

Planning Applications Report

Planning Committee

4 June 2015

**Bolton
Council**

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

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

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

The following abbreviations are used within this report: -

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

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TPO: Proposed Tree Preservation Order, 26 Lostock Junction Lane, Lostock, Bolton

Application number 91387/14



Development & Regeneration Dept
Development Management Section

Town Hall, Bolton, Lancashire, BL1 1RU
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Bolton Council

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Date of Meeting: 04/06/2015

Application Reference: 91387/14

Type of Application: Full Planning Application
Registration Date: 29/01/2014
Decision Due By: 25/03/2014
Responsible Officer: Alex Allen

Location: BMWA BUILDINGS, HIGH STREET, BOLTON, BL3 6TA

Proposal: CHANGE OF USE TO ISLAMIC EDUCATION FACILITY (FIRST FLOOR ONLY)

Ward: Rumworth

Applicant: Mr Yahyah
Agent : RA Design & Project Management

Officers Report

Recommendation: Approve subject to conditions

Background

The application was deferred at the June 2014 Planning Committee to enable the owner of the property to enter into discussions with the applicant about the type of teaching to be accommodated.

The application was deferred from the May 2015 Planning Committee seeking further clarification from the applicant. This information is being formulated and will be reported to Members by way of the Schedule of Supplementary Information.

Proposal

The applicant proposes the use of the first floor of an existing mill premises for the provision of a teaching facility including a teaching room, classroom, quiet study areas, stores and a hall area. The proposed hours of use of the premises are 0800 hrs until 2000 hrs Monday to Saturday. A car parking area would be provided at the front of the premises adjacent to Swan Lane making provision for 6 car parking spaces, including one disabled parking space.

Due to the current dilapidated state of the first floor of the mill building the applicant proposes to phase the refurbishment of the level by initially providing a classroom, quiet study areas, wc block and store area and then with a second phase of refurbishment involving the provision of a teaching room with the last phase providing an additional classroom and hall.

The site has the benefit of also using the existing car parking accessed off High Street which is shared by ground floor users of the mill and Bolton Muslim Girls School.

To facilitate an enhanced access into the Swan Lane elevation the current proposal makes provision of a new porch of the existing front entrance to the first floor with the existing steps retained together with a new ramped access at the corner of the front/side elevation.

Site Characteristics

The application site relates to an existing 3 storey industrial building/mill located with dual aspect with direct access to the first floor of the mill from Swan Lane and another access to the ground floor of the mill which is accessed from High Street to the east. The mill has hardstanding to Swan Lane which is used for historic delivery/service access to the first floor of the mill which has a stepped/ramped pedestrian access. The access off High Street is shared with users of the ground floor of the Mill/BMWA building and the adjacent Bolton Muslims Girl School. There is direct pedestrian access between High Street and Swan land using access through the Mill building.

Back Bowness Road forms the southern boundary of the site with residential properties on Bowness Road overlooking the existing side elevation of the Mill. Residential properties on Swan Lane are on the western side of Swan Lane overlooking the existing front elevation of the Mill building.

The Mill/BMWA building is currently underused with the first floor having not been used for a considerable amount of time. The remainder of the mill is also underused and in need of refurbishment/regeneration.

Policy

National Planning Policy Framework

Core Strategy P5 Accessibility, S1 Safe, CG3 The Built Environment, CG4 Compatible Uses, A1 Achieving, RA1 Inner Bolton and Appendix 3 Car parking standards.

Planning Control Policy Notes: No. 21 Highways Considerations.

Analysis

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise.

Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission.

Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission.

It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.

The main impacts of the proposal are:-

- * principle of the change of use;
- * impact on surrounding land uses and occupiers;
- * impact on the character and appearance of the area;
- * impact on highway safety.

Principle of the change of use

Core Strategy policy A1 seeks to ensure the development of new educational facilities in accessible locations along transport corridors and in renewal area especially in locations which are accessible to the communities they serve.

The proposed use of the first floor of the mill would be located within the area whose community it

seeks to serve, which is a short walk from St Helens Road / Derby Street with excellent access to all the local facilities which this area provides.

It is considered that the proposal complies with policy.

Impact on surrounding land uses and occupiers

The character of the area has been long established with the existing mill and adjoining terraced houses having been in existence for a long time. Both uses having a close relationship with each other.

Some reservations have been expressed by one property on Bowness Road with regard to loss of privacy. Other than the proposed new ramped entrance and door located in the South East corner of the property no additional changes to the external appearance of the building will be made. It is noted that an existing industrial end user could use the first floor of the building without any further planning permissions with a similar impact on occupiers of Bowness Road to the south. The key issue is that the first floor of the building has not been used for a long time and therefore residents may have got used to people not being able to see into their rear yards/windows.

As this is the very nature / character of the area it is not considered appropriate to place any restrictions on future tenants of the first floor or building. It is envisaged that due to the use of the first floor, structural and cosmetic improvements will be made to the southern and western elevations of the Mill building which in turn will improve the outlook of local residents.

It is considered that the proposal fully complies with the Council's policies.

Impact on character and appearance of the area

Core Strategy policy CG3 seek to ensure that new development proposals are compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscaping. Core Strategy policy seeks to conserve and enhance the existing physical environment respecting and strengthening.

As outlined above it is considered that the proposal would result in an improvement in the external appearance of the property and would bring a largely vacant mill back into use.

It is considered that the proposal would comply with policy.

Impact on highway safety

Core Strategy policies P5 and S1 seek to ensure that new development proposals make provision for sufficient off road parking, servicing and access arrangements which promote road safety.

The proposal would provide 6 car parking spaces to the front/Swan Lane elevation of the property together with the benefits of shared use of the car parking area accessed off High Street.

The Council's Highways Engineers have commented that the proposed change of use is likely to lead to an increase in on-street car parking in the locality.

It is considered that the proposal would largely provide a facility for local children to use for study purposes. As a result it is unlikely that a large proportion of users will arrive by car. If they do there is considered to be ample car parking both at the front and rear of the premises to prevent on street parking in the area.

It is considered that the level of car parking provision would be satisfactory given the nature of the

proposed use, the close proximity to Derby Street and St Helens Road, Bolton town centre and the existing parking facilities which are available within the site curtilage.

The proposal complies with policy.

Conclusion

The proposal provides for the re-use of one part of the existing Mill building which will result in its regeneration, providing an educational facility serving the local community whilst providing adequate off road car parking. The proposal would not be detrimental to the living conditions of existing residents and complies with policy.

The change of use is recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- two letters of objection and one letter of support have been received. The letters of objection raise concerns about the following:

- Potential loss of privacy with existing windows looking into residents windows in the adjoining streets (Bowness Road);
- Parking - requested clarification if there will be a car park with the proposed change of use;
- Queries from Solicitors working on behalf of the lease holders of the Mill building with concerns over the proposed use (community facilities are not an acceptable use within the current lease) and issues over who notice was served on for the planning application. ***The issue of whether there is a restrictive lease is not a material planning consideration.*** Relevant notice has been served on the representatives of the adjoining Muslim Girls School who it is believed retain the leasehold of the application site. It is therefore considered that sufficient notice has been provided.

One letter of support has recently been received from the owners of the property.

Petitions:- no petitions received.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees: the Council's Highways Engineers, Design for Security (Greater Manchester Police).

Planning History

Planning permission was refused in 2000 for the change of use of the first floor from light industrial to the sale of wholesale furniture and a carpet warehouse. Permission was refused due to the site's unsuitability to be served by HGVs and potential impact on residential amenity (Ref: 57027/00).

Planning permission was refused in 2007 (Ref: 79009/07) for a change of use from B1 industrial to a snooker hall (D2 use). It was considered that the proposal would be an incompatible use resulting in an increase in and around the site whilst providing insufficient parking. It was considered there was a lack of clarity whether the car parking areas associated with the mill building were in the control of the previous applicant.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

2. Before the approved/permitted development is first brought into use no less than 6 car parking

spaces with minimum dimensions of 2.4 metres by 4.8 metres shall be marked out and provided within the curtilage of the site, in accordance with Drawing Ref: RAD/756/14/4/Rev A. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

3. Prior to completion of development a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented in full and retained thereafter.

Reason

To encourage future occupiers to access the site by means of transport other than the private car.

4. The first floor of the building shall only be used for teaching purposes only (Use Class D1) and for no other purpose.

Reason

For the avoidance of doubt as to what is permitted.

5. The premises subject of this consent shall not be open outside the following hours:-

08:00 and 20:00 Mondays – Saturdays

No opening shall take place on Sundays.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

6. The external surfaces of the extension hereby permitted shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter.

Reason

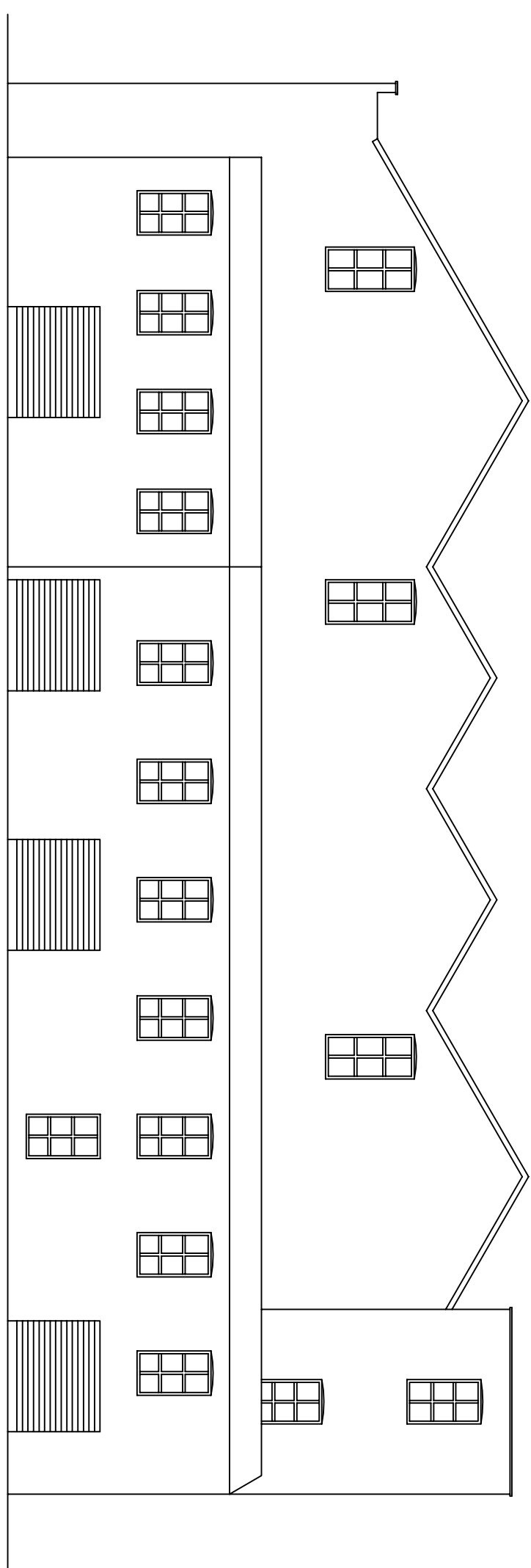
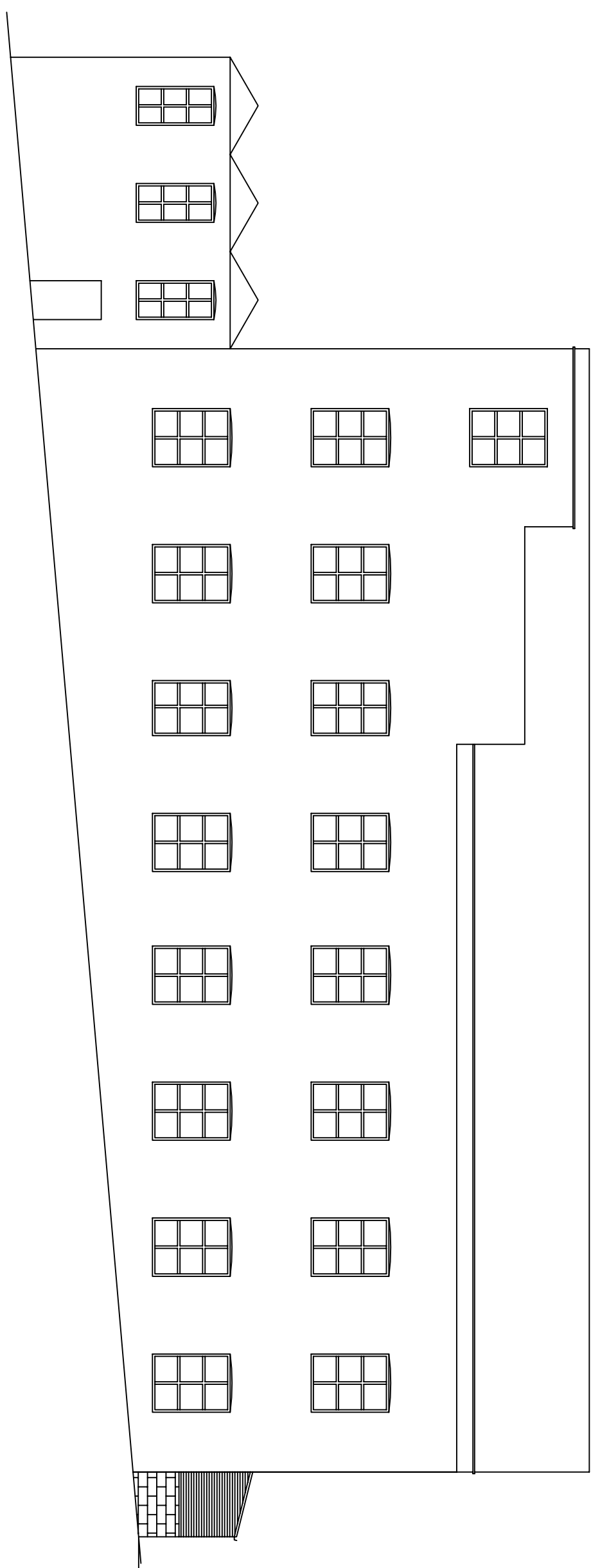
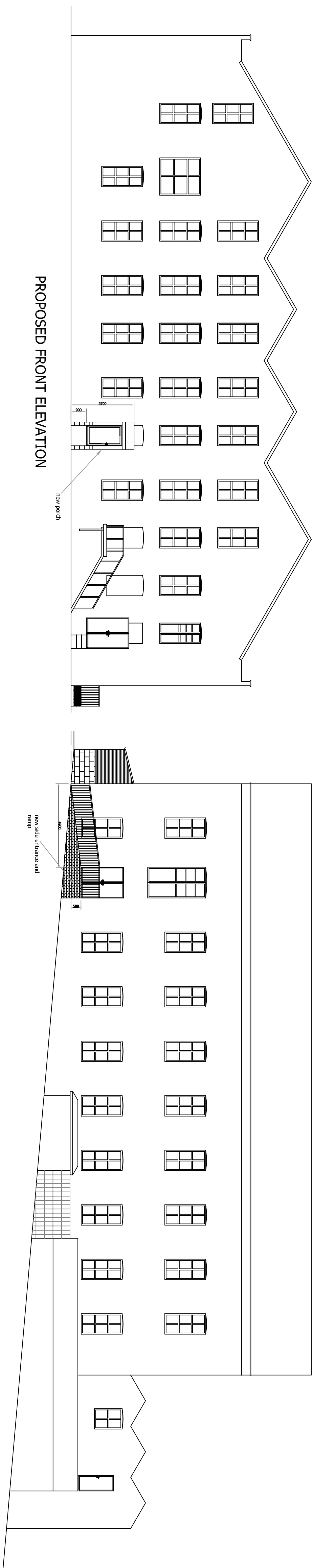
To ensure the development visually reflects the existing building.

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

**RAD/756/14/1 Existing Elevations scanned to file 24/04/14;
RAD/756/14/2 Rev A Existing Plans scanned to file 24/04/14;
RAD/756/14/3 Proposed Elevations scanned to file 24/04/14;
RAD/756/14/4 Rev A Proposed Plans scanned to file 24/04/14;
RAD/756/14/5 Addition Information scanned to file 24/04/14;**

Reason

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

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Figured dimensions take precedence over scaled measurements from the drawing. All dimensions to be checked by Contractor and discrepancies clarified with the Client prior to commencement.

The whole of the works to comply with current Building Regulations. No work to commence without Building Regulations approval.

Notes

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MANAGEMENT
LIMITED

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Email : rahatanwar@hotmail.com

Project
**PROPOSED ISLAMIC EDUCATION FACILITY,
BIMWA BUILDINGS,
SWAN LANE,
BOLTON
BL3 6TA**

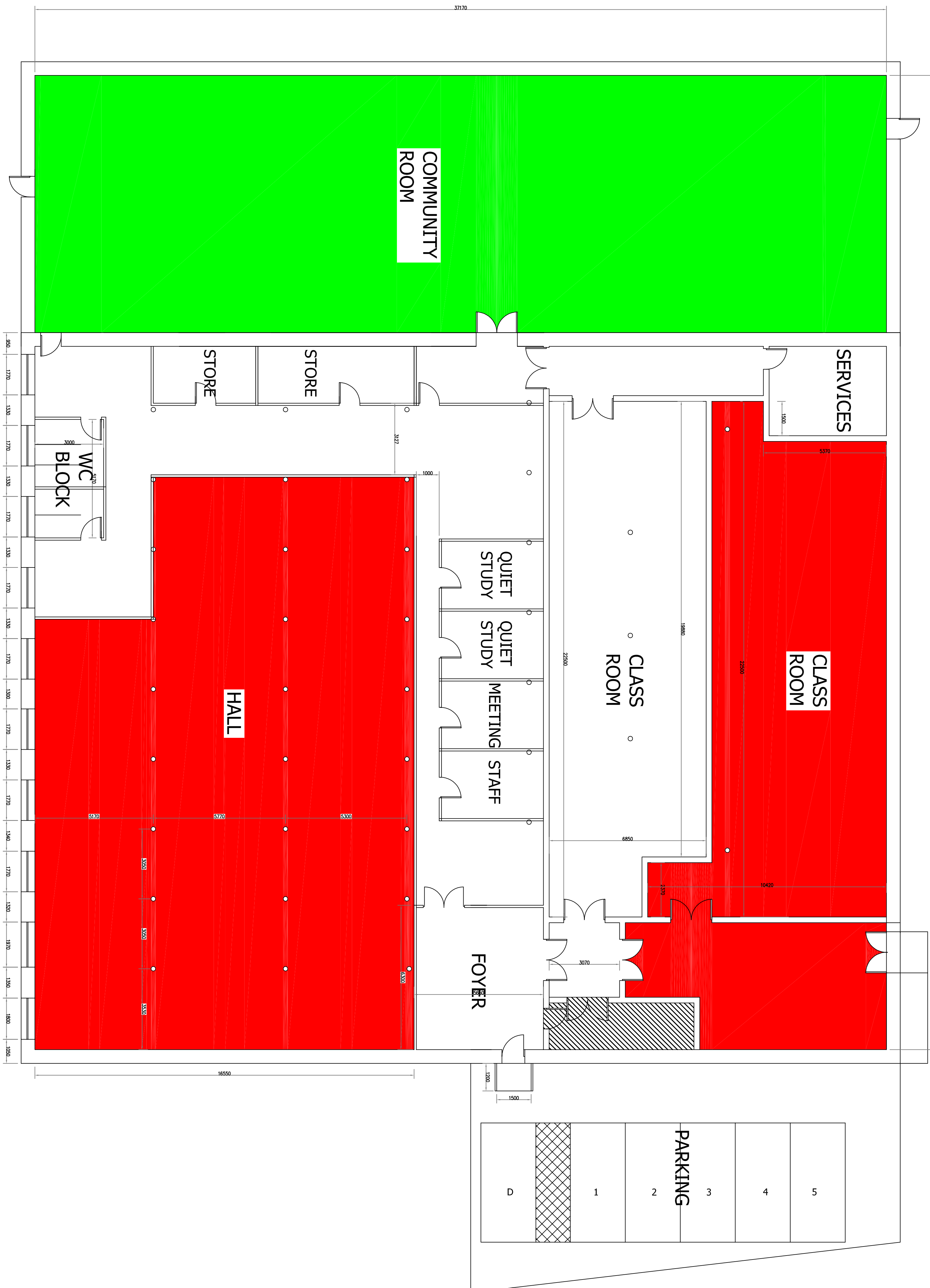
Client
MR YAHYAH

Drawn
RA

Date JANUARY 2014

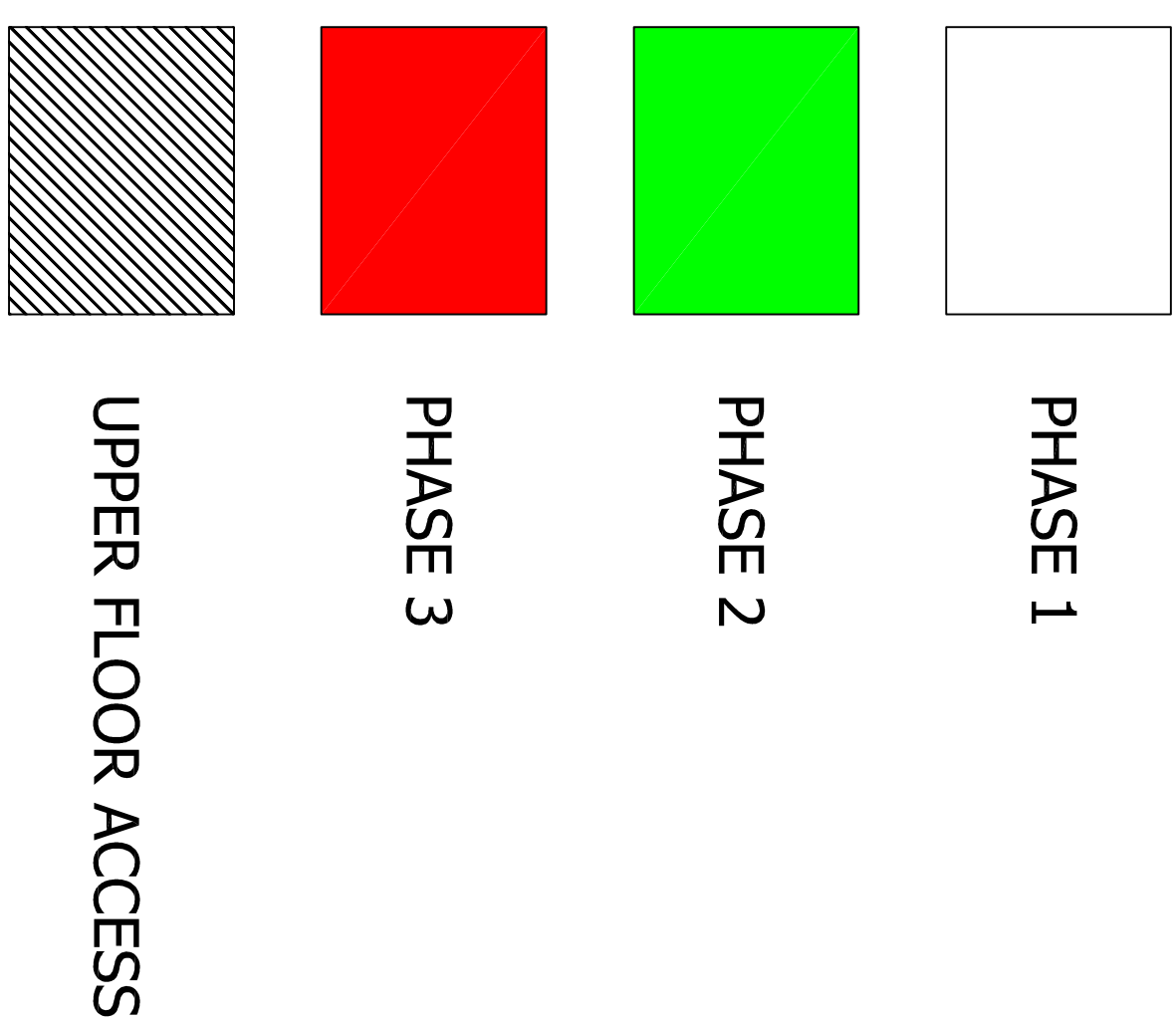
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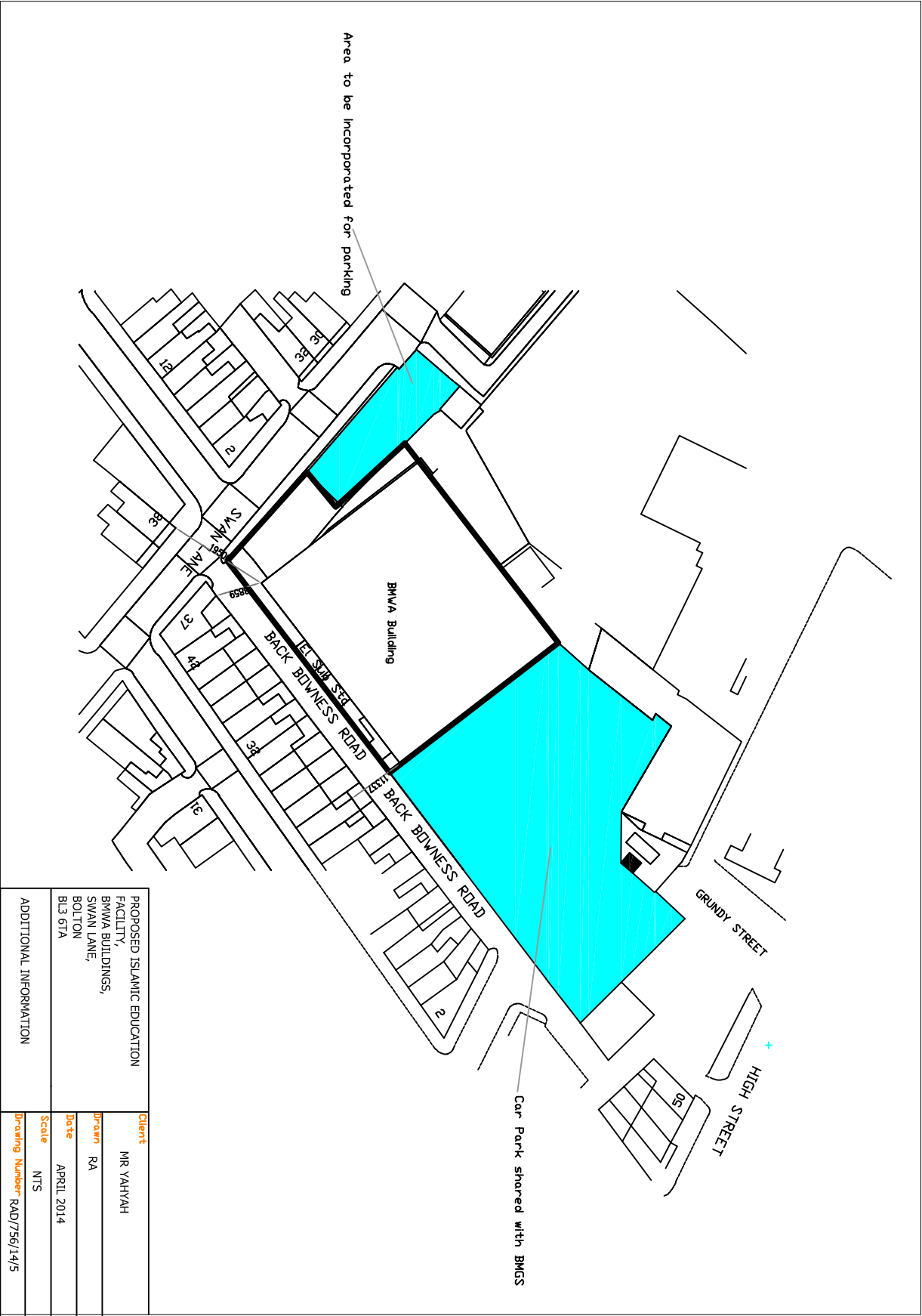
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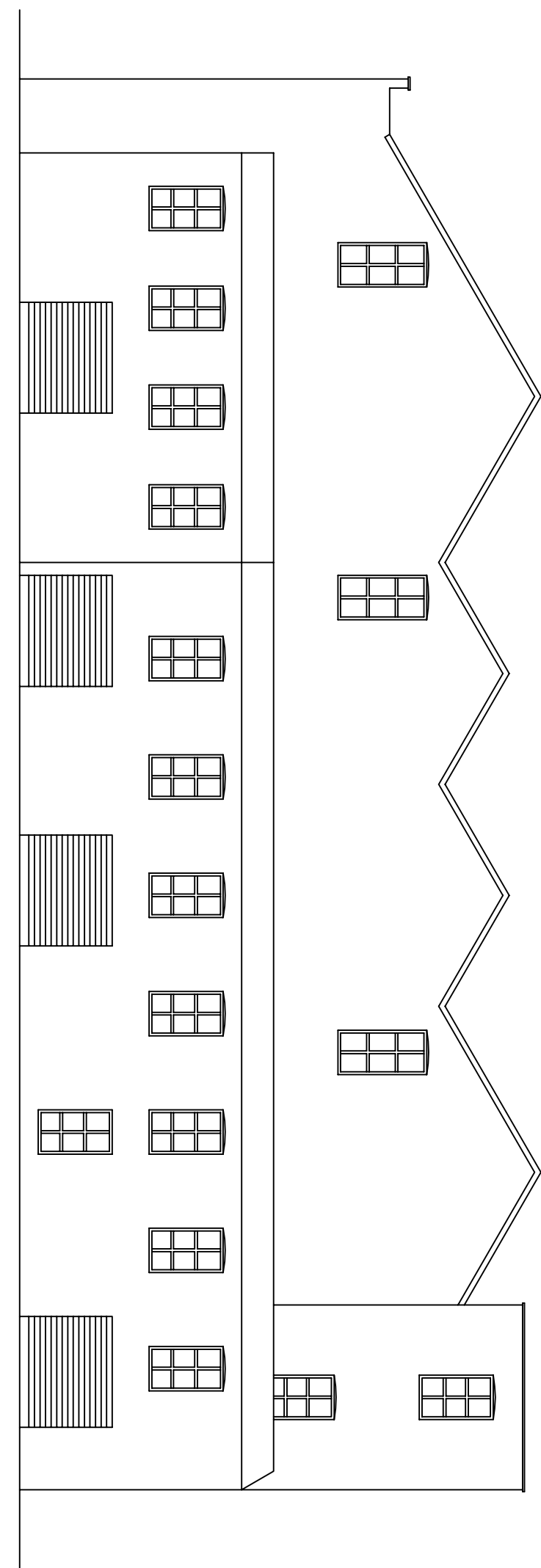
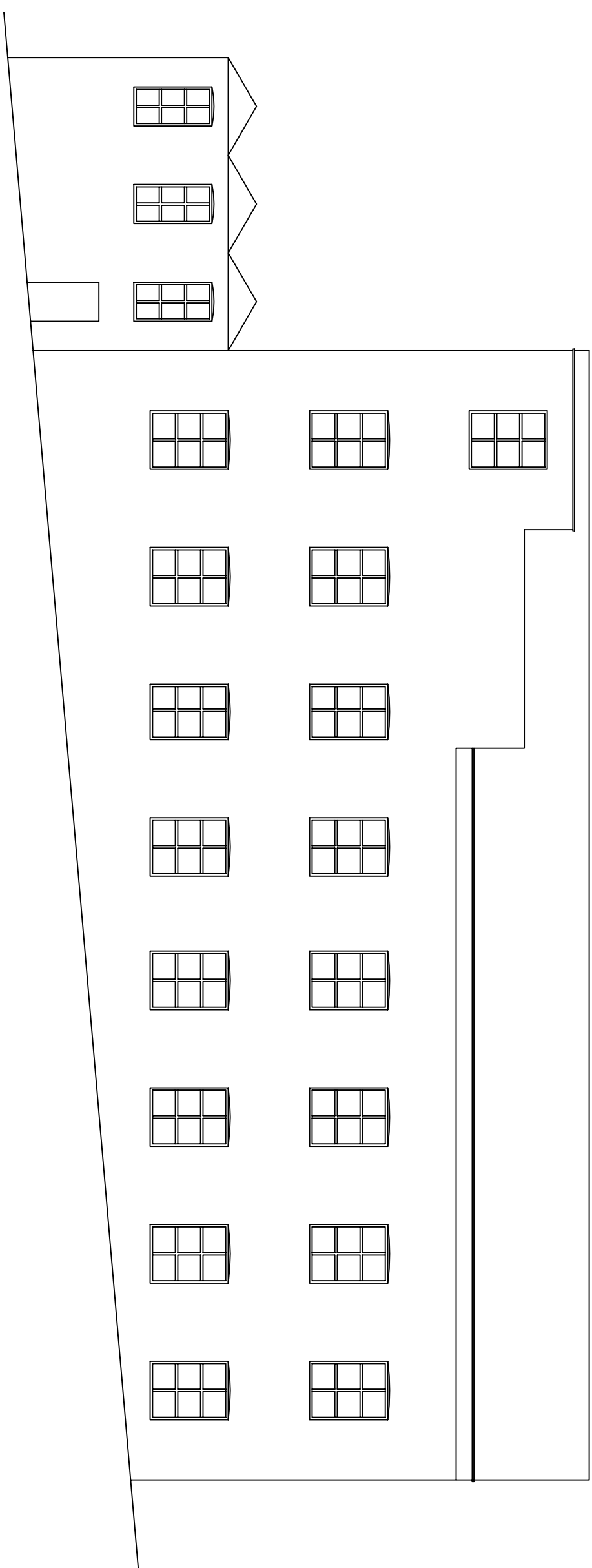
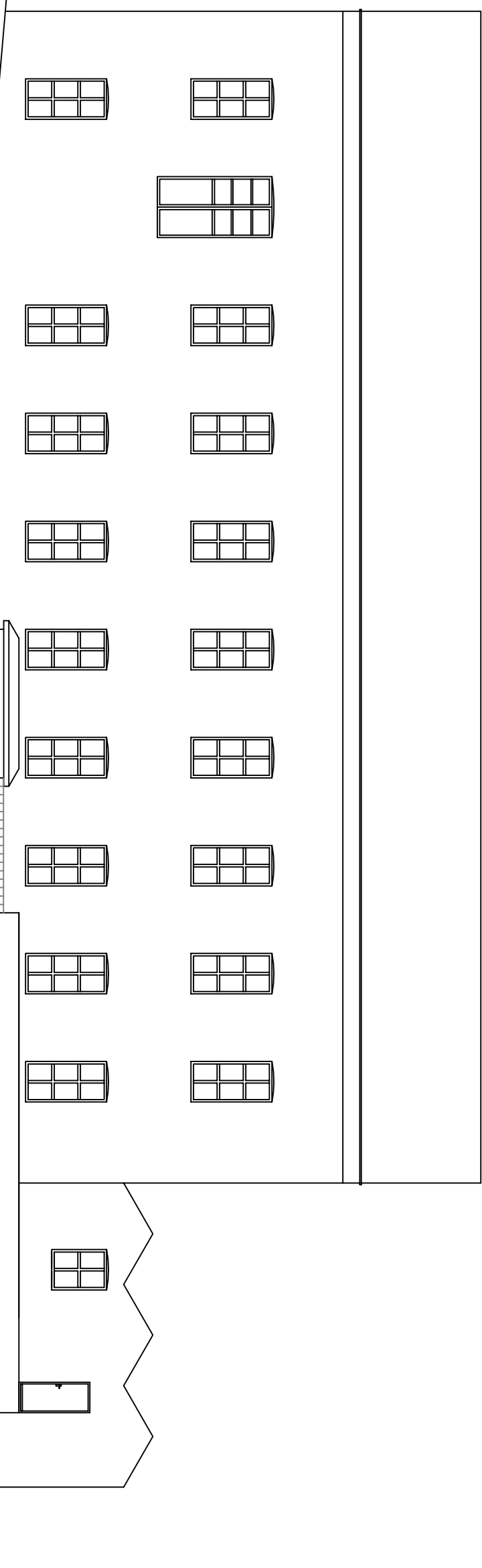
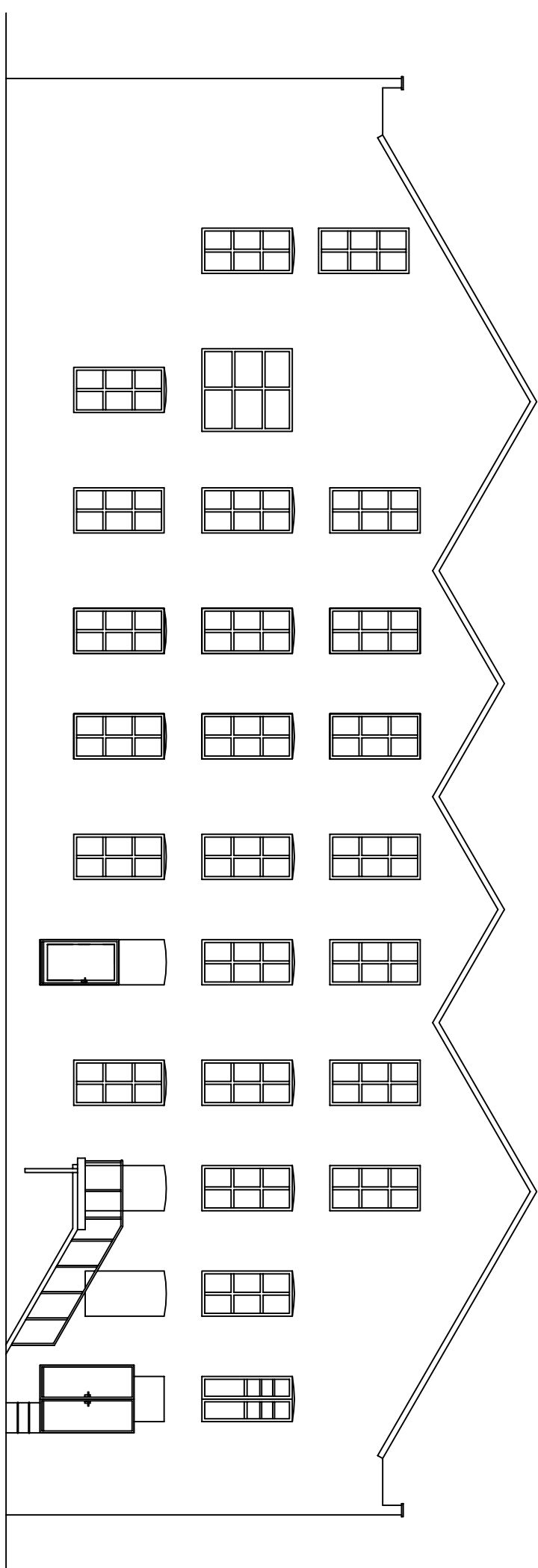


SWAN LANE

PROPOSED FIRST FLOOR PLAN

[illegible]





EXISTING SIDE (02) ELEVATION

EXISTING REAR ELEVATION

[illegible]

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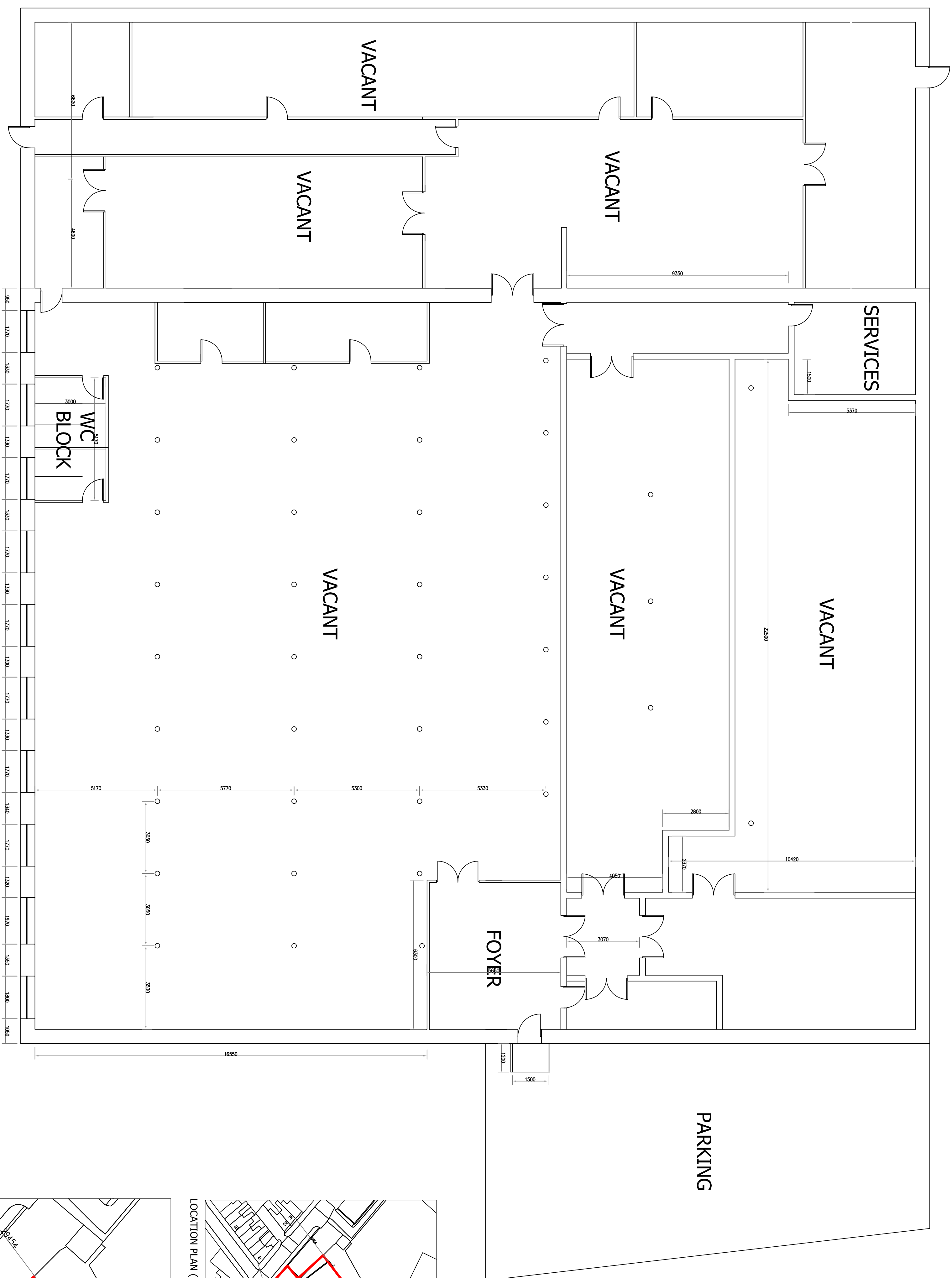
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MANAGEMENT
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Project	Client
PROPOSED ISLAMIC EDUCATION FACILITY, BMWA BUILDINGS, SWAN LANE, BOLTON BL3 6TA	MR YAHYAH
	Drawn RA
	Date JANUARY 2014
Title	Scale 1:150
EXISTING ELEVATIONS	Drawing Number RA0/756/14/1



EXISTING FIRST FLOOR PLAN

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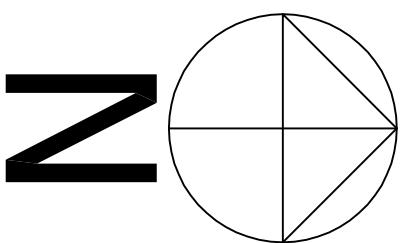
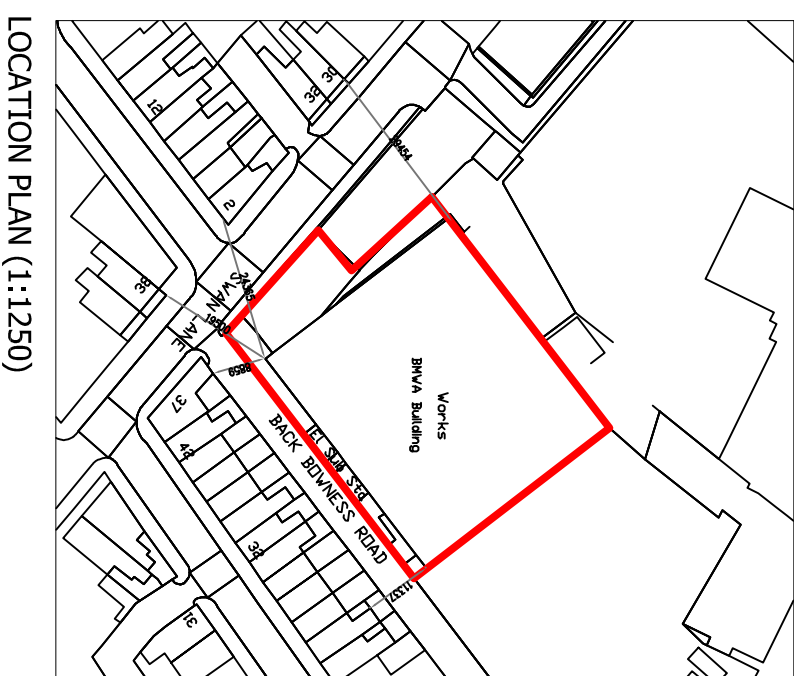
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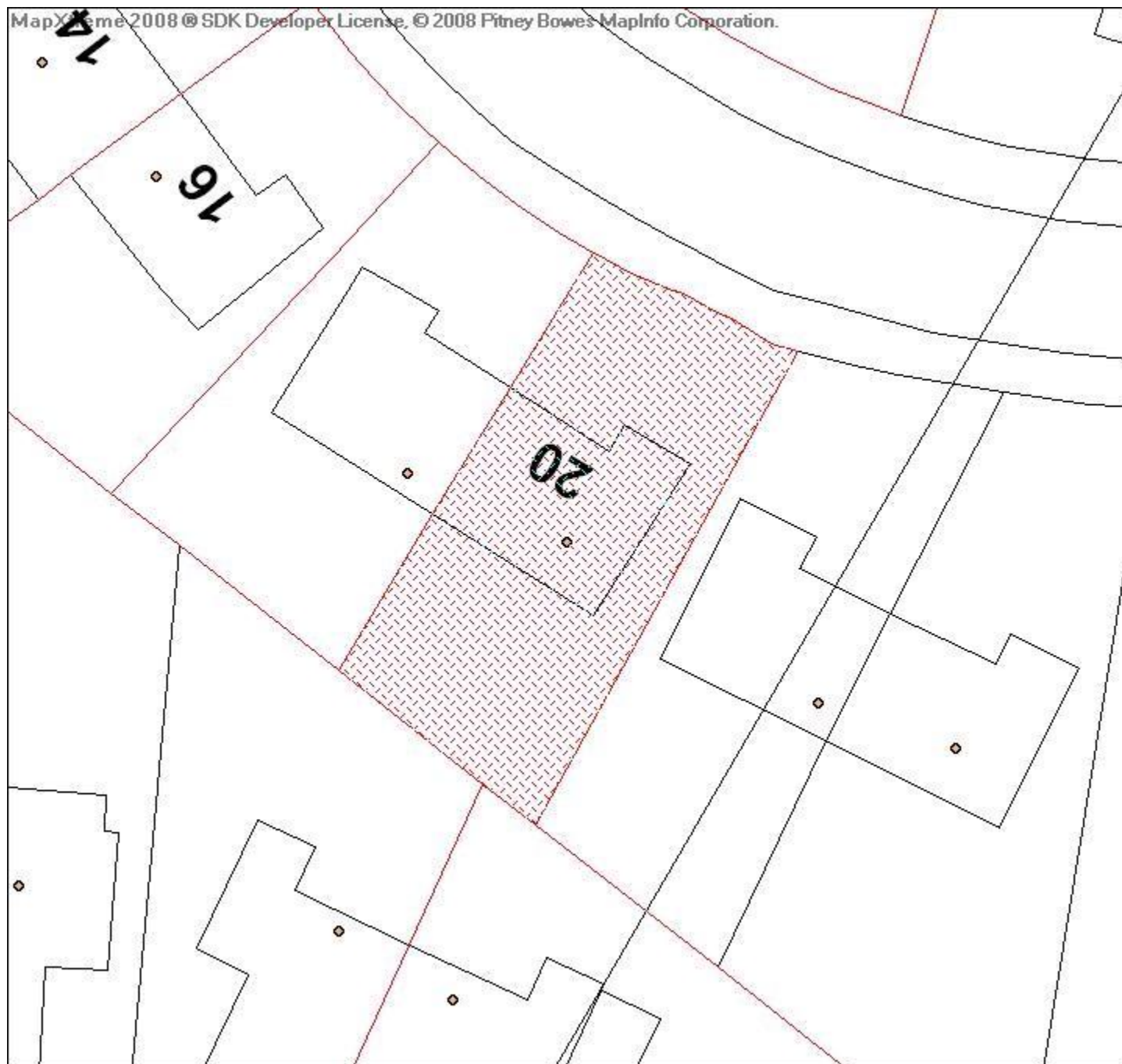
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BLOCK PLAN (1:500)

Project	PROPOSED TEACHING & COMMUNITY FACILITY, BMW BUILDINGS, SWAN LANE, BOLTON BL3 6TA	
	Client	MR YAHYAH
	Drawn	RA
	Date	JANUARY 2014
Title	Scale	1:100
	Drawing Number	RA07/56/14/2/RevA

Application number 93369/14



Development & Regeneration Dept
Development Management Section

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Bolton Council

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Date of Meeting: 04/06/2015

Application Reference: 93369/14

Type of Application: Full Planning Application
Registration Date: 13/01/2015
Decision Due By: 09/03/2015
Responsible Officer: Helen Williams

Location: 20 OLD QUARRY LANE, EGERTON, BOLTON, BL7 9EU

Proposal: ERECTION OF SINGLE STOREY EXTENSION AT REAR

Ward: Bromley Cross

Applicant: Ms Scowcroft
Agent : Carolyn Jepps Ltd

Officers Report

Recommendation: Approve subject to conditions

Background

This application was deferred at the last Committee meeting so that all parties (the applicant, main objector and planning officers) could meet to discuss the possibility of amending the proposed extension so that it is a further 1 metre away from the party boundary with 18 Old Quarry Lane.

This meeting has been held, and at the time of writing this report the applicant was having plans drawn up to see if it would be achievable to reposition the extension 1 metre further away from the boundary. This plan will be presented to Members at the meeting, along with confirmation as to whether or not the applicant believes the amended extension would meet their son's requirements.

Information reported to Members at 14th May Committee

This application was deferred at the last Committee meeting as Members requested that the applicants investigate other solutions to providing the proposed accommodation for their severely disabled son.

The applicants, their architect, two Council Paediatric Occupation Therapists and a Building Surveyor from Bolton at Home's Disability Team met with the officers on 17th April to discuss possible alternatives for providing the new bedroom and en suite for the disabled resident.

Siting the bedroom extension to the rear of the kitchen

Members had queried at the Committee meeting whether rooflights could be provided to the kitchen/diner (along with a side window), to enable the proposed bedroom extension to be sited to the rear of the kitchen (along the boundary with 22 Old Quarry Lane, rather than along the boundary with no. 18). The applicants and the Occupational Therapists all agreed that the installation of rooflights would not be an appropriate option, as the disabled resident would be totally distracted by them should it be precipitating (the resident cannot have any distraction in order to eat). The

applicants explained that their son has to be removed from the dining area at his respite/day care centre as he refuses to eat where there is any form of distraction. NHS Bolton have also submitted a letter to verify this point about rooflights.

Converting the existing lounge area to the new bedroom

The applicants and the Occupational Therapists were extremely concerned that changing the lounge into a bedroom would not be successful for the disabled resident. The room is a happy place for the resident and it has been adapted so it can be used by all the family, without the resident harming himself and others. The disabled resident is on the autism spectrum and the change in the environment could be very detrimental; a conversion would also take away the freedom the resident has in that room.

Converting the existing kitchen into the new bedroom and building a kitchen extension to the rear, along the party boundary with 22 Old Quarry Lane

It was agreed at the meeting that the applicant's architect would produce drawings of how this possible alternative arrangement could work. Following the meeting with officers the architect has drawn two options, both converting the existing kitchen into the disabled resident's bedroom (with the existing bedroom being converted into an en suite) and proposing a kitchen extension along the party boundary with 22 Old Quarry Lane. The plans showing these two options are attached to the report.

The applicants' "team" have reviewed the two possible alternatives but feel that they would not be workable/suitable for the following reasons:

- * The access to the side of the property is only 1.5 metres wide when a turning circle of a minimum of 1.8 metres is needed for accessing the extension from outside.
- * To provide an appropriate turning circle the door opening would need to be at the rear of the kitchen, and due to level differences there would need to be a ramped access, which at a minimum of 1:12 fall and 1.5 metres wide would leave the applicants with limited garden. There are also safety concerns (fall concerns) regarding this arrangement.
- * There would be no usable space left for family gatherings or a safe play area for the disabled resident (who currently has a trampoline). It is very difficult for the family to socialise freely with their son and therefore family visit them.
- * The extra door to the redesigned kitchen reduces massively the clearance that the disabled resident needs (being able to grab anything causes a resistance for him being safely transferred in and out of the kitchen).
- * The existing kitchen is newly installed to a high specification and to re-install it would incur extreme costs to the applicant which could not be covered within the grant for the extension.

The applicants have therefore decided, after a great deal of thought and discussion with health specialists, to continue to seek approval for the proposed extension that was presented to Members at the last meeting. The officer's analysis and conclusion below is therefore still applicable.

The applicants have stated that should the proposed extension be approved, they would hold off their build until September to allow the disabled resident at 18 Old Quarry Lane an undisturbed summer.

Proposal

Permission is sought for the erection of a single storey extension to the rear of the dwelling, which would provide a bedroom and en suite for a disabled resident (the applicant's son). The extension will extend a total of 6.507 metres from the original rear elevation of the dwelling, adjacent the party boundary with 18 Old Quarry Lane. The extension will be set in 0.2 metres from the party boundary for a length of 4.407 metres, then set in 1.1 metres for the next 2.1 metres (the en suite will be set

in further from the boundary with no. 18 than the bedroom part of the extension). The extension will have a flat roof. A high level window to the en suite is proposed on the rear elevation and a window and glazed door to the bedroom are proposed in the side elevation.

The existing rear conservatory (which projects 2.575 metres from the rear along the boundary with no. 18) will be demolished to accommodate the proposal.

The design of the extension has been amended during the application process in the following ways:

- * The overall length of the extension has been reduced from 7.3 metres to 6.507 metres (a reduction of 0.793 metres). This has been achieved by re-orientating the position of the bed;
- * The en suite proposed at the end of the extension has been set in an extra 0.9 metres from the boundary with 18 Old Quarry Lane (so it is now set in 1.1 metres from the party boundary);
- * The originally proposed hipped roof has been replaced with a flat roof, resulting in the extension being 0.916 metres less in total height.

The applicant has submitted information off an NHS Specialist Occupational Therapist, a Residential Support Worker from Bolton Children's Services, a social worker (within the Council's Children with Disabilities Team), Firwood Fold High School, a community nurse from the Paediatric Learning Disabilities Service, an NHS consultant paediatrician, an NHS Epilepsy Specialist Nurse, their son's GP and Greater Manchester Carers Trust to support their application. This information confirms the disabilities of the resident, and that he is severely disabled.

The Occupational Therapist has also explained why the proposed extension is required and why the resident's existing bedroom is no longer suitable for his needs (as he grows older, bigger and stronger). To summarise this, the resident's existing specialist bed (full size cot bed with high sides) is positioned against a wall in his current bedroom, which only allows access for a carer on one side. As he is now bigger and stronger there needs to be access on both sides of the bed (so that he can be held down on one side and assisted on the other) and room for the doors to the bed to be opened. There also needs to be moving and handling space for carers and safe transfers out of his bed to his wheelchair, showerchair and feeding chair. Also paid carers need to be able to work in a safe environment (the family care themselves for their son but they will need increasing additional care support to help keep their son at home as he grows older). There is no room for this in his current bedroom and his bedroom cannot be feasibly widened to accommodate this.

The Occupational Therapist has also explained that the proposed extension is the most limited it can be, only allowing for a bed, safe transfer space (in and out of his chairs), and an en suite (with transfer space). They have confirmed that the proposed extension could not be any smaller for the needs of the resident. The resident's wheelchair is a "tilt in space" wheelchair, which takes up more space than a standard wheelchair, therefore turning circles of a minimum 1.8 metres are required (the extension provides for these minimum turning circles). The bedroom also does not accommodate for the storage of most of the disabled resident's things (for example clothes and toys, which would need to be stored elsewhere in the house).

The applicant has stated that the new bedroom for their son would allow him to continue to be cared for at home.

Site Characteristics

The application property is a two storey semi-detached dwelling in a row of similarly designed dwellings. The former integral garage to the front of the dwelling has been converted to a bedroom and en suite for the disabled resident (he was a child when the garage was converted). To the rear is a conservatory, which projects 2.575 metres to the rear of the lounge and adjoins the boundary with 18 Old Quarry Lane (the other half of the semi pair). The kitchen at the rear of the dwelling has also

been extended by approximately 1.5 metres.

There is timber and concrete post fencing (at approximately 1.8 metres in height) around all boundaries to the rear garden. The garden is at a lower ground level than the house and contains a shed in the south eastern corner. The garden and rear of the house is south facing.

The neighbouring property at 18 Old Quarry Lane (the other half of the semi-detached pair) has a rear lounge window adjacent the party boundary and there is a raised decked area in front of this. The kitchen has been extended (the extension projects approximately 2.7 metres from the rear elevation) and there are patio doors in the side elevation, which lead on to the decked area. The residents at no. 18 have also converted their integral garage and have adapted their ground floor for a disabled resident.

22 Old Quarry Lane is sited on a higher ground level than the application site and has not been extended at the rear with a raised decked area.

To the rear of the application site are the two storey semi-detached properties of 37 and 39 Fairfields, which are on a slightly lower ground level than the application property. 37 Fairfields has a large rear conservatory.

Policy

National Planning Policy Framework (NPPF)

Core Strategies Policies: CG3 The Built Environment; CG4 Compatible Uses; OA5 North Bolton.

SPD House Extensions and PCPN2 Space Around Dwellings.

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

Impact on the Amenity of Neighbouring Residents

Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.

SPD House Extensions provides general advice on house extensions and offers guidance relating to

the impact of extensions on neighbouring properties, particularly in relation to natural light, privacy and overlooking. PCPN2 Space Around Dwellings sets out the Council's minimum interface standards between dwellings.

The SPD states that single storey rear extensions of up to 3 metres in length on semi-detached houses will normally be acceptable and that longer extension may also be acceptable where they do not cause significant overshadowing of main room windows in neighbouring properties. The proposed extension will project 4.407 metres along the boundary with 18 Old Quarry Lane, then another 2.1 metres set in 1.1 metres from the boundary. No. 18 has not been extended along the party boundary and the proposed extension would infringe upon a line drawn at a 45 degree angle from the centre of the rear window of their lounge (in fact the existing conservatory already infringes upon this line). The extension is therefore longer than normally permitted under policy guidance.

Paragraph 1.11 of the SPD however states that the Council is sympathetic to the additional needs of people with disabilities which may make a departure from the guidance necessary. However, detailed evidence of disability will be required, as may evidence of a needs assessment conducted by an appropriate professional advisor, to demonstrate why an extension which would not normally be considered acceptable in planning terms should be granted permission on the basis of such individual circumstances.

The proposed extension is for a severely disabled resident and evidence of his disabilities has been submitted with the planning application. As explained above within the proposal section of this report, an Occupational Therapist has confirmed that the extension is required as the current bedroom for the disabled resident is no longer suitable to his needs, and that the proposed extension would enable the resident to continue to be cared for at home.

When the application was first submitted a rectangular extension projecting 7.3 metres in length from the original rear elevation of the dwelling was proposed, with a hipped roof. Following discussions with officers the extension has been amended in the following ways:

- * The overall length of the extension has been reduced from 7.3 metres to 6.507 metres (a reduction of 0.793 metres). This has been achieved by re-orientating the position of the bed;
- * The en suite proposed at the end of the extension has been set in an extra 0.9 metres from the boundary with 18 Old Quarry Lane (so it is now set in 1.1 metres from the party boundary);
- * The originally proposed hipped roof has been replaced with a flat roof, resulting in the extension being 0.916 metres less in total height.

The Occupational Therapist has confirmed that the proposed extension is as limited in size as it can be for the equipment and turning spaces the resident requires, and that the size of the bedroom leaves no space for storage (of clothes, toys, etc.), which would need to be accommodated elsewhere in the house.

Impact on 18 Old Quarry Lane

18 Old Quarry Lane is the other half of the semi-detached pair. There is a lounge window in the rear elevation of the property, adjacent the party boundary with the application property, and in front of this is a raised decked area. The proposed extension would significantly infringe upon a line drawn at a 45 degree angle from the centre of this window, and due to the siting and orientation of the extension (to the south east of the window) it is likely that the extension would reduce natural light and sunlight reaching this window. It should be noted that the lounge at no. 18 has windows to the front and the rear, but it is appreciated that it is the rear window (the south facing window) that receives the most sunlight. The extension will also take light away from raised decked area which currently adjoins the applicant's conservatory.

The residents of no. 18 have also raised concern that the proposed extension will take light away from their kitchen/diner. There are patio doors in the side elevation of the kitchen/diner extension, which already face the applicant's conservatory. It is considered that the principal windows to this room are the two windows in the rear elevation (south facing) that face the garden, not the patio doors in the side. The proposed extension would not infringe upon a line drawn at a 45 degree angle from the nearest window in the rear elevation of the kitchen/diner, and therefore it is not considered that the proposal would unduly harm the living conditions of the residents in this room.

It is not considered that the privacy of the residents at no. 18 would be impacted upon as no windows are proposed in the western side elevations of the extension.

The main impact of the proposed extension on 18 Old Quarry Lane is therefore considered to be on the outlook from the rear of the lounge and the reduction of natural light and sunlight to the rear window of the lounge and to the raised decked area and rear garden. The applicant has however sought to reduce this impact by reducing the overall length of the extension by 0.793 metres, by setting in the last 2.1 metres of the extension further in from the boundary, and by reducing the height of the extension by replacing the originally proposed hipped roof with a flat roof. Despite these amendments it is acknowledged that the extension will still create overshadowing, particularly in the morning (as the extension is sited to the south east of the lounge window and decked area).

The residents at 18 Old Quarry Lane have raised the fact that one of them is also disabled and spends the majority of their time at home. They have stated that, in warmer months, the disabled residents spends a lot of his time on the decked area, as the warmth of the sun on his skin helps with his symptoms. This circumstance is acknowledged and is given consideration within this analysis.

Impact on 37 Fairfields

37 Fairfields is a two storey semi-detached dwelling immediately to the rear of the application site. It is at a lower level than the application property and has been extended to the rear with a large L-shaped conservatory (no planning history). Conservatories are not classed as main rooms within the SPD and therefore are not afforded protection in terms of loss of natural light and outlook. The proposed extension will only have high level en suite windows in the rear elevation, so there will be no potential overlooking between the two rear extensions, or into no. 37's rear garden.

The rear of no. 37 also faces north, therefore it is not considered that the proposed extension would cause undue loss of light from the rear of the dwelling or the rear garden.

Impact on 22 Old Quarry Lane and 39 Fairfields

The proposed extension is sited away from the boundary with 22 Old Quarry Lane and would not infringe upon a line drawn at a 45 degree angle from the nearest rear window. It is therefore considered that the proposed extension would not unduly impact on the living conditions of the residents at 22 Old Quarry Lane. 39 Fairfields does not immediately overlook where the proposed extension is to be sited and therefore it is not considered that the amenity of these neighbours would be unduly affected either.

Alternative options considered by the applicant (prior to the first Committee meeting)

Prior to the submission of the amended plans (the plans that are to be determined by Members) the applicant also considered three alternatives to providing the accommodation. These alternatives were as follows:

1. Having the extension the full width of the house, projecting 3.7 metres along the boundary with no. 18 and 4.03 metres along the boundary with no. 22. This extension would still infringe upon a 45

degree angle line from the lounge of no. 18 (though obviously less than the final proposal), but the applicant confirmed that there would be insufficient circulation space (their son would have to "shuffle on his bottom" to gain access into the kitchen as there would be no wheelchair access into the house) and there would be no windows to their kitchen (which they state is the most important room in their house as this is where they can all sit together as a family).

2. Having the extension project 5.25 metres along the boundary with no. 18 and extend almost the full width of the house, stopping part way across the easternmost kitchen window. Again this extension would infringe upon a 45 degree angle line from the lounge of no. 18 and would have a greater projection along the party boundary than the amended plan (which projects 4.407 metres along the party boundary, then is set in 1.1 metres for the further 2.1 metres).

