield land to the rears of 1 to 35 Berne Avenue, 43 to 51 Leicester Avenue and 3 to 5 Richmond Street. The dwellings would comprise 20 two storey, semi detached dwellings (12 four bedroom and 8 three bedroom dwellings) and two semi-detached, two bedroom bungalows.

Vehicular access into the development would be off Leicester Avenue, via the existing road between 41 and 43 Leicester Avenue, which would be extended into the development. The footpath (not a public right of way) would be retained from Richmond Street into the site, but would be re-routed and would join onto the proposed southern pavement within the development. Pedestrian access would therefore remain through the site linking Leicester Avenue with Richmond Street.

The dwellings would be sited around an internal road that creates a cul-de-sac development. Each dwelling is to have parking provision for two vehicles and a rear garden.

### **Site Characteristics**

The application site measures 0.5 hectares and is an open field/grassed area containing a number of trees located to the rears of 1 to 35 Berne Avenue, 43 to 51 Leicester Avenue and 3 to 5 Richmond Street. The site slopes up to the north.

The rear gardens of the odd-numbered houses on Berne Avenue adjoin the application site to the north and west, the rear gardens of the semi-detached houses on the northern side of Leicester Avenue adjoin the site to the west and the rear gardens of 3 to 7 Richmond Street adjoin the site to the east. To the south is the rear of the two storey St. Catherine's Nursing Home, which is set at a

lower ground level than the application site.

Along the southern boundary of the site (within the site) runs a paved footpath, which provides a pedestrian link between Leicester Avenue and Richmond Street. This is not a public right of way.

The site is bounded by timber fencing along the western, northern and eastern boundaries and by palisade fencing to the south.

The immediate area is characterised by two storey semi-detached and terraced houses.

The site is allocated as housing allocation 88SC within the Council's Allocations Plan.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG2 Sustainable Development and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod.

Allocations Plan: Appendix 4 - Allocated Housing Land.

SPD Accessibility, Transport and Safety; SPD Affordable Housing; SPD General Design Principles.

### **Analysis**

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.

The main impacts of the proposal are:-

- \* principle of residential development on the site
- \* impact on the loss of green space/play space
- \* impact on the character and appearance of the area
- \* impact on the amenity of neighbouring residents
- \* impact on the highway
- \* impact on biodiversity
- \* land contamination
- \* impact on flooding and drainage

### **Principle of Residential Development on the Site**

Section 6 of the National Planning Policy Framework (NPPF) concerns delivering a wide choice of high quality homes. It states that housing applications should be considered in the context of the presumption in favour of sustainable development. To deliver a wide choice of high quality homes,

widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- \* plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community;
- \* identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- \* where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

Core Strategy Policy SC1 states that the Council and its partners will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026 and states at least 80% of housing development will be on previously developed land; the Transforming Estates programme will provide up to 20% of housing development on greenfield land. Policy OA1.4 states that the Council will concentrate sites for new housing in Horwich town centre, at Horwich Loco Works and on other sites within the existing urban area.

The application site is allocated as housing land within the Council's Allocations Plan (site ref. 88SC). The principle of residential development on the site has therefore already been established and has been accepted by the Planning Inspectorate at inquiry stage. The site is also in a highly sustainable location, within walking distance of Horwich town centre, primary schools, shops and local services.

The 22 houses proposed would be affordable and managed by Bolton at Home (the applicant). There is currently a significant shortfall of suitable affordable properties in the BL6 area of Bolton, where the application site lies. There have only been 27 two bedroom houses that have become available since January 2014 with an average of 44 expressions of interest for each vacancy. For three bedroom houses over the same period of time, only 37 have become available with on average 80 expressions of interest. There have also only been 4 two bedroom bungalows that have become available over the last two years, with an average of 62 expressions of interest. The proposed development would provide these types of houses, for which there is demonstrable significant demand.

It is appreciated, through the third party objections, that the application site is a locally valued area of green space used by children and dog walkers. Whilst it is regrettable that this space would be lost for the neighbouring residents to use, the site has already been allocated for housing within the Council's Allocations Plan and it forms part of the Council's Transforming Estates Programme, which allows for 20% of housing development on greenfield land.

