

Application No.

92317/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
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Date of Meeting: 25/09/2014

Application Reference: 92317/14

Type of Application: Full Planning Application
Registration Date: 30/06/2014
Decision Due By: 24/08/2014
Responsible Officer: Jeanette Isherwood

Location: POPLARS FARM, WINGATES LANE, WESTHOUGHTON, BOLTON, BL5 3LS

Proposal: CONVERSION AND ALTERATIONS OF FORMER FARM BUILDING TO TWO DWELLINGS (3NO & 4NO BEDROOMS), TOGETHER WITH LANDSCAPING WORKS, SHARED DRIVE AND PARKING

Ward: Westhoughton North

Applicant: Mrs A Hacking
Agent : ARCHITECTURAL DESIGN PARTNERSHIP

Officers Report

Recommendation: Approve subject to conditions

Proposal

The application proposes the conversion of existing farm buildings to two dwellings. As part of the proposal the existing workshop and store will be demolished and partially rebuilt on a smaller footprint. Alterations to the existing elevations are proposed to accommodate the residential use of the buildings.

One integral garage and six parking spaces are to be included within the curtilage of the new properties.

Site Characteristics

The site essentially comprises a group of redundant farm buildings located in the grounds of Poplars Farm. Access is taken via a partially cobbled farm track leading off Wingates Lane into the courtyard serving Poplars Farm. To the right of the courtyard are small kennels/pens.

To the north west of the site is the main farmhouse, a two storey, white rendered property. This property has large private gardens to the side (north of the site) with an extensive patio area to the rear. To the north, south and east the property is surrounded by open farmland, with the nearest residential properties sited some considerable distance away.

All of the farm buildings are surrounded by grassland. The land is level in the main with some mature trees being located along to the north of the application site.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.1 Urban Biodiversity; CG1.5 Flooding; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA3 Westhoughton.

Saved UDP Policies: G1, G2, G3 Green Belt;

PCPN2 Space Around Dwellings;

PCPN10 Planning Out Crime.

PCPN15 - The Conversion of Traditional Buildings in the Countryside.

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 purposes and visual amenities of the Green Belt
- * impact on residential amenity
- * impact on the highway
- * impact on biodiversity

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.

The largest of the plots at 'B' includes the reduction in the overall footprint of the building due to the demolition of the block and render single storey workshop/store. The addition of the two storey side element although newly built will occupy less than a third of the floor space of the original building giving a more compact appearance to the second property.

The smaller property at 'A' does include the infilling of the open void below the hay loft canopy linking the two buildings with the further addition of a small first floor extension over the existing ground floor. Although these add volume to the development, they will be constructed within the existing footprint

Whilst the site is located within the Green Belt it does contain large buildings and is also adjacent to an existing residential property. Whilst not being located within a wholly built

up area, the site is not considered to be so isolated that conversion of these buildings to residential in this location would unduly affect the character and appearance of the area. The buildings are existing and their conversion would not unduly affect views into and out of the site.

The proposal is considered to comply with Policy CG3.

Impact on the Purposes and Visual Amenities of the Green Belt

National Green Belt policy is contained within section 9 of the National Planning Policy Framework (NPPF). It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 90 of the NPPF states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include [amongst other things] the re-use of buildings provided that the buildings are of a permanent and substantial construction.

Saved UDP Policy G2 states that the Council will not permit inappropriate development in the Green Belt and lists exceptions to this, reflective of the guidance within the NPPF. Policy G2 goes on to state that, in all cases, development should not prejudice the purposes and visual amenities of the Green Belt by reason of its scale, design and siting.

The land is previously developed and occupied by existing farm buildings that have been in-situ for a considerable period of time. Officers are of the view that their conversion to residential represents an appropriate re-use of these redundant buildings, that would not unduly affect the openness of the Green Belt and would also contribute to the borough's housing supply which is to be afforded significant weight. Their conversion would ensure that the buildings are retained and do not fall into disrepair. Saved policy CG3 allows for the re-use and conversion of existing buildings within the Green Belt to residential. By virtue of contributing to the boroughs' housing supply, ensuring the continuity and re-use of the existing and the fact that as the buildings already exist, this site is preferable to a new site where no buildings exist. These considerations are considered to represent special circumstances that allow for residential conversion within the Green Belt.

Impact on residential amenity

Policy CG4 aims to ensure that new development is compatible with surrounding land uses and occupiers and protects amenity.

Each property is afforded a satisfactory amount of amenity space.

The development does not move closer to the existing farm house and relevant interface distances are met. Officers do not consider that there would be any unacceptable impacts upon the existing occupiers within the locality nor future occupiers of the proposed dwellings. The proposal complies with PCPN2 and Policy CG4.

Impact on the highway

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

Bolton Council's Highway Engineers have been consulted and have no objections to the proposal.

The level of parking provided meets the requirements of Appendix 3 of the Bolton Core Strategy. The proposal would not generate significant levels of traffic to warrant refusal of the application. The proposal complies with policies S1, P5 and Appendix 3 of the Bolton Core Strategy.

Impact on Biodiversity

Policy CG1.1 of the Core Strategy states that the Council will safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value; or its contribution to green infrastructure, reducing flood risk and combating climate change.

A bat assessment of the buildings proposed for development was provided with the application. This has assessed all buildings as having at most low bat roosting potential and recommended that no further surveys are required.

Although evidence of birds nesting was found in at least one building a condition will be added to the approval recommended by the Ecology Unit for the protection of any such species.

It is therefore considered that the proposed development will safeguard biodiversity on the site, compliant with Policy CG1.2 of the Core Strategy.

Conclusion

For the reasons discussed above it is considered that the proposed development would not harm the openness of purposes of the Green Belt, would not harm the character and appearance of the existing building or the surrounding area, would not jeopardise highway safety and would not unduly harm the amenity of neighbouring residents. It is therefore considered that the proposal is fully compliant with policy.

Members are recommended to approve this application subject to conditions.

Representation and Consultation Annex

Representations

Letters - One letter of support has been received.

Westhoughton Town Council:- Raised objection as the site is within the Green Belt.

Consultations

Advice was sought from the following consultees: Highways, Greater Manchester Ecology Unit, Environment Agency.

Planning History

None relevant.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

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

Reason

To ensure the development is safe for use.

3. Prior to the commencement of development, including demolition, the applicant shall survey the site for evidence of Great Crested Newts. A report shall be submitted to and approved in writing by the Local Planning Authority containing appropriate protection measures (if required). The approved protection measures should be implemented in full and retained thereafter.

Reason

To safeguard the habitats of protected species.

4. No building works shall commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no bird nests are present which has been agreed in writing by the local planning authority.

Reason

To safeguard the habitats of protected species.

