**Planning Applications Report** 

Planning Committee 2<sup>nd</sup> February 2023



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

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

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

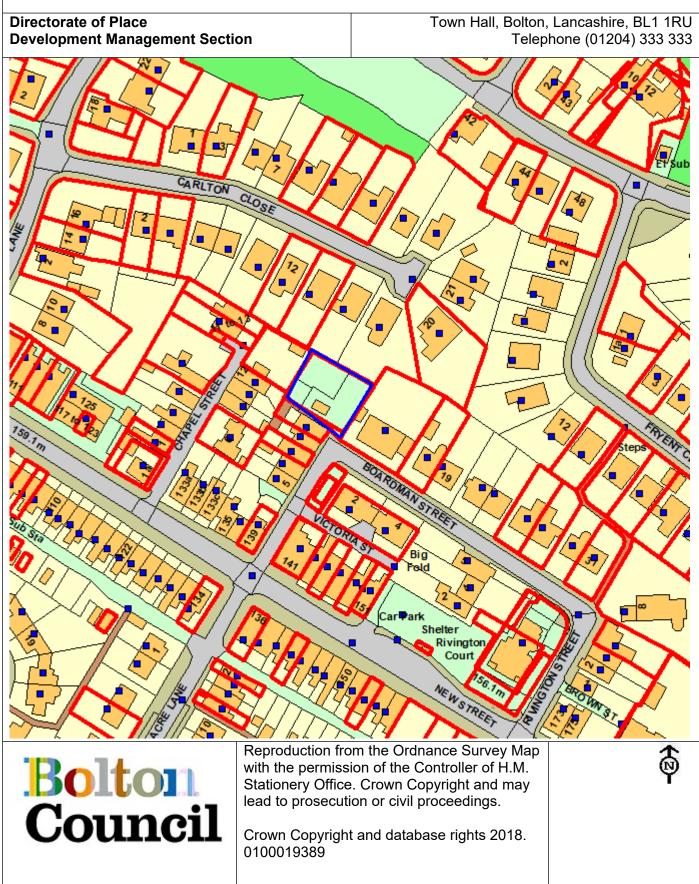
The following abbreviations are used within this report: -

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

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

www.bolton.gov.uk/planapps

# Application Number 14098/22



Date of Meeting: 2 February 2023

Application Reference: 14098/22

Type Of Application Registration Date Decision Due Date Responsible Officer Authorising Officer	Reserved Matters 29 June 2022 5 January 2023 Mubeen Patel
Location	LAND NORTH OF 13 BOARDMAN STREET BLACKROD BOLTON BL6 5AJ
Proposal	RESERVED MATTERS APPLICATION PURSUANT TO APPROVAL 07046/19 FOR THE ERECTION OF 1NO. RESIDENTIAL DETACHED DWELLING (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE DETAILS)
Ward	Horwich And Blackrod
Applicant: Mr B Jackson	

Agent: Mr M Powell

#### **OFFICER'S REPORT**

Recommendation: Approve subject to conditions

#### Executive summary

- This application is before Members at the request of Councillor Susan Baines.
- 8 letters of objection have been received.
- The application is for Reserved Matters Consent for the erection of one 3-bedroom detached dwelling with access off Boardman Street. Outline permission was granted at Planning Committee in January 2020 under application 07046/19.
- For the reasons discussed within this report, officers consider that the proposed development would not harm the character and appearance of the surrounding area, it would not unduly harm the amenity of any neighbouring residents and would be of an acceptable layout.
- It is considered that the proposed development complies with the Council's development plan policies and the National Planning Policy Framework, and Members are recommended to approve the application.

# **Background**

1. At the meeting of Planning Committee on 5<sup>th</sup> January 2023, a decision on this application was deferred. Officers have sought to respond to and provide further explanation on the issues raised by Planning Committee, these responses are appended to this report after the recommended conditions.

#### <u>Proposal</u>

- 2. Outline planning permission was granted for the erection of one detached dwellinghouse on land north of 13 Boardman Street, Blackrod under application reference 07046/19, with all matters reserved, at Planning Committee in January 2020.
- 3. Reserved Matters Consent is now sought for the erection of one 3-bedroom detached dwelling in accordance with the outline permission granted. The reserved matters include details of access, appearance, landscaping, layout, and scale.

- 4. The plans show the dwelling would be part single, part two storey in height consisting of 3 bedrooms (2 with ensuite), living room, bathroom an integral garage at ground floor and a kitchen/diner at first floor, and balcony. The dwelling would be positioned adjacent to the gable elevation of 13 Boardman Street and would be of flat roof design.
- 5. Access would be taken off Boardman Street with dedicated parking provided within the site.