It is therefore considered that the proposed residential development of the site is compliant with the aims of the NPPF and Policies SC1 and OA1.4 of the Core Strategy.

#### Impact on the Loss of Green Space/Play Space

Policy CG1.4 of the Core Strategy states that the Council will allow some development on informal green spaces in the urban area, provided that it allows for the improvement of remaining green spaces and helps to meet the strategic objective for housing.

The application site is informal green space in that it was a children's play area.

The proposed development would help to meet the strategic objective for housing as it would develop an allocated housing site (site ref. 88SC) and it forms part of the Council's Transforming Estates Programme (which allows for 20% of housing development on greenfield land).

The applicant has agreed with the Council's Greenspace section to make a contribution of £5,000 for the upkeep and maintenance of Hilton playing fields, which would be secured via a Unilateral Undertaking.

It is therefore considered that the proposed development complies with Policy CG1.4 of the Core Strategy.

#### Impact on the Character and Appearance of the Area

Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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. Policy OA1 refers specifically to development in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that development respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

22 houses are being proposed on this 0.5 hectare site, which equates to a development density of 44 dwellings per hectare, which is compliant with Policy SC1.5 of the Core Strategy, which requires a density of at least 30 dwellings per hectare. Each dwelling would have ample garden space.

The proposed development is "backland" development, in that it is on land behind existing housing, and therefore would not have a street frontage. It would instead be a cul-de-sac development accessed from Leicester Avenue, with the houses addressing the internal road. The fronts of plots 21 and 22 would be glimpsed from Leicester Avenue and the rears of plots 15 and 16 would be glimpsed from Richmond Street. Plots 21 and 22 have been sited at an angle so that they address the access road and provide an active frontage when viewed from Leicester Avenue.

All the dwellings are proposed to be constructed from red brick, and all but the two bungalows proposed at plots 3 and 4 would be two storeys in height; two storey dwellings are characteristic of the immediate area, and red brick is the predominant building material.

A condition requesting a landscaping scheme for the development is recommended to compensate for the trees to be lost from the site and to soften the appearance of the development.

It is considered that the proposed development is compatible with the character and appearance of the area and therefore compliant with Policies CG3 and OA1 of the Core Strategy.

#### Impact on the Amenity of Neighbouring Residents

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, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.

Section 3 of SPD General Design Principles sets out recommended interface distances between dwellings. Between two storey dwellings (where main windows face main windows) the recommended distance is 21 metres.

### *Dwellings on Berne Avenue*

The rears of 9 to 23 Berne Avenue face the rears of the proposed dwellings at plots 5 to 12. The interface distances between the proposed dwellings and the houses to the north and north west on Berne Avenue range from 23.848 metres to 26.053 metres. The recommended interface distance within the SPD is 21 metres, and therefore the proposed interface distances exceed this. It is noted that the houses on Berne Avenue are elevated from the application site, but the proposed interface distances compensate for this.

The rears of 29 and 31 Berne Avenue face the side elevation of plot 4, a bungalow, at a distance of 19.543 metres. Only a distance of 9 metres is required in this situation.

No dwellings are proposed to directly face the rears of 1 to 7 Berne Avenue.

### *3 to 7 Richmond Street*

At their closest point 5 Richmond Street and plot 13 are approximately 23 metres apart, but are not directly overlooking. The rear of 3 Richmond Street (a bungalow) would be 20.2 metres away from the rears of plots 13 and 14 and approximately 21.6 metres away from the rears of plots 15 and 16. The 20.2 metre distance is slightly lower than the recommended distance of 21 metres within the SPD, however it is considered that the proposed interface distance is acceptable in this instance given that the rears of 3 Richmond Street and plots 13 and 14 would not be directly overlooking and as the ground levels of the dwelling involved would be similar (not elevated).

### *43 to 51 Leicester Avenue*

The rears of 43 to 51 Leicester Avenue would face the rear of the dwellings at plots 1 to 4. At the closest (43 Leicester Avenue with plot 1) the proposed interface distance would be 22.945 metres, which exceeds the required 21 metres in such a situation.

### *St. Catherine's Nursing Home*

The side elevation of plot 16 would be 18.395 metres away from the rear of the building; a distance of 13.5 metres is recommended in such an instance.