3. Siting the extension adjacent the party boundary with no. 22, at a projection of 7.3 metres from the original rear elevation and a projection of 2.575 metres along the party boundary with no. 18 (to allow access from the kitchen and lounge to the bedroom). This extension would infringe upon a 45 degree line taken from the centre of the lounge/diner window of no. 22 and the applicant has confirmed that there would be insufficient for carers (only one side of the bed would be available).

The applicant therefore discounted these alternatives as not being suitable and submitted the plans as amended as the best option.

Existing bedroom

The disabled resident's existing bedroom and en suite is within the house's former integral garage (it was converted to provide ground floor accommodation for the resident when he was a child). As explained above, as the resident is now bigger and stronger there needs to be access on both sides of the bed (so that he can be held down on one side and assisted on the other) and room for the doors to the bed to be opened. There also needs to be moving and handling space for careers and safe transfers out of his bed to his wheelchair, showerchair and feeding chair. The current bedroom is not large enough to accommodate the needs of an adult and due to the position of the room within the house, it cannot be widened and/or lengthened sufficiently to accommodate the required space.

The applicant has stated that their son's current bedroom will be converted into a private living space for the parents, where they can have some "time out" and store their personal items (away from their son's reach), which the conservatory (which is to be demolished) currently provides.

Conclusion

It is considered that the proposed extension would have a detrimental impact on the amenity of the residents at 18 Old Quarry Lane as it would overshadow (particularly in the morning) the rear lounge window, the raised decked area and their rear garden. The applicant has however demonstrated the need for the extension, the minimum space that is required within the extension, explored alternative options for providing the accommodation, and has reduced the scale of the extension as far as achievable (by reducing the projection and the height of the extension).

It is therefore considered that the proposal, whilst having a harmful impact on the neighbours at 18 Old Quarry Lane, would comply with paragraph 1.11 of SPD House Extensions.

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 OA5 of the Core Strategy relates specifically to development in North Bolton and states that the Council will conserve and enhance the character of the existing physical environment, and will require special attention to be given to the massing and materials used in new development.

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 proposed extension is to be sited at the rear of the dwelling and therefore will not be visible within the street scene.

Although lengthy, the design and height of the proposal will give the extension the appearance of being subservient to the main dwelling. The materials to be used for the walls will also be similar to those of the main dwelling.

An adequate size of rear garden will be retained following the proposal.

It is therefore considered that the proposed extension would be compatible with the character and appearance of the dwelling and the surrounding area, compliant with Policies CG3 and OA5 of the Core Strategy.

Conclusion

As discussed above, it is considered that the proposed extension would have a harmful impact on the living conditions of the residents at 18 Old Quarry Lane, due to the proposed extension's impact on their rear lounge window, their raised decked area and their rear garden. However, it has been proven by the applicant that the extension, which would not normally be considered acceptable in planning terms, should be granted permission in this instance due to the very special circumstances of the disabled resident (in line with paragraph 1.11 of SPD House Extensions).

The applicant has also demonstrated that the accommodation cannot be provided in any alternative way and they have reduced their initial proposal as a response to third party objections and officer advice. Members are therefore recommended, on balance, to approve this application.

Representation and Consultation Annex

Representations

Letters:- two letters of objection have been received from residents at 18 Old Quarry Lane and 37 Fairfields. These letters raise the following concerns:

18 Old Quarry Lane

- * My husband is suffering from a terminal illness. Our home has been adapted to care for him, with small impact to our neighbours and to the overall size and appearance of the house. The adaptations to our neighbours' property should also be proportionate;
- * The proposed extension will affect our current enjoyment of our home due to its considerable size and its position. Our home is the place my husband spends the majority of his time;
- * Concerned that this large extension may be approved even though it would normally not, as the proposal is for a person with disabilities;
- * If approved the extension will have a negative effect on a disabled person, my husband;
- * We have patio doors in the side of our dining kitchen room, which allow slightly more light into the room. We spend the majority of our family time in this room. This is part of the reason why the proposed extension will have such an impact on us;
- * The extension built so close to our boundary will result in a significant loss of daylight in an already dark room (dining kitchen);
- * Our view from the rear lounge window will be of a brick wall;
- * The extension will reduce the amount of light coming into the lounge;
- * We have a decked area outside our patio doors which is a place where we entertain friends in summer and more importantly is a place where my husband spends much of his time in the warmer months. The warmth of the sun on his skin helps with his symptoms. The proposed brick wall will hinder this, reducing the amount of sunlight to the decked area and garden;
- * It will be visibly overbearing as it will run the entire length of our garden. It will be visually unattractive;
- * Our garden will feel claustrophobic if there is a brick wall running the entire length of the boundary;
- * Our view of all other neighbours to the left will be blocked;
- * The extension is not in proportion with the other houses in the street and would be uncharacteristic of the area. There would only be a small garden left at no. 20;
- * **Regarding the amended plans** - there is no fundamental change to the basis for my objection.

A further letter, on behalf of the residents at 18 Old Quarry Lane, was reported to Members at the 9th April Committee meeting (through the Schedule of Supplementary Information). This letter explained that the male resident (adult) at their property has a terminal illness and is increasingly going to be confined at home (no. 18), both within the house and rear garden. They commented that his living space will be adversely affected by the proposed extension, which would occupy almost the full depth of the garden and substantially breaches the Council's adopted design guidance for rear extensions. They consider that the impact of the extension would be made profoundly worse by both its siting along the shared boundary and by its orientation on the south side of the living room. In support of the objection letters from the neighbour's consultant neurologist, Specialist Occupational Therapist and GP have been submitted, which confirm his illness and that due to his reduced mobility he has to spend the majority of his time at home and in the garden (which needs to be as stimulating and comfortable as possible).

37 Fairfields

- * The extension will overshadow their garden and restrict the way they use the space;
- * There is a ground level difference of some 1 metre between no. 20 and their property, which will

- create a wall some 3.6 metres in height, less than 1.3 metres from the boundary;
- * If they had known the applicants' intention they would not have agreed to the former trees along the boundary being removed;
- * Loss of privacy to garden;
- * Loss of privacy to conservatory;
- * There are no other similar extensions in the vicinity;
- * There has been no consideration to neighbours;
- * **Regarding the amended plans** - the amended extension is just as bad, if not worse.

A letter of comment has been received from 22 Old Quarry Lane, who states that the proposal will result in very little garden area and will result in unacceptable adverse impacts on adjoining properties. It will be overbearing to other properties.

Elected Members:- Cllr. Critchley requested that the application be heard before Committee and that an advance site visit was undertaken.

Consultations

Advice was sought from the following consultees: None.

Planning History

None.

The integral garage has been converted to a habitable room. It is presumed this was undertaken using permitted development rights.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

2. Before the first occupation of the extension hereby permitted the en suite window on the rear elevation 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.

3. 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no windows or doors shall be formed in the western side elevation of the development hereby approved other than those shown on the approved drawings.

Reason

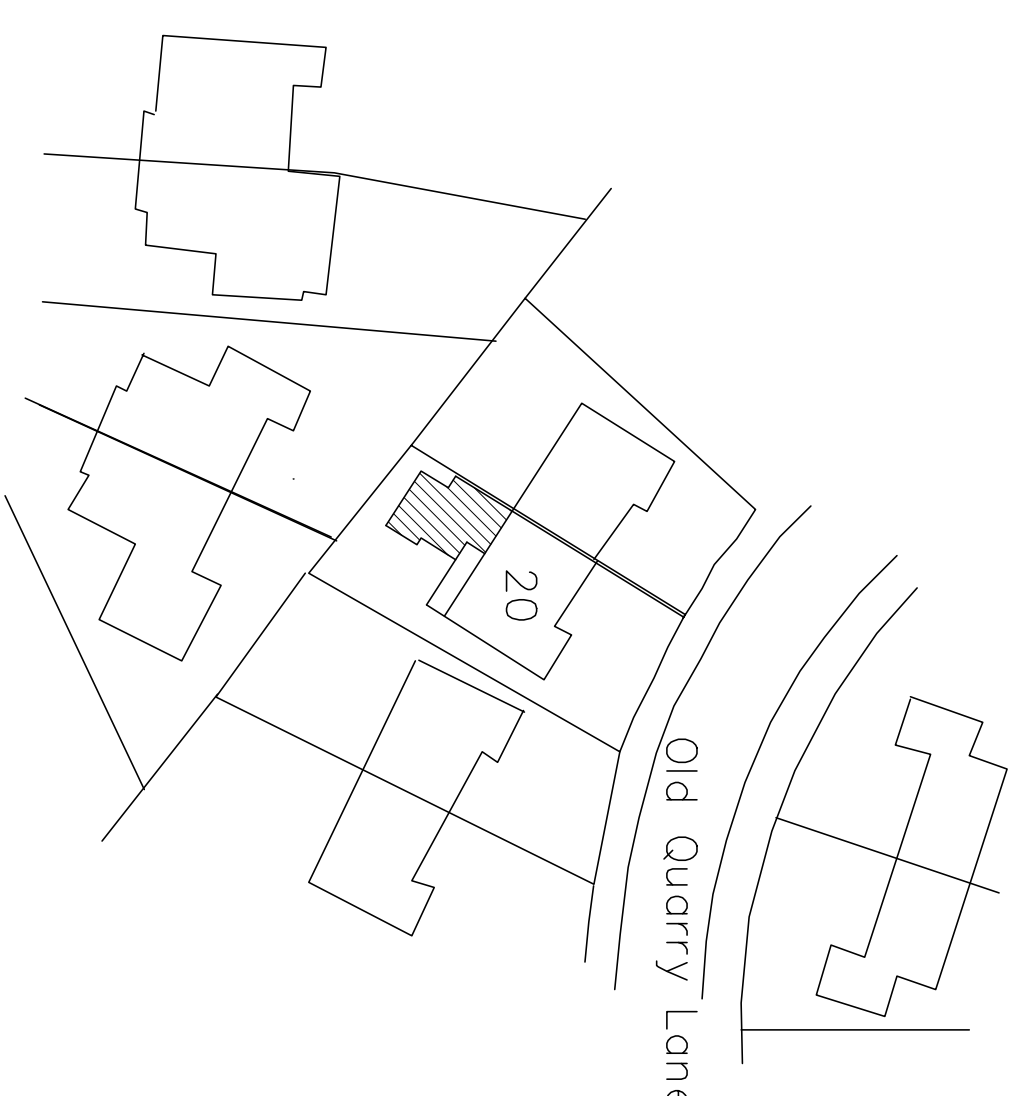
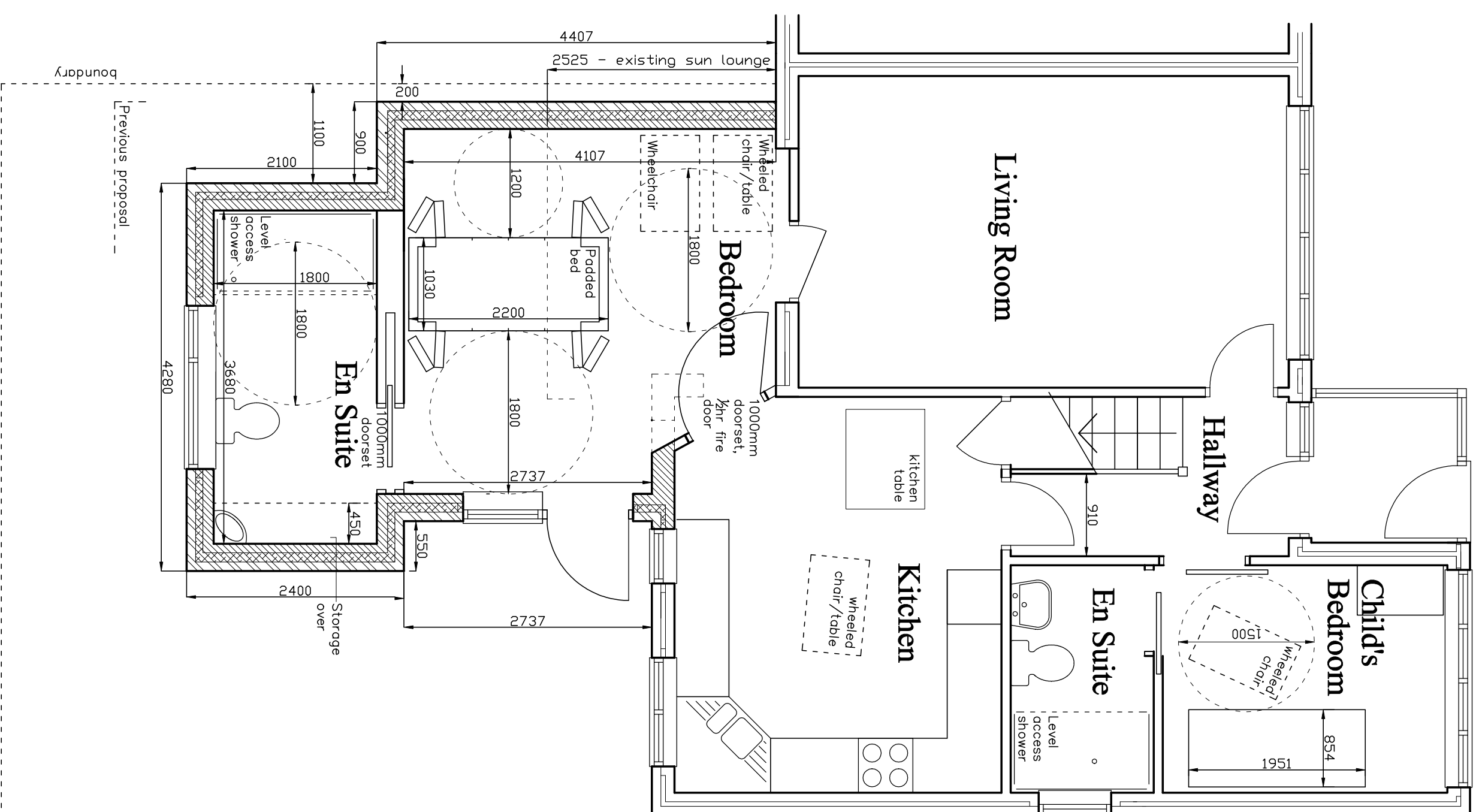
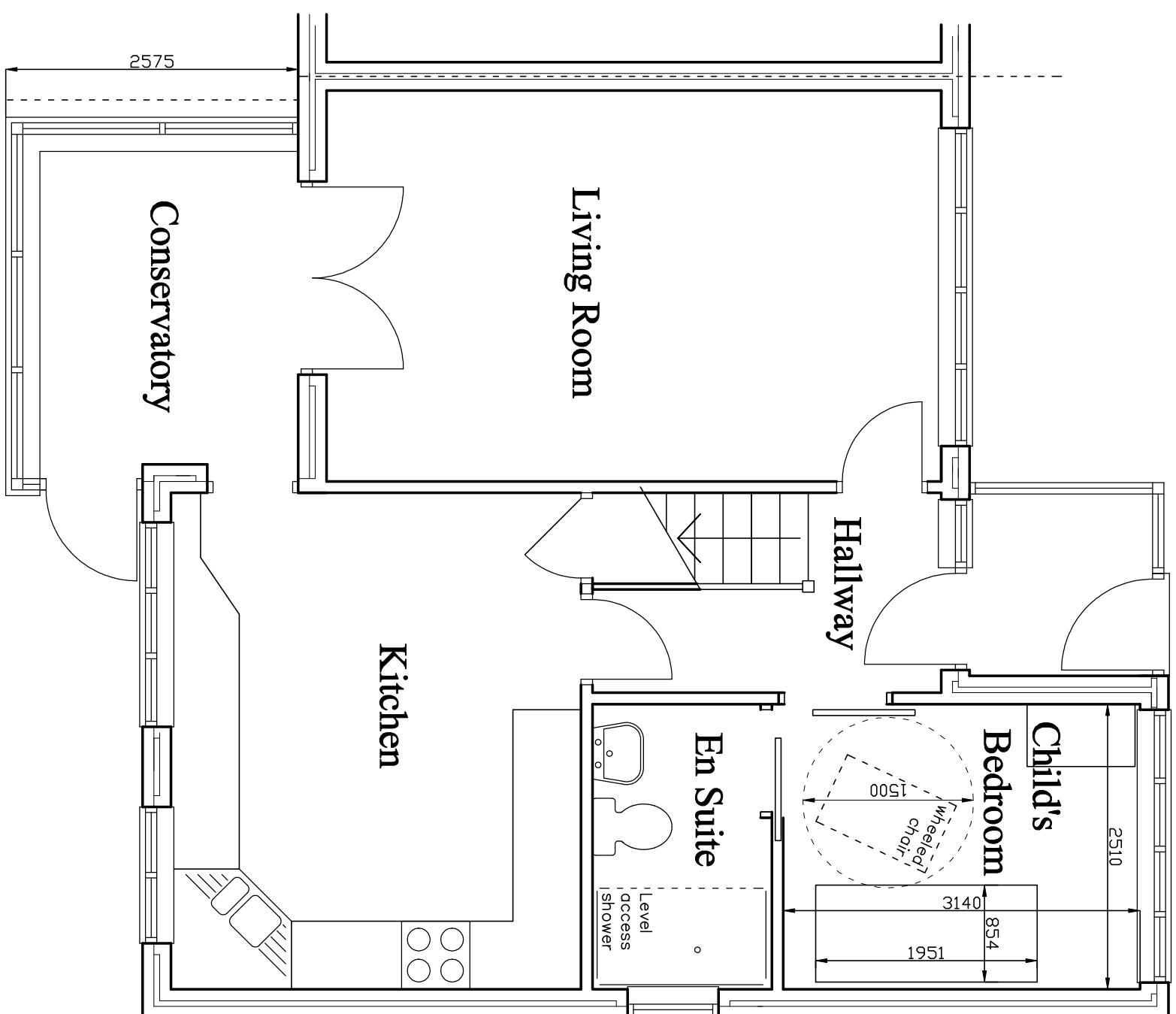
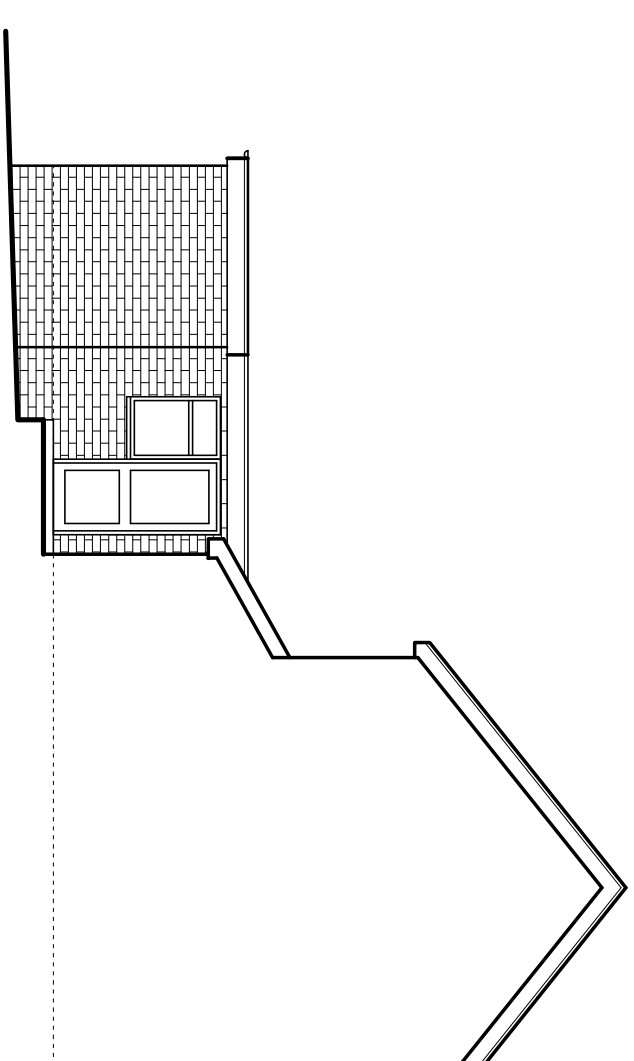
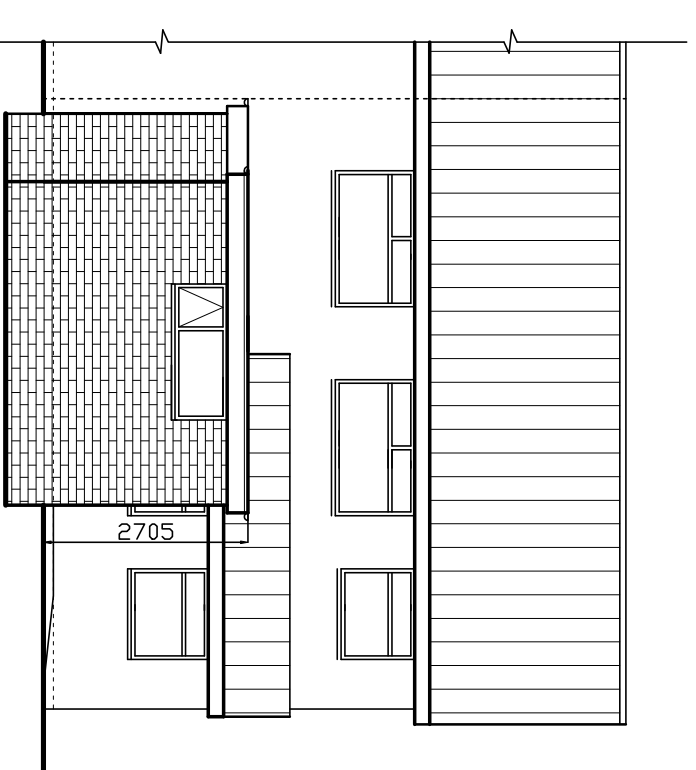
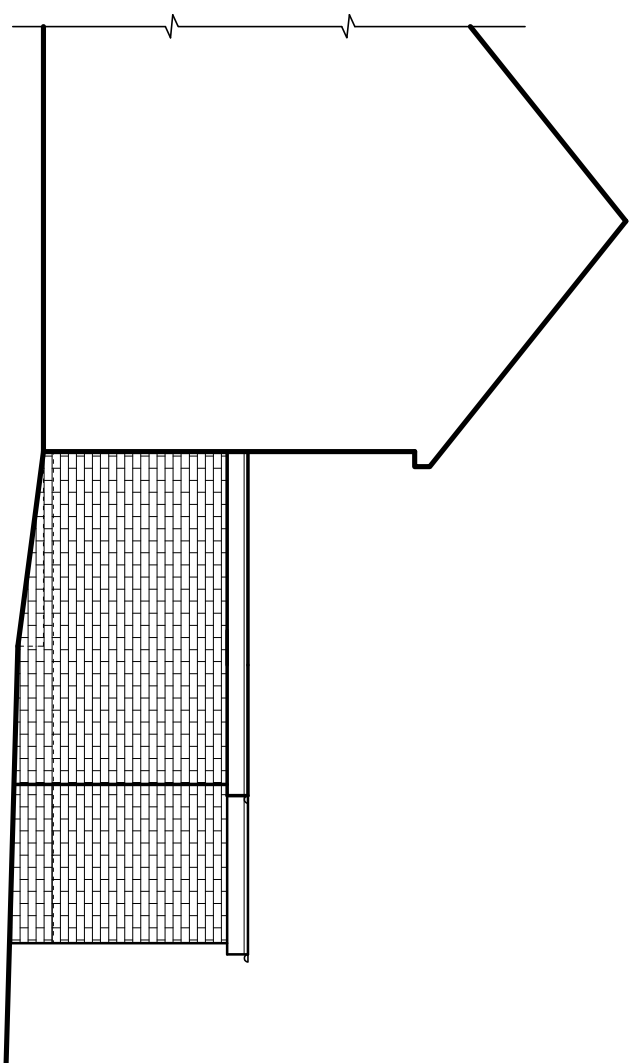
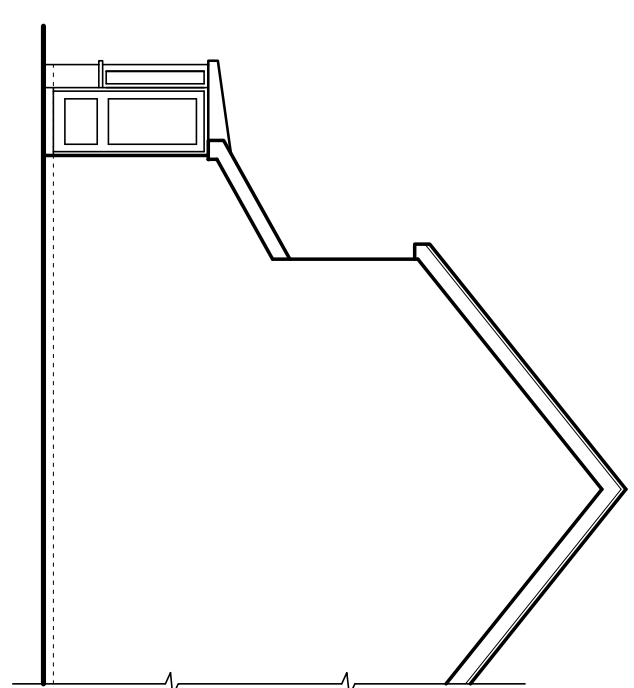
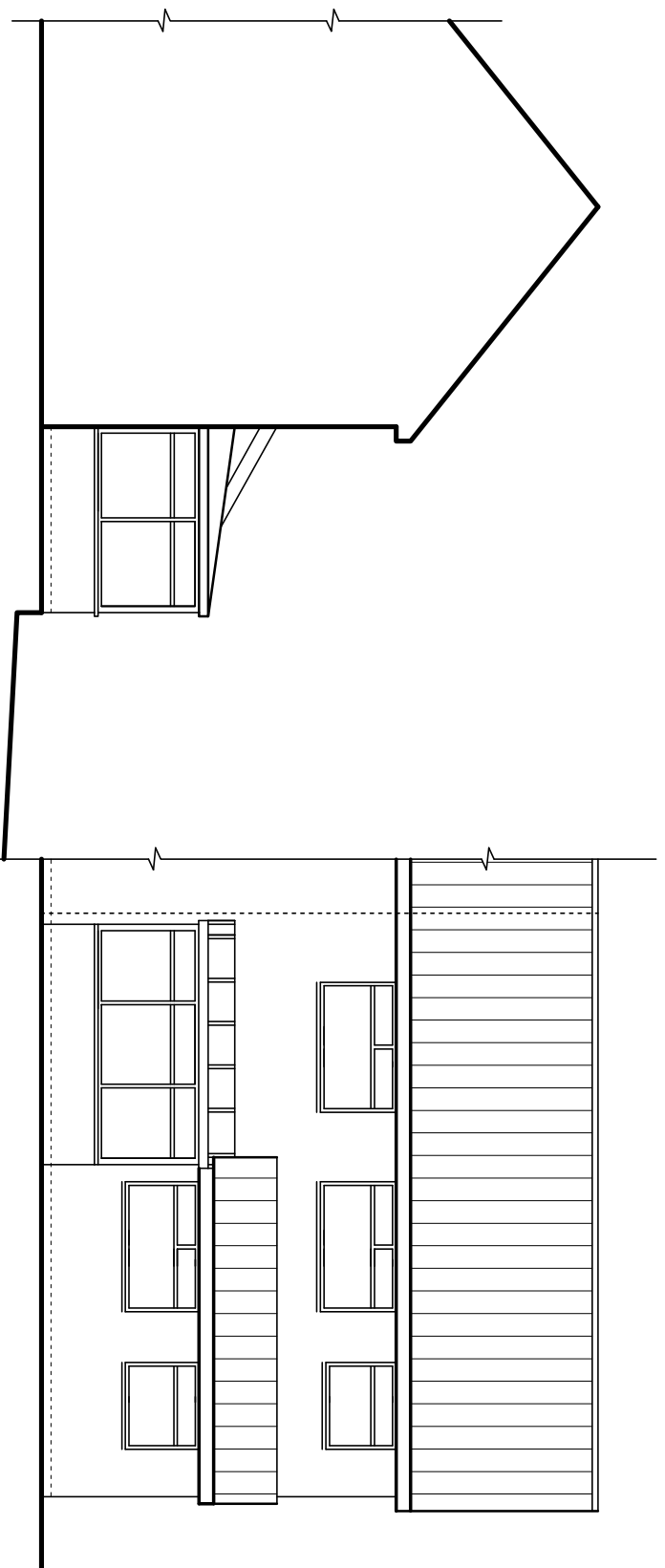
To safeguard the outlook, privacy and living conditions of neighbouring residents.

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

4927/01 Rev. D; "Existing & Proposed Plans & Elevations and Site Plan"; dated 07.02.15

Reason

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



SITE PLAN

D	Flat roof & shower room moved. 07.02.15
C	Extension added to site plan. 07.01.15
B	Amendments & elevations added. 09.12.14
A	General amendments. 02.12.14

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Client: L. SCOWCROFT

Contract:
20 OLD QUARRY LANE,
BROMLEY CROSS, BOLTON BL7 9EL

Title: EXISTING & PROPOSED PLANS & ELEVATIONS AND SITE PLAN

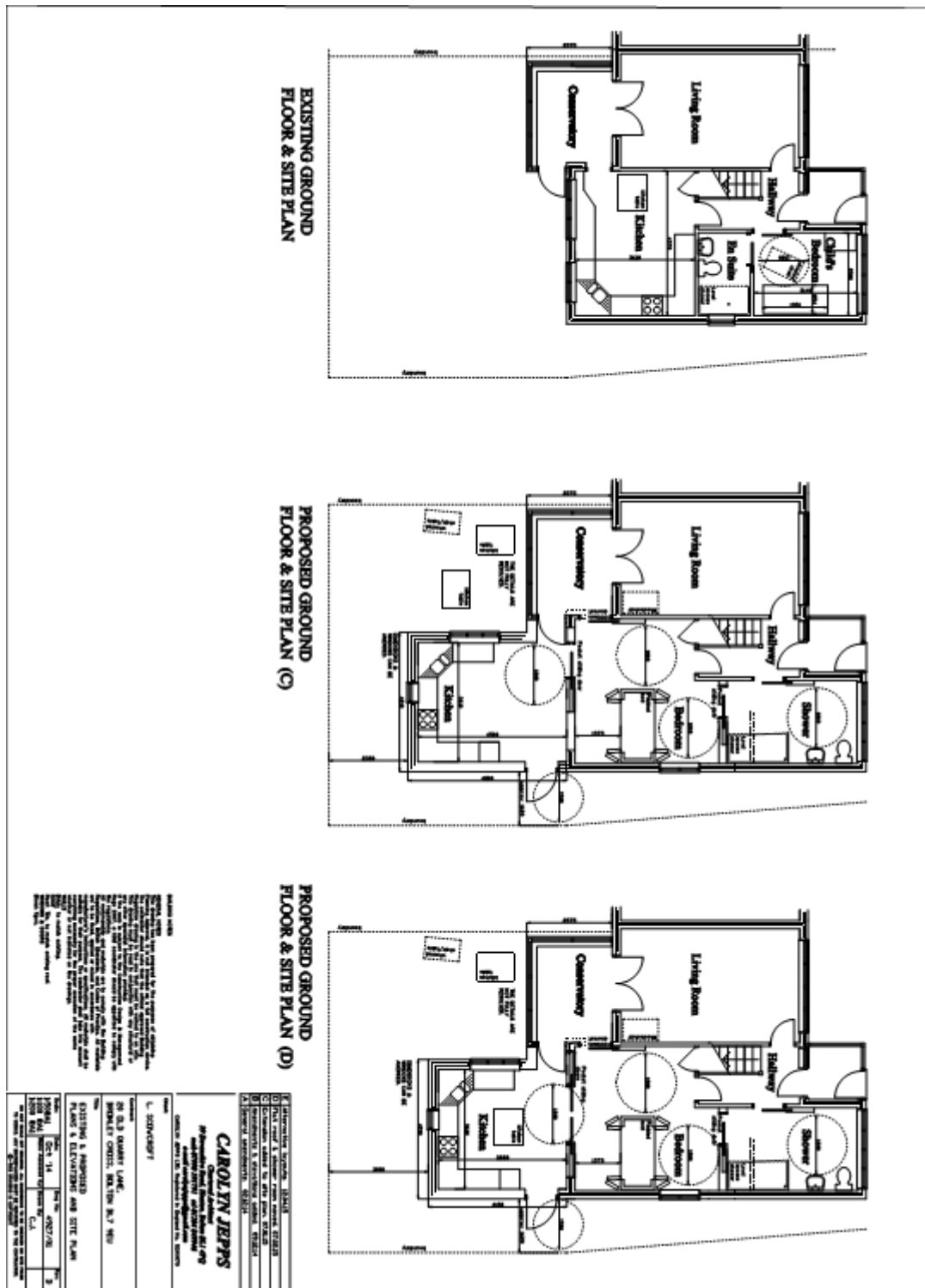
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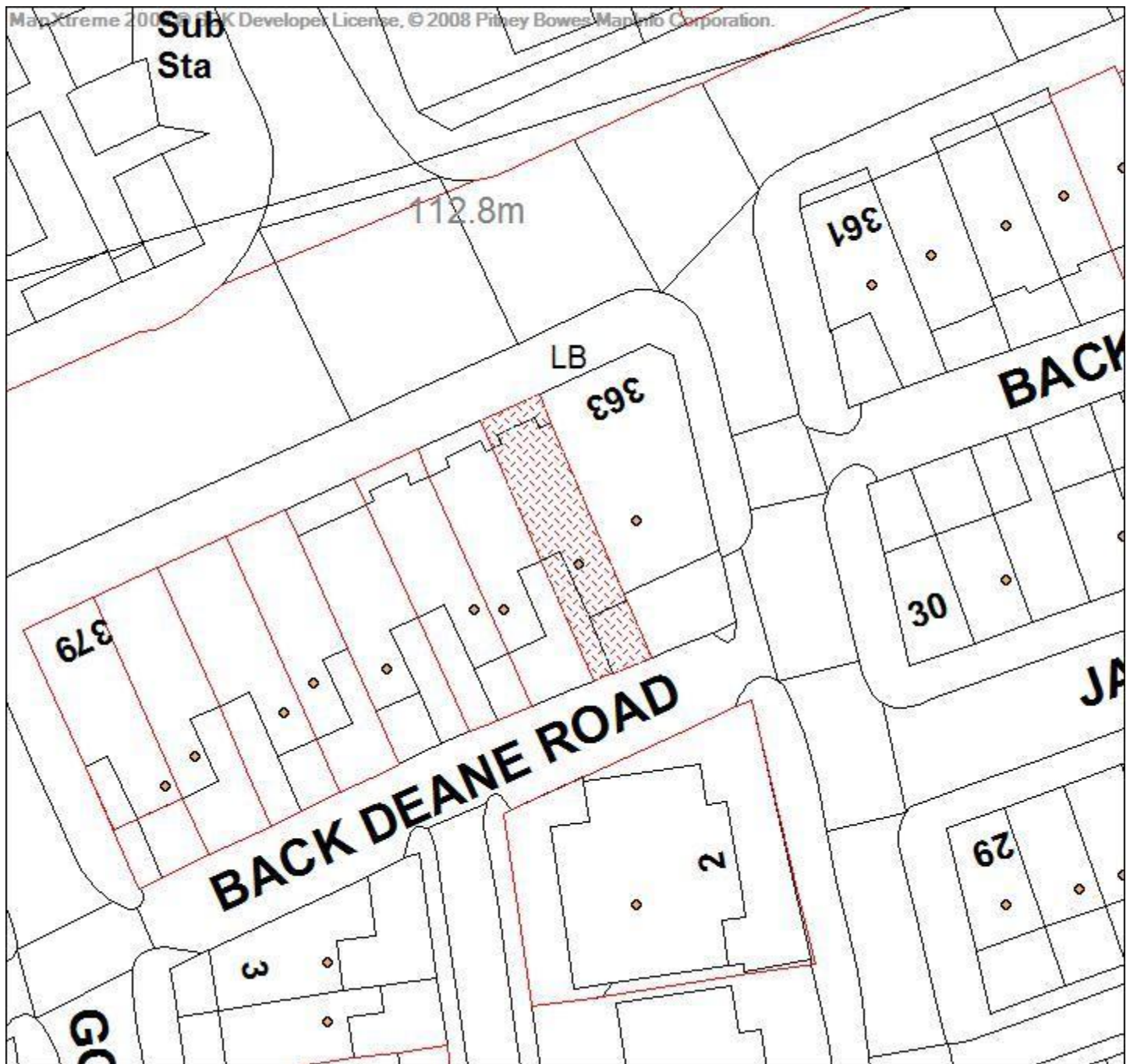
BUILDING NOTES

This drawing has been prepared for the purpose of obtaining Planning Approval. It is not intended as a full construction service. Regulation drawings are the one that must be worked on site. This drawing must be used in conjunction with any structural or other specialist information provided by the Building Design & Management Regps 2007. A CDM coordinator should be appointed to comply with the regulations. All materials and methods are to comply with the Building Regulations, British Standards, and Codes of Practice. All materials are to be fixed, applied or mixed in accordance with manufacturer's instructions or specifications. All materials shall be installed in accordance with the relevant standards. It is essential that every thing necessary for the proper execution of the works shown on this drawing is available at all times. The contractor is responsible whether or not indicated on the drawings.

Alternatives considered following the last Committee meeting



**Application number
93577/15**



**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: 04/06/2015

Application Reference: 93577/15

Type of Application: Full Planning Application
Registration Date: 06/02/2015
Decision Due By: 02/04/2015
Responsible Officer: Simon Coles

Location: 365 DEANE ROAD, BOLTON, BL3 5HL

Proposal: ERECTION OF SINGLE AND TWO STOREY EXTENSIONS AT REAR

Ward: Rumworth

Applicant: Mr Kadva
Agent : RA Design & Project Management

Officers Report

Recommendation: Refuse

Background

The application was deferred at the last meeting (14th May 2015) to seek amendments to the proposal to reduce the projection of the two storey outrigger. Any such amendments will be reported directly to the meeting.

Prior to the meeting the single storey extension was omitted from the proposal as a late amendment.

Proposal

The application proposes the erection of a part two storey/part single storey extension at rear to provide an enlarged kitchen and W.C. at ground floor level and a bedroom and bathroom at first floor level.

The two storey element will project from the existing two storey outrigger by approximately 4 metres bringing it flush with the rear boundary and the extension at the commercial premises next door. The single storey element projects 4.3 metres from the original rear elevation and extends the width of existing outrigger by approx. 900 mm.

An existing detached W.C. sited to the rear boundary is to be demolished.

Site Characteristics

This is a terraced property with an existing two storey outrigger that projects 4.3 metres. There is a detached W.C to the rear boundary.

The property at number 367 has a two storey outrigger (the same length as the application property). There is a principal window at first floor level which serves a main bedroom and a main room window at ground floor level that serves a dining room.

The property at number 363 is a commercial premises that has been extended at two storey up to the rear boundary.

Policy

National Planning Policy Framework (NPPF)

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

SPD House Extensions and PCPN2 Space Around Dwellings

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

Impact on the Amenity of Neighbouring Residents

Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.

SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on neighbouring properties, particularly in relation to natural light, privacy and overlooking. PCPN2 Space Around Dwellings sets out the Council's minimum interface standards between dwellings.

Impact on number 367

The two storey element proposed projects 4 metres bringing it in-line with the rear of number 363. Number 367 has windows at ground floor and first floor level which serve a dining room and a main bedroom. Both of these windows are set within the infill closest to the boundary with the application property.

SPD House Extensions states that rear single or two storey extensions on terraced properties of up to 4 metres in length (taken from the original rear elevation of the property) will normally be considered acceptable. Single storey extensions longer than 4 metres may be acceptable if the space remaining at the end of the yard would be unusable or if the impact on the neighbour would be limited by screening – for example, where there is an existing extension which the proposal would abut in the adjacent dwelling.

However, by taking into account the existing two storey outrigger which projects approximately 4.3 metres, a further 4 metres would provide a two storey extension with a projection of 8.3 metres. This is considered to provide an over dominant effect on the neighbouring residents at number 367, impinging on the ground floor dining room and one of the main bedroom windows to a degree which would represent an unacceptable impact on the outlook and living conditions of the residents at this property. Furthermore, given the orientation of the properties the proposal would cause loss of light to these main room windows in the morning.

Impact on number 363

The proposed two storey extension would tie in with the existing two storey extension at this commercial property and therefore the proposal would not have a detrimental impact on this property.

Further to the above, it is considered that the proposal is not acceptable due to the detrimental impact on the living conditions of the residents at 367 by way of loss of light and outlook and therefore does not comply with Policy CG4

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

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy RA1 of the Core Strategy relates specifically to developments in Inner Bolton and states that the Council will ensure that development has particular regard to massing and materials used, will respect and strengthen the traditional grid-iron pattern and street-scaping of existing houses where it is compatible with good urban design, and will require development to provide adequate privacy and amenity space.

SPD House Extensions provides general advice on house extensions and offers guidance relating to the effect of extensions on the appearance of the dwelling itself and the effect of extensions on the street scene and the character and appearance of the area.

The residential properties within the row all benefit from a two storey outrigger. The addition of this proposal in this instance is not considered to be in-keeping with the other residential properties in the row and therefore, in this case the scale, massing and architectural design of the extension is not considered to be in-keeping with the existing property.

Conclusion

The proposal is not consistent with the guidelines contained in SPD - House Extensions (2012) by reason of the unacceptable impact the first floor extension would have on the outlook and living conditions of the neighbouring residents at number 367. Similarly the proposal is not consistent with Bolton's Core Strategy (2011) by reason of its scale and massing. Officers have requested amendments to gain a more suitable solution however, the applicant wants to proceed with these plans.

Members are therefore recommended to refuse this application.

Representation and Consultation Annex

Representations

Letters:- A petition of support has been submitted containing 2 signatures.

Elected Members:- Councillor Adia has requested that the final determination of the application be made by the Planning Committee.

Consultations

Advice was sought from the following consultees: None.

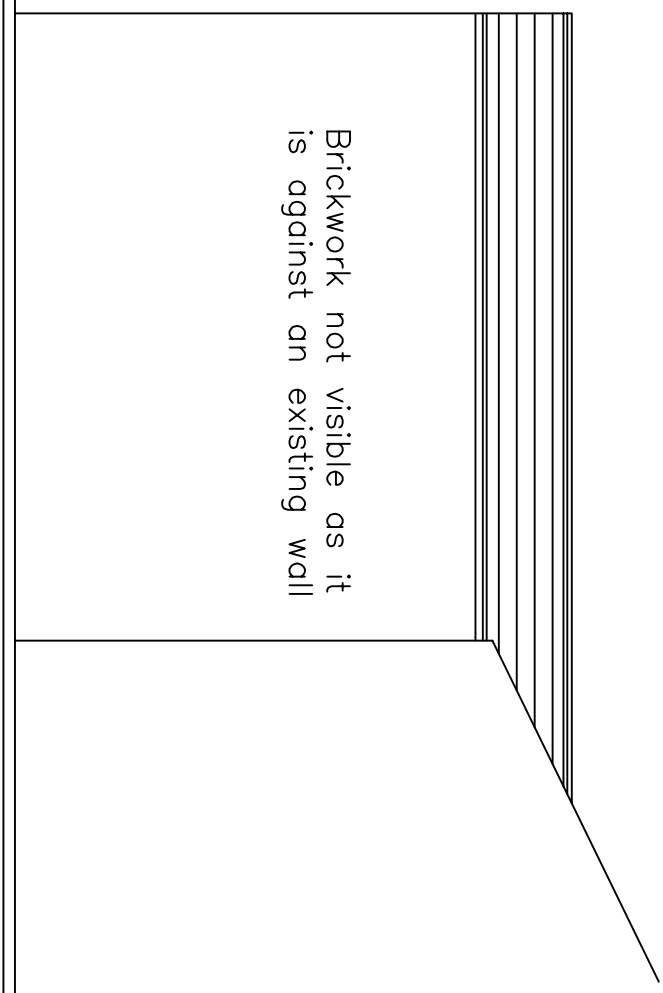
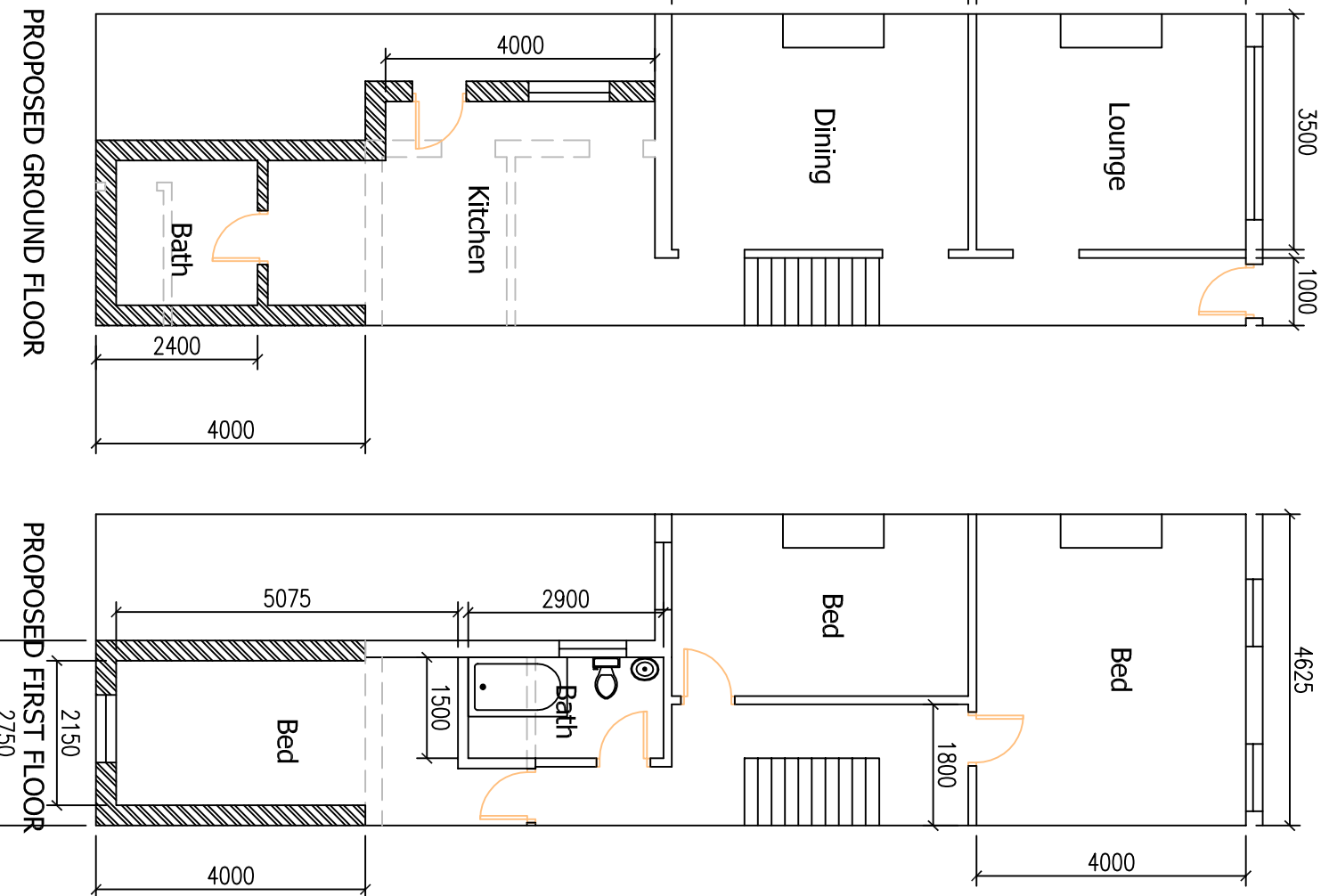
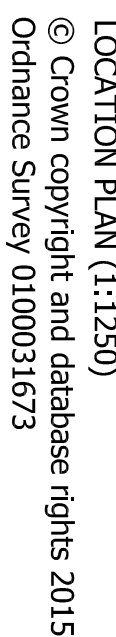
Planning History

None.

Recommendation: **Refuse**

Recommended Conditions and/or Reasons

1. The proposed extension would, by virtue of its design, height and siting be detrimental to the character and appearance of the area and in particular would impact detrimentally on the outlook and living conditions of neighbouring residents at 367 Deane Road and is contrary to Policy CG3 and CG4 of Bolton's Core Strategy and Supplementary Planning Document - "House Extensions".

[illegible]

Owner to ensure compliance with Party Wall Act 1996 - further info available at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Notes

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from the drawing. All dimensions to be checked by Contractor and discrepancies clarified with the Client prior

and discrepancies claimed
to commencement

The whole of the works to comply with current Building Regulations. No work to commence without Building

Regulations approval.

RAD

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Project

365 DEANE ROAD
BOLTON
BL3 5HL

BL3 SHL

PROPOSED PLANS

MR ISMAIL KADVA

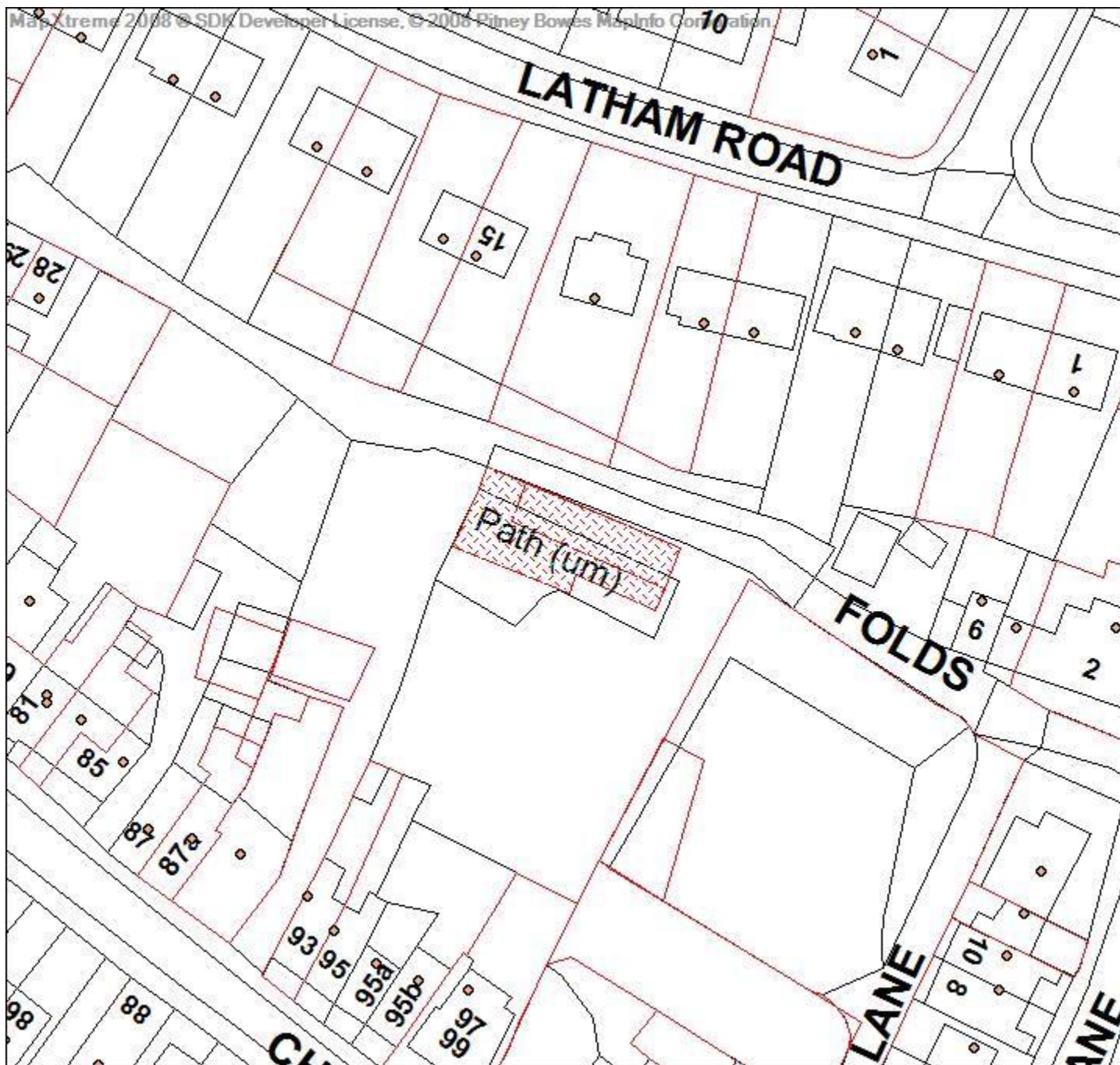
RA

FEBRUARY 2015

1:104

RAD/1165/15/1

**Application number
93631/15**



**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: 04/06/2015

Application Reference: 93631/15

Type of Application: Full Planning Application
Registration Date: 16/02/2015
Decision Due By: 12/04/2015
Responsible Officer: Helen Williams

Location: LAND AT THE FOLDS, BLACKROD, BOLTON, BL6 5DP

Proposal: ERECTION OF ONE DETACHED DWELLING.

Ward: Horwich and Blackrod

Applicant: Mr D Collier
Agent : Mr A Whittam

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for the erection of a split level detached dwelling on the site. Due to the slope of the site, the dwelling will be two storeys at the rear and single storey at the rear. The dwelling will incorporate an integral garage at ground floor level and there will be a parking and turning area to the side. Gardens are proposed to the sides and rear.

Access to the dwelling will be from the Folds, an unadopted highway off Whitehall Lane. The applicant proposed to improve the Folds across the frontage of the site to the limit of where the highway has been improved near 6 Folds.

An application back in 2010 (83465/10) for the erection of a dwelling on the site was refused for two reasons; substandard access and as it was considered that the development of this site in isolation would jeopardise the wider redevelopment of the land off the Folds. Members will be aware that houses have now been built on the adjoining land (to the rear of the Red Lion public house), and as stated above, the applicant now proposes improvements to the proposed access (the Folds).

Site Characteristics

The application site is currently used as an extended rear garden area for 13 Latham Road. It is elevated from the Folds (which runs between the rear garden of 13 Latham Road and the application site) and accessed by steps to its western side. The upper part of the site is bounded by low level fencing and is graveled.

The site is a previously developed site in that it was occupied by a number of small buildings until 1958.

The Folds (which runs to the north of the site) is an unadopted highway that has become overgrown.

It has been maintained only between the junction of Whitehall Lane and the garage to the side of 6 Folds, which is just before the application site.

Houses have recently been built on the site adjoining the application site, on the former car park to the rear of the Red Lion public house. These are two storeys in height and are accessed from Lion Lane to the south.

The rears of 11 and 13 Latham Road face the application site to the north.

Between the properties on Manchester Road (to the south) and the application site is undeveloped land.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod.

SPD Accessibility, Transport and Safety

PCPN2 Space Around Dwellings

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 area
- * impact on the amenity of neighbouring residents
- * impact on the highway
- * impact on biodiversity

Principle of Development

The National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. A core planning principle of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental quality.

Core Strategy Policy SC1 states that at least 80% of the borough's housing development will be on previously developed land. Policy OA1.4 states that the Council will concentrate sites for new housing in Horwich town centre, at Horwich Loco Works and on other sites within the existing urban area.

The application site is located within an urban area and is previously developed land, in that it previously accommodated buildings. The site has only recently been used as an extended garden area for 13 Latham Road.

A previous application for the erection of a dwelling on the site (83465/10) was refused (in part) in 2010 as officers considered that the redevelopment of the application site on its own could jeopardise the redevelopment of the wider developable area between Manchester Road and the Folds. Members will be aware that five houses have now been granted permission on the site neighbouring the application site (on the former car park of the Red Lion public house) and are currently being constructed. The Council's previous reason for refusing the residential development of the application site is therefore no longer applicable.

It is considered that the application site is in a highly sustainable location, being just outside Blackrod town centre and near to local shops, services and schools.

It is therefore considered that the principle of erecting a dwelling on the application site complies with Policies SC1 and OA1.4 of the Core Strategy.

Impact on the Character and Appearance of the Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and 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 relates specifically to development in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment and will ensure that new development respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

Due to the steep slope to the north/front of the application site, the dwelling is proposed to be split level in design, being two storeys at the front and single storey at the rear. The split level design of the dwelling ensures that the dwelling will be comparable in height to the houses to the north on Latham Road and also allows for sufficient interface distances to be achieved between the proposed dwelling and its neighbours.

The proposed dwelling will be sited to the north west of the new houses being built on the former car park to the Red Lion public house, adjacent the end of the proposed turning head to these properties. It is considered that the siting, scale and design of the proposed dwelling would be compatible with this new development

The dwelling will be relatively simplistic in its design, being constructed from red brick and grey roof tiles, however this is considered to be in keeping with the surrounding properties.

Adequate garden space is proposed to the sides and to the rear of the dwelling. A bin storage area is proposed within the side garden, to the side of the parking area.

It is considered that the siting, scale and design of the proposed dwelling is compatible with the surrounding area, complying with Policies CG3 and OA1 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

Policy CG4 of the Core Strategy states that the Council will ensure that new development is

compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. The Council's guidance on minimum interface distances between dwellings is contained within PCPN2 Space Around Dwellings.

The front of the proposed dwelling will be approximately 23 metres away from the rear of the rear extension at 13 Latham Road, the house directly to the north of the application site and also the applicant's property. The proposed dwelling will be two storeys at the front, but the ground level here will be similar to the ground level at Latham Road. In such instances a minimum interface distance of 21 metres is required: this is therefore exceeded. The rear of 11 Latham Road is even further away and will not directly face the rear of the proposed dwelling.

A Juliet balcony is proposed at first floor level on the front elevation, but this will be too shallow to allow residents to use it as a traditional balcony (that is, to sit out on). No further overlooking will therefore be created by this balcony.

The dwellings on Manchester Road (to the south) are over 40 metres away from the rear of the proposed dwelling.

The dwellings approved on the former car park to the Red Lion (on the site neighbouring the application site) will not directly overlook the proposed dwelling as they are to the south east of the application site.

For these reasons, it is considered that the proposed development will not unduly harm the amenity of neighbouring residents, 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] servicing arrangements and parking, in accordance with the parking standards set out in Appendix 3. Policy S1.2 states that the Council will promote road safety in the design of new development.

Access to the dwelling is proposed along the Folds, an unadopted highway off Whitehall Lane. The Folds has only been maintained up to the garage to the side 6 Folds; after this the highway has become overgrown.

The applicant is proposing to improve the Folds across the frontage of the application site to where it has already been maintained/improved. A road width of 8.7 metres is proposed, which the Council's Highways Engineers consider is adequate for manoeuvring space for access and egress to the proposed integral garage. A condition is to be attached to any approval to ensure that the road is improved prior to occupation of the dwelling.

An integral garage (large enough for the parking of two vehicles) and a parking area to the side of the property (for a further vehicle and turning area) are proposed for this three bedroom dwelling. This is considered to be ample off-street parking.

Engineers have commented that refuse vehicles will not enter the Folds and therefore refuse will need to be collected from Whitehall Lane. This is not considered to be an issue given that this is the current procedure for the houses on the Folds.

Highways Engineers have raised no objection to the proposed development and it is considered that the proposal complies 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.

Japanese knotweed (an invasive exotic weed) has been identified on and around the application site. The Council's Greenspace Officers have therefore recommended that a condition be attached to any approval to ensure the eradication of the weed prior to commencement of development.

Subject to this condition, it is considered that the proposal complies with Policy CG1.2 of the Core Strategy.

Conclusion

For the reasons discussed above it is considered that the proposed dwelling 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, and would result in the eradication of Japanese knotweed in this location. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- One letter of support has been received from a local resident, who believes that the proposal will enhance the area (people have been tipping all along the Folds).

Blackrod Town Council:- raised an objection to the proposal at their meeting of 9th March 2015 as they were concerned about the site access, together with access for emergency services. Additionally they raised concern regarding the growth of Japanese knotweed in the area and on adjoining land.

Consultations

Advice was sought from the following consultees: Highways Engineers, Pollution Control Officers, Greenspace Officers, Greater Manchester Police's Architectural Liaison Officers and United Utilities.

Planning History

Permission was granted in November 2012 for the change of use of the land to form a private garden area for 13 Latham Road (88793/12).

Planning application 83465/10 for the erection of a detached bungalow together with associated car parking and landscaping was refused in February 2010 as it was considered that the proposed access was substandard and that the dwelling would affect the comprehensive redevelopment of the wider site.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

2. Prior to the commencement of development full details of the highway works at the Folds comprising the widening of the highway to 8.7 metres and the improvement of the running surface for vehicular access and drainage provision 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.

3. Prior to the commencement of development a scheme for the eradication of Japanese knotweed shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out fully in accordance with the approved scheme. Should there be a delay of more than one year between the approval of the scheme and its implementation 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 the eradication of an invasive species.

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

Reason

To ensure the development is safe for use.

5. 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.

6. 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.

7. Before the approved/permitted development is first brought into use the parking and turning area shown on the site layout plan (received 12th March 2015) shall be provided in accordance with the approved details. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

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

9. 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.

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

5454/2; "Lower ground floor"; received 16 Feb 2015

5454/3; "Ground floor plan"; received 16 Feb 2015

5454/4; "Elevations 1:100"; received 16 Feb 2015

Site Layout; received 12 Mar 2015

Reason

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

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

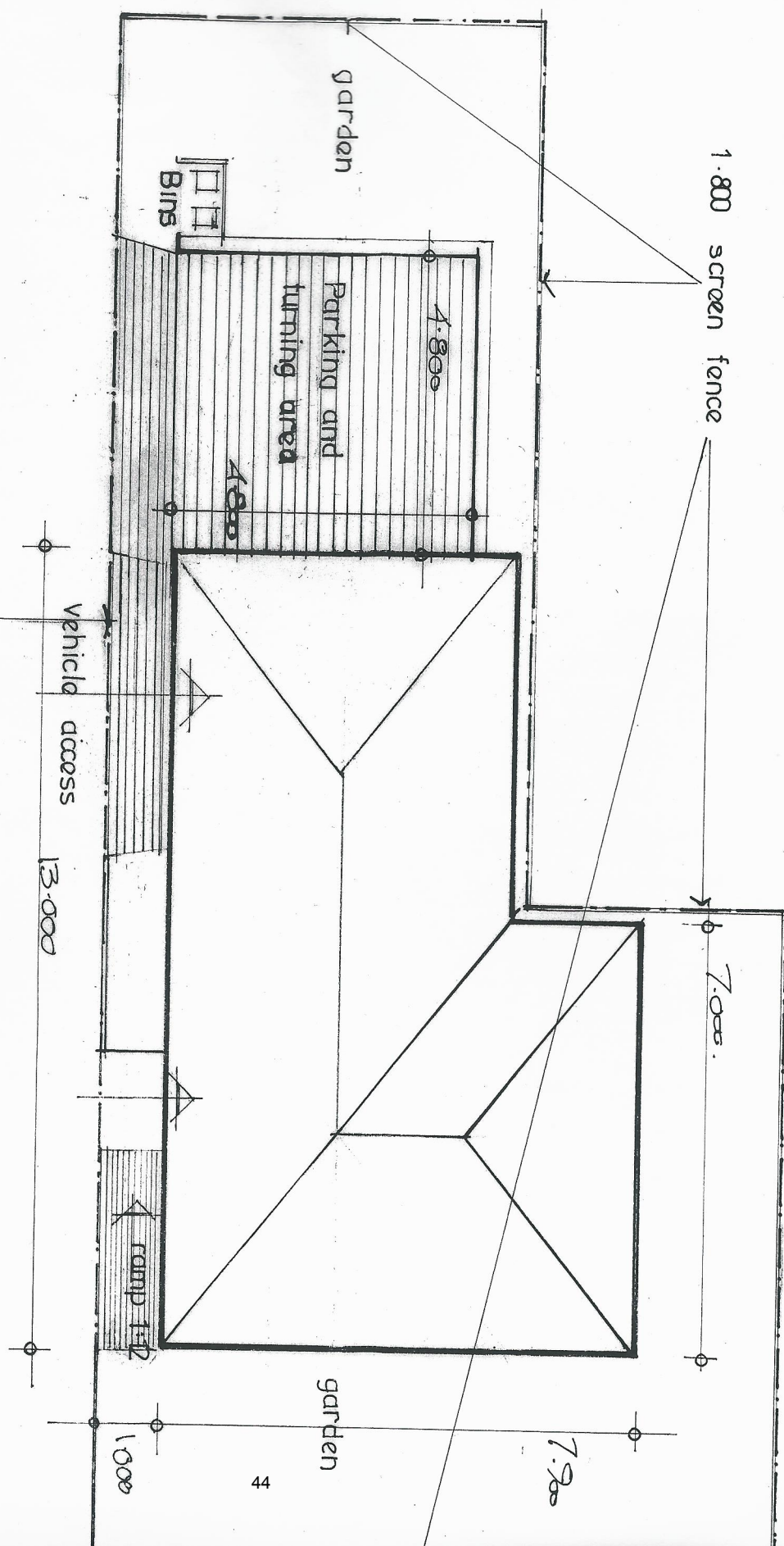
Reason

The loss of garage spaces would be likely to lead to an increase in on-street parking to the general detriment of highway safety.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

Reason

The plot size is limited and any extension would result in an unsatisfactory scheme.