# Site Characteristics

- 6. Boardman Street is located off the northern side of New Street, one of the main thoroughfares through Blackrod. The application site is adjacent 13 Boardman Street and is in domestic garden/garage/hardstanding use. The square-shaped site measures approximately 22.5m x 17.5m. The site currently has a detached garage adjacent to the gable elevation of No.13 Boardman Street.
- Residential uses surround the site to all sides apart from the west which consists of a small plot of open land that has planning permission for a detached dwelling under planning approval 11245/21 – 'Technical details application for the erection of 1no. residential detached dwelling in accordance with the grant of permission in principle 07758/20'. This site would be accessed off Chapel Street.
- 8. The immediate surrounding area can be characterised as residential consisting of terraced and bungalow dwellings. There is a level difference between the site and dwellings on Carlton Close at the rear/north of the site, with the application site being at a higher level.

#### **Background**

- 9. In August 2020 Planning Committee approved a full application which included this proposed site and the neighbouring plot to the west for the erection of one residential detached dwelling under planning reference 08483/20. It is noted that the approved dwelling, although larger in size was positioned in a similar location on the plot to this proposed dwelling. Approved application 08483/20 is extant and is therefore a material consideration of this proposal.
- 10. The outline approval (07046/19) associated with this latest Reserved Matters proposal stated under condition 3 that the reserved matters submission shall provide a dwelling no greater than 5.0 metres in height in order to ensure that the Council's recommended interface distances can be achieved, and that at least two off road car parking spaces shall be provided for the proposed new dwelling, and one-off road car parking space for the owner/occupier of No. 13 Boardman Street.
- 11. The red line boundary submitted as part of this proposal replicates that as approved under the outline application (07046/19). In any case the planning unit has already been established in the outline proposal and no changes can be proposed to the planning unit under this reserved matters proposal. It is understood that the application site benefits from a right of way over / across the area of land between the plot and the highway to gain access to the rear of No.13 Boardman Street.
- 12. Therefore, the principle of the development of a residential dwelling at the site is established, and this application will focus on the reserved matters as stipulated under the conditions of that approval.

# **Policy**

13. Core Strategy: CG4 Compatible Uses; CG3 The Built Environment; CG1 Cleaner Greener; SC1 Housing; P5 Parking; S1 Safety; OA1 Horwich and Blackrod.

Supplementary Planning Document General Design Principles 2015

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

# <u>Analysis</u>

- 13. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
- 14. The main impacts of the proposal are:
  - \* Impact on the character and appearance of the surrounding area
  - \* Impact on neighbouring amenity
  - \* Impact on the local highway network
  - \* Impact on Ecology
  - \* Impact on Drainage and Flood Risk
  - \* Impact on Land Contamination and Pollution
  - \* Impact on Crime and Design
  - \* Other Matters

# Impact on the Character and Appearance of the Surrounding Area

- 15. Core Strategy policy CG3 seeks to ensure that development proposals contribute to good urban design, conserve and enhance local distinctiveness and have regard to the overall built character and landscape quality of the area. Furthermore, development should be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.
- 16. Policy OA1 states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that development in Horwich and Blackrod respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials.
- 17. The NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 18. Policy DES1 of the Blackrod Neighbourhood Plan states that all new developments, extensions and alterations to existing buildings should demonstrate good quality design and respect the character and appearance of the surrounding area.
- 19. The proposed dwelling would consist of flat roofs and has been designed in order to accord with the height restriction imposed by condition 3 of the outline approval which states that the dwelling shall be no greater than 5.0 metres in height. The condition was imposed in order to ensure that the Council's recommended interface distances between dwellings can be achieved reducing detrimental overlooking and meeting amenity, and interface space standards. The plans show a small portion of the dwelling would be dug below the existing ground level, whilst the dwelling above ground level would be no taller than 5m. As such the

overall height of the dwelling would satisfy condition 3 of the outline permission and its objective.