The rear of plot 18 would only be 16.15 metres away from the single storey part of the rear of the nursing home building. It was unclear from the case officer's site visit as to whether the windows at the rear of the nursing home here are bedroom windows or windows to staff accommodation, however any overlooking between the two properties would be prevented with the erection of a solid boundary fence along the boundary (boundary treatment is to be conditioned) and as plot 18 is proposed to the north of the nursing home there would not be an undue loss of natural light from the rear of the nursing home building.

It is therefore considered, for the reasons discussed above, that the proposed development would not unduly harm the amenity of any neighbouring residents to the application site, compliant with Policy CG4 of the Core Strategy.

### Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility, servicing arrangements, parking 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.

Vehicular access into the proposed development would be off Leicester Avenue, via the existing road between 41 and 43 Leicester Avenue. This existing road would be extended into the development, which would comprise a cul-de-sac.

The Council's Highways Engineers have commented that the visibility requirements onto Leicester Avenue fall slightly below the standards indicated within Manual for Street (national guidance) but advise that the nature of Leicester Avenue (in terms of vehicle flows/parking, the potential traffic generation from the site and the lack of any road traffic accidents at that location) makes the slight relaxation in standards justifiable. Engineers also advise that the proposed promotion of parking restrictions at the junction with Leicester Avenue would also help increase visibility.

Highways Engineers confirm that the proposed layout of the development would comply with the standards for adoption.

Each of the proposed dwellings are to have parking provision for two vehicles. The Council's Highways Engineers have not raised an objection to this proposed level of parking provision within the development, stating that the submitted Transport Statement appears to demonstrate that the site is highly accessible to sustainable modes of transportation.

The Council's Highways Engineers raise no objection to the proposal and therefore it is considered that the proposed development would not jeopardise highway safety and would be compliant with Policies P5 and S1.2 of the Core Strategy.

#### Impact on Biodiversity

Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development.

An Ecological Appraisal was submitted with the planning application.

#### *Trees*

A number of trees within the site would be lost to accommodate the proposed development. The Council's Tree Officers have confirmed that the trees on site are not significant specimens and in view of the location of the trees their retention would be impractical without major redesign of the development and reduction in house numbers. Officers have commented that plots 8 and 9 would be close to the canopy of the ash tree in the neighbouring garden to the rear, however Bolton at Home (the applicant) has confirmed that this is one of their tenanted properties and therefore the canopy could be slightly reduced if this is seen as an issue by the future occupants of plots 8 and 9.

A condition requiring a landscaping scheme for the site is suggested, which would include replacement tree planting.

#### *Bats and nesting birds*

Greater Manchester Ecology Unit (GMEU) has confirmed that the site offers no bat roosting opportunities and that the bat activity survey only detected one pipistrelle. Officers state that they are satisfied that the proposed development presents no risk to bats.

As a number of trees would be lost from the site, associated habitat for nesting birds and other wildlife would also be lost, however GMEU officers have noted that existing trees along the boundary would be retained and replacement trees are proposed.

#### *Japanese knotweed*

Japanese knotweed has been identified on the site and therefore both the Council's Wildlife Liaison Officer and GMEU have recommended that a condition be attached to any approval to ensure the knotweed is eradicated and/or controlled prior to any earthworks.

The Council's Trees and Wildlife Officers and GMEU raise no objection to the proposal, subject to the recommended conditions, and therefore it is considered that the proposed development would safeguard biodiversity, compliant with Policy CG1.2.

#### Land Contamination

Policy CG4.3 of the Core Strategy states that development proposals on land that is (or is suspected to be) affected by contamination must include an assessment of the extent of the issues and any possible risks. Development will only be permitted where the land is, or is made, suitable for the proposed use.

A phase II site appraisal has been submitted with the application. This appraisal concludes that the site is suitable for the proposed residential development, but further investigation is required to determine more accurately the effect of some of the identified hazards on the site. This is to be conditioned on any approval.

It is therefore considered, subject to the suggested condition, that the proposed development would comply with Policy CG4.3 of the Core Strategy.