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

Drawing numbers 509/2-5

Reason

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

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

Reason

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, fences, gates, walls, soil stacks, waste pipes (other than rainwater pipes), meter boxes, central heating or biomass heating flues, solar PV, solar thermal, wind turbines, satellite dish(s), TV or radio antenna, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

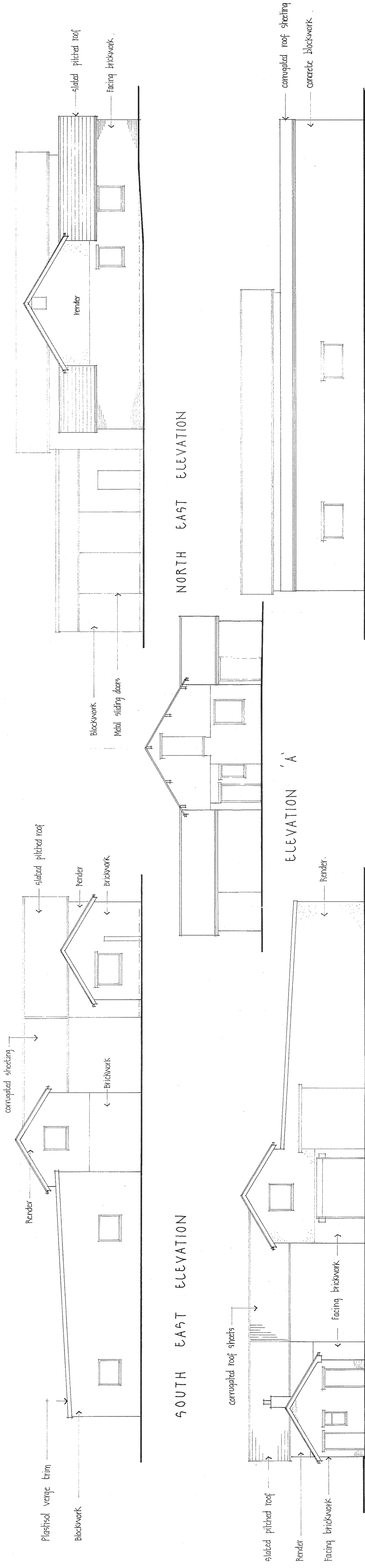
Reason

To safeguard the character and appearance of the dwelling and Green Belt

9. The curtilage of the property is being treated for planning purposes as that defined on the approved drawing ref: 509/4.

Reason

For the avoidance of doubt as to what is permitted.



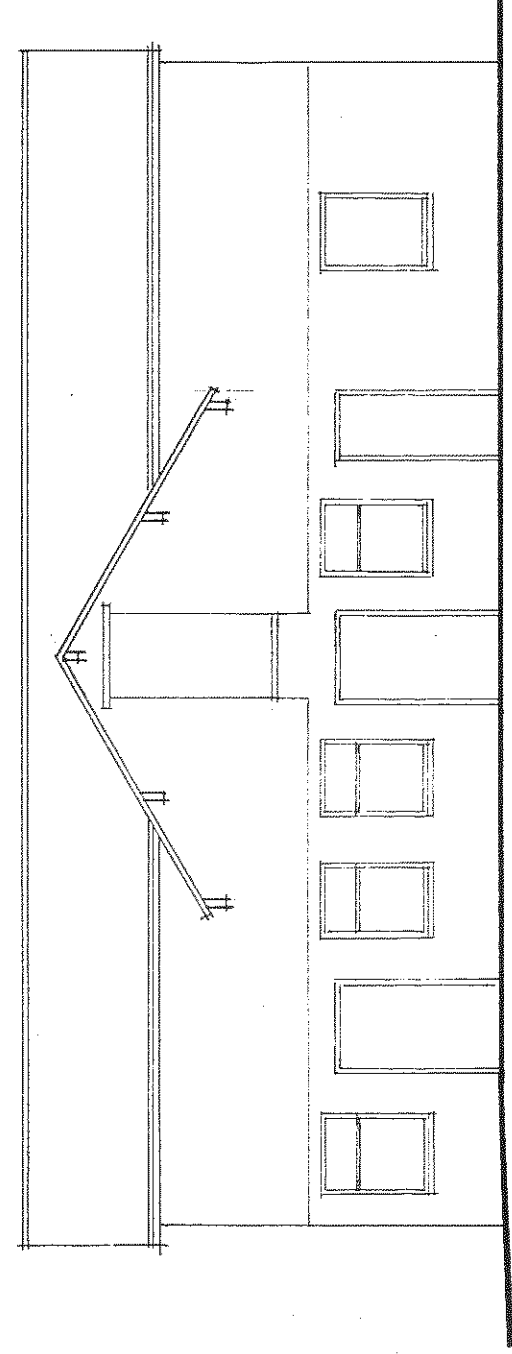
NORTH WEST ELEVATION

SOUTH WEST ELEVATION

ELEVATION 'A'