- 20. The dwelling would be in the main single storey with a relatively minor part at two storeys in height, which would be set back and away from interfacing dwellings along Carlton Close. Two off-street parking spaces would be provided for the proposed dwelling, one space within the integral garage and the other on the drive. A further separate off-street parking space is also provided for No.13 Boardman Street to reduce the reliability of parking on street in line with condition 3 of the outline approval. Access would be provided off Boardman Street.
- 21. With regards to scale and massing, the proposed dwelling would be set back from the highway of Boardman Street and positioned adjacent to the gable of no.13 and designed such that the height of the two storey element would sit lower than the eaves level of 13 Boardman Street. Given its design, size and positioning, a large portion of the dwelling would not be readily viewed from public vantage points, whilst its proportions would be similar to the dwelling approved on the neighbouring plot to the west, and therefore would not appear out of scale or character.
- 22. Functional amenity space would be retained for children to play and hang washing etc to the back of the dwelling. Further outdoor space would be provided on the first floor balcony. The footprint of the dwelling covers approximately 31% of the overall curtilage of the site, although it is noted that a large portion is taken by the driveway to provide for parking, however, a good portion of garden space would still be retained for a dwelling of this size and is considered acceptable.
- 23. The site layout plans show some hardstanding around the dwelling and drive, whilst the garden area would be grass seeded; this is considered acceptable, however, a further detailed landscaping plan should be provided, and this would be conditioned. Similarly details of all boundary treatment shall be conditioned to ensure suitable residential amenity, design, and materials are used.
- 24. In terms of materials of the dwelling, the flat roofs would receive a rubberised finish, whilst the external walls would be finished in brickwork up to floor level with through coloured silicone render above and some timber cladding. Boardman Street itself comprises a mixture of materials including brick, render, painted brick and pebbledash. The materials proposed for the dwelling would be similar to those accepted for the neighbouring plot to the west (not yet constructed). As such the materials proposed are considered acceptable in this location, however, a condition would be attached to any approval for exact material details to be used on the dwelling to be provided to the Local Authority in order to ensure a high-quality development.
- 25. Given the above, it is considered that the proposed dwelling would be modest and discrete with a contemporary finish and which addresses conditions of the previous outline approval. It is considered that the design and material palette of the house proposed complies with local and national planning policy. Policy DES1 of the Blackrod Neighbourhood Plan states that all new developments, extensions and alterations to existing buildings should demonstrate good quality design and respect the character and appearance of the surrounding area; it is considered that the house proposed is compliant with local and national policy subject to the adherence of conditions.

#### Impact on Neighbouring Amenity

26. Core Strategy policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.

- 27. Given that there are surrounding/neighbouring residential uses to all sides of the approved housing site it is not anticipated that the proposed residential use would create a use conflict with neighbours.
- 28. The ground floor of the proposed dwelling would have no windows facing the residential plot to the west (not yet constructed). Whilst only one window is positioned in the southern side elevation at ground floor, which would serve an en suite and face the gable of No.13 Boardman Street. The ground floor eastern elevation facing the bungalow at No. 15 Boardman Street has one window facing the side elevation of this neighbouring bungalow, this window would serve a bathroom and is not a habitable room. All the habitable room windows at ground floor are on the northern elevation facing towards 16 and 18 Carlton Close. However, the plans show a distance of approximately 24.2m would be retained between these windows and the mentioned properties on Carlton Close. In addition, due to the land levels and height of boundary treatment between these properties, this would limit the direct line of sight, and it is considered there would be no detrimental overlooking from the ground floor windows of the proposed dwelling.
- 29. In terms of the first floor of the proposed dwelling, this would provide living space and a balcony. The balcony would be positioned adjacent to the western boundary, therefore in order to limit overlooking, the glazed balustrade around the balcony which would be 1.8m in height from the floor level would be conditioned to be obscurely glazed to limit overlooking on to the neighbouring plot to the west (not yet built). Similarly, the rear balustrade (south) of the balcony would also be conditioned obscurely glazed to reduce overlooking towards the rear garden area of No.13 Boardman Street.
- 30. Turning to the eastern elevation facing No.15 Boardman Street, this bungalow has two windows in its gable side elevation which are served by bedrooms, although these windows are partly screened by the positioning of the detached garage on its drive, direct views would still be possible from the dining room windows on the first floor of the proposed dwelling. As such, a condition would be attached for these secondary windows along this elevation of the proposed dwelling to be obscurely glazed to retain suitable residential amenity.
- 31. As such, the main outlook from the first floor for both the balcony and dining room would be from the northern elevation, however the dwelling at first floor has been designed to be set back from this boundary to retain a greater distance to the properties to the north along Carlton Close, namely Nos. 16 and 18. The plans show a distance of approximately 24.2m would be retained from the first floor windows and 25m from the edge of the balcony. The difference in land levels between the site and dwellings on Carlton Close is noted with the application site being at a higher level. On outline approval 07046/19 it was conditioned to limit the height of the new dwelling to 5.0m in order to achieve interface distances to facing dwellings on Carlton Close. The height limit of the dwelling thereby proposed minimises the impact on surrounding properties through overbearing and overshadowing, whilst also taking into account the overall gradient of the site. As a consequence, the design of the proposal mitigates against potential impacts on residential amenity. It should be noted that a similar relationship has been approved at the neighbouring plot to the west by Planning Committee.
- 32. It is also acknowledged that there is also a window positioned at first floor level in the gable of No.13 Boardman Street which serves a bedroom. However, the dwelling is not positioned directly in front of this window, and it is considered that a suitable outlook and amenity would be retained for this room.
- 33. Furthermore, given the height of the building set against the backdrop of the taller gable elevation of No.13 Boardman Street, and that the habitable room windows of the dwelling on the plot to the west (not yet built) would be secondary windows, the dwelling is not considered to result in an overbearing impact, or detrimentally overshadow neighbouring

dwellings, this includes the bungalow at No.15 Boardman Street which would be at a distance of 15m from the first floor element of the proposed dwelling.