#### Impact on Flooding and Drainage

Policy CG1.5 of the Core Strategy 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. Policy CG2c states that the Council will ensure residential proposals demonstrate the sustainable management of surface water run-off from developments. On greenfield sites the rate of run-off should be no worse than the original condition before development.

The applicant has submitted a flood risk assessment and a drainage strategy with the planning application.

The Council's Drainage Officers have had sight of this report and have requested additional information. An updated comment from the Drainage officers will therefore be reported directly to the meeting.

#### **Conclusion**

For the reasons discussed above, it is considered that the proposed development of the site for 22 affordable houses would contribute to the supply of affordable houses in Horwich (where there is a recognised shortage), would be compatible with the character and appearance of the surrounding area, would not unduly harm the amenity of any neighbouring resident, would not jeopardise highway safety, would safeguard biodiversity and would sufficiently remediate the site. Subject to the Council's Drainage officers raising no objection, Members are therefore recommended to defer the decision to the Director to secure the commuted sum towards off-site play provision (by way of a Unilateral Undertaking).

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Six letters of objection have been received (five from residents of Berne Avenue and one from a resident of Leicester Avenue). These letters raise the following concerns:

- \* Loss of playground/green space; the site is used regularly by local children to play and by dog walkers;
- \* There are very few safe places for children to play as it is;
- \* Will ruin the landscape/environment;
- \* Overlooking into garden and back of house; loss of privacy;
- \* Neighbouring properties are at a higher elevation to the proposed dwellings so will be more affected;
- \* Loss of light to neighbouring houses and gardens;
- \* Increase in traffic on neighbouring roads;
- \* Increase in street parking; cars already park on both sides of the street; lack of parking for existing residents;
- \* The proposed access road is used for parking at the moment; it will not be possible for two cars to pass on the access road;
- \* Highway safety concerns from cars exiting the development;
- \* Who will be responsible for the Japanese knotweed problem (officer's comment: it is suggested that a condition be attached to any approval to ensure that the knotweed is eradicated from the site prior to commencement of earthworks);
- \* Neighbours were not notified during the Allocations Plan process that the land would change to housing land and therefore did not object at that time;
- \* Land in neighbour's ownership is shown within the proposed development (officer's comment: the red-edge/boundary to the development has been amended to exclude this neighbour's land).

Two letters commenting on the application have been received from residents of Berne Avenue and Richmond Street. These raise the following:

- \* Would like H-bars painted across theirs and neighbours' driveways to protect them from on-street parking;
- \* The plans they were shown before the application was submitted have been amended;
- \* It is highly probable that the land is heavily contaminated with Parvovirus as it has been nothing more than an uncontrolled "dog toilet" (officer's comment: the submitted land contamination report has not discovered any such contamination within the site).

**Horwich Town Council:-** raised an objection to the application at their meeting of 21st January 2016. They commented that although the Town Council would like it noted that it welcomes social/affordable housing in Horwich, they object on the grounds of the loss of playground/recreation/green space.

### **Consultations**

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Pollution Control Officers, Tree Officers, Landscape Officers, Wildlife Liaison Officer, Public Rights of Way Officer, Housing Strategy, Economic Strategy Officers, Strategic Development Unit, Greater Manchester Ecology Unit, and Greater Manchester Police's Architectural Liaison Officers.

### **Planning History**

Permission was granted in March 1991 for the laying out of a children's play ground including surfacing, erection of equipment and landscaping (38280/91).

**Recommendation: Delegate the decision to the Director**

**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 earthworks shall not commence until a scheme for the eradication of Japanese knotweed has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for implementation. Should there be a delay of more than one year between the approval of the scheme and its implementation or the commencement of development then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the Local Planning Authority. The scheme shall be carried out as approved and retained thereafter.

Reason

To ensure the safe development of the site and eradication of an invasive species and to comply with policy CG1 of Bolton's Core Strategy.

3. Prior to the commencement of the development:-

- A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, property and/or the wider environment; and
- The details of any proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority. The approved remedial works shall be incorporated into the development during the course of construction and completed prior to occupation of the development or the development being first brought into use; and

Prior to first use/occupation of the development hereby approved:

- A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

4. Prior to the commencement of development the details (samples if required) of the type and colour of materials to be used for the external walls and roof to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with policy CG3 of Bolton's Core Strategy.