NORTH EAST ELEVATION

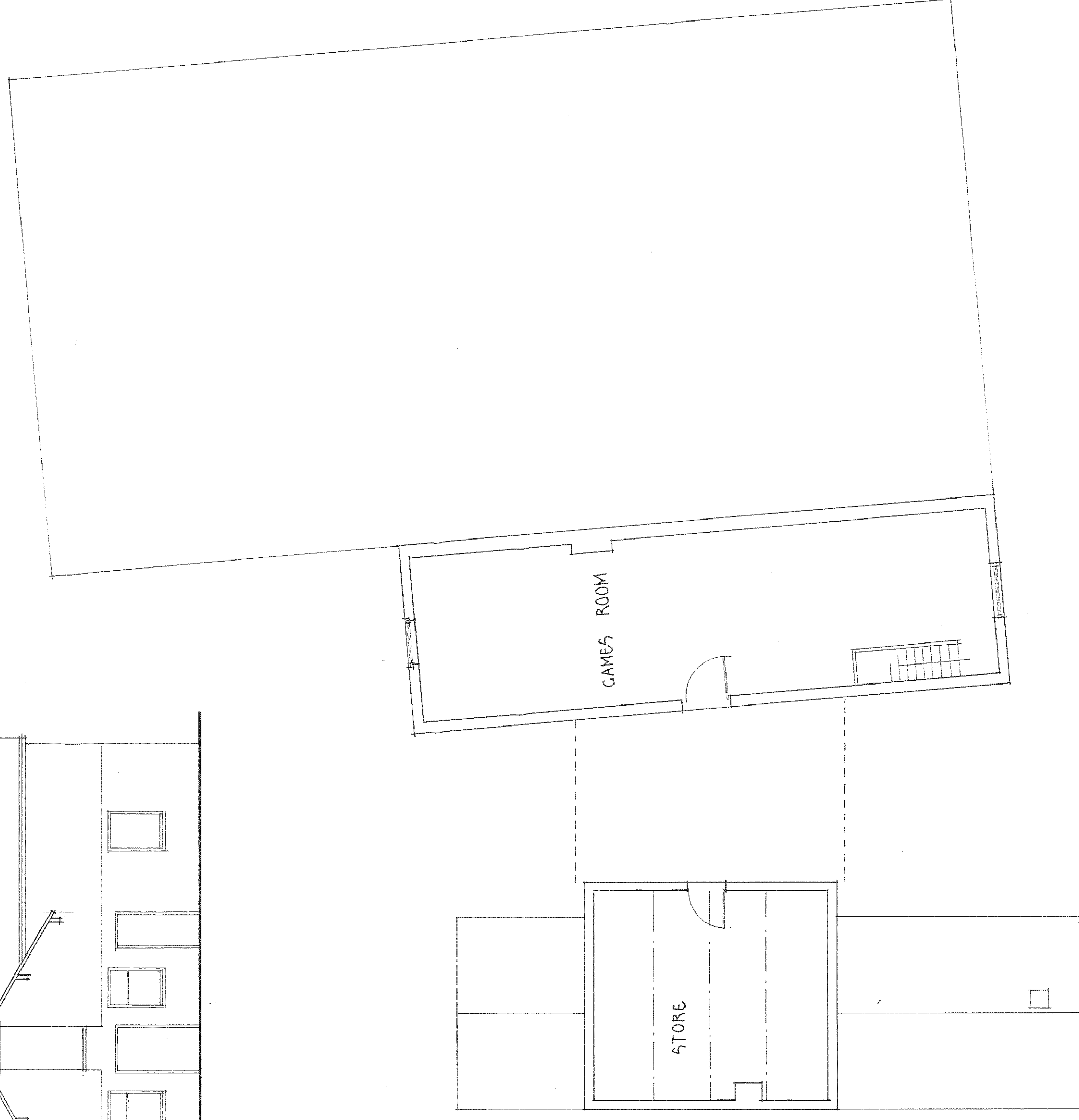
SOUTH EAST ELEVATION



ELEVATION 'B'



GROUND FLOOR PLAN



FIRST FLOOR PLAN

BOLTON COUNCIL
DEVELOPMENT AND REGISTRATION
30 JUN 2014

REVISION	DATE	DR	CH
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Architectural
Design
Partnership

Kirkcaldy
9 Castle Road
Colne
Lancashire BB8 7AR
Tel: 01282 861876

PROJECT
PROPOSED CHANGE OF USE OF FORMER
FARM BUILDINGS TO TWO DWELLINGS
AT POPLARS FARM WINGATES LANE
LOSTOCK BOLTON

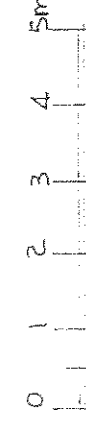
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DRAWN K J NOLAN
DATE JUNE 2014

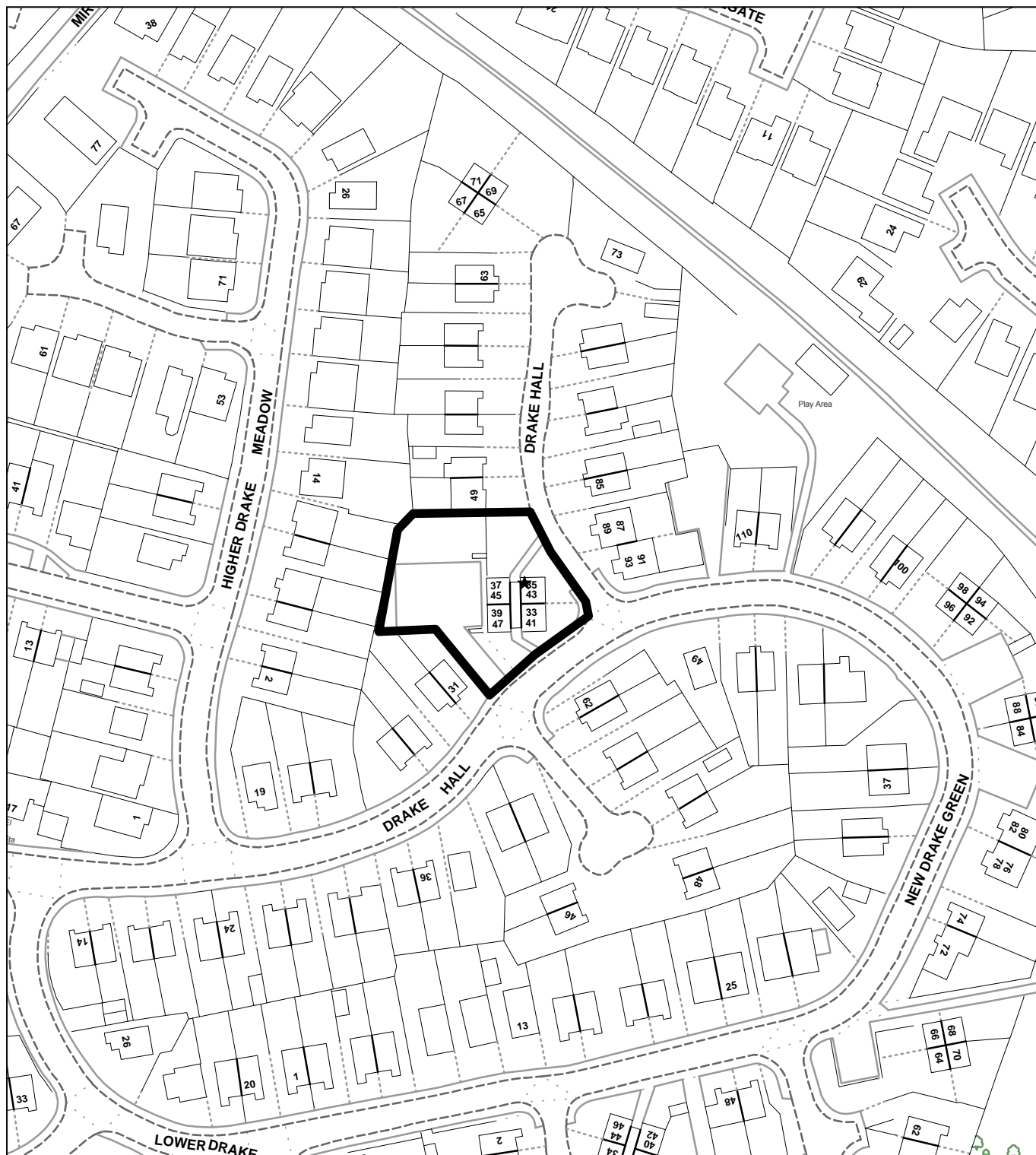
CHECKED
SCALE 1:100

DRAWING NO 509/3



Application No.