- 34. Recommended interface distances are recommendations as opposed to mandatory requirements, with an acceptance that new development in dense urban areas such as that within which the application site is set will inevitably represent a compromised position. It is accepted that the provision of screening measures, including but not limited to the likes of fencing, walling and planting, and / or the use of obscured glazing are factors that are considered.
- 35. In terms of the dwelling itself providing adequate light and outlook, it should be noted that each habitable room would be provided with natural light and ventilation with an outlook on to amenity space. In addition, the space provided in the dwelling is acceptable and functional to provide a good standard of living for future occupiers. A functional garden area would also be provided for sitting out and drying clothes.
- 36. In terms of noise impact, the site is positioned in a quiet residential area. As such, any noise nuisance is considered minimal and acceptable in this location where it would not detrimentally impact the amenity of future occupiers. A condition would be attached to any approval to limit construction hours which would reduce the potential for unacceptable noise and disturbance at unsocial hours.
- 37. Therefore, with all of the above factors in mind, and subject to conditions, it is considered that the proposal would be in accordance with Policy CG4 of the Core Strategy and the guidance within SPD House Extensions and the NPPF.

#### Impact on the Local Highway Network

- 38. 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.
- 39. Appendix 3 provides guidance on parking standards. Policy DES1 (g) of the Blackrod Neighbourhood Plan states that the plan will ensure that car parking is positioned and designed to have minimal impact on the street scene. DES1 (p) states wherever possible vehicle parking should be provided off-street (i.e. within the curtilage). Appendix TRA1 sets out minimum parking standards for development, with 2 to 3 bedroom houses requiring 2 spaces and 4+ bedroom houses requiring 3 spaces.
- 40. The proposed dwelling would consist of 3 bedrooms, and therefore two off road parking spaces should be provided as part of the proposed dwelling. In addition to this, condition 3 of the approved outline application states that 1 parking space should also be provided for 13 Boardman Street in order to reduce the reliance of parking on street. Therefore 3 spaces in total should be provided within the proposed site.
- 41. An amended site plan has been provided which now shows 3 car parking spaces within the site, this includes a space within the integral garage. The Council's Highways officer has been consulted in relation to the amended plans and states that the submitted site plan appears to demonstrate accessibility to the property from Boardman Street along with sufficient parking provision to support the development and turning provision in order to allow a vehicle to enter/leave the site in forward gear.
- 42. An objection has been received which states that the recent granting of a blue badge which requires a parking space located towards the entrance into the site from Boardman Street would limit access space into the site. However, it should be noted that the entrance into the

proposed site is historic, and it would be unreasonable for the Local Authority to block this access.

- 43. It is considered that the proposed number of off-street parking spaces proposed comply with Appendix TRA1 of the Blackrod Neighbourhood Plan (minimum parking standards for development, with 2 to 3 bedroom houses requiring 2 spaces), furthermore, the driveway space indicated on the submitted site plan appears to be of sufficient length to support a vehicle clear of the highway and to allow servicing of the vehicle and the ability to open the garage door with the vehicle on the drive. No objections have been received by the Local Highway Authority. The parking of cars within the site would also reduce the reliance of parking on the highway by the proposed development and would not result in any further impacts on the highway than existing.
- 44. It is therefore considered that the proposal accords with Policy P5 and S1 of the Core Strategy and the NPPF.

#### Impact on Ecology

- 45. Core Strategy Policy CG1.2 safeguards and enhances biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development, and improving the quality and inter connectivity of wildlife corridors and habitats.
- 46. Paragraph 179 of the National Planning Policy Framework requires local planning authorities to aim to protect and enhance biodiversity.
- 47. The plot of land consists of grass, small trees, and hedging around the perimeter of the site which do not have any special protection. The trees and hedging are small in size and provide limited amenity enhancement to the area. However, they do have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). It is therefore recommended that all tree/hedging works should not be undertaken in the main bird breeding season (March-August inclusive), unless nesting birds have found to be absent, by a suitably qualified person. An informative note would be attached to this effect to any approval.
- 48. In addition, a condition would be attached to any approval for opportunities to enhance the building for wildlife, such as bats and birds in line with the NPPF. The Authority recommends installation of wall integrated cavity bat boxes and bird boxes in the new dwelling to provide roosting opportunities for the local bat and bird population.
- 49. Therefore, given the nature of the site, this proposal would have limited impact on bats and birds which maybe in the area. In any case, conditions as mentioned above would be attached to any approval to retain and enhance the existing habitat. Therefore, the impact on trees and ecology would be acceptable and the proposal accords with Policy CG1.2 of the Core Strategy and the NPPF.