5. Prior to the commencement of development full details of the highway works comprising the resurfacing of Back Leicester Avenue North from the site access to the junction of Leicester Avenue (and to include the introduction of junction give-way marking shown on Diagram 1003/1009/1004) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

6. Prior to the commencement of development hereby approved/permitted, all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality where necessary and to enable the Local Highway Authority to consult, advertise, promote and implement Traffic Regulation Orders to mitigate the likely impact of the development.

Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

7. Before the approved/permitted development is first brought into use no less than 44 car parking spaces shall be provided within the curtilage of the site, in accordance with Drawing Ref: M3722(PL)02 Rev.D. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

8. Prior to the occupation of the dwelling houses hereby permitted provision shall be made for the parking or garaging of motor vehicles adjacent to each of the dwelling houses in the area identified for that purpose on the approved plan. Those areas shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order), no extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines or satellite antennae shall be erected within that area.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

9. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to 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 in full and carried out within 6 months of the 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 reflect and soften the setting of the development within the landscape, and to comply with policies CG1.2 and CG3 of Bolton's Core Strategy.

10. Prior to the development being first occupied or brought into use, details of the treatment to all

boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

11. No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with the approved details.

Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, garages or outbuildings (other than those expressly authorised by this permission) shall be constructed to the rear.

Reason

Some of the plot sizes are limited and any extension could result in an unsatisfactory scheme, and to comply with policy CG4 of Bolton's Core Strategy.

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

**M3722(PL)02 Rev. D; "Proposed Site Layout"; dated Nov 2015**  
**M3722(PL)10; "House Type A"; dated Nov 2015**  
**M3722(PL)11; "House Type B"; dated Nov 2015**  
**M3722(PL)12; "House Type B1"; dated Nov 2015**  
**M3722(PL)13; "House Type C"; dated Nov 2015**  
**13.B.10254/1 Rev. A; "Proposed Levels"; dated Oct 2015**

Reason

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

Schedule of Accommodation			
A	2 bed 4 person house	70sqm	12
B	3 bed 5 person house	82sqm	7
B1	3 bed 5 person house (side access)	82sqm	1
C	2 bed 3 person bungalow	62sqm	2
<b>TOTAL</b>			<b>22</b>

car parking 200%



Indicative Street Elevations  
Scale 1:200

Revision	Date	Details
A	Nov 2015	Footscapes amended to suit Seldon comments
B	Nov 2015	Separation distances added for Planning purposes and indicative street elevations
C	Dec 2015	Plot 16 boundary moved to include defensible planting. Type G boundary treatment increased in height. all to suit Design for Security comments.
D	Jan 2016	Rear boundary amended to plots 6 and 7

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Client:	Saddon
Job:	Leicester Avenue, Horwich, Bolton
Drawing title:	Proposed Site Layout
Drawing Number:	M3722 (PL) 02
Scale:	1:250 @ A1
Date:	Nov 2015
Drawn by/checked by:	RW

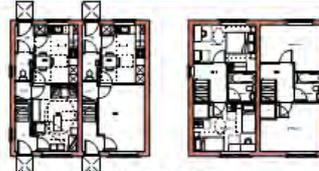
**nicol thomas**



First Floor Plan



Front Elevation



Alternative Floor Plans  
(plots 19-20 and 21-22 revised)  
scale 1/16"



Gable Elevation  
scale 1/16"



Proposed Materials



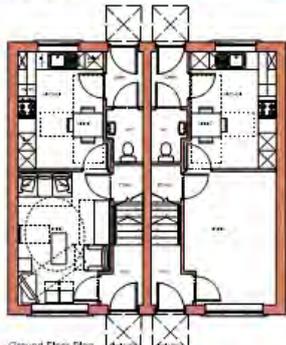
Alternative Front Elevation  
(plots 13-16)  
scale 1/16"



Alternative Front Elevation  
(plots 19-20)  
scale 1/16"



Alternative Front Elevation  
(plots 21-22)  
scale 1/16"



Ground Floor Plan



Rear Elevation



Gable Elevation



Alternative Gable Elevation  
(plots 19 & 22)  
scale 1/16"