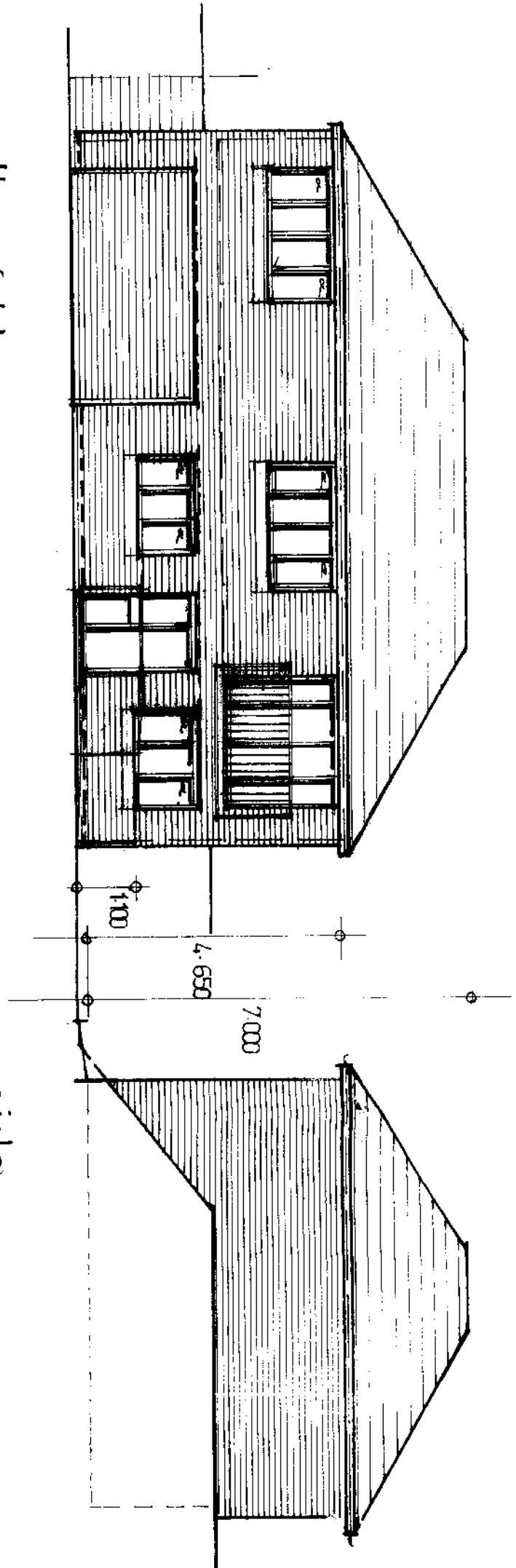


Scale 1:100

THE FOLDS

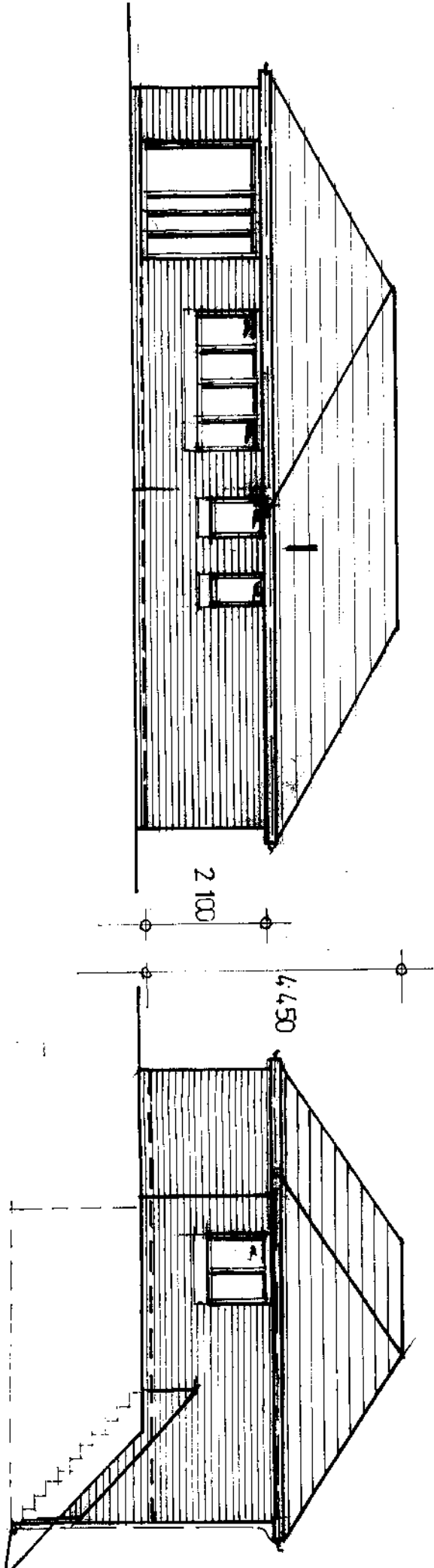
the folds

side



rear

side

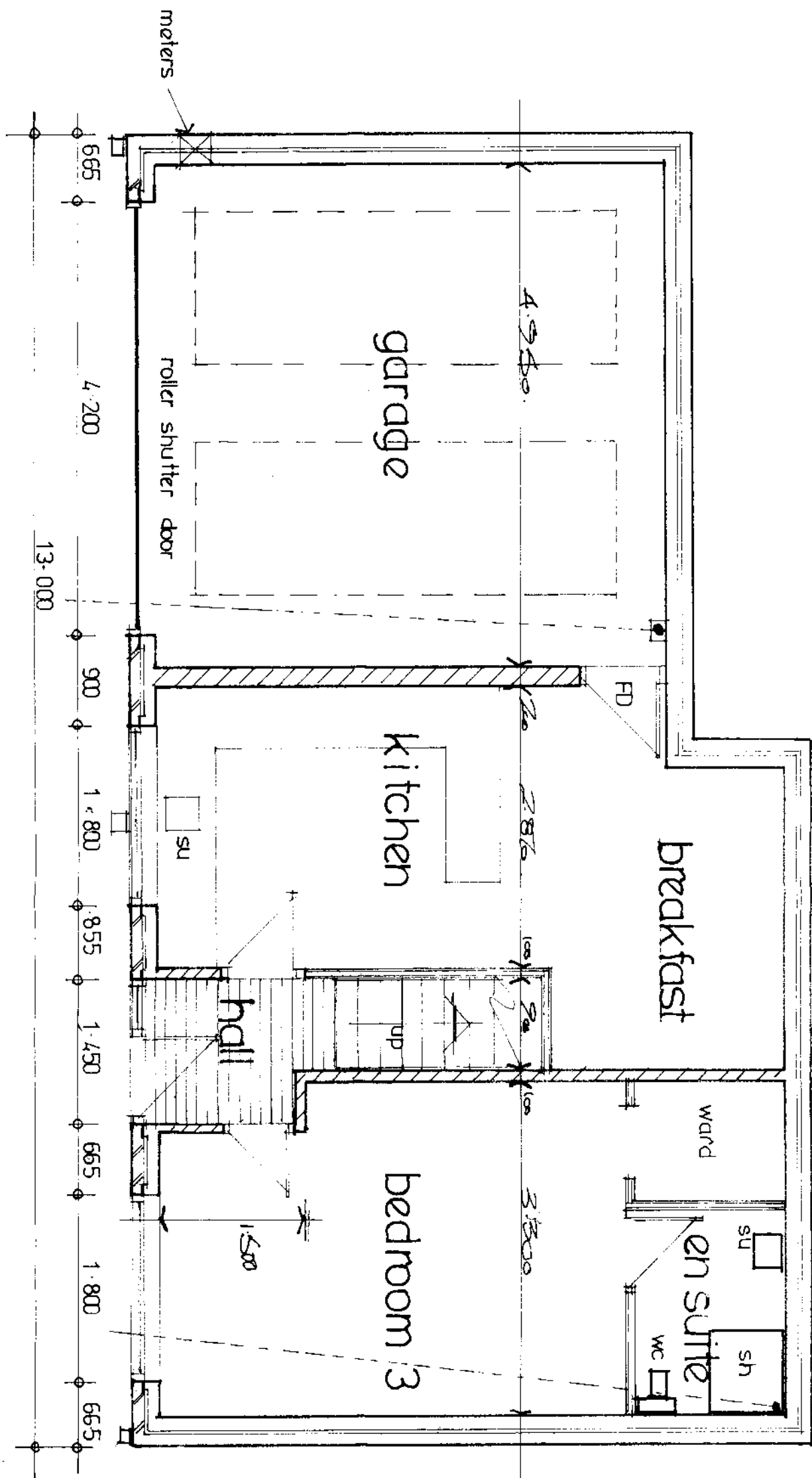


THE FOLDS

5454/4

BOLTON COUNCIL
DEVELOPMENT & REGENERATION
16 FEB 2015

elevations 1:100

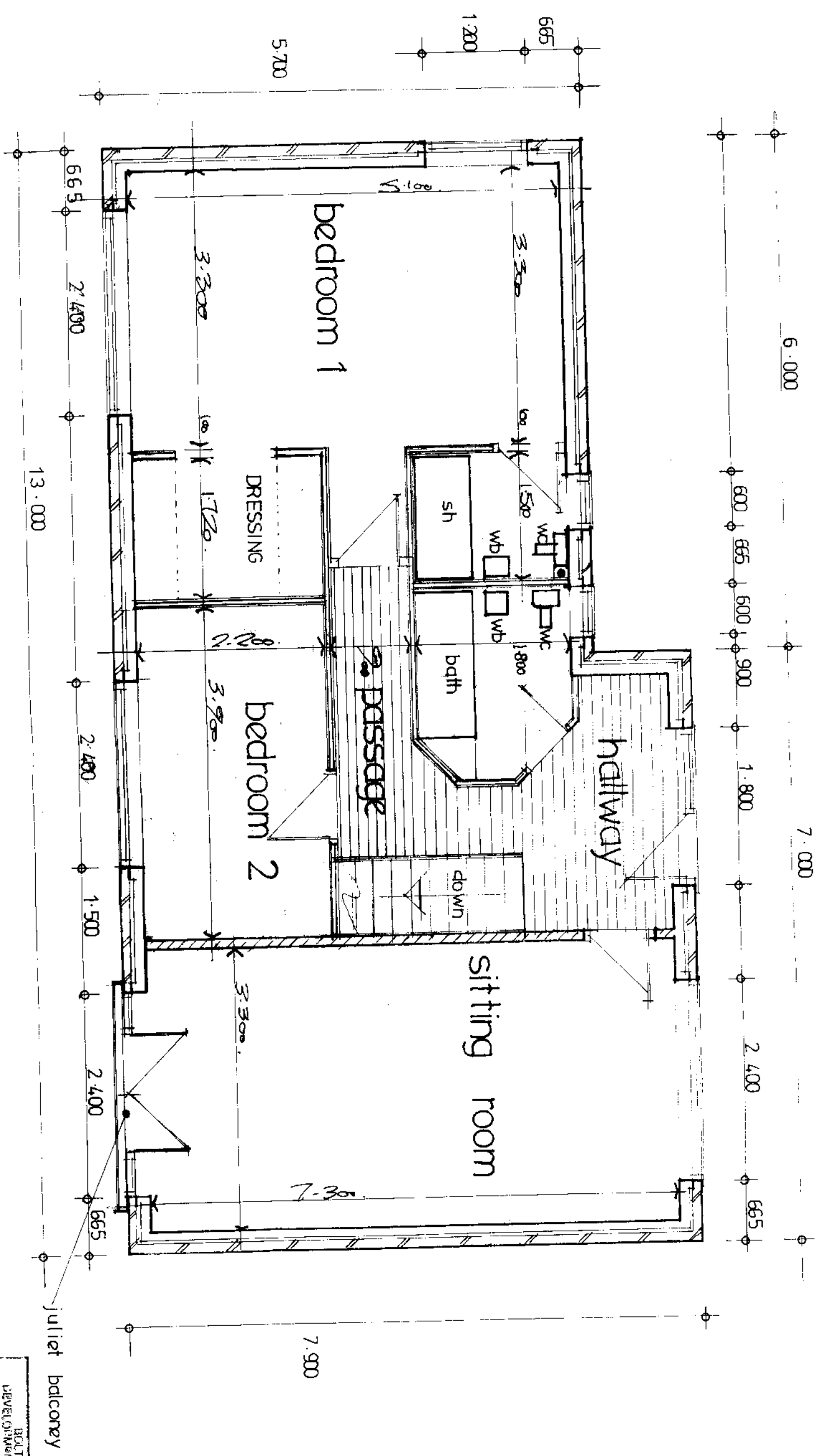


lower ground floor

5454/2

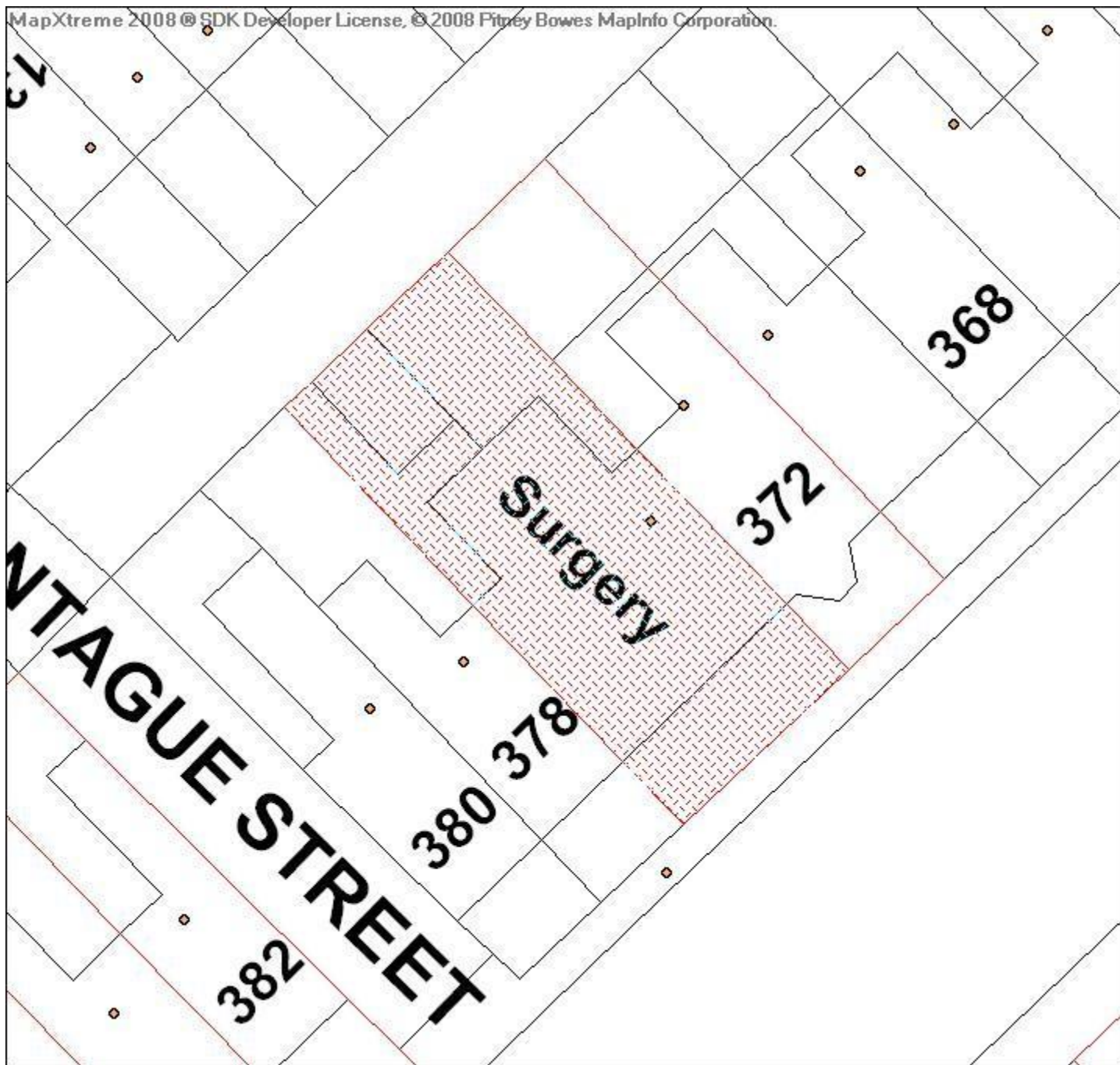
WATKINS & CO. ARCHITECTS
DEVELOPMENT & REGENERATION
16 FEB 2015

ground floor plan



BOLTON COUNCIL
DEVELOPMENT & REGISTRATION
5454 FEB 2015

**Application number
93650/15**



**Development & Regeneration Dept
Development Management Section**

Town Hall, Bolton, Lancashire, BL1 1RU
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**Bolton
Council**

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Date of Meeting: 04/06/2015

Application Reference: 93650/15

Type of Application: Full Planning Application
Registration Date: 24/02/2015
Decision Due By: 20/04/2015
Responsible Officer: Alex Allen

Location: 374- 376 ST HELENS ROAD, BOLTON, BL3 3RR

**Proposal: NEW RAMPED ACCESS TO FRONT AND TWO STOREY
EXTENSION AT REAR**

Ward: Hulton

Applicant: GARNET FOLD MEDICAL CENTRE
Agent : PH ARCHITECTURE

Officers Report

Recommendation: Approve subject to conditions

Proposal

The applicant proposes the provision of a new ramped access within the front of the property together with a two storey extension to the existing two storey outrigger at the rear of the property. The proposed rear extension would follow the existing side elevation of the existing/original two storey outrigger and project a total of 5.499 metres. The proposal would provide a lift between the ground and first floor, two consulting rooms and a treatment room on the ground floor of the premises with a further three treatment rooms and w/c facilities at first floor level.

The improvements are intended to modernise the property to provide sufficient space to enable the surgery to meet the requirements of the local population and surgery staff.

Site Characteristics

The application relates to an existing doctors surgery, the Garnet Fold Medical Centre, which occupies two former terraced properties on St Helens Road. The surgery has a two storey outrigger at the rear of the property which is original to the terraced properties. A total of 3 off road car parking spaces are located within the rear curtilage of the property. The front area of the property has an existing small ramp located adjacent to No. 372 St Helens Road where the main pedestrian entrance to the surgery is. The front curtilage of the property is formed by an established privet hedge.

There is an existing car parking layby located along the site frontage.

Policy

National Planning Policy Framework

Core Strategy policies: Strategic Objective SO1 Healthy Bolton, H1 Healthy, P5 Accessibility, S1 Safe,

CG3 The Built Environment, CG4 Compatible Uses.

Planning Control Policy Notes: No. 2 Space Around Dwellings, No. 10 Planning Out Crime, No. 21 Highways Considerations.

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:-

- * principal of improvement to health care facilities;
- * impact on the character and appearance of the property/surrounding area;
- * impact on surrounding land uses and occupiers;
- * impact on highway safety; and
- * impact on site remediation.

Principal of improvement to health care facilities

Strategic Objective 1 of the Core Strategy seeks to maximise access to health facilities (and sporting and recreation facilities), especially for those living in the most deprived areas. In addition, Core Strategy policy H1 seeks for the Council and its partners to support the development of new health facilities in accessible town centre locations and in renewal areas.

The applicant has provided a supporting statement which highlights the following:

- The surgery building is over 100 years old and is inadequate to meet the requirements of 21st Century medical care;
- The existing building is characterised by narrow corridors, no space for a disabled toilet and wheelchair access is impossible in some rooms;
- 5 doctors share 3 surgery rooms;
- 3 nurses currently share 1 surgery room;
- Access for less mobile patients is required upstairs to provide a building which can be used flexibly - hence the need for a lift;
- Ageing population provides extra strain on the building which need to be met;
- Extra emphasis on providing care in the communities where people live places extra pressure on local GP surgeries to meet the changing needs;
- The proposal would also enable space for the practice to provide training to GPs of the future.

It is clear from visiting the site and from the support letters from the NHS and local residents / patients that the surgery needs to have a number of substantial improvements to provide an enhanced medical service.

It is therefore considered that the proposal is fully compliant with Core Strategy policy Strategic Objective 1 and policy H1.

Impact on the character and appearance of the property/surrounding area

Core Strategy policy CG3 seeks to ensure that development proposals will be expected to conserve / enhance local distinctiveness with regard to the overall built character of the area.

The proposal would add a further 5.5 metre two storey extension onto the existing outrigger. Whilst the extension is large there are other examples of large two storey extensions within the locality. In addition, the overall design of the extension is considered to be sympathetic to the character and appearance of the original property and the surrounding area.

The proposal complies with Core Strategy policy CG3.

Impact on surrounding land uses and occupiers

Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.

The two adjoining properties are both in residential use as single dwellinghouses (No's 372 and 378 St Helens Road). The proposed ramp extension would be sited the front of the property adjacent to No. 378. The proposal would have no impact on the living conditions of either adjoining property. This is due to the modest nature of the proposed ramp and also the existing hedge which is sited adjacent to the party wall with No. 378 which is shown to be retained as part of the ramp extension.

For extensions to non residential properties, there is no guidance on what is acceptable or not. However, there are two guidance notes (PCPN No. 2 and the House Extension SPD) which are of use in assessing the impact on residential amenity. A general rule of thumb when assessing impact on residential amenity is to assess the impact an extension would have by taking a 45 degree angle from the centre of the nearest main room window in the adjoining properties. If the extension impinges on this angle/line drawn from the main room window it is considered that the proposal would have an overbearing / detrimental impact.

No's 372 and 378 St Helens Road both have non main room windows in their ground floor rear elevations. In terms of the first floor rear elevations of both properties, they have a main room bedroom window located in the original rear elevation of each house. The proposed extension would impinge on a 45 degree angle when measured from the centre of these windows and is likely to create a 'tunnel' effect, narrowing these residents views from their windows, with the overall massing of the extension having an overbearing impact on their outlook. This element of the proposal would therefore not comply with policy.

In addition, the owners of No. 372 have extended their property at the rear in the form of a single storey extension which extends to the back street. This extension provides ground floor bedroom and toilet facilities for a disabled resident. The side elevation of this extension provides the only window in the resident's bedroom and would overlook the proposed two storey extension. However, this window is not considered to be a main room window i.e. not one of the two largest bedrooms within the house. It is noted however, that the proposed extension is likely to have an overbearing impact on the outlook when viewed from this ground floor extension.

The proposal also creates new windows in the proposed new rear elevation of the extension. These windows, at first floor level, would directly face the rear elevations of properties sited on Longfield Road to the north west (No's 127-129) some 19 metres away. These properties have main room windows located in their rear elevations. It is considered appropriate to condition that the new first

floor windows in the rear elevation of the extension are obscurely glazed and top opening. This would maintain the living conditions of the occupants of Longfield Road and maintain the privacy of users of the two proposed examination rooms at first floor level.

The proposal would therefore not comply with Core Strategy policy CG4.

Impact on highway safety

Core Strategy policies P5 and S1 seek to ensure new development proposals are accessible by different types of transport and sufficient off road car parking is provided.

The current proposals would result in the loss of curtilage car parking within the site. There would be no loss of car parking for patients visiting the property. The site does benefit from the availability of car parking both on St Helens Road at the site frontage and also on surrounding roads at the side/rear of the property.

It is noted that the Council's Highways Engineers have no objections to the proposed development.

Whilst the proposal results in the removal of car parking within the site curtilage it is considered that there is sufficient spaces available in the adjoining area not to compromise highway or pedestrian safety.

It is considered that the proposal complies with policy.

Impact on site remediation

Core Strategy policy CG4.3 seeks to ensure that new development proposals investigate the extent of potential ground instability. The application is located within a high risk area for development. The Coal Authority originally objected to the proposal. Subsequently the applicant submitted a Coal Mining Risk Assessment report which highlighted that the coal mining legacy of the area posed a risk to development and that site intrusive works would be required prior to development commencing. The Coal Authority recommend a condition is placed on the decision if approved to ensure this work is undertaken.

Subject to the imposition of the suggested condition, it is considered that the proposal complies with policy.

Conclusion

The proposal would enable the surgery to renovate and extend the facilities to provide essential improvements providing both staff and patients of the surgery with a modern medical facility which has the support of local residents / patients and the local NHS trust. These improvements need to be balanced against the impact on the neighbours living conditions.

In this instance it is considered that the significant benefits which would accrue from the extension would outweigh the harm to local residents.

The proposal is therefore, on balance recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- nine individual letters of support have been received from local residents and one support letter has been received from the Bolton NHS Clinical Commissioning Group.

The support letter from the Bolton NHS Clinical Commissioning Group confirms that they support the proposal to improve the surgery. They confirm the Practice has recently been awarded NHS capital funding to undertake this work. Prior to this award, the CCG received thirteen letters from Garnet Fold patients in support of the proposed improvements.

The CCG is in no doubt that this building work is essential to ensure patients within the local community continue to have access to high quality primary medical services in surroundings that are fit for the delivery of health care.

The letters from local residents all state that whilst the existing surgery provides an excellent level of care the Practice needs modernising to provide more space for patients and staff to provide an even better service.

No objection letters have been submitted.

Petitions:- no petitions received.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees:

Planning History

No relevant planning history.

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 commencement of development a scheme shall be submitted to and approved in writing which provides a site investigation and risk assessment for the site in order to assess the nature and extent of coal mining legacy issues within the site. The submitted scheme should include a proposed remediation scheme as appropriate. Once approved the required remediation shall be implemented in full prior to first use of the extension hereby approved. Upon completion of the development a validation report shall be submitted to the Local Planning Authority which confirms the implementation of the approved mitigation/remediation measures.

Reason

To ensure the development is safe for use.

3. Before the first occupation of the building/extension hereby permitted the first floor examination / treatment rooms facing 127-129 Longfield 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.

4. Before the first occupation of the building/extension hereby permitted the wc windows facing No. 138 St Helens 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. 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.

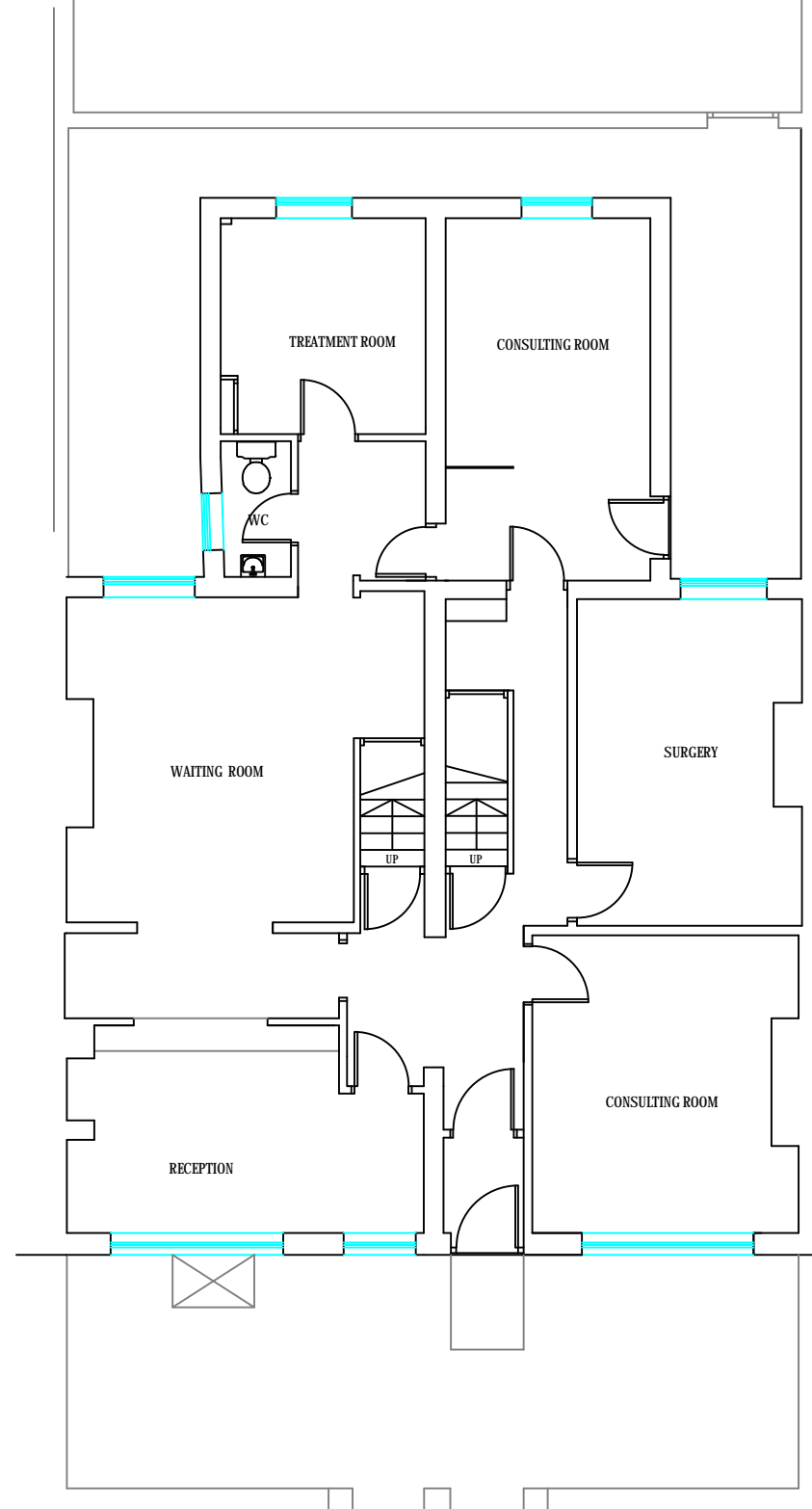
6. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

**Proposed Elevations, scanned to file 18/02/2015;
Proposed Plans, scanned to file 24/02/2015; and
Access ramp detail, scanned to file 24/02/2015.**

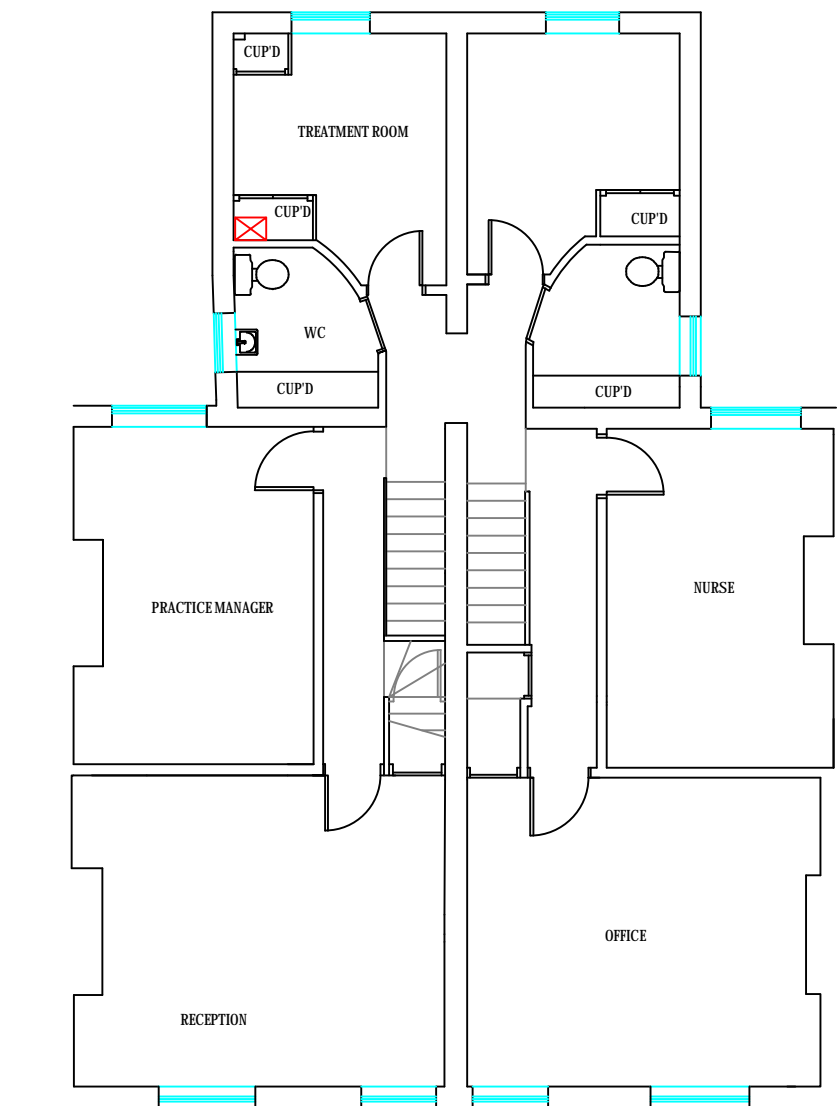
Reason

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

EXISTING PLANS 1:100

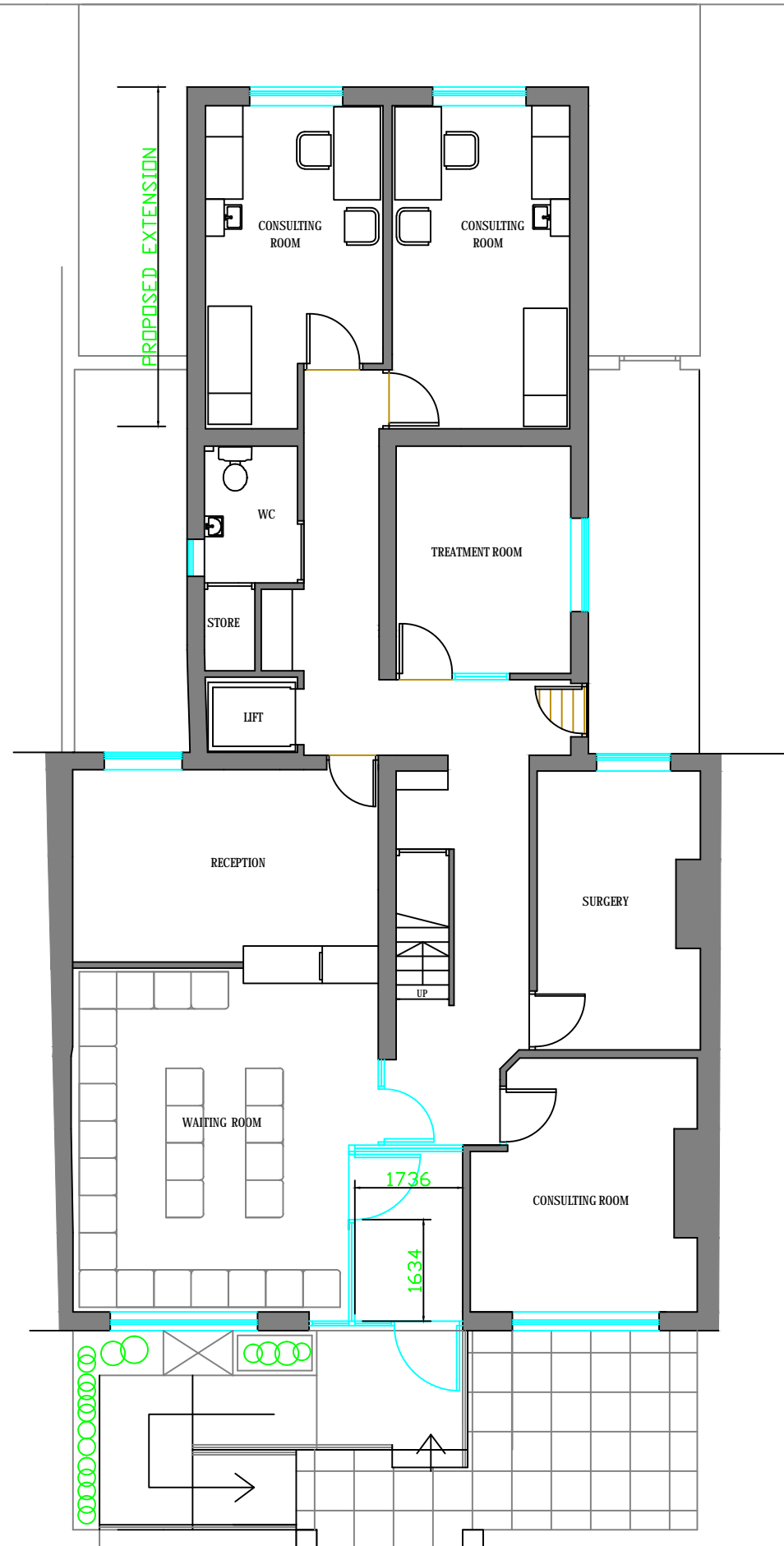


EXISTING GROUND FLOOR PLAN

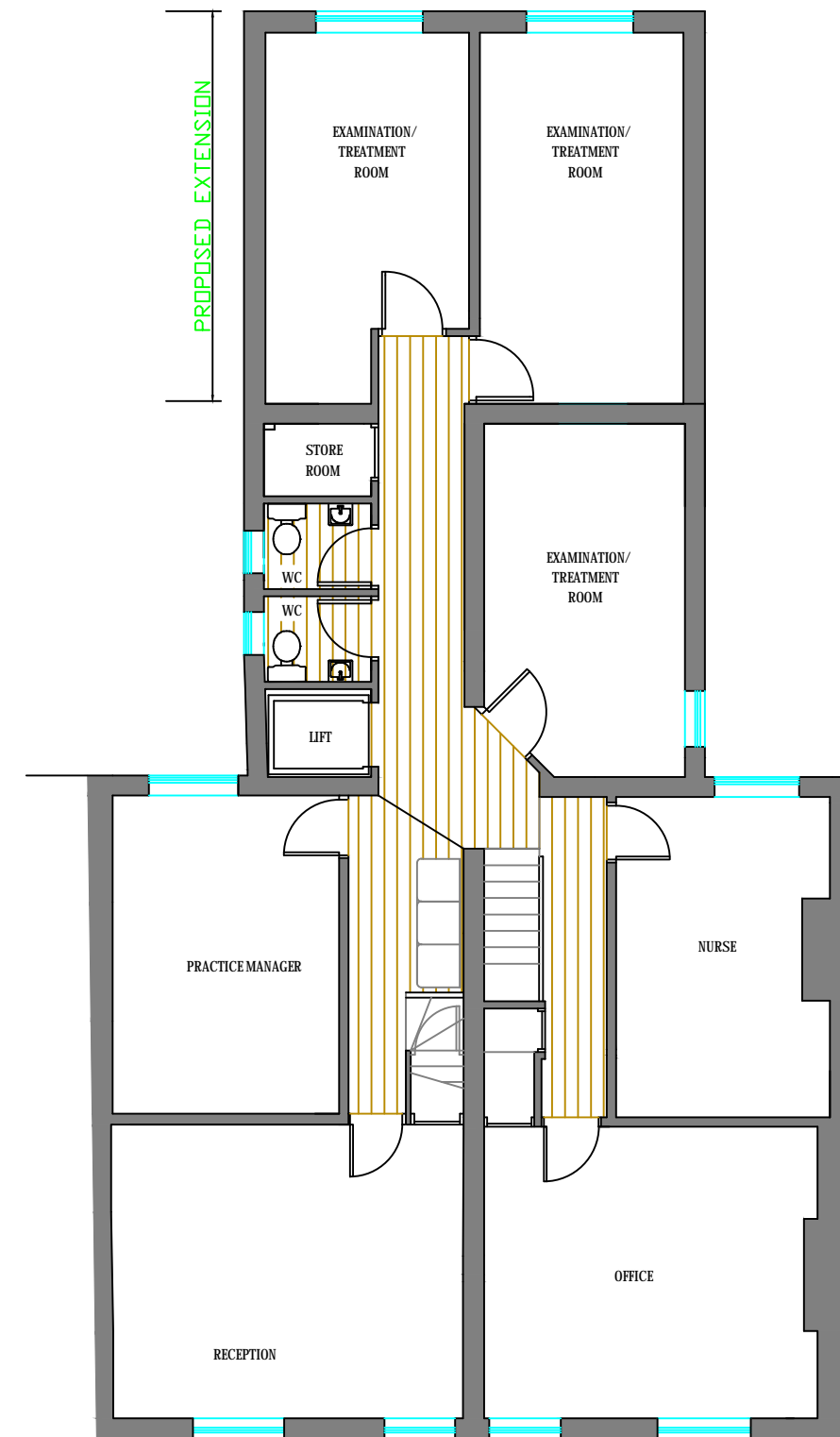


EXISTING FIRST FLOOR PLAN

PROPOSED PLANS 1:100



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

PROPOSED ELEVATIONS 1:100



PROPOSED REAR SIDE ELEVATION



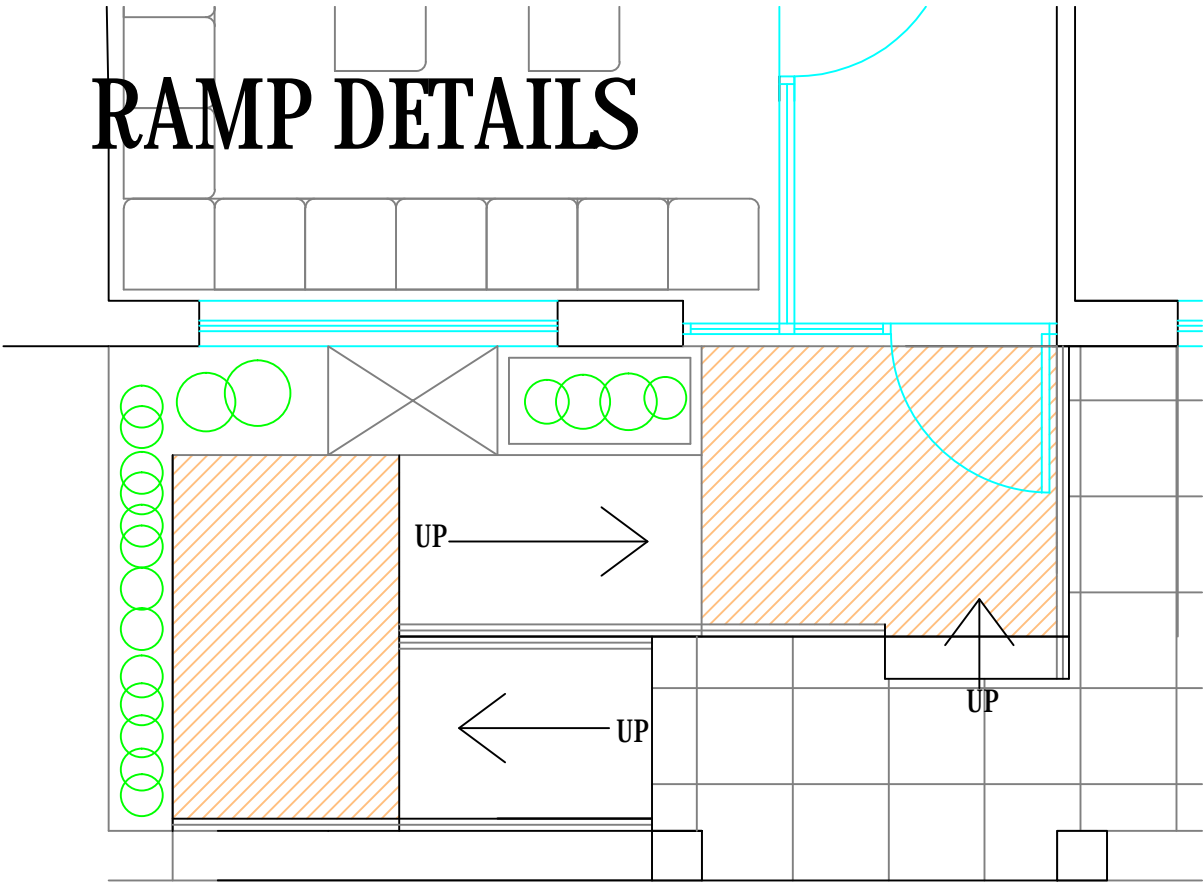
PROPOSED REAR ELEVATION



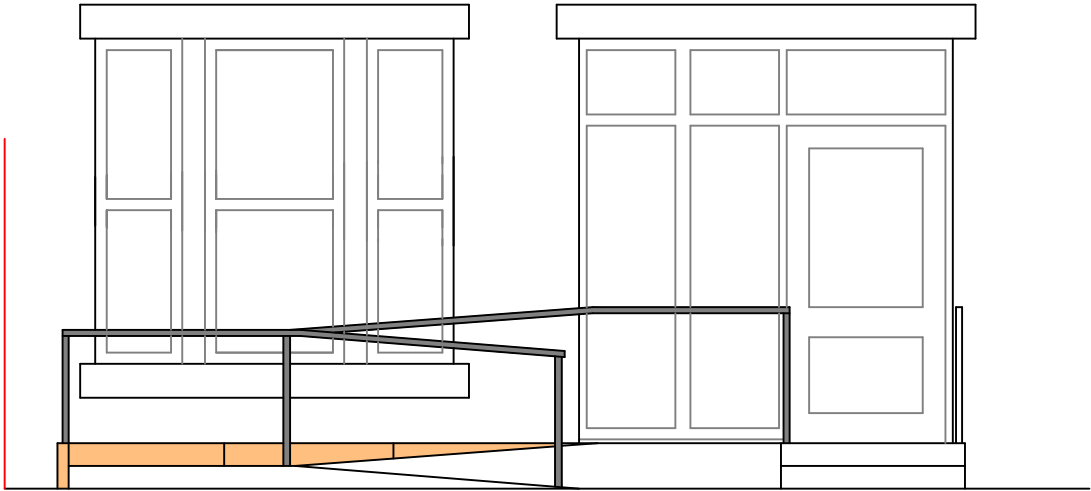
PROPOSED REAR SIDE ELEVATION

- MATERIALS:
- BRICKWORK TO MATCH EXISTING
 - SLATE ROOF TILES TO MATCH EXISTING
 - UPVC WINDOWS TO MATCH EXISTING

RAMP DETAILS

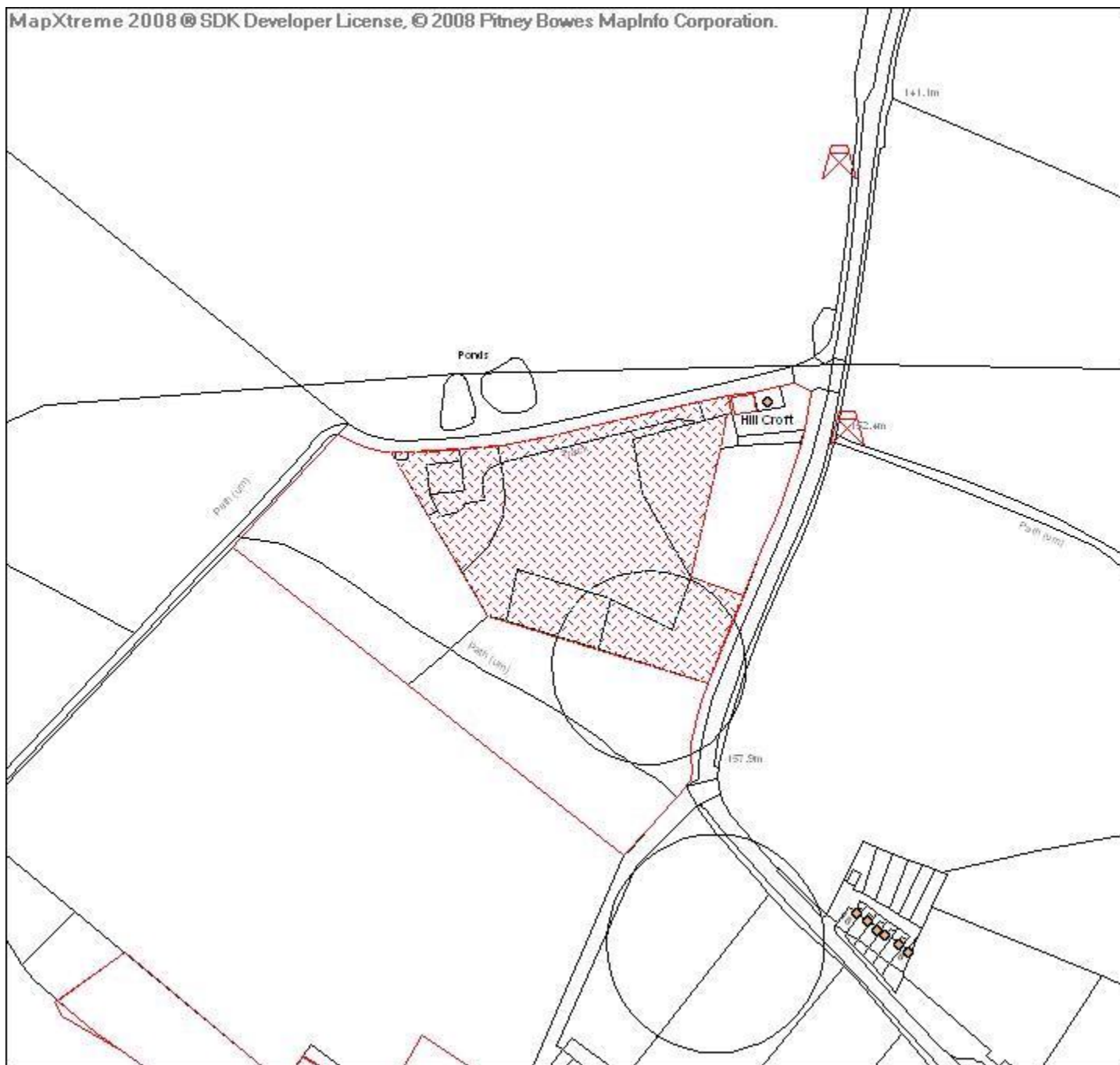


PLAN



ELEVATION

Application number 93652/15



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: 04/06/2015

Application Reference: 93652/15

Type of Application: Full Planning Application
Registration Date: 18/02/2015
Decision Due By: 14/04/2015
Responsible Officer: Helen Williams

Location: HILLCROFT, DARK LANE, BLACKROD, BOLTON, BL6 5JL

Proposal: FORMATION OF VEHICULAR ACCESS.

Ward: Horwich and Blackrod

Applicant: Mr P Byron
Agent :

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for the formation of a new vehicular access off Dark Lane to the stable development at Hillcroft.

The access is to cross the field to the south of the development and will be constructed of stone. It is to be 4.5 metres wide, with a steel field access gate being set back 6 metres from the new junction with Dark Lane. A post and rail fence will be erected on either side of the entrance to the access.

The applicant has stated that the new access is required to give a safer access onto/from Dark Lane, as visibility will be much better than the existing access to the north of the site. The new access will also provide an improved access for emergency services, which was not a requirement when they obtained permission for their stable development.

Site Characteristics

The application site comprises stables, a sand paddock, a mobile home and several small metal and wooden shack structures. The existing vehicular access is to the north of the site, off Dark Lane.

The site is located within Green Belt.

The point on Dark Lane where the new access is proposed is just to the north of a layby. The new access will cross a field to the south of the Hillcroft development.

Dark Lane has recently been resurfaced.

Policy

National Planning Policy Framework (NPPF)

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

Allocations Plan Policies: CG7AP Green Belt.

SPD Accessibility, Transport and Safety.

Analysis

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise.

Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission.

Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission.

It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.

The main impacts of the proposal are:-

- * impact on the purposes and openness of the Green Belt
- * impact on the character and appearance of the area
- * impact on highway safety
- * impact on ground stability

Impact on the Purposes and Openness of 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.

It is not considered that the openness of the Green Belt would be harmed by the formation of the new access across the field. The only structure proposed is the post and rail fencing at the entrance of the access, near its junction with Dark Lane. This style of fencing is similar to the fencing that already exists in the area and is a typical feature within the countryside. It is not considered that this limited length of fencing would harm the openness of the Green Belt.

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

Impact on the Character and Appearance of the Area

Policy CG3 of the Core Strategy states that the Council will expect development proposals to contribute to good urban design, conserve and enhance local distinctiveness (ensuring development has regard to the overall built character and landscape quality of the area) and require development to be compatible with the surrounding area in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA1 states that the Council 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.

The entrance to the proposed new access to Hillcroft will be just to the north of an existing layby on Dark Lane and the road (4.5 metres wide) will run through the field to the south of the stable development. The proposal will increase the amount of hard surfacing in the area, however it is not considered that this would be to be detriment of the character and appearance of the area given that it would have the appearance of a stone track, which is not an uncommon feature within the countryside.

The proposed gate and fencing will be sited near the access's junction with Dark Lane and are considered to be of a design compatible with the rural character of the area.

It is therefore considered that the proposal would comply with Policies CG3 and OA1 of the Core Strategy.

Impact on Highway Safety

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

The applicant has stated that they require the new access to Hillcroft as the current access point onto Dark Lane is dangerous, especially in winter, due to the steep concrete ramp that currently provides access onto Dark Lane. They consider that the new access will provide for safer access, with much improved visibility. The applicant has also commented that the access will provide improved access for emergency services to the site, which they state was not a requirement when they obtained planning permission for the stable development at the site.

The Council's Highways Engineers have raised no objection to the proposal, providing that the entrance to the access has 6 metres radii and visibility splays of 2.4 metres by 45 metres. These requirements are shown on the proposed plans. Drainage Officers have also raised no objection.

The proposed field gate will be set back 6 metres from Dark Lane, to allow for vehicles to pull in off Dark Lane before opening the gate.

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

Impact on Ground Stability

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

The Coal Authority has confirmed that there is a recorded mine entry which extends into the southern part of the site. At the time of writing this report the Coal Authority has had to raise an objection to the proposal as the proposed access falls within the zone of influence of the recorded mine entry and as the applicant had not submitted a coal mining risk assessment with their application. Also at the time of writing this report, the applicant was in discussions with the Coal Authority regarding this matter and had sent them a mining report for their consideration.

Members will be informed at the meeting as to whether the Coal Authority has received sufficient information to withdrawn their objection.

Subject to the Coal Authority withdrawing their objection, it is considered that the proposal would comply with Policy CG4.3 of the Core Strategy.

Conclusion

For the reasons discussed above, it is considered that the proposed new access would not prejudice the purposes and openness of the Green Belt, would not harm the character and appearance of the area, and would not jeopardise highway safety. Subject to the Coal Authority withdrawing their objection, Members are recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- A letter of objection has been received from a local resident. This letter raises the following concerns:

- * The area is a local beauty spot;
- * The area is in Green Belt and on a key local landmark/viewing point;
- * The road is positioned in what appears to be a dangerous position close to a bend, with drivers already having poor vision at this point;
- * The road is under construction without planning permission.

Blackrod Town Council:- raised no objection to the proposal at their meeting of 9th March 2015.

Consultations

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Environment Agency and Coal Authority.

Planning History

Permission was granted in March 2009 for the erection of one stable block (81541/09).

An application for the erection of one stable block was refused in September 2008 (80599/08).

A sand paddock, rail fencing, hardstanding and floodlighting were approved in July 2006 (74428/06).

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 development hereby approved/permitted being first brought into use the means of vehicular access to the site from Dark Lane shall be constructed to a width of 4.5 metres with 0.5 metre clearance on each side and with 6 metres radii in accordance with the drawing ref PB/01/14.

Reason

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

3. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 45 metres shall be provided at the junction of the access with Dark Lane, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

To ensure traffic leaving the site has adequate visibility onto the highway and in order to comply with Bolton's Core Strategy policies S1 and P5, as well as Supplementary Planning Document "Transport, Accessibility and Safety"..

4. Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced and drained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

Reason

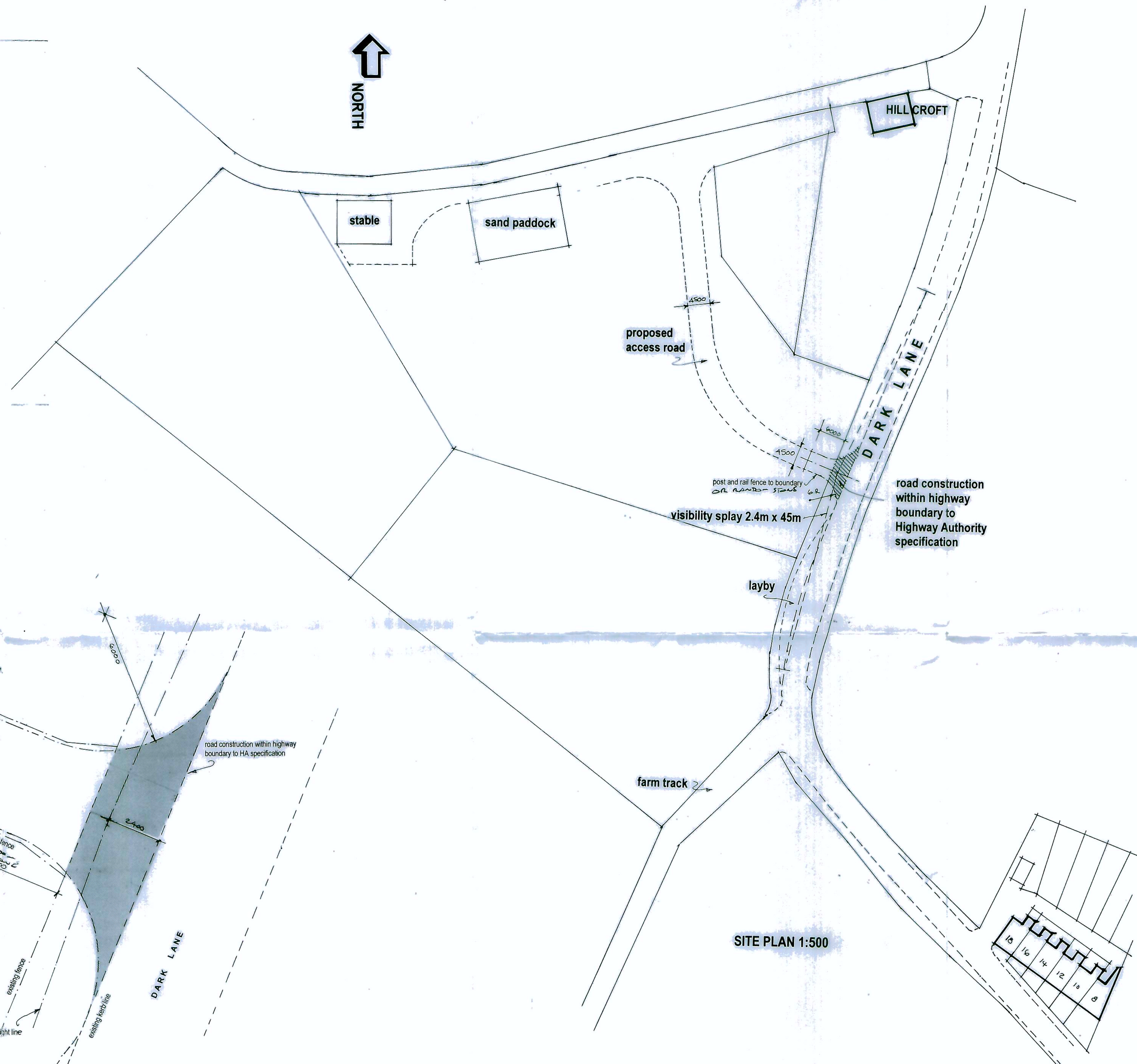
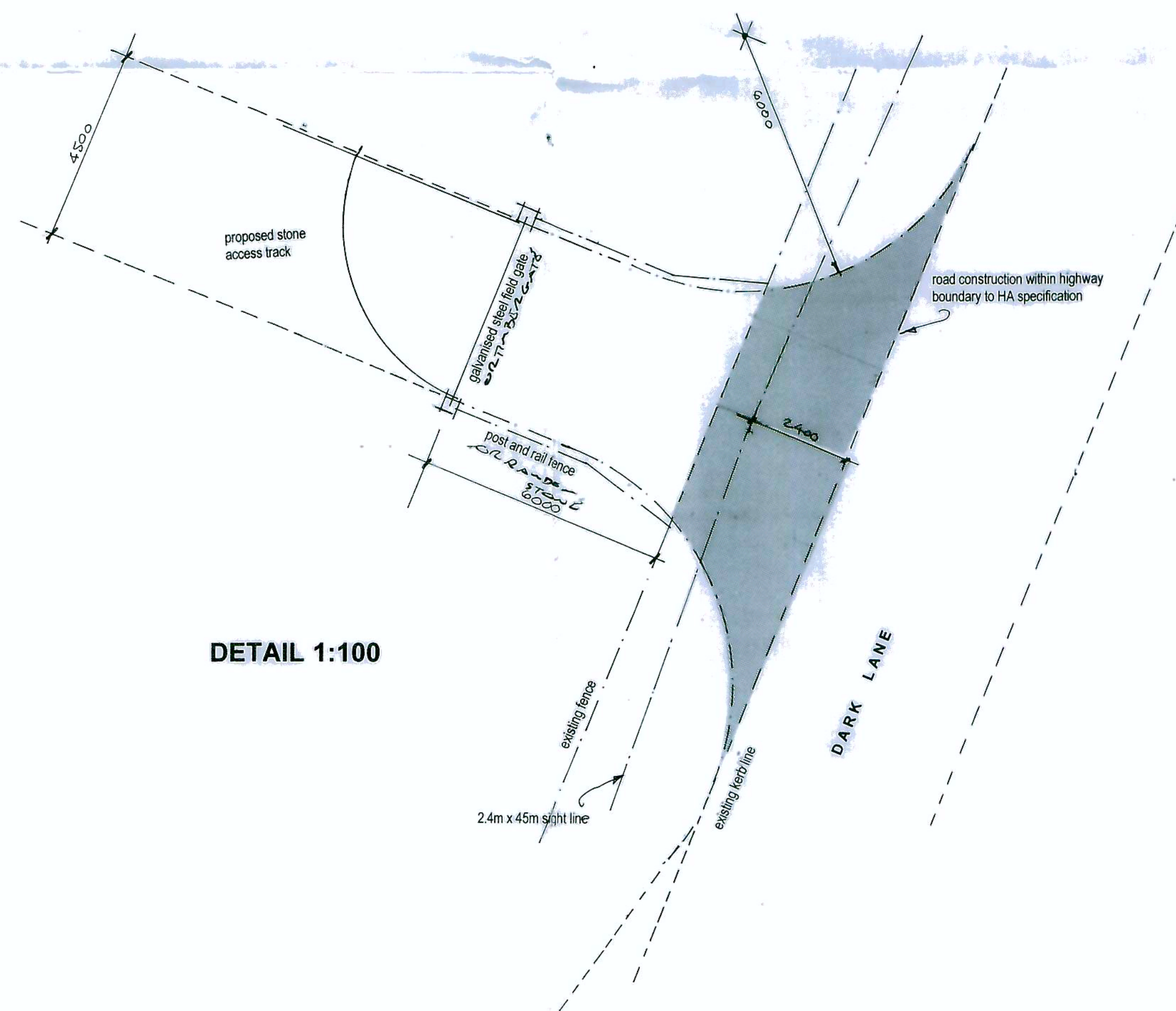
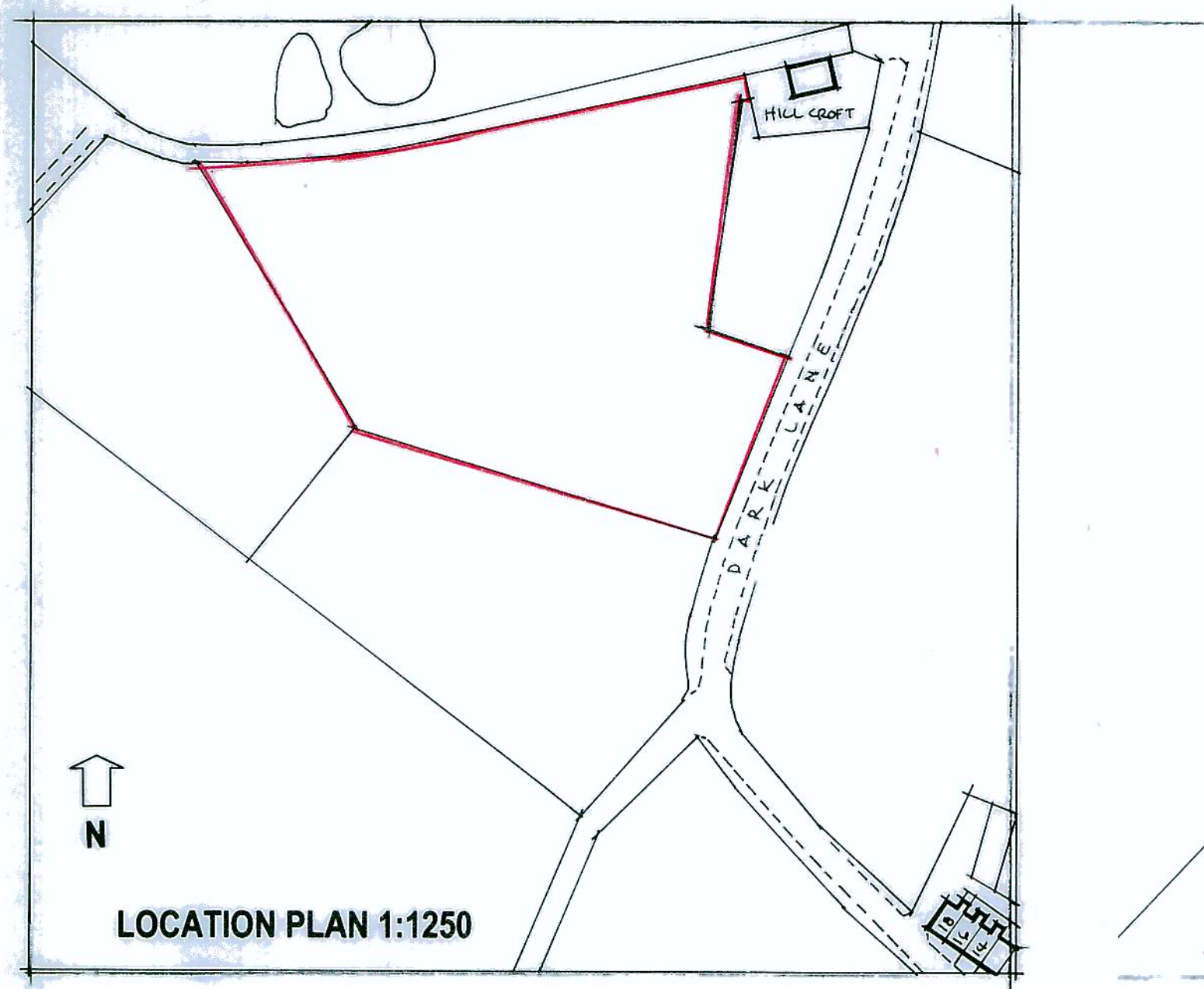
To encourage drivers to make use of the parking and circulation area(s) provided and in order to comply with Bolton's Core Strategy policies S1 and P5, as well as Supplementary Planning Document "Transport, Accessibility and Safety".

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

PB/01/14; "Proposed Vehicular Access"; dated May 2014 and received 18 Feb 2015

Reason

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



BOLTON COUNCIL
DEVELOPMENT & REGENERATION
RECEIVED
18 FEB 2015

date: May
2014

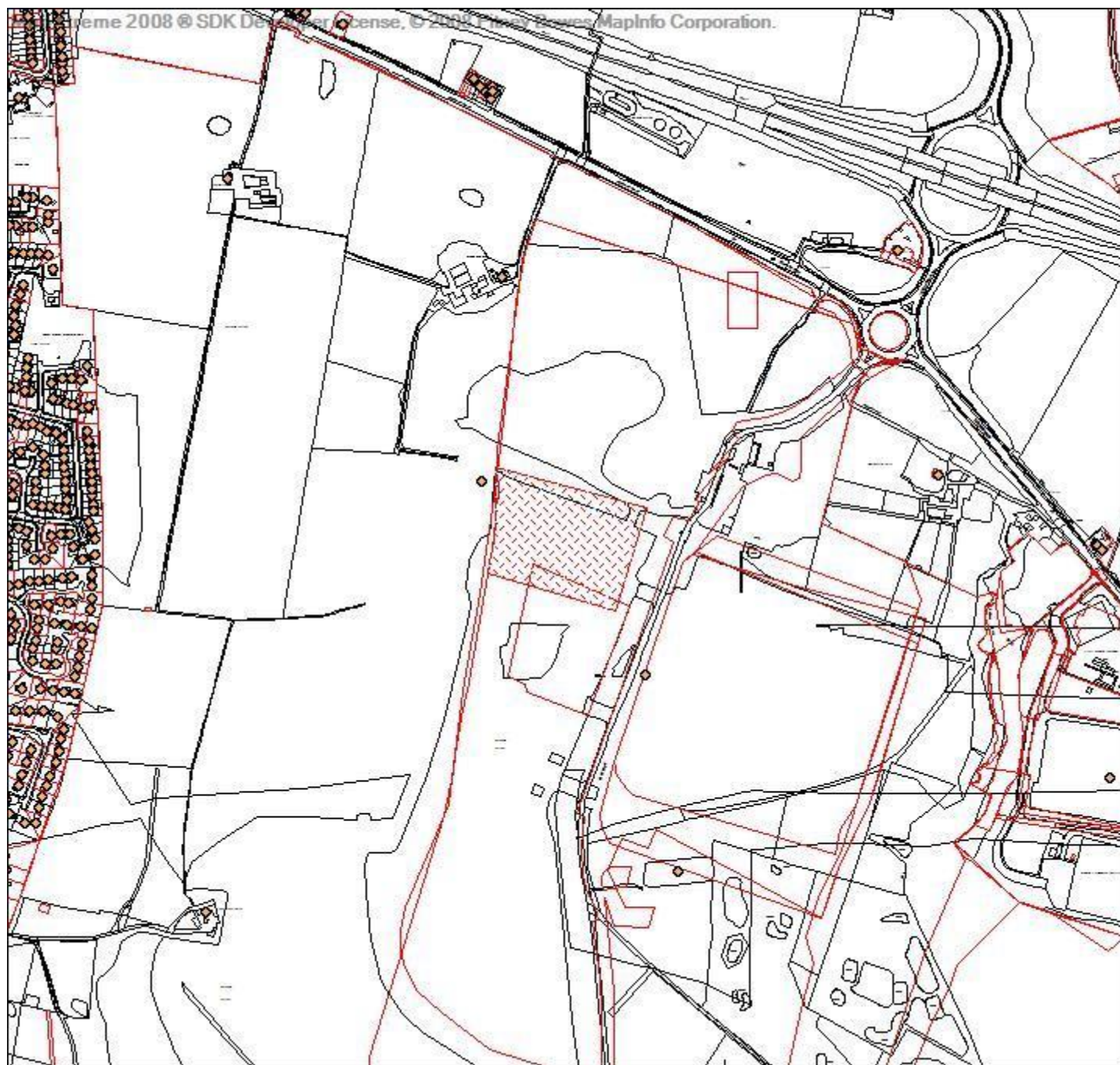
project / address

PROPOSED VEHICULAR
ACCESS.
HILL CROFT,
DARK LANE,
LITTLE SCOTLAND,
BLACKROD,
BOLTON.
BL6 5JL.

drawing number

PB/01/14

Application number 93774/15



**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: 04/06/2015

Application Reference: 93774/15

Type of Application: Full Planning Application
Registration Date: 05/03/2015
Decision Due By: 07/05/2015
Responsible Officer: Alex Allen

Location: PLOT B1, LOGISTICS NORTH, CUTACRE, OVER HULTON, BOLTON, BL5 1BS

Proposal: AMENDMENT TO PERMISSION 91459/14 - DEVELOPMENT OF PLOT B1 AS A MANUFACTURING FACILITY WITH ANCILLARY OFFICES AND OUTBUILDINGS (CLASS B2).

Ward: Hulton

Applicant: MBDA UK Limited
Agent : Cotleigh Consulting

Officers Report

Recommendation: Approve subject to conditions

Proposal

The applicant proposes an amendment to the current approved scheme.

The current application is seeking reserved matters approval for the erection of a new manufacturing facility for MBDA, an international defence sector developer and manufacturer. MBDA are an existing local employer and are seeking to relocate to the Logistics North site. The new building would employ 300 permanent staff with a further 100 temporary staff with the potential for future growth. The site is some 8.26 acres and is located in the western parcel of the Logistics North site.

The key changes to the approved proposal are as follows:

Use	Approved floorspace (sq.m)	Proposed new floorspace (sq.m)
Gross External Floor Area	11,201	12,501
Industrial / Manufacturing	7,257	7,257
Office accommodation	3,307	3,283

The main changes to the external floor area are the provision of an external plant area at the rear of the property and a modest increase of the height of the building.

The maximum height of the new building would be nominally greater at 9.96 metres above finished floor level. This is an increase of 0.73 metres above the approved height (9.23 metres to the parapet with a number of lower sections located at the rear of the property at a height of 5.05 metres). There are also a number of freestanding structures which also form part of the proposal

including a guards shelter, sprinkler tank, pump house, sheltered oil and gas bottle storage areas. The tallest of these structures would be the nitrogen tanks at a height of 10.64 metres and the sprinkler tank at a height of 10.5 metres.

Site Characteristics

The site is currently being developed under the approved permission referenced within the planning history section. The application site is identified as Plot B1 within the wider Logistics North Employment area which forms part of 102 hectares of development land (and additional land within the red edge on which the Phase 1 storage ponds are located, which falls within the country park boundary) at the former Cutacre surface mine lying between Over Hulton in Bolton, Greenheys and Little Hulton in Salford and Atherton in Wigan. Whilst the wider Logistics North site straddles the boundaries of three local authority districts - Bolton, Salford and Wigan - the site subject of this application is located only within Bolton Council.

The wider Logistics North site has a long history of agricultural and mining related uses which have created a landscape of farmsteads, fields and the legacy of 19th and 20th century mining. In 2001 permission was granted for part of the site for the working of coal by opencast methods, the extraction and recovery of coal from the Cutacre and Wharton Hall Colliery spoil tips and the restoration of land for amenity, ecology, agricultural and woodland uses. Over one million tonnes of coal was extracted from the site between 2006 and 2011 since when restoration works have been on-going in accordance with a series of approved plans and legal agreements. The restoration work is now virtually completed and a programme of planting and aftercare is planned to meet the requirements of the 2001 permission as amended, by agreement, at a number of stages since then.

Policy

National Planning Policy Framework 2012

Core Strategy policies: CG1 Cleaner Greener, CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses, P1 Employment, P5 Accessibility, S1 Safe and M3 Broad Location for Employment Development.

Allocations Plan: CG7AP Green Belt

Sustainable Design and Construction SPD adopted 24 September 2007

Accessibility and Transport SPD adopted 21 October 2013

PCPN 10 Planning Out Crime, PCPN 20 Listed Buildings.

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 site/area;
- * impact on surrounding land uses/users.

Principle of development

The principle of development of the Logistics North site and the detail of the development of Plot B1 has been considered at length by Members at Planning Committee previously. The assessment below concentrates on the amendments to the scheme i.e. changes to the height and appearance of the building and potential impacts on uses/residents which are adjacent and/or overlook the site.

Impact on the character and appearance of the area

Core Strategy policy CG3 seeks to ensure that development proposals conserve/enhance local distinctiveness. The application and wider site has permission for employment development within development parameters which prohibit development from exceeding 20 metres in height in the western parcel of land. The maximum height of the proposed building is 9.96 metres with the proposed nitrogen tanks being 10.96 metres in height.

The Officer's report for the outline permission states:

'The long term effect of the country park proposals, which wrap around the western and southern sides of the development site, will be to create a strong woodland framework and will assist in screening the development; nevertheless the inherent scale and nature of the buildings proposed will result in a change to the landscape character and views in the locality.'

'There is no doubt that the scale and extent of development proposed is a significant land use that would impact on the character and appearance of the area. These impacts would be most substantial in the early stages before the country park planting is complete and has had time to mature. They would diminish as the works are completed and the planting matures to the point where these impacts are partly mitigated. It is of vital importance therefore that the country park proposals are implemented in a timely fashion and are retained and well-managed in the long-term.'

The visual impact of the proposed buildings on the residential property on Newbrook Road and other properties to the west is, for the most part, diminished by the existing large bund along the western boundary of the development site and by the fact that the new buildings sit at a lower level than Newbrook Road itself. There is no doubt that the development plot and wider Logistics North will be viewed from properties to the north along Salford Road and Plodder Lane. However, as Plot B1 is set back from the Salford Road frontage with Plot A6 located in between the Salford Road and the application site, in time the proposed buildings would be effectively screened from the North by the development of Plot A6 and the Aldi Regional Distribution Centre which is located to the north east/east of the application site.

The proposed manufacturing facility would be in accordance with the proposed development parameters as set out in the outline permission / masterplan and would effectively be screened from direct views by the established bunds to the west and other development parcels to the north, east and south which in time will be developed out.

It is considered that the overall design of the new buildings provides a high quality building design including the proposed materials used which includes an attractive curved glazed elevation within the eastern elevation of the building which overlooks the main spine road of the development area. This would complement the high quality landscaped areas which lie directly outside the application site.

The proposed amendments are modest in the context of the approved building, with the largest free standing structures also being sited against the backdrop of the new factory building and the wider Logistics North development.

The proposal complies with policy.

Impact on surrounding land uses/users

Core Strategy policy CG4 seeks to ensure that new development is compatible with surrounding land uses and occupiers protecting amenity, privacy, safety and security.

The proposal would comply with conditions on the outline scheme/permission relating to noise emissions. Due to the nature of the business operation the site would be secure with the erection of a 3 metre high anti climb mesh fence which includes vibration detection.

The proposal complies with policy.

Conclusion

The proposal seeks to develop Plot B1 is entirely consistent with the approved outline planning permission and masterplan for the wider site in terms of the principle of industrial development, the design, siting and massing of the proposal and the environmental and transport impacts. The proposed amendment whilst considered to be a material change in the building is relatively modest in the context of the approved development on this plot and the wider Logistics North masterplan.

The proposal complies with policy and is recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- one objection letter has been received from a resident who lives overlooking the site who objects to the redevelopment of the Cutacre site and the building which is now being erected.

Consultations

Advice was sought from the following consultees: National Grid.

Planning History

In November 2013 three planning applications were delegated to the Director of Development and Regeneration pending the signing of a legal agreement. These were as follows:

Ref: 90539/13 which provided for outline planning permission for phased employment development comprising of 102 ha of B8, B2 and ancillary uses.

Ref: 90543/13 which will grant full planning permission for the construction of a Regional Distribution Centre (including ancillary office accommodation); and

Ref: 90552/13 which will change the use of restored former Open Cast mine site to form a Country Park including remodelled landform, creation of ponds, watercourses and a mix of habitats, improved public access routes and the provision of a visitors' car park.

Reserved matters permission was granted planning permission (Ref: 91459/14) for the siting of a manufacturing facility with ancillary offices and outbuildings (Class B2) on Plot B1.

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 development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason

To ensure the development safeguards the character and visual appearance of the locality.

3. The development hereby approved will be constructed with the materials approved under 91459/14 and retained in full thereafter.

Reason

To ensure the development reflects local distinctiveness.

4. Before the permitted development is first brought into use no less than 350 car parking spaces shall

be provided within the curtilage of the site, in accordance with drawing ref P00/102 Revision P2. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

5. Prior to the development hereby approved/permitted being first occupied or brought into use the scheme for parking/turning/loading and unloading of vehicles within the curtilage of the site shall be provided in accordance with drawing ref P00/102 Revision P2.

Reason

In the interests of highway safety.

6. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape.

7. The approved disabled persons parking shall be implemented in full in accordance with drawing ref P00/102 Revision P2 before the development hereby approved is first occupied or brought into use. The approved disabled car park area shall be reserved at all times for use by drivers with disabilities and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure persons with disabilities are able to use the building(s) pursuant to the provisions of the Chronically Sick and Disabled Persons Act 1970.

8. Prior to the occupation of the development hereby permitted, a site Travel Plan based on the Interim Travel Plan prepared by TTP Consulting dated January 2014 shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be monitored in accordance with the details set out in the Framework Travel Plan and the results of the monitoring shall be submitted to the Local Planning Authority.

Reason

In the interests of reducing reliance on the car as a primary means of transport.

9. Within 6 months of the occupation of the building a Final BREEAM Certificate has been issued for it certifying that the approved scheme/standard has been achieved and such Certificate shall be submitted to and approved by the Local Planning Authority.

Reason:

To reduce the impact on climate change and to improve the sustainability of the site.

10. Within 3 months of the commencement of development full elevational details shall be submitted to and subsequently approved by the Local Planning Authority for items 1 to 8 (inclusive) identified on Drawing No. P00/102 - Revision P2. The development shall be carried out in accordance with approved details.

Reason

For the avoidance of doubt and to ensure the development fits in visually with the proposed main

industrial building and safeguards the character and visual appearance of the locality.

11. Prior to the development being first occupied or brought into use, details of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authority's 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.

12. Before the approved development is first brought into use the arrangements for HGV access, waiting and parking and for cycle parking shall be laid out within the curtilage of the building in accordance with the submitted plan reference P00/102 Revision P2 and shall be retained for use at all times the premises are in use and no vehicles shall be allowed to wait or park on the access road.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the access road and that no obstruction is caused to the access road.

13. Notwithstanding the provisions of Parts 24 and 25 of the Town and country Planning (General Permitted Development) Order 1995 (as amended or re-enacted) no external telecommunications equipment or structures shall be placed on the roof or any other part of the building without the prior written consent of the Local Planning Authority.

Reason

In the interest of the appearance and design of the building and the visual amenity of the area.

14. There shall be no open storage within the confines of the application site where such storage would exceed a height of 3 metres.

Reason

To safeguard the visual appearance and character of the area.

15. Any oil and chemical storage tanks (excluding the liquid nitrogen tanks), to be constructed within the application site shall be sited on an impervious base and surrounded by a liquid retentive bund wall. The bunded area shall be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges shall be enclosed within its curtilage. The construction should be in line with the most up to date guidance for design of storage tanks.

Reason

To ensure the development is safe for use.

16. The illumination of the lighting permitted by this consent shall be no greater than 5 LUX at the closest elevation with any residential property.

Reason

To safeguard the amenity of nearby dwellings.

17. Within 4 months of this permission an Employment and Skills Statement shall be submitted to the Local Planning Authority for approval and once approved shall be implemented in full in accordance with an agreed timetable. This Statement should be based on the Local Employment Plan contained within the submitted Design and Access Statement (page 39).

Reason

To ensure that local employment benefits are addressed and secured.

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

CC 3581/PLN 200 - Site Location plan, scanned to file 06/03/15;
CC 3581/PLN 201 - General Site plan, scanned to file 06/03/15;
CC 3581/PLN 202 - Ground Floor plan, scanned to file 06/03/15;
CC 3581/PLN 203 - First Floor plan, scanned to file 06/03/15;
CC 3581/PLN 204 - Roof plan, scanned to file 06/03/15;
CC 3581/PLN 205 - Elevations, scanned to file 06/03/15;
CC 3581/PLN 208 - General Room Area Plan, scanned to file 06/03/15;
CC 3581/PLN 209 - Existing Site Section, scanned to file 06/03/15;

Reason

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

19. No roof plant, equipment or other structures, other than as approved pursuant to this permission shall be placed on the roof or be permitted to project above the roofline of any part of the building or shall be permitted to extend outside of any roof plant enclosure without the prior written consent of the Local planning Authority.

Reason

In the interest of the appearance and design of the building and the visual amenity of the area.




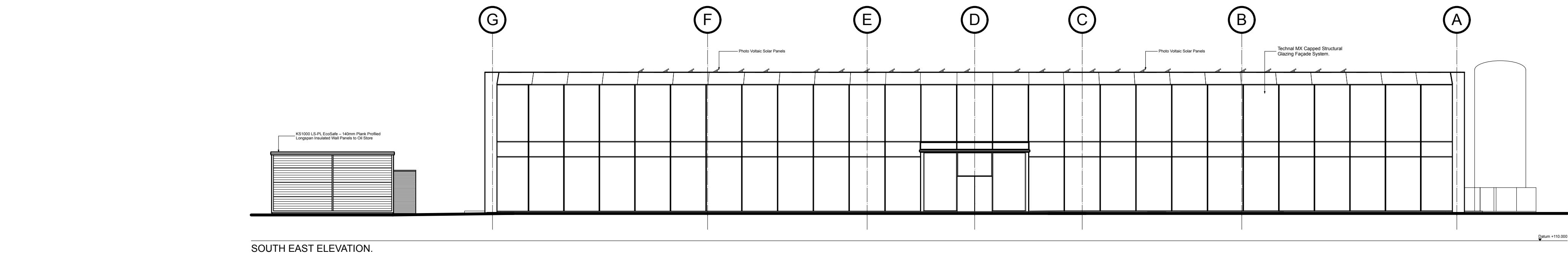
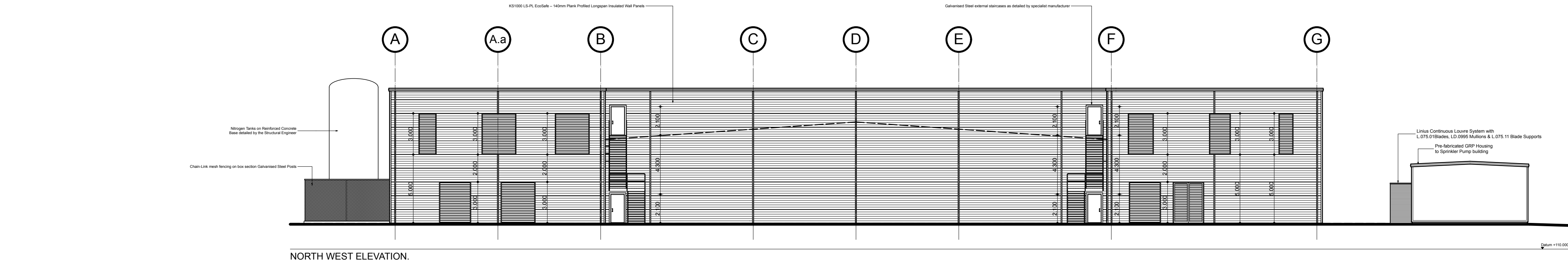
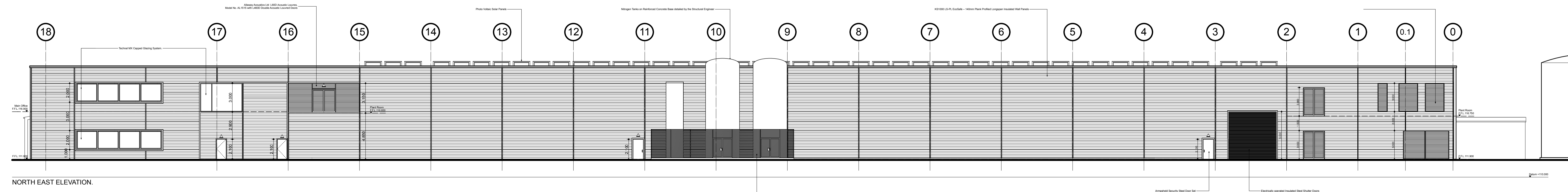
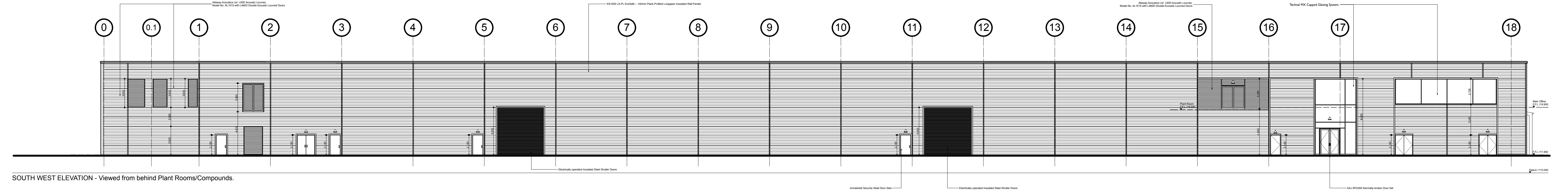
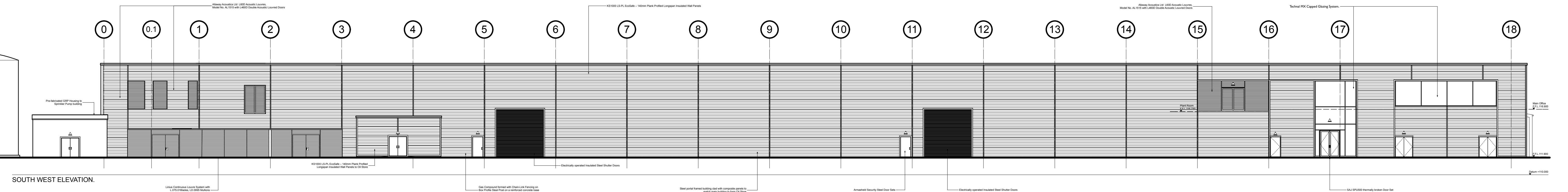
 **COTLEIGH CONSULTING**
Chartered Architects and Building Surveyors
23-24 The Green, Southgate, London N14 6EN T: 020 8902 0111 F: 020 8041 0700 E: consulting@cotleigh.com

Client **MBDA SYSTEMS**

General Site Plan

All dimensions to be checked on site. Do not scale.
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Revisions

CONAMAR

29-31 ORCHARD ROAD, STEVENAGE, HERTFORDSHIRE SG1 3HE
TEL: 01438 365142

COTLEIGH CONSULTING
Chartered Architects and Building Surveyors
23-24 The Green, Southgate, London N14 6BN T: 020 8802 9111 F: 020 8043 0700 E: coteleigh@coteleigh.com

Project: **NEW MANUFACTURING FACILITY SHELL & CORE PROJECT, LOSTOCK, BOLTON,**

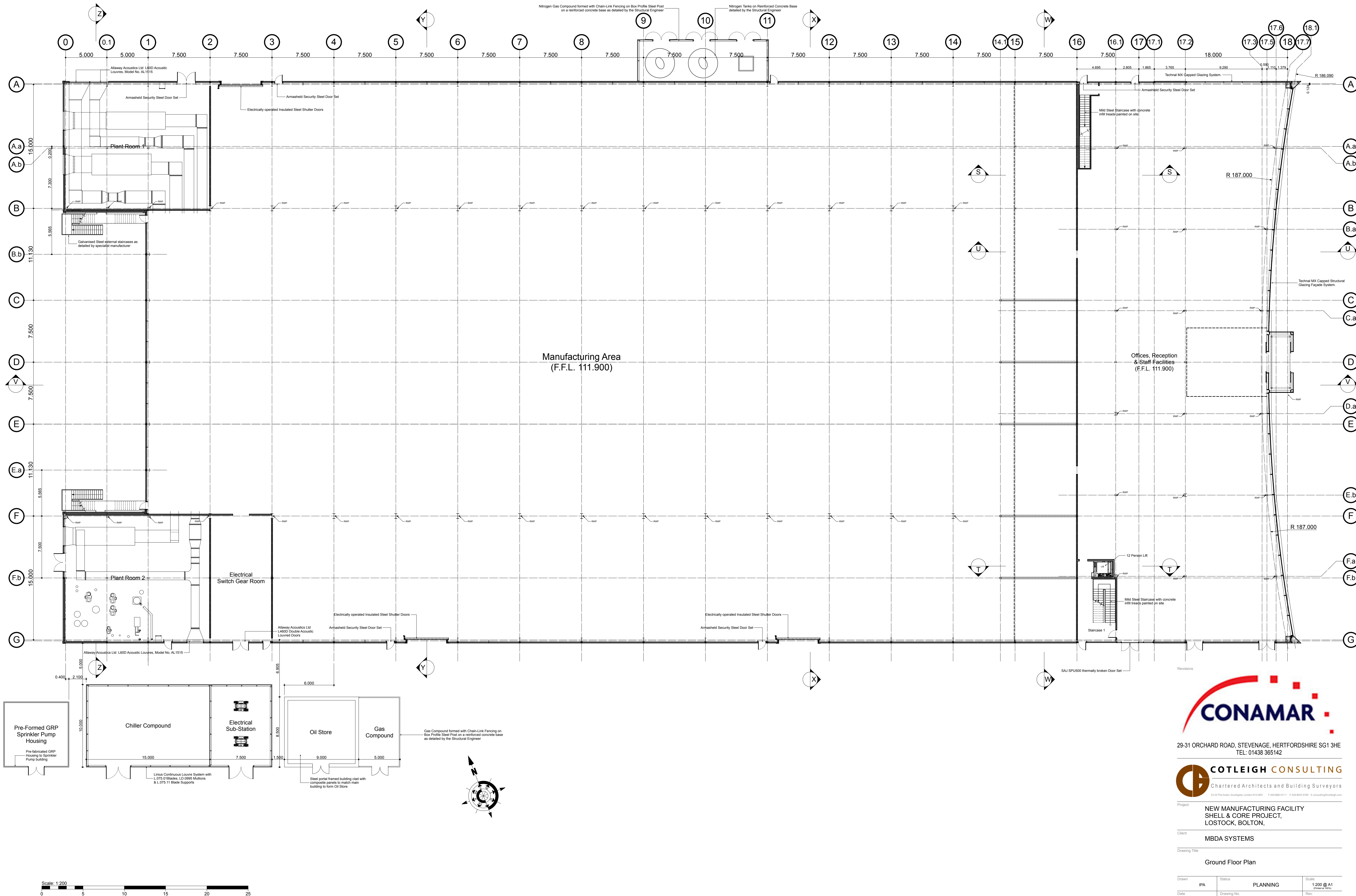
Client: **MBDA SYSTEMS**

Drawing Title: **Elevations**

Drawn: IPA	Status: PLANNING	Scale: 1:200 @ A1 (Printed at 100%)
Date: 17/02/2015	Drawing No.: CC3581/PLN205	Rev:

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Project
**NEW MANUFACTURING FACILITY
SHELL & CORE PROJECT,
LOSTOCK, BOLTON,**

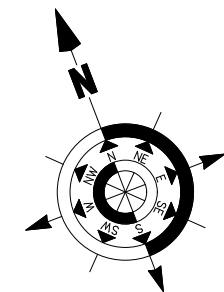
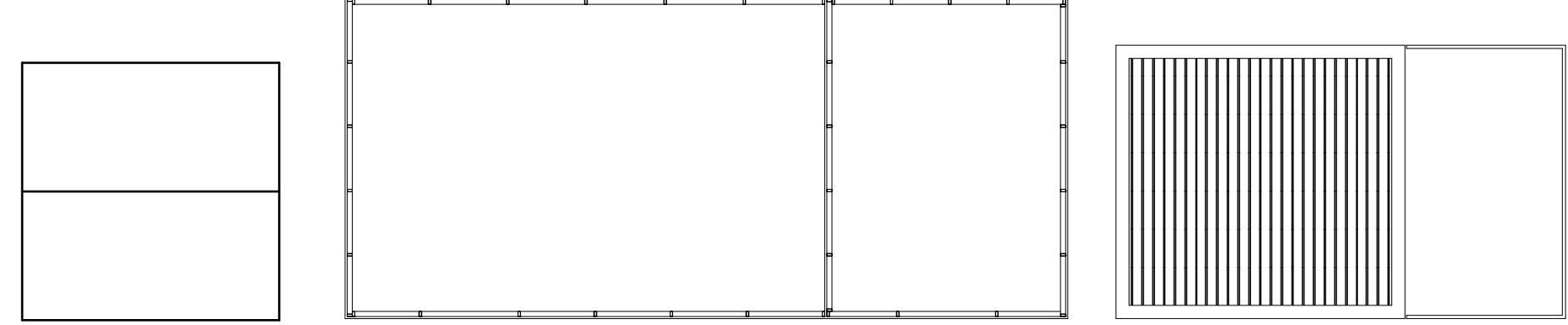
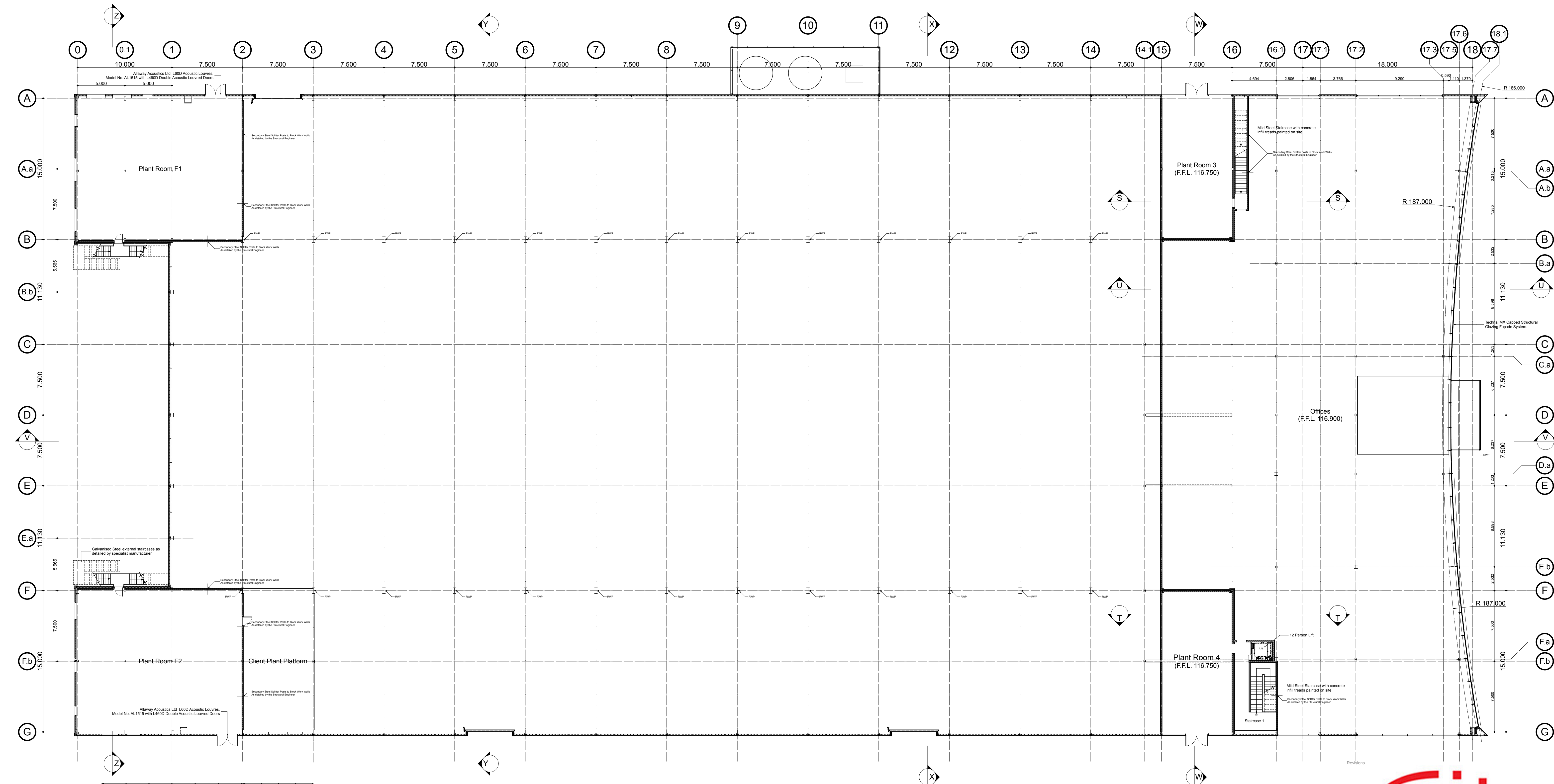
Client
MBDA SYSTEMS

Drawing Title
Ground Floor Plan

Drawn IPA	Status PLANNING	Scale 1:200 @ A1 (Printed at 100%)
Date 17/02/2015	Drawing No. CC3581/PLN202	Rev.

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COTLEIGH CONSULTING
Chartered Architects and Building Surveyors
23-24 The Green, Southgate, London N14 6BN T: 020 8802 9111 F: 020 8804 0700 E: consulting@cotleigh.com

Project: **NEW MANUFACTURING FACILITY
SHELL & CORE PROJECT,
LOSTOCK, BOLTON,**

Client: **MBDA SYSTEMS**

Drawing Title: **First Floor Plan**

Drawn: IPA	Status: PLANNING	Scale: 1:200 @ A1 (Printed at 100%)
Date: 17/02/2015	Drawing No.: CC3581/PLN203	Rev:

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Application number 93818/15



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: 04/06/2015

Application Reference: 93818/15

Type of Application: Full Planning Application

Registration Date: 12/03/2015

Decision Due By: 06/05/2015

Responsible Officer: Alex Allen

Location: LAND ADJACENT 9 LEIGH STREET, WESTHOUGHTON, BOLTON, BL5 3TG

Proposal: ADDITIONAL USE OF LAND AND BUILDINGS FOR INTERNET CAR SALES AND STORAGE

Ward: Westhoughton South

Applicant: Mr K Howard

Agent :

Officers Report

Recommendation: Approve subject to conditions

Proposal

The applicant is seeking retrospective consent for the use of the yard area for internet car sales for the sale of a maximum of 14 cars on an appointment basis between the 0900 to 1700 hrs Monday to Saturday. The car sales operation uses the office facilities which is located at the rear of the existing garage which is adjacent to the car sales area.

The submitted site plan shows 14 cars can be stored adequately within the curtilage of the site with space within the centre of the site.

Site Characteristics

The application originally formed part of the coal haulage yard and has been split up into separate pieces of enclosed land. Adjacent to the application site is a garage which is in the control of the applicant together with an office which is sited at the rear of the garage. The office element is accessed from both the application site and the garage.

Behind the application site is another open area. No. 9 Leigh Street is a vacant residential property adjacent to the site with traditional terraced properties located on the opposite side of Leigh Street. The application site is located close to the junction of Leigh Street with Church Street. Church Street has a number of commercial uses located along the street frontage.

Opposite the garage is a relatively new residential development located off Durrington Place.

Policy

National Planning Policy Framework

Core Strategy CG3 the Built Environment, CG4 Compatible Uses, P5 Accessibility and S1 Safe

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 site/area;
- * impact on parking;
- * impact on adjoining uses.

Impact on the character and appearance of the property/surrounding area

Core Strategy policy CG3 seeks to ensure that development proposals will be expected to conserve / enhance local distinctiveness with regard to the overall built character of the area.

As the application is retrospective it is difficult to comment on any improvements in the outlook and appearance of the site since it has started to be used for car sales. However, it is noted that a number of local residents have commented that the use of the site has resulted in improvements to the appearance of the site.

The existing/proposed use of the site is not considered to be detrimental to the character of the area as the majority of the cars are set back from the main road frontage and the buildings on either side of the site provide an effective screen to the use.

It is therefore considered that the proposed use of the site is sympathetic to the character and appearance of the original site and the surrounding area.

The proposal complies with Core Strategy policy CG3.

Impact on surrounding land uses and occupiers

Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.

It is not considered that the use of the site in itself would cause any disturbance to local residents as it is effectively used for the storage and sale of cars on a small scale. It is considered that subject to conditioning the maximum number of cars which could be stored on site and limiting the opening hours of the premises this will ensure the use remains compatible to the local area.

The proposal would therefore comply with Core Strategy policy CG4.

Impact on highway safety

Core Strategy policies P5 and S1 seek to ensure new development proposals are accessible by different types of transport and sufficient off road car parking is provided.

The current proposals would provide 14 spaces for the parking of cars for sale. This will allow sufficient room for customer car parking within the site curtilage. The Council's Highways Engineers have commented that the proposed use would be acceptable subject to a maximum number of storage / parking spaces being provided within the site to prevent overspill storage/car parking on Leigh Street.

Due to the residential properties located on Leigh Street it is important to ensure the Council's Highways Engineers requirements are satisfied. It is clear from visiting the site that there is sufficient space to accommodate car sales and sufficient customer car parking. Given the small scale nature of the use and the internet 'appointment only' service offered by the owner of the site this would ensure that the trip generation of the use is relatively small.

In addition, by conditioning the hours of use of the land/site it is considered that apart from Saturdays, the use would be outside of times when local residents would be at home (assuming they are not retired or work from home).

Therefore, subject to the suggested conditions it is considered that the proposal is acceptable.

Conclusion

The small scale use of the site, restricted hours of use and the adequate provision for curtilage car sales and customer car parking would ensure that the proposal would be compatible with the existing locality.

The proposal complies with policy and is recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- three support letters have been received with three objection letters also being received (two from the same address).

The support letters raise the following issues:

- The site has been an eyesore for years and can only be improved by being developed. Through the use of the land/property for car sales the land has been cleaned up and improved.
- No noticeable increase in traffic in the street. Cars do park on the street but these are predominantly from people who use the shops on Church Street
- Cars will not be parked on the street and will reuse the land.

The objection letters raise the following concerns:

- Blocking of roads and pavements by cars;
- Repair and spraying of cars at the open entrance to the building;
- The entrance to Leigh Street has double yellow lines on both sides of the street. However, this does not discourage visitors parking there;
- Alleged keeping the road clear by using cones to block off spaces outside residents houses;
- Concerns over the level of consultation with local residents;
- Rents additional land on the other side of No. 9;
- Insufficient car parking for visitors to the property;
- The applicant is planning to use the existing garage for the painting of car wheels. The use of the garage results in a constant noise from the compressor, smells and fumes from paint
- The proposed opening hours (0900 hrs to 1700 hrs) are incorrect as the applicant has had customers visiting the site as late as 2030 hrs to 2100 hrs;
- Internet Car Sales business does not need the signs and price boards on the cars which are for sale;
- Wrong location for this use.

Petitions:- none received.

Westhoughton Town Council:- raised no objections to the proposal.

Elected Members:- Cllr Hayes has requested an advanced site visit.

Consultations

Advice was sought from the following consultees: the Council's Highways Engineers.

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. Within 2 weeks of the date of this permission the layout of the site shall be in accordance with the proposed site layout as scanned to file 13/05/15. Such spaces shall be made available for the parking and storage of cars at all times the premises are in use.

Reason

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

3. No deliveries shall be taken or dispatched from the premises outside the following hours:-

0900 to 1700 hrs Mondays – Fridays

0900 hrs to 1200 hrs Saturdays.

No operations shall take place on Sundays or Bank Holidays.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

4. The premises subject of this consent shall not be open for trade outside the following hours:-

0900 hrs to 1700 hrs Mondays – Saturdays

No opening shall take place on Sundays or Bank Holidays.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

5. The premises shall be used for internet car sales only and for no other purpose.

Reason

For the avoidance of doubt as to what is permitted.

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

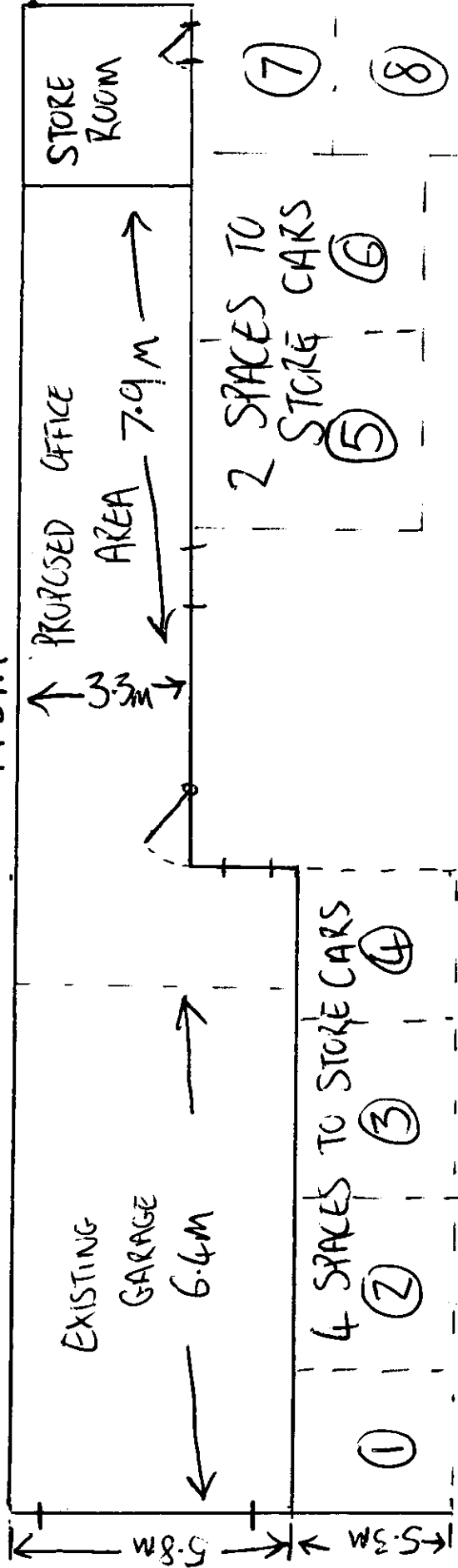
Site Layout - Proposed, scanned to file 13/03/2015.

Reason

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

← BACK OF CHURCH STREET →

19.5m



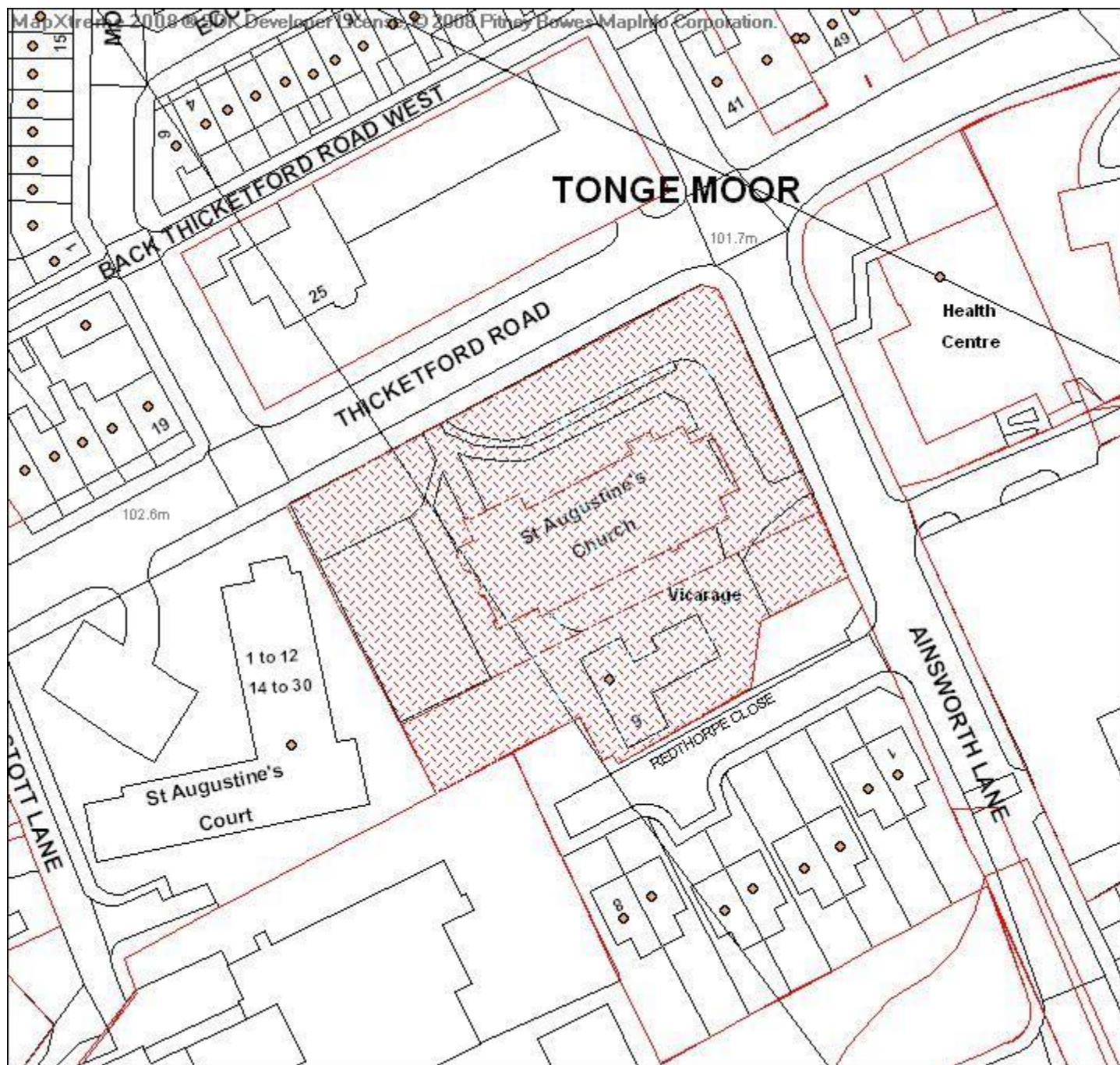
PROPOSED 14 SPACES TO STORE THE CARS
WITH ALL OTHER AVAILABLE SPACE IN THE
AREA FOR VISITORS OR DELIVERIES

BATHON COUNCIL
DEVELOPMENT & REGENERATION
RECEIVED

12 MAR 2015

LEIGH STREET

Application number 93821/15



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: 04/06/2015

Application Reference: 93821/15

Type of Application: Full Planning Application

Registration Date: 12/03/2015

Decision Due By: 06/05/2015

**Responsible
Officer: Alex Allen**

**Location: ST AUGUSTINE'S CHURCH, THICKETFORD ROAD, BOLTON, BL2
2EF**

**Proposal: CONSTRUCTION OF NEW EXTERNAL PATHS AND STEPS TO
PROVIDE ACCESS TO THE UNDERCROFT CRYPT AREA OF THE
CHURCH AND INSTALLATION OF A NEW ENTRANCE DOORWAY
INTO THE CRYPT AREA FOR COMMUNITY USE**

Ward: Tonge with the Haulgh

Applicant: The Vicar and PCC of St Augustine, Tonge Moor

Agent : Worthington Ashworth Jackson and Walker

Officers Report

Recommendation: Approve subject to conditions

Proposal

The applicant proposes amendments to the existing access arrangements to the Church to provide enhanced level and disabled access for persons to the ground floor of the Church and to enable level access into the crypt/basement level of the Church. To enable this to occur a new pathway has to be created which provides a sufficient gradient. In part this uses the existing pathway which runs parallel with Thicketford Road with some alterations in level to accommodate the changes. A new pathway would be created which leads to a new entrance door which would be formed in the northern elevation of the Church.

The applicant has had extensive discussions with both the Trees and Woodland Officer and Planning Officer as to the most appropriate form of proposal which would meet the Church's requirements whilst being complementary to the current Listing of the Church. The application brought to Members is reflective of these discussions.

Site Characteristics

The application relates to the Church of St Augustine of Canterbury which is located adjacent to the junction of Ainsworth Lane and Thicketford Road. The Church itself is a Grade II Listed Building and was constructed between 1883-1886 by R Knill Freeman. The Church is constructed of rock faced red sandstone with ashlar dressings and a graded slate roof.

The main Church entrance is located off Thicketford Road with the main access points to the existing Crypt through a steep stepped access point to the rear of the Church.

Policy

National Planning Policy Framework

Core Strategy policies:- CG1 Cleaner Greener, CG3 The Built Environment and P5 Accessibility.

PCPN No. 7 - Trees: Protection and Planting in New Development and PCPN. 20 - Listed Buildings.

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, appearance and setting of a listed building and the wider area;
- * impact on protected trees; and .
- * impact on accessibility.

Impact on impact on the character, appearance and setting of a listed building and the wider area

Core Strategy policy CG3.4 seeks to ensure that new development proposals conserve and enhance the heritage significance of heritage assets and heritage areas recognising the importance of these sites and their setting.

The proposal has two main aspects: formation of the new path / ramp and alterations to the north elevation of the Church to form a level access to the crypt area.

The proposed new path / ramped pathways in part follow the line of an existing pathway which runs parallel with Thicketford Road. The main change is the provision of a new footpath/ramp between the existing path where it falls to access the new doorway/opening. This will result in the removal of soil / grassed area to provide a meandering path which leads to the new door. This element is complementary to the meandering nature of the existing path.

The removal of some of the soil / grassed area to open access for the new doorway will open up some of the existing Church wall which has not been previously uncovered. In addition, the provision of a modest opening for the new doorway will use materials which complement the appearance of the existing Church, including the provision of new oak double entrance doors.

Whilst the proposal is a deviation from the original design of the Church, it would secure greater use of the Listed Church, which would make greater use of the property, securing its future use. In addition, it is considered that the proposal is complementary to the character of the existing Church / Listed Building.

It is considered that the proposal complies with policy.

Impact on trees

Core Strategy policy 1.2 seeks to ensure that new development proposals safeguard and enhance biodiversity by protecting sites of urban biodiversity, including trees and woodland from adverse development.

The Council's Trees and Woodland officer has commented that the proposed level changes will result in the loss of the three trees at the north east corner. Cutting away by approximately 0.6 metres will make the three trees unstable. These three trees, a Cypress and two Ash trees are not protected trees. Their removal will have an impact on the amenity of the area and it is recommended that replacement planting is undertaken to compensate for their loss.

Therefore, subject to the replacement of three trees it is considered the proposal complies with policy.

Impact on accessibility

Core Strategy policy P5 seeks to ensure that new development proposals are accessible by all, prioritising pedestrians.

The aim of the proposal is to provide level access into the Church crypt providing a more accessible location for the use of community and church groups. The proposal would successfully provide level access for less mobile persons which has two alternative types of access, a ramped access point and also a new stepped access.

It is noted that the objector raises general maintenance issues with the proposal regarding the north facing aspect of the proposal resulting in potential slippery/icy conditions during inclement weather. However, it is considered that these issues are best resolved by Church management rather than meaning that such a proposal is not appropriate. It is noted that the main entrance at ground floor level to the Church is north facing and the proposal would provide a relatively minor change to the existing layout of the site.

Conclusion

The proposal would enable level access to be provided into the basement/crypt area of the Church providing the opportunity for greater use of this part of the Church for local community/church groups whilst having a design which complements the character and appearance of the Listed Building and that of the wider area.

Representation and Consultation Annex

Representations

Letters:- one objection letter has been received. They state that whilst they are in favour of disabled access to the Church they have the following concerns:

- Concern regarding breaking into the front of the Church facing Thicketford Road. The architect originally designed the entrance to the crypt at the south side / rear of the Church - ***the current entrance to the crypt is at the rear. However, this is insufficient to meet modern requirements,***
- Doors for the disabled access open inwards – disabled access doors should open outwards - ***this is not a pre-requisite to obtain planning approval. This is a matter for building regulations/control. The doors would have to open outwards if this was the sole access point for the crypt, it also depends on the number of people which could use the crypt at any one time. However, as there are a number of alternate access points this is not considered to be problematic.***
- Queries if there is sufficient space for a person in a wheelchair with a person pushing the wheelchair between the inner and outer doors;
- Loss of heat with both sets of doors open - ***not a material planning consideration;***
- The proposed ramp entrance is north facing. The access on the southern side would bring more light and sun to the entrance (if changed). In the winter the path would become less frosty/slippery - ***site maintenance/management issues;***
- Land at the southern side is lower and therefore the gradient would have to be lower;
- No drainage proposals contained within the current proposal. If it relies on a soakway this may result in the path becoming more slippery - ***site maintenance/management issues;***
- No specification for lighting and there is only a railing on one side of the steps. Potential problems of partially sighted or blind people falling - ***one small light is to be provided above the proposed new doorway.***

Petitions:- none received.

Elected Members:- no comments have been received.

Consultations

Advice was sought from the following consultees: the Council's Trees and Woodland Officer and Highways Engineers.

Planning History

No relevant planning history.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

2. Prior to the commencement of development samples of the materials to be used within the development hereby approved including door specifications shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

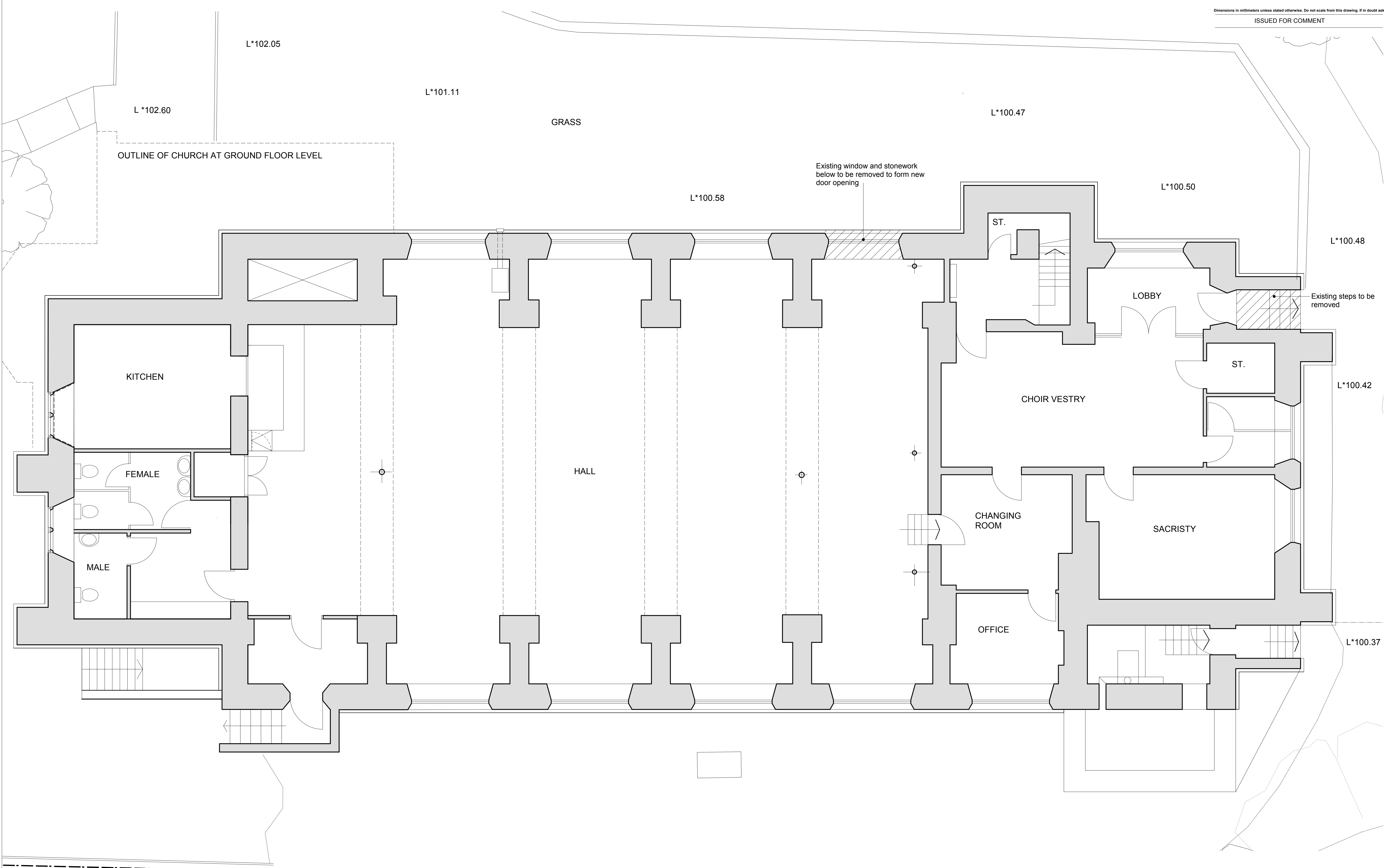
To ensure the development reflects local distinctiveness.

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

Drawing No. 0040.03 - Site Plan As Proposed, scanned to file 12/03/2015;
Drawing No. 0040.04 - Part Plan As Proposed, scanned to file 12/03/2015;
Drawing No. 0040.05 - Section As Proposed, scanned to file 12/03/2015;
Drawing No. 0040.06 - Detailed Sections As Proposed, scanned to file 12/03/2015;
Drawing No. 0040.08 - Part Plan Section and Elevations, scanned to file 12/03/2015;
Drawing No. 0040.09 - Part Plan Section and Elevations, scanned to file 12/03/2015.

Reason

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



Revisions
Worthington Ashworth Jackson Walker
architects · designers · historic building consultants

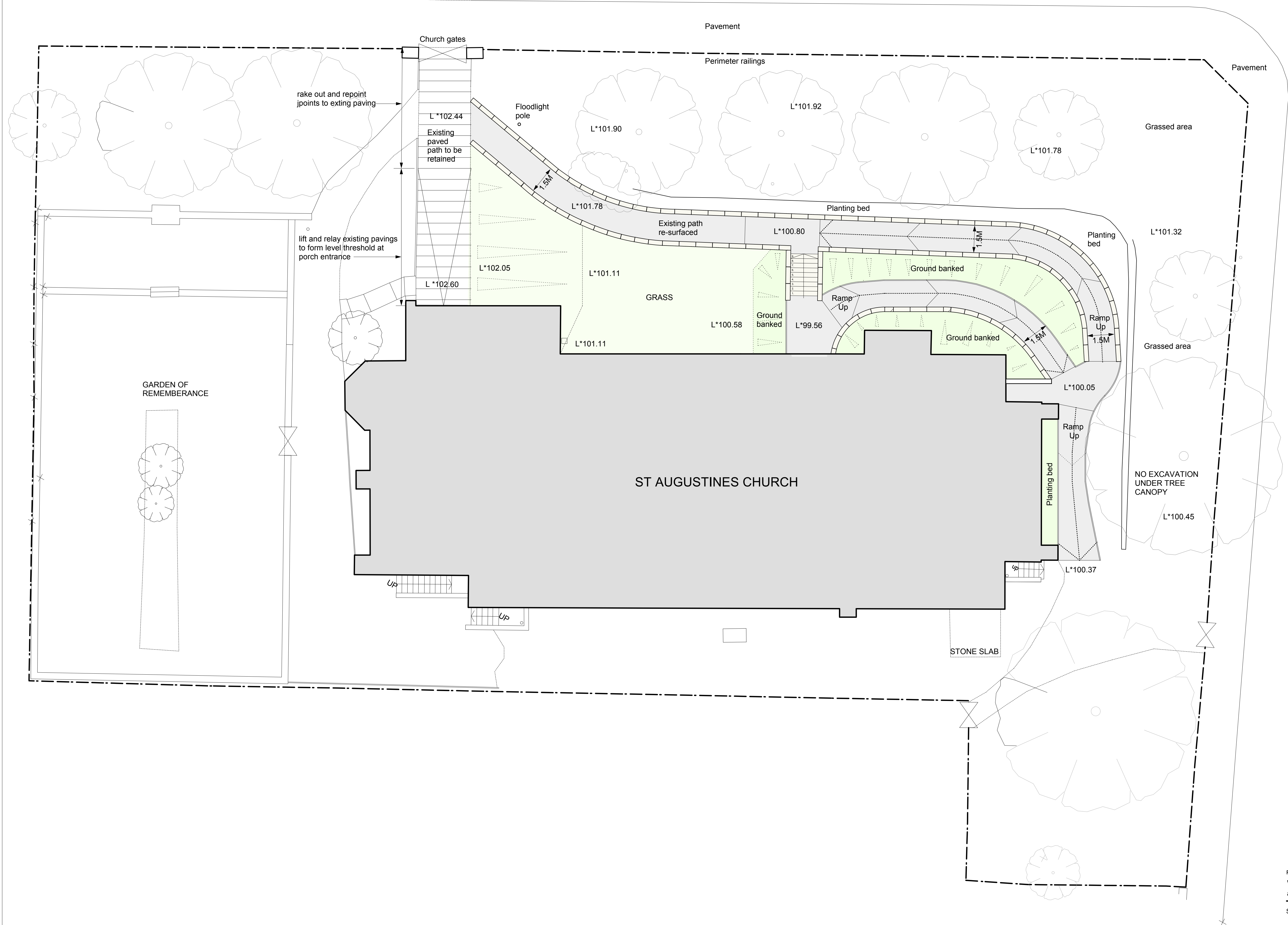
St Augustines Church, Tonge Moor.

Plan as existing

date	scale	drg no	rev
Nov 14	1:50@A1	0040.02	

Camwood House • 109 Shaw Heath • Stockport • SK2 6QH • 0161 477 2616 • info@wajw.co.uk

THICKETFORD ROAD



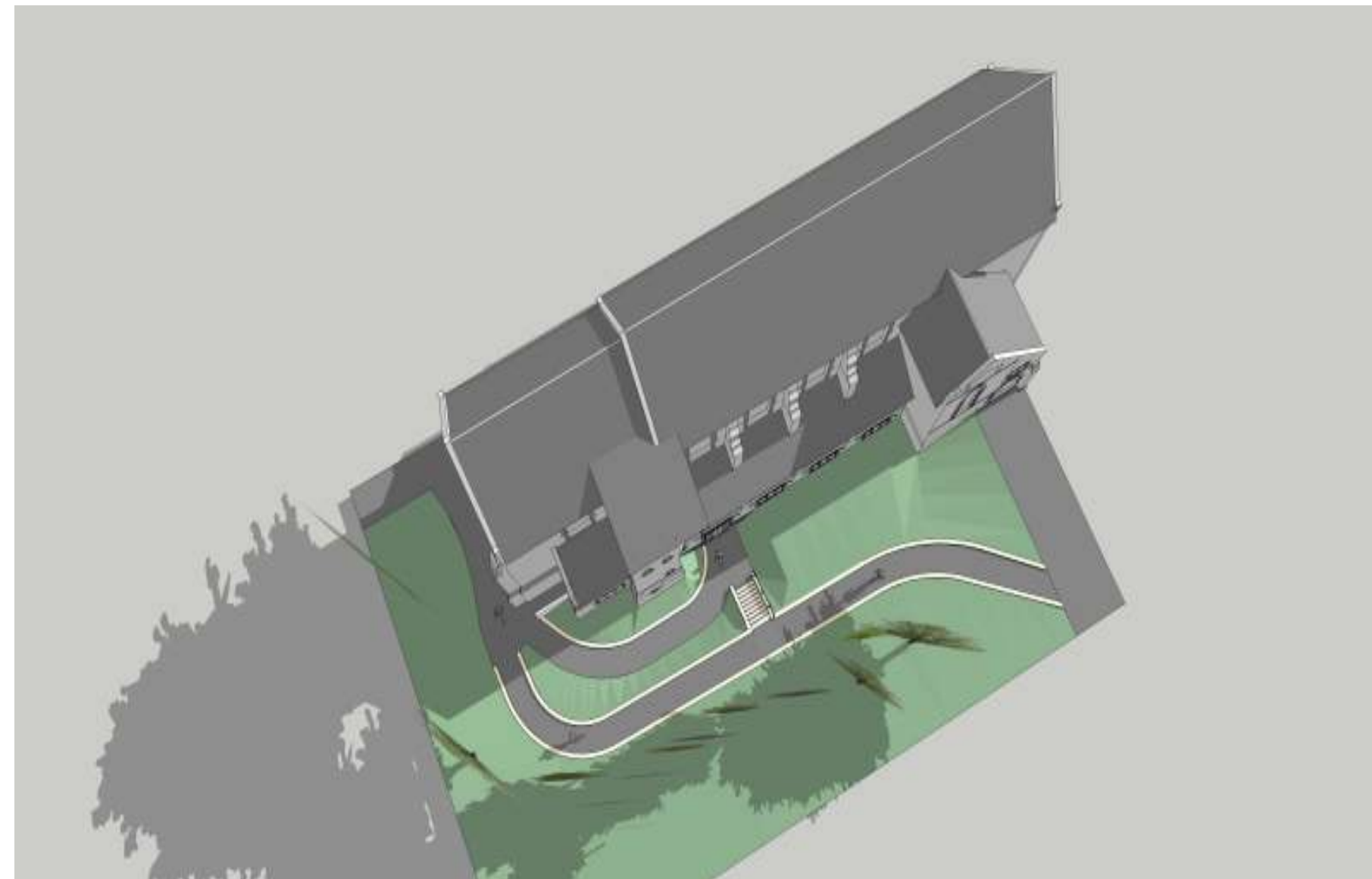


IMAGE 1



IMAGE 2



IMAGE 3



IMAGE 4



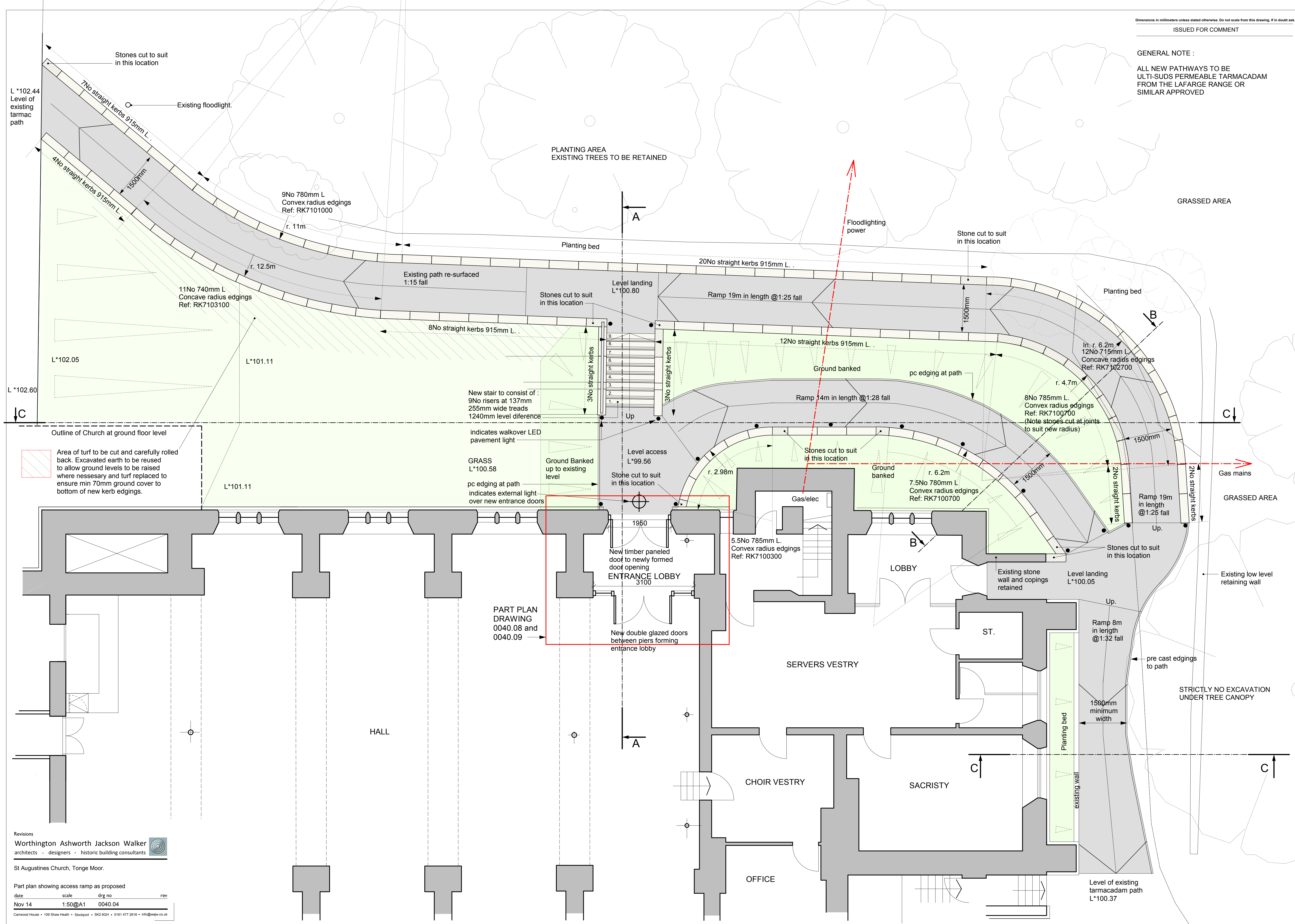
IMAGE 5



IMAGE 6

GENERAL NOTE :

ALL NEW PATHWAYS TO BE
ULTI-SUDS PERMEABLE TARMACADAM
FROM THE LAFARGE RANGE OR
SIMILAR APPROVED



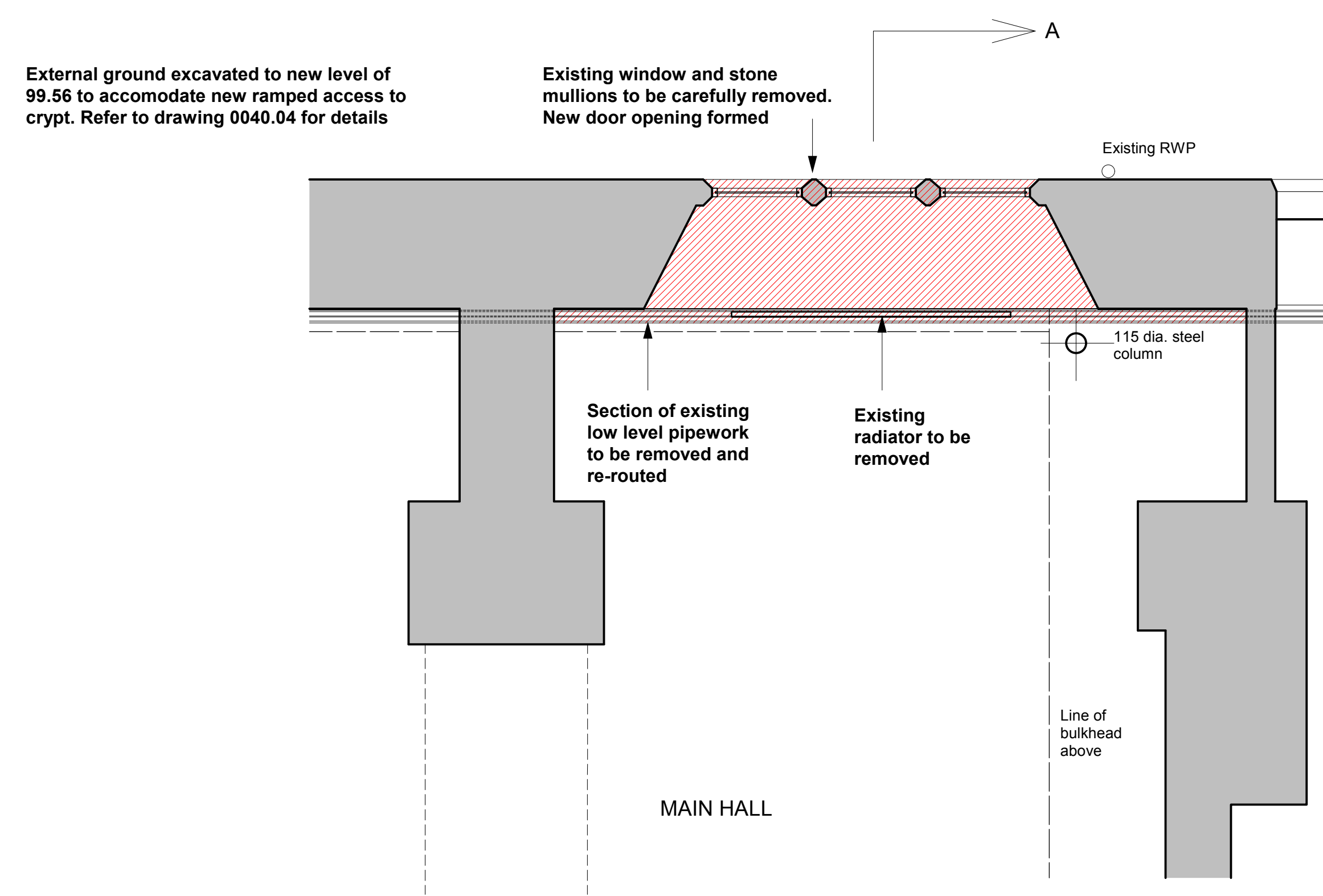
Revisions
Worthington Ashworth Jackson Walker
architects • designers • historic building consultants

St Augustines Church, Tonge Moor.

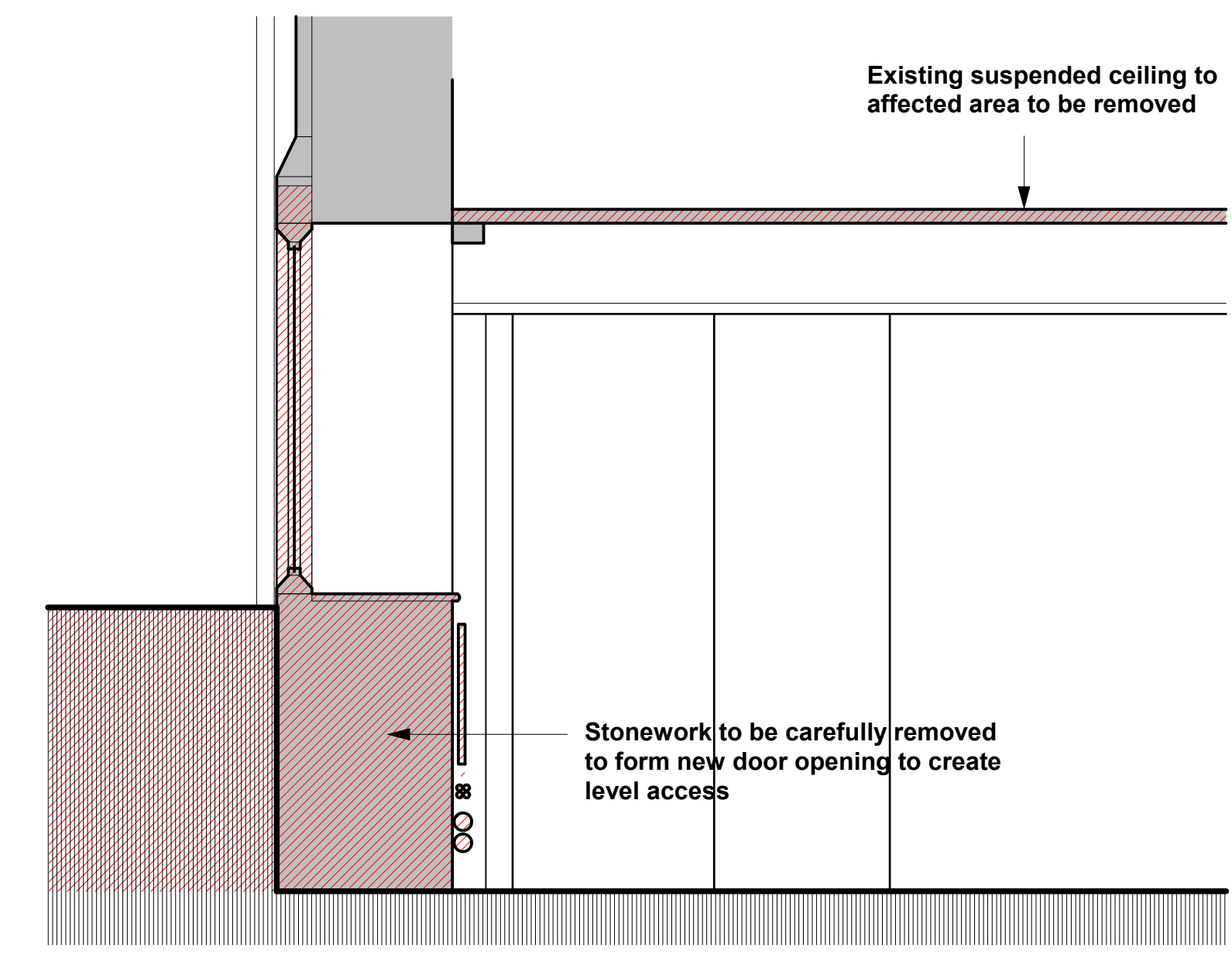
Part plan showing access ramp as proposed

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Nov 14	1:50@A1	0040.04	

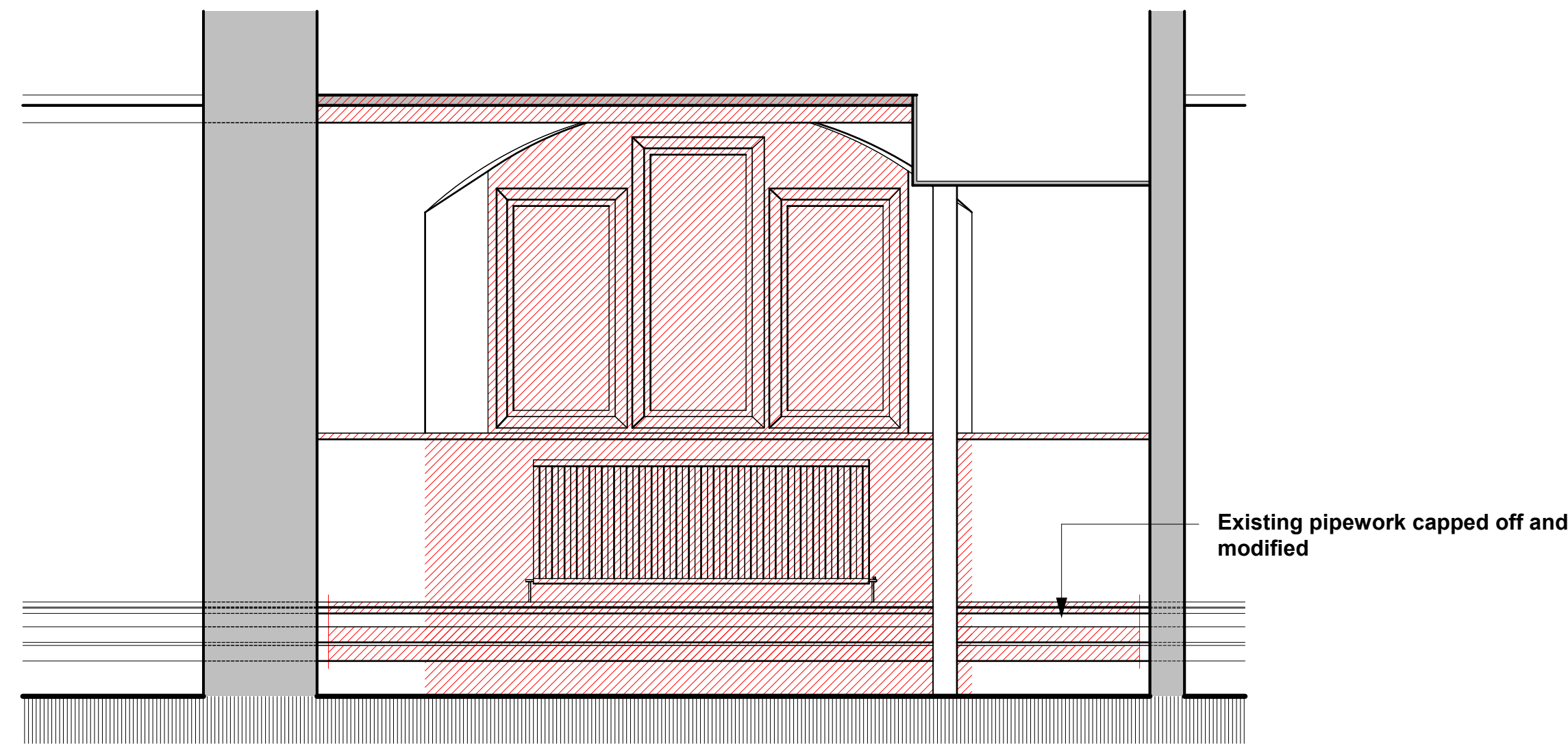
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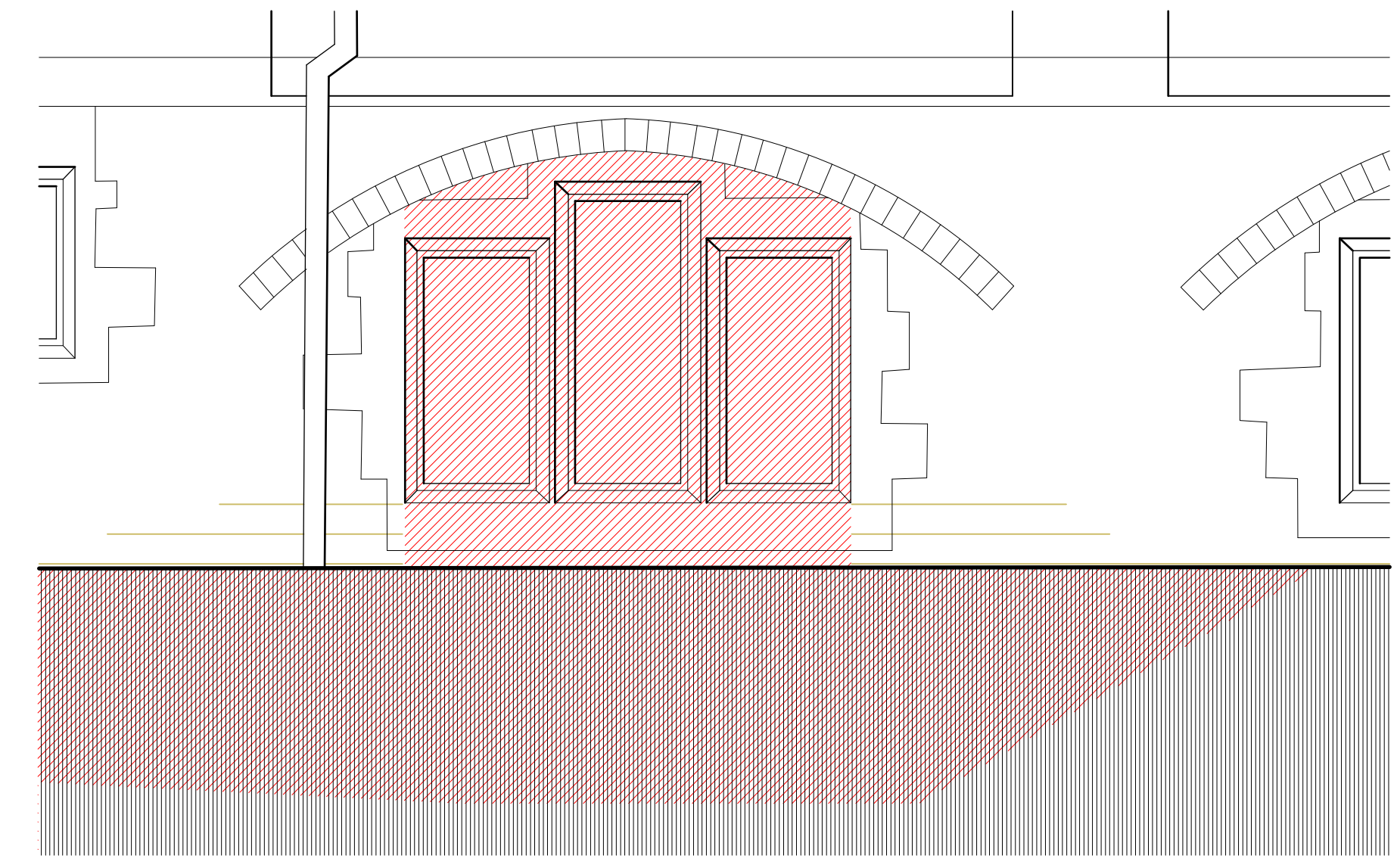
PART PLAN



SECTION AA

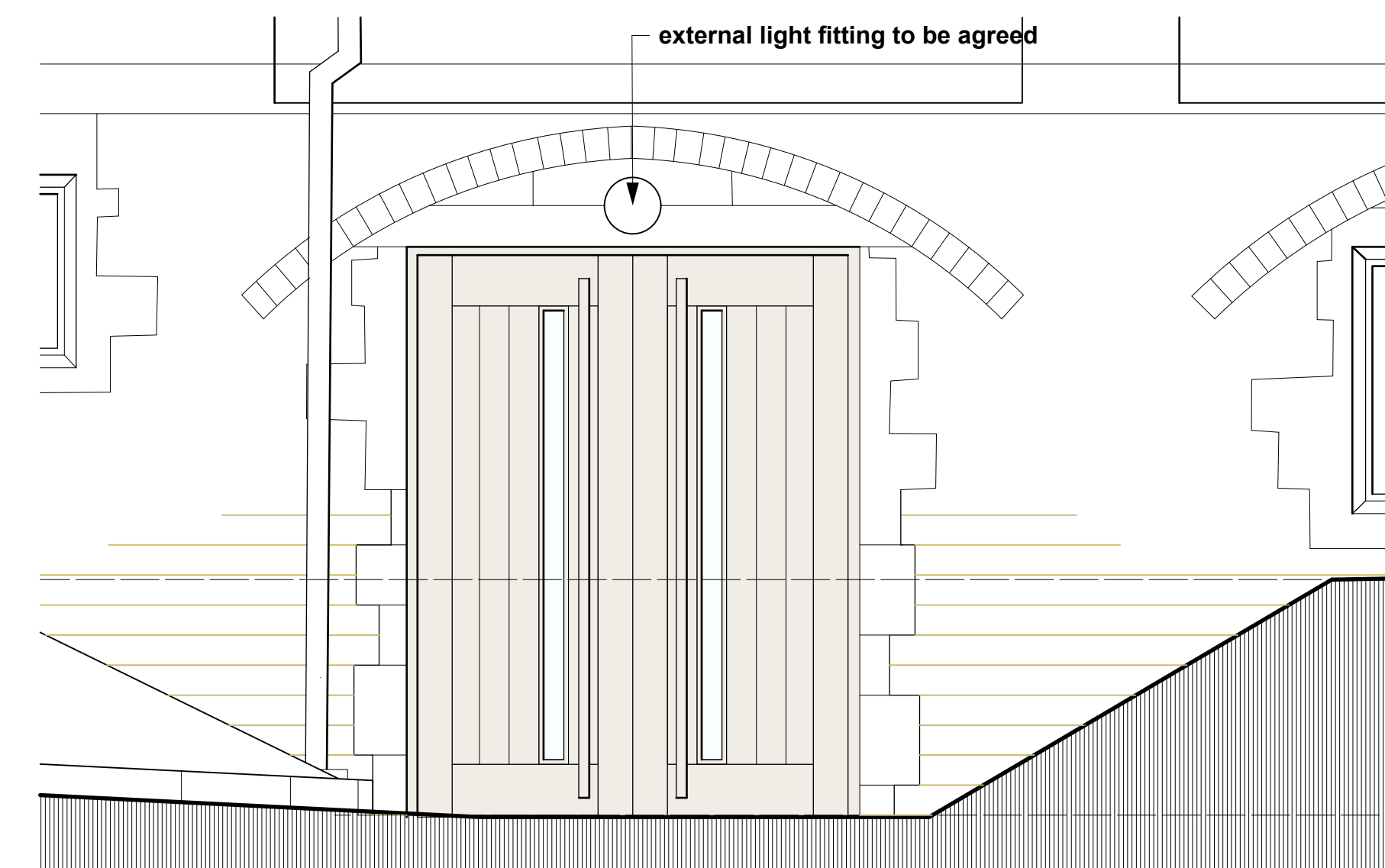
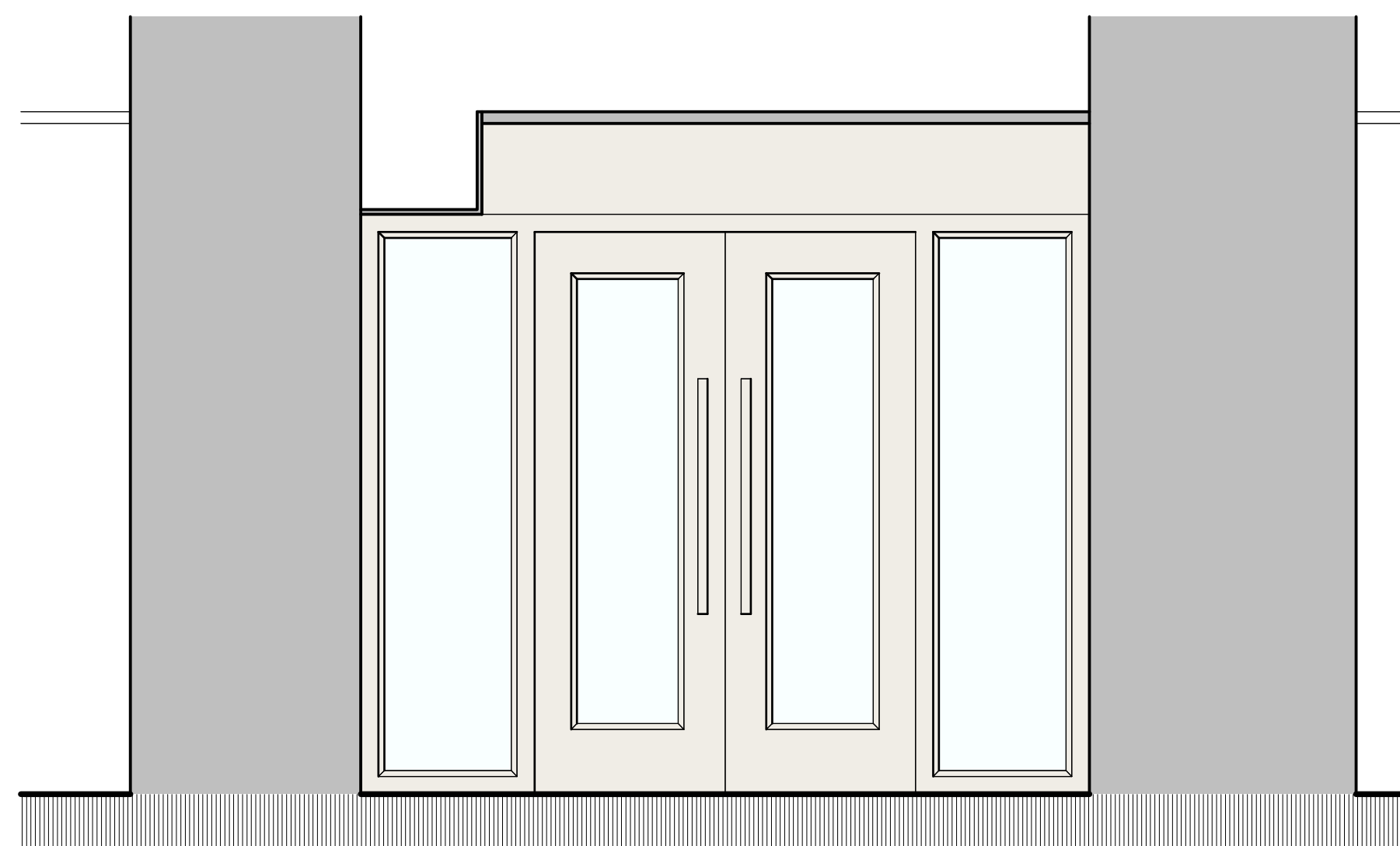
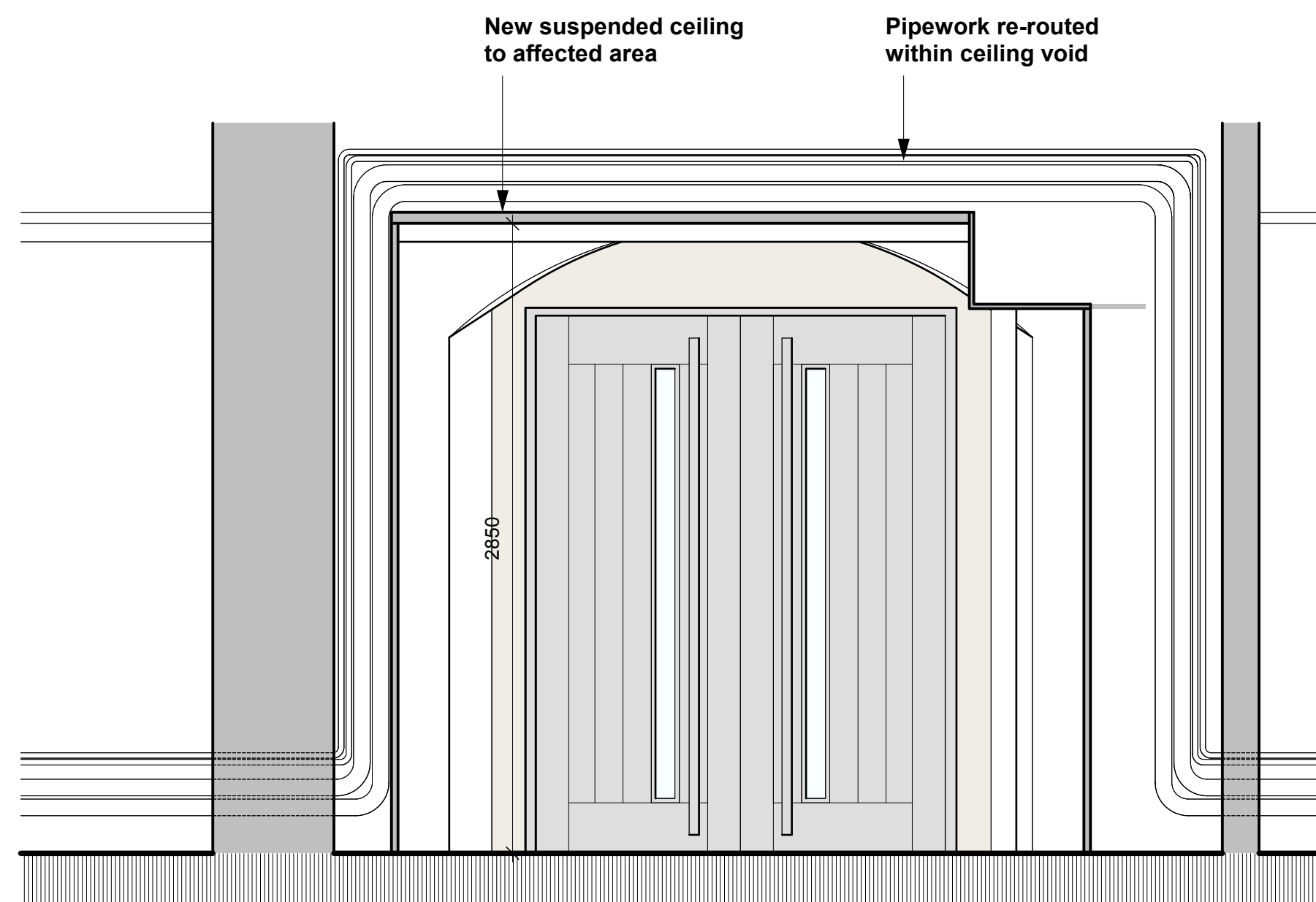
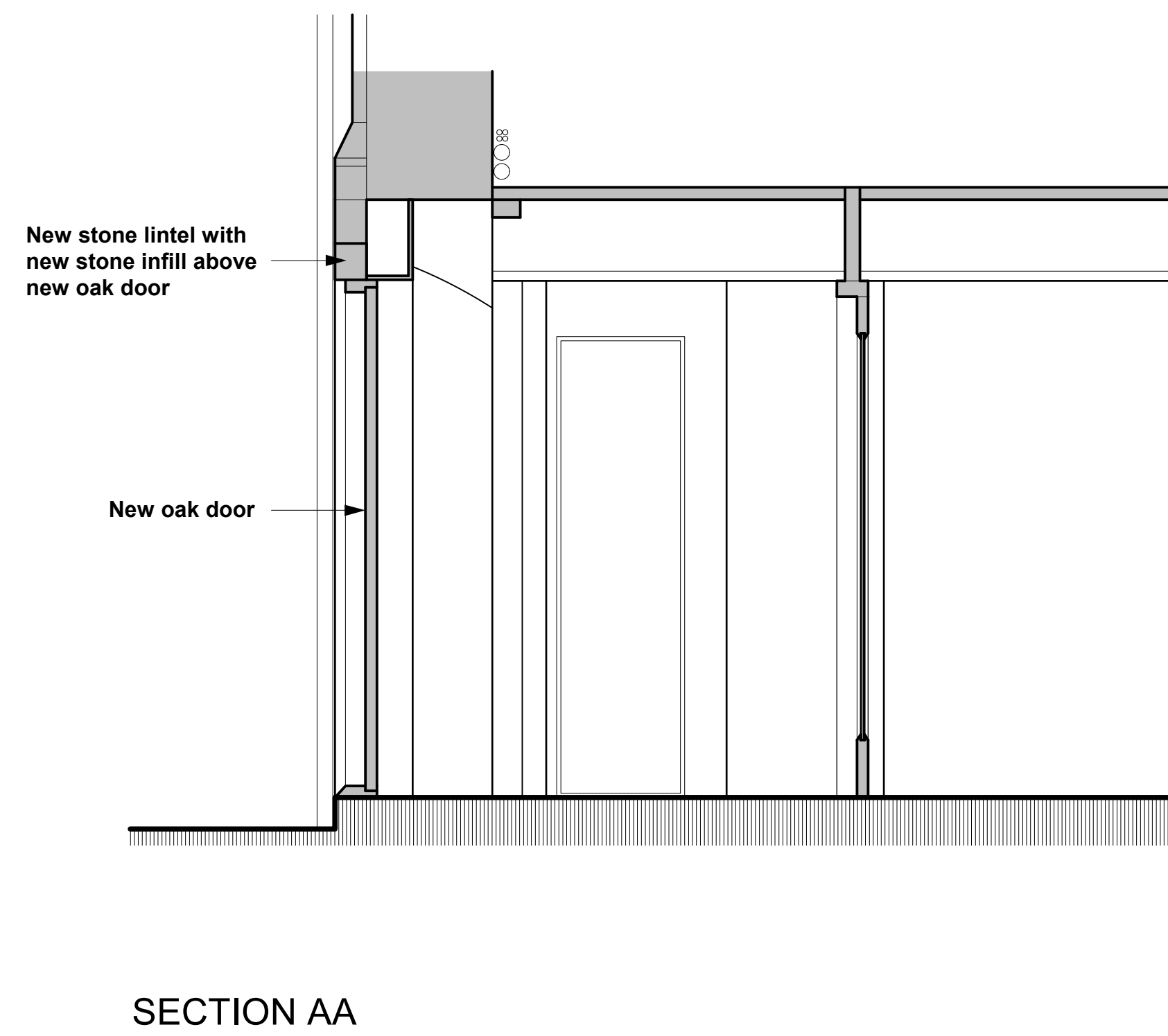
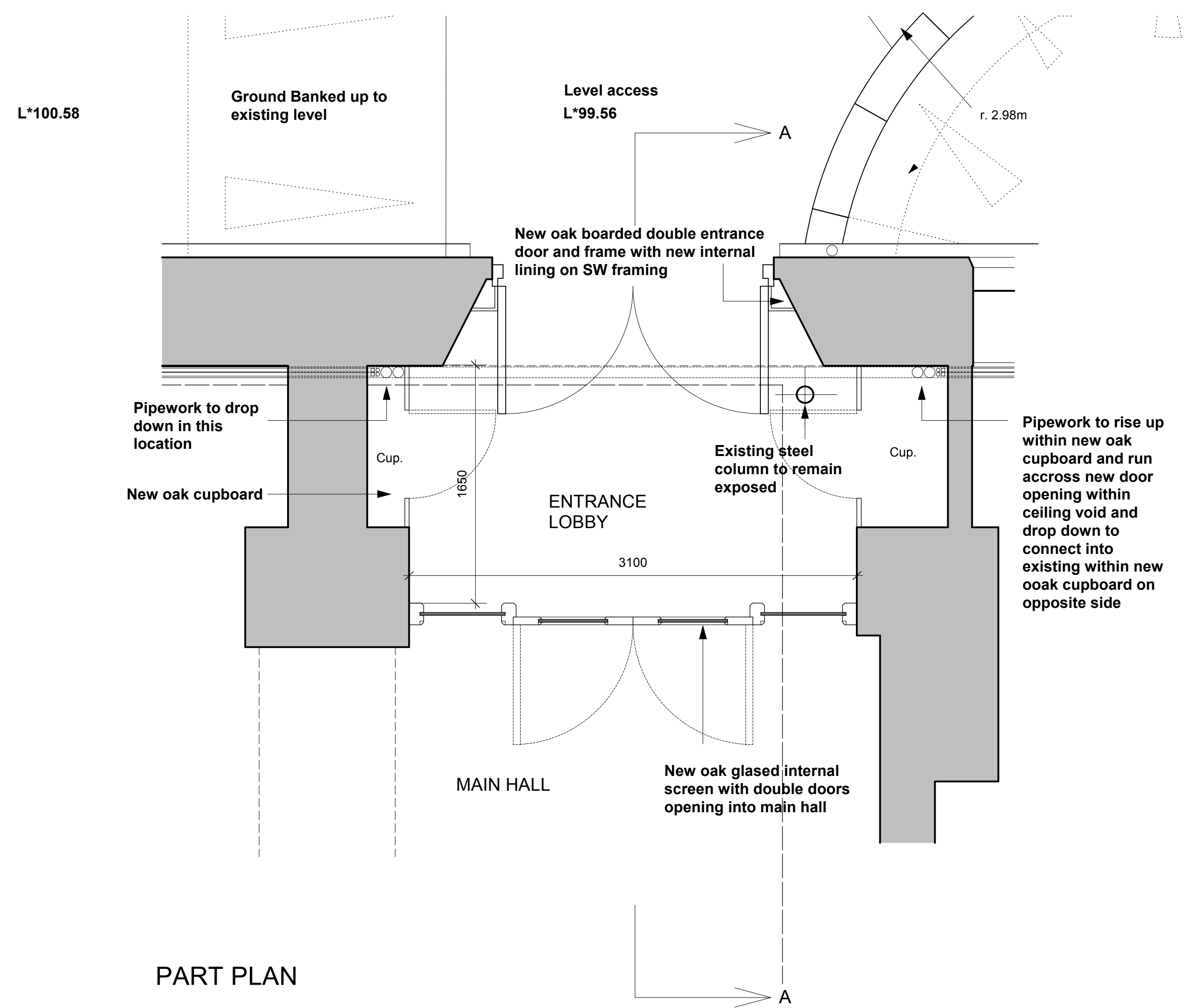


INTERNAL ELEVATION



EXTERNAL ELEVATION





Application number 93824/15



Development & Regeneration Dept
Development Management Section

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

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Date of Meeting: 04/06/2015

Application Reference: 93824/15

Type of Application: Full Planning Application
Registration Date: 07/04/2015
Decision Due By: 01/06/2015
Responsible Officer: Paul Bridge

Location: 110A BARTON ROAD, FARNWORTH, BOLTON, BL4 9PT

**Proposal: CHANGE OF USE FROM VACANT FORMER HAIRDRESSERS TO
HOT FOOD TAKE AWAY AND ERECTION OF EXTRACTION UNIT.**

Ward: Farnworth

Applicant: Mr Jalani
Agent : Hussain Architectural Design Ltd

Officers Report

Recommendation: Refuse

Proposal

Planning permission is sought for the change of use of the premises from a hairdressers (A1) to a hot food takeaway (A5).

It is proposed that the hot food takeaway would operate between the hours of 5:00pm – 12:00pm Monday to Sunday, including Bank Holidays. The applicant has not stated the number of potential employees.

There would be no alterations to the existing elevations in order to accommodate the proposal and access to the premises would be via the existing front entrance. The submitted plans also include the erection of an extraction flue. It is proposed that a flue is fitted internally, which would project above the roof plane on the property.

No parking provision is provided within the site.

Site Characteristics

The application premises comprise a single storey building, which was previously in use as a hairdressers shop. Directly adjoining the application premises is a newsagent (vacant). To the side of the premises to the east is an access road which serves a number of garages and no's 92 to 108 Barton Road. To the west of the site is small area of grassland, whilst directly opposite are residential dwellings.

Policy

National Planning Policy Framework 2012

Core Strategy: CG3 - The Built Environment, CG4 - Compatible Uses, RA1 - Inner Bolton, S1 - Safe,

P5 - Transport and Accessibility.

SPD "The Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Take aways in Urban Areas" (September 2013).

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 residential amenity
- * impact on the highway
- * proximity to schools

Impact on the Character and Appearance of the Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy 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.

There are no proposed external alterations to the building in order to accommodate the proposal.

The application would involve the erection of an extractor flue to roof of the property. Due to its siting the flue would only be visible from limited points along Barton Road. The flue is not large in scale and it is considered that the flue would respect the general character and appearance of the existing building and would not appear as an incongruous or alien feature within the street scene and is considered to be in accordance with policy CG3 of the Core Strategy.

Impact on Residential Amenity

Policy CG4 aims to ensure that new development is compatible with surrounding land uses and occupiers and protects amenity. Development should not generate unacceptable nuisance, odours, fumes, noise.

SPD "Locations of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas" also contains advice on the relationship between residential properties and A5 uses. The SPD states

that in predominantly residential areas applications for hot food takeaways will not normally be permitted. The policy goes on to state that takeaways are not acceptable where there is a residential property adjacent to the site, this includes those which are next to, adjoining or that have a close relationship.

The above policies have the objective of ensuring that hot food takeaways do not adversely affect the level of residential amenity neighbouring occupants can reasonably expect to enjoy by virtue of increased noise, disturbance, smells and odours, litter, etc.

The area is predominantly residential in nature with residential terraced dwellings to the north, east and south. Directly adjoining the site is a vacant newsagent. There are no other hot food takeaways in the immediate surrounding area.

With regard to fumes and odours the proposal would include the installation of a fume extraction system. Advances in technology have resulted in a situation where a modern fume extraction system (capable of eliminating almost all fumes associated with the cooking process) can be installed into almost any building. Whilst some information has been submitted in terms of the siting, this is limited in terms of technical detail and does not include the required level of details and specifications. However, subject to the attachment of a condition requiring full details of the fume extraction system to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, it is considered that the proposed change of use would not result in neighbouring residents experiencing an unacceptable reduction in amenity by virtue of smells and odours.

The proposed opening hours identified in the application exceed those which are usually expected through policy Hot Food Takeaways Supplementary Planning Document within 50 metres of residential dwellings. In addition the HFTA SPD states that this type of use will not be acceptable where there is a residential property adjacent to the application site. The Council defines 'adjacent' to mean both that which is next to or adjoining and also that which has an obvious close relationship to. This therefore includes residential uses that are immediately above the premises, next door to the premises, or above premises next door. The definition also includes residential properties that are separated from the site in question, but considered to relate closely to it.

There are residential properties within 50 meters of the proposal and also 'adjacent' to, the nearest being 108 Barton Road. The previous use of the premises was as an A1 retail unit (hairdressers) and whilst the previous opening hours are not known, it is reasonable to assume that there would have been some late night openings. In addition, the adjoining vacant newsagent has unrestricted opening hours and could therefore potentially operate 24 hours a day seven days a week from a planning perspective. However, whilst there may been some late night activity, when the premises were operating this would have been limited and would terminate at a reasonable hour in the evening.

The proposed premise is within 5.5 metres of the adjacent residential dwelling at No.108 Barton Road and within close proximity to a number of other residential dwellings. Therefore, the potential activity associated with the proposal, including that created by customers outside the premises and visiting by car, would not cease at a reasonable time and is in close proximity to neighbouring residential dwellings to be considered acceptable. It is considered therefore that the proposal would cause significant harm to the living conditions of neighbouring occupiers by virtue of noise, disturbance and general activity to warrant a refusal of the application on these grounds.

As such, it is considered that the proposal would result in an unacceptable impact upon the living conditions of nearby residents in terms of noise disturbance. The proposal is therefore considered to be contrary to Core Strategy Policy CG4 and the guidance within the HFTA SPD.

Impact on Highway Safety

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

The application site is situated within an accessible location on Barton Road and is served by public transport with frequent bus services within close proximity to the site. Additionally, as the site is located within a residential area, this also allows for trips on foot from the surrounding residential properties.

It is noted that no on-site parking provision exists to serve the building nor is any proposed as part of this planning application. Site observations have confirmed that there are no parking restrictions directly outside the premises and along large sections of Barton Road. It should be noted that the length of parking stay associated with a hot food takeaway use will be made up of short stay visits, with the exception of staff. It is anticipated that given the size of the unit, servicing associated with the A5 use will likely be via light goods vehicles and is likely to take place outside the unit within the unrestricted parking on Barton Road.

As such it is considered that the proposed change of use would be unlikely to have a material impact on the local highway network and the proposals are therefore unlikely to result in a severe highway impact, as defined within Paragraph 32.3 of the National Planning Policy Framework (NPPF), *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

In view of the above, no highway objections are raised in respect of the proposed change of use.

Proximity to Schools

There are no secondary schools (11-16 year olds) within 400m of the application site.

Other Issues

Litter

With regard to concerns expressed over increase litter, a condition could be attached to ensure a litter bin is provided.

Waste

The applicant has not stated where commercial bins would be sited. As no details have been submitted, a condition could be attached which request details of the location of the bins to be submitted to the Local Planning Authority prior to the occupation of development.

Conclusion

The proposal would result in an unacceptable impact upon the living conditions of nearby residents in terms of noise disturbance contrary to Core Strategy Policy CG4 and the guidance within the "Locations of Restaurants, Cafes, Public Houses, Bars and Hot Food Take aways in Urban Areas" SPD.

The application is recommended for refusal.

Representation and Consultation Annex

Representations

Letters:- One letter of support has been received.

Six letters of objection have been received, which raise the following concerns:

- * Waste/vermin,
- * Opening Hours,
- * Noise and disturbance,
- * Lack of parking provision,
- * Anti social behaviour,
- * Adverse effect on character of the area,
- * The location (red line) plan is incorrect – Officer's comment: the applicant has now amended the location plan to accurately reflect the proposed site,
- * There are table and chairs shown on the floor plans - Officer's comment: it is not uncommon for a hot food takeaway to have a small element of seating, the case officer is satisfied that the proposed use of the premises would be a hot food takeaway,
- * The application form states that there are 5 car spaces - Officer's comment: whilst the application form states that there are five 'existing spaces' the number of proposed spaces stated is none, which is correct.
- * Loss of property value – Officer's comment: the loss of property value is not a material planning consideration.

Consultations

Advice was sought from the following consultees: Highways.

Planning History

A single storey side extension was approved in July 2009 (82223/09).

Single storey extensions to the front and side were approved in July 2005 (71230/05).

Application 70516/05 for a single storey front extension and two storey side extension was refused in May 2005.

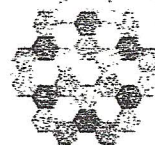
Recommendation: **Refuse**

Recommended Conditions and/or Reasons

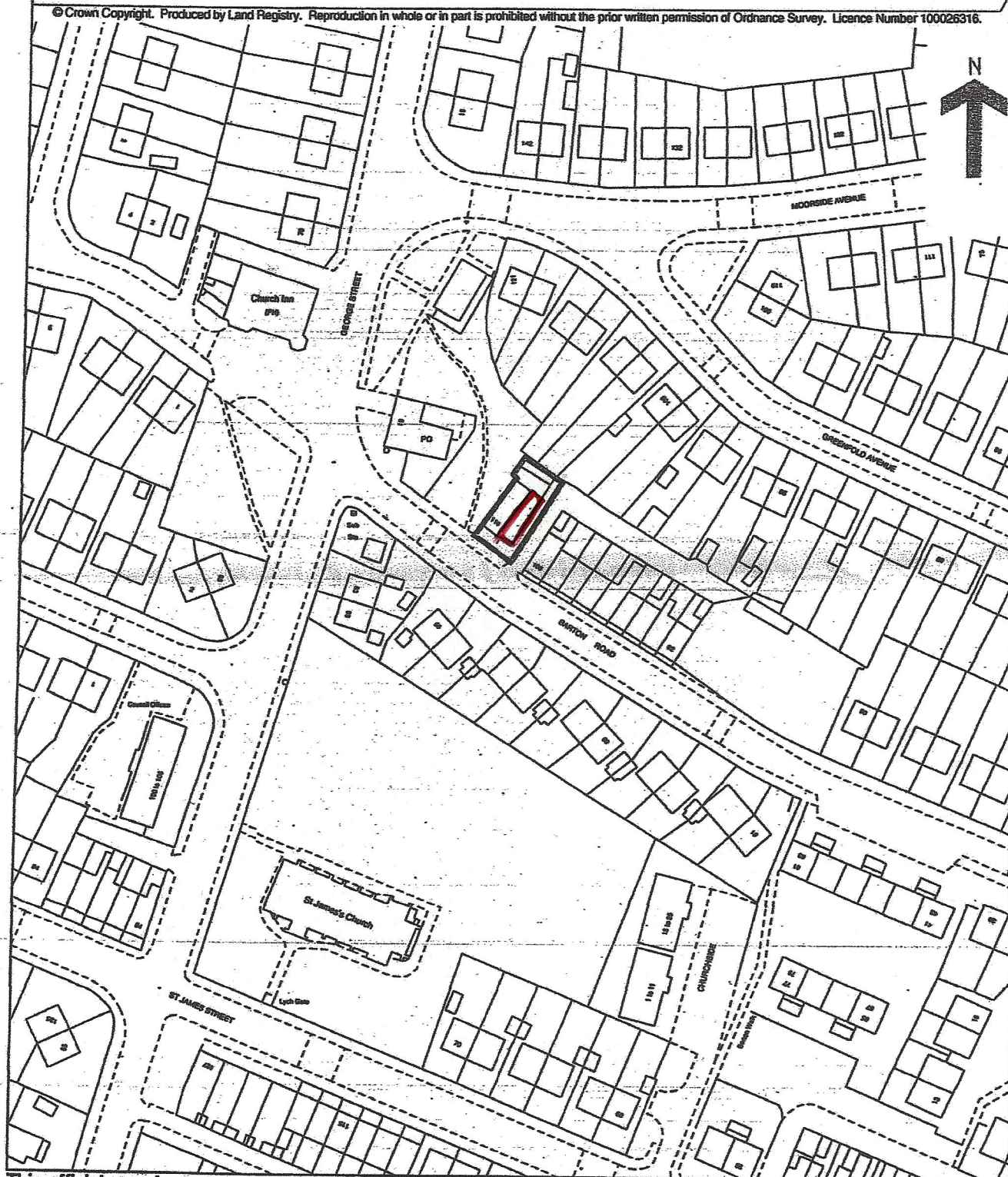
1. The proposal would result in an unacceptable impact upon the living conditions of nearby residents in terms of noise disturbance contrary to Bolton's Core Strategy Policy CG4 and the guidance within the "Locations of Restaurants, Cafes, Public Houses, Bars and Hot Food Take aways in Urban Areas" Supplementary Planning Document.

Land Registry
Official copy of
title plan

Title number GM243384
Ordnance Survey map reference SD7205SE
Scale 1:1250
Administrative area Greater Manchester: Bolton



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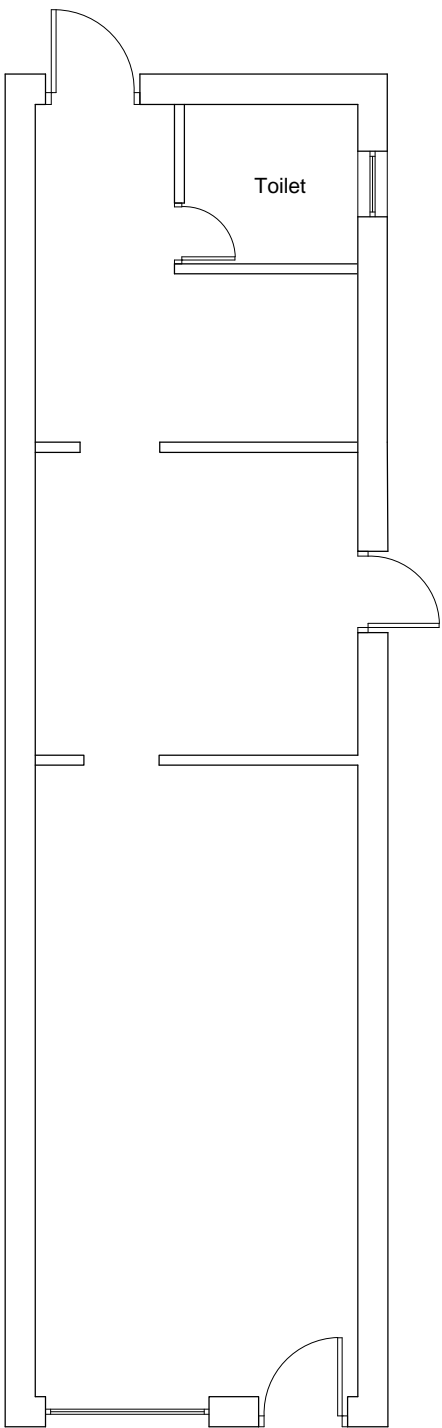


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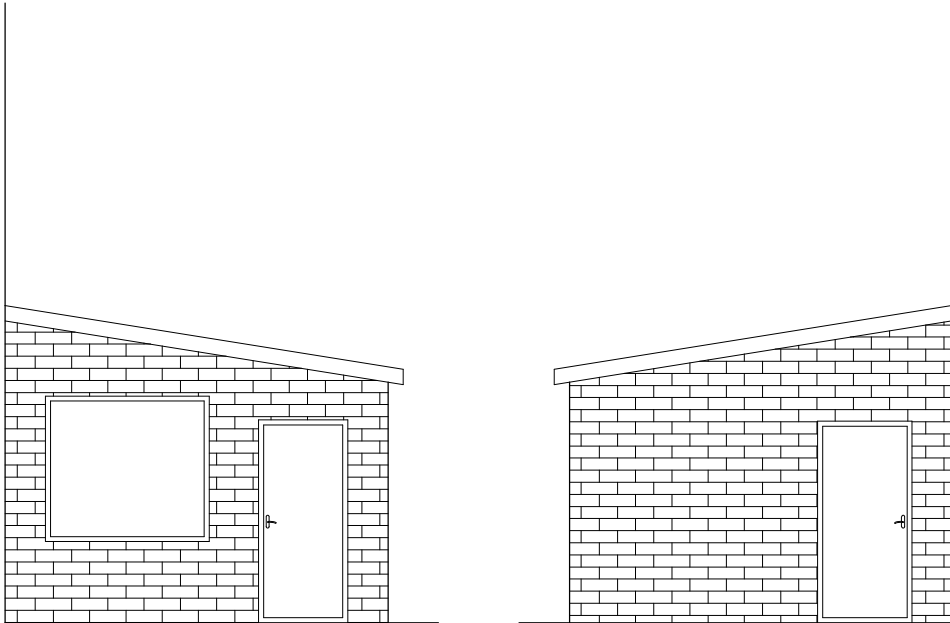
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by Land Registry, Fylde Office.



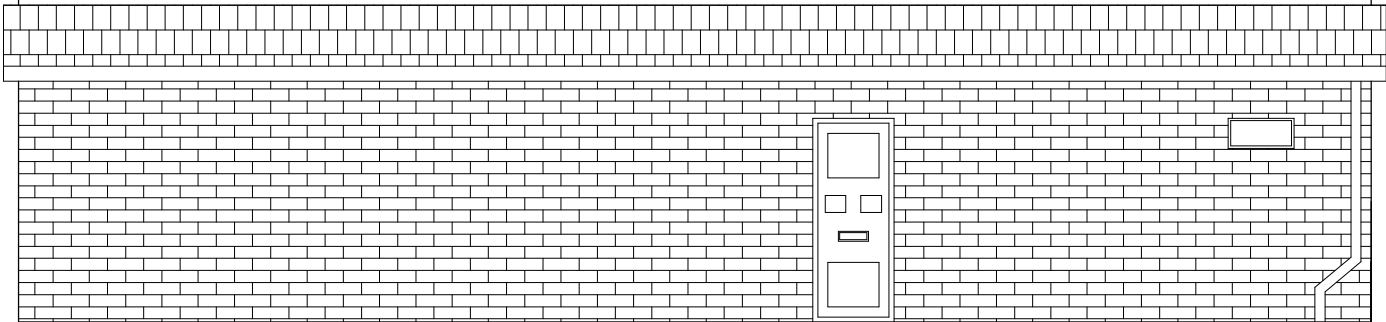


Existing Floor Plan



Existing Front Elevation

Existing Rear Elevation



Existing Side Elevation

Notes:

All work is to be carried out to the latest current British standards Codes of Practice and recognised working practices.

All work and materials should comply with Health and Safety legislation.

All dimensions are in millimetres unless where explicitly shown otherwise.

The contractor should check and certify all dimensions as work proceeds and notify the architect of any discrepancies.

Do not scale off the drawings, if in doubt ask.

Hussain Architectural Design are not liable for any work undertaken prior to Full Planning Consent and or Building Regulations Approval

**Hussain Architectural
Design**

44, Standish Street,
Burnley, Lancashire, BB11 1AP

Tel: 01282 451428
<http://www.hussaindesigns.co.uk/>

Title:110A Barton Road
Bolton
BL4 9PT

Project No: / Dwg 01/Existing Plan
and Elevations **Drawn:** UBED

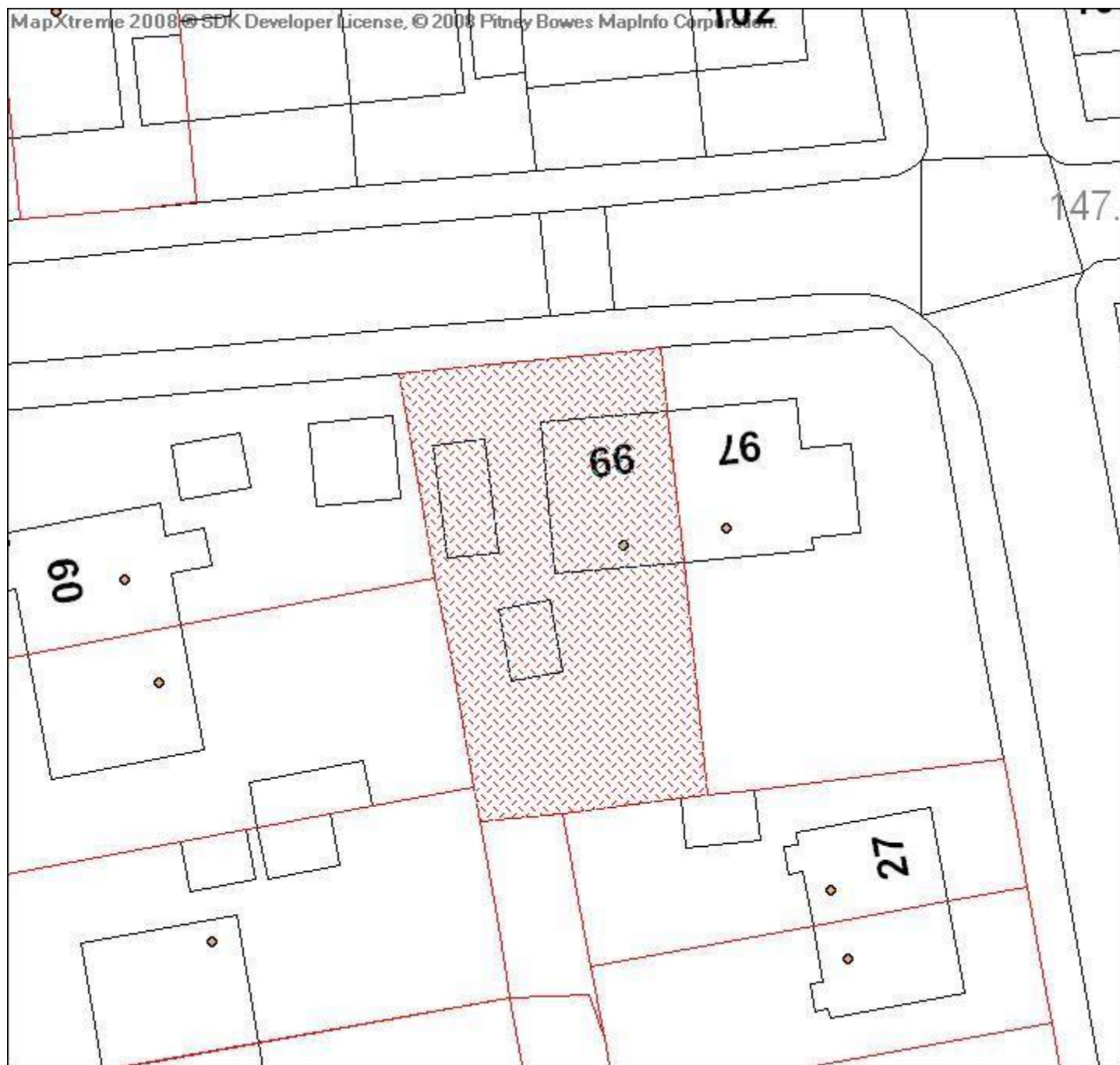
Client:

Date:18/02/2014 **Scale:**N.T.S

Amendments:

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Application number
93834/15



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: 04/06/2015

Application Reference: 93834/15

Type of Application: Full Planning Application
Registration Date: 16/03/2015
Decision Due By: 10/05/2015
Responsible Officer: Helen Williams

Location: 99 LONSDALE ROAD, BOLTON, BL1 4PN

**Proposal: ERECTION OF TWO STOREY EXTENSION AT SIDE
(AMENDMENT TO APPROVED APPLICATION 87946/12)**

Ward: Smithills

Applicant: Mr Khan
Agent : RA Design & Project Management

Officers Report

Recommendation: Refuse

Background

This application was deferred at the last Committee meeting to allow the applicant to submit medical evidence regarding his disabled brother (who also lives at the dwelling), to support the application.

Evidence has been submitted, which justifies the need for the disabled applicant to have an en suite bedroom within the property.

The proposed amendments to the design of the dwelling relate to a proposed increase in roof height and the setting forward of part of the first floor above the garage (increasing the length, by just under 1 metre, of one of the two en suite bedrooms). It has not been evidenced within the information submitted by the applicant why there is a need to increase one of the two en suite bedrooms by an extra 0.97 metres or why the roof ridge height needs to be increased.

Members are therefore still recommended to refuse this application for the reasons discussed below.

Proposal

Permission was granted at Planning Committee in July 2012 for the erection of a two storey extension at the side of this semi-detached dwelling, measuring 7.5 metres in width (application 87946/12). The extension was proposed to be set in 0.97 metres from the front elevation and set in an additional 0.97 metres at first floor level above the proposed garage. The roof over the extension was proposed to step down twice, in that the ridge height over the first 4.13 metres width of the extension was to be lower than the main roof's ridge height and then lower again over the garage part. This gave the side extension the appearance of being in two distinct parts and being an addition to the main dwelling.

Permission is now sought to amend the design of the side extension so that it is no longer set in at

first floor level over the garage and so that the roof over the whole side extension has the same ridge height as the existing/main roof of the dwelling.

Site Characteristics

The application property is an inter war, stone clad, semi-detached dwelling in an area of mixed house types including semis and terraced houses. The rear of 58 and 60 Devonshire Road face the side of the application site with 60 directly facing the side of the extension. The rear gardens to these two properties measure approximately 15 metres with substantial shrub screening and a large garage building between 60 and the extension.

The proposed extension faces similar properties on the opposite side of Lonsdale Road where there is an existing 19.5 metres interface distance.

The applicant has started to build the ground floor of the side extension as approved under application 87946/12.

Policy

National Planning Policy Framework (NPPF)

Core Strategies Policies: P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses; OA4 West Bolton.

SPD House Extensions

PCPN2 Space Around Dwellings

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 OA4 of the Core Strategy states that the Council will conserve and enhance the character of the existing physical environment, and will ensure that development in West Bolton has particular

regard to the overall density, plot sizes, massing and materials of the surroundings – these features should be retained where possible.

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.

When planning application 87946/12 was approved it was acknowledged that the side extension was a larger extension than would normally be considered acceptable (as it was more than doubling the width of the dwelling), but that the setting back of the front elevation at both ground and first floor levels, and the proposed stepping down of the roof ridges, would result in an extension of a scale, design and massing that would not unduly harm the character and appearance of the host dwelling or the wider area.

The applicant now proposes to amend the design and massing of the side extension by:

- * removing the previously approved set-in at first floor level over the garage, and removing the pitched roof over the garage;
- * proposing a single roof over the extension, at the same ridge height as the host dwelling.

By incorporating these amendments it is considered that the extension will no longer appear subservient to the main dwelling, as the lengthy extension will be viewed as a prominent addition rather than two distinct subordinate elements, as approved in 87946/12. The footprint set back at ground floor level of 0.97 metres is not considered to be sufficient enough to reduce the impact the raised ridge height will have on the increased massing of the extension.

It is therefore considered that the proposed extension would unbalance the semi-detached pair and would harm the character and appearance of the dwelling and the street scene. It is therefore considered that the proposal would be contrary to Policies CG3 and OA4 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. PCPN2 Space Around Dwellings sets out the Council's minimum interface standards between dwellings.

As with the previously approved side extension, the proposal will be in excess of the minimum 13.5 metre interface distance (required within the SPD) between the side of the extension and the rears of the houses on Devonshire Road. It is not considered that the increase in roof height would materially affect the previously approved relationship between neighbours.

It is therefore considered that the proposed development would not unduly harm the amenity of neighbouring residents, compliant 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 on-site parking provision, as approved under application 87946/12, is not affected by the proposed amendments. An integral garage and two parking spaces to the front are proposed for this six bedroom dwelling. There are also no parking restrictions on the road. It is therefore considered that the proposed development would comply with Policies P5 and S1.2 of the Core Strategy.

Conclusion

For the reasons discussed above it is considered that the proposed side extension, as amended, would be harmful to the character and appearance of the host dwelling and the street scene, contrary to Policies CG3 and OA4 of the Core Strategy and the guidance contained within SPD House Extensions. Members are therefore recommended to refuse this application.

Representation and Consultation Annex

Representations

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

- * The new roof arrangement will be a much worse arrangement and will have a worse impact on the neighbour's outlook and living conditions;
- * No bin store was approved under application 87946/12 and the applicant seems to believe he is able to move his bin down the side;
- * The applicant has taken some of my land in order to make an opening to move his bins (officer's comment: this is not a material planning consideration);
- * An occupational therapist assessment is required (officer's comment: the application has not been submitted as an application for a disabled person);
- * The red edge on the site plan is not accurate (officer's comment: the submitted plan does not appear to be incorrect).

Elected Members:- Councillor Swarbrick has requested that the final determination of this application be made by the Planning Committee.

Consultations

Advice was sought from the following consultees: Highways Engineers and Tree Officers.

Planning History

Recommendation: **Refuse**

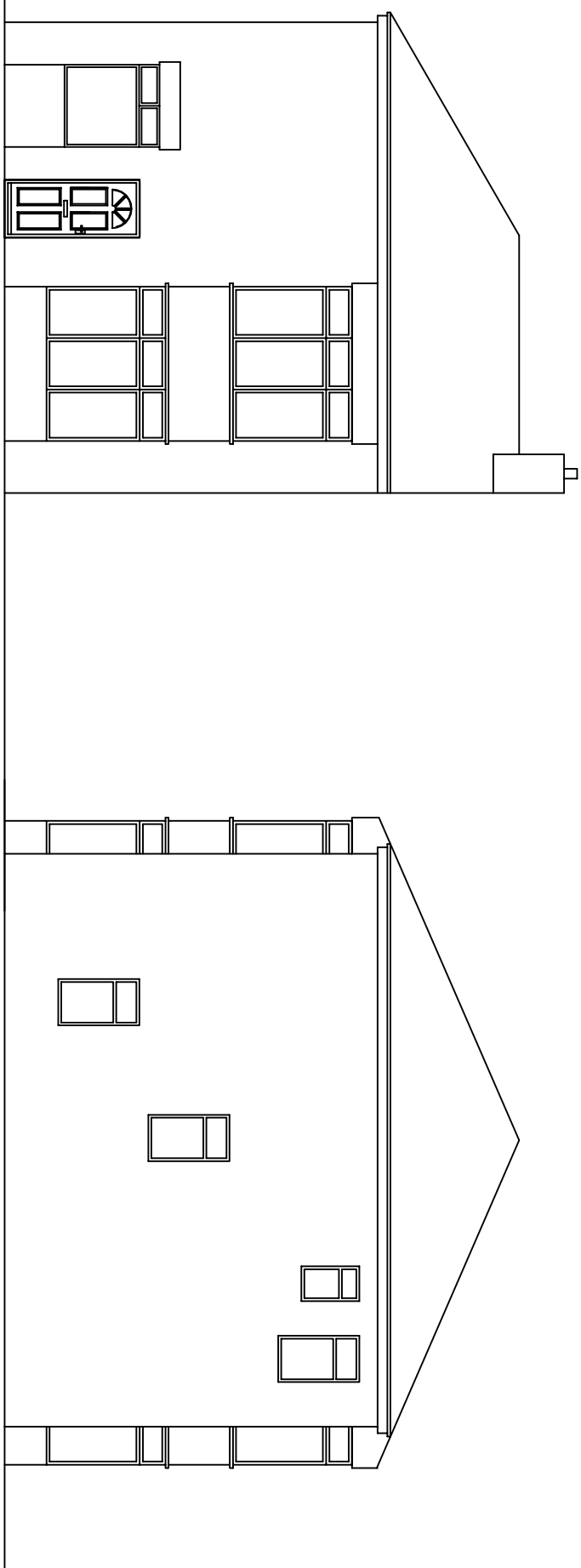
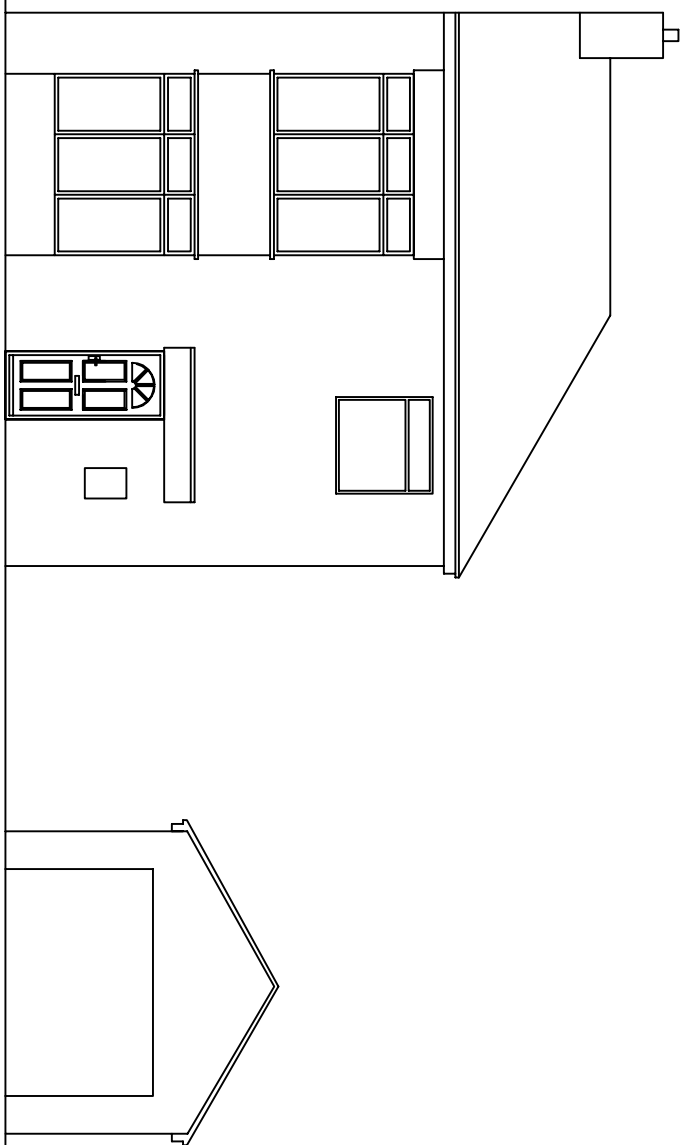
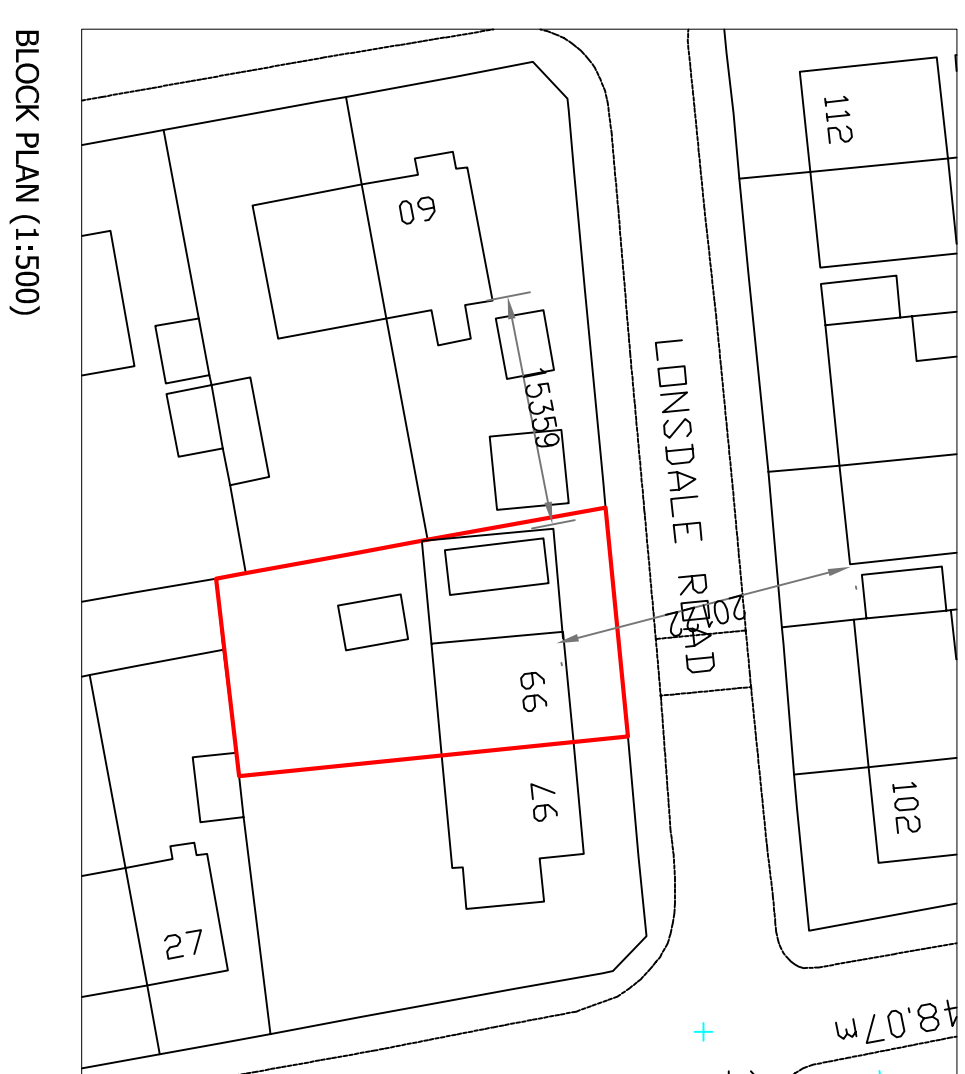
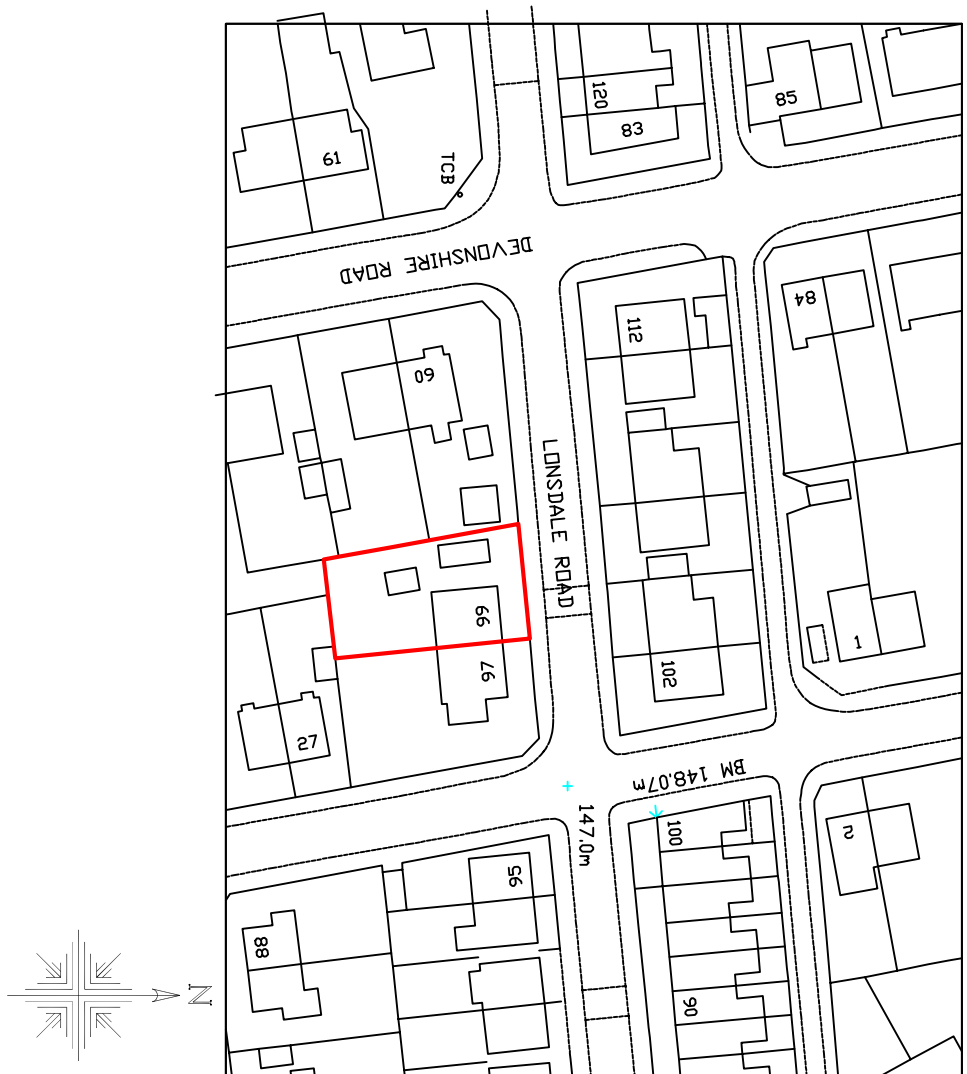
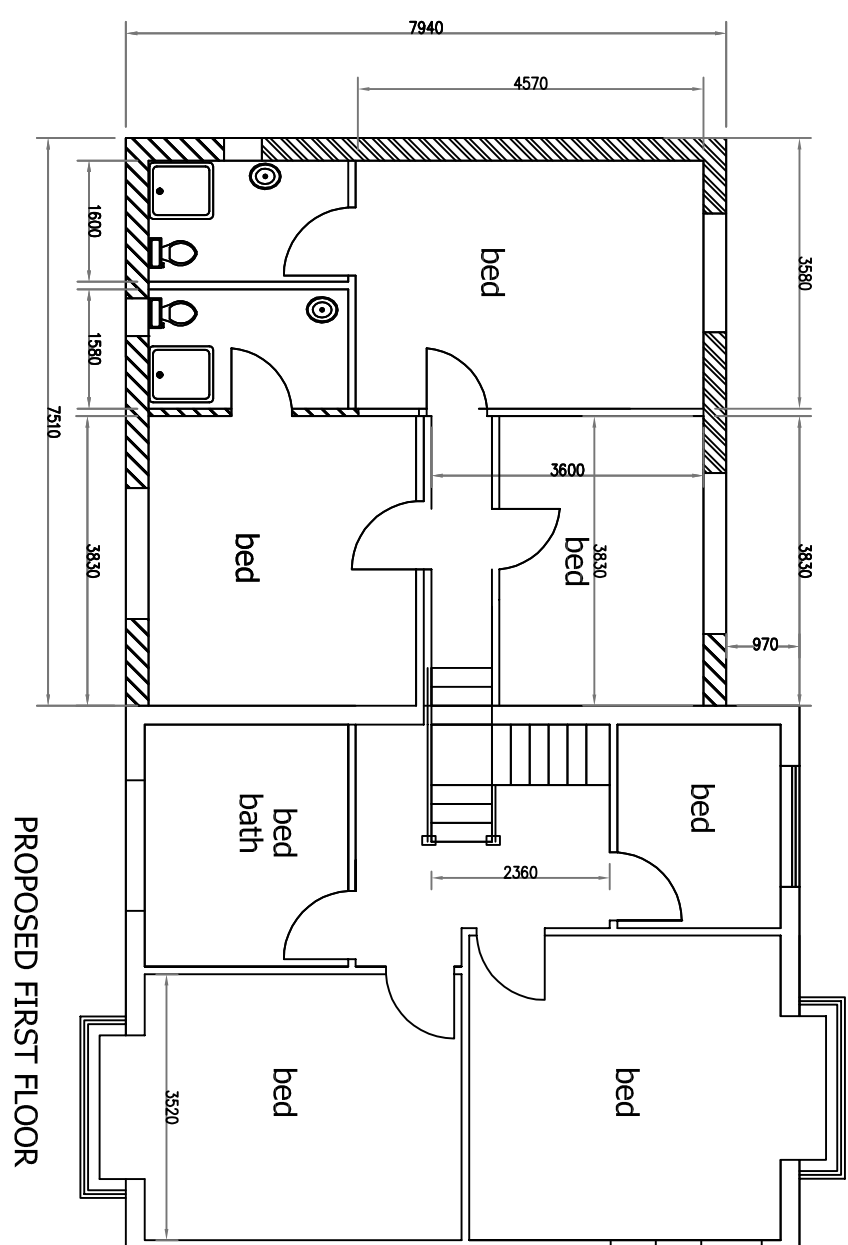
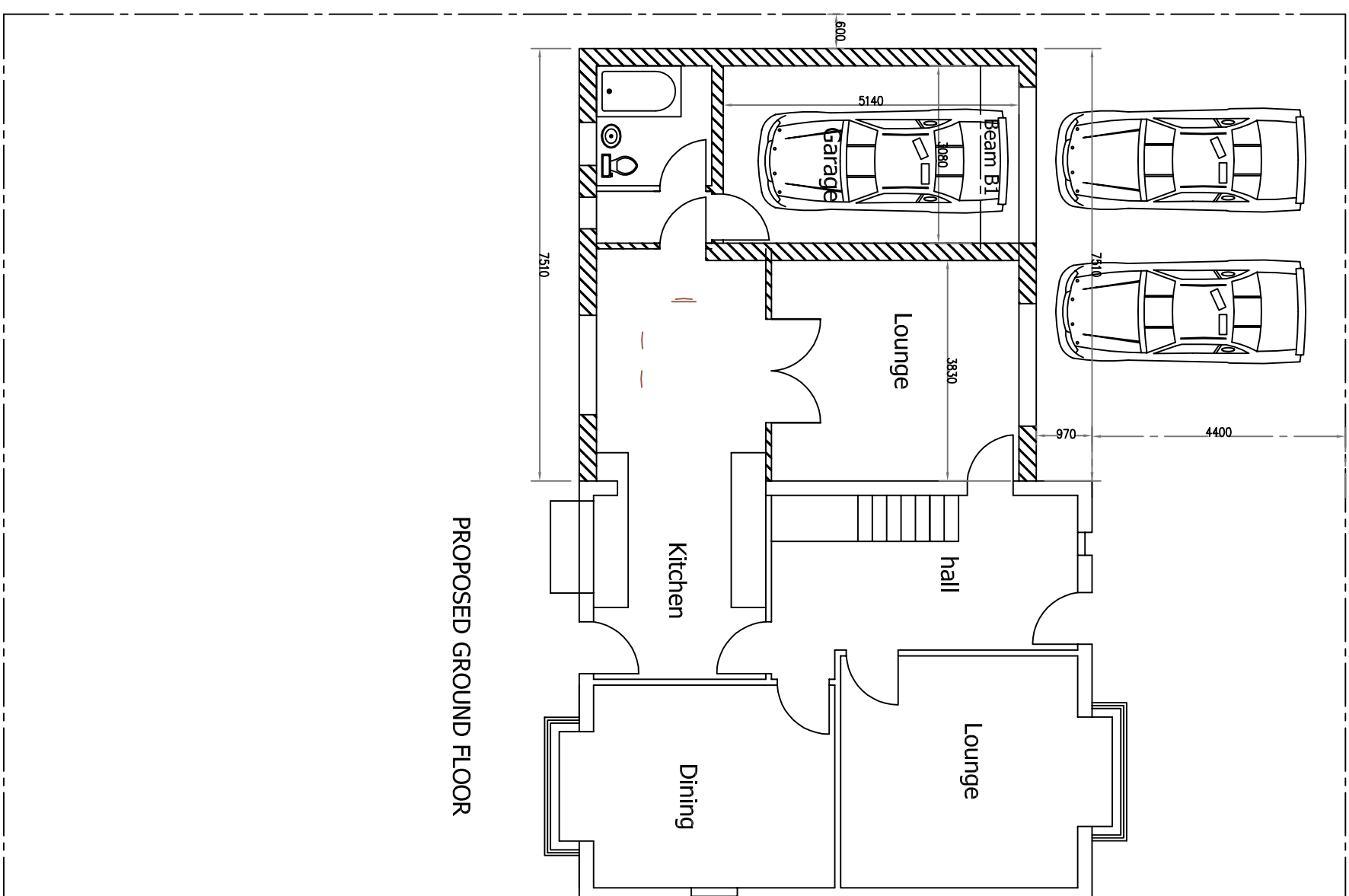
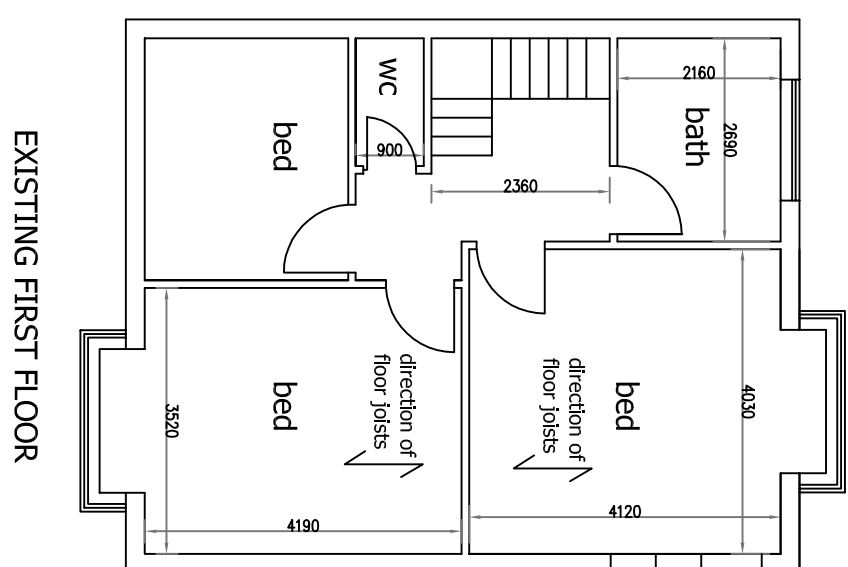
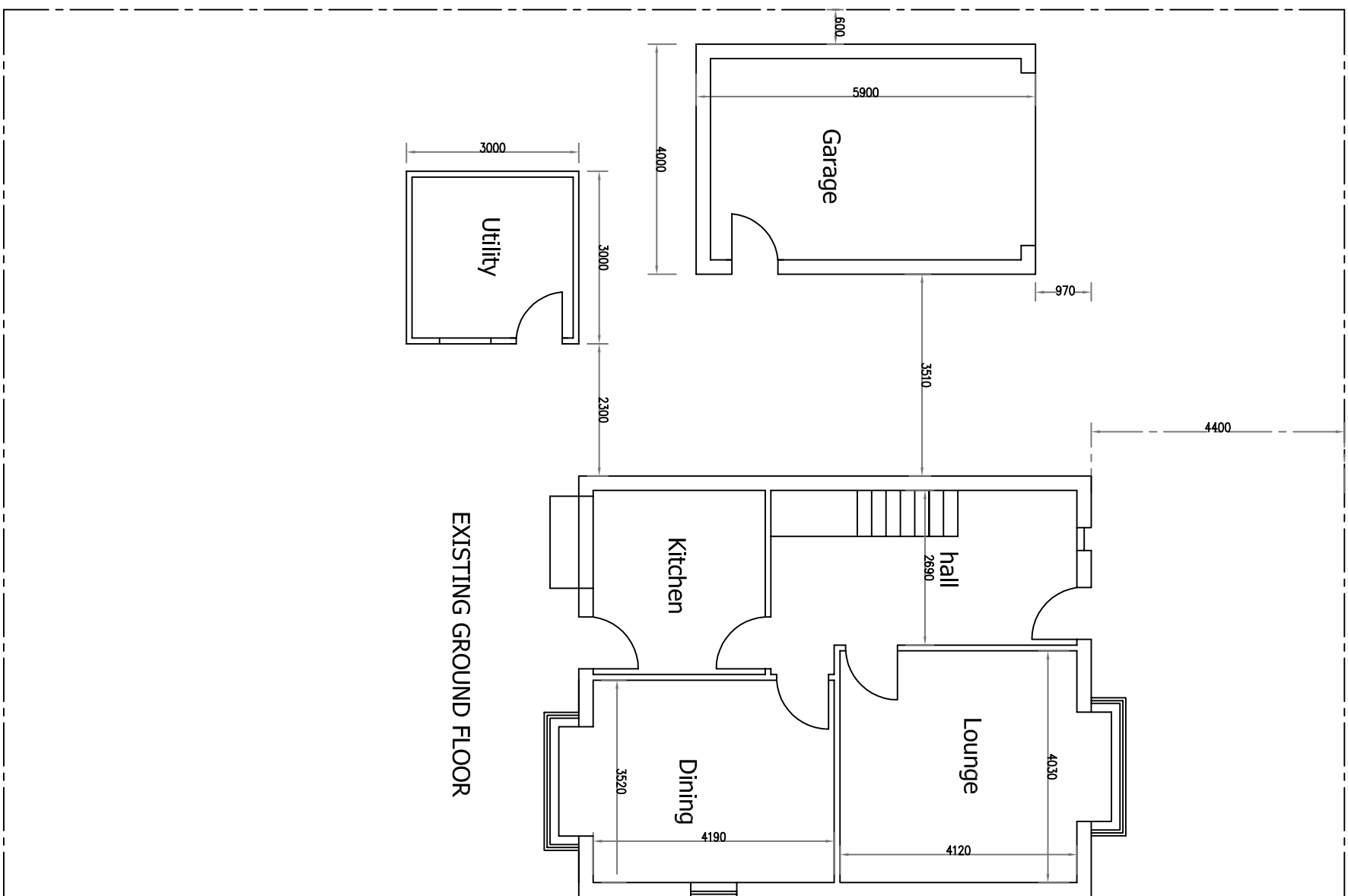
Recommended Conditions and/or Reasons

1. The proposed extension would, by virtue of its design, height, siting and massing, be detrimental to the character and appearance of the dwelling and the street scene, and is contrary to Policies CG3 and OA4 of Bolton's Core Strategy and Supplementary Planning Document - "House Extensions".

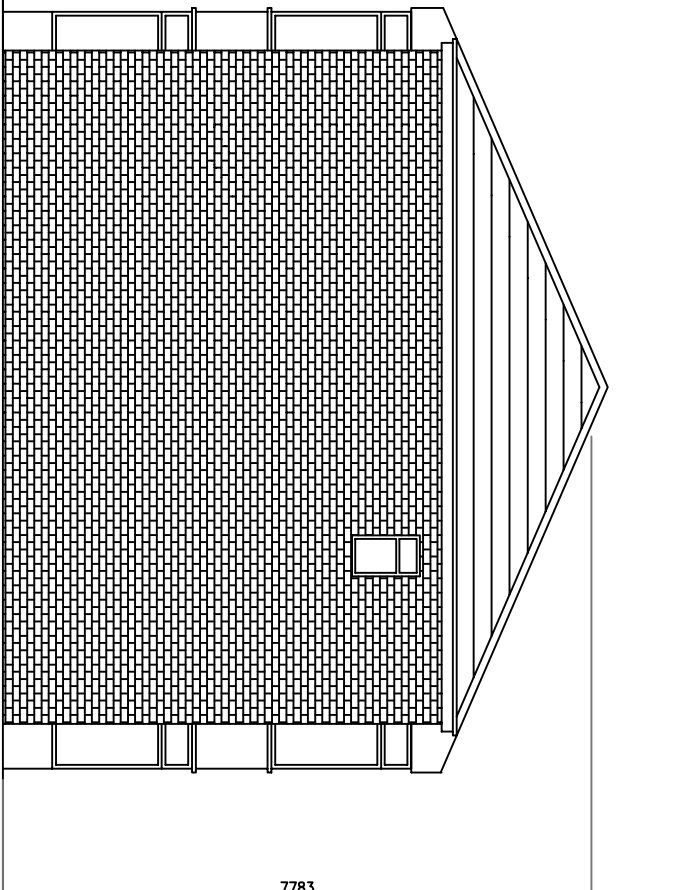
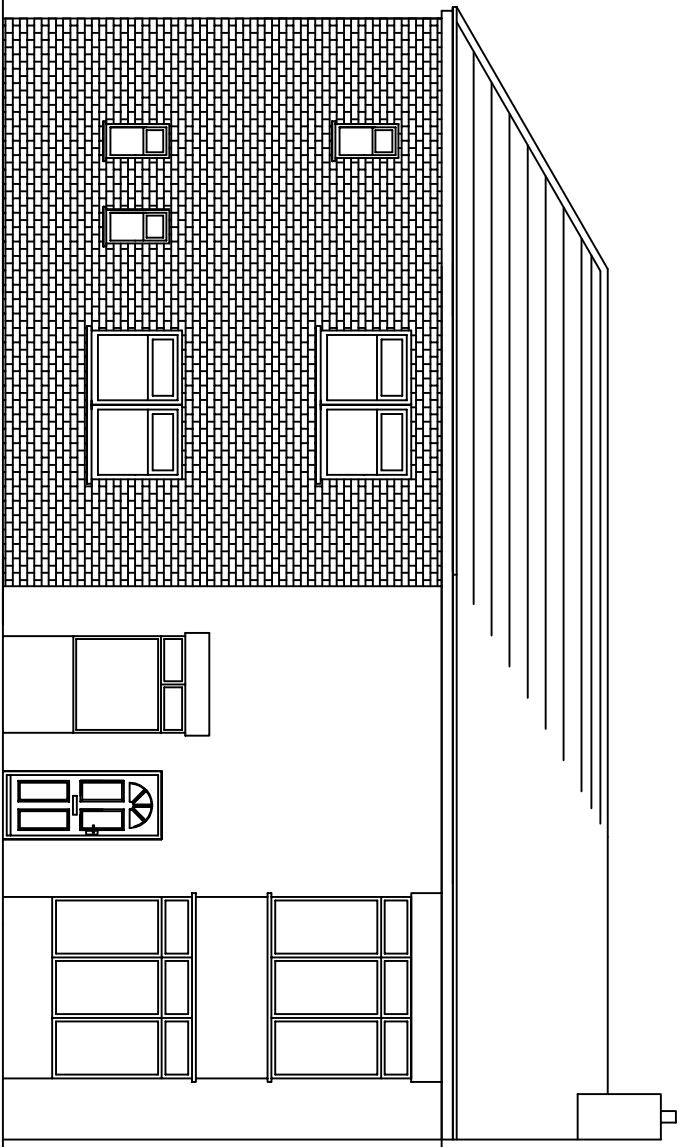
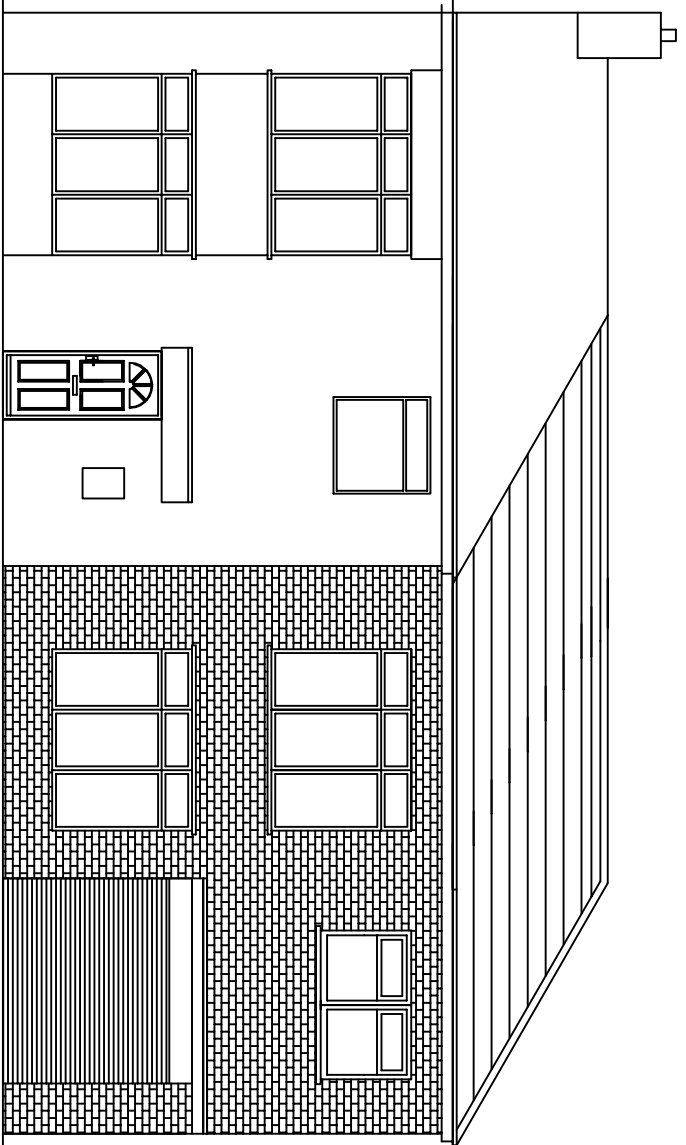


Hussain Architectural Design are not liable for any work undertaken prior to Full Planning Consent and or Building Regulations Approval

Amendments:



EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION

EXISTING SIDE ELEVATION

PROPOSED FRONT ELEVATION

PROPOSED REAR ELEVATION

PROPOSED SIDE ELEVATION

Owner to ensure compliance with Party Wall Act 1996 - further info available at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

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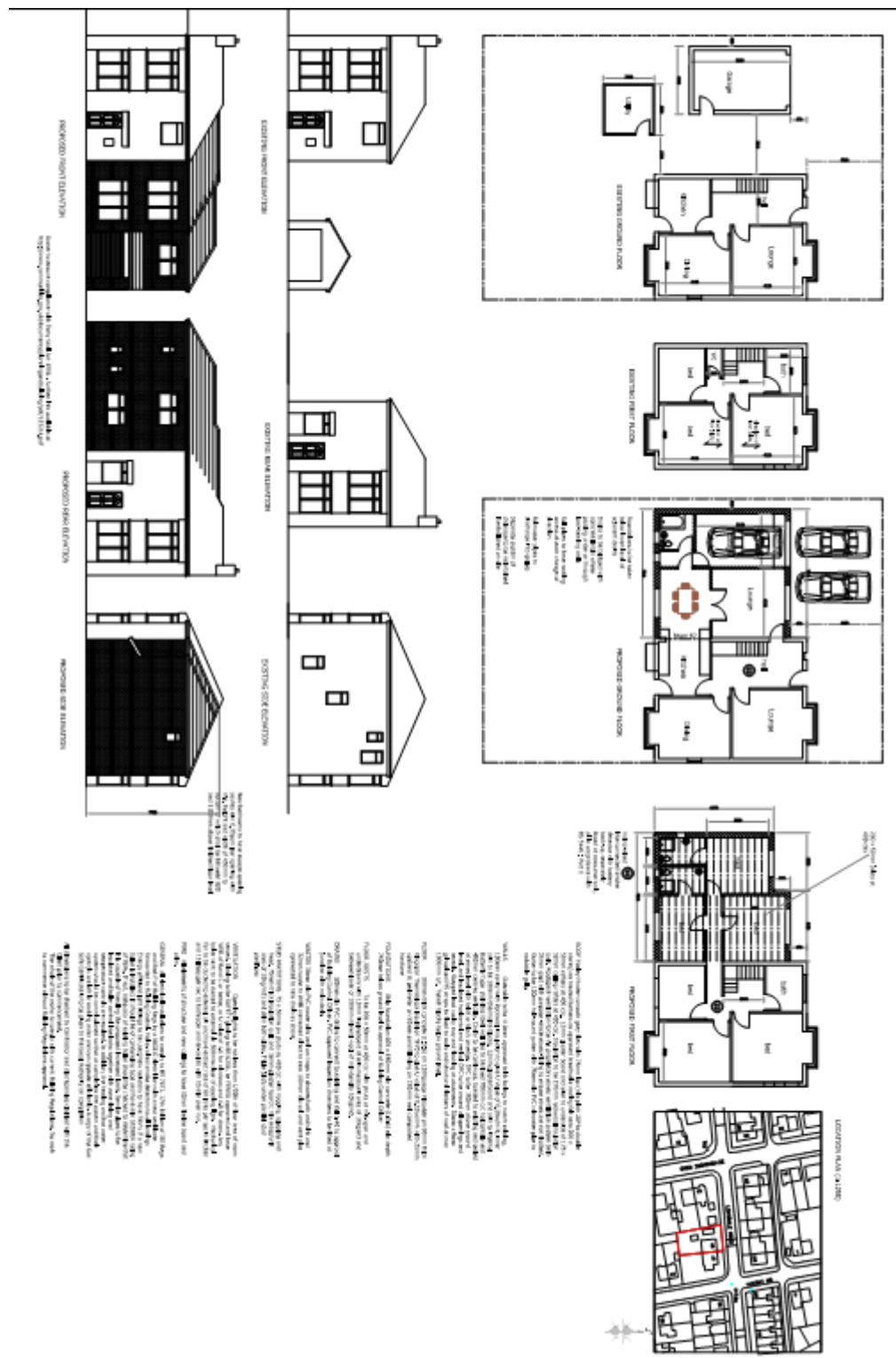
Figured dimensions take precedence over scaled measurements from the drawing. All dimensions to be checked by Contractor and discrepancies clarified with the Client prior to commencement.

The whole of the works to comply with current Building Regulations. No work to commence without Building Regulations approval.

Notes

Project 99 LONSDALE ROAD, BOLTON BL1 4PN	Client MR YUSUF KHAN
	Drawn RA
	Date FEB 2015
Title PROPOSED EXTENSION	Scale 1:100
	Drawing Number RAD/650/15/3/RevA

Previously approved plan (97946/12)



Application number 93894/15



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: 04/06/2015

Application Reference: 93894/15

Type of Application: Full Planning Application
Registration Date: 25/03/2015
Decision Due By: 19/05/2015
Responsible Officer: Paul Bridge

Location: 215 MANCHESTER ROAD, KEARSLEY, BOLTON, BL4 8QL

Proposal: PROPOSED CHANGE OF USE FROM PET SHOP TO RESTAURANT (RESUBMISSION) AND ERECTION OF AIR EXTRACTION UNIT ON REAR ELEVATION.

Ward: Kearsley

Applicant: Mr Kinner
Agent : ICHTHUS

Officers Report

Recommendation: Refuse

Background

Planning permission was refused under the scheme of delegation for the change of use of the premises from a Pet Shop (A1 use) to a restaurant (A3 use) (92932/14) on the 19th January 2015 for the following reason:-

"The proposed development will increase noise and activity in and around the premises to the detriment of the living conditions of nearby residents and is contrary to Policy CG4 of Bolton's Core Strategy and Supplementary Planning Document- "The Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Take Aways in Urban Areas".

This application is an identical submission in respect of the proposal, however the applicant has included a number of letters and a petition in support of the proposal.

There has been no change to the development plan since the previous application was refused and there have been no material changes on site or within the immediate surrounding area since the refusal of the previous application.

Proposal

Planning permission is sought for the change of use of the premises from a Pet Shop (A1 use) to a restaurant (A3 use). The use would occupy the basement, ground and first floor of the premises. No details of proposed opening hours have been provided.

It is anticipated that the proposal will employ 6 full time members of staff.

Alterations to the elevations would include the removal of a window in the side elevation at ground

floor level, which would be replaced with a fire escape and an air extraction unit would also be erected on the rear elevation of the premises.

No car parking provision or bin storage provision has been proposed.

Site Characteristics

The site is located on a corner plot at the junction of Manchester Road and Lindley Street which is sited within Kearsley Local Shopping Centre. Manchester Road is characterised by a mixture of residential and commercial uses. Directly opposite the site is Kearsley Shopping Centre and a Tesco Express. To the rear of the site is an access road beyond which is a row of residential bungalows.

Policy

National Planning Policy Framework (2012)

Core Strategy policies: CG3 The Built Environment, GC4 Compatible Uses, P5 Accessibility, S1 Safety and OA6 Little Lever and Kearsley.

Supplementary Planning Document- Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Take Away's in Urban Areas

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 residential amenity
- * impact on highway

Impact on the Character and Appearance of the Area

Core Strategy policy CG3 seeks to ensure that development proposals contribute to good urban design, conserve and enhance local distinctiveness, ensuring development has regard to the overall built character of the area. Development should be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.

The proposed external alterations are modest in appearance and are not considered to have an unacceptable impact on the street scene. The application also involves the erection of an extractor flue to the rear elevation of the property. The flue would be visible from Lindley Street, however, it is considered that the flue would respect the general character and appearance of the existing building.

and would not appear as an incongruous feature in the street scene, in accordance with policy CG3 of the adopted Core Strategy.

Impact on Residential Amenity

Core Strategy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers protecting amenity, privacy, safety and security. In addition, guidance contained within the Hot Food Takeaway SPD provides advice on the creation of new restaurants. Paragraph 10 of the SPD states that:

Within groups of shops applications for restaurants, cafes, public houses, bars and hot food takeaways will normally be approved, subject to the following restrictions:

(a) These uses will not be acceptable where there is a residential property adjacent to the site concerned; and

(b) Where there is residential accommodation within 50 metres of any part of the application site, applications will be subject to a condition limiting their opening hours to between 09:00 and 23:30 Sunday to Thursday and between 09:00 and 24:00 Friday to Saturday.

The above policies have the objective of ensuring that restaurants do not adversely affect the level of residential amenity neighbouring occupants can reasonably expect to enjoy by virtue of increased noise, disturbance, smells and odours, litter, etc. It is considered that the proposed external alteration to the side of the building would not have an unacceptable impact on the amenity of neighbouring residents by reason of loss of privacy due to the position and proximity of the neighbouring properties.

The application site is located within a parade of shops/commercial unit (within Kearsley Shopping Centre) and there are hot food takeaways located at 211 Manchester Road and also within Kearsley Shopping Centre. The application site itself is however situated with a close relationship to nearby residential dwellings. There are residential properties surrounding the site on Manchester Road and to the rear of the site on Lindley Street, including sheltered accommodation for the elderly. Furthermore, a number of the shops/commercial units within the parade have residential units on the first floor. The Council defines 'adjacent' to mean both that which is next to or adjoining and also that which has an obvious close relationship to. This therefore includes residential uses that are immediately above the premises, next door to the premises, and above premises next door. The definition also includes residential properties that are separated from the site in question, but considered to relate closely to it.

With regard to fumes and odours the proposal would include the installation of a fume extraction system. Advances in technology have resulted in a situation where a modern fume extraction system (capable of eliminating almost all fumes associated with the cooking process) can be installed into almost any building. Whilst some information has been submitted in the form of an elevational plan, this is limited in terms of technical detail and does not include the required level of details and specifications. However, a condition could be attached requiring full details of the fume extraction system to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development, it is considered that the proposed change of use will not result in neighbouring residents experiencing an unacceptable reduction in amenity by virtue of smells and odours.

No hours of opening have been proposed as part of the application. Restaurants do have the potential to cause disturbance to neighbours due to the noise generated by the comings and goings of customers and the operation of equipment to deal with fumes and smells. Whilst a condition could

be attached to ensure the proposed opening hours of the proposal to be in line with those which are advised for restaurants located within close proximity to residential dwellings it is considered that the potential activity associated with the proposal, including that created by customers outside the premises and parking within the immediate surrounding area, would when taken cumulatively with existing uses nearby cause significant harm to the living conditions of neighbouring occupiers by virtue of noise, disturbance and general activity.

Given the above, it is considered the proposal would adversely affect the amenity and well-being of adjacent residential occupants. The proposal is therefore contrary to the hot food takeaway SPD and policy CG4 of the Core Strategy.

Impact on the Highway

Core Strategy policy P5 requires developments to be accessible by different transport means, prioritising pedestrians, cyclists, public transport users over other motorised vehicle users.

Given the sites location on a main road, the proposed use would have the ability to attract both local patronage and passing trade. Due to the constraints of the site it is not possible to provide any curtilage car parking. The application site is directly adjacent to an existing pedestrian crossing with associated parking restrictions and there is a public car park located on the opposite side of Manchester Road which serves the shopping centre. Whilst it is acknowledged that there are parking restrictions evident along Manchester Road which could result in patrons seeking to park in the nearby residential area, it is considered that as the site is in a sustainable location served by a number of bus routes and there is a public car park directly opposite the site, it would be unreasonable to refuse the application from a highway safety perspective. The Councils Highway Engineers have been consulted and have no objection to the proposal. It is considered therefore that the proposal is in accordance with policy P5 of the adopted Core Strategy.

Other Issues

Litter:

With regard to concerns expressed over increase litter, a condition could be attached to ensure a litter bin is provided.

Waste:

The applicant has not stated how commercial bins would be stored at site, however, there is space within the site to provide adequate bin provision and a condition could be attached which requests details of the bin provision to be submitted to the Local Planning Authority.

Conclusion

Notwithstanding Central Government policy on promoting economic growth, it is considered for the reasons outlined above the proposal fails to comply with local policies regarding residential amenity. Accordingly the application is recommended for refusal.

Representation and Consultation Annex

Representations

Letters:- Four letters of objection have been received from local residents. The main points raised are *(where the issue raised is not addressed in the main body of the report the planning officers comments are shown in italics)*:

- Noise disturbance, especially at unsociable hours in the night.
- Access for emergency services *(the proposal for a change of use and is not therefore considered to have an impact on access via emergency services)*.
- Car parking.
- Additional traffic.
- Close proximity to residential properties particularly the Sheltered Accommodation on Lindley Street.
- There are a large number of Hot Food Take Aways already within the area *(the proposal is for a restaurant and not a hot food takeaway which is classified as a separate use class)*.
- Increase in vermin *(there is no reason to assume that the proposed change of use would result in an increase in vermin in the area)*.

In addition 8 letters of support have been received, raising the following points:

- The community would benefit from a family oriented restaurant.
- The proposal would help to regenerate the area and create employment.
- The car park is underutilised.
- Improving the run down precinct.
- There are more than 7 empty shops in the area.

Petitions:- One petition with 34 signatures objecting to the proposal and one in support of the proposal with 67 signatures.

Elected Members:- Cllr Burrows has objected to the application on the grounds that the application is identical to one that was refused a few months ago.

Consultations

Advice was sought from the following consultees: Highways Engineers, GM Police, Public Health, Environmental Health.

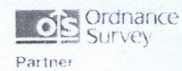
Planning History

92932/14 – Change of use from Pet Shop to Restaurant – Refused. 19.01.2015

Recommendation: **Refuse**

Recommended Conditions and/or Reasons

1. The proposed development will increase noise and activity in and around the premises to the detriment of the living conditions of nearby residents and is contrary to Policy CG4 of Bolton's Core Strategy and Supplementary Planning Document- "The Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Take Aways in Urban Areas".



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The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

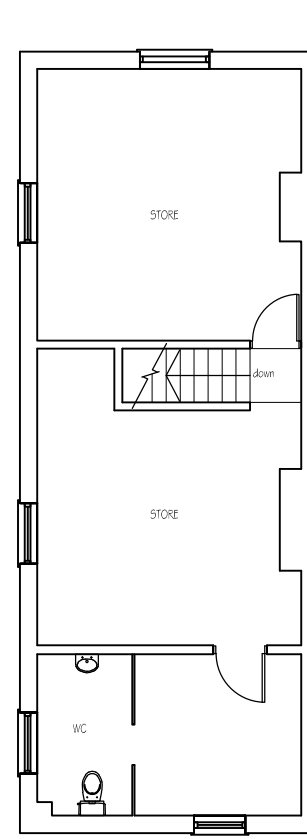


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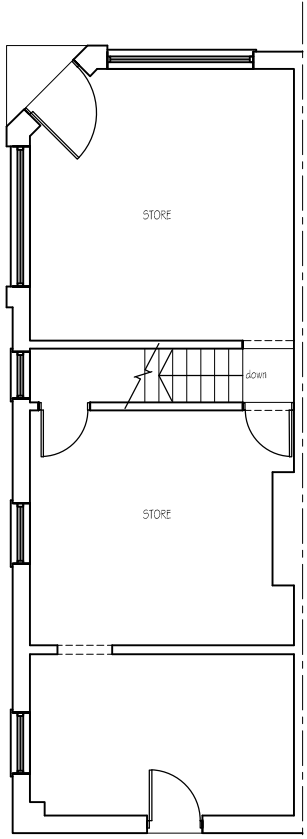


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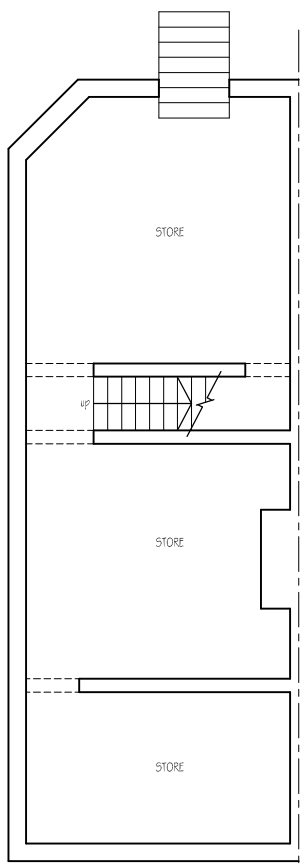
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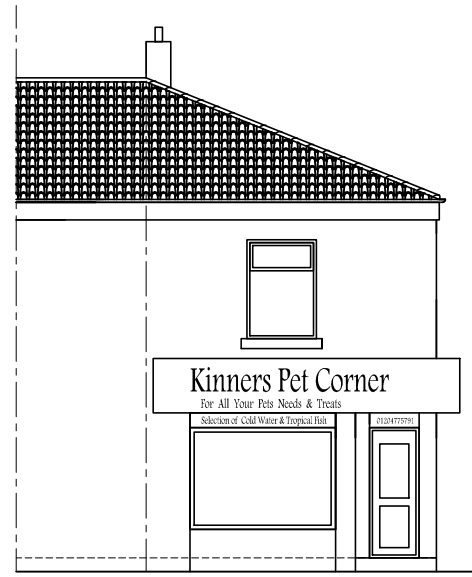
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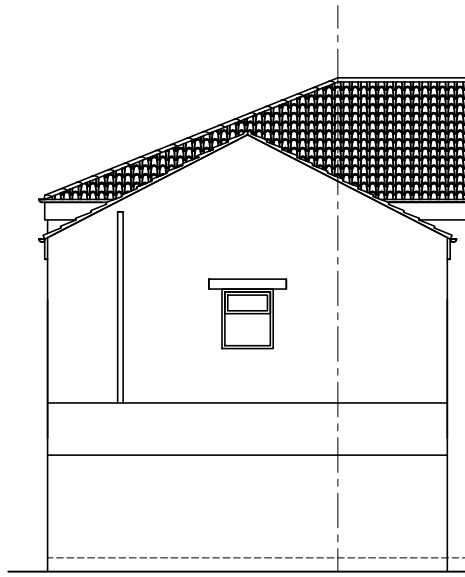
EXISTING GROUND FLOOR PLAN 1: 100



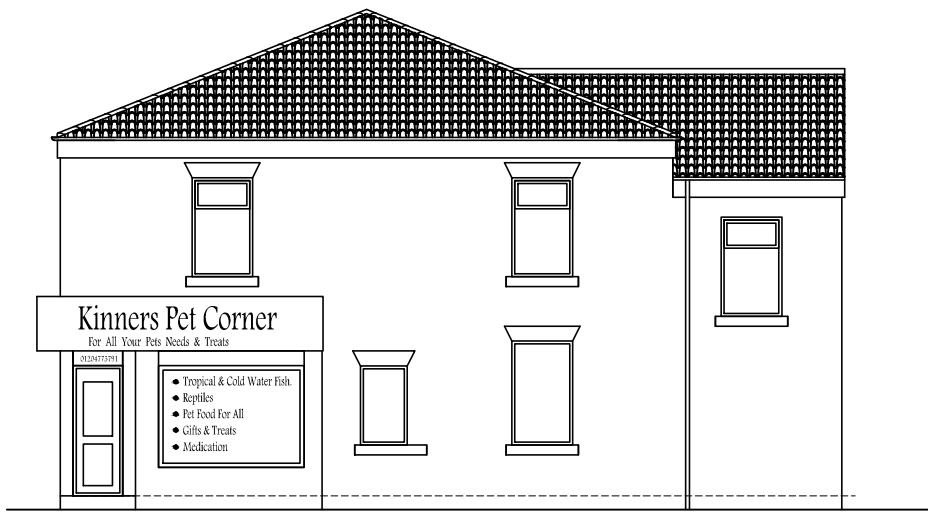
EXISTING BASEMENT PLAN 1: 100



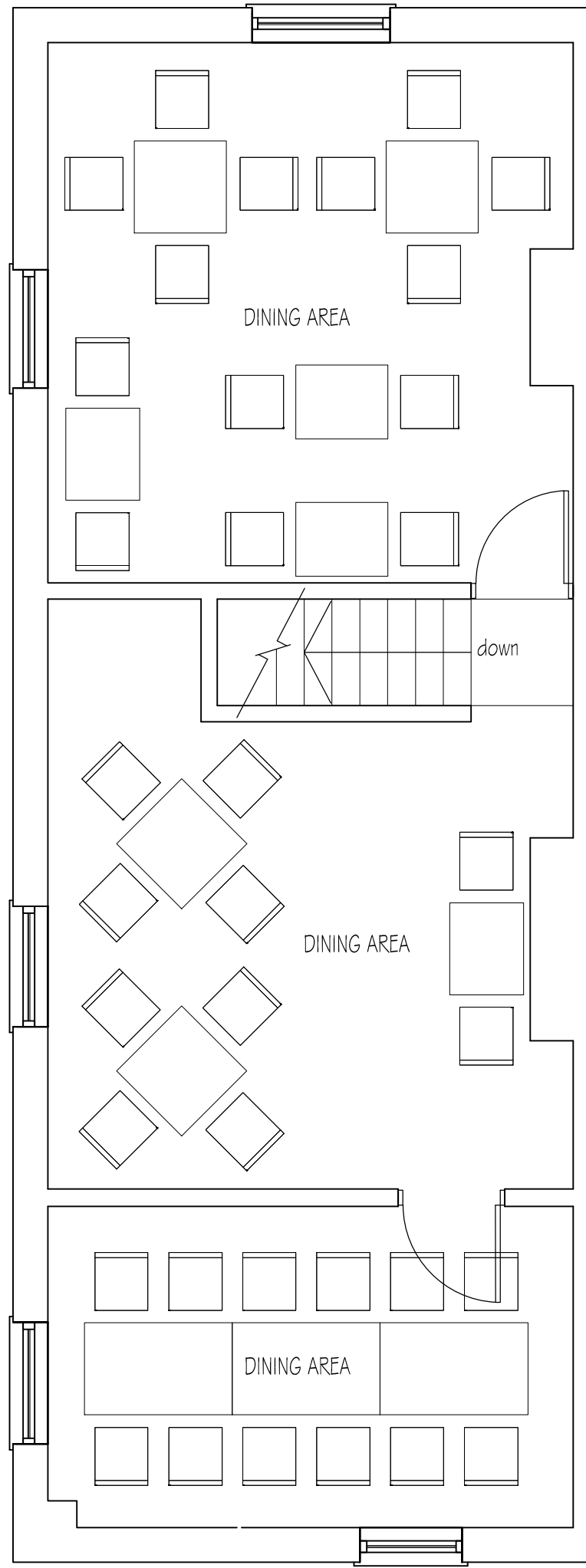
EXISTING FRONT ELEVATION 1: 100



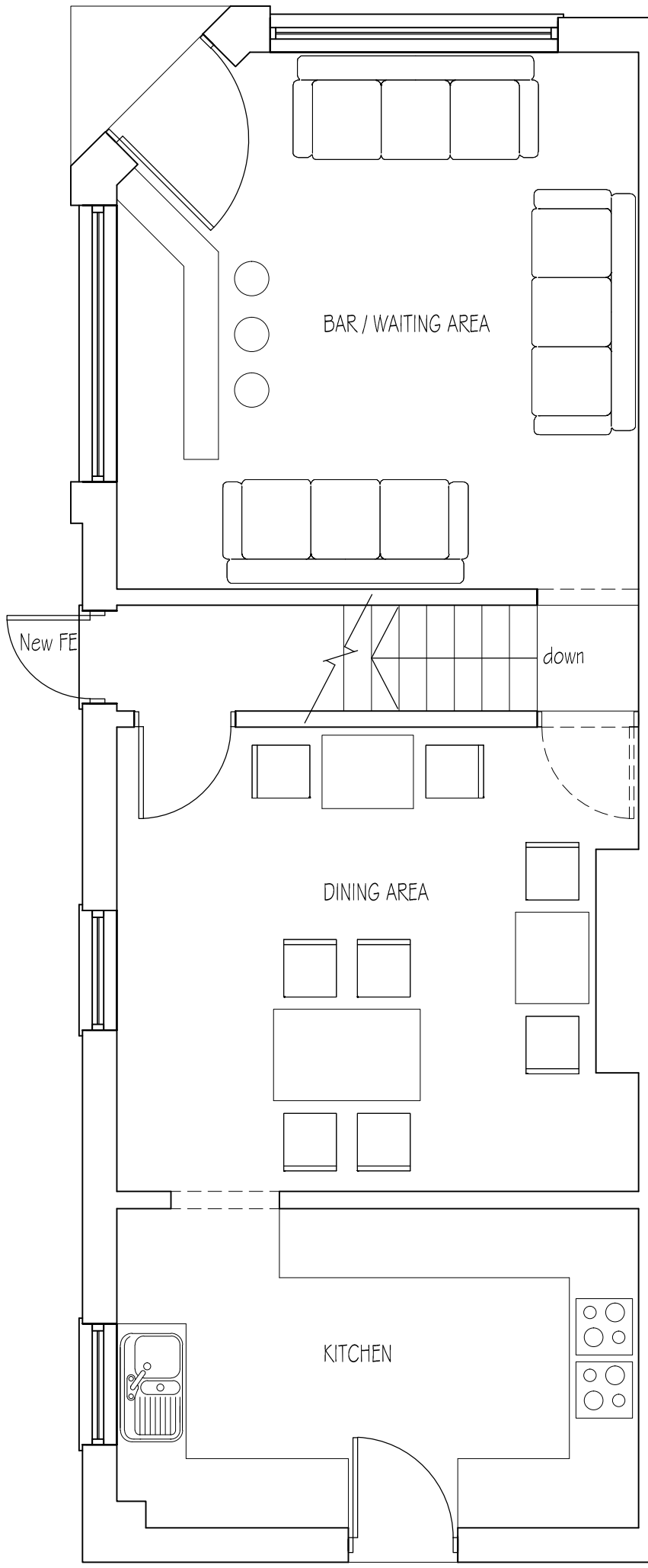
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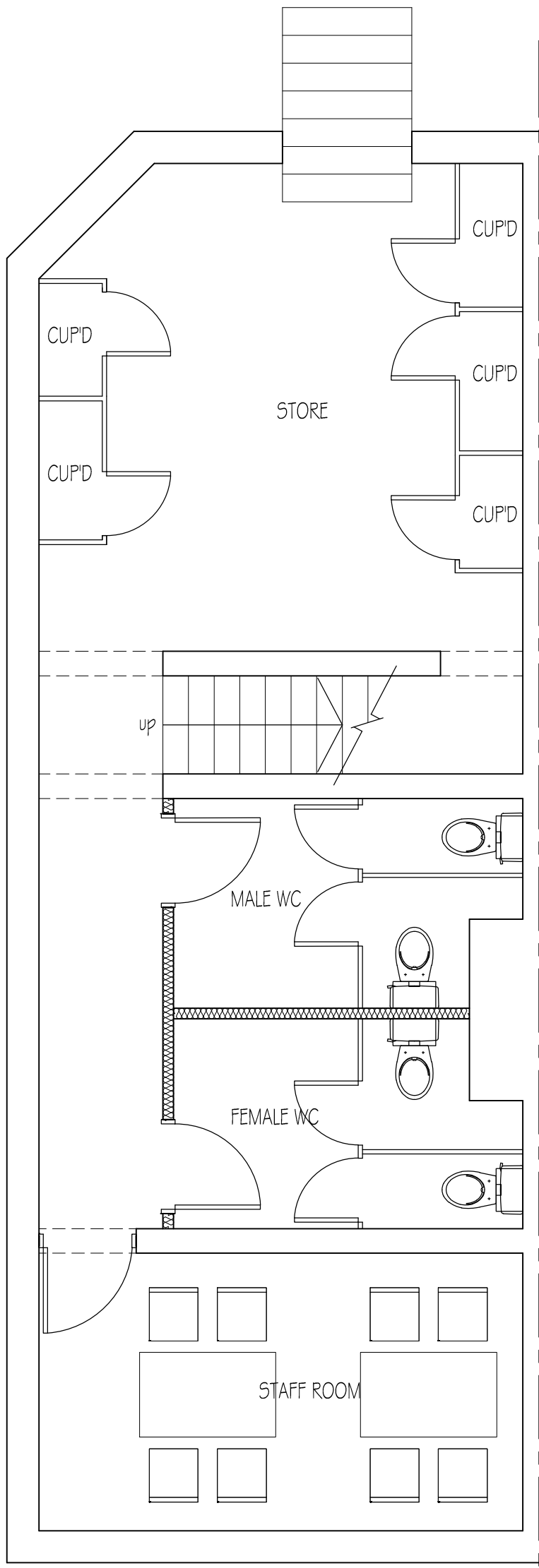
EXISTING SIDE ELEVATION 1: 100



PROPOSED FIRST FLOOR PLAN 1: 50



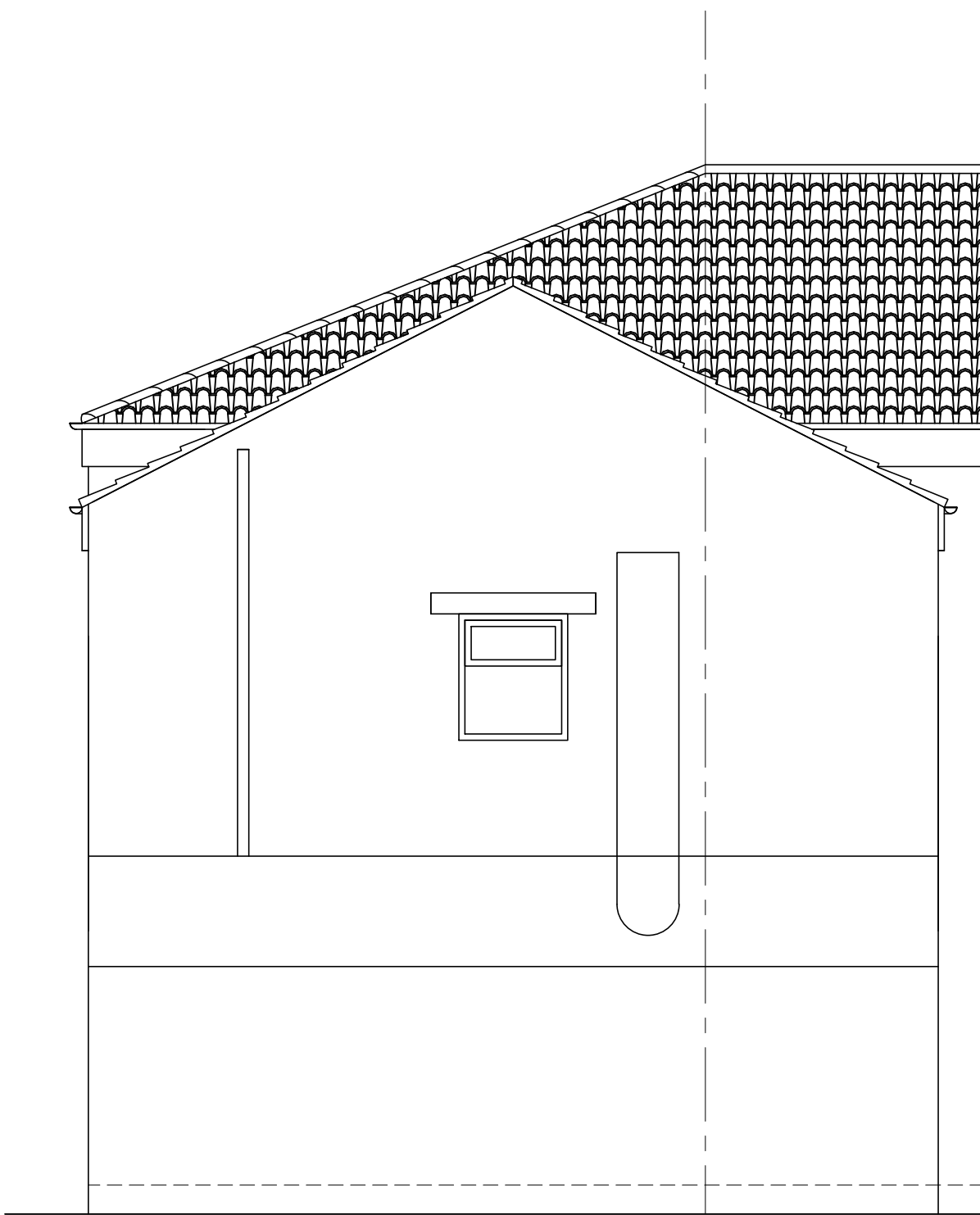
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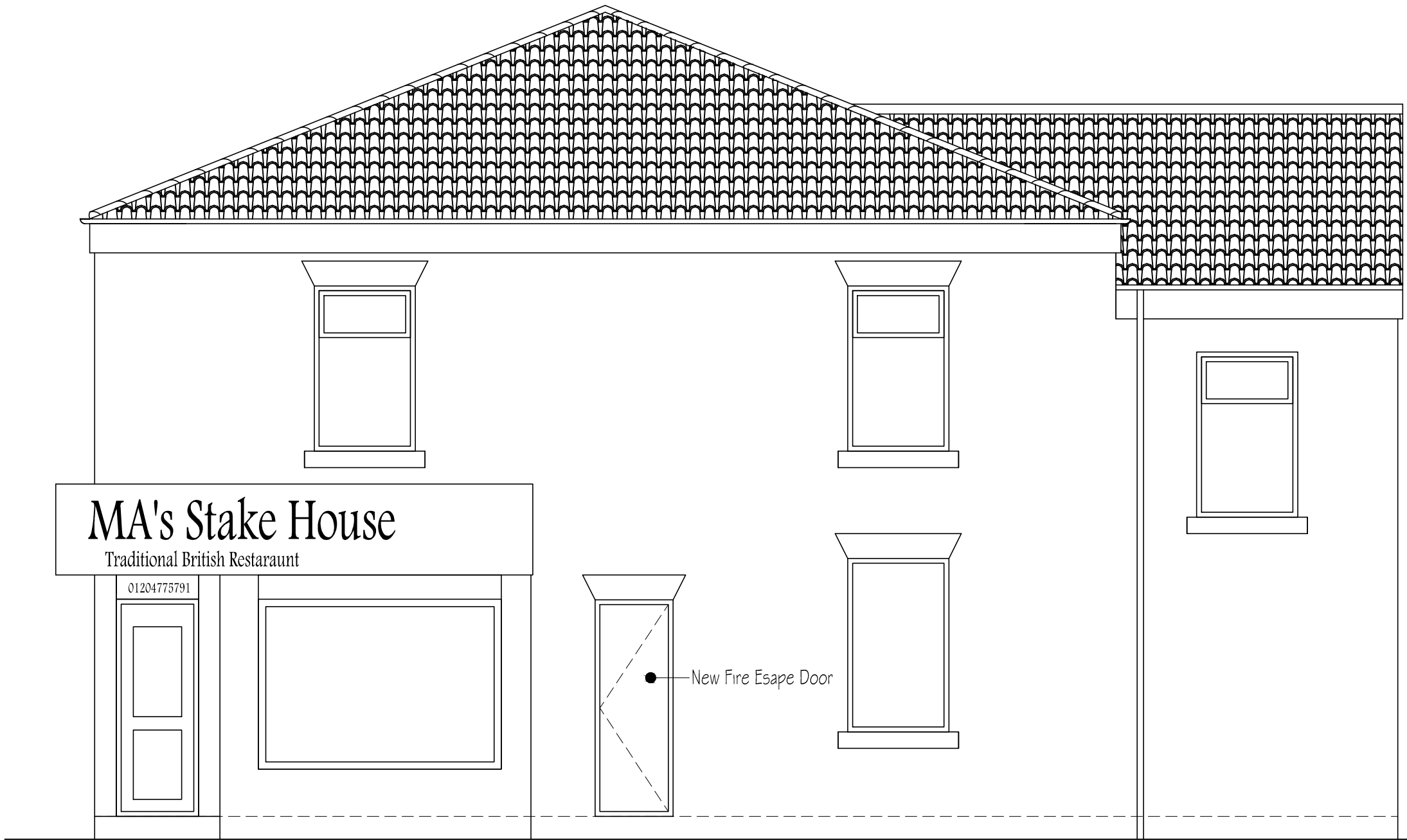
PROPOSED BASEMENT PLAN 1: 50



PROPOSED FRONT ELEVATION 1: 50



PROPOSED REAR ELEVATION 1: 50



PROPOSED SIDE ELEVATION 1: 50

notes and revisions

- 1) This drawing is for Local Authority Approval Only, not for construction.
- 2) All work to be in accordance with the current edition of the Building Regulations.
- 3) The Builder must satisfy himself as to the location of any underground services prior to commencing any excavations.
- 4) The Builder must ensure the structural stability and integrity of the building during all phases of the construction works.
- 5) Additional works required but not shown include:
 - i) extension to electrical system to provide light & power
 - ii) extension to central heating and hot & cold water service
- 6) ~~iii) painting & decorating~~
- 6) Do not scale from this drawing, use figured dimensions only.



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All architectural design work undertaken
Planning & Building Regulations Applications

Location :

215 Manchester Road,
Kearsley

Project :

Proposed Change of Use from
Pet Shop to Restaraunt

Drawing Title :

Existing & Proposed Plans and
Elevations

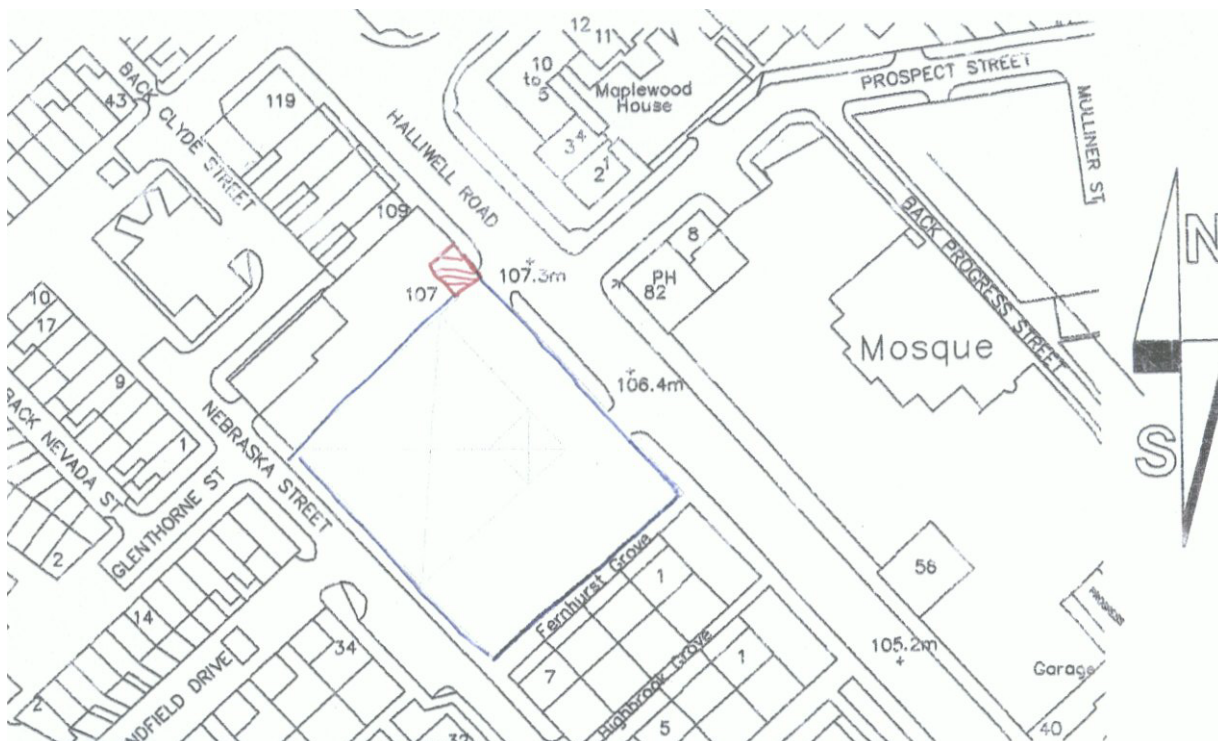
Drawn by : CF

Date : 15.04.14

Rev : B

Scale : INDICATED

**Application number
93942/15**



**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: 04/06/2015

Application Reference: 93942/15

Type of Application: Full Planning Application
Registration Date: 02/04/2015
Decision Due By: 27/05/2015
Responsible Officer: Martin Mansell

Location: LAND ADJACENT 105 HALLIWELL ROAD, BOLTON, BL1 3NP

Proposal: ERECTION OF SINGLE STOREY OFFICE UNIT (CLASS B1)

Ward: Halliwell

Applicant: Properties Investments Ltd

Agent : Foxx Ltd.

Officers Report

Recommendation: Approve subject to conditions

Proposal

Consent is sought to erect a small single storey building with an approximate floorspace of 29 square metres for Class B1 office purposes. No further information on the use is provided, other than to state that it would be a "starter unit". The design shows a relatively low red brick building with significant elements of glazing and a monopitch roof sloping upwards to form a fascia. The maximum height would be 3.1 metres.

Site Characteristics

The site itself is a small rectangular area of land adjacent to the demolished High Mead Garage (now the site of an approved and under construction car showroom) and is in front of the neighbouring property, Chorley Electrical Traders Ltd - a supplier of electrical products to trade. This neighbouring business has two windows directly overlooking the application site which serve as a display window and a window to a ground floor office. The premises also has a large front display window directly at the back of pavement fronting Halliwell Road together with a number of windows at first floor level most likely serving offices.

Nearby uses are mixed but predominantly residential - there is a row of 1970s social housing adjacent to the south west and to the north is an area of older traditional terraced houses with the Noor-ul-Islam mosque located on the other side of Halliwell Road.

Policy

National Planning Policy Framework - building a strong and competitive economy, requiring good design

Core Strategy Objectives: SO5 Bolton's Economy, SO9 Crime and Road Safety

Core Strategy Policies: P5 Transport, S1 Crime and Road Safety, CG3 Design and the Built

Environment, CG4 Compatible Uses 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 the highway
- * impact on nearby uses
- * 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. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Although visual appearance and the architecture of individual buildings

are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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.

The proposed building would be constructed from similar materials to the car sales showroom under construction and the adjacent electrical trader and would contain expanses of glazing in a similar way to both. It would occupy the same back of pavement location as the electrical retailer. It would have a similar flat-roofed shape to the car showroom albeit on a far smaller scale, indeed it is likely to read in the street scene as an ancillary structure to one of the adjacent properties. There will be a small gap between the properties and whilst this has been raised as a security concern by the objectors it is not considered by be significant given the location almost at the back of footway.

Despite its prominent back of pavement location it is considered that the proposed building would be easily assimilated into the existing visual situation and will have little or no impact on the existing streetscene. The proposal is considered to comply with policies seeking to ensure that development is visually compatible with its surroundings.

Impact on the Highway

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 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. However, it is noted that the Council's Highway Engineers - whilst not formally raising an objection - offer the opinion that the lack of on-site parking provision is likely to lead to increased competition for the limited amount of on-street parking available during part of the day and to parking in adjacent residential areas during the morning and evening peak periods.

Planning Officers accept that this may well be the case, but bearing in mind the relatively small scale of the proposal (approximately 29 sq. m.) and the sustainable location easily accessible via bus routes along Blackburn Road and Halliwell Road, located within walking distance of the town centre boundary, the impact on the highway is not considered to be so great that the application should be resisted on these grounds. The issue of parking standards is raised by an objector but it must be noted that these are maximum standards, not minimum and in any case should be applied with flexibility in sustainable locations such as this. Similarly, the limited scale of the proposal means that

servicing and deliveries are unlikely to have a significant impact on the road network.

The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1.

Impact on Nearby Uses

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and reduce pollution.

Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account.

The use is considered appropriate for this area in principle, given the generally mixed residential and commercial context. The proposed use is not considered to be likely to give rise to land use conflicts over and above the existing situation due to its location in a mixed area, its limited scale and the general acceptability of Class B1 uses in the majority of areas.

However, clearly the precise siting of the structure would impact on the existing situation at the electrical retailers and they have made their case strongly in these terms. The situation is unusual in that a secondary shopfront and an office window directly and immediately overlook the application site, land which is not in the control of the objector. The objector states that the side display window was installed in the 1980s and the office window was approved as part of planning approval ref: 50897/97, some 18 years ago. This is not disputed, although it does appear that the office window was enlarged at some point. In any case, the lawfulness of the two windows in planning terms is not challenged by Planning Officers.

A general principle of the planning system is that it should seek to ensure that new development is "neighbourly", and this principle finds its expression in national and local planning policies relating to uses and also the relationship between residential properties and non-residential properties. There are no policies that relate specifically to protecting the view or outlook from commercial properties, though clearly a local planning authority would seek to ensure that new development did not have a disproportionate effect on a neighbouring business, nor place such an onerous burden on a business as to prevent them from reasonably carrying out their activities.

In this instance, the loss of the secondary display windows is considered to be acceptable in planning terms as the business will still have a large display window facing directly on to Halliwell Road, as have the majority of business on this or any similar road. In fact, it is side display windows such as the one at issue here that are uncommon. Similarly, the impact on the office window is considered to be acceptable as this is a reasonably large building with other windows serving other offices which will not be affected in any way. Officers consider that there is a reasonable prospect that the objector will be able to continue their operations without unreasonably onerous restrictions on their business, should the proposal development be implemented.

This may seem unfair - Officers accept that it is unusual to recommend approval of a new development directly in front of two existing windows, without the acceptance of the owner of those two windows. However, the file of 1997 planning application at 107 Halliwell Road contains a copy of a legal agreement that was submitted by the then owner of High Mead Garage, showing that the neighbouring business who installed the display window did so in the full knowledge that this window directly overlooked private land and agreed to seal the window if requested. The legal agreement is clear in that the installation of the window should not be taken as conferring any right of light nor

should it be seen as preventing the owner of the application site from developing the land in future.

It may be that this legal agreement is not enforceable by any party - it was signed by the then owners of the two properties and does not appear to bind any successors in title. Nor is it clear that the objector was aware of this agreement at any time. However, it seems clear to Officers that the owner of High Mead Garage had a reasonable expectation of their ability to develop their land in future, subject to planning approval, and entered into arrangements to ensure that windows overlooking their property did not restrain this ability.

The planning arguments are considered to stand on their own merits here - the proposed development will clearly impact on the neighbour, but not in such a way as to prevent them from reasonably carrying out their business. The legal agreement is not taken as having any weight in the planning decision but is provided instead as a way of dealing with the potential of this recommendation appearing in some way "unfair".

The proposal is considered to comply with Policy CG4 of Bolton's Core Strategy

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 proposed development is small in scale and any economic benefits will be similarly small, though positive. It is not considered that the proposed development will have such a significant impact on the neighbouring business as to prevent them from carrying out their own economically beneficial activities.

Conclusion

The proposal is considered to be acceptable in terms of its impact on the street scene and the road network. However, it is accepted that this proposal cannot be described as being considerate. The proposed development will impact on the neighbouring property, but not in such a way as to prevent them from carrying out their business. Whilst it is unusual to recommend approval for a development directly in front of two windows, there is evidence in the planning history that whoever installed the display window did so in the full knowledge that they may be asked to remove this window at some point in the future. Whilst it is not clear that the office window was installed with this knowledge, it is not considered to carry such weight as to remove the Applicant's reasonable expectation of their ability to develop their own land subject to other planning considerations. National and local planning policies do seek to ensure amenity for all, but Officers do not accept that

this protection should extend to commercial windows installed immediately overlooking land that is not in the control of the owner.

Representation and Consultation Annex

Representations

Letters:- objection letters have been received from Chorley Electricals adjacent, summarised as follows:-

- contrary to the NPPF, the applicant has not consulted me despite the direct impact the proposal has on my property (Officer's note: this element of the NPPF represents good advice but would not constitute a reason for refusal)
- the proposal does not represent high quality design and would not ensure a good standard of amenity for all existing and future occupants of land and buildings
- Policy P5 identifies 1 parking space per 35sqm for B1 Business stand alone office use. The application does not demonstrate any parking provision and fails to demonstrate servicing arrangements for deliveries or suitable refuse collection
- the proposal fails to acknowledge the existing large display window on the side elevation of my property
- the proposal will block visibility of the window, significantly reduce daylight provision and impact on visual amenity
- the proposed 0.5m gap around the property will create accessible hidden areas which cause concerns with regard to security
- the design does not respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other, streets are connected and spaces complement one another
- the harm of this development will outweigh the benefits of a 29sqm of office space which is much better suited on other sites within the vicinity
- the large display showroom / accounts office window was installed before we bought the property in 1986
- the office window facing Halliwell Road was installed under approved planning application number 50839/97 some 18 years ago.
- both windows were shown as existing on our extension plans 68372/04 dated 29th June 2004

Consultations

Advice was sought from the following consultees: Highways

Planning History

The application site itself does not have any planning history. The history of adjacent sites is described within the report and the objection.

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 development hereby permitted shall be of a similar colour, texture and size of those of the adjacent car showroom, and shall be retained thereafter.

Reason

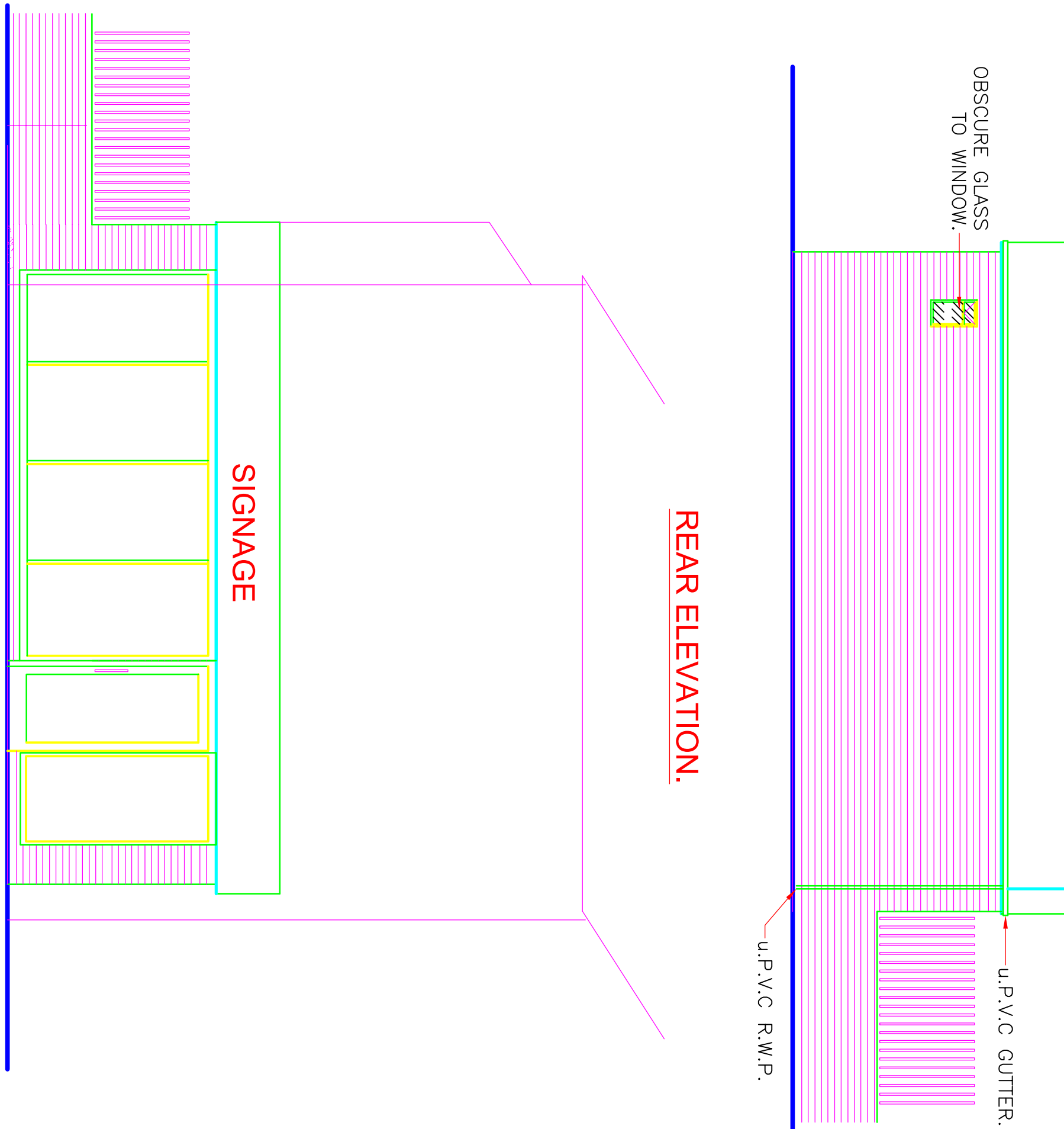
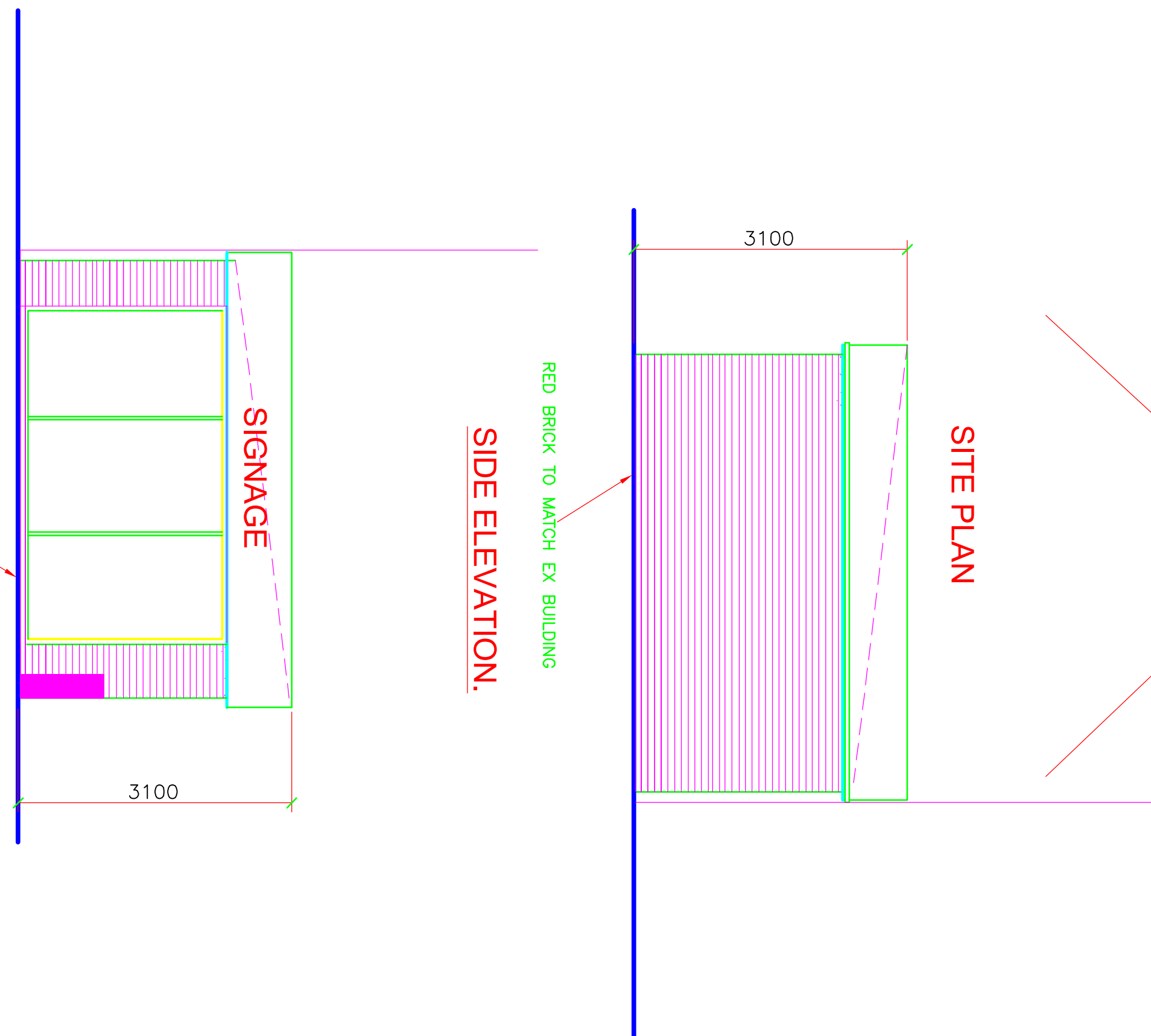
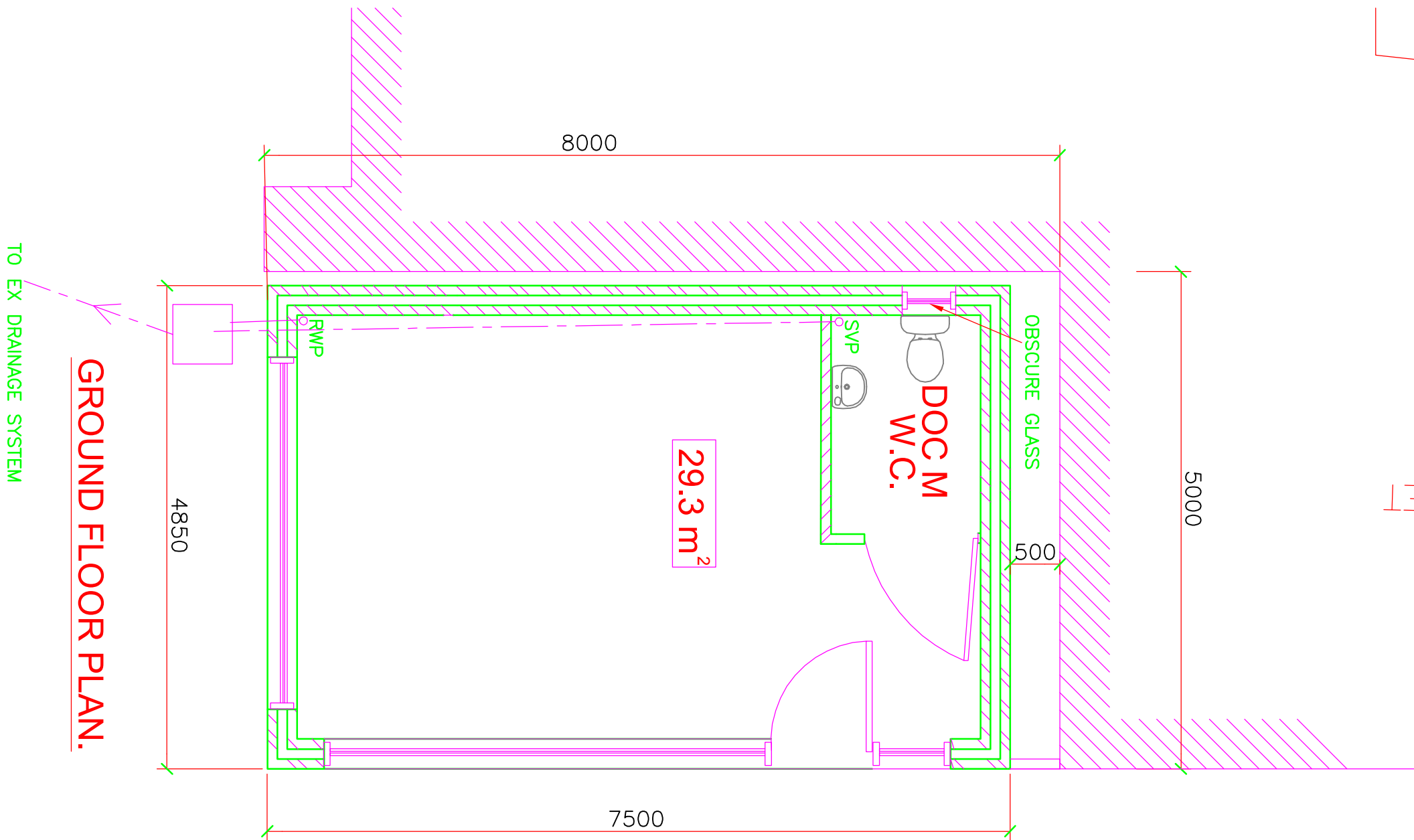
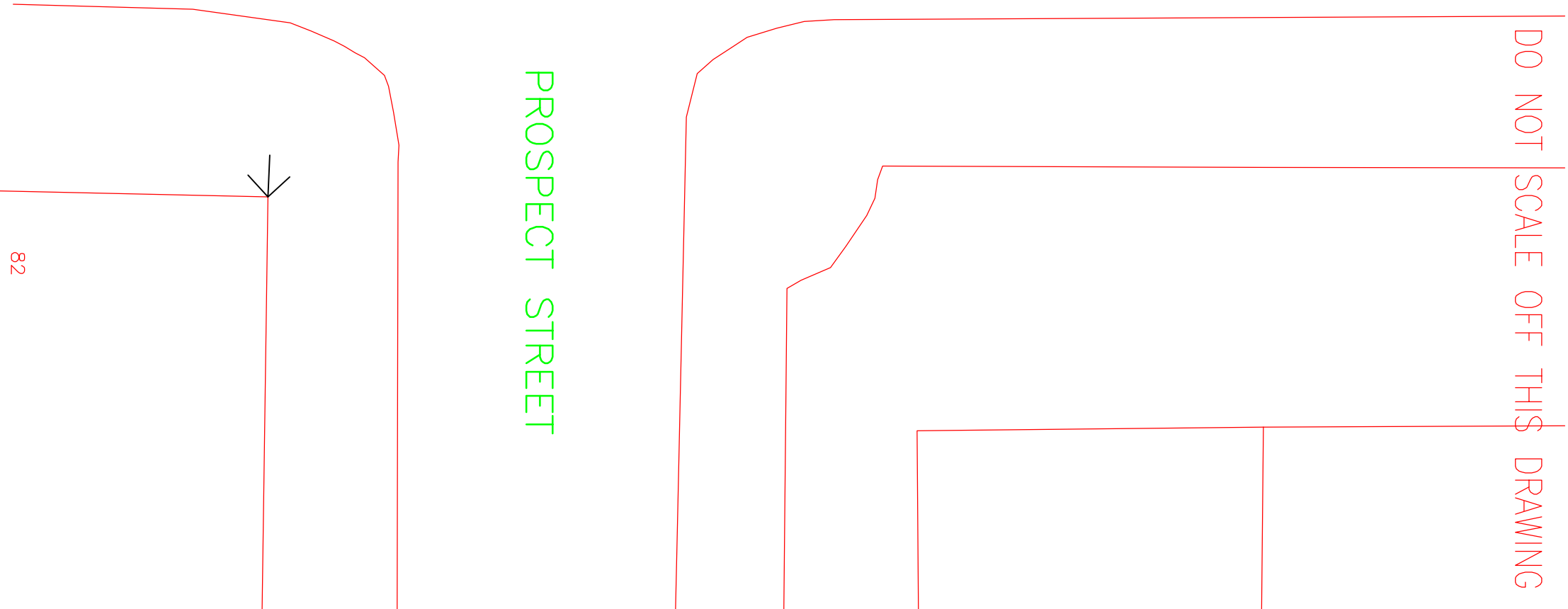
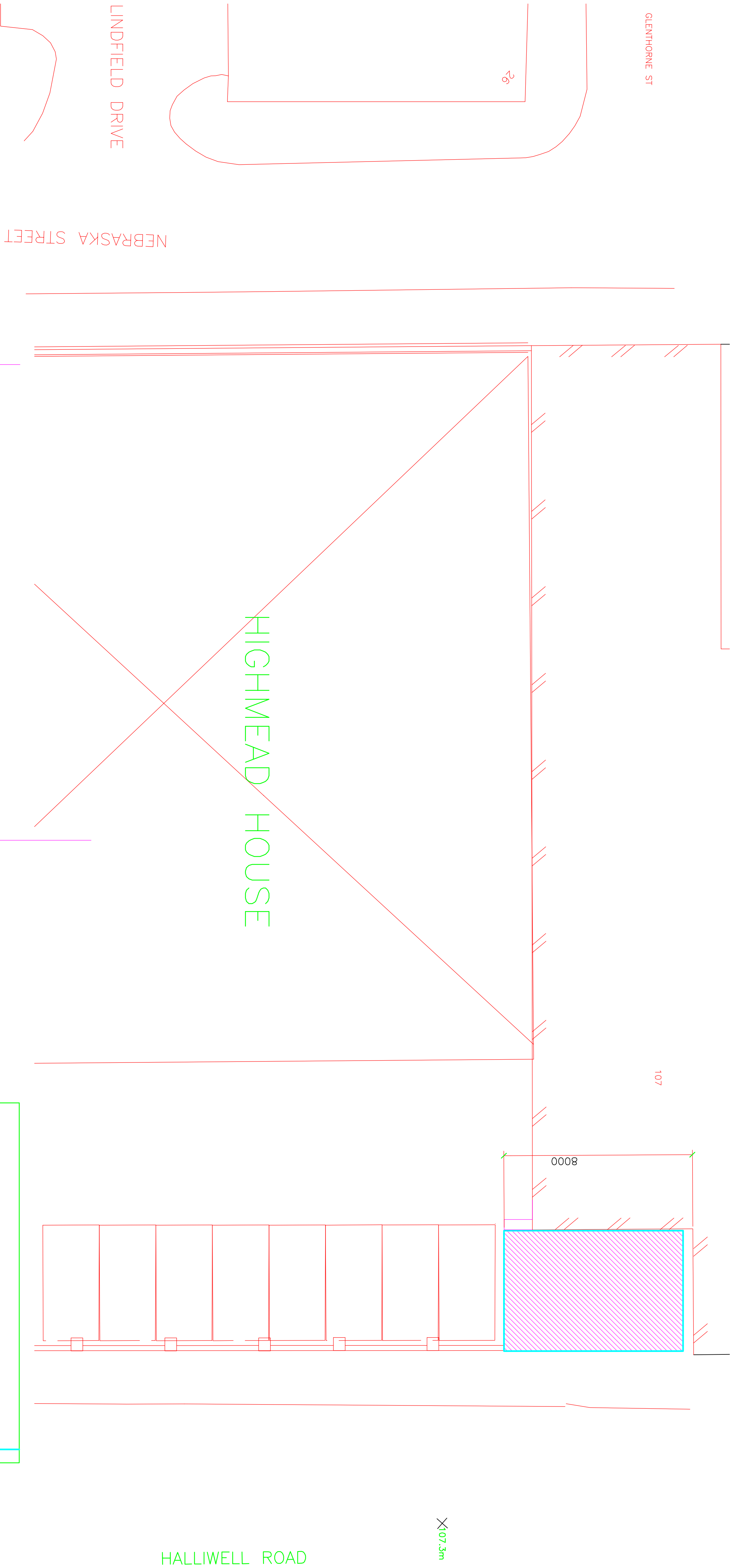
To ensure the development visually reflects the existing street scene.

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

F5580 P1E

Reason

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



105 HALLIWELL ROAD BOLTON

HALLIWELL ROAD ELEVATION.

F5580

P1E

Client.
PROPERTIES INVESTMENTS
LIMITED
Drowning Title.
PROPOSED DEVELOPMENT

Foxx Limited.

Consulting Civil and Structural Engineers

66-70 Park Hill Street Bolton BL1 4AR

Tel: (01204) 362300
Fax: (01204) 399200

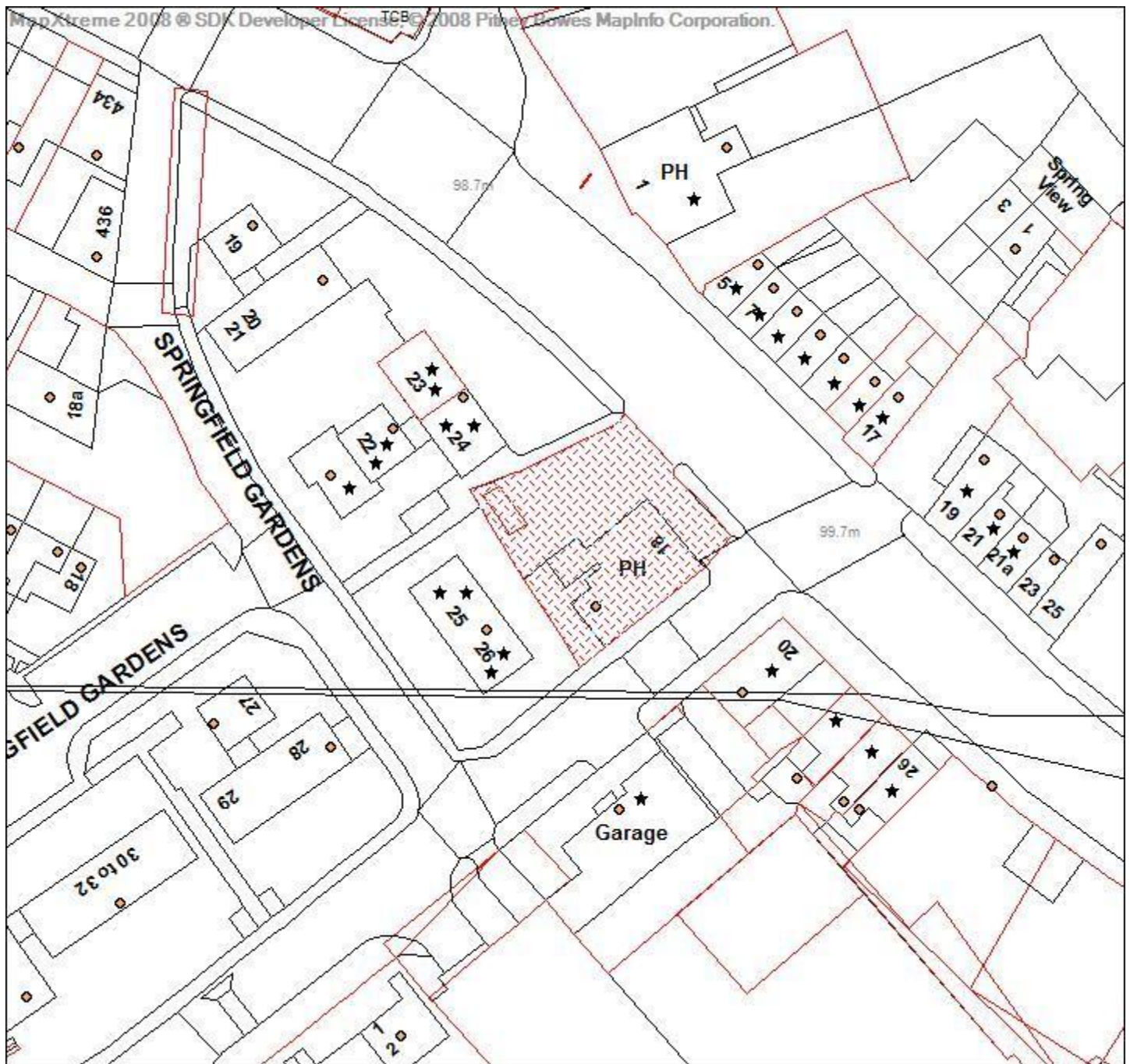
Tel: (01207) 333200
 Email: info@foxx.co.uk

SCALE: 1:100 1:50 DATE: MAR 15

DRAWN: NT
CHECKED: N.T

CONTRACT No: DRAWING No:

Application number 94006/15



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: 04/06/2015

Application Reference: 94006/15

Type of Application: Full Planning Application
Registration Date: 15/04/2015
Decision Due By: 09/06/2015
Responsible Officer: Paul Bridge

Location: ANTELOPE HOTEL, 18 MANCHESTER ROAD, KEARSLEY, BOLTON, BL4 8NY

Proposal: PROPOSED CHANGE OF USE OF FIRST AND SECOND FLOOR TO 3No. SELF-CONTAINED FLATS, NEW EXTERNAL STAIRCASE, SINGLE STOREY EXTENSION, ALTERATION OF EXISTING SINGLE STOREY ELEMENT ROOF INCLUDING THE INSTALLATION OF NEW SHOP FRONTS WITH ROLLER SHUTTERS, AND THE INSTALLATION NEW ATM MACHINE, AND EXTRACTION UNIT.

Ward: Kearsley

Applicant: Mr Adam
Agent : Y A Architectural Services

Officers Report

Recommendation: Approve subject to conditions

Proposal

Members will recall that a previous planning application (92889/14) for the change of use of the premises at first and second floor level to three flats, a new external staircase, a new flat roof on existing single storey extension, a single storey rear extension, new shop fronts with roller shutters and a new ATM was refused on the 12th March 2015 for the following reasons:-

- 1. Due to the number of proposed occupants of the flats and potential visitors to the retail units and café, it is considered that there is insufficient parking available both on site and within the wider surrounding area. The development would therefore result in an unacceptable detrimental impact on highway safety and the amenities of adjacent residential properties by virtue of increased parking demand. As such the proposal is contrary to policies P5 and S1(2) of the adopted Core Strategy and the National Planning Policy Framework.*
- 2. Due to its size, siting and design, the proposed external staircase would result in an unacceptable impact in terms of both visual amenity and loss of privacy/overlooking on the residential dwellings to the rear at Springfield Gardens contrary to policy CG4 of the adopted Core Strategy.*
- 3. The proposed development proposes a residential flat (No.2) which would be sited directly above unit 3 at ground floor level, which would be occupied by a café. Given the relationship between the café (at unit 3) and residential unit directly above, it is considered that the*

proposal would have a serious detrimental impact on the future occupiers of flat 2, by reason of noise, disturbance and general activity associated with the café use. As such, the proposal is considered to be contrary to policy CG4 of the adopted Core Strategy and the Supplementary Planning Document, Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Area.

- 4. The proposed roller shutters would result in a fortress type development which does not respect the character or appearance of the street scene and is detrimental to the visual amenity of both the host building and wider area. As such the proposed roller shutters are contrary to policy CG3 of the adopted core strategy and Planning Control Note No.4 – Shops Fronts.*

This current application is a resubmission of 92889/14 and seeks consent for the proposed change of use of first and second floor to 3 no. self-contained flats, a new external staircase, a new flat roof on existing single storey extension, a single storey rear extension, new shop fronts with roller shutters and a new ATM.

The submission is identical as the previously refused scheme, however Members are advised that an application (93999/15) for a Certificate of Lawfulness (proposed) has been submitted for the proposed change of use of the ground floor of the public house from class A4 to class A1/A3. The Council's solicitor has advised that the proposed change of use of the premises at ground floor level is permitted development and therefore lawful and that a certificate of lawfulness should be granted.

Flat no's 1 and 2 would be located on the first floor and would have 2 bedrooms, whilst flat no.3 would be located within the roof space on the second floor and would have one bedroom. Access to the flats would be via a new 1.2m wide external staircase which would be accessed via a side entrance fronting Springfield Road.

The new entrance from Springfield Road would be brick built and would replace a wooden gate. The new brick entrance would increase the height of the stone wall (to the side) by approximately 56 centimetres to 2.26m.

The alterations to the existing single storey side element would see the existing pitched roof being replaced by a new flat roof. The single storey extension would adjoin the existing single storey element and would be sited adjacent to the common boundary with the dwellings to the rear on Springfield Gardens. The south western side elevation of the single storey extension would incorporate the existing stone boundary wall and would increase a 6.1m long section of this wall to 2.87m in height.

The alterations to the front elevation would include the introduction of two new entrance doors which would serve units 1 and 3. Alterations to the south eastern elevation would include the installation of a new access door which would be sited towards the rear elevation. There would be no alterations to the existing fenestration on the rear elevation. The alterations to the north western side elevation (fronting the car park) would include the installation of an air extraction unit, an existing window at ground floor level being enlarged and an existing window at first floor level being removed and replaced with a new entrance door for the first floor flats. In addition to the above, roller shutters have been proposed to the windows and doors at ground floor level on the front and south eastern elevation.

The proposed extraction unit would be sited on the north western side elevation.

The proposed ATM would be sited within the front elevation at ground floor level adjacent to the existing entrance.

Seven car parking spaces are proposed within the existing car park area and also pedestrian improvements are proposed adjacent to the existing vehicular access from Manchester Road and also at the junction with Manchester Road and Springfield Road.

Bin storage would be provided to the rear of the building.

In addition a new 1.2m high wall would be constructed to the front of the building and along Springfield Road.

For the avoidance of doubt the ground floor of the premises is also being converted into two retail units (A1) and a café (A3), however, the use of the ground floor of the premises for these uses do not require planning permission and therefore these uses will not be assessed as part of the appraisal.

Site Characteristics

The application site comprises of a vacant two storey public house. The ground floor of the property comprises a drinking area, toilets store and boiler room forming part of the public house operation. To the first floor are the unoccupied former living quarters of the premises, a function, room, office and store.

Access to the first floor of the property is via an internal staircase within the public house. The site is located on the corner of Manchester Road and Springfield Road. To the rear of the property beyond the yard area of the public house is a two storey block of residential accommodation (Springfield Gardens). The immediate surrounding area is mixed in nature with, residential, offices, newsagent, garage, hot food takeaway and another vacant public house in close proximity to the site. The case officer noted during his site visit that work had commenced on site.

Policy

National Planning Policy Framework

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

Supplementary Planning Documents - Accessibility, Transport and Safety

Planning Control Policy Notes relating to Highway Considerations and Planning Out Crime.

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;
- * impact on the amenity of existing residents and future occupiers;
- * impact on highway safety/parking provision;
- * impact on crime and the fear of crime.

Principle of Development

The National Planning Policy Framework (NPPF) identifies public houses as community facilities and makes it clear that their loss should be resisted. Paragraph 70 states that “planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments” as well as “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”.

As a community facility the loss of the public house should be resisted where possible, however, its reuse or redevelopment should be encouraged where there is a clear lack of demand for the existing use. The policy does not define community facilities but paragraph 70 of the NPPF makes it clear that public houses should be treated as community facilities. The Antelope public house has not been in operation for at least the past 18 months. Whilst no details of any expressions of interest have been provided, given the pub has remained on the market this would suggest there is a lack of demand for the use. In addition, to change the use of the premises at ground floor level to a range of A1 and A3 uses does not require planning permission and an application for a certificate of lawfulness is to be granted.

At the heart of national policy within the NPPF is a presumption in favour of sustainable development. The NPPF maintains the importance of supporting sustainable economic development and delivering homes (paragraph 17). Furthermore NPPF paragraph 51 sets out local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. Given the property has been vacant for approximately 18 months its conversion to apartments at first floor level 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.

The alterations to the front elevation would include the introduction of two new entrance doors which would serve units 1 and 3. Alterations to the south eastern elevation would include the installation of a new access door which would be sited towards the rear elevation. There would be no alterations to the existing fenestration on the rear elevation. The alterations to the north western side elevation (fronting the car park) would include the installation of an air extraction unit, an existing window at

ground floor level being enlarged and an existing window at first floor level being removed and replaced with a new entrance door for the first floor flats. All in all, despite the changes to the elevations, the external appearance of the building would remain fundamentally the same and is considered acceptable.

In respect of the proposed external staircase and extraction unit these would be located to the rear and side of the building and would have limited visibility within the street scene. Therefore, subject to conditions regarding the materials, external finish and technical specification, it is considered that they would not have an unacceptable impact on the character and appearance of the host building and immediate surrounding area.

The single storey extension would be sited within the rear yard area of the application site and would adjoin the existing single storey element. It is single storey therefore appearing subordinate to the existing building and its size and scale is considered acceptable. However, as this element of the proposal has been partially constructed out of blockwork, which is at odds with the materials of the host building and palette of material in the immediate surrounding area, a condition has been attached to ensure the external finish of the extension is to the satisfaction of the local planning authority.

The submitted plans state that roller shutters would be installed to the windows and doors on the front and south eastern elevation. During the case officers site visit, it was evident that the roller shutters had been installed and were not perforated, but had been colour treated black. Given that the site is seen in isolation and that the opening hours would retain an open and active frontage for long periods, it is considered that, whilst not entirely desirable, the introduction of impermeable shutters is considered acceptable in this case.

In respect of the proposed front boundary wall this would be set behind the existing pavement to the front of the building and along Springfield Road. It would be constructed out of brick to a height of 1.2m. Given the proposed materials and its limited height, the size, siting and design of this wall is considered acceptable in this location.

In respect of the alteration to the existing single storey element's roof from a pitched roof to a flat roof and the existing fencing to the side/rear (adjacent to Springfield Road), being replaced by a brick wall, these are considered to be to the benefit of the appearance of the scheme. For these reasons, 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 adopted Core Strategy.

Impact on the Amenity of Existing Residents and Future Occupiers

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

Future Occupiers

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

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

these habitable rooms. It is therefore considered that the proposed flats are sufficient in size and design.

The submitted plans indicate that there would be a café sited directly below flat 2. With regard to noise and disturbance, any potential future occupiers of flats 1 and 2 will be fully aware that the intended ground floor use of the premises would be used as a mixture of A1 and A3 units. In addition, the application site is located on a section of Manchester Road where there is/was an established night time economy, due to the public houses, hot food takeaway and late night convenience store within close proximity. Given the above, it is not considered that the occupiers of flats 1 and 2 would experience any unacceptable loss of residential amenity in terms of noise and disturbance.

Whilst no formal open space would be provided to the rear of the property for the flats, there are areas of open space within walking distance of the site. In addition, the property is located on Manchester Road, which is within close proximity to a number of services and is in a sustainable location with access to regular public transport links. It is therefore considered that the sustainability of the location and close proximity of open spaces mitigate the lack of open space contained within the curtilage of the property. A bin store is provided to the rear of the property which would provide sufficient bin storage for both flats.

Neighbouring Residents

Privacy and overbearing issues

There are a number of residential dwellings to the side and rear of the application site, known as Springfield Gardens. The proposed change of use (to flats at first floor level) would result in the former Antelope public house being brought back into use from being vacant. The site is located on a busy main road location and there are residential properties which adjoin the site to the south west and north west, however the use of the upper floors of the property as flats is not considered to impact upon the residential amenity of these properties. Whilst the use of the ground floor as a mix of A1 retail and an A3 café does not require planning permission, it is considered there uses would not either individually or cumulatively increase the potential for noise and disturbance than the previous use as a public. As such any issues in this respect already exist and the proposal would not exaggerate this to an unacceptable degree.

In respect of loss of privacy and overlooking a condition has been attached to ensure the windows in the rear elevation at first floor level, which serve the kitchen area of flat 1 and bathroom of flat 2 respectively are obscurely glazed to prevent an unacceptable loss of privacy/overlooking to the adjacent residential dwellings to the rear. In respect of the other windows these are existing and are sited in positions which would not result in an unacceptable loss of privacy and overlooking to neighbouring residents.

The proposed external staircase would be sited to the rear of the building before wrapping around the side elevation to provide access to the flats at both first and second floor level. Whilst the impact on privacy is acknowledged, it is noted that the staircase would only provide access to the flats and would therefore not be used as intensively as say a balcony or raised platform. In addition whilst there would be views from the stairs into the adjoining garden area, these would be fleeting and only on access and egress to the property.

It is not considered that the external staircase would cause any unacceptable and significant impact on privacy of the adjoining dwellings.

In respect of loss of light/overbearing, there are a number of windows in the rear elevation at ground floor level of the residential accommodation to the rear at Springfield Gardens which would face the

rear boundary wall (which is to be increased in height) and also the side elevation of the proposed single storey extension. However, these windows serve non-habitable rooms and therefore little weight can be afforded to the views from these windows and therefore it would not warrant a refusal of the application on ground of loss of light or being overbearing.

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

Impact on Highway Safety/Parking Provision

The case officer has been in discussions with the applicant after concerns were initially raised by the Council's Highway Engineer over pedestrian safety. The footway provision around the site is currently lacking due to the redundant vehicular crossing on Springfield Road and the excessively long vehicular crossing on Manchester Road. To promote pedestrian safety in accordance with Policy S1, the applicant has provided a revised site layout. This now indicates that the proposed side/front boundary wall would be splayed at the junction of Springfield Road and Manchester Road and the footways lengthened in order to improve pedestrian safety. With this layout, an additional 2 car parking spaces have been also accommodated increasing the provision from 5 to 7 spaces.

In terms of available parking for staff/customers and tenants, 7 parking spaces are proposed. Given the relatively limited amount of retail and café space, the proposed parking provision is considered acceptable given the site's accessible location on Manchester Road which is served by good public transport links and situated within a residential area allowing for trips on foot from local residents.

The existing in/out vehicular access serving the site on Manchester Road and the redundant vehicular crossing on Springfield Road will be altered and improved to provide a more continuous footway along Springfield Road and Manchester Road, providing an improved pedestrian environment and safety. Given the above it is considered that the proposal would not result in an unacceptable impact on highway safety and would provide adequate car parking in accordance with policies S1 of the Core Strategy.

Impact on Crime and the Fear of Crime

In terms of design and crime, the ATM would be sited in a prominent location on Manchester Road elevation which fronts a busy well used road. The area is mixed in nature and as such there is continued activity in the area until late on into the evening as well as streetlights along the road providing lighting through the hours of darkness. As such there are high levels of natural surveillance and activity in the area throughout the daytime and evening.

In respect of the roller shutter these alterations to the front elevation are considered appropriate and would bring the existing vacant property back into use and is considered to provide progress in overall improvements to the former Antelope public house and will discourage crime and anti-social behaviour by bringing the building back into use.

It is therefore considered that the proposed change of use is acceptable in design and crime terms in accordance with policy S1 of the Core Strategy.

Conclusion

The proposed alterations to 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

Elected Members:- Councillor Burrows has objected to the proposal.

Consultations

Advice was sought from the following consultees: Highway Engineers, Design for Security and Pollution Control.

Planning History

92889/14 - Change of use of the premises at first and second floor level to three flats, new external staircase, new flat roof on existing single storey extension, single storey rear extension, new shop fronts with roller shutters and new ATM was refused on the 12th March 2015.

93999/15 for a Certificate of Lawfulness (proposed) for the proposed change of use of the ground floor of the public house from class A4 to class A1/A3 – Pending

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. Notwithstanding approved plan number 1317-P04A - Proposed Elevations and Site Plan, the use of air extraction equipment shall not commence until detailed plans (including siting) and specifications of the equipment, including measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencers and anti vibration mountings where necessary), have been submitted to and approved in writing by the Local Planning Authority. The ventilation system shall be installed in accordance with the approved plans and specifications before the use of the equipment commences and shall be permanently retained thereafter in accordance with the approved specifications

Reason

To safeguard the amenity of the neighbouring residents.

3. Within 28 days of the date of this decision full details of the colour and materials of the staircase hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The staircase shall be powder coated in the approved colour prior to installation and shall be maintained as such thereafter.

Reason

To safeguard the amenity of the area.

4. Prior to the occupation of the flats hereby approved, the car parking provision as identified on approved plan 1317-P04A shall be made available and laid out for use by occupants and customers of

the premises.

Reason

To ensure that adequate provision is made for the parking of vehicles within the curtilage of the site.

5. Prior to the flats hereby approved being first occupied or brought into use the existing vehicular access onto Springfield Lane 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 Springfield Road.

Reason

In the interests of highway safety.

6. Notwithstanding approved plan number 1317-P04B - Proposed Elevations and Site Plan and prior to the occupation of the flats full details of the highway works at Manchester Road and junction of Manchester Road and Springfield Road comprising of provision of footways and 5m kerb radius 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.

7. Before the first occupation of the flats hereby permitted the windows in the rear elevation of the building facing 26 and 26A Springfield Gardens 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.

8. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) by more than -5 dB at any time when measured at the boundary of the nearest noise sensitive premises. Noise measurements and assessments shall be carried out according to BS 4142:1997 "Rating industrial noise affecting mixed residential and industrial areas". 'T' refers to any 1 hour period between 07.00hrs and 23.00hrs and any 5 minute period between 23.00hrs and 07.00hrs.

Reason: To safeguard the amenity of the neighbouring residents

9. The finished external surfaces of the single storey extension and south western boundary wall (with Springfield Gardens) hereby permitted shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Reason

To ensure the development visually reflects the existing building.

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

1317-P04A- Proposed Elevations and Site Plan, 1317-P01A - Existing Plans and Elevations, 1317 Location Plan, 1317-P02A - Proposed Basement and Ground Floor Plans 1317-P03A - Proposed First and Second Floor Plans

Reason

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

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2. All dimensions are approximate only and are to be checked on site by contactor prior to construction.
3. Discrepancies to be reported prior to commencement of work.
4. Do not scale from the drawing, only work to written dimensions.
5. All work drains to be laid, joined and sealed to the entire satisfaction of the Local Authority.
6. All work to comply with current Building Regulations and subsequent revisions.
7. Foundations not to encroach over boundaries.

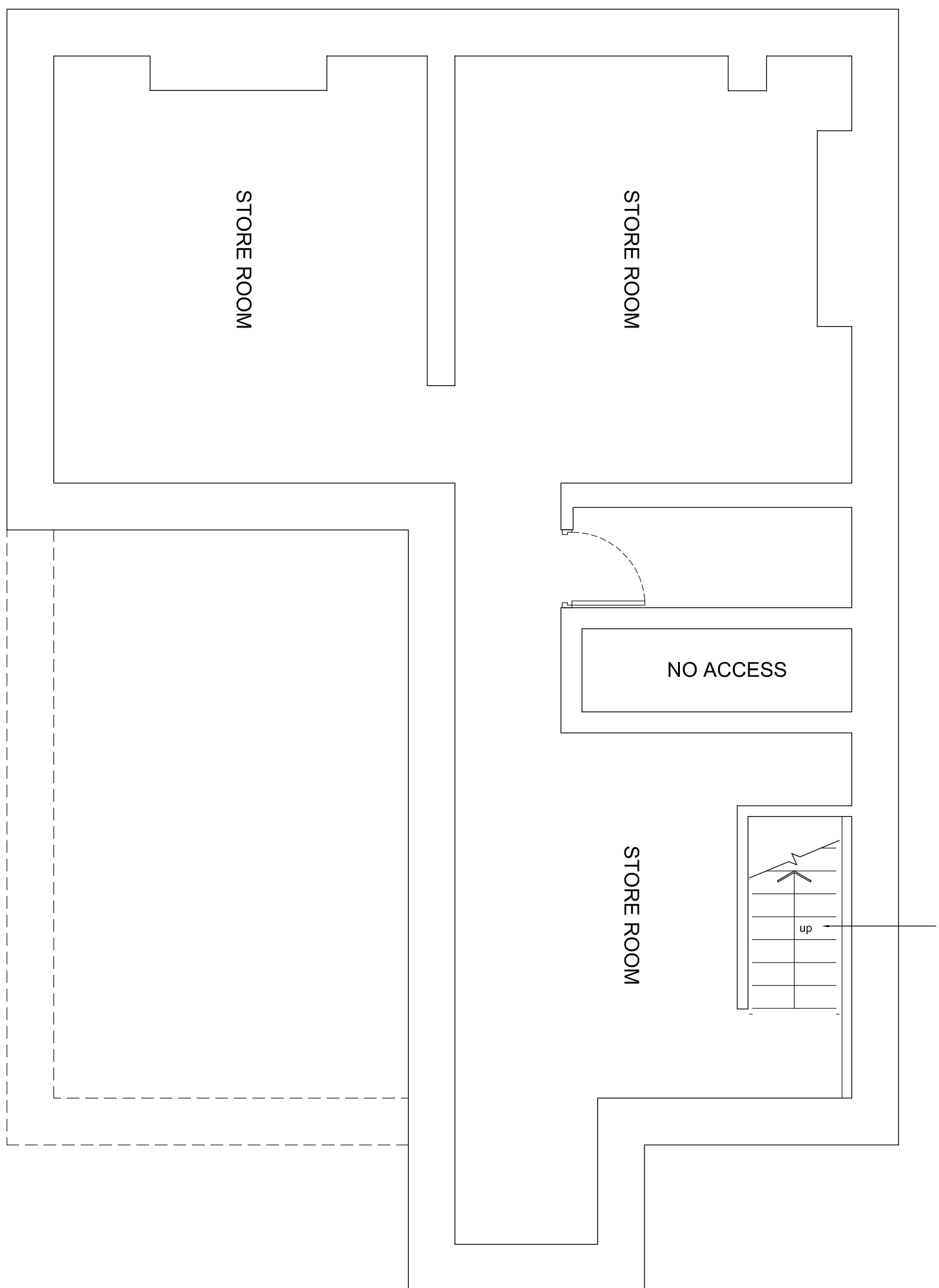


PLANNING ISSUE

GENERAL NOTES

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2. All dimensions are approximate only and are to be checked on site by contract prior to construction.
3. Discrepancies to be reported prior to commencement of work.
4. Do not scale from the drawing, only work to written dimensions.
5. All work to comply with local, national and issued to the entire satisfaction of the Local Authority.
6. Foundations not necessary over boundaries.

PROPOSED BASEMENT FLOOR PLAN
SCALE: 1:50



Existing staircase to basement area to be retained with access from Unit 3.

Existing timber panel fence to be removed and replaced with new 215mm thick brick wall, built off new foundations and to a height 2200mm above external wall for security. -
New brick work to match existing and to Local Authority approval

NEW ENTRANCE DOOR.
New entrance door to be formed in position shown with new
Carrico or similar lintel built in to suit.
Head height of new opening to match existing window. _____
New lintel to be installed all in accordance with manufacturer's
requirements and recommendations.

NEW ROLLER SHUTTER.
New perforated roller shutter, fixed behind new sign board and in accordance with Bolton Council's, Shop Front, Signage & Advertising Supplementary Planning Document.

NEW SIGN BOARD.
New sign board to be all in accordance with Local Authority Signage requirements and recommendations and fixed all in accordance with specialist design and details.

NEW SHIP FRONT SYSTEM.

Existing shop front window openings retained in original position with new shop system installed in existing openings. New shop entrances fitted in position shown with new linings.

New aluminium system is 50 mm aluminium powder coated single glazed, 16 Pilkington 5.0mm laminated glass, with triplepaned glass in critical locations, between linings floor level and 900mm above the level in natural and external walls, and between linings floor level and 1500mm above that level in a door or a window.

Air to comply to BS 6206: 1981 and to Part K of the current Building Regulations and subsequent revisions.

New shop front systems to be in accordance with Samed Council's Shop Fronts, Signage & Advertising Supplementary Planning Document.

NEW ROLLER SHUTTER.
Dashed lines indicate new perforated existing wall with shutter box protrusion requirements and recommendations.

NEW ROLLER SHUTTER. Dashed lines indicate new perforated roller shutter, fixed to existing wall with shutter box protruding, and as per manufacturer requirements and recommendations.

WALL CONSTRUCTION AT CORNER

Existing corner to be infilled with matching brickwork, as shown. New external wall infilling to be constructed in position shown.

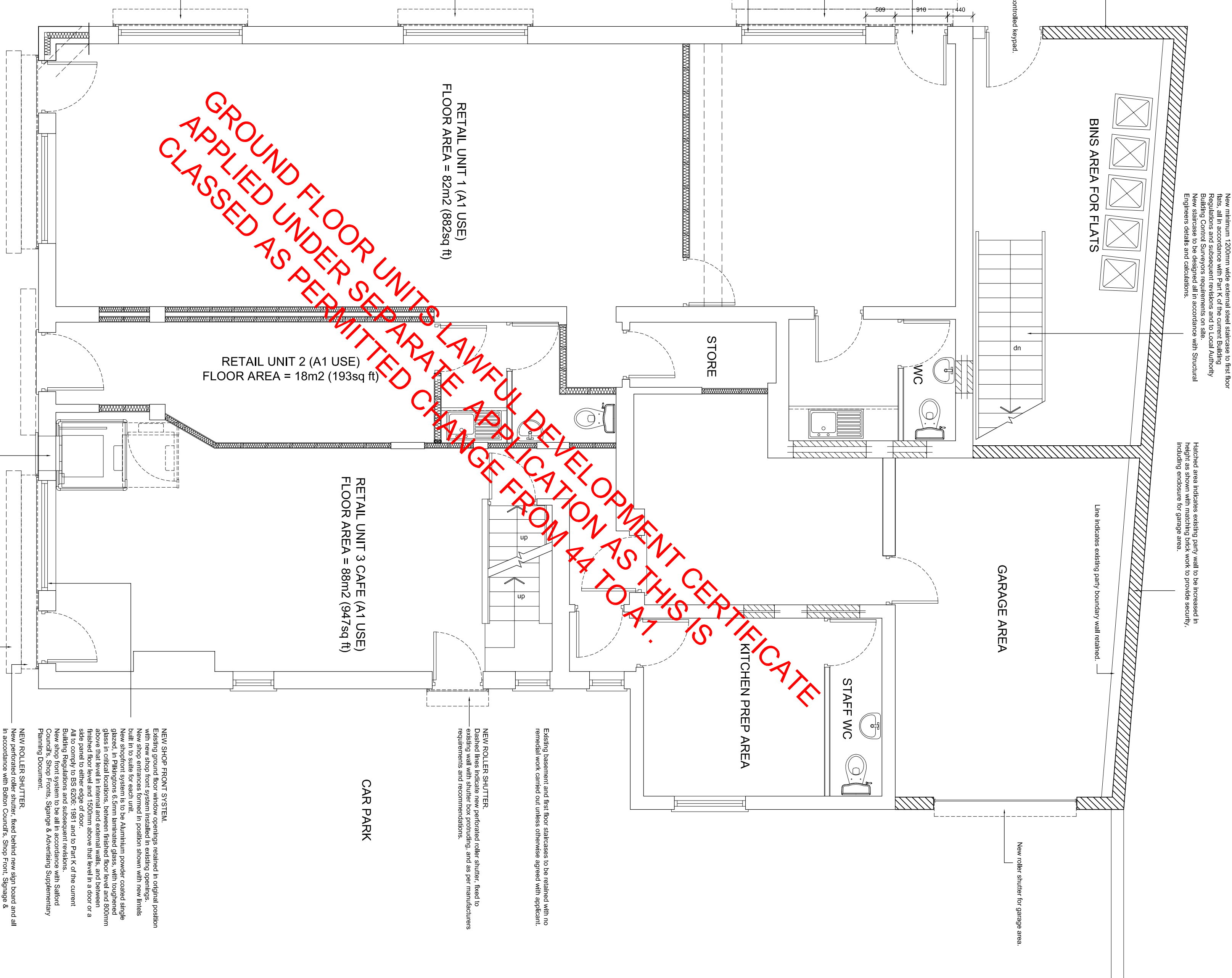
302.5mm cavity construction, 102.5mm thick clay facing bricks, 102.5mm thick concrete leaf, 102.5mm thick cavity insulation or similar existing, 100mm full fill Rockwool 100v cavity insulation or similar approved, with an internal level of 100mm thick Celotex standard or similar approved.

Tied together with 225mm grey double triangle stainless steel ties, with 15mm round plaster and skin finish internally.

The walls to achieve a U value of 0.28(W/m²K), all in accordance with Part L1B of the current Building Regulations and unless otherwise stated.

Wall size shall be installed at 750mm horizontally and 450mm vertically.

New wall to be all in accordance with Local Authority Building Control Surveyors requirements on site.



New minimum 1200mm wide external steel staircase to first floor flat, all in accordance with Part K of the current Building Regulations and subsequent revisions and to Local Authority Building Control Surveyors requirements on site.
New staircase to be designed all in accordance with Structural Engineers details and calculations.

Hatched area indicates existing party wall to be increased in height as shown with matching brick work to provide security including enclosure for garage area.

BINS AREA FOR FLATS

Line indicates existing party boundary wall retained. —

GARAGE AREA

New roller shutter for garage area

PROPOSED GROUND FLOOR PLAN
SCALE. 1:50

GROUND FLOOR UNITS LAWFUL DEVELOPMENT CERTIFICATE
APPLIED UNDER SEPARATE APPLICATION AS THIS IS
CLASSED AS PERMITTED CHANGE FROM A4 TO A1.

RETAIL UNIT 1 (A1 USE)
FLOOR AREA = 82m² (882sq ft)

RETAIL UNIT 2 (A1 USE)
FLOOR AREA = 18m² (193sq ft)

RETAIL UNIT 3 CAFE (A1 USE)
FLOOR AREA = 88m² (947sq ft)

STORE

KITCHEN

Existing basement and first floor staircases to be retained with no remedial work carried out unless otherwise agreed with applicant

NEW ROLLER SHUTTER. Dashed lines indicate new perforated roller shutter, fixed to existing wall with shutter box protruding, and as per manufacturer requirements and recommendations.

NEW SHOP FRONT SYSTEM.
Existing ground floor window openings retained in original position.

NEW ROLLER SHUTTER.
New perforated roller shutter, fixed behind new sign board and as in accordance with Bolton Council's, Shop Front, Signage & Advertising Supplementary Planning Document.

NEW SIGN BOARD:
New sign board to be all in accordance with Local Authority Signage requirements and recommendations and fixed all in accordance with specialist design and details.

PLANNING ISSUE

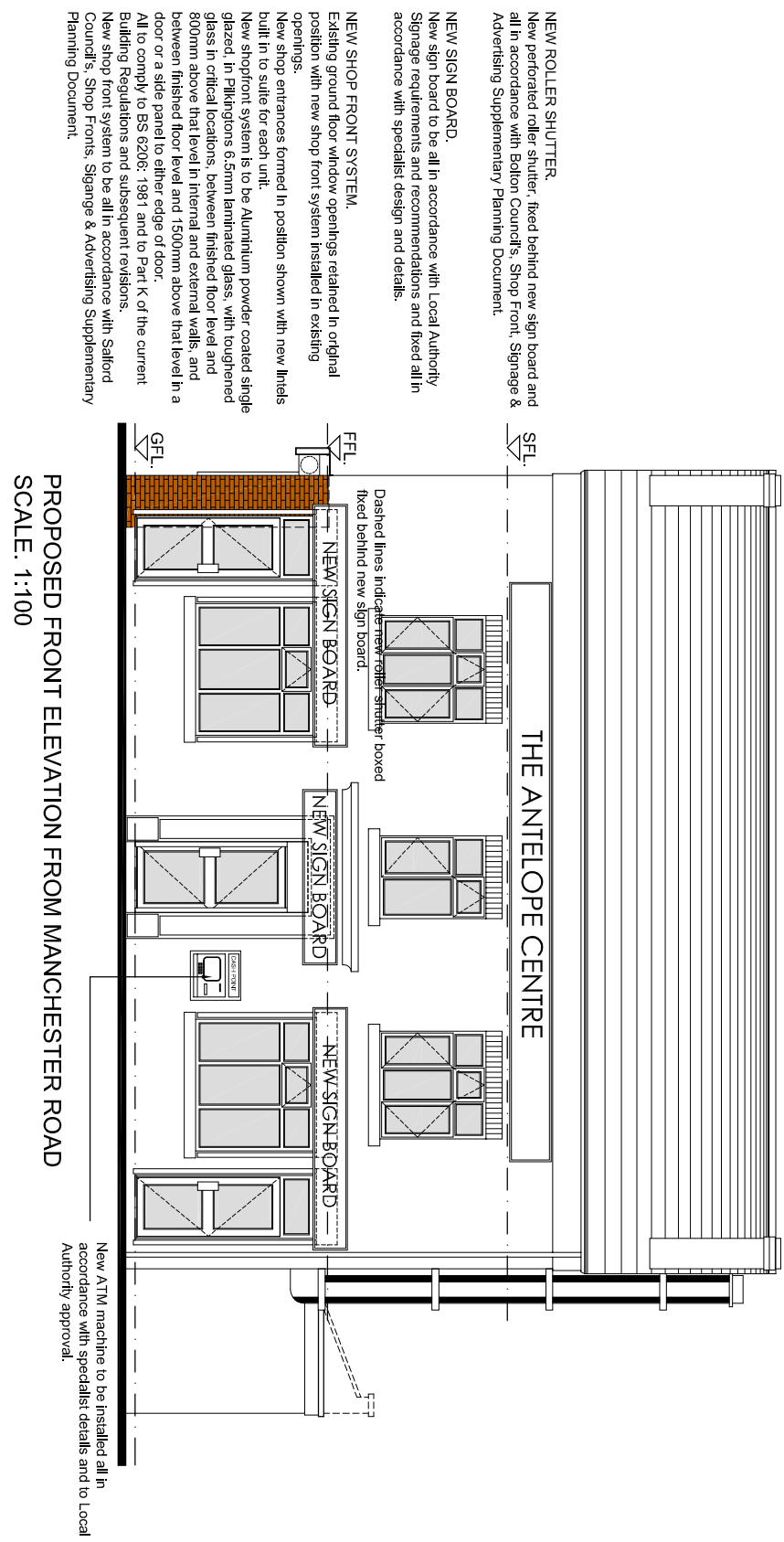
A	APPLICATION FOR REVIEW AND APPROVAL OF RESUBMITTED	1504-15
Administrators		DATE
Y A Architectural Services		
(Unit #9086, Highway Street, Dallas, Texas 75246) Tel: 214-343-1111 Fax: 214-343-1112 E-mail: dallas@yaship.com www.yaship.com		
DRAWN: YAHMED,	SCALE: 1/100	DATE: 06/10/14
CHECKED:		
PROJECT: PROPOSED CHANGE OF USE OF FIRST AND SECOND FLOOR OF THE EXISTING BUILDING AT 1317 P-02A, 2ND FLOOR, TOWNSHIP OF ALBUQUERQUE, NEW MEXICO, AND CITY OF ALBUQUERQUE, NEW MEXICO, FOR THE ADDITION OF CLIMATE CONTROL SYSTEMS TO THE EXISTING CLIMATE CONTROL UNIT.		
MR. NASEEM ADAM AND MISS TASNEM ADAM.		
2ND FLOOR PROPOSED BASEMENT AND GROUND FLOOR PLANS.		
JOB NO.: 1317-P02A		

GENERAL NOTES

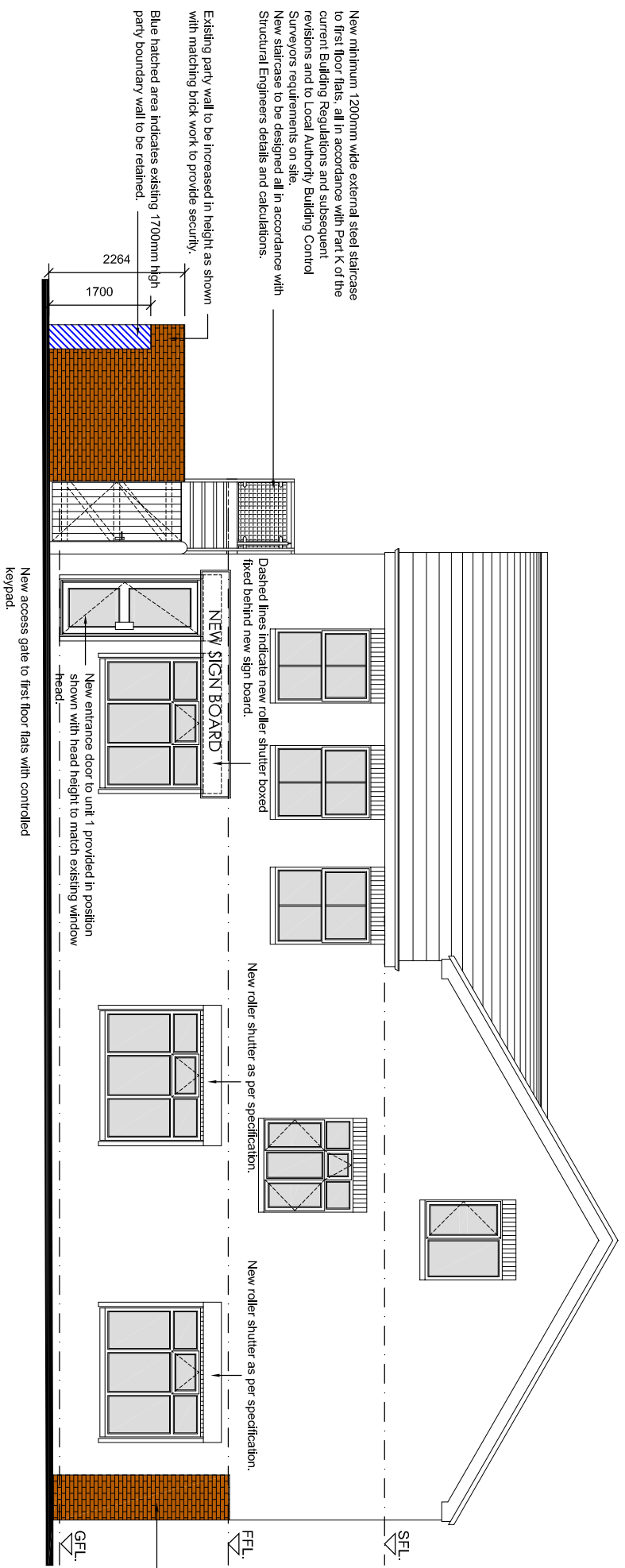
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2. All dimensions are approximate only and are to be checked on site by contractor and any discrepancies to be reported prior to commencement of work.
3. Do not scale from the drawing, only work to written dimensions.
4. All work drawn to be built, joined and tested to the entire satisfaction of the local authority.
5. To comply with current Building Regulations and subsequent revisions.
6. Foundations not in parenthesis over boundaries.

PLANNING ISSUE

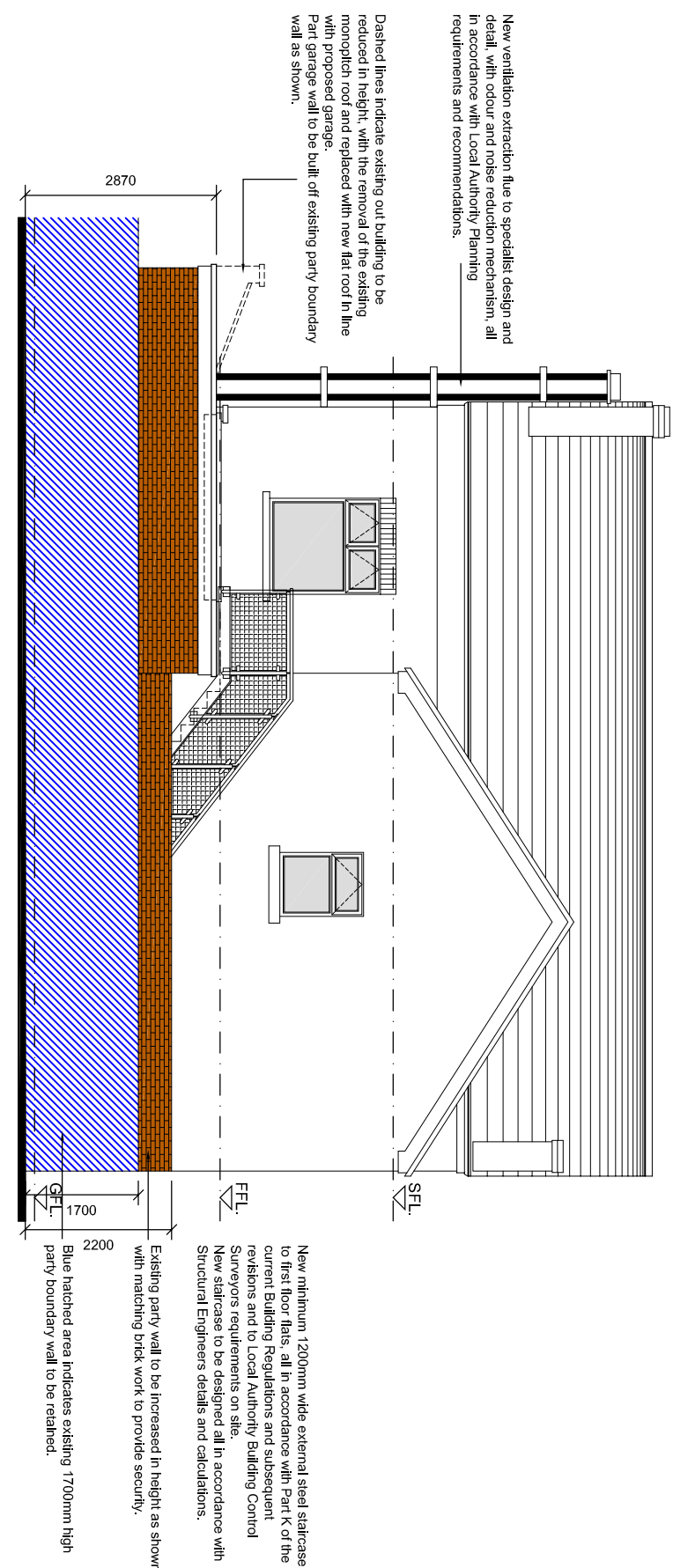
A	PLANNING REVISIONS AND ADDITIONAL REVISIONS	15.04.15
APPROVED		DATE
<p>Y A Architectural Services</p> <p>Unit 10/100, Highbury Station Road, Highbury, London N5 2RA Tel: 020 7613 3333 Email: enquiries@yaship.co.uk www.yaship.co.uk</p>		
DRAWN: Y. AHMED	SCALE: 1:100	
CHECKED:	DATE: 06.10.14	
<p>PARTIAL PROPOSED CHANGE OF USE OF FIRST AND SECOND FLOOR TO TAKE THE EXISTING PART 1 AND 2 FLOOR STAIRS AND STAIRS TO THE EXISTING PART 1 AND 2 FLOOR STAIRS ALTERNATIVE NEW STAIRS AND LIFT SHAFT AT THE EXISTING PART 1 AND 2 FLOOR STAIRS AND LIFT SHAFT CLIMATE NEW KITCHEN AND NEW STAIRS AND LIFT SHAFT</p>		
<p>PROPOSED ELEVATIONS AND SITE PLAN</p>		
<p>JOB NO: 1317-P04A</p>		



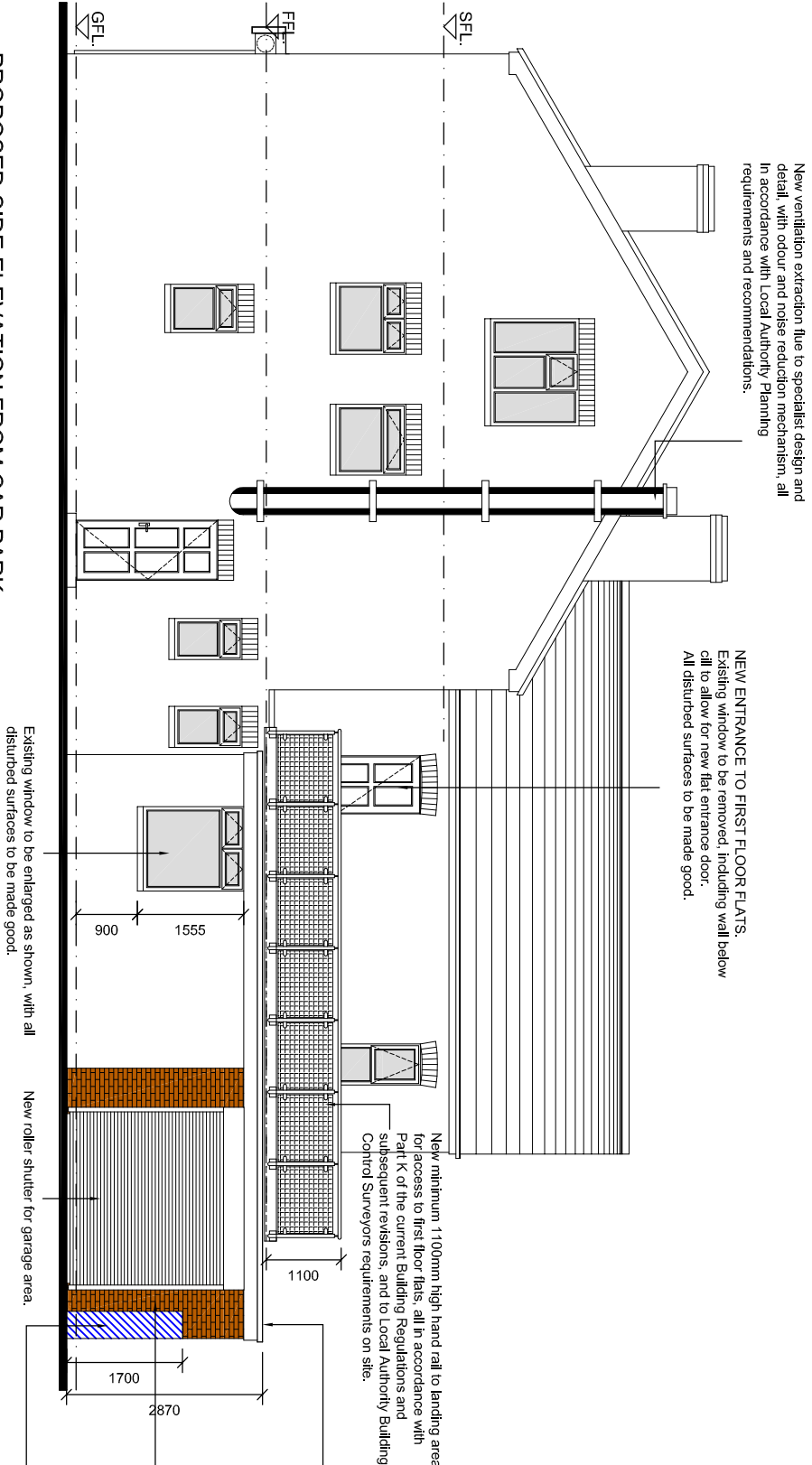
PROPOSED FRONT ELEVATION FROM MANCHESTER ROAD
SCALE. 1:100



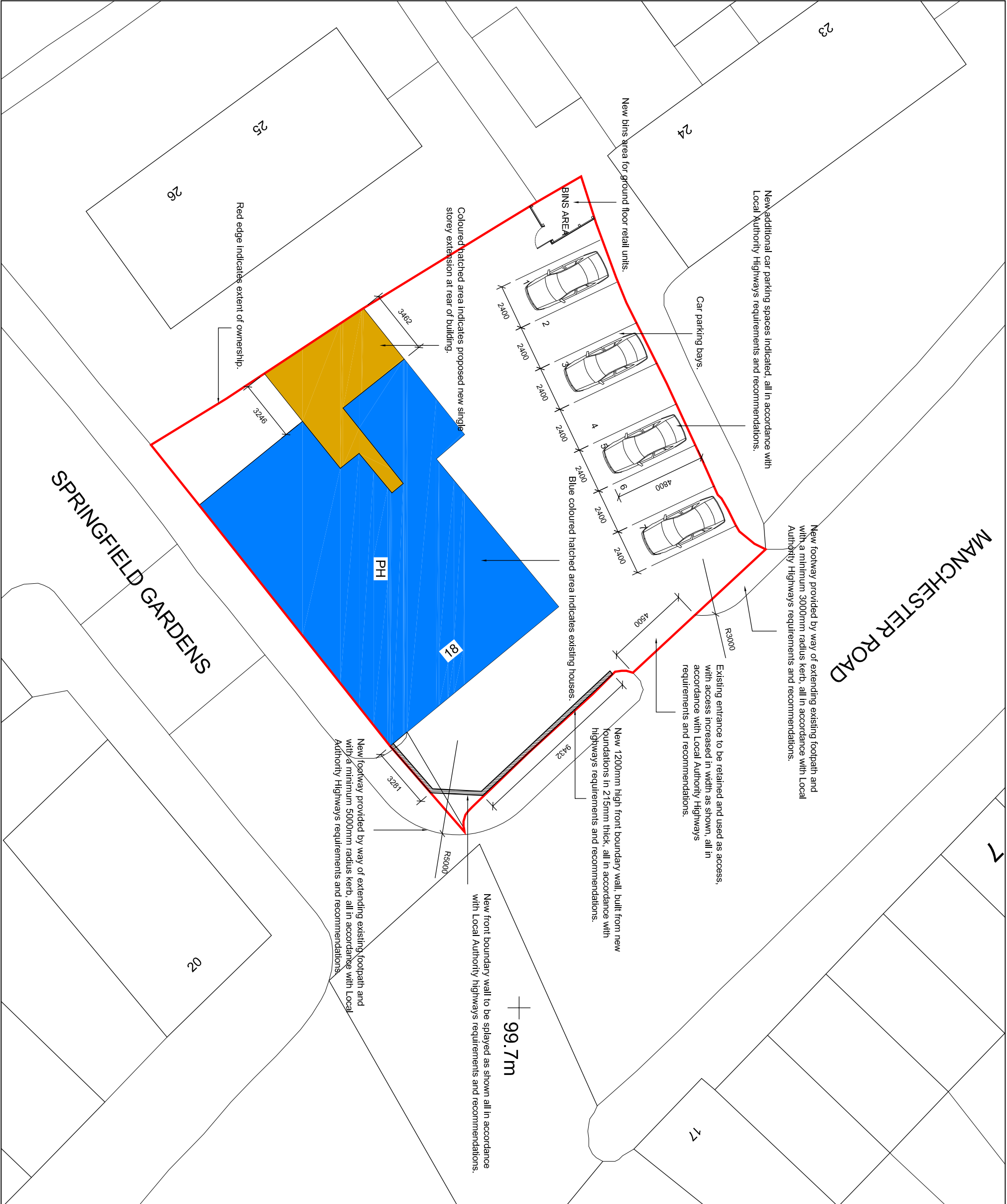
PROPOSED SIDE ELEVATION FROM SPRINGFIELD ROAD
SCALE. 1:100



PROPOSED REAR ELEVATION
SCALE: 1:100

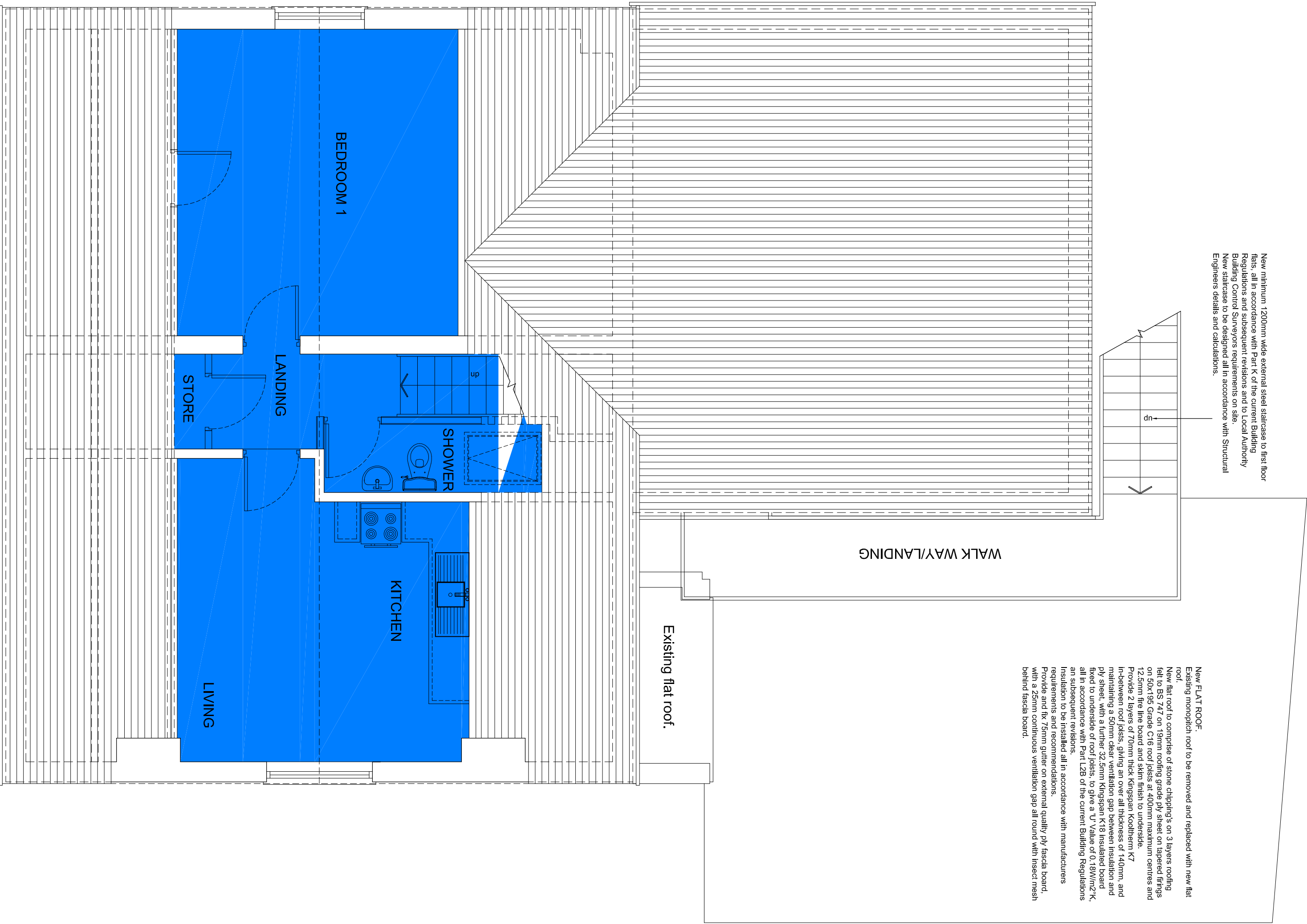


PROPOSED SIDE ELEVATION FROM CAR PARK
SCALE. 1:100



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2. All dimensions are approximate only and are to be checked on site by contractor and any discrepancies to be reported prior to commencement of work.
3. Do not scale from this drawing, only work to written dimensions.
4. All new drains to be laid, joined and tested to the entire satisfaction of the Local Authority.
5. All work to comply with current Building Regulations and subsequent revisions.
6. Foundations not to encroach over boundaries.

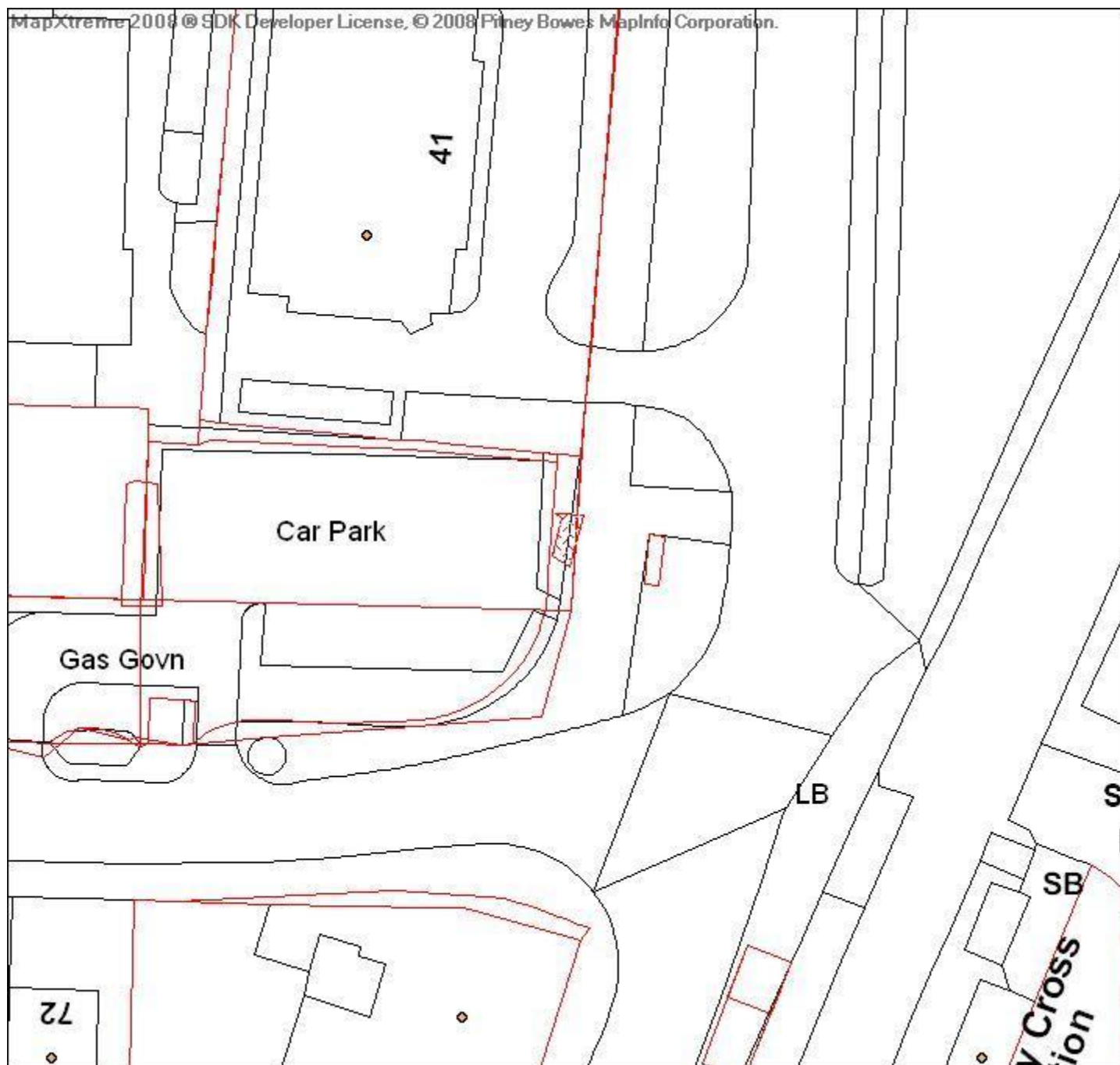


PROPOSED FIRST FLOOR PLAN
SCALE. 1:50

PROPOSED SECOND FLOOR PLAN
SCALE: 1:100

[illegible]

**Application number
94097/15**



**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: 04/06/2015

Application Reference: 94097/15

Type of Application: Prior Notification (all)
Registration Date: 23/04/2015
Decision Due By: 17/06/2015
Responsible Officer: Paul Bridge

Location: GRASS VERGE JUNCTION OF BROMLEY CROSS ROAD AND CHAPELTOWN ROAD, BROMLEY CROSS, BOLTON, BL7 9LY

Proposal: PRIOR NOTIFICATION FOR THE ERECTION OF A 12.0M HIGH TELECOMMUNICATIONS COLUMN WITH ONE OMNI ANTENNA AND INSTALLATION OF 2NO CABINETS - (SITING REVISED)

Ward: Bromley Cross

Applicant: Arqiva
Agent : Daly International (UK) Ltd.

Officers Report

Recommendation: Approve subject to conditions

Proposal

The application is seeking prior notification for the erection of a 14.8m high telecommunications column with installation of two cabinets. The column would consist of 12m mast with a 2.8m high antenna on top and would form part of Arqivas planned smart metering network.

Smart metering is a Government Programme to roll out, between 2014 and 2020, smart electricity and gas meters to homes and small business across Great Britain. The smart meter initiative is key part of the Governments programme to cut greenhouse gas emissions, decarbonise the economy and support the creation of new green jobs and technologies.

Smart meters will offer more accurate and real time information to customers on their energy consumption.

In this case, it is for the Local Planning Authority to consider in this instance, only the siting and appearance of the development.

Site Characteristics

This application relates to land on Chapelton Road close to the junction with Bromley Cross Road. Opposite the site is Bromley Cross Train Station and associated infrastructure. Directly to the rear of the site is a small car park, beyond which is Turton High School. On the opposite side of the junction is the Railway Public House. There is some existing telecommunications equipment located on the pavement south east of the application site on the opposite side of Chapelton Road.

Policy

National Planning Policy Framework 2012

Core Strategy Policies CG3 The Built Environment, CG4 Compatible Uses, P5 Accessibility, S1 Safe Bolton, OA5 North Bolton.

Planning Control Policy Note No. 25 - Telecommunications.

Analysis

Section 5 of the NPPF sets out the Government's general overview regarding supporting high quality communications infrastructure. Paragraph 42 states that, "Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services." Further to this paragraph 43 states, "local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. They should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network."

Applications for Prior Approval must be considered on siting and appearance grounds only. Policies in the Development Plan relating to siting and appearance are relevant. Applications which are acceptable in siting and appearance terms and comply with the provision of the Development Plan, should be granted Prior Approval. Similarly applications which are unacceptable in siting and appearance terms, and which are contrary to the provisions of the Development Plan, should be refused Prior Approval.

It is therefore necessary to decide whether this application is acceptable in terms of siting and appearance, with due regard being had to relevant Development Plan policies. The Government's policy is to facilitate the growth of new and existing telecommunications systems. (NPPF)

Siting and Appearance

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 OA5 of the Core Strategy relates specifically to development in North Bolton and states that the Council will conserve and enhance the character of the existing physical environment, and will require special attention to be given to the massing and materials used in new development.

The siting, scale and external appearance of the apparatus, and any associated landscaping, have been designed to minimise, eliminate or mitigate negative impact on amenity, visual intrusion.

The proposal would comprise of a 14.8m high telecommunications column with installation of two cabinets located directly adjacent at ground level. The column would be of slimline appearance and the associated equipment cabinets would be of a comparable design, scale and mass to other telecommunications equipment cabinets and traffic control equipment housing. The application site is dominated by infrastructure on the busy Chapeltown Road, including tall street lights, trees and traffic signage. There is also existing telecommunications equipment located on the pavement south east of the application site on the opposite side of Chapeltown Road, a short distance away, which would be seen in most views of the application site.

Phone masts and other electronic telecommunications equipment have become an integral part of the urban environment and the verge of a busy road is the sort of location one would expect to see

them. In light of this, the Local Planning Authority concludes that the proposal, which would be of a similar height as the existing mast in the vicinity and other street furniture, it would not be inappropriately prominent or intrusive and would thus not cause significant harm to the character or appearance of the area and is therefore considered to be acceptable.

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.

Although it may be visible to some residents on Bromley Cross Road and its presence may irk them, the Local Planning Authority is satisfied that the proposal would not materially harm the level of amenity of the neighbouring residents can reasonably expect to enjoy.

Health Considerations

The Central Government view is that if the output levels of the proposed equipment are below the guidelines recommended by the International Commission on Non-Ionizing Radiation Protection, there should be no need for further consideration on health grounds. Para 46 of the NPPF requires that local planning authorities should not determine health safeguards if the proposal meets International Commission guidelines for public exposure.

Operators should provide Local Planning Authorities with ICNIRP compliance statements. The applicant has provided an ICNIRP compliance statement for this application. Officers consider the health risks to therefore be acceptable.

Technical Justification

Paragraph 46 of the NPPF states that local planning authorities should not question the need for telecommunications systems. The sharing of base stations between multiple operators is one of the key strategic policy principles contained within the NPPF. As this application is concerned with a new site sharing options have been investigated by the applicant. Sufficient justification and information has been provided in support of the proposal technically to the satisfaction of the Local Planning Authority.

Consideration of Alternative Sites and Mast Sharing

Para 45 of the NPPF requires that applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include, for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

The information submitted with the application details that other masts and standalone site have been explored and discounted for a number of satisfactory reasons. It is considered that the applicant has undertaken sufficient investigation in relation to site selection and it is considered to be acceptable.

Pedestrian Safety/Highway Safety

The proposal would be located close to the junction with Chapeltown Road and Bromley Cross Road. The applicants have been in discussions with the Council's Highway Engineer prior to the submission of this current application. It is considered that the proposed equipment does not lie in the visibility splay zone and therefore would not obstruct the drivers view emerging from the minor road to the priority road, consequently it would not hinder the right of passage for pedestrians and highway

users in accordance with Core Strategy Policy S1. Highways have been consulted and have no objections to the proposal.

Conclusion

The Government through the NPPF views an advanced high quality communications infrastructure as being essential for sustainable economic growth. They play a vital role in the local community and offer services. For the reasons described above it is concluded that the siting and appearance of the telecommunications equipment is acceptable and in accordance with National and Local planning policy and guidance.

Representation and Consultation Annex

Representations

Letters:- One letter has been received from a local resident who has raised the following concerns:-

- * Note that engineers have already excavated the site ready for installation;
- * There is already a 12 metre telecommunications mast at this junction on the pavement outside Bromley Cross railway station with a number of large green communications boxes;
- * A mast is also being erected just down the road at the former Hollands Garden Centre;
- * We will have three masts within a very short distance of each other;
- * The new mast is unnecessary and could be accommodated within an existing mast;
- * It will be an eyesore;
- * It will create excessive radiation problems to the inhabitants and numerous young school children who pass everyday;
- * Why can't it be located elsewhere on spare land?

A letter sent to Turton High School from the objector has also been forwarded on.

Consultations

Advice was sought from the following consultees: The Council's Telecommunications Consultant and Highways.

Planning History

Application 93496/15 for the prior notification for the erection of a 14.8m high telecommunications column with the installation of 2 cabinets was withdrawn by the applicant in March 2015. This mast was to be sited closer to the road.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

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

301341-00-004-ML001 Rev.A; "Location Plan"; dated 19/12/14
301341-01-100-MD001 Rev.A; "Site Plan Proposed"; dated 17/12/14
301341-01-150-MD001 Rev.A; "Elevation Proposed"; dated 17/12/14

Reason

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



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O.S. LANDRANGER MAP
No. 109

CONTRACTOR:- DALY INTERNATIONAL

CONSULTANT:- DALY INTERNATIONAL
FAIRBANK HOUSE
ASHLEY ROAD
ALTRINGHAM, CHESHIRE
WA14 2DP

ENGINEER:- JOHN STOCKDALE
0161 941 5481
john.stockdale@dalyinternational.com

DRAWING
MANAGER:- JOHN BOOTE
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john.boote@dalyinternational.com

PROJ No			
PROJ No			
PROJ No			
PROJ No			
PROJ No	145129		
A	PLANNING ISSUE	19/12/14	DAL
ISS	REVISION	DATE	DRN APP

arqiva

Crawley Court, Winchester, Hampshire, SO21 2QA
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SITE No 301341
SM_BL002
CHAPELTOWN ROAD - STREET TWO
HIGHWAY VERGE
CHAPELTOWN ROAD
BOLTON, GREATER MANCHESTER
BL7 9LY

NGR SD 72902 13168

OS GRID 372902 413168

TITLE
LOCATION PLAN

SCALE SEE DRAWING

DRAWN DAL 20/11/14

APPROVED

DRG No. Sheet 1 of 1 Rev

301341-00-004-ML001 A

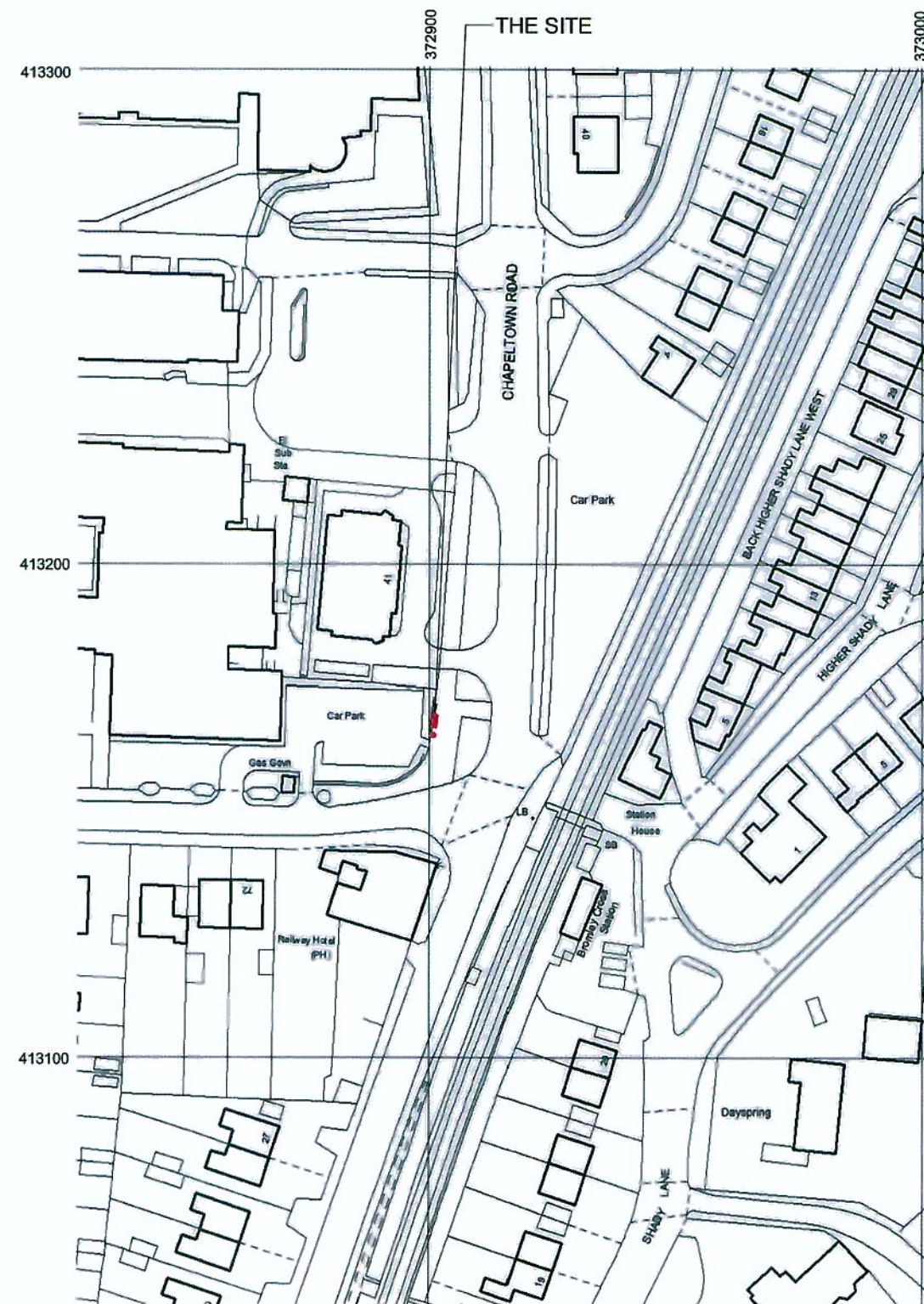
A3

THE SITE



LOCATION PLAN
SCALE 1:50,000

THE SITE



LOCATION PLAN
SCALE 1:1250

PROPOSED ANTENNA DETAILS

I.D. No.	ITEM	TYPE / SIZE	BEARING	MEAN HEIGHT	FEEDER LENGTH	FEEDER TYPE	No. OF FEEDERS	RET
TBC	1	AMPHENOL JAYBEAM 75887XX	OMNI	13.4m	15.5m	LDF4-50	1	NO
TBC	2	GPS ANTENNA	OMNI	11.0m	13.5m	CNT400	1	NO

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NOTES

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PROJ No.			
PROJ No.			
PROJ No.			
PROJ No.			
PROJ No.	145129		
A	PLANNING ISSUE	17/12/14	DAL
ISS	REVISION	DATE	DRN APP

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CHAPELTOWN ROAD
BOLTON, GREATER MANCHESTER
BL7 9LY

NGR SD 72902 13168

OS GRID 372902 413168

TITLE
ELEVATION
PROPOSED
ARQIVA SMART METERING

SCALE 1:100

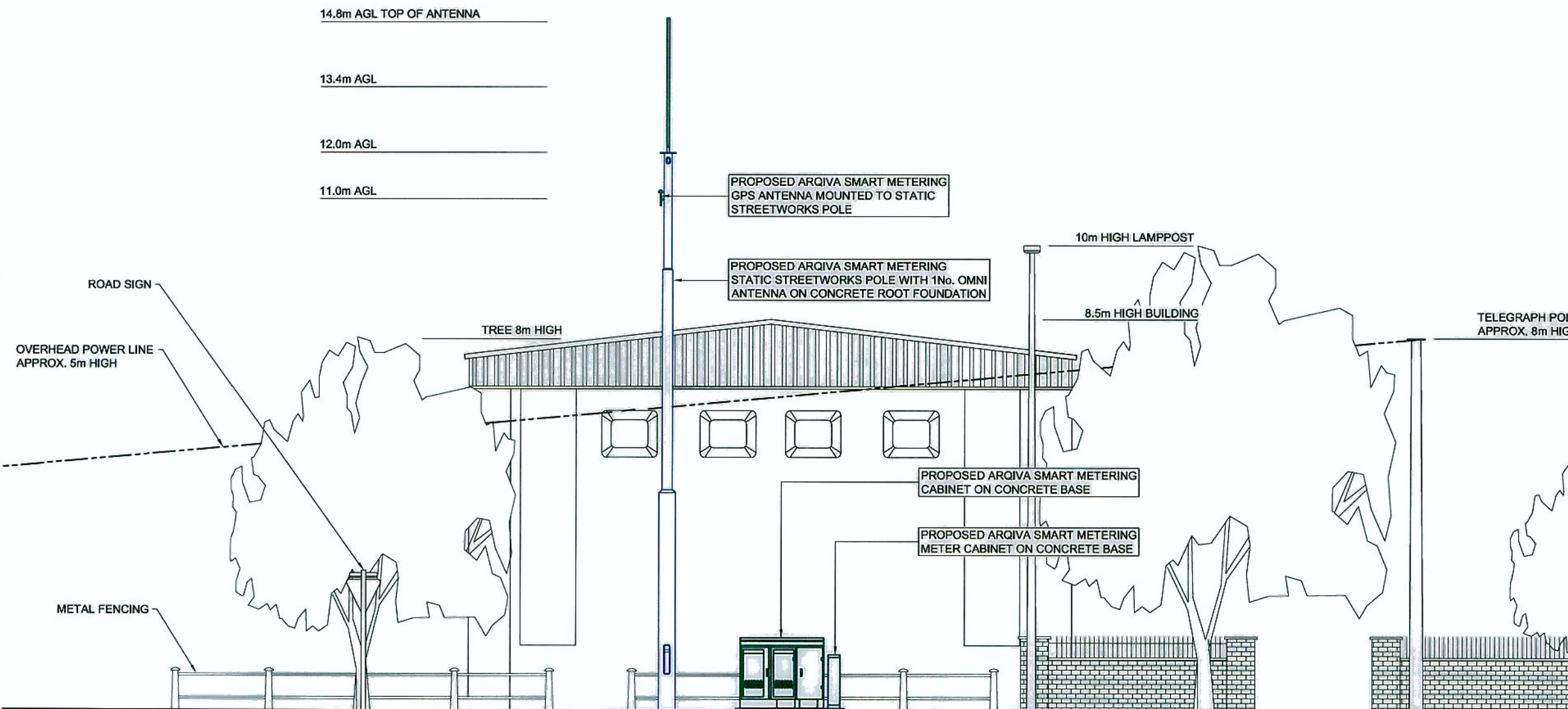
DRAWN 20/11/14

APPROVED

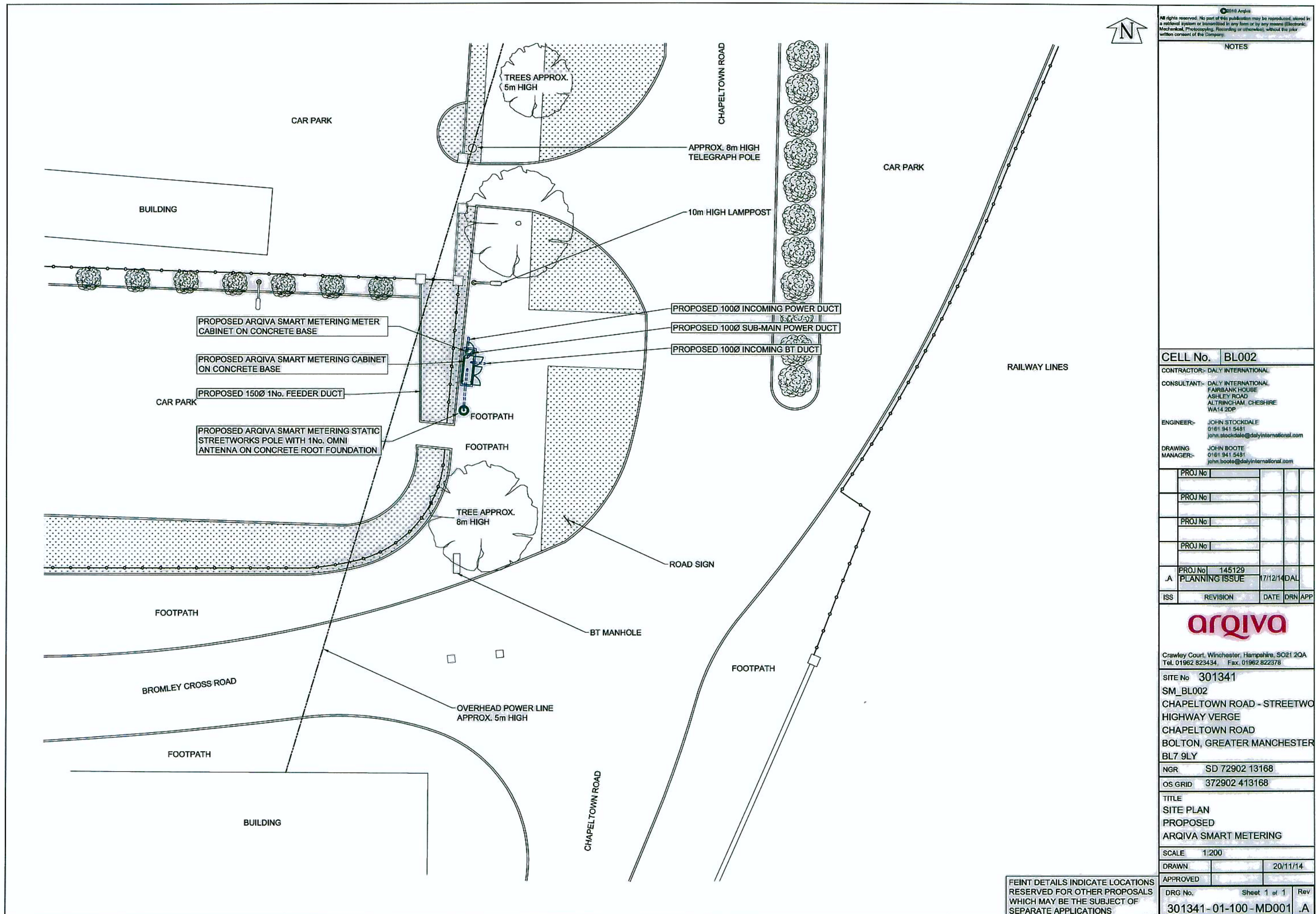
DRG No. Sheet 1 of 1 Rev

301341-01-150-MD001 .A

FEINT DETAILS INDICATE LOCATIONS
RESERVED FOR OTHER PROPOSALS
WHICH MAY BE THE SUBJECT OF
SEPARATE APPLICATIONS



EAST ELEVATION



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PROJ No			
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PROJ No	145129	17/12/14	DAL
ISS	REVISION	DATE	DRN APP

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 HIGHWAY VERGE
 CHAPELTOWN ROAD
 BOLTON, GREATER MANCHESTER
 BL7 9LY

NGR SD 72902 13168

OS GRID 372902 413168

TITLE
 SITE PLAN
 PROPOSED
 ARQIVA SMART METERING

SCALE 1:200

DRAWN 20/11/14

APPROVED

DRG No. 301341-01-100-MD001 **Sheet 1 of 1** **Rev** A

Memo

To	S.Coles	Date	27.4.2015
From	Matthew Rainer	Extension	4027
Subject	Objection to the Bolton(26 Lostock Junction Lane, Lostock)Tree Preservation Order 2015.		

Further to letter of objection dated 20th February from ACS Consulting access was obtained to the site on 22nd April to undertake a detailed inspection.

The Tree Preservation Order is objected to on three grounds:-

1. That it is not expedient in the interest of amenity.
2. The order is inaccurate and cannot be relied upon.
3. The order contains specimens that do not merit protection by virtue of their past management or other issues.

I would respond to these issues as follows:-

1. The trees are considered to be of amenity and are visible to the general public. Being on a corner plot the trees are visible on both Briksdal Way and Lostock Junction Road. Along Lostock Junction Road they are visible for a distance of at least 150 metres northwards and 120 metres southwards. On Briksdal Way they are visible at least 90 metres from the property boundary. The majority of properties on Lostock Junction Road have Tree Preservation Orders protecting various trees within their grounds with similar visibility. The plot is of a generous size and the planting around the periphery does not exclude reasonable and proper enjoyment of the garden areas.
2. I would confirm that some errors have been made in the schedule of the Tree Preservation Order and this will require correcting to avoid any confusion.
I would also note that there some errors on the tree survey undertaken by ACS Consulting.T4 is a dead Cedar and not a Spruce.T12 is a Sycamore and not a Horse Chestnut. T20 is a Rowan and not a Cherry. T21 is a Flowering Crab and not a Cherry.T22 is a Whitebeam.T28 is a Flowering Crab and not a Cherry.

The schedule for G2 describes a group consisting of 2 Beech, 3 Cherry, 1 Willow, 2 Lime, 2 Whitebeam and 1 Rowan.

The schedule should have read a group consisting of 2 Beech, 5 Cherry, 1 Willow, 2 Lime, 1 Whitebeam, 1 Flowering Crab and 1 Rowan.

It is accepted there is only one Ash tree in Group 3.

3. The topping of a number of trees had been noted when considering the Tree Preservation Order. Whilst it is agreed that topping is not considered conducive to good management the topping has not been undertaken of large limbs but higher in the canopy with smaller diameter branches which are less prone to major decay. Such topping if not repeated often leads to recovery of the tree without major weaknesses developing.

In respect to the condition of some of the trees it is accepted that the Whitebeam T22 has been damaged by fire and requires excluding from the order. Equally the Lime T18 has defects that make it unsuitable for preservation.

The Cherry trees are variable in their quality but are considered to have a life expectancy in excess of 10 years and collectively add to the collective value of the boundary line of trees. Clearly if defects arise in any of the trees that warrants tree surgery or removal in the interest of safety this would be considered as part of an application for tree works.

Conclusion

In conclusion it is considered that the trees are of amenity to the area. A number of trees within the site are not considered worthy of protection due to limited visibility or due to their condition these have been omitted from the order. The order has errors within the schedule and therefore the plan and schedule have been revised to remove these and it is also adjusted to remove the Whitebeam T22 and Lime T18 from the order.

Matthew Rainer
Tree and Woodland Manager

Tree and Woodland Section
Environmental Services
Wellington House
Wellington Street
BL3 5 DX



Memo

To	J.Isherwood, Planning Control	Date	30.4.2015
From	Matthew Rainer	Extension	4027
Subject	Proposed Tree Preservation Order, 26 Lostock Junction Lane, Lostock, Bolton.		

Further to the objection to the order a revised plan and schedule is recommended.
The trees are as follows:-

T1 Lime

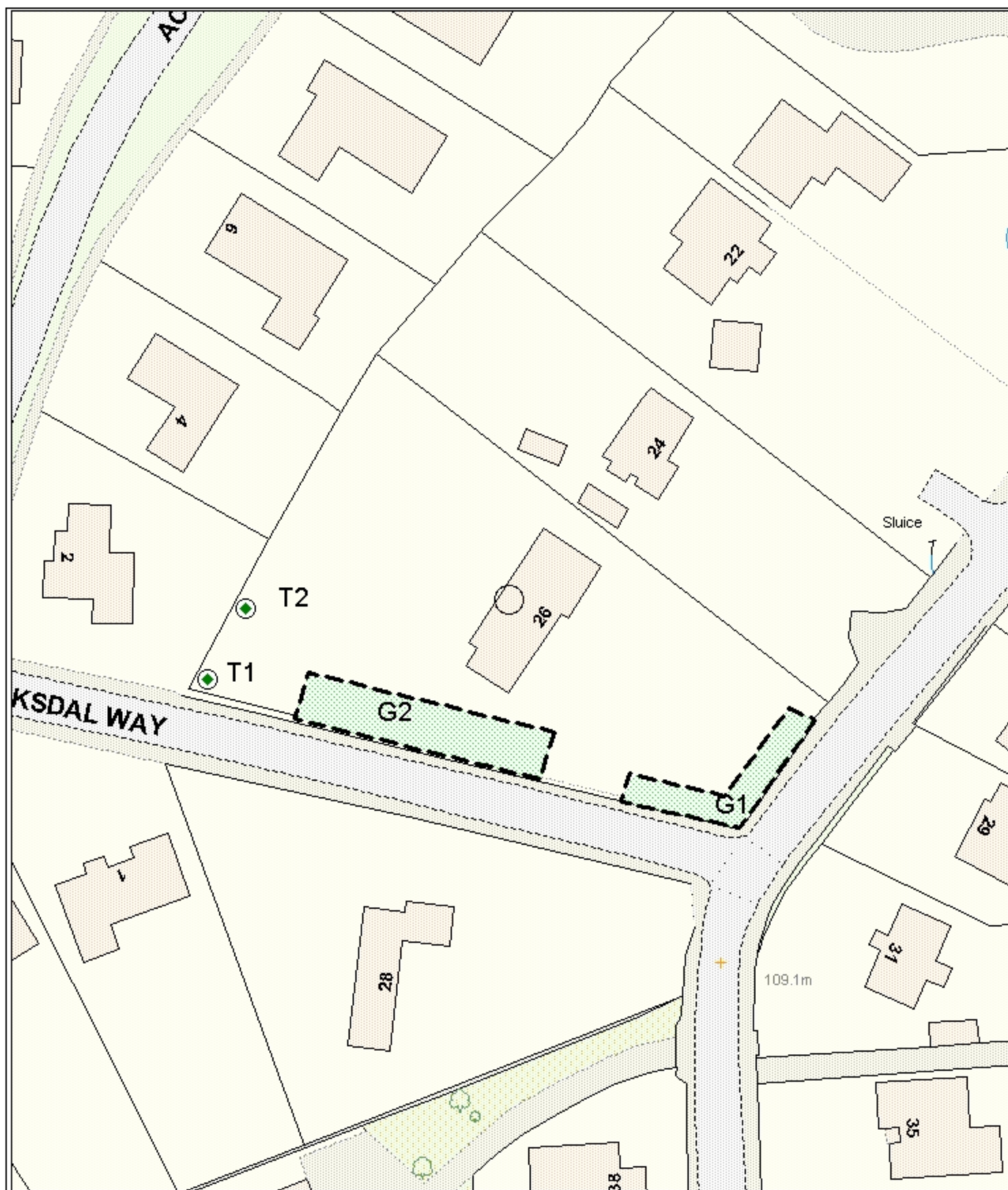
T2 Ash

G1 Group consisting of 1 Oak ,1 Cedar, 2 Beech and 2 Cherry.

G2 Group consisting of 3 Cherry, 1 Willow, 1 Beech, 1 Rowan and 1 Flowering Crab.

Notice should be served on the owners of 26 Lostock Junction Lane and 2 Acresdale.

Matthew Rainer
Tree and Woodland Manager



**BOLTON METRO
ENVIRONMENTAL SERVICES
TREE AND WOODLAND SECTION
ELLESMERE HOUSE**

TITLE: Revised Tree Preservation Order
26 Lostock Juncton Lane

SCALE NTS **DATE** 29.4.15 **AUTHOR** MR

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