

**Planning Applications Report**

**Planning Committee**

**14 January 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

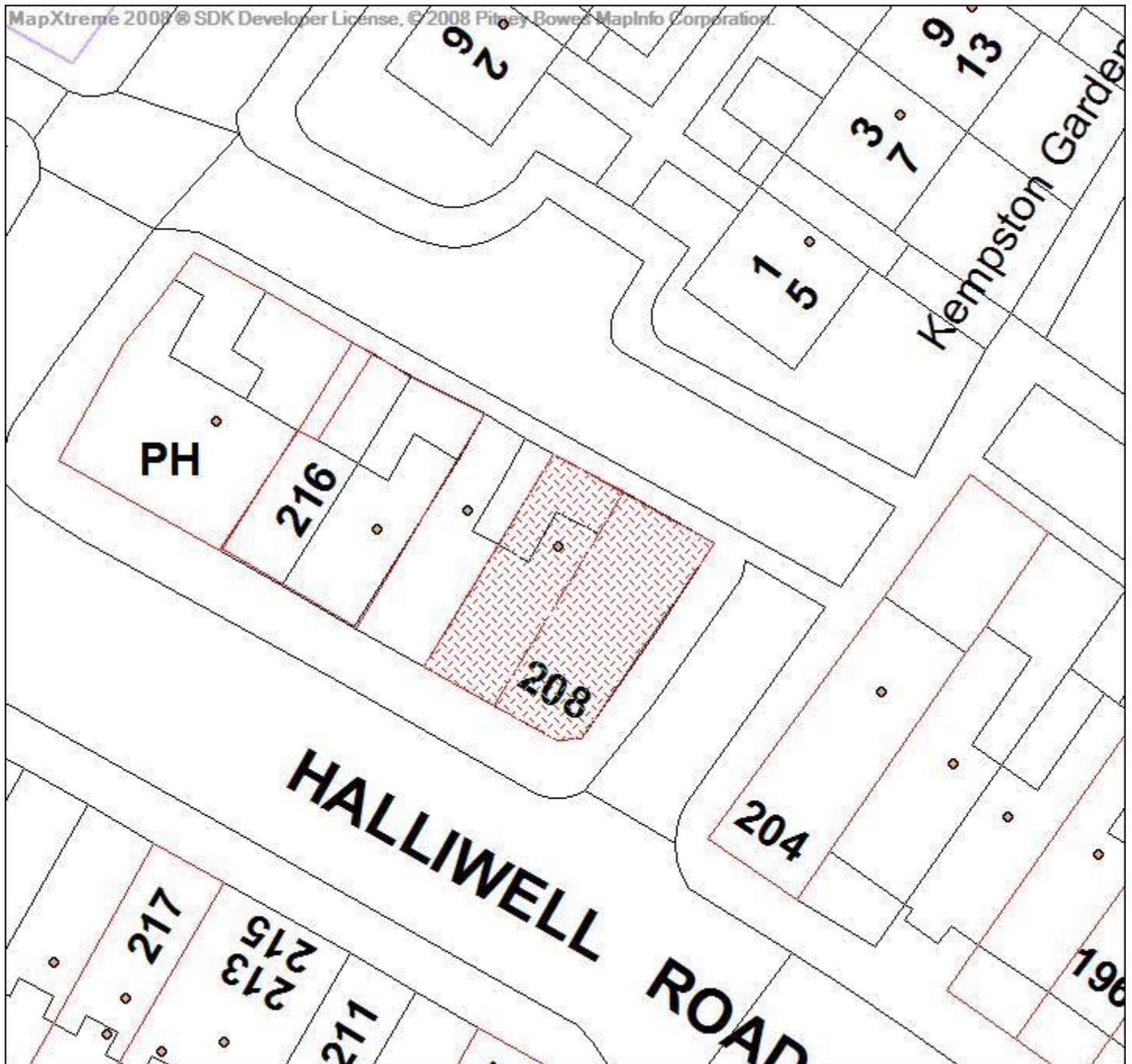
The background documents for this Report are the respective planning application documents which can be found at:-

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

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**Application number  
94596/15**



**Development & Regeneration Dept  
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Council**

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**Date of Meeting: 14/01/2016**

**Application Reference: 94596/15**

**Type of Application: Full Planning Application**

**Registration Date: 20/07/2015**

**Decision Due By: 13/09/2015**

**Responsible Officer: Martin Mansell**

**Location: 208/210 HALLIWELL ROAD, BOLTON, BL1 3QJ**

**Proposal:** ERECTION OF 2NO. RETAIL UNITS AT GROUND FLOOR LEVEL  
TOGETHER WITH 2NO. SELF CONTAINED FLATS INCLUDING  
DORMERS ABOVE

**Ward: Crompton**

**Applicant: Mr Iqbal**

**Agent : RA Design & Project Management Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Members may recall the collapse in 2009 of the building at 210 Halliwell, an event that severely damaged the buildings either side resulting in the demolition of 208 and 212 Halliwell Road and reconstruction of the building to the north.

Consent is now sought for the erection of a pair of two storey terraced properties at this cleared site, comprising two ground floor shops with a two-bedroomed flat over each, utilising the first floor and the roof space with a rear dormer. Neither property would have a rear yard due to the fact that development is proposed over the entire footprint of the site, though internal space for bins is shown.

### **Site Characteristics**

The site is a rectangular parcel of land at the corner of Halliwell Road and a short stub of Rawsthorne Street. It was cleared of buildings following the collapse of 210 Halliwell and has been heavily colonised by ruderal species such as buddleia. The site is considered to be harmful to the character and appearance of the area by way of neglect. The relationship of the site to its neighbour (the former site of 212 Halliwell Road) is a little unusual in that this land is not included within the application site (due to it being in different ownership) though visually the two sites are similar in that they are vacant and overgrown. A projecting side outrigger from 214 spans the site of 212 towards its rear and the side gable of 214 shows clear signs of reconstruction following the collapse and demolition of the buildings to the south

This part of Halliwell Road is predominantly commercial in character in terms of frontage with residential to the rear. Some retail properties have flats over. The site is allocated for retail purposes in the Core Strategy as part of the Halliwell Road Local Shopping Centre.

## **Policy**

National Planning Policy Framework - Building a strong and competitive economy, promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities

Core Strategy Objectives: SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO11 Built Heritage, SO14 Inclusive Housing, SO15 Sustainably Located Housing and SO16 Community Cohesion and Access.

Core Strategy Policies: P2 Retail, P5 Transport, S1 Crime and Road Safety, CG2 Sustainable Development, CG3 Design and the Built Environment, CG4 Compatible Uses, SC1 Housing Targets and RA1 Inner Bolton.

## **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 economic development

### **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. 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 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.

Policy RA1 of the Core Strategy relates specifically to Inner Bolton and seeks to conserve and enhance the distinctive character of the existing physical environment, ensure that development has particular regard to massing and materials used, due to the predominance of red brick, slate-roofed, two-storied terraced housing, respect and strengthen the traditional grid-iron pattern and the street-scaping of existing housing and mills where it is compatible with good urban design and make efficient use of land in inner Bolton due to existing higher levels of development density whilst requiring development to provide adequate privacy and amenity space and conform to the overall spatial approach.

The front element of the building envelope essentially replicates that of the adjacent property in that it would result in a pair of two storey terraced properties with typical shop fronts at ground floor and regularly spaced windows over. A street scene drawing demonstrates that the design of the front elevation is compatible with its surroundings and that the ridge line of the roof would match neighbouring properties.

The side gable is substantial as the development is proposed to cover the entire existing footprint. However, this element is not considered to be particularly prominent and is not considered to be so noticeable in the street scene as to render the development unacceptable. Similarly, the rear elevation is substantial, particularly when viewed in conjunction with the dormer, but other substantial rear extensions do exist on Halliwell Road.

It is unfortunate that the site of 212 Halliwell Road is not proposed for development at this time, and the proposal will therefore leave a gap in the otherwise built-up frontage. However, this is not considered to be a reason to resist the current proposal.

The development is considered to be compatible with the street scene by way of replicating key features from nearby properties. The development of this neglected site will also deliver streetscene benefits.

#### 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 considered appropriate for this area, given the generally commercial and residential context.

The comments of the objector at 212/214 in relation to overlooking and overshadowing are noted; however, the yard directly adjacent essentially serves the projecting outrigger. It is not considered that the living conditions of the ancillary residential accommodation at 212/214 would be so harmed that the development should be resisted on these grounds.

The relationship with No. 204 Halliwell across the stub of Rawsthorne Street is more complex. This property is a barber's shop at the front and a house to the rear - the side elevation of the property facing the development site contains the principal windows of the dwelling and would be only 9 metres from the application site with the standard recommending 13.5 metres. However, Officers still consider the development to be acceptable as it essentially seeks to rebuild what was there before, albeit using more of the footprint.

The lack of amenity space is noted but it is considered that a more flexible approach can be taken in denser areas such as this where available land is limited. Private amenity space could have been provided at this site by setting the development back at the rear but the Applicant has sought to maximise the use of the site and this particular policy issue is not considered to carry such weight that the application should be resisted on this basis alone.

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 Council's Highway Engineers have responded to state concerns that the proposed A1 use classes could potentially lead to abuse of the existing waiting/loading restrictions at that location. Both Back Halliwell Road North and Rawsthorne Street are currently well used by existing businesses for loading/parking and this retail proposal has the potential to exacerbate the situation. Furthermore, the proposed upper floors of the new premises will be used as 2 number, 2 bedroom flats. There is no off-road parking provision proposed which will inevitably lead to overspill parking onto the surrounding highways to the detriment of residential amenity.

Planning Officers have considered this advice but take the view that the proposal essentially seeks to rebuild what was there before, albeit using more of the footprint. Shops are typical of Halliwell Road and the majority of the Borough's radial routes and the site is in fact allocated for retail purposes. Retail is considered to be acceptable in principle here and Officers note that permitted development rights allow for one or two flats above all retail properties.

This is a sustainable location, less than one mile from the town centre boundary and well served by public transport along Halliwell Road, Blackburn Road and Brownlow Way. This is not a location where the occupants would need access to a private motor vehicle on a day to day basis. Clearly they may still wish to have access to a car, in which case they would have to seek on-road parking in competition with existing residents. However, it is not considered that existing residents can exercise any greater right to an on-road parking space than anyone else, including new residents. The test for the Council should instead be whether the development is of such a scale that on-road parking could have such an impact on highway safety that the application should be resisted on this basis. This is not considered to be the case, despite the concerns of Highway Engineers. In any case, parking standards are expressed as a maximum, not a minimum. There is no policy requirement for off-road parking here.

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 situation prior to the collapse of 210 Halliwell Road. 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. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. 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.

The Core Strategy plans for an average of 694 additional dwellings per annum between 2008 and 2026, an overall total of 12,492 dwellings. This is above the minimum level specified in the approved Regional Spatial Strategy and reflects the factual evidence from the Housing Market Assessments and the Sustainable Community Strategy aim of creating housing that meets Bolton's needs. This figure will need to have a degree of flexibility to enable the higher rate of housing delivery required in Bolton as part of the Greater Manchester Growth Point.

The location of new housing will reflect the overall spatial option of concentrating development in Bolton town centre, renewal areas and at Horwich Loco Works. There will continue to be some development in the outer areas where it is in character with the surrounding area and where there is adequate infrastructure. The Transforming Estates programme will provide new housing on sites in council-owned housing areas, as part of an integrated approach of transforming the physical environment, and fostering community and economic regeneration.

The Housing Market Assessments have provided an evidence base to inform the required mix of housing types. This shows that there is a requirement to construct more larger houses than has recently been the case, as well as to continue to provide for the increasing proportion of small households.

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.

National policy seeks to significantly increase the number of housing units overall. The Core Strategy seeks to focus housing growth within Inner Bolton areas such as this, make more efficient use of land and notes a requirement for smaller households. The proposal is considered to make a small but positive contribution to housing provision.

#### 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 site is allocated for retail purposes within the development plan and this use is therefore considered to be acceptable in principle without harming existing retail centres. The proposal is considered to make a small but positive contribution to economic development.

### **Conclusion**

This development is considered to be compatible with the street scene. The benefits of improving the appearance of this neglected site are noted. The impact on the living conditions at neighbouring properties will be little different to the situation prior to the collapse of 210 Halliwell Road. Parking is not considered to be a major issue in this sustainable location and car ownership is likely to be low or non-existent. The lack of amenity space is noted but is not considered that a refusal could be defended on these grounds alone - the building envelope proposed is at the limits of what would be acceptable here but is not considered to represent overdevelopment.

The proposal will deliver a small increase in housing provision and economic development, will result in the development of a neglected and harmful site and insufficient harm has been identified to outweigh this. Members are recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** one letter of objection has been received from the adjacent property. The grounds of objection are:-

- the proposal seeks to cover the entire footprint of the site
- this will completely block out light to my yard

### **Consultations**

Advice was sought from the following consultees: Highway Engineers, Pollution Control, GM Police

### **Planning History**

None relevant. The mid-2009 collapse of 210 Halliwell Road and subsequent damage to adjacent properties is referred to in the body of the report.

**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, dormer 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.

3. All new window frames to the building(s) shall be recessed a minimum of 0.07 metres behind the external face of the elevations of the development hereby approved.

Reason

In the interest of creating architectural depth and shading to the elevations.

4. Before the first occupation of the building hereby permitted, all windows facing 204 Halliwell Road 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.

5. 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.

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

**RAD/1158/15/1/RevA**

Reason

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







**Application number  
94991/15**



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**Date of Meeting: 14/01/2016**

**Application Reference: 94991/15**

**Type of Application: Full Planning Application**  
**Registration Date: 19/10/2015**  
**Decision Due By: 13/12/2015**  
**Responsible Officer: Martin Mansell**

**Location: 68 CHORLEY OLD ROAD, BOLTON, BL1 3AE**

**Proposal: CONVERSION AND EXTENSION OF RETAIL PREMISES TO FORM THREE STOREY BUILDING FORMING 6NO SELF-CONTAINED FLATS**

**Ward: Halliwell**

**Applicant: Mr Hussain**  
**Agent : Form Architects Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Members may recall their grant of consent at this property in May 2015 (93780/15), approving the conversion and extension of this building to form five flats. The Applicant now proposes that this be increased to six flats by raising the height of the rear element - the ridge height of the rear element would be 9.5 metres rather than the approved 8.1 metres.

Consent is sought for the conversion of this retail property to six one-bedroomed flats. The outer leaves of the elevations would be removed and rebuilt so that the result would be a three storey building at the front with a three storey element to the rear. Windows would be inserted in the side elevation to form the principal windows of the flats. No off-road parking or amenity space would be provided (other than a small front garden), though two areas for the storage of bins and recycling are shown, together with an area for cycle storage under the staircase. Access would be provided at two points - the front ground floor flat would have its own access from the front with the other six flats accessed from a side door. Materials proposed are red brick with white uPVC glazing.

### **Site Characteristics**

The site is a large two-storey retail property. The front element was an electrical supplier and the property has been substantially extended over the years to the rear, likely for storage. The retail element has a traditional shopfront with some features of interest, but in general the property has a poor appearance demonstrating a lack of maintenance and the extensions show an irregular pattern of development. Roller shutters and window mesh add to the harm to the character and appearance of the area.

This part of Chorley Old Road is predominantly residential in character, though there are some offices opposite. This particular row is unusual in that it displays the typical pattern of terraced housing,

bookended by large three-storey properties, but with the application site attached at the end, affecting the balance. The property immediately adjacent is three-storeys and has been converted to flats. To the north west is another row of terraced housing and the property closest to the application site is in affect two houses used as one, substantially extended to the rear with some room windows overlooking the application site.

### **Policy**

National Planning Policy Framework - Building a strong and competitive economy, promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities

Core Strategy Objectives: SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO11 Built Heritage, SO14 Inclusive Housing, SO15 Sustainably Located Housing and SO16 Community Cohesion and Access.

Core Strategy Policies: P5 Transport, S1 Crime and Road Safety, CG2 Sustainable Development, CG3 Design and the Built Environment, CG4 Compatible Uses, SC1 Housing Targets and RA1 Inner Bolton.

### **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.

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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.

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Policy RA1 of the Core Strategy relates specifically to Inner Bolton and seeks to conserve and enhance the distinctive character of the existing physical environment, ensure that development has particular regard to massing and materials used, due to the predominance of red brick, slate-roofed, two-storied terraced housing, respect and strengthen the traditional grid-iron pattern and the street-scaping of existing housing and mills where it is compatible with good urban design and make efficient use of land in inner Bolton due to existing higher levels of development density whilst requiring development to provide adequate privacy and amenity space and conform to the overall spatial approach.