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First Floor Plan



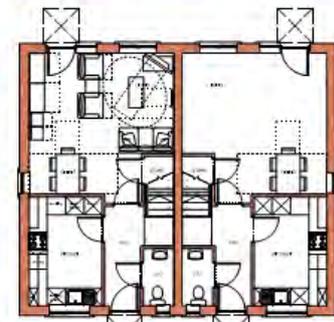
Front Elevation



Gable Elevation



Proposed Materials



Ground Floor Plan



Rear Elevation



Gable Elevation

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**Application number  
95489/15**





**Date of Meeting: 18/02/2016**

**Application Reference: 95489/15**

**Type of Application: Local Authority Applications\Development**  
**Registration Date: 14/12/2015**  
**Decision Due By: 07/02/2016**  
**Responsible Officer: Paul Bridge**

**Location: FORMER PLAYGROUND, WEAVERS GREEN, FARNWORTH, BOLTON**

**Proposal: OUTLINE APPLICATION FOR ERECTION OF 1.NO DETACHED DWELLING (ALL MATTERS RESERVED)**

**Ward: Kearsley**

**Applicant: Bolton Council**  
**Agent :**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Outline consent is sought for the erection of 1 No. detached dwelling with all matters reserved. An indicative layout has been submitted with the application which demonstrates how the proposed dwelling could be accommodated within the site. This shows the dwellings sited towards the rear of the site following roughly the same building line as the adjacent properties to the west on Weavers Green. Private garden areas could be provided to the front and rear.

### **Site Characteristics**

The application site is square in shape and is approximately 0.05ha in size. The site is located within a larger housing development and was previously a children's play area until approximately 2015 when the play equipment was removed. The site is now relatively overgrown and unsightly. The site is bounded by residential properties to the north, east, and west, with a number garages and a hardstanding located south of the site.

There are a number of trees located along the boundary of the site.

## **Policy**

National Planning Policy Framework (NPPF).

Core Strategy Policies: P5 Transport and Accessibility; S1.2 Promote Road Safety; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; RA2 Farnworth.

SPD Accessibility, Transport and Road Safety.

## **Analysis**

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.

The main impacts of the proposal are:-

- \* principle of proposed development
- \* impact on the character and appearance of the area
- \* impact on neighbouring properties/residential amenity
- \* impact on land contamination
- \* impact on parking and access/highway safety

### Principle of Residential Development

At the heart of national policy within the NPPF is a presumption in favour of sustainable development. The NPPF maintains the importance of supporting sustainable economic development and delivering homes (paragraph 17). The NPPF sets out a presumption in favour of sustainable development. The proposed dwellings will be located on an irregular shaped piece of greenfield land which is overgrown and may be considered to have a negative effect on the amenities of the immediate area. Taking these factors into account and giving due weight to the fact that should the siting, scale, layout, landscaping and design of the proposed dwelling be appropriate within the surrounding residential context, the proposal is considered to constitute a sustainable form of development in a sustainable location for the purposes of the NPPF and therefore the principle of the proposed development is considered to be acceptable.

### Impact on the Character and Appearance of the Area

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. Policy OA6 states that, for development proposals in Little Lever and Kearsley, the Council will require proposals to respect and enhance the built form and pattern of existing development.

Paragraph 65 of the NPPF explains that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of

concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design. Paragraph 56 of the NPPF highlights that good design is a key aspect of sustainable development and is indivisible from good planning. Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposed development would comprise a single dwelling house, no detail other than an indicative siting has been submitted. The area immediately surrounding the site consists of residential dwellings with a difference in terms of size, type and designs. The dwellings immediately adjacent to the site are bungalows. Whilst no elevation details have been provided it is considered that subject to a sensitively design dwelling, in terms of size, type, tenure and affordability within the surrounding area. The proposal will be deemed to accord with the policies set out in the Housing Planning Guidance. Having regard to the above, and subject to an acceptable final design, the proposal is considered to accord with the guidance set out in the National Planning Policy Framework.

#### Impact on Residential Amenity

The thrust of policy CG4 of the Core Strategy which relates to new development is to provide potential users and neighbours with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. The Council's guidance on minimum interface distances between dwellings and private amenity space standards are contained within the Design SPD.

Given that this is an outline application, such an impact cannot be fully assessed until all reserved matters have been submitted. However from the indicative information submitted it is considered that an acceptable layout in terms of impact on neighbouring properties can be achieved. It is considered that an acceptable level of amenity for existing neighbouring occupiers and future residents could be achieved with this quantum of development and the proposed development would therefore accord with policy CG4 of the adopted Core Strategy.

#### Impact on Land Contamination

No supporting information has been submitted in respect of the land contamination. Therefore when considering the sensitive end use, the Local Planning Authority has attached a condition requiring further appropriate site investigations to be undertaken prior to the commencement of the development. It is considered therefore that subject to conditions the land would be suitable for the proposed use in accordance with policy CG4.3.

#### Impact on Highway Safety

The NPPF requires that development seeks to minimise travel. Where development will generate significant traffic it should be located within sustainable locations, maximising the use of sustainable transport modes.

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account accessibility by different types of transport, servicing arrangements and parking (in accordance with the parking standards set out in Appendix 3). Policy S1.2 states that the Council will promote road safety in the design of new development.

The proposed site plan does not indicate any car parking provision. It is considered that given the quantum of development on the site, adequate off street parking could be provided for the plot within the curtilage of the proposal. There is unrestricted parking along with the existing housing estate and it is not considered that inadequate parking provision would justify a reason for refusal in this case.

The Council's Highway Engineers have been consulted and have no objection to the proposal.

In addition the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposed development could provide sufficient on-site parking and it is not considered that the addition of a further dwelling would generate significant additional traffic movements.

As a result, it is considered that the proposed development would not have an unacceptable impact on highway safety in accordance with policy P5 of the Core Strategy.

### **Other Issues**

#### **Status of 'Play Area'**

Whilst local children may still use this vacant grassed area, the case officer has investigated the current status of the 'play area' and there is no conditional or planning legal obligation that the children's play areas has to remain as such.

### **Conclusion**

For the reasons discussed above it is considered that the proposed development would accord with all relevant policies and is therefore recommended for outline approval.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** letters have been received in response to the planning application publicity who have raised the following issues:-

I do not want a residential dwelling to the rear of my property,

There is not enough land to build a dwelling,

Neighbouring dwellings will be overlooked

Loss of light,

The ground is still used as a play area by the local children

The above issues have been addressed in the appraisal;

There is a covenant on the land which states that the land must remain as public open space – restrictive covenants protect private rights and benefits of the owners or occupiers of the land specified in them. Covenants are privately negotiated and agreed. If a covenant is breached, it would be for those affected to see if enforcement would be possible; through the courts, if necessary. Private rights are quite separate from planning considerations. Planning decisions are taken in the broader public interest, in the light of policies in development plan documents and of any other factor relevant to land-use planning. There is public involvement when plan documents are put forward for adoption, or planning applications made. Accordingly, the existence of a restrictive covenant should not be the basis of a decision about a planning application or appeal.

### **Consultations**

Advice was sought from the following:- Highways Engineers, Environmental Health, Drainage, Design for Security and Landscape Officers.

### **Planning History**

None relevant

**Recommendation:            Approve subject to conditions**

### **Recommended Conditions and/or Reasons**

1. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. No development shall commence until full details of the following reserved matters have been submitted to and approved by the Local Planning Authority:

a) access

- b) appearance
- c) landscaping,
- d) layout
- e) scale

Reason: The application is for outline permission only and these matters were reserved by the applicant for subsequent approval.

3. Prior to the commencement of the development hereby approved, samples and details of the materials for the walls, roof and windows of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out using the approved materials, unless agreed otherwise in writing by the Local Planning Authority.