#### Impact on Drainage and Flood Risk

- 50. Policy CG1.5 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.
- 51. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

- 52. The application site is located within Flood Zone 1 and is therefore within an area defined as having lowest risk of a flooding event occurring (less than 1 in 1,000 annual probability of flooding from rivers or the sea).
- 53. A condition would be attached to any approval to ensure surface water runoff and foul sewage from the site is drained separately.
- 54. Based on the above, it is considered that the proposal accords with Policy CG1.5 of the Core Strategy and the NPPF.

#### Impact on Land Contamination and Pollution

- 55. Policy CG4.3 of the Core Strategy, in line with the NPPF, requires all new development to ensure any risk of contamination is identified and adequately managed. Paragraphs 178 to 179 of the NPPF state that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location and that adequate site investigation information, prepared by a competent person, is presented with applications.
- 56. The Council's Pollution Control officers have been consulted and have identified the site as being low risk from land contamination. A condition would be attached to any approval for a watching brief to be undertaken by a suitably qualified person and to provide appropriate recommendation where necessary.
- 57. It is therefore concluded that, subject to an appropriate condition the requirements of Policy CG4 of the Core Strategy and the National Planning Policy Framework in relation to land contamination, land stability and pollution would have been satisfied.

#### Impact on Crime and Design

- 58.Core Strategy policy S1.1 seeks to ensure that the design of new development proposals will take into account the need to reduce crime and fear of crime.
- 59. The proposed dwelling house would be surrounded by residential properties providing natural surveillance. Based on the above it is considered that the proposal accords with Policy S1.1 of the Core Strategy.

#### Other Matters

60. Application 08483/20 (approved) combines the two sites and relies on this site and land adjacent to 12 Chapel Street for the erection of 1 dwelling. As such, approval 08483/20 would be nullified if the scheme hereby proposed is approved and built.

#### Conclusion

- 61. The principle of residential development at the site has already been established under the outline approval 07046/19. The design, layout, scale and materials proposed for the dwelling are considered to compliment the character of the area. Overall, the proposed development would be of good quality design with an acceptable layout in accordance with local and national planning policy and guidance.
- 62. Members are therefore recommended to approve this Reserved Matters application, subject to the suggested conditions.

# **Representation and Consultation Annex**

#### **Representations**

**Letters:** Neighbours have been notified by letter and Site Notice. 8 letters of objection have been received which make the following concerns (an officer response is provided where an objection reason has not been covered in the 'Assessment' section of the report):

- Loss of Light and wellbeing
- Not in keeping with other properties
- Overlooking
- Increase in parking issues in the area
- Affect ecology
- Development too high
- Inadequate access
- Not enough information given
- Overlooking into my garden and side windows
- Water runoff is an issue currently, and this will exacerbate it
- Access required driving across a pavement
- Bats would be affected
- Driving over the path may cause accidents with neighbour/pedestrians Officer response The cars would probably enter and leave the site in a forward gear and at low speeds, the issue raised is not considered detrimental or severe to warrant refusal of the application.
- Gate would block right of access to the side Officer response A vehicular access gate has not been proposed, the existing gate is to be retained and does not obstruct the right of access.
- Red line is incorrect
- Potential noise
- Overbearing and overdominant
- The recent granting of a blue badge and parking space outside our house would limit access to the land.

**Elected Members:** Councillor Susan Baines objects and has asked for the application to be heard at Committee, reasons given are:

- Site near to neighbouring homes
- Congested site
- Limited access and exit

**Blackrod Town Council:-** The Council requested a deferment of this application due to its perceived many inaccuracies - August 2022.

**Petitions:-** None received.

#### **Consultations**

Advice was sought from the following consultees: The Council's Environmental Health Officers, Highways Engineers, Floodrisk Team, Economic Strategy, Strategic Development Unit, Urban Design and Conservation Officer and Design for Security (GM Police)

#### Planning History

12786/21 - Reserved matters application pursuant to approval 07046/19 for the erection of 1no. residential detached dwelling (access, appearance, landscaping, layout and scale details) – withdrawn 15.06.2022.

11245/21 - Technical details application for the erection of 1no. residential detached dwelling in accordance with the grant of permission in principle 07758/20 - approved with conditions at planning committee 07.10.2021 (Chapel Street half of site).

08483/20 - Erection of 1no. residential detached dwelling (full application) - approved with conditions at planning committee August 2020 (whole site).

07758/20 - Application for permission in principle for the erection of one dwelling - approved March 2020 (Chapel Street half of site).

07046/19 - Outline application for the erection of 1no. residential detached dwelling (all matters reserved) - approved with conditions January 2020 (Boardman Street half of site).

#### **Recommendation: Approve subject to conditions**

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

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

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

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. The parking of vehicles of site operatives and visitors;
  - ii. Loading and unloading of plant and materials;
  - iii. Storage of plant and materials used in constructing the development;

iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

v. Wheel washing facilities;

vi. Measures to control the emission of dust and dirt during construction;

vii. A scheme for recycling/disposing of waste resulting from demolition and construction works;

viii. The proposed hours of construction.

Reason

To ensure the safe development of the site and preserve the local amenity and to comply with policies CG4 and S1.2 of Bolton's Core Strategy.

3 No development shall commence until a scheme to provide a minimum of two bird nesting boxes on retained trees or within the approved building and the provision for a minimum of two bat roosting boxes (bat boxes and/or integral features for bats in the approved building) has been submitted to and approved in writing by the Local Planning Authority. The boxes and features so approved shall be installed before first occupation of development and shall be retained thereafter.

#### Reason

In order to ensure biodiversity enhancements as part of the development in accordance with policy CG1.2 of Bolton's Core Strategy and the National Planning Policy Framework.

4 A Watching Brief for ground contamination shall be undertaken by a suitably qualified person. A Verification / Completion Report shall be submitted to Local Planning Authority detailing the objectives and findings of the Watching Brief and appropriate recommendations, where necessary. This should be submitted to and approved in writing to the Local Planning Authority before the development is first brought into use or first occupied.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

5 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples or full details of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. 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.

6 Notwithstanding the submitted details, the windows in the southern and eastern elevations of the dwellinghouse hereby approved facing Nos. 13 and 15 Boardman Street shall be non-opening below a height of 1.7 metres above the floor level of the room they serve, and fitted with obscure glazing whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely) of the Pilkington Glass scale (or equivalent) and shall be permanently retained in that condition thereafter.

#### Reason

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

7 No part of the development shall be occupied until a specification for the design and construction (including surface treatment and drainage) of the access and parking areas has been submitted to and approved in writing by the Local Planning Authority. The access and parking areas shall be constructed in accordance with the duly approved details before the dwelling are first occupied and retained thereafter at all times for the parking of vehicles.

#### Reason

In order to ensure there is adequate provision for vehicles to be parked clear of the highway and to achieve an appropriate surface treatment for parking areas in order to comply with the requirements of policies P5 and CG1.5 of the Core Strategy and the requirements of the National Planning Policy Framework.

8 No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the Local Planning Authority. The approved testing

methodology shall be implemented in full during the importation of soil or soil forming material.

Prior to the development being first brought into use or occupied a verification report including soil descriptions, laboratory certificates and photographs shall submitted to and approved in writing by the Local Planning Authority.

#### Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

9 Foul and surface water shall drain on separate systems.

#### Reason

To comply with policies CG1.5 and CG2.2 of Bolton's Core Strategy.

10 Notwithstanding the submitted details, a detailed landscaping scheme shall be submitted to 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 or completion of construction shall be replaced in the next available planting season with others of similar size and species.

#### Reason

To reflect and soften the setting of the development within the landscape and in order to comply with Core Strategy policies CG1 and CG3.

11 Notwithstanding the details of boundary treatment provided, 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.

#### 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.

12 The approved dwelling shall not be occupied unless and until the 1.8 metre high privacy screen along the balcony on the western and southern elevations as shown on the approved plans has been fully installed and fitted with obscure glazing whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely) of the Pilkington Glass scale (or equivalent) and shall be permanently retained in that condition thereafter.

#### Reason

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

13 The two off road car parking spaces for the proposed new dwelling and one off road car parking space for the owner/occupier of 13 Boardman Street shall be completed in accordance with the approved 'Parking Space Allocation' Plan, referenced '2112a/REF.03'. The development shall then be maintained and managed in accordance with the approved

details.

Reason

In the interests of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

14 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, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, fences, gates, walls, solar PV, solar thermal, wind turbines, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed within the curtilage of the dwellinghouse hereby approved.

Reason

To safeguard the character and appearance of the area and the amenity of neighbouring residents, and to comply with policies CG3, CG4 and OA1 of Bolton's Core Strategy.

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

2112a\_RM.D.01 - Site Layout Plan as Proposed (A)
2112a\_RM.D.02 - FF Layout Plan as Proposed (A)
2112a\_RM.D.03 - GF Interface Distances (A)
2112a\_RM.D.04 - FF Interface Distances (A)
2112a\_RM.D.08 - Plans & Sectional Elevations as Proposed (A)
2112a/REF - Parking Space Allocation.

Reason

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

# 14098/22 - Land North Of 13 Boardman Street Deferred at last Planning Committee meeting 05/01/2023

A number of questions and issues were raised by Members at the previous Committee meeting held on 5<sup>th</sup> January. Please find below Officers' responses and to the issues raised:

# **Relationship with front door of No. 13 Boardman Street**

The Ward Councillor stated that when residents exit the front door of No.13 Boardman Street they would step out onto the application site. However, the site plan appended (1) to the report clearly shows that this is not the case. The occupiers of No.13 would not be stepping out on to the application site but onto the footway of the public highway. No development is proposed by this application at the front of No. 13 Boardman Street nor is any proposed at the front of the access strip at this side.

# Turning space within the site

The site plan provided shows 3 car parking spaces within the site and this includes a space within the integral garage. The Council's Highways Engineers state that the submitted site plan appears to demonstrate accessibility to the property from Boardman Street along with sufficient parking provision to support the development and turning provision in order to allow a vehicle to both enter and leave the site in forward gear.

There was no condition attached as part of the outline consent (07046/19) for the general public to use the turning space within the site. In any case, it is not the applicant's responsibility to provide a turning space on land in their ownership - this would be wholly unreasonable as it would not relate to an impact of the development being proposed.

# Design of the dwelling with a flat roof

Concerns were raised in relation to the flat roof design of the dwelling and that it is not supported by the Neighbourhood Plan and is out of character.

The property has been designed with flat roofs in order to comply with the height restriction imposed by condition 3 of the outline approval which states that the dwelling shall be no greater than 5.0 metres in height. The condition was imposed to ensure that the Council's adopted interface distances can be achieved in order to reduce any detrimental overlooking and meet amenity and interface space standards.

Furthermore, Members should be aware that a similar sized dwelling with a shallow pitched roof design has been approved at the adjacent site along Chapel Street and that a flat roofed dwelling which straddles both this site and the Chapel Street site was approved in August 2020 - elevation plans of this dwelling are appended at (2). Both these applications were Committee decisions and both are material considerations in the determination of this application.

Paragraphs 20-26 of the Officer's report assess why the character and appearance of the dwelling is acceptable in this location. However, in summary, it is considered that the proposed dwelling would be modest and discreet with a contemporary finish and would be compliant with local and national policy when taking all material considerations into account.

# **Materials**

The Ward Councillor stated that aluminium and glazing are proposed as main materials for the dwelling. However, the information submitted as part of the application states that the external walls would be finished in brickwork up to floor level with coloured silicone render above and some timber cladding. Aluminium is not proposed, although glazing would of course be used for windows.

It should be noted that the materials proposed for the dwelling would be similar to those accepted for the neighbouring plot to the west (as not yet constructed), that this was a Committee decision and is a material consideration in the determination of this application. A condition has been attached for full details of materials to be provided to ensure a quality finish.

# **Notification Letters and Site Notice**

Concerns were raised relating to the amount of notification provided to surrounding occupiers in relation to the proposed development. It should be noted that a total of 13 letters were sent to neighbouring occupiers which includes 2, 5, 7, 9, 11, 13 & 15 Boardman Street, 8, 10 & 12 Chapel Street and 14, 16 & 18 Carlton Close.

A site notice was also posted on the concrete lamp post outside No. 15 Boardman Street on 07/09/2022.

# **Construction vehicles**

Members raised concerns in relation to possible disruption by construction vehicles. However, construction would only be for a limited amount of time and is not considered to be a sufficiently material consideration by which this relatively small-scale proposal could reasonably be resisted. In addition, the principle of development on the site has already been approved by way of the outline consent and cannot now be revisited. This application is a reserved matters application and simply seeks approval of the matters reserved by the outline consent for later approval.

# Parking on the highway in front of 13 Boardman Street restricting access and pedestrian safety

Concerns have been raised by the Ward Councillor that if the occupier of No. 13 Boardman street were to park on the highway in front of their house, that this would restrict vehicular access into the proposed site. In addition, the Council have granted a blue badge recently to the occupier of this property.

The vehicular entrance into this site already exists - this is an existing driveway with a dropped kerb. According to the Highway Code it is a breach to park across a driveway, though the powers of enforcement for this are unclear. Space should be left, as with the existing situation, for owners/occupiers of the land to enter and exit the site by a vehicle, given that this is an existing vehicular access. There is currently no dedicated yellow hatching for blue badge holders to park in front of No.13 Boardman Street.

Members should also note that Condition 3 of the approved Outline application (Committee decision) states that 1 parking space should also be provided for No.13 Boardman Street in

order to reduce the reliance of parking on street. The applicant has provided 3 spaces in total within the proposed site, including a space for No.13.

Concerns are also raised in relation to the safety of neighbouring residents using the pedestrians access adjacent to the gable of No.13 Boardman Street and the possible conflict with cars using the proposed site. However, it is considered that any cars would be likely to enter and leave the site in a forward gear and at low speeds given the residential nature of the area. Furthermore, this is a small site proposing one dwelling that would have minimal comings and goings. Therefore, the possible conflict of pedestrians and cars using the site is limited. The issue raised is not considered detrimental or severe to warrant refusal of the application.

# Pedestrian safety

The Highways officer was consulted and has considered all aspects of highway safety including pedestrian safety. Highways did not raise any concerns in relation to the development.

# **Residents access Strip**

Members highlighted a small strip of land located towards the front of the site within the red line boundary and owned by the applicant which would need to be passed over by neighbouring occupiers to access the back of the terrace properties, as with the existing situation.

Firstly, it is highlighted that this is a reserved matters application, and the outline Consent which established the principle and parameters of the site has already been approved by Members. The red line boundary has not changed and indeed cannot be changed as part of this reserved matters application.

Secondly, the submitted plans do not proposed any physical barrier that would restrict access to the back of these neighbouring properties. A fundamental principle of the UK planning system is that applications should be determined on their merits, based on the development being proposed on the submitted plans. It is not considered to be reasonable to resist a planning application on the basis of something that is not actually proposed by the submitted application.

Lastly, the applicant has stated in an email to the planning officer that this access strip would be retained as existing. It is accepted that this is not a formal agreement; however, it is not the place of the planning system to ensure private access rights, these are matters of property law.

Overall, it is considered that the issue of this access strip is not considered a planning matter and would be a private legal matter which may or may not be covered by a covenant. No deeds or legal agreements have been provided as part of this application, nor are they required.

The matter is one of land and property law, not the planning system.

# Height of the dwelling

Members asked whether limitations were included as to the height of the dwelling.

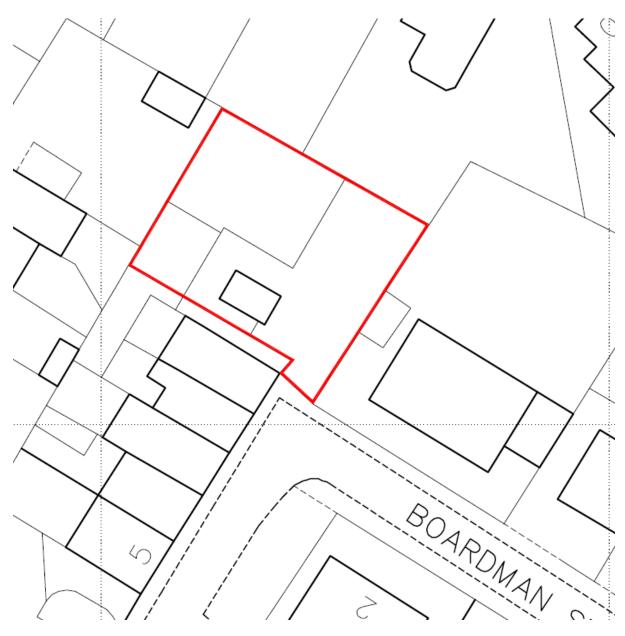
The difference in land levels between the site and dwellings on Carlton Close is noted with the application site being at a higher level. On outline approval 07046/19 the Council conditioned a limit on the height of the new dwelling to 5.0m in order to achieve interface distances to facing dwellings on Carlton Close. The height limit of the dwelling therefore minimises the impact on surrounding properties in order to avoid being overbearing or causing unacceptable overshadowing, whilst also taking into account the overall gradient of the site. As a consequence, it is considered to demonstrate careful design in order to mitigate against potential impacts on residential amenity. It should be noted that a similar relationship has been approved at the neighbouring plot to the west by Planning Committee.

# Location Plan with Blue Line

A location plan at scale 1:1250, drawing 'Site Location Plan (2)' (as appended at (3)) shows the application site outlined in red and with No. 25 Boardman Street (separated by five other dwellings outlined in blue as this property is also owned by the Applicant. It should be noted that No.25 Boardman Street does not have any implications on the application site or on the development proposed, however good practice dictates that a blue line should be drawn around any other land owned by the applicant that is close to or adjacent to the application site.

# <u>Appendix</u>

 The occupiers of No.13 would not be stepping out on to the application site but onto the public highway.



(2) – Flat roofed dwelling approved on site by Members in August 2020.



(3) - Good practice dictates that a blue line should be drawn around any other land owned by the applicant that is close to or adjacent to the application site.