The front element of the building envelope essentially replicates that of the adjacent property - a substantial three-storey gable fronted property. To the rear, the three storey element replicates the structure that already exists at the site but would exceed the approved height by 1.4 metres. In this regard, the property is considered to be compatible with the street scene, taking its key characteristics from the immediate area. That said, the terraced row would have two large properties on the north-west end and one on the south-east end; however, this is considered to be acceptable as the row is quite long and therefore the imbalance will be less apparent and furthermore the row is already imbalanced to a degree by the application site. The side elevation will be over-fenestrated in relation to nearby properties, but this has been minimized by keeping the windows as far to the rear as possible. The step-down between the two elements is considered to keep the principle of subservience between them and the small enclosed front garden contributes to keeping the development compatible with the street scene. Rather than read as a true three storey element, the design utilises a gable feature and roof light to accommodate the additional flat without losing the sense of subservience.

GM Police have responded to state that they do not support the proposals due to the lack of defensible space to the windows of the apartments. The positioning of windows directly on to the pedestrian footway will likely leave residents subject to anti-social behaviour, nuisance and potentially criminal activity. This is noted; however, given that GMP did not respond to the initial consultation which approved the windows in this location it is considered that little weight can be given to this issue. In any case, the side street benefits from good natural surveillance given the proximity of Chorley Old Road and it is noted that back of pavement windows already exist in the area, not least at the dwelling across the street.

The development is considered to be compatible with the street scene by way of replicating key features from nearby properties.

#### 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 considered appropriate for this area, given the generally residential context. Concerns about the type of person that a development may attract are often raised, but the general approach of the planning system is to permit different types of residential accommodation within an area, provided that an area is not overly dominated by one particular type of accommodation. That is not the case in this instance - the adjacent property has been converted to flats, and small one-bedroomed flats do exist within the area, but the area in general is predominantly terraced housing.

Due to a lack of knowledge about the internal layout of No. 66, it has not been possible to look at the issue of room incompatibility i.e. it may be the case that bedrooms in the new development are adjacent to living rooms in the adjacent property, and vice versa; however a condition will be imposed requiring acoustic treatment between the properties. The rear element has the same footprint as the existing property and therefore the impact on outlook from No. 66 will not be adversely affected, despite the 1.4 metre height increase over and above the approval.

The comments of the objectors at Nos. 70 and 72 in relation to overlooking are noted. The Applicant states that the windows in the side elevation are original and it does seem to be difficult to tell - the property was subject to regeneration with new brickwork added. However, the windows do overlook the application site and the footways and carriageway in between. There are four windows in the side elevation, not all of which appear to serve main rooms. The test for the Council should be whether the living conditions enjoyed at Nos. 70 & 72 (essentially one property, or at least with a degree of commonality) would be so harmfully affected by the development that the proposal should be resisted on this basis.

These two terraced houses have their principal windows at the front and rear and none of these windows will be affected by the proposed development. The side windows are sited at the back of pavement overlooking the public highway and it is not considered that these windows can benefit from the same degree of protection as windows at the front and rear. The objector has not provided any evidence to support their assertion that these are principal windows serving principal rooms. In any event, the majority of windows at the property, all the front and rear windows, will not be affected in any way by the proposed development, meaning that the overall impact on the objector's property is limited, given that the application site is 11 metres away across a public highway.

The lack of amenity space is noted but it is considered that a more flexible approach can be taken in denser areas such as this, given the sustainable location close to the town centre. It is difficult to see how private amenity space could be provided at this site and this particular policy issue is not considered to carry such weight that the application should be resisted on this basis alone.

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 Council Highway Engineers have responded to state there are no highway objections, subject to

the Neighbourhood Services Manager confirming that the bin store would be adequate to prevent bins from being stored on the highway.

The two bin stores were added following advice from Waste and Fleet and are considered to be adequate.

This is a sustainable location, less than one mile from the town centre boundary and well served by public transport along Chorley Old Road, Chorley New Road and Vernon Street with 12 buses per hour in each direction along Chorley Old Road at peak times. This is not a location where the occupants would need access to a private motor vehicle. Clearly they may still wish to have access to a car, in which case they would have to seek on-road parking in competition with existing residents. However, it is not considered that existing residents can exercise any greater right to an on-road parking space than anyone else, including new residents. The test for the Council should instead be whether the development is of such a scale that on-road parking could have such an impact on highway safety that the application should be resisted on this basis. This is not considered to be the case, given the acceptance of Highway Engineers. In any case, parking standards are expressed as a maximum, not a minimum. There is no policy requirement for off-road parking here.

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 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. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. 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.

The Core Strategy plans for an average of 694 additional dwellings per annum between 2008 and 2026, an overall total of 12,492 dwellings. This is above the minimum level specified in the approved Regional Spatial Strategy and reflects the factual evidence from the Housing Market Assessments and the Sustainable Community Strategy aim of creating housing that meets Bolton's needs. This figure will need to have a degree of flexibility to enable the higher rate of housing delivery required in Bolton as part of the Greater Manchester Growth Point.

The location of new housing will reflect the overall spatial option of concentrating development in Bolton town centre, renewal areas and at Horwich Loco Works. There will continue to be some development in the outer areas where it is in character with the surrounding area and where there is adequate infrastructure. The Transforming Estates programme will provide new housing on sites in council-owned housing areas, as part of an integrated approach of transforming the physical environment, and fostering community and economic regeneration.

The Housing Market Assessments have provided an evidence base to inform the required mix of housing types. This shows that there is a requirement to construct more larger houses than has

recently been the case, as well as to continue to provide for the increasing proportion of small households.

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.

National policy seeks to significantly increase the number of housing units overall. The Core Strategy seek to focus housing growth within Inner Bolton areas such as this, make more efficient use of land and notes a requirement for smaller households. The proposal is considered to make a small but positive contribution to housing provision.

### **Conclusion**

This development is considered to compatible with the street scene. The benefits of improving the appearance of this neglected property are noted. The impact on the living conditions at No. 66 will be little different and the majority of windows at Nos. 70 & 72 will not be affected. Parking is not considered to be a major issue in this sustainable location and car ownership is likely to be low or non-existent. The lack of amenity space is noted but is not considered that a refusal could be defended on these grounds alone - the building envelope will remain largely as existing and therefore over-development would be difficult to defend.

The proposal will deliver a small increase in housing provision and insufficient harm has been identified to outweigh this. Members are therefore recommended to approve this application.



## **Representation and Consultation Annex**

### **Representations**

**Letters:-** two letters of objection have been received from nearby properties. The grounds of objection are:-

- this application has a vast extension vertically having a greater impact on my property
- due to the extension it will lead to an increase in the loss of my privacy and overshadowing leading to a decrease in natural sunlight which is a major issue.
- the number of additional windows will mean result in properties being overlooked and consequently there will be a loss of privacy.
- the interface distance for principal windows as per policy guidelines is 13.5 metres, for the application site this is 11 metres
- in accordance with planning policy guideline for parking we understand there is a requirement of one parking space per flat therefore there will be a requirement of 6 parking spaces. Currently all residents within the vicinity of this site park their vehicles on the street, which means there is a considerable lack of parking spaces. All properties nearby have virtually no allocated parking or off street parking spaces. The ratio of cars to dwellings currently in the area means on average there is more than one car to each property. The area is already heavily congested in terms of parking and this current application will exacerbate this issue further. This factor was dismissed previously as evidence was presented in the form of a photograph showing the street not congested during the daytime and not taking account timing as parking is overused in the area on evenings and weekends when most people are home and not using their cars to commute. This was misleading and again we would want the source and timing of this evidence disclosed to residents (Officers note: the photographs shown at Planning Committee were taken during a day of a weekday, as is standard practice. There was no intention of misleading Members - it is simply a matter of Planning Officers working office hours)

### **Consultations**

Advice was sought from the following consultees: Highway Engineers, Pollution Control, GM Police.

### **Planning History**

Previous approval of five flats in May 2015 (93780/15)

A previous application for six flats and a more modern design was withdrawn by the Applicant in February of this year, on the recommendation of Planning Officers (93493/15)

**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.

3. No development shall take place unless and until a scheme to acoustically insulate the party wall between the application site and No. 66 Chorley Old Road in line with guidance in Section 5 of Building Regulations 2000, Approved Document E, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the commencement of the use and retained thereafter.

Reason

To minimise the impact of noise disturbance on future occupants.

4. All new window frames to the building(s) shall be recessed a minimum of 0.07 metres behind the external face of the elevations of the development hereby approved.

Reason

In the interest of creating architectural depth and shading to the elevations.

5. 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.

6. 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.

7. Prior to the development being brought into use, details of the front dwarf wall shall be submitted to and approved by the Local Planning Authority and the wall shall be provided within 28 days of occupation and retained thereafter.

Reason

To ensure compatibility with the street scene.

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

**14.16 P38 Rev A**  
**14.16 P39 Rev A**  
**14.16 P40 Rev A**

Reason

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



project

**Residential  
conversion**

**68 Chorley Old Road,  
Bolton**

FORM ARCHITECTS ltd

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1 george leigh street  
manchester m4 5dl  
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date

**06/03/15**

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job no  
**14.16**

drawing number  
**P38 REV A**

title  
**Proposed Floor  
Plans**  
scale  
**1 : 100**

notes:

project  
**Residential  
conversion**

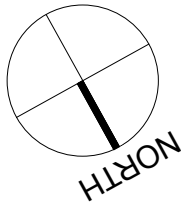
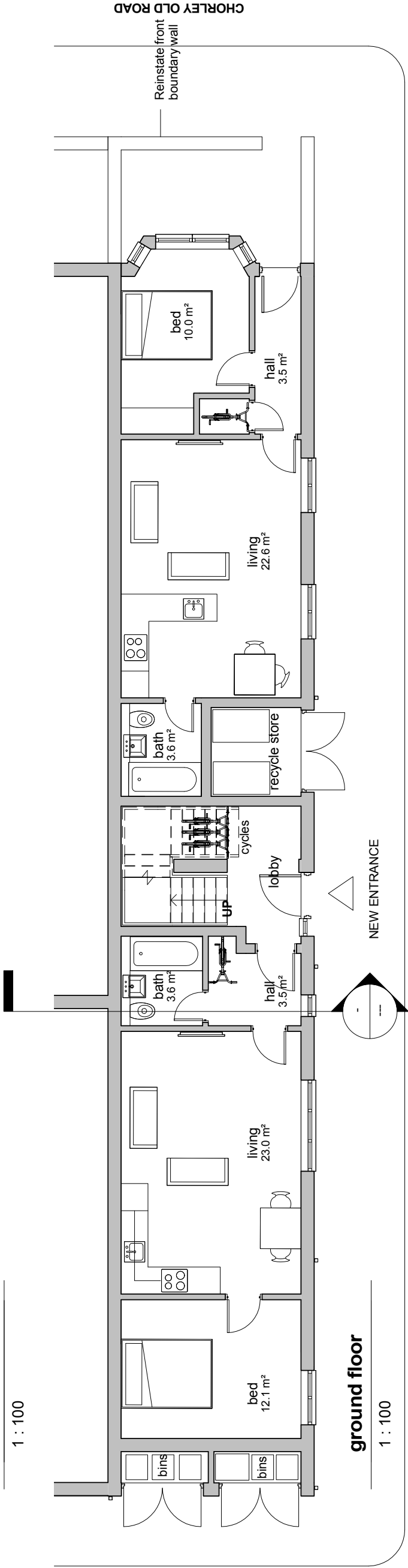
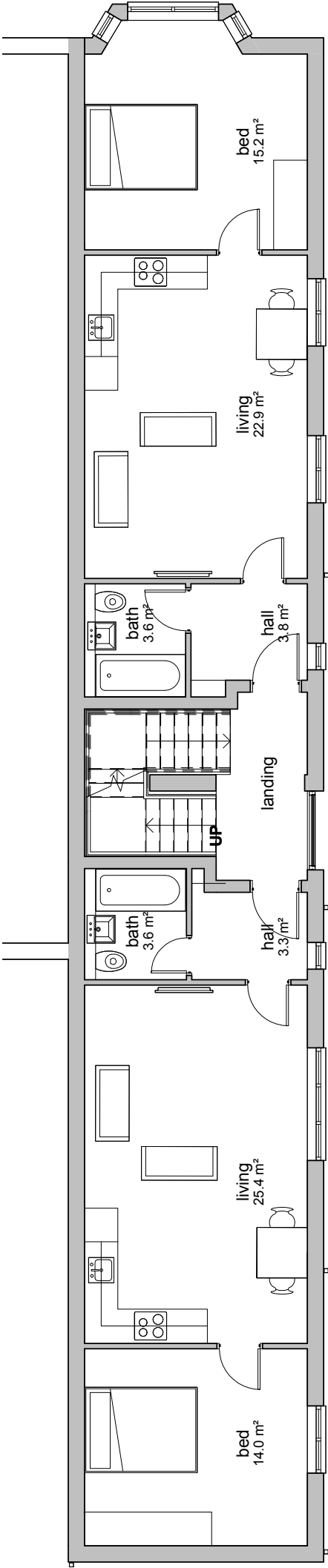
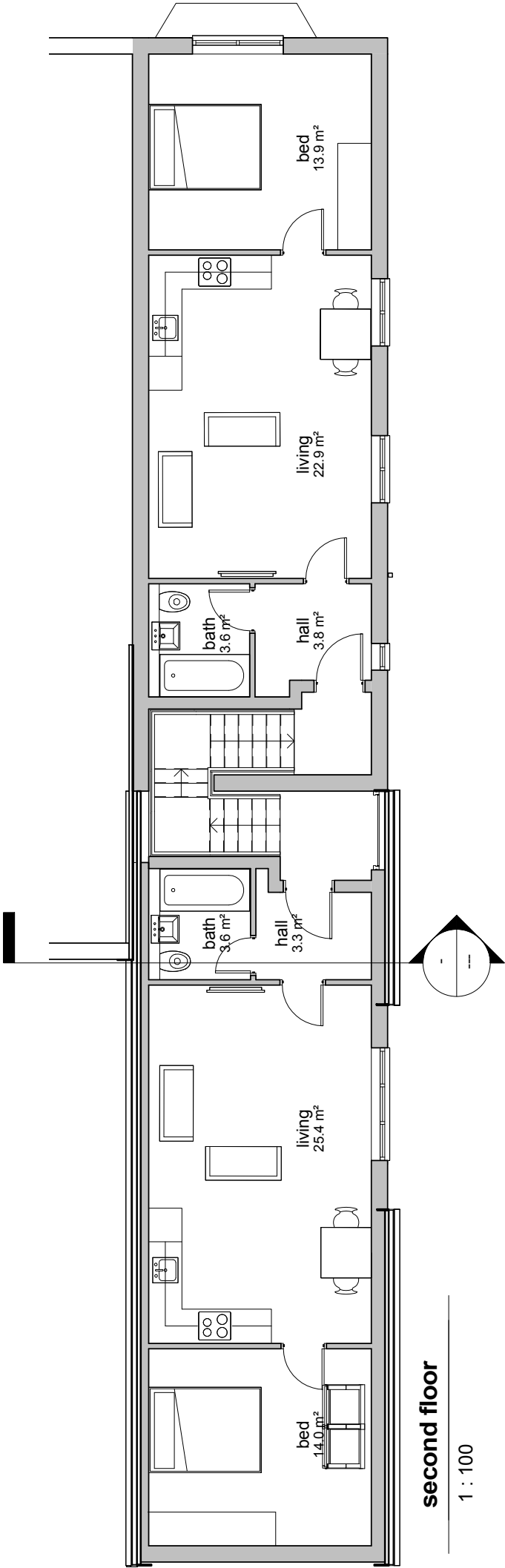
**68 Chorley Old Road,  
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**02/06/2015**

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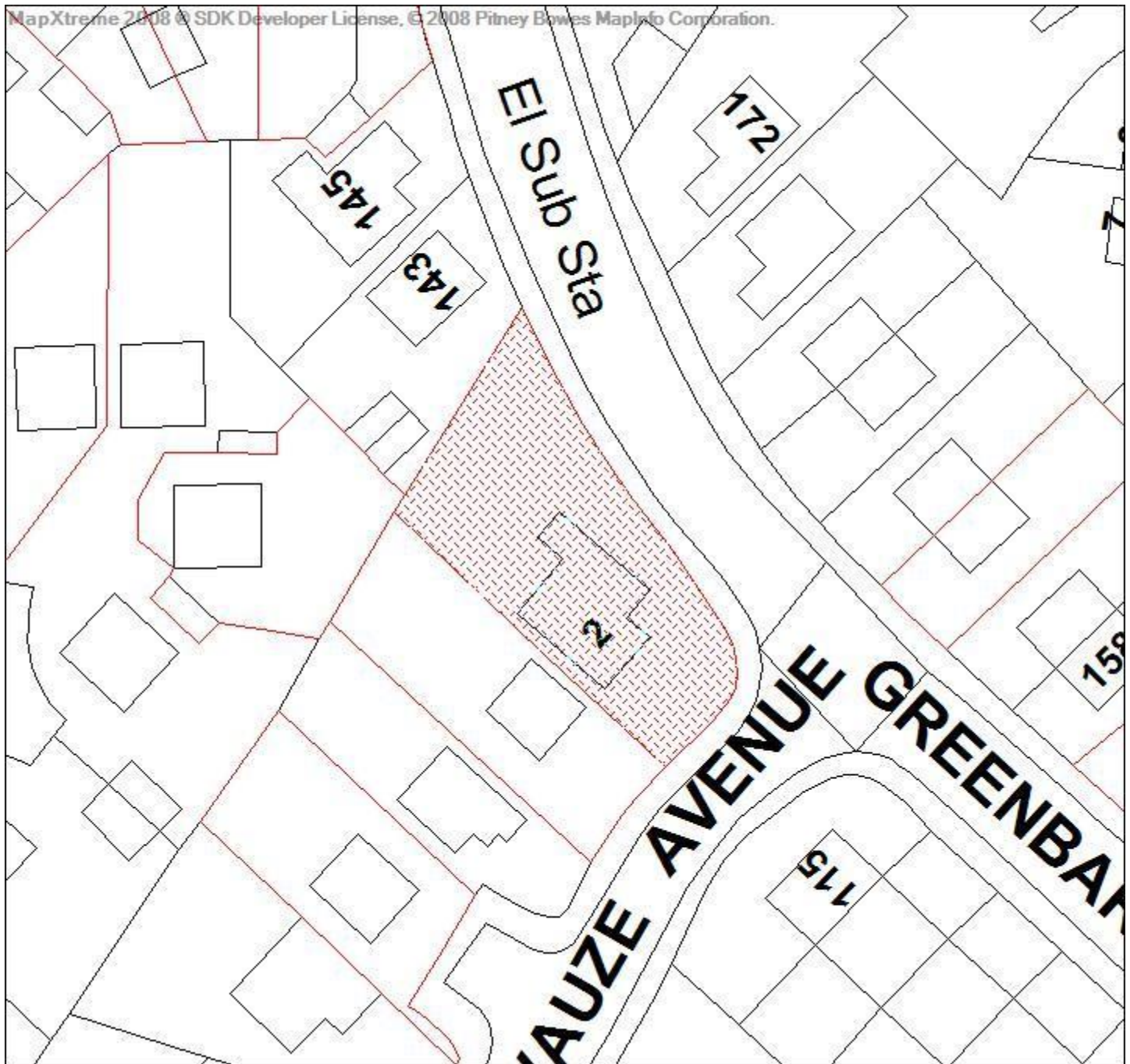


SCALE 1:100





**Application number**  
**95032/15**



**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: 14/01/2016**

**Application Reference: 95032/15**

**Type of Application: Full Planning Application**  
**Registration Date: 28/09/2015**  
**Decision Due By: 22/11/2015**  
**Responsible Officer: Helen Williams**

**Location: 2 VAUZE AVENUE, BLACKROD, BOLTON, BL6 5TS**

**Proposal: ERECTION OF PART SINGLE STOREY/PART TWO STOREY  
EXTENSION TO SIDE.**

**Ward: Horwich and Blackrod**

**Applicant: Mr P Wilcockson**  
**Agent : P J Design**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

This application is being heard before Committee as the applicant is related to a member of Planning staff.

Permission is sought for the erection of a part single storey, part two storey/first floor extension to the side of the house. The majority of the extension is to be two storeys in height and built over the existing attached side element; only the front (approximately 1.6 metre long) section is to be single storey. The extension will accommodate a new porch at ground floor and an additional bedroom and extended bedroom at first floor. The dwelling will be extended from a four bedroom to a five bedroom dwelling.

### **Site Characteristics**

The application property is a two storey detached dwelling sited on a corner plot at the junction of Vauze Avenue with Greenbarn Way. The property has a single storey side element attached to its north eastern side, parallel with Greenbarn Way, which accommodates a store at the front (with garage door) and an extended kitchen and utility.

There is a driveway to the front/side of the house. A tall conifer hedge forms the side boundary and abuts the pavement on Greenbarn Way.

The neighbouring property at 4 Vauze Avenue is also a detached two storey dwelling, but of a different design to the application property. The side of 143 Greenbarn Way faces the rear of the application site; this dwelling is sited some 19 metres away from the application dwelling. The side elevation of 115 Greenbarn Way faces the front of the application property and nos. 166 to 170 face the site on the opposite side of Greenbarn Way.

## **Policy**

National Planning Policy Framework (NPPF)

Core Strategies Policies: P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

SPD House Extensions

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 OA1 of the Core Strategy states that the Council will conserve and enhance the character of the existing landscape and physical environment, and will 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 such as stone.

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 application property is sited at the junction of Vauze Avenue with Greenbarn Way. The front of the dwelling faces Vauze Avenue and its longer side elevation faces Greenbarn Way. A tall and long conifer hedge screens the ground floor of the dwelling when viewed from Greenbarn Way (from the north).

The proposed extension will be sited mostly over the existing single storey side element to the dwelling. This will increase the massing of the side portion to the house, but it is considered that the extension will continue to appear subservient to the main dwelling as the two storey element will be set back from the front elevation, the roof ridge will be at a lower level than the ridge of the main

dwelling and the extension will be sited some 4.5 metres away from the side boundary (from the pavement on Greenbarn Way). It is therefore considered that the proposal will not harm either the character and appearance of the host dwelling or the street scene.

It is therefore considered that the proposed extension complies with Policies CG3 and OA1 of the Core Strategy and the guidance contained within SPD House Extensions.

#### 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.

The proposed side extension will be sited on the opposite side of the dwelling from 4 Vauze Avenue and will not extend any further to the rear than the existing single storey side element. It is not considered that the proposal would affect the amenity of the neighbours at no.4.

143 Greenbarn Way is sited some 19 metres away to the rear (and at an angle away) and presents its side elevation to the rear of the application property (an elevation containing no main windows). It is therefore considered that the proposed extension would not unduly affect this neighbouring property.

166 to 170 Greenbarn Way face the side of the proposed extension, but are over 22 metres away, which far exceeds the recommended minimum interface distance of 13.5 metres within the SPD. It is therefore considered that the proposal would not unduly harm the amenity of the neighbours at these dwellings.

115 Greenbarn Way has its side elevation (containing no main windows) facing the front elevation of 2 Vauze Avenue. It is therefore considered that the occupants of this dwelling will not be affected by the proposal.

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

#### 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 dwelling has an existing driveway to its front/side. There is not an existing integral garage, only a store.

The applicant has illustrated within their submission that the existing driveway (following the construction of the extension) would continue to allow for the off-street parking of two vehicles. It is considered that two parking spaces are sufficient for the extended property and it is noted that there are no parking restrictions in the vicinity.



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

### **Conclusion**

For the reasons discussed above it is considered that the proposed side extension would not harm the character and appearance of the host dwelling or street scene, would not unduly harm the amenity of any neighbouring resident, and would not jeopardise highway safety, compliant with policy. Members are therefore recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Blackrod Town Council:-** raised no objection at their meeting of 7th December 2015.

### **Consultations**

Advice was sought from the following consultees: Highways Engineers.

### **Planning History**

A certificate of lawful development was granted in April 2012 for the proposed conversion of the garage to living accommodation (87776/12).

Permission was granted in September 2007 for the retention of a rear conservatory, pitched roof to the garage and the resiting of boundary fence (77933/07).

**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. 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

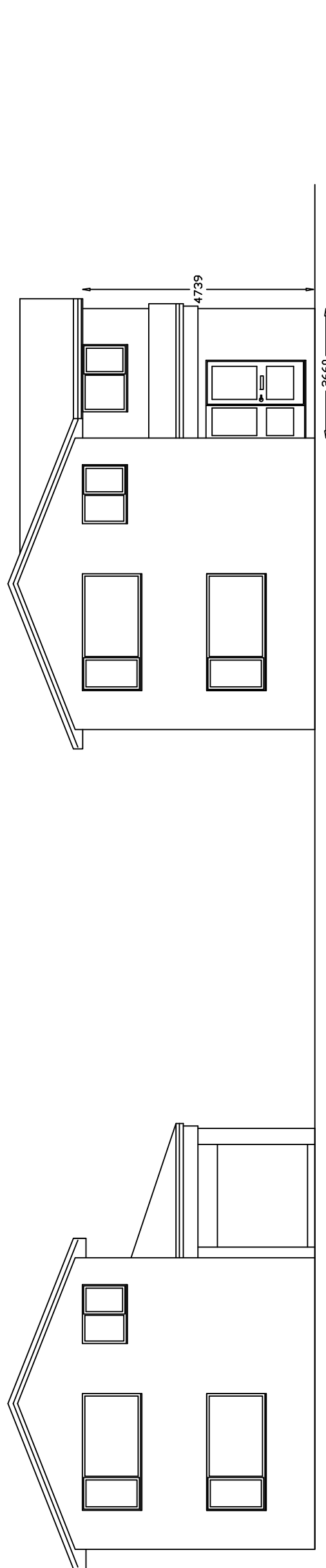
To ensure the development visually reflects the existing building.

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

**PJ 833-03A; "Proposed Ground Floor Porch Extension Proposed First Floor Side and Rear Extension"; received 5 Nov 2015**

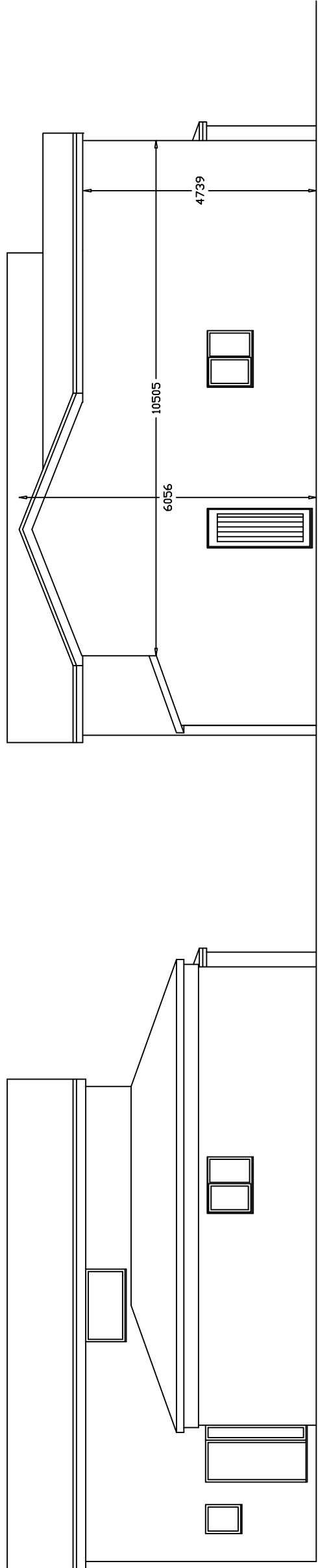
Reason

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



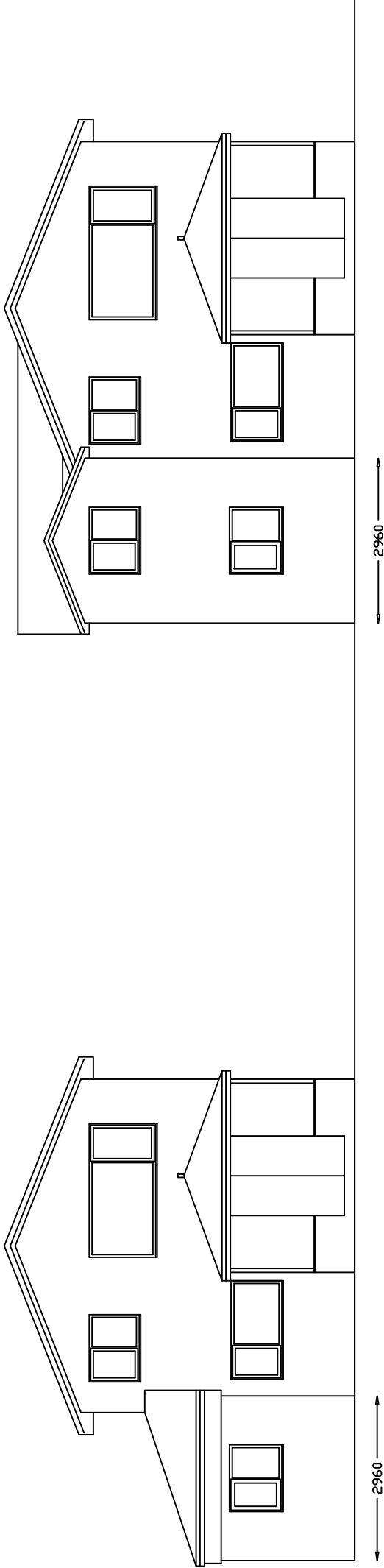
EXISTING FRONT SOUTH EAST ELEVATION

PROPOSED FRONT SOUTH EAST ELEVATION



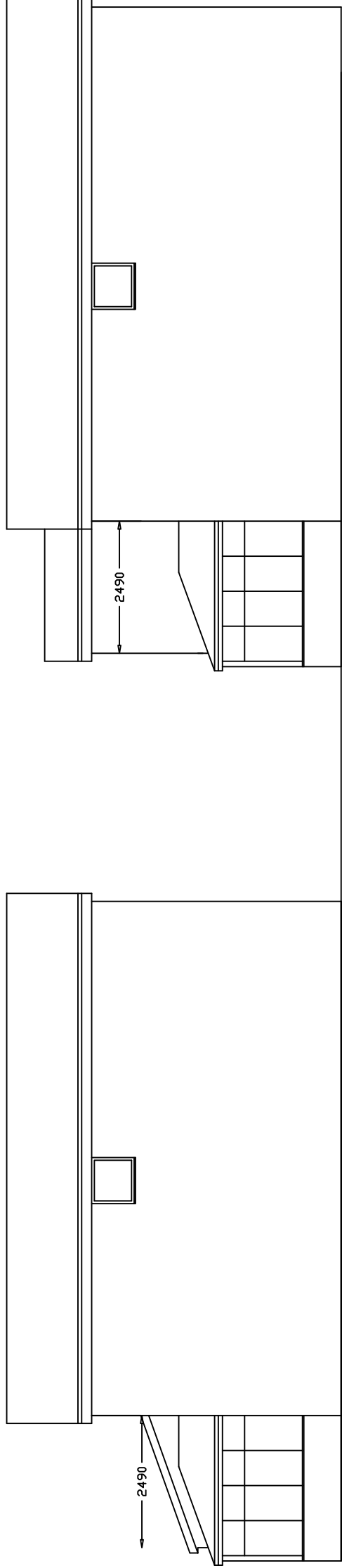
EXISTING NORTH EAST ELEVATION

PROPOSED NORTH EAST ELEVATION



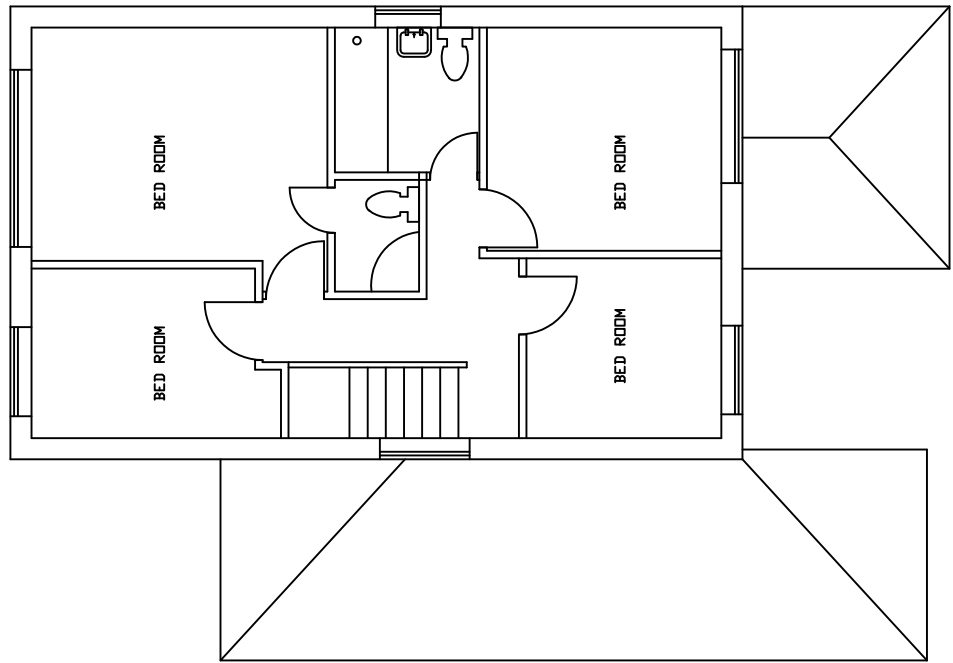
EXISTING REAR NORTH WEST ELEVATION

PROPOSED FRONT NORTH WEST ELEVATION

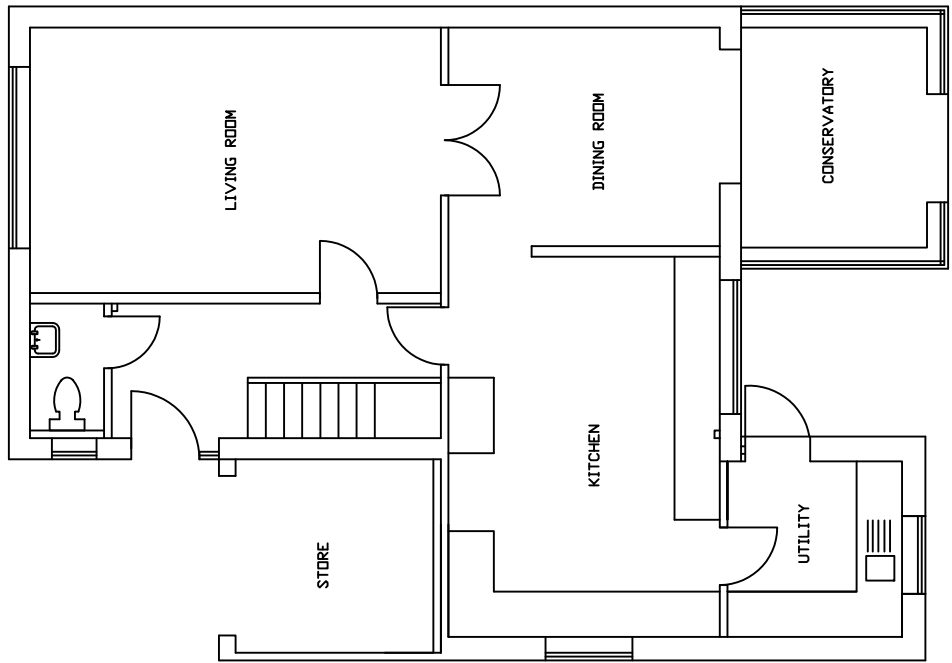


EXISTING SOUTH WEST ELEVATION

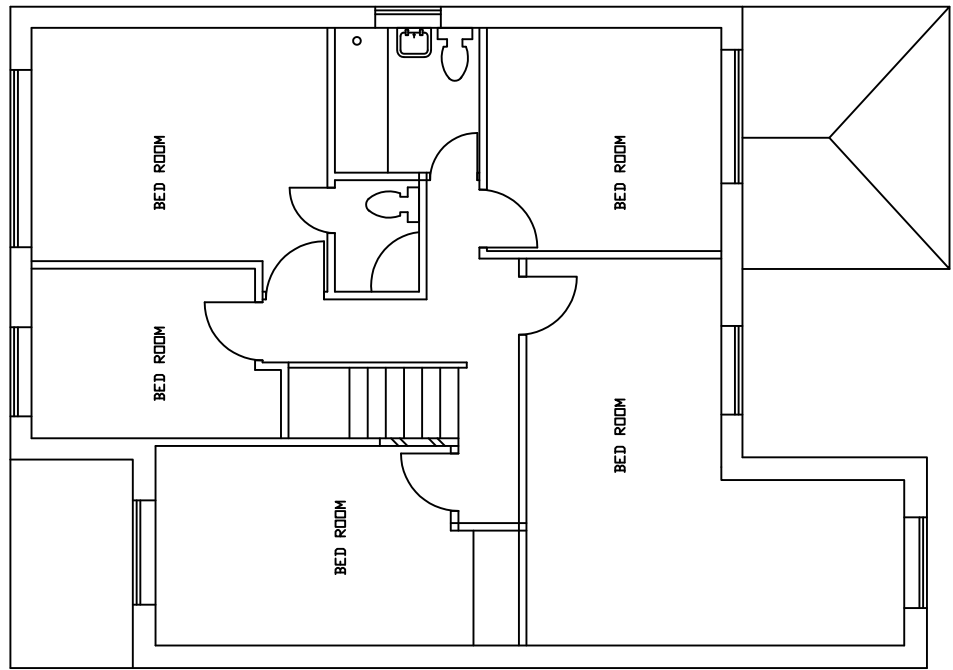
PROPOSED FRONT SOUTH WEST ELEVATION



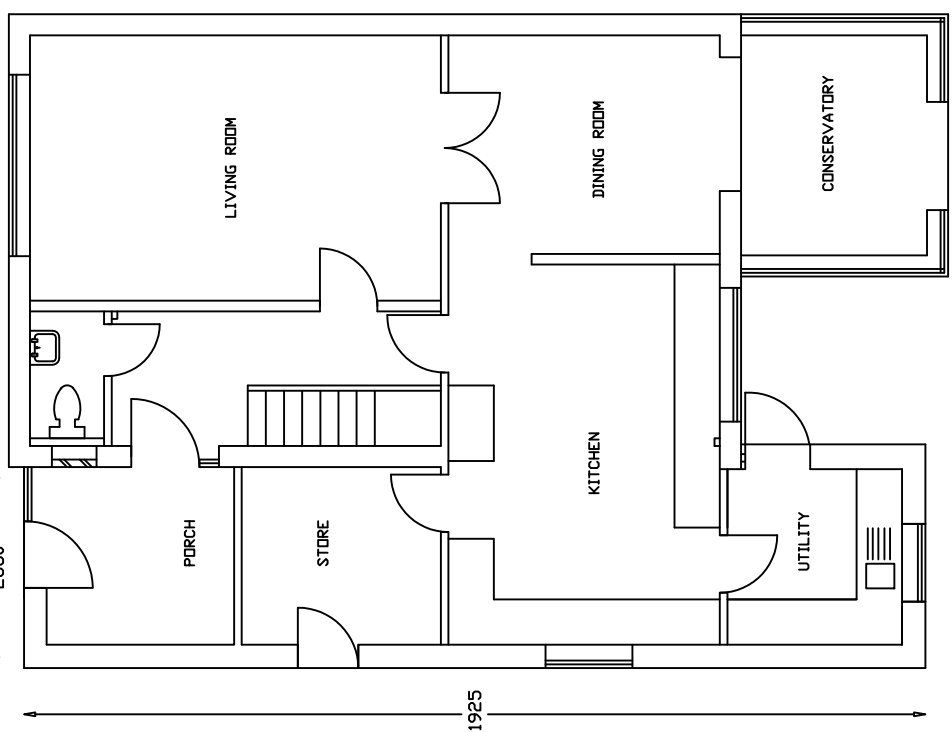
EXISTING FIRST FLOOR PLAN



EXISTING GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



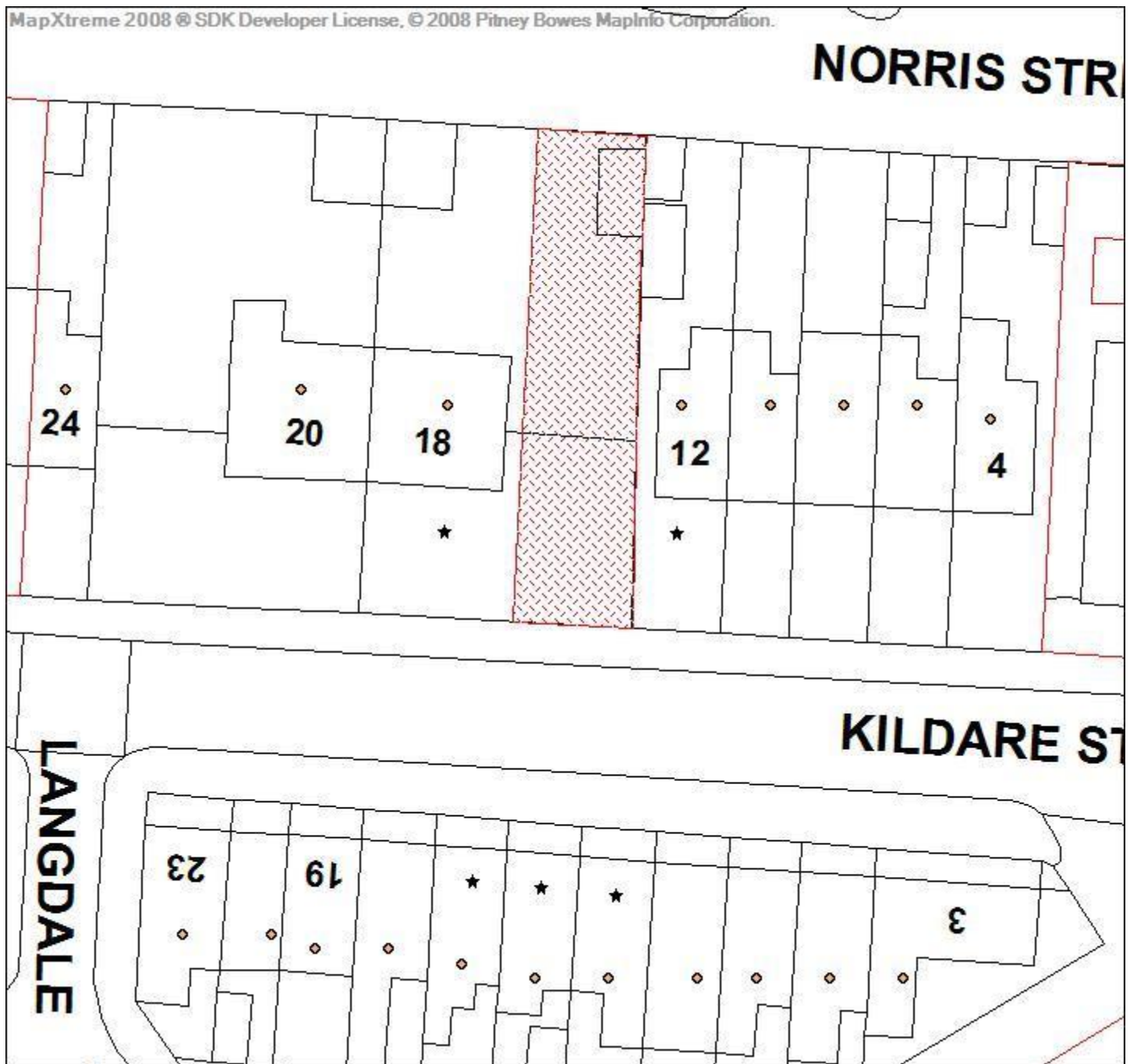
PROPOSED GROUND FLOOR PLAN

PROPOSED GROUND FLOOR PORCH EXTENSION  
PROPOSED FIRST FLOOR SIDE AND REAR EXTENSION

MR + MRS WILCOCKSON  
2 VAUZE AVE  
BLACKROD  
BOLTON BL6 5TS  
DRAWING PJ 833-03A  
P. J. DESIGN 31 FULSHAW PARK SOUTH  
WILMSLOW SK9 1DP  
TEL 07969 790075 psherid@btconnect.com

SCALE 1:100  
NOV 2015

Application number  
95132/15



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: 14/01/2016**

**Application Reference: 95132/15**

**Type of Application: Full Planning Application**  
**Registration Date: 15/10/2015**  
**Decision Due By: 09/12/2015**  
**Responsible Officer: Paul Bridge**

**Location: 18 KILDARE STREET, FARNWORTH, BOLTON, BL4 9NP**

**Proposal: ERECTION OF DETACHED HOUSE AND GARAGE.**

**Ward: Farnworth**

**Applicant: Polly Properties**  
**Agent : Harry Jackson Surveyors Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

The application seeks full permission for the erection of one new dwelling. The dwelling would incorporate a living room, dining room, kitchen and cloakroom on the ground floor, three bedrooms (one en suite) and a bathroom on the first floor and a fourth bedroom in the roof space. The dwelling house would include on site parking spaces to the rear via the detached garage. The detached garage would be sited at the end of the proposed rear garden area, fronting onto and accessed off Norris Street. The dwelling would be constructed with brickwork and tiles. Details of the boundary treatment have not been provided. Pedestrian access to the front and rear of dwelling is provided by pathways to the front and side.

### **Site Characteristics**

The site currently comprises part of the residential curtilage of No.18 Kildare Street, which itself forms part of a large pair of semi-detached dwellings. The rear of the application site is stepped and is set on a lower level than the front of the site. No.18 and 20 Kildare Street sit centrally with two rows of terraced dwellings on the northern side of Kildare Street. The site is located within a residential area of Farnworth. To the rear of the site is Norris Street which provides access to a number of garages and the rear of the dwellings along Kildare Street. The dwellings in the immediate surrounding area consist predominantly of terraced dwellings interspersed with semi-detached dwellings, which differ in size, type and design.

There are a mature trees sited at the front of the site (one on the highway) and also one to the rear which are not covered by way of Tree Preservation Orders.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategy: CG1.5 Flooding, CG3 The Built Environment, CG4 Compatible Uses, RA2 Farnworth,

SC1 Housing, P5 Transport and Accessibility, S1 Safe Bolton and Appendix 3 Parking Standards.

SPD Accessibility, Transport and Road Safety  
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 proposed development
- \* impact on the character and appearance of the area
- \* impact on residential amenity
- \* impact on parking and highway safety
- \* impact on flood risk
- \* impact on trees.

### **Principle of Proposed 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 deliver homes (paragraph 17). It is noted with this application that the status of residential gardens as previously developed land has been removed within national planning policy. However, it is noted that the NPPF now sets out a presumption in favour of sustainable development. The proposed dwelling would be sited on an area within the residential curtilage, which currently houses a grassed garden area. Given the siting, scale and design of the proposed dwelling, it would be appropriate in the surrounding residential context. In addition, the proposal is considered to constitute a sustainable form of development within a sustainable location for the purposes of the NPPF and therefore the principle of the proposed development is considered acceptable.

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

Paragraph 56 of the NPPF highlights that good design is a key aspect of sustainable development and is indivisible from good planning. Furthermore, it states that 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.

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.

The proposed development comprises of a four bedroomed dwellinghouse. The area immediately surrounding the site comprises of residential dwellings with a mix of 2, 3 to 4 bedrooms. The proposed dwelling would be of a similar size and scale to the surrounding two storey dwellings and therefore the size and type is considered acceptable. It is also considered that this proposal would be consistent with the mix of dwellings, in terms of size, type and affordability within the surrounding area.

The site is located within a street scene characterised on this section of Kildare Street by a mixture of terraced and semi-detached dwellings, which differ in terms of style, design and finished materials. The proposed development, comprising of a gabled ended roofed two storey detached dwelling with a small single storey front element at ground floor level, would be wholly sympathetic to the character and appearance of the area. The proposed use of facing brick for the walls and roof tiles would complement the surrounding area and would not be at odds with its character, with a mix of dwellings with a mixture of brick and render finish. The proposed dwelling's overall ridge height would not significantly disrupt the existing pattern of rooflines along this section of Kildare Street.

No details of the hard and soft landscaping or boundary treatments has been provided. Therefore condition have been attached to ensure any potential surface water run-off is satisfactorily controlled and further details for the landscaping are submitted.

Having regard to the above, the proposed development is considered to be physically well related to the character, layout and scale of existing buildings within the surrounding area and would not cause any overriding detriment to the surrounding area. Therefore, the proposed development is considered to be in accordance with the requirements of the NPPF and policies CG3 and RA2.

#### 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.

#### *Loss of Light/Overbearing*

The application proposes a two storey semi-detached dwelling with a ridge height of approximately 8.15 metres.

Directly to the rear of the site is Norris Street, beyond which are the grounds of a three storey block of residential flats. The interface distances to these flats would be in excess of 45 metres which is considered adequate to prevent any significant loss of amenity by way of loss of daylight or overbearing.

The proposed dwelling would be set in approximately 1.8 metres from the adjacent dwelling at No.18 Kildare Street and approximately 2.4 metres from No. 12 Kildare Street. The main body of the dwelling would not project beyond the main front and rear elevations of the adjacent dwellings at No.12 and 18. However, the proposed single storey front element would project marginally beyond the front elevations of No.12 and 18. Given the minimal projection it is not considered that this would result in an acceptable impact in terms of loss of light or being overbearing on the occupiers of No.12 and 18 Kildare Street.

A distance of approximately 25 metres would be maintained to the terraced residential dwellings

directly opposite which is considered adequate to prevent any significant loss of amenity by way of loss of daylight or overbearing

The adjacent dwellings at No. 12 and 18 Kildare Street do not have any principal habitable room windows in their side elevations which would directly face the proposed dwelling.

Given the size and siting of the proposed detached garage it is not considered that this would result in an unacceptable loss of residential amenity on the occupiers of neighbouring dwellings.

With regards to the future occupants of the dwelling, the proposal would offer adequate outlook and daylight, and semi-private residential amenity space would be provided by way of the rear garden area.

#### *Loss of Privacy/Overlooking*

There would be both habitable and non-habitable windows introduced into both the front and rear elevations at both ground and first floor level of the proposal however, adequate interface distances of approximately 54 metres to the rear and 25 metres to the front would be maintained.

There would be a number of small non habitable room windows introduced into the side elevation of the proposal at both ground and first floor level. A condition has been attached to ensure these windows are obscurely glazed.

In summary, the proposed development of a dwelling is considered to be compatible with the surrounding residential dwellings and it is considered that the dwelling would provide adequate amenity for the future occupants of the dwellings and would not result in an unacceptable loss of light or would be overbearing upon the private amenity space of neighbouring dwellings in accordance with policy CG4 of the Core Strategy.

#### Impact on Parking and Highway Safety

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.

The proposed development would provide a detached garage within the curtilage of the dwelling which would be accessed via Norris Street, which currently provides access to a number of garages. There are also no restrictions for on-street parking within the immediate area. It is not considered that the addition of one dwelling would generate significant additional traffic movements. Nevertheless there are a number of bus routes in close proximity along Albert Road and the site is located in close proximity to Farnworth Town Centre.

As a result, it is considered that the proposed development would be in accordance with policy P5 of the Core Strategy.

#### Impact on Flood Risk

The NPPF requires that development should ensure that flood risk is not increased elsewhere and seeks to steer development towards areas with the lowest probability of flooding. As the proposed development seeks a new dwelling it is considered to be within the more vulnerable category of uses as set out in the flood risk technical guidance. The application site is not located within a flood risk area. An informative is recommended to promote the adoption of SUDS.



Having regard to the above, the proposed development is considered to be in accordance with policy CG1.5 of the Core Strategy and the NPPF.

#### **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.

There are a couple of mature trees sited to the front and rear and also on the front pavement (and outside of the red edged site plan) to the application site and which are not covered by way of Tree Preservation Orders.

The applicants have not submitted a tree survey in support of the application. The proposal itself would have no direct impact on these trees and no trees need to be removed to facilitate the development. However, during the construction period, these trees would need to be protected and any potential impact assessed and mitigated. Therefore conditions have been attached to ensure that the proposal would not have any unacceptable impact on these trees during construction.

#### **Other Issues**

The site is located within an area defined by the Coal Authority as High Risk. The applicants in support of the application submitted a desk top study dated October 2015 and prepared by Foxx Limited. The Coal Authority have reviewed the report and have no objections to the proposal, subject to suitable conditions requiring investigations works prior to commencement of development.

#### **Conclusion**

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

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One letter has been received in response to the planning application publicity who have raised the following issues:-

- \* The proposal would not be in keeping with the street.
- \* Loss of residential amenity.
- \* The site is located within the Green Belt. *Response – The site is not located within the Green Belt or within a conservation area.*

### **Consultations**

Advice was sought from the following consultees: Highways, United Utilities, Coal Authority and Drainage.

### **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 the details of the type and colour of materials to be used for the external walls, windows, doors 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.

3. Prior to the commencement of development:-

1. An intrusive coal site investigation report shall be submitted to and approved in writing by the Local Planning Authority.

2. The details of any proposed Remedial Works as a result of the coal site investigation shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works (if required) 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 in respect of the site investigation report 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

4. Prior to the commencement of development full details of the design and size of the garage hereby approved shall be submitted to and approved in writing by the local planning authority. The garage shall be erected in full accordance with the approved details.

Reason

For the avoidance of doubt to what is approved.

5. Before development commences details of the garage doors shall be submitted to and approved in writing by the Local Planning Authority. The approved door shall be installed in accordance with the approved detail before the garage is first used, and retained thereafter. The garage door(s) shall not open over the highway.

Reason

In the interests of highway safety.

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

1. The trees within or overhanging the site which are to be retained 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 tree(s).

7. The development shall not be occupied until works for surface water management and the disposal of foul sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority. The approved works shall be retained thereafter.

Reason

To ensure adequate provision is made for the management of surface water run off.

8. 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.

9. Prior to the development hereby approved being brought into use, the windows in the side elevations at ground and first floor levels facing the common boundaries with 12 and 18 Kildare Street shall be provided with and permanently glazed, in textured glass whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely obscure).

Reason

To safeguard the amenity of the neighbouring residents.

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 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.

11. 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.

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

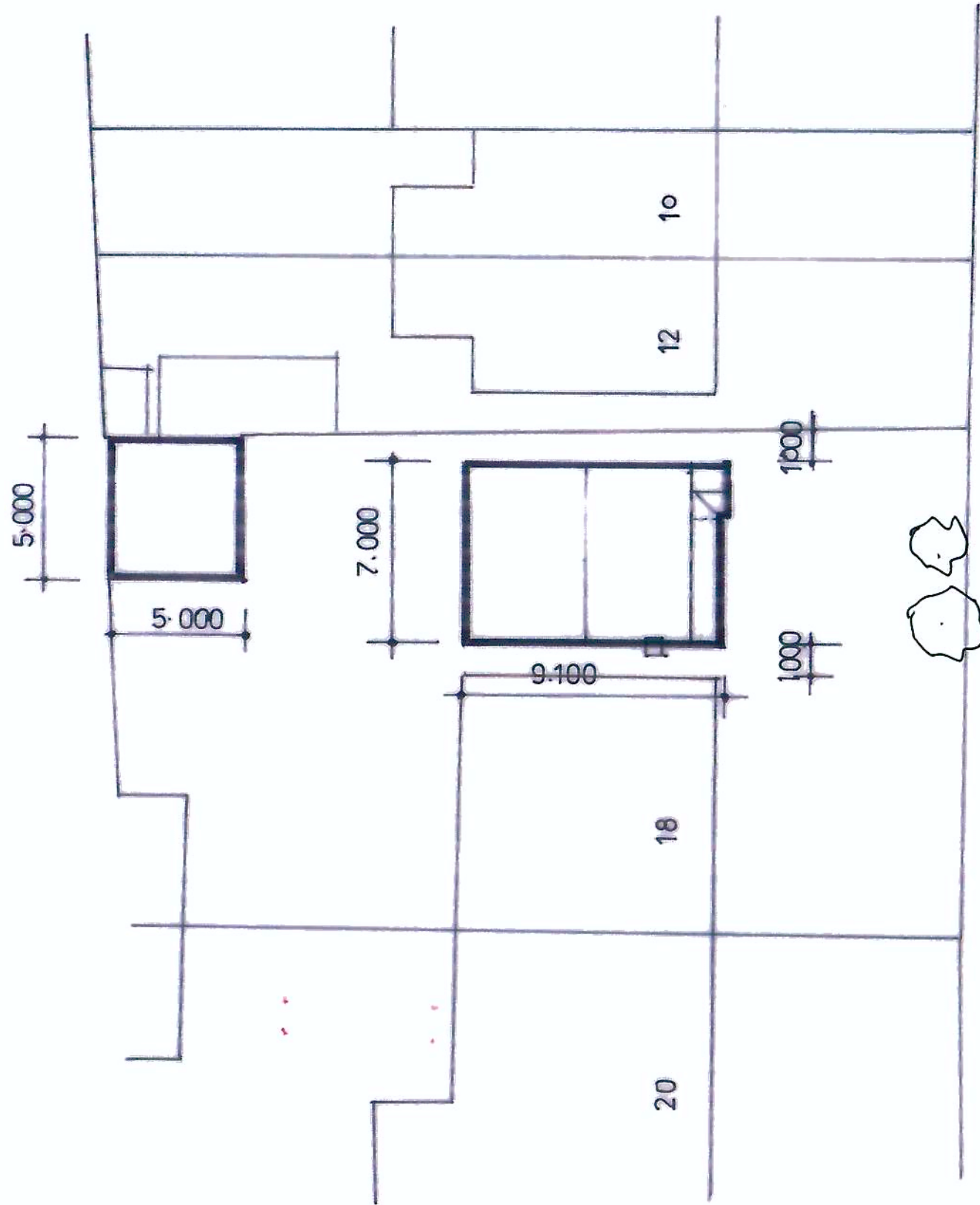
**Proposed Dwelling (Front and Rear Elevations) received 15th October 2015,  
Proposed Dwelling (Ground and First Floor Plans) received 15th October 2015,  
Proposed Dwelling (Section and Second Floor) received 15th October 2015,  
Location Plan received 15th October  
Block Plan received 15th October**

Reason

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

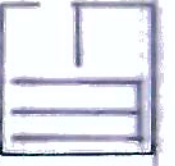
# PROPOSED DWELLING AT KILDARE ST. FARNWORTH.

BOLTON COUNCIL  
DEVELOPMENT & REGENERATION  
RECEIVED  
15 OCT 2015



LOCATION PLAN

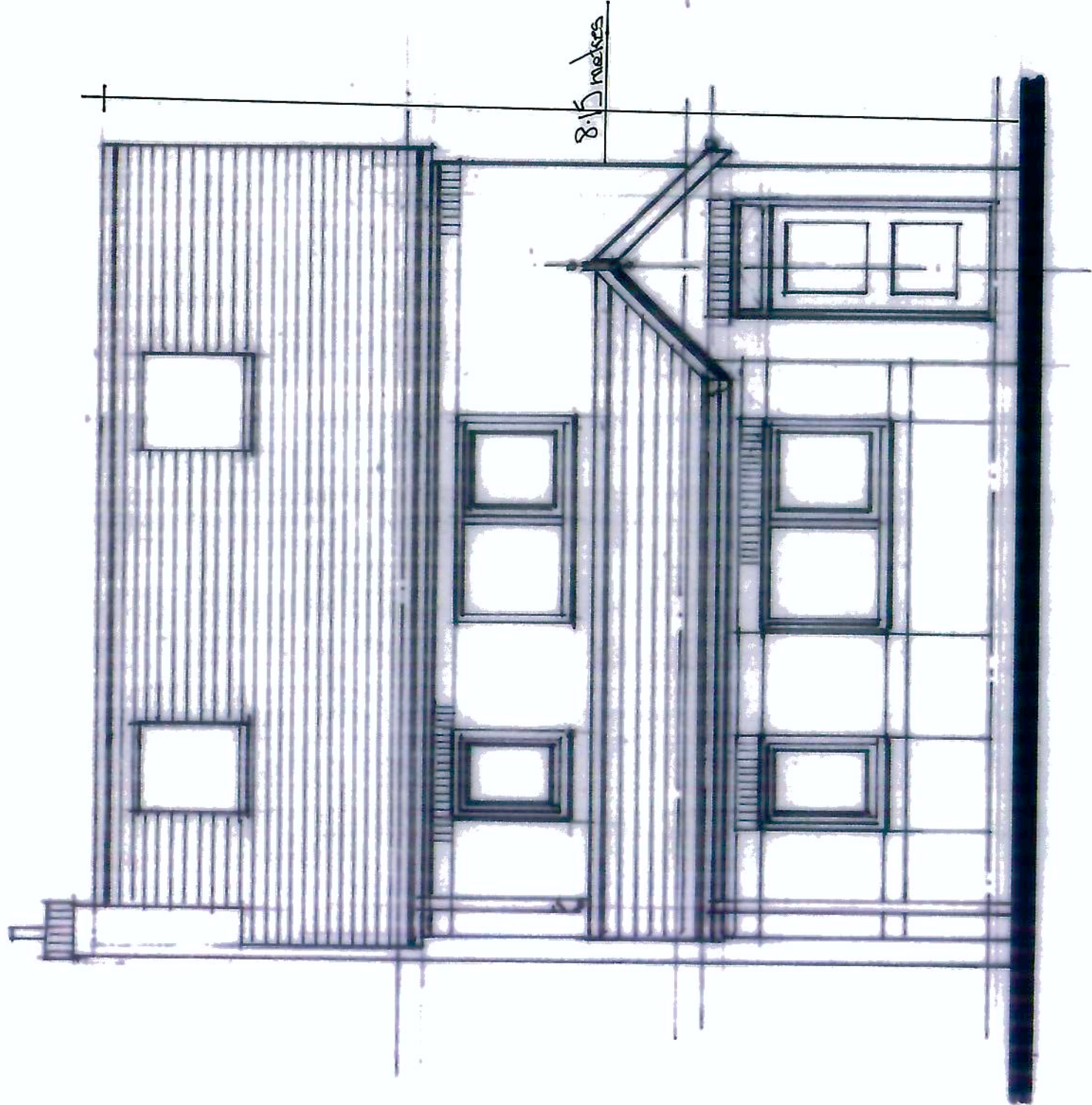
SCALE 1:200



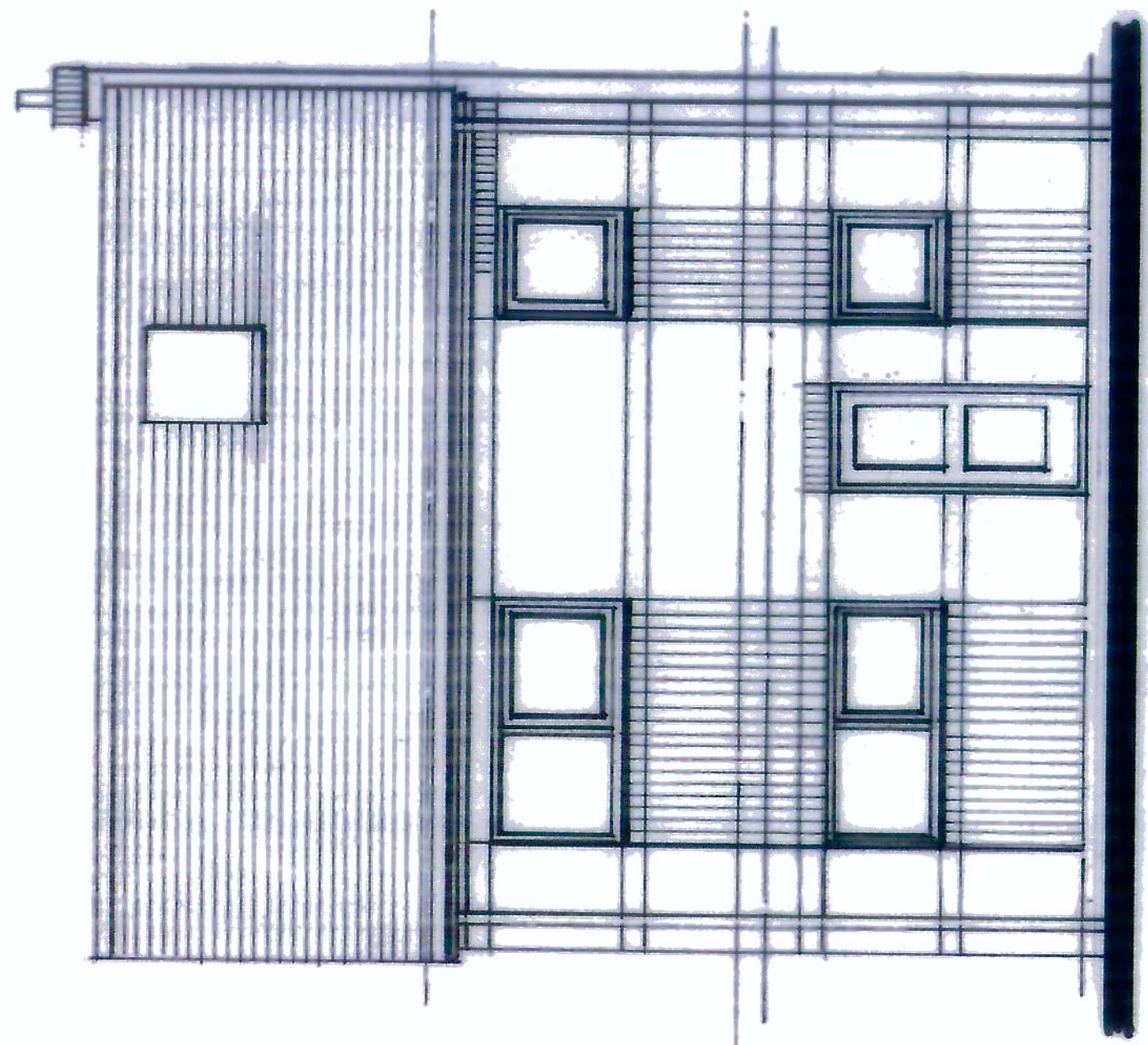


PROPOSED DWELLING AT  
KILDARE ST. FARNWORTH

BOLTON COUNCIL  
DEVELOPMENT & REGENERATION  
RECEIVED  
15 OCT 2015



FRONT ELEVATION



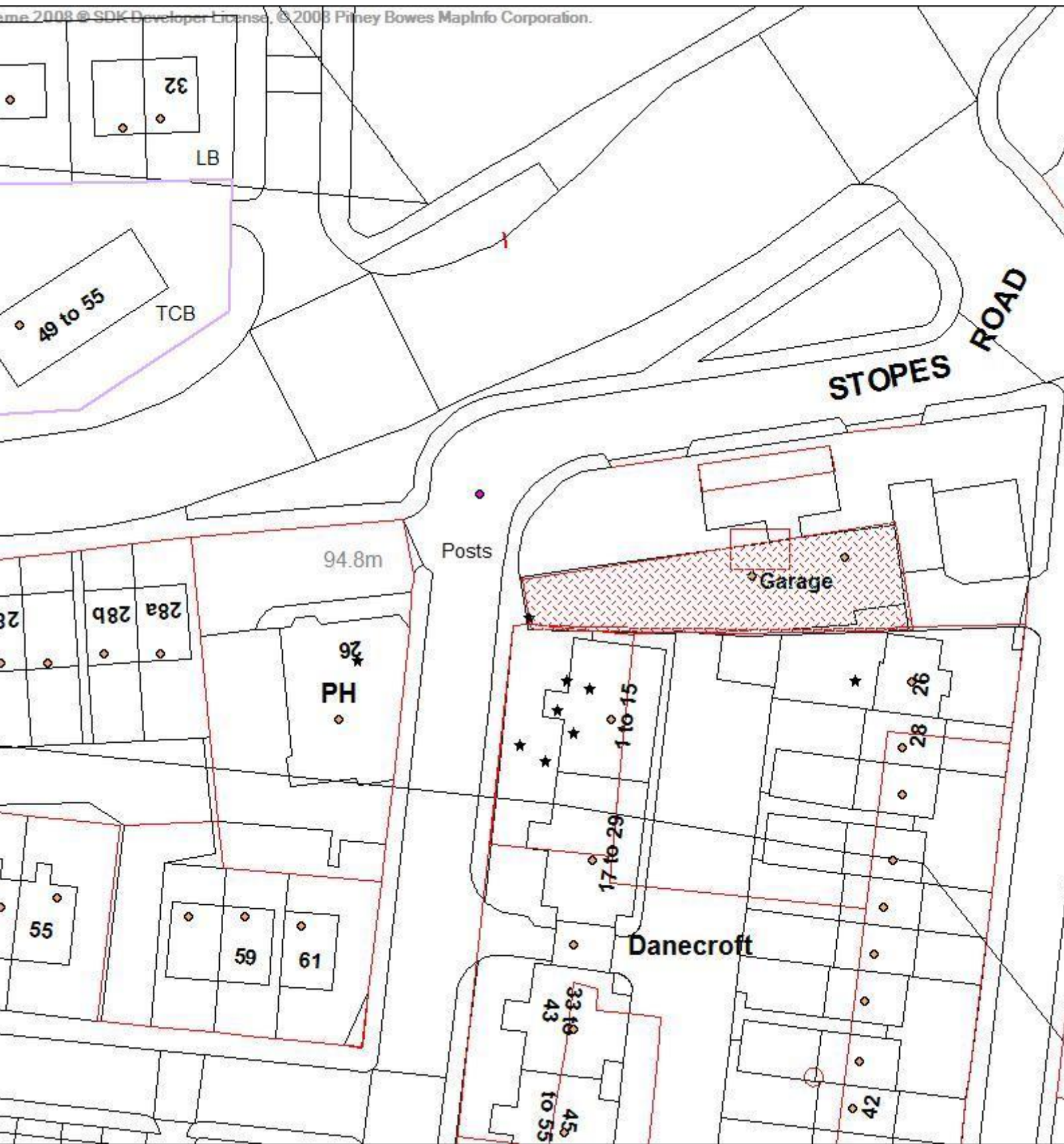
REAR ELEVATION

scale 1:50





Application number  
95191/15





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**Date of Meeting: 14/01/2016**

**Application Reference: 95191/15**

**Type of Application:** Full Planning Application  
**Registration Date:** 27/10/2015  
**Decision Due By:** 21/12/2015  
**Responsible Officer:** Paul Bridge

**Location:** MBE CAR SALES, HIGH STREET, LITTLE LEVER, BOLTON, BL3 1NB

**Proposal:** CHANGE OF USE OF FIRST FLOOR INTO TWO APARTMENTS

**Ward:** Little Lever and Darcy Lever

**Applicant:** MBE Car Sales  
**Agent :** PPY design Ltd

## **Officers Report**

**Recommendation:** Approve subject to conditions

### **Proposal**

Planning permission is sought for the change of use of the first floor into two apartments, one with one bedroom and one with two bedrooms. The flats would be accessed via individual entrance doors at ground floor level.

In addition to the above, a window in the eastern elevation would be increased in size and the four windows at first floor level in the northern front elevation would be removed and replaced with Juliet balconies.

No car parking provision has been made available within the site.

### **Site Characteristics**

The application site comprises of a two storey building located on a corner plot at the junction with Stopes Road and Booth Road. The ground floor of the premises currently accommodates a car sales place with a forecourt to the front. The first floor was previously in use as an office and is currently vacant. To the rear of the property are residential dwellings, whilst to the west is a large public house. The application site forms part of a number of buildings which occupy what was previously a



petrol station with ancillary buildings. Adjacent to the application building is a car wash/valeting place and two vehicle repair/MOT units. Therefore the immediate surrounding area is mixed in nature with a number of residential and commercial premises in close proximity to the site.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies:- S1 Safe, P5 Accessibility, CG3 The Built Environment, CG4 Compatible Uses and OA6 Little Lever and Kearsley

SPD Accessibility, Transport and Safety  
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 development;
- \* impact on the character and appearance of the surrounding area;
- \* amenity of existing residents and future occupiers;
- \* impact on highway safety/parking provision
- \* design and crime

### **Principle of 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. Given the first floor has been vacant for approximately 6 months its conversion to residential flats would be likely to improve the appearance of the building. Given the above, the proposed change of use is considered to be sustainable development in accordance with the principles set out in the NPPF and the relevant policies within the Council's Core Strategy.

### **Impact on the Character and Appearance of 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 OA6 of the Core Strategy relates specifically to development in Little Lever and Kearsley and states that the Council will conserve and enhance the character of the existing physical environment, and will respect and enhance the built form and pattern of existing development.

There would be minimal alterations to the external elevations in order to accommodate the proposal. A window in the eastern elevation would be increased in size and the four windows at first floor level in the northern front elevation would be removed and replaced with Juliet balconies. As the alterations to the external appearance of the building are minimal, the appearance of the building would remain fundamentally the same and is considered acceptable.

For the reasons given above, it is considered the proposal extensions and alterations would not unacceptably affect the character and appearance of the existing building and area in accordance with policy CG3 of the Core Strategy.

#### Amenity of Existing Residents and Future Occupiers

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.

In light of the aforementioned and the overall regenerative benefits of the scheme in respect of the re-use of a semi-vacant building, the proposed residential units are considered to be of an appropriate size to be functional and would provide any potential future occupiers with adequate space and living conditions.

With regard to noise and disturbance, any potential future occupiers of the proposed flats will be fully aware that the premises are in a mixed use area and on a busy road with a number of activities being carried out during the daytime and into the early evening as well as noise associated with the adjacent roads. Given the above, it is not considered that the potential future occupiers of the flats would experience any unacceptable loss of residential amenity in terms of noise and disturbance.

No open amenity space would be provided within the site, however there are areas of open space within close proximity to the site including Stopes Park. As the property is located on Stopes Road, it 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 lack of open space. No details of a bin store has been provided therefore a condition has been attached to ensure appropriate bin provision is made.

#### *Neighbouring Residents*

There are a number of residential dwellings within close proximity of the site, with the nearest being to the south on Booth Road and Settle Street. The proposed change of use to residential would result in the first floor of the premises being brought back into use from being vacant. It is considered the proposed uses would not increase the potential for noise and disturbance any more than the previous use as offices and in all probability would potentially reduce due to the proposed residential use of the premises. In addition, the site is located adjacent to a busy road through Little Lever and therefore there is a relatively high level of ambient noise levels throughout the day and it is considered that no neighbouring residential uses would be unacceptably impacted by the development in terms of loss of noise and disturbance.

In respect of the objection received from the neighbouring resident at No.26 Settle Road, an existing window in the eastern elevation would be increased in size whilst no windows would be introduced in the rear elevation of the proposal at first floor level. In respect of the enlarged window it is acknowledged that whilst this window is to be enlarged it would not directly face the rear amenity space or any principle habitable room window of No.26 Settle Road. The Local Planning Authority is also mindful that if the first floor was to be occupied by its previous use as an office this would be intensively used throughout the day. It is considered therefore that any perceived loss of privacy/overlooking already exists and the current proposal would not exaggerate this to an unacceptable degree.

It is not considered that the introduction of the proposed residential units would impact upon the amenity currently enjoyed by the occupiers of surrounding residential units. Similarly, the use directly below is primarily compatible with adjoining residential uses and it is not considered that any conflicts would arise from the existing uses on the amenity provided for future occupiers of the proposed flats.

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 Council's Core Strategy.

#### Impact on Highway Safety/Parking Provision

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.

No car parking provision has been allocated within the site. The Council's Highway Engineers have been consulted and have requested 3 parking spaces be provided. However, it must be noted that the parking standards set out in the Core Strategy are a maximum. It is noted that the site is located within a highly accessible location which is served by good public transport links and situated within a mixed use area allowing for trips on foot and public transport and there is unrestricted parking in the wider surrounding area. On balance and given the above, it is considered that the proposal would not result in an unacceptable severe impact on highway safety, in accordance with policies P5 and S1 of the Core Strategy.

#### Design and Crime

Access to the apartments would be from two separate entrances located in the front elevation of the building at ground floor level. Both of these entrances are afforded a high level of natural surveillance from Stopes Road, which is directly to the front. In respect of the comments received from Design for Security, these have been noted, however the site is no longer occupied by a petrol station but a car/valeting place which closes early in the evening and therefore the potential for conflict/disturbance late into the evening/early morning is negligible.

#### **Conclusion**

The proposed use of the site would complement the host building and the surrounding area without compromising existing/future occupiers and adjoining uses or highway safety. The proposal complies with policy and is recommended for approval subject to conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One letter has been received in response to the planning application publicity form the occupiers of No.26 Settle Road and who have raised the following concerns:-

- \* Loss of Privacy/Overlooking.

The above issue has been addressed in the appraisal.

### **Consultations**

Advice was sought from the following consultees: Highway Engineers, Environmental Health, 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 windows and Juliet Balconies 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. 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 prior to the occupation of the dwellings and retained thereafter.

Reason

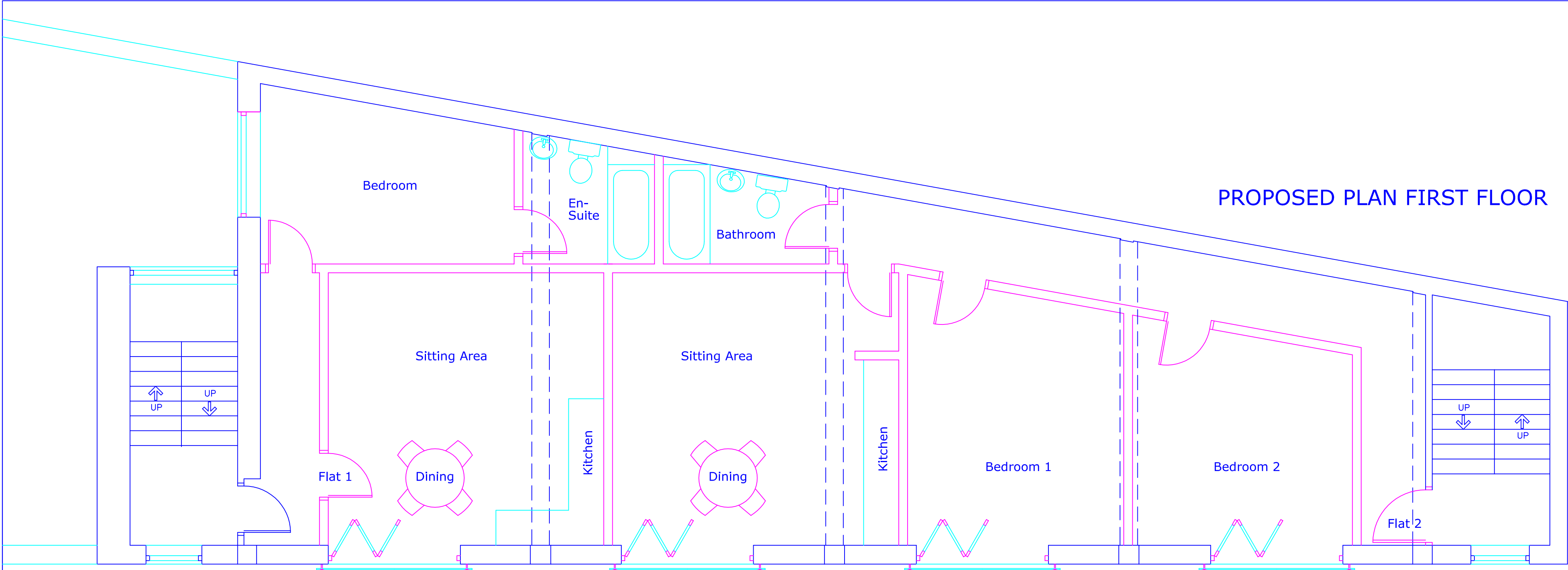
To ensure satisfactory provision is made for the storage of waste materials.

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

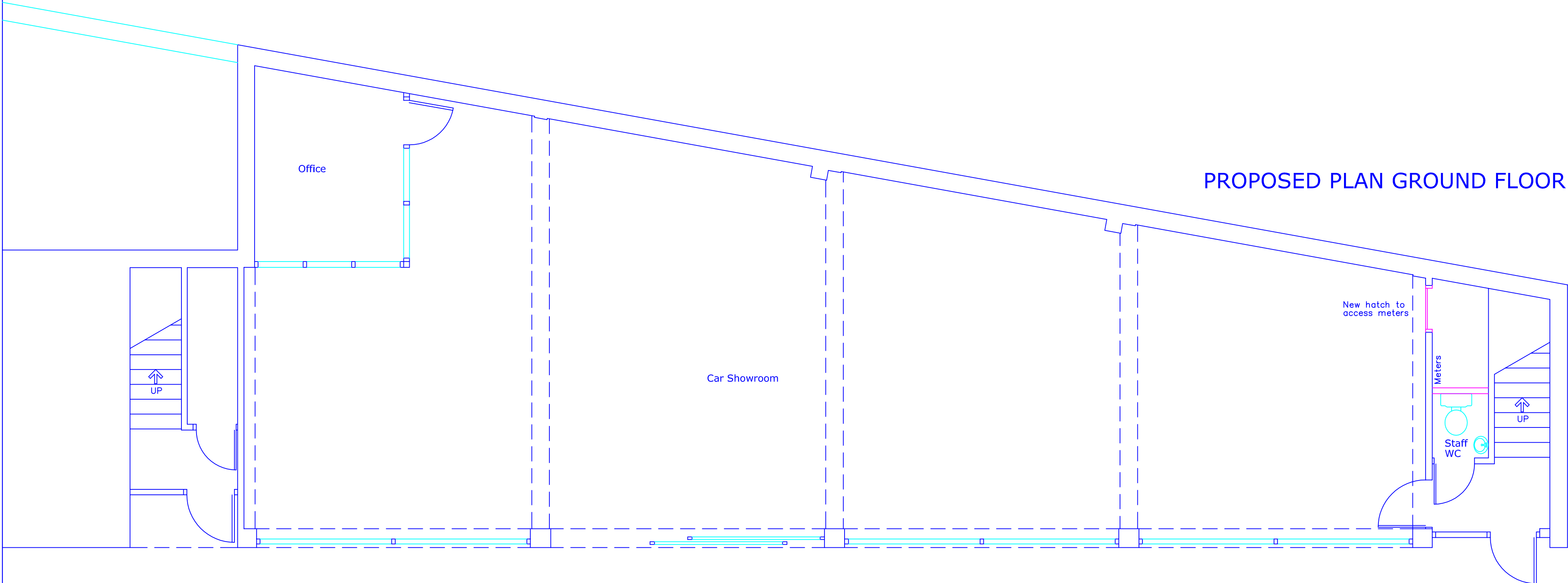
**MBE-02 Proposed Plans and Elevations - October 2015**

Reason

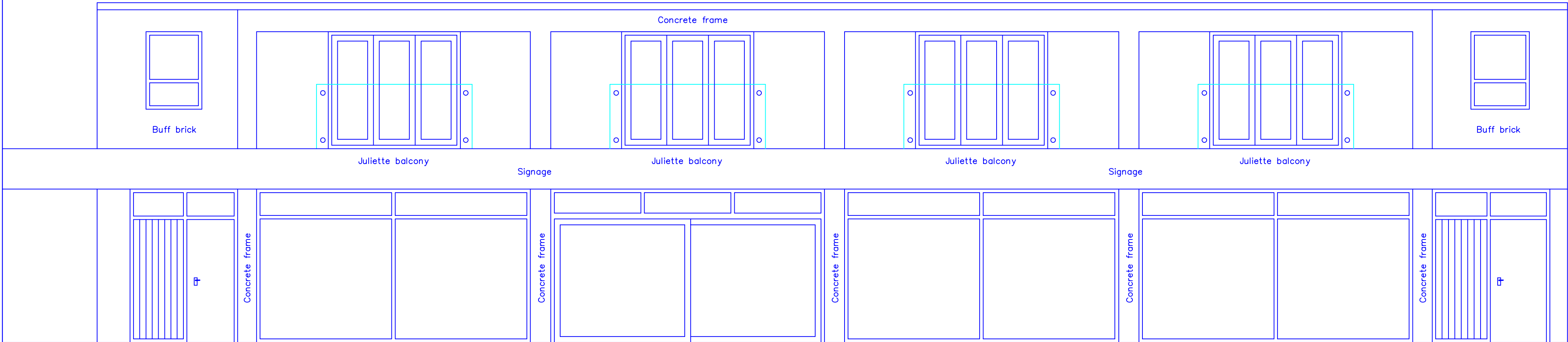
For the avoidance of doubt and in the interests of proper planning.



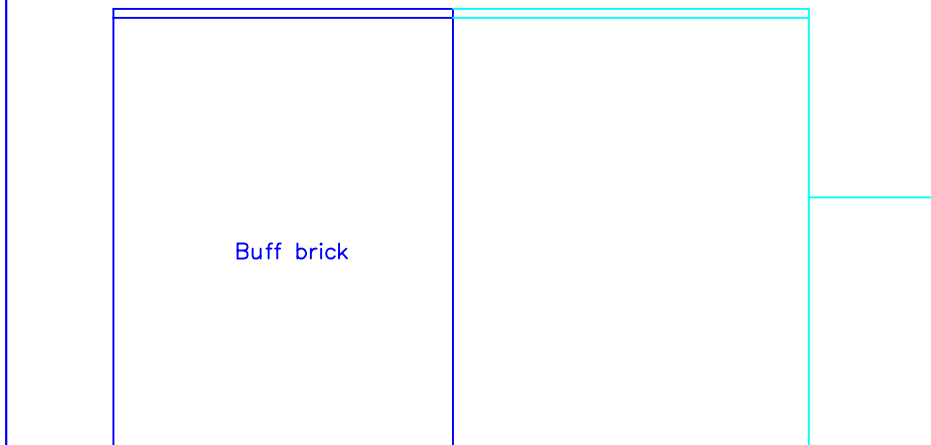
PROPOSED PLAN FIRST FLOOR



PROPOSED PLAN GROUND FLOOR

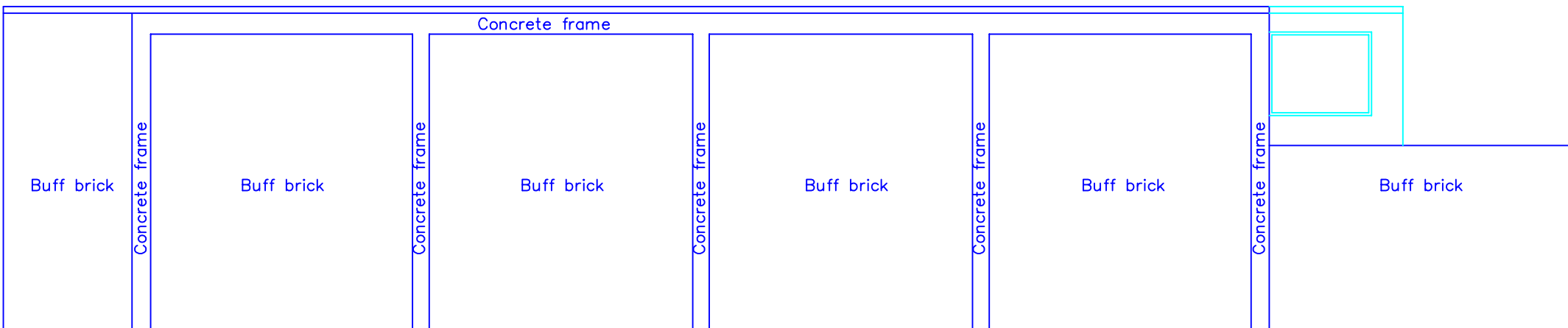


PROPOSED FRONT ELEVATION



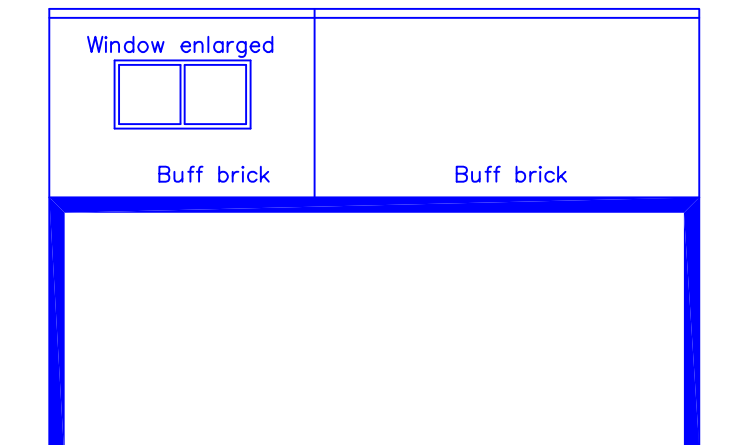
PROPOSED SIDE ELEVATION

Scale 1:100



PROPOSED REAR ELEVATION

Scale 1:100



PROPOSED SIDE ELEVATION

Scale 1:100

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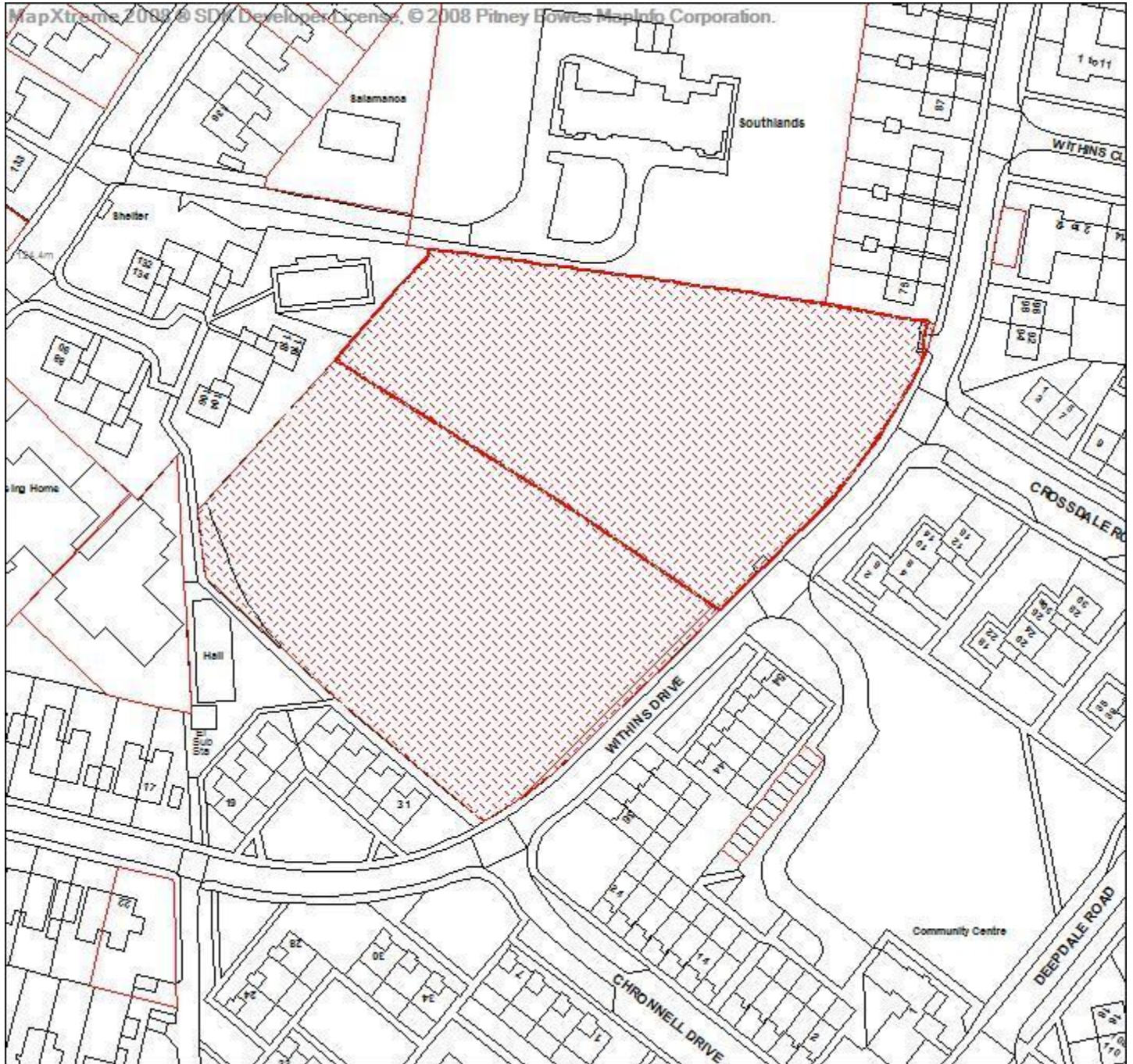
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except where noted  
October 2015

MBE-02

Proposed Plans  
& Elevations

PPY design Ltd

# 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: 14/01/2016**

**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: Breightmet**

**Applicant: Breightmet Developments Ltd**

**Agent : Sedgwick Associates**

## **Officers Report**

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

### **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 Breightmet; 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 development (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 aspected 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 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.

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 Within 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 Within 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.



Note: Landscaping indicative only. Refer to Landscape Architects drawings for detail design.

Rev A: Road widths and footpaths amended. Access to plots  
17 - 22 revised. CS Dec '15



**Schedule of Units:**

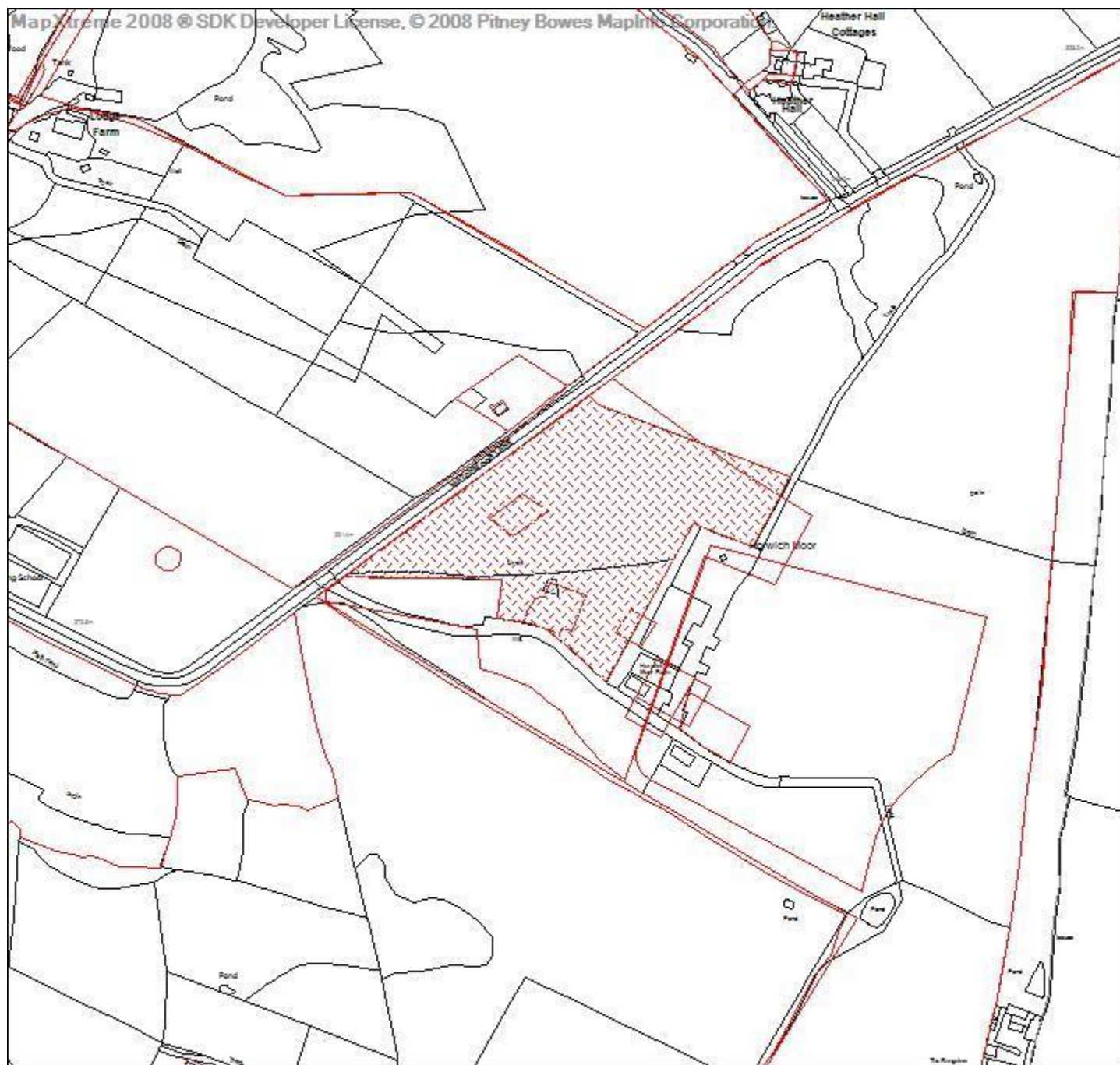
A	: 3 Bed Semi-detached / Terraced House - 814sq.ft	: 17No
A ct	: 3 Bed Semi-detached / Terraced House - 860sq.ft	: 1No.
B	: 3 Bed Detached House with Integral Garage - 926sq.ft	: 8No.
C	: 4 Bed Detached House with Integral Garage - 1151sq.ft	: 8No.
D	: 4 Bed Detached House with Integral Garage - 1253sq.ft	: 3No.
E	: 4 Bed Detached House with Detached Garage - 1313sq.ft	: 4No.
Total		40,325sq.ft : 41No.







# Application number 95286/15



**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: 14/01/2016**

**Application Reference: 95286/15**

**Type of Application: Full Planning Application**  
**Registration Date: 05/11/2015**  
**Decision Due By: 03/02/2016**  
**Responsible Officer: Helen Williams**

**Location: HORWICH MOOR FARM, MATCHMOOR LANE, HORWICH, BOLTON, BL6 6PR**

**Proposal: IMPORTATION OF SUB-SOILS AND INERT MATERIALS (TO ALLOW FUTURE USE FOR AGRICULTURE AND GRAZING OF LIVESTOCK)**

**Ward: Horwich North East**

**Applicant: Ms T Miller**  
**Agent : SOS Environmental**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Permission is sought for the importation of inert materials and sub-soils to the application site to allow the site to be subsequently used for agricultural use and the grazing of livestock. The submitted plans show that the average depth of fill (from the importation of the inert material) would be 1 metre, therefore the ground level of the application site would be increased in the main by 1 metre. The application site would then be re-seeded with grass clover sward.

Three other sections of land at Horwich Moor Farm have previously been granted permission for the importation of inert materials and sub-soils, to allow for grazing and agricultural use. These works have been completed and the ground has been re-seeded with grass clover sward.

The land is to be drained into an existing open surface water drain which runs across the site.

### **Site Characteristics**

The application site is a 2.2 hectare section of Horwich Moor, which is bounded to the west by Matchmoor Lane, to the south by the access road into the farm and to the temporary farm house and to the east by the large agricultural buildings and yard.

Horwich Moor is classified as a Grade B Site of Biological Importance (SBI) due to its mosaic of heath, marshy grassland, neutral grassland and for bryophytes (a plant group including mosses and liverworts). Grade B SBIs are defined as sites of district importance (rather than county (Grade A) or local importance (Grade C)).

Heavy grazing and/or the use of fertilisers has resulted in there now being no heather habitat

remaining on the site. Some marshy grassland however remains.

The site is within Green Belt and the Upland Moorland Hills Landscape Character Area.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies: CG1.1 Rural Biodiversity; CG1.5 Reduce Flooding; CG3.2 Local Distinctiveness; CG3.7 Landscape Character; CG4 Compatible Uses; OA1 Horwich and Blackrod.

Allocations Plan Policies: CG7AP Green Belt and P8AP Public Rights of Way.

A Landscape Character Appraisal of Bolton (2001)

### **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 biodiversity and the Site of Biological Importance
- \* impact on the Green Belt
- \* impact on the landscape character of the area
- \* impact on ground quality
- \* impact on water quality
- \* impact on land drainage
- \* impact on the highway
- \* impact on public rights of way

### **Impact on Biodiversity and the Site of Biological Importance**

Strategic Objective 12 of the Core Strategy is to protect and enhance Bolton's biodiversity. Core Strategy CG1.1 states that the Council will safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value.

The application site included within the current boundary of Horwich Moor Site of Biological Importance (SBI). The area was designated as an SBI because it supported a mosaic of heath, marshy grassland and neutral grassland. It is believed that the habitats once covered a larger area of the moor but this has been lost over recent years.

An ecological survey (written and undertaken by qualified ecologists) has been submitted by the applicant in support of their application. The survey (through a field survey of the site) has concluded



that the semi-natural character of the application site has been altered in recent years, possibly through the use of inorganic fertiliser and/or over-grazing by sheep. As a result there are extensive areas dominated by white clover and agricultural grassland species, interspersed with wetter areas dominated by soft rush and bryophytes. All of the scrub willow on the site has been bark-stripped by sheep. There is also a "notable lack" of heather within the application site. The current farming practice on Horwich Moor Farm has produced a site with low-species diversity and low ecological interest at this time.

Greater Manchester Ecology Unit (GMEU) and the Council's Wildlife Liaison Officers have both been consulted and have commented on the proposal. GMEU have confirmed that they have visited the application site and they have noted their disappointment that much of the original biodiversity interest once present on this site has now been lost (as the ecological survey has concluded). They also consider that the loss of botanical diversity has been caused by over-grazing and likely increases in soil nutrient status, and they have advised that it would be difficult now to restore the site to its previous condition. GMEU have therefore concluded their consultation response to the local planning authority by stating that they, with reluctance, offer no objection to the current proposal.

The Council's Wildlife Liaison Officer has recommended, as agricultural management of the land has led to the demise of the main biodiversity interest upon the application site, compensation/mitigation for loss of habitat should be delivered by the applicant. It is therefore suggested that these compensation/mitigation measures are secured by a condition; details of the measures to be agreed with the local planning authority/Wildlife Liaison Officer.

#### Impact on the Green Belt

Allocations Plan Policy CG7AP states that the Council will not permit inappropriate development in the Green Belt. Inappropriate development includes any development which does not maintain the openness of land or which conflicts with the purposes of including land within the Green Belt.

The application is within Green Belt.

The site is currently used for agriculture and the proposal would allow the site to be better used for this purpose (increase in pasture). Agriculture is considered to be an "appropriate" use within the Green Belt.

The levels of the site would be increased as a result of the proposal by an average of approximately 1 metre. Given the existing contours of the site, and the fact that the application site is relatively central to the moor, it is considered that the change in levels would not affect the openness of the Green Belt.

It is therefore considered that the proposal would not affect the purposes or openness of the Green Belt in this location, compliant with Allocations Plan Policy CG7AP.

#### Impact on the Landscape Character of the Area

Core Strategy Policy CG3.7 states that the Council will maintain and respect the landscape character of the surrounding countryside and its distinctiveness.

The application site is within the Upland Moorland Hills Landscape Character Area.

The Landscape Character Appraisal of Bolton states that a key landscape feature of Upland Moorland Hills is the valuable mosaic of upland habitats including blanket bog, heather moorland, wet heath and acid grassland. As described above, it has been found that the application site no longer contains the original biodiversity interest that previously made it a valuable site. It is therefore considered that

the reprofiling and re-seeding of the site would not be detrimental to the character and appearance of the landscape in this area, given that the heather and wetland upland habitat have already been lost.

#### Impact on Ground Quality

Policy CG4 of the Core Strategy states that the Council will ensure that development does not [amongst other things] cause detrimental impacts upon ground quality.

Inert material would be imported onto the application site. At the time of writing this report, the Council's Pollution Control Officers had not commented on the application (these comments will be reported to Members at the meeting). Officers however have previously advised (for similar applications at the farm) that a condition be attached to ensure that the local planning authority has agreed a verification plan before the commencement of development (a plan to include sampling and test criteria and proposals of records to be retained that will demonstrate that the materials to be imported are safe for deposition in respect of the proposed end use of grazing and to prevent contamination of ground waters in the area) along with a validation report (the record of all sampling and testing results and data collected to demonstrate that the imported materials are to the standards required).

The verification plan and validation report would also determine whether the site is safe for its intended use (grazing of livestock).

It is considered that subject to the applicant complying with this suggested condition, the proposal would comply with the ground quality part of Core Strategy Policy CG4.

#### Impact on Water Quality

Policy CG4 of the Core Strategy states that the Council will ensure that development does not [amongst other things] cause detrimental impacts upon water quality.

The Environment Agency has raised no objection to the proposal, but advise that the applicant ensures there is adequate protection of local ditches and ponds from any siltation and runoff caused by the proposed works.

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

#### Impact on Land 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 the water run-off from new development.

As the site is over 1 hectare in size the applicant is required to submit a flood risk assessment. At the time of writing this report, the applicant had been advised that they would need to submit such an assessment as one was not submitted with the application. An update on this matter will be reported directly to Members at the meeting.

The Council's Drainage Officers have advised, given the slope of the site, that the use of the existing open ditch for draining the land to the north would be appropriate and in keeping with the Council's culvert policy. They advise that if the applicant intends to culvert this ditch, then they would require consent from the Council in accordance with Section 23 of the Land Drainage Act 1991 prior to the work being undertaken. A condition requesting further details of the proposed land drainage is therefore suggested.

### Impact on the Highway

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

The vehicles bringing the inert material to the application site would access the site off Matchmoor Lane, which is a lightly trafficked country road. The Council's Highways Engineers have raised no objection to the proposal.

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

### Impact on Public Rights of Way

Allocations Plan Policy P8AP states that the Council will permit development proposals affecting public rights of way, provided that the integrity of the right of way is retained.

There are no public footpaths through the application site but the Council's Public Rights of Way Officer has previously confirmed that the site falls within a designated area of open access land (CRAW 2000) for which the Council is the access authority.

The application site should remain accessible for the public as there is no proposal to fence it off.

The Ramblers Association (Bolton Group) and objectors have commented on the condition of public footpath HOR061 which is to the east of the application site and runs through another part of the farm that has been regraded by imported material. They are concerned that the land around the footpath have not been properly restored by the applicant and therefore fear that the restoration of the application site would be of the same quality. This allegation however does not affect the integrity of the footpath (which Policy P8AP concerns).

As no public rights of way would be affected by the proposal it is considered that the proposed development would comply with Allocations Plan Policy P8AP.

### **Conclusion**

Subject to the applicant providing an adequate flood risk assessment, it is considered that the proposed importation of inert materials and sub-soils onto the application site would not adversely affect the biodiversity of the site, would not harm the purposes and openness of the Green Belt, would not have a detrimental affect on the landscape character and appearance of the area, would not harm land or water quality, would not lead to the increase in flooding, would not be detrimental to highway safety and would not affect public rights of way. Members are therefore recommended to approve this application with the recommended conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Five letters of objection have been received, which raise the following concerns:

- \* Concerns about the quality of material that is to be used; Effect on ground quality/contamination;
- \* The applicant should not be allowed any further importation of material on the land;
- \* Concerns about the monitoring of inert material;
- \* Concerns about the safe use for farm animals;
- \* Tipping will completely destroy the ecological value of the site; Impact on biodiversity and SBI;
- \* The land has been overgrazed; The applicant must have known this;
- \* Effect on the Green Belt;
- \* Effect on the landscape and character of the area;
- \* Effect on water quality/groundwater pollution/aquifers;
- \* Surface water run-off from the land onto Chorley Old Road; Drainage concerns;
- \* Additional lorries/increase in traffic;
- \* Damage to roads;
- \* A footpath in the vicinity has been damaged (HOR061);
- \* Previous importation of material has created "smells";
- \* The previous application was refused; cannot see why this one should not be.

Four letters of support have been received, which state the following:

- \* Have seen a vast improvement in the area in recent times;
- \* The land used to be very wet marsh moorland and terrible underfoot;
- \* The land is now flat and well drained, which enables older walkers to keep walking there;
- \* The applicant has a proven track record of going about the process in the correct manner;
- \* Livestock can graze on the land throughout the year.

**Horwich Town Council:-** raised no objection at their meeting of 17th December 2015 subject to three conditions; that only appropriate material/subsoil be used, that all public footpaths are left unaffected, and that any development would improve both the appearance and local environment.

**Elected Members:-** Cllr. Kevin McKeon has objected to the application on the grounds that the proposal would lead to damage of a SBI. He realised that the land has already undergone some degradation but would like to see the results of some responsible and informed management to regenerate the land and put it in a condition to continue to deserve protection.

### **Consultations**

Advice was sought from the following consultees: Pollution Control Officers, Highways Engineers, Drainage Officers, Wildlife Liaison Officer, Public Rights of Way Officer, Greater Manchester Ecology Unit, the Environment Agency, Ramblers Association (Bolton Group), Peak and Northern Footpaths Society and Wildlife Project.

### **Planning History**

#### **Planning history specific to application site**

Planning application 90107/13 for the importation of sub-soils and inert materials (to allow future use for agricultural and grazing of livestock) was withdrawn by the applicant in August 2013.

Planning application 88209/12 was refused by Planning Committee in August 2012 (following officer's advice) for the importation of sub-soils and inert materials on the application site (to allow future use for agriculture and grazing of livestock). The application was refused for the following reason:

*"The proposed development will adversely affect the biodiversity of a Grade B Site of Biological Importance (SBI) and will fail to maintain and respect local distinctiveness and the landscape character of the area, contrary to Policies CG1.1 and CG3.7 of Bolton's Core Strategy."*

### **Planning history to farm**

Permission was granted at Planning Committee in September 2015 for the erection of a 4 bedroom house for an agricultural worker (94622/15).

An agricultural building on Horwich Moor Farm was granted permission in April 2012 (87566/12).

Permission was granted by Planning Committee in August 2011 for the retention of a building for use as an agricultural worker's dwelling for a temporary period of three years (86498/11).

A planning application for the removal of condition 2 of 85706/11 (to remove the need to submit a full management plan in regards to the SBI) was approved by Planning Committee in May 2011 (86314/11).

Permission was granted in May 2011 for the restoration of land by importing sub-soils and inert materials (to allow subsequent use for grazing and agriculture) (85706/11).

Permission was deemed as being required for the erection of a 456 sqm agricultural building in November 2010 (85136/10).

Permission was granted by Planning Committee in February 2009 for the erection of an agricultural stock and storage building with paddock enclosure and landscaping (81329/08).

Permission was granted by Planning Committee in April 2008 for the restoration of two sections of Horwich Moor by draining and importing materials to allow for the subsequent use of the land for grazing and agriculture (78560/07).

An application for the erection of an agricultural building was refused in February 2008 (79019/07).

**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. No importation of materials shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

a) A verification plan - This should include sampling and test criteria, and proposals of records to be retained that will demonstrate that the materials imported are safe for deposition in respect of the proposed end use of grazing and agriculture and to prevent contamination of ground waters in the area. The verification plan shall be fully implemented in accordance with the approved proposals.

b) A validation report - This should include a record of all sampling and testing results and data collected to demonstrate that the imported materials are to the standards required for the proposed end use and protection of ground water in the area, confirming that the objectives of the verification plan have been met.

Reason

To ensure the development is safe for use and to ensure that ground waters in the area are not contaminated, compliant with Policy CG4 of Bolton's Core Strategy.

3. No importation of materials shall commence until details of biodiversity compensation/mitigation measures for the site and/or surrounding land have been submitted to and approved in writing by the local planning authority. The approved measures shall then be completed in full within the agreed time period and retained thereafter.

Reason

To safeguard and enhance biodiversity on the moor, and to comply with Policy CG1.1 of Bolton's Core Strategy.

4. Prior to the commencement of development full details for the surface water drainage of the site 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 ensure the site provides satisfactory means of surface water drainage, compliant with Policy CG1.5 of the Core Strategy.

5. Within 6 months of completion of the approved importation operations topsoil shall be evenly spread over the site to a maximum depth of 75-100 mm. The movement and spreading of topsoil shall not be carried out except when the soil is suitably dry and friable and when the ground is dry enough to ensure the topsoil is not damaged by the passing of heavy machinery.

Reason

To ensure a satisfactory form of restoration.

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

**Dwg no 2 of 3; "Proposed Reformed Contours 1/1000"; dated June 2012**  
**Dwg no 3 of 3; "Proposed Cross Section 1/500"; dated June 2012**

Reason

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

16 OCT 2015

SUSTAINABLE  
DEVELOPMENT & GENERATION

05 NOV 2015

3.05' Area = 22000.2 : 2.22 hectares

Proposed land reformation  
Horwich Moor Farm,  
off Matchmoor Lane, Horwich, Bolton

Revised Retained Cautions 11,000

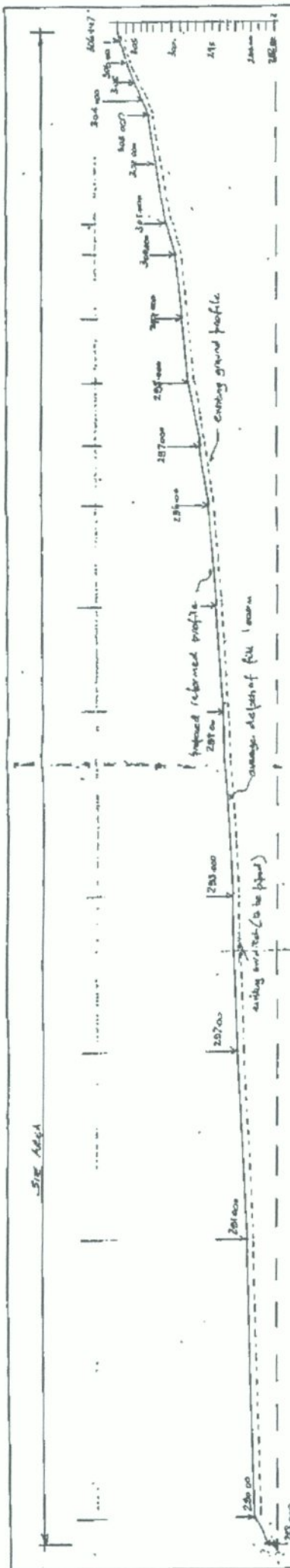
Scale - as shown

Drawn - June 2012

Order no. 2 of 3

Save 1/1000 at 13





A-A Trench Cross Section 1:500 Scale  
 showing existing ground profile and proposed with subgrade 1.00m fill

BOLTON COUNCIL  
 DEVELOPMENT & REGENERATION  
 RECEIVED  
 16 OCT 2015

BOLTON COUNCIL  
 DEVELOPMENT & REGENERATION  
 05 NOV 2015

Proposed land reformation  
 Horwich Moor Farm,  
 off Matchmoor Lane Horwich, Bolton

PROPOSED CROSS SECTION 1/500

Scale - as shown

Drawn - June 2012

Dwg no 3 of 3