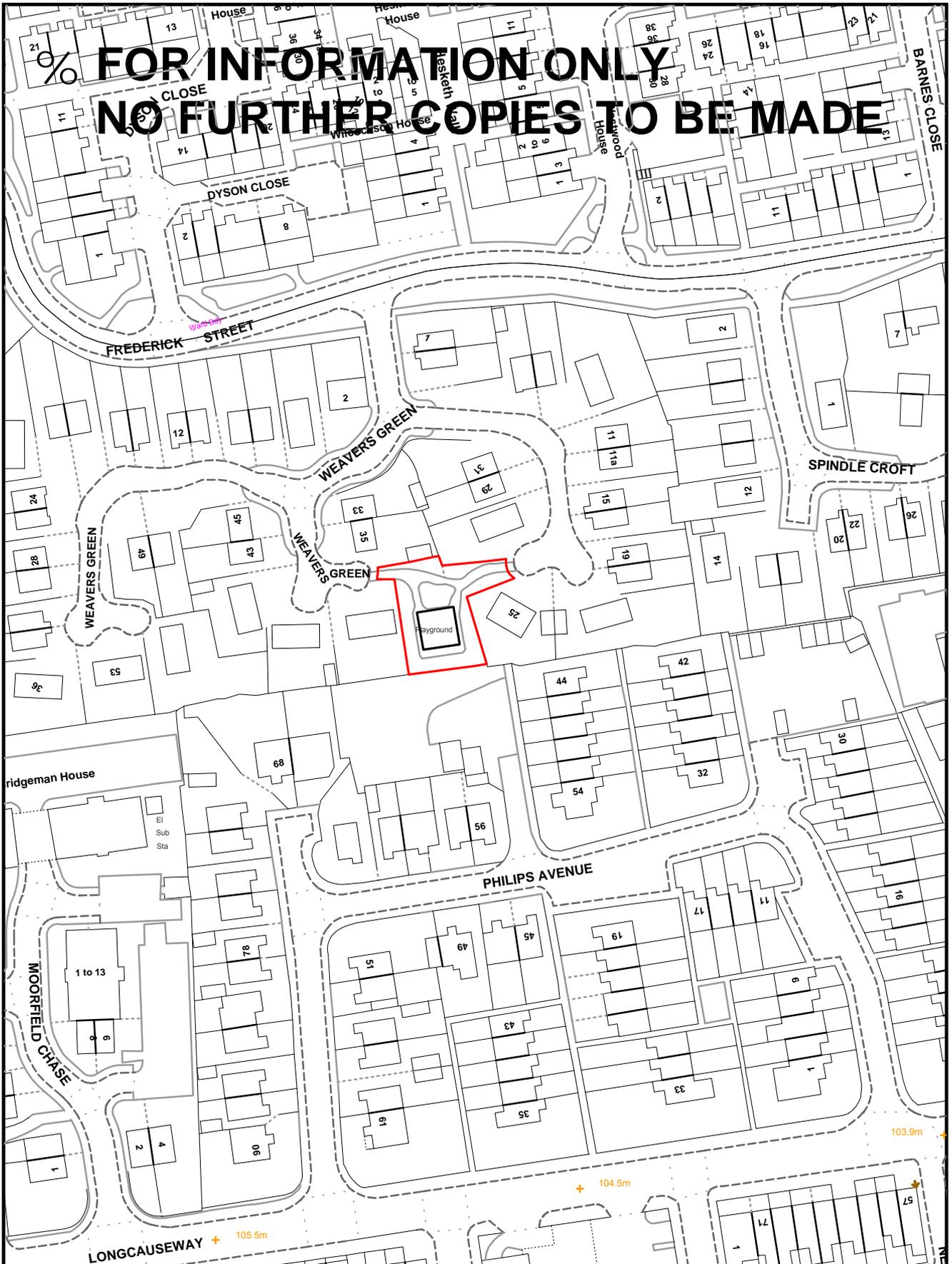
Reason: To safeguard the amenity of the area in accordance

4. Prior to the commencement of the development, a Preliminary Risk Assessment report, including a conceptual model and a site walk over, to assess the potential risk of land contamination, shall be submitted to and approved in writing by the Local Planning Authority. Should a potential risk be identified then:

1. A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment; and
2. The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and
3. A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason: In the interests of public safety in accordance with National Planning Policy Framework.

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**TITLE: Weavers Green  
Farnworth**

Prepared by: SK  
Reference: NP  
Date: 14/12/2015  
Map Ref: SD7305SE

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DEPARTMENT: CHIEF EXECUTIVES  
SECTION: ASSET MANAGEMENT

N  
↑  
scale  
**1:1250**