92328/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
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**Bolton
Council**

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Date of Meeting: 25/09/2014

Application Reference: 92328/14

Type of Application: Full Planning Application
Registration Date: 02/07/2014
Decision Due By: 26/08/2014
Responsible Officer: Alex Allen

Location: 43 DRAKE HALL, WESTHOUGHTON, BOLTON, BL5 2RA

Proposal: ERECTION OF ONE DETACHED BUNGALOW

Ward: Westhoughton South

Applicant: Martindale Property Services
Agent : Mr R Porter

Officers Report

Recommendation: Refuse

Proposal

This is a resubmission of an identical scheme previously refused by Officers under delegated powers in May 2014 (Ref: 91582/14). The applicant has submitted the scheme in order to enable Members to consider the scheme rather than Officers.

The applicant proposes the erection of a dual pitched bungalow within the curtilage of the existing flat development on a piece of amenity grassland. The development would create a one bedroomed bungalow with a patio to front and rear. The proposed development also requires a number of other amendments including:

- Changes to the window orientation in the adjoining flats to prevent the development being overbearing for existing residents;
- Provision of a 3 m x 3 m new bin store;
- Shrinking of the existing car park to provide additional amenity space at the rear of the car parking spaces;
- Gated access in between the proposed bungalow and the existing apartment block;
- Associated additional landscaping.

Vehicular access to the property would be via the existing shared apartment car park providing one designated car parking spaces for the proposed new build bungalow.

Site Characteristics

The application site consists of a two storey block of 8 apartments set within lawned grounds with vehicular access adjacent to 31 Drake Hall. An existing bin storage area is located on the western edge of the site adjacent to the boundary with 31 Drake Hall.

The site is located within an established residential area in the Daisy Hill area of Westhoughton characterised by two storey semi detached and detached dwellings.

Policy

National Planning Policy Framework

Core Strategy - Strategic Objective 6 - Prosperous Bolton, Strategic Objective 9 - Safe Bolton, Strategic Objective 11 Cleaner and Greener Bolton, Strategic Objective 12 - Biodiversity, Strategic Objective 14/15 - Strong and Confident Bolton.

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

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * principle of residential development
- * impact on the character and appearance of the area;
- * impact on the living conditions of existing/future residents;
- * impact on highway safety;
- * impact on wildlife/biodiversity; and
- * impact on land stability

Principle of residential development

Guidance contained within the National Planning Policy Framework seeks to encourage new well designed residential development to meet housing requirements. Councils should aim:

'...to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities...'

Furthermore, Core Strategy Strategic Objectives 14, 15 and 16 and policy SC1 seeks to provide housing which meets the needs of everybody and the growth in the number of households. Core Strategy policy SC1 seeks to ensure a total of 694 dwellings are completed per annum in the Borough with a concentration of new build on previously developed sites (80%).

The site is unallocated within both the current UDP Proposals Map and the draft Allocations Plan as the application site is located within an established residential area. The site is located within the grounds attached to an existing block of flats but is undeveloped and as such would be defined as greenfield.

Whilst Core Strategy policy SC1 recognises the need to concentrate new development on previously developed land, it does not preclude new residential development on greenfield sites. Core Strategy policy OA3 seeks to ensure that the Council will seek to concentrate new housing development in Westhoughton Town Centre and the existing urban area.

The application site is located within an established residential (urban) area in the Daisy Hill, Westhoughton and is well related to existing facilities within the locality.

The principle of residential development on this site is considered to comply with both national and local planning policy.

Impact on the character and appearance of the area

Guidance contained within NPPF and Core Strategy policies CG3 and OA3 seek to ensure that new development proposals are compatible with the surrounding area in terms of scale, massing, grain, form, architecture, landscape treatment.

A previous scheme for a two storey building containing four flats was fully considered by the Planning Inspectorate who stated:

'3. Drake Hall is a cul de sac, predominantly two storey properties...The appeal site is an open area of flat lawn at the head of a cul de sac which adjoining a two storey block of 8 flats...

4. The land which is the appeal site currently provides an amenity area for some of the adjoining flats...its open appearance provides a visual break in the building frontage and contributes to the pleasant residential character of the road...

5...the building proposed would fill the visible gap in the street scene provided by the open space. It would be located significantly closer to the adjoining buildings than the other dwellings in the street...its mass and position relative to existing buildings would not reflect the wider pattern of development, and would appear cramped on the site, to the detriment of the wider street scene. This would be compounded by the reduction in green space around the buildings...'

It is noted that the current scheme is not identical to the previously refused scheme. The applicant has provided a number of improvements, namely, the reduction in depth of the car park which allows for a greater quantity of amenity space for residents at the rear of the site and the reduced level of car parking required has also enabled areas of incidental amenity space including established landscaped to remain.

However, by reducing the scale of the development the proposal has not been designed in such a way as to replicate the overall character of the area. In terms of visual appearance of the new property it would not replicate either the scale or design of existing buildings in and around the site and within the wider area.

The proposal represents poor urban design in a number of ways:

- the proposed front elevation of the property is hidden behind a wooden fence - i.e. no active street frontage;
- has a lack of visual interest on all elevations with fenestration which provides a rather bland elevation with limited openings;
- the footprint of the existing building has broadly remained the same with the same

amount of amenity space lost and a similar impact on the overall street scene as previously referred to by the Planning Inspector above;

- the proposal would not complement the existing character of the area;
- results in the loss of informal open space without improving the character and appearance of the area.

The proposal as a whole would result in a poorly designed building and a cramped form of development which would have a detrimental impact on the character and appearance of the area. The proposal does not comply with Core Strategy policy CG3 or policy OA3.

Impact on the living conditions of existing/future residents

Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. In addition, Policy S1 also seeks to ensure that new development proposals take into account the need to reduce crime and the fear of crime. Planning Control Policy Note No. 2 provides guidance for conventional housing layouts where houses face each other to provide for 21 metres between principal room elevations overlook each other. Where principal/main room elevations overlook a blank gable this distance can be reduced to 13.5 metres.

The closest residential property to the new apartments would be 49 Drake Hall, whose blank gable elevation would be adjacent to the new building. A number of properties, most notably 10 and 12 Higher Drake Meadow to the rear of the application site, have their rear boundary fences and rear windows overlooking the site with a number of semi detached properties on the opposite side of Drake Hall (85 to 93) also overlooking the site.

A number of residents have expressed concerns about overlooking, the proximity of the proposed bungalow to their properties and loss of natural light.

Overlooking/interface distances

The proposed bungalow would have limited scope to result in problems to adjoining existing residential properties, due to the scale of the development, and the proposed introduction of fencing which would effectively screen direct views in and out of the site. The proposal complies with all the interface standards as outlined in PCPN No. 2.

Impact on natural light/sunlight

Due to the limited scale of the proposed bungalow and the location and juxtaposition of adjoining residential properties the proposal is unlikely to result in loss of light to existing/future residents.

It is considered that, due to the distances between properties and the relationship/juxtaposition between the existing properties and the proposed new build, the current proposal will have limited impact on the amount of either natural light or sunlight into residents gardens and/or windows.

Impact of the proposed bin store

A number of local residents previously objected to the presence of the proposed bin store. The bin store has been moved away from the shared boundary with any of the adjoining properties. It is considered unlikely that the provision of one additional dwelling would create any further smell/noise problems than currently exists.

Impact on the loss / reorientation of the private amenity spaces

As previously discussed by the Planning Inspector, the two storey scheme resulted in the loss of amenity space for existing residents of the site. Due to the proposed re-plan of the car park the quantity of amenity space would be increased from the previously refused 2 storey scheme. However, the useability of the amenity space is constrained by it being at the rear of the site.

Furthermore, the Design for Security Advisors from Greater Manchester Police have raised concerns that the proposal is not overlooked and will leave the proposed resident of the bungalow and their vehicle(s) vulnerable to anti social behaviour/crime. The area of amenity space at the rear would lend itself to potential criminal activity which would be screened from adjoining properties.

It is considered that the proposal would be to the disbenefit of the existing apartment residents/future bungalow resident and does not comply with Core Strategy policies CG4 and S1.

Impact on highway safety

Core Strategy policies P5 and S1 and the maximum car parking standards provided in Appendix 3 of the Core Strategy seek to provide adequate off road car parking and to promote road safety in the design of new development.

The proposal would provide 8 spaces for the existing residents and one space for the proposed new dwelling. As commented by the Planning Inspector on the previous application, the existing units are mostly one bedroomed and so it is reasonable to expect a low level of car ownership. The existing site can accommodate between 8 and 10 cars being parked in the car park. Whilst the car park has reduced in size to allow for additional amenity space at the rear the spaces still comply with the required standard (i.e. 2.4 by 4.8 metres).

It is considered that the proposal complies with policy.

Other matters

As part of the initial submission the applicant has submitted a basic enviro check document. The Council's Pollution Control officers consider that the applicant has failed to provide sufficient information to clearly state whether the site can be developed without risk to construction workers and existing/future residents. This is a basic requirement which the applicant has failed to provide.

The proposal / submission in its current form would not comply with Core Strategy policy CG4.

Conclusion

The proposal would assist in providing additional housing to assist the Council in meeting the annual housing requirements in an existing urban area of Westhoughton. This benefit would not outweigh the harm to the overall character of the area by the loss of a significant part of the existing amenity space. This amenity space provides an important visual break in the existing street scene and is an important part of the character and appearance of the area. The loss of a substantial quantity of the amenity space would also be to the detriment of the existing residents of the apartments.

In addition, the proposal if implemented has the potential to increase the amount of anti-social behaviour/criminal activity to the detriment of existing and future residents within the site. The applicant has also failed to provide sufficient information relating to

whether the site is constrained by contaminated land.

The proposal is recommended for refusal for the reasons set out above.

Representation and Consultation Annex

Representations

Letters:- five objection letters have been received raising the following concerns:

- Site history - two earlier applications for housing on this site have been refused permission by the Council;
- The Planning Inspectorate provided a comprehensive assessment of the site and its value;
- Detrimental impact on the character and appearance of the area, the amenity of adjacent residential occupiers and highway safety;
- The applicant has failed to provide adequate formal bin stores for the occupiers of the existing property and a failure to enhance the existing amenity space for existing residents (not a material planning consideration);
- Great Crested Newts have been found adjacent to the site;
- There are more suitable sites for new residential development;
- Impact on privacy of existing residents;
- The proposal will block light to existing residents;
- Reduction in car parking within the site;
- The site is not big enough for the proposed development.

Petitions:- no petitions received.

Town Council:- raise objections to the proposal due to the loss of green space.

Elected Members:- Councillor Peacock has requested Committee determination of this proposal.

Consultations

Advice was sought from the following consultees: Westhoughton Town Council, Pollution Control, Drainage/Flood Risk the Council's Highways Engineers, Economic Strategy, Strategic Development Unit and Design for Security (Greater Manchester Police).

Planning History

Planning permission was refused by Planning Committee in July 2013 for the erection of a two storey building comprising of four flats (Ref: 89904/13). The refusal was appealed by the applicant and was subsequently dismissed at appeal in February 2014. The reasons specified by the Planning Inspector were as follows:

The proposal conflicts with National and local planning policies as the scheme fails to improve the character and appearance of the area;

The proposal would fail to meet the provisions of the policy which seeks to ensure the loss of urban green space is offset by the improvement of remaining open space.

The benefits of the scheme - i.e. the provision of 4 additional dwellings do not outweigh the significant and harmful impact upon the character of the area or the loss of residential amenity of existing occupiers. A copy of the Inspectors report is appended to the rear of this report.

Planning permission was refused under delegated powers in May 2014 (Ref: 91582/14) for the erection of one detached bungalow. This submission is identical to the current proposal. The reasons for the refusal were as follows:

'...The proposal results in a loss of amenity space / open space as a result of the siting, design and mass of the proposed bungalow which would result in a poorly designed and cramped form of development which is detrimental to the character and appearance of the application site and the wider area and is thus contrary to Policies CG3 and OA3 of Bolton's Core Strategy.'

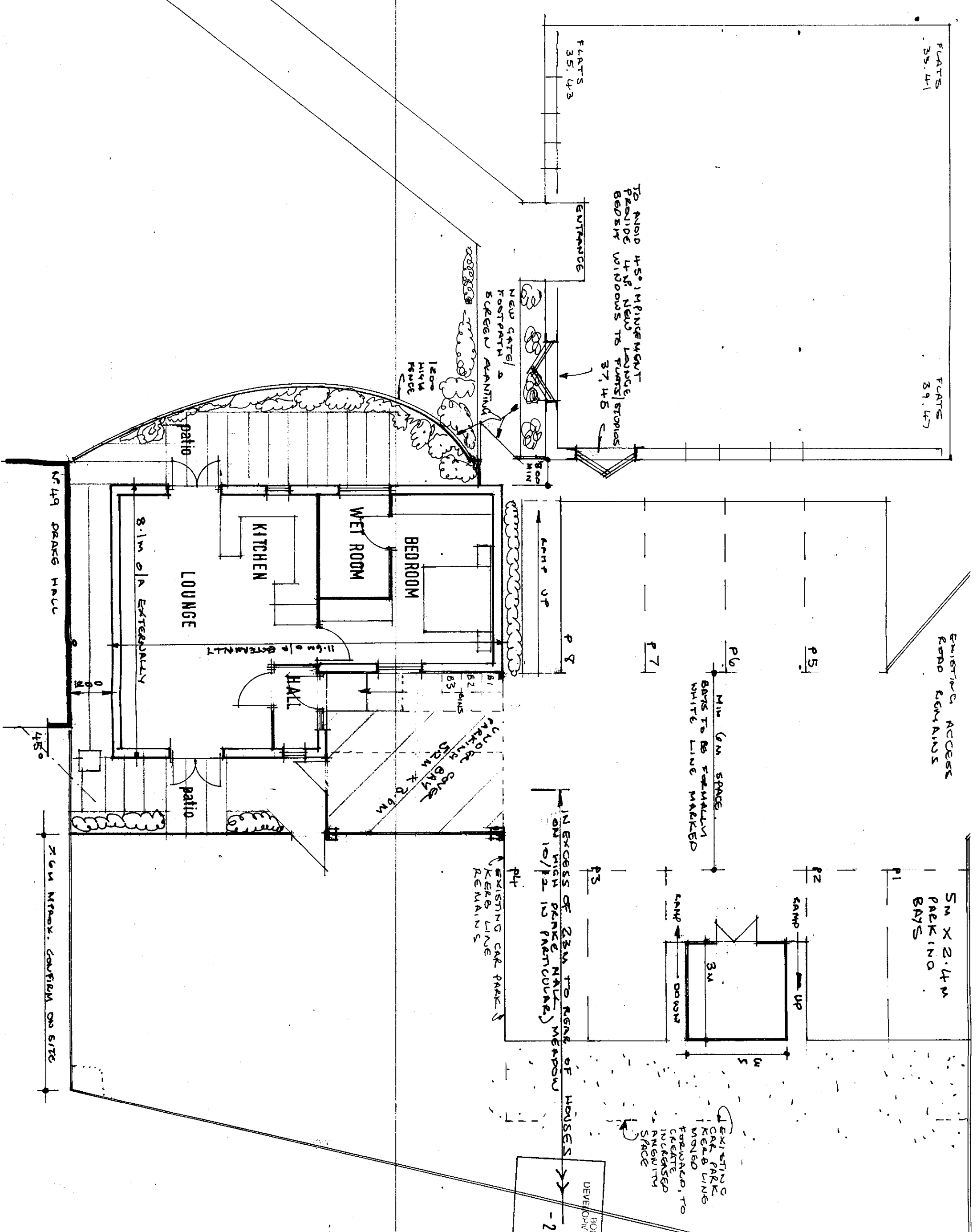
Recommendation: Refuse

Recommended Conditions and/or Reasons

1. The proposal results in a loss of amenity space / open space as a result of the siting, design and mass of the proposed bungalow which would result in a poorly designed and cramped form of development which is detrimental to the character and appearance of the application site and the wider area and is thus contrary to Policies CG3 and OA3 of Bolton's Core Strategy.
2. The proposed new dwelling by virtue of its siting would result in a significant loss of amenity space which would be detrimental to the living conditions of neighbouring residents at 33 - 47 Drake Hall and is contrary to Policy CG3 and CG4 of Bolton's Core Strategy.
3. The applicant has not provided sufficient desktop contaminated land information in support of the application to justify the safe redevelopment of the site. The proposal would be contrary to Core Strategy policy CG4.
4. The proposed new dwelling by virtue of its height and siting would result in an increase in potential criminal activity / anti -social behaviour in and around the site due to a reduction in the amount of natural surveillance the site would benefit from, to the detriment of existing and future residents and is contrary to Policy S1 of Bolton's Core Strategy.

LOCATION PLAN 1:1250



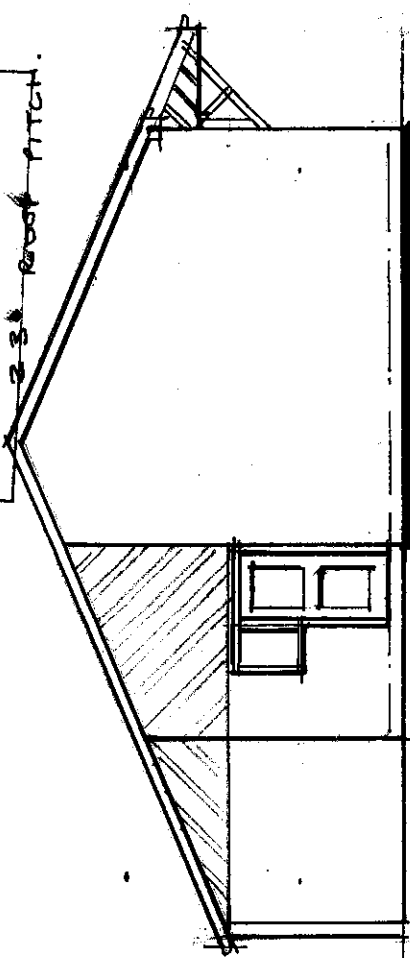


PLANNING SUBMISSION ONLY

PROPOSED DEVELOPMENT AT DRAKE HALL WESTHOUGHTON BL5 2RA	Scale 1:125	Job No 6472	Drawn 2
PROPOSED FLOOR PLAN & SITE PLAN	R POTTER 01204795852/707720 9 OSBOURNE CLOSE FARNWORTH BOLTON BL47PL		

BOLTON COUNCIL
DEVELOPMENT & REGISTRATION
- 2 JUL 2014

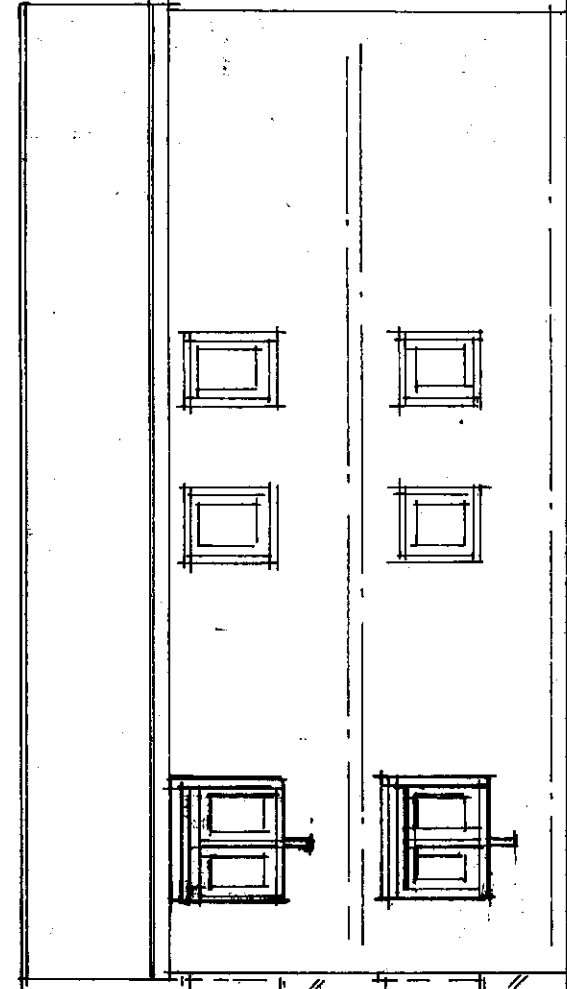
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DEVELOPMENT & REGENERATION
- 2 JUL 2014
2.3% ROOF PITCH



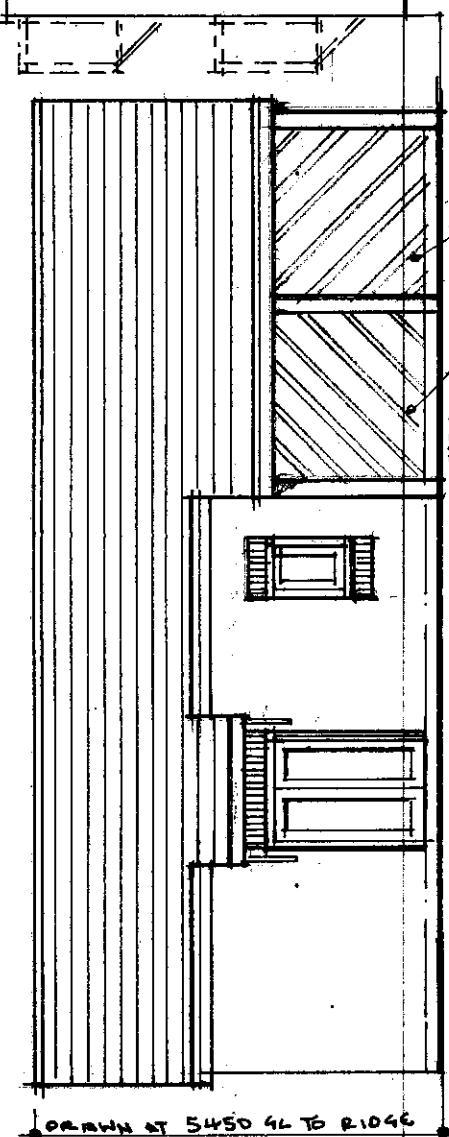
TO CAR PARK

ELEVATIONS TO GABLE END OF N°49

8.1m o/a EXTERNALLY 2.6m o/a

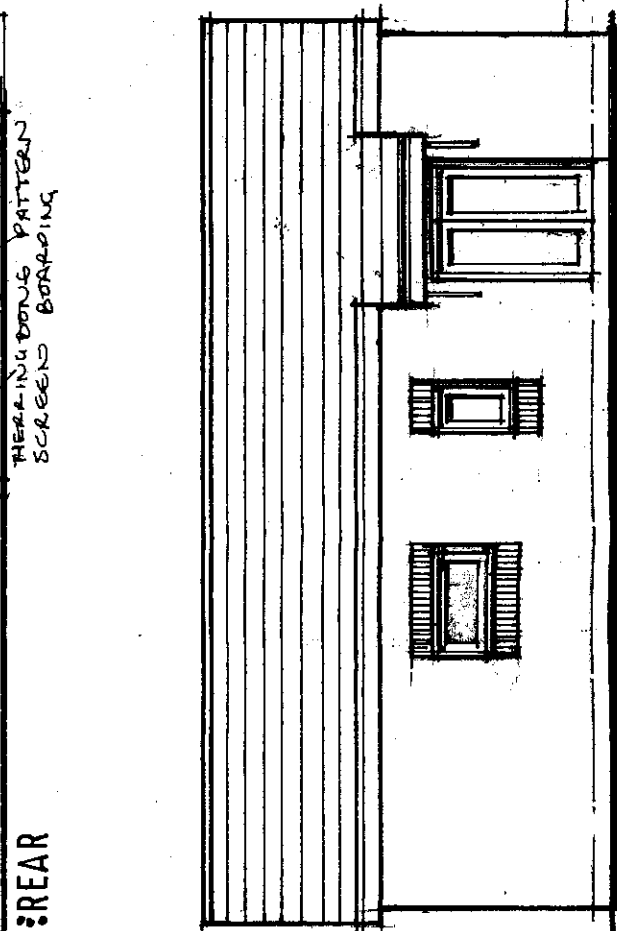


TO GABLE END OF N°49



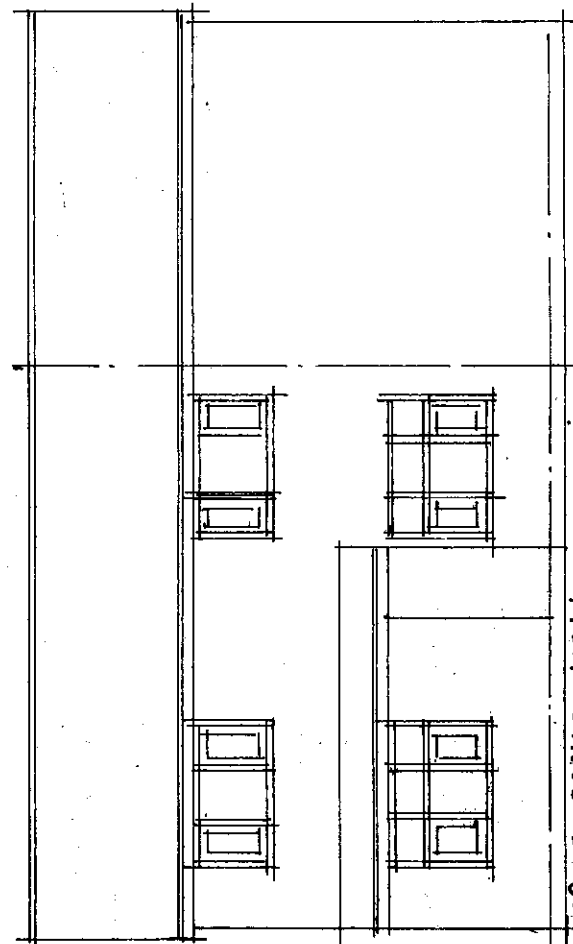
REAR

DRAWN AT 5450 4L TO 21046



PROPOSED BUNGALOW FRONT ELEVATION

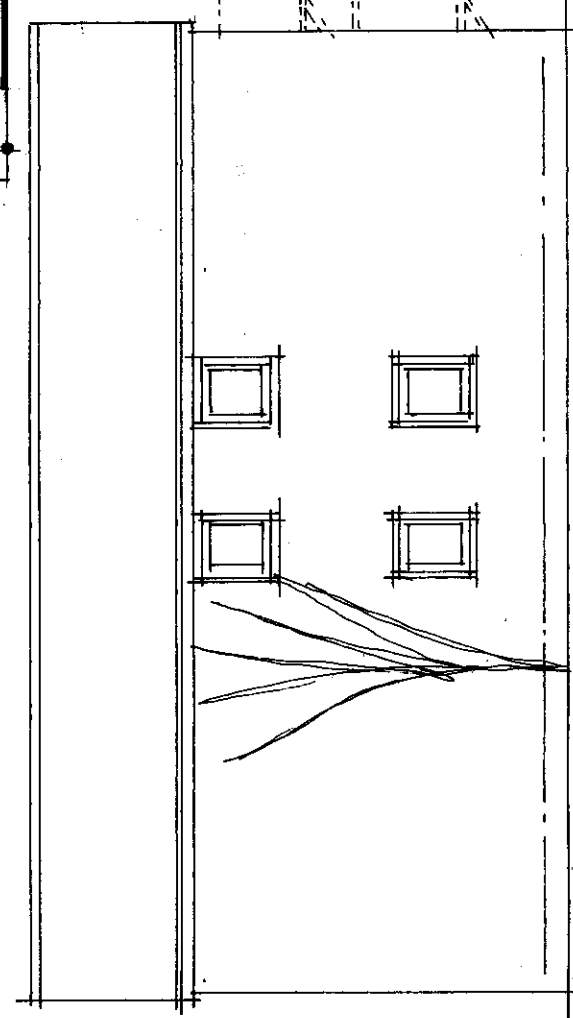
11.6m o/a EXTERNALLY



N°49 DRAKE HALL

PLANNING SUBMISSION ONLY

PROPOSED DEVELOPMENT AT Scale - Job N° DWG
DRAKE HALL 1:125 1:100 6472 3
WESTHOUGHTON BL5.2 RA
EXISTING / PROPOSED
ELEVATIONS
R POTTER 0120475532/07720
9 OSBOURNE CLOSE
FARNWORTH BOLTON BL7PL



FLATS 33 TO 47

EXISTING/PROPOSED STREET SCENE

Appeal Decision

Site visit made on 4 February 2014

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2014

Appeal Ref: APP/N4205/A/13/2204926

Land at Rear of 33 to 47 Drake Hall, Westhoughton, Bolton, BL5 2RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Martindale against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 89904/13, dated 2 May 2013, was refused by notice dated 24 July 2013.
 - The development proposed is erection of two storey block of flats.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The impact of the proposal on the amenity of adjoining residential occupiers;
 - The effect of the proposal on highway safety with particular regard to parking provision;

Reasons

Character and Appearance

3. Drake Hall is a cul de sac of modern, predominantly two storey properties. Most are semi detached dwellings which front the road in a regularly spaced pattern of development. The appeal site is an open area of flat lawn at the head of the cul de sac which adjoins a two storey block of 8 flats. It lies adjacent to residential properties on two further sides with parking to the rear.
4. The land which is the appeal site currently provides an amenity area for some of the adjoining flats and I noted during the site visit that a washing line was in place along the perimeter of the space. However, the space is not enclosed and is open to view from dwellings opposite. In this regard, its open appearance provides a visual break in the building frontage and contributes to the pleasant residential character of the road.
5. I note that some of the views provided are of the rear of dwellings along Higher Drake Meadow, and of the car park. Nevertheless, the building proposed would fill the visible gap in the streetscene provided by the open space. It would be

located significantly closer to the adjoining buildings than the other dwellings in the street. As a result, although the proposed building would broadly reflect the form and scale of adjoining properties, its mass and position relative to existing buildings would not reflect the wider pattern of development, and would appear cramped on the site, to the detriment of the wider streetscene. This would be compounded by the reduction in green space around the buildings, some of which would be given over to additional parking.

6. I note that the development would be sited to follow the building line of the adjoining No 49. I also note that Policy CG1 of *Bolton's Core Strategy* allows for some development of informal green spaces in order to meet the strategic needs for housing provided the proposal allows for the improvement of remaining green spaces. However, the development proposed would not improve the remaining space, and would exceed the capacity of the site to comfortably accommodate it. In this regard it would fail to contribute to good urban design which is compatible with the surrounding area. It follows that the proposal would conflict with policies CG1 and CG3 of Bolton's Core Strategy and with guidance contained within *the National Planning Policy Framework* (the Framework) which seeks to resist development which fails to improve the character and quality of an area.

Amenity

7. The proposal includes dedicated gardens for 2 of the proposed flats and a relocated drying area. However, it would lead to a loss of external space which is currently available for occupiers of the existing flats. The remaining open space to the front would be largely taken up with parking or is narrow and adjoins the highway. It would therefore have very little value as usable outdoor space.
8. I note that the existing space is currently open, and that it does not appear to be heavily used. Nevertheless, it is available as usable outdoor space for at least some of the existing properties and its loss would not be offset by provision elsewhere. Although I note the appellant's view that the space encourages anti-social behaviour, based on the evidence before me I find nothing to indicate that the site would give rise to this. Indeed, I note that the proposed layout to the rear provides poorly overlooked space which would potentially be more susceptible to crime.
9. Neighbouring occupiers have commented on the impact of the development by way of overlooking or loss of light. I note that the proposal would meet the recommended minimum interface distances and so would not be likely to lead to material harm to the privacy of adjoining residential occupiers. I also note that the height and position of the building would also not lead to a significant loss of daylight or sunlight to nearby properties, including gardens. However, these absences of harm do not alter the harm the loss of usable outdoor space would cause.
10. On the second matter I therefore conclude that the proposal would fail to adequately protect the amenity of existing residents by way of provision of usable outdoor space. In this regard although I find no conflict with policy CG3, the proposal would fail to meet the provisions of policy CG1 of the Core Strategy which seeks to ensure the loss of urban green spaces is offset by the improvement of remaining open space.

Highways Safety

11. The existing parking area currently serves the 8 adjoining flats. It is not formally laid out and part is given over to the storage of a large number of bins. It would appear to be capable of accommodating between 8 to 10 vehicles, depending on how carefully they were parked. The proposal would reduce the size of the existing parking area and would utilise part of it to provide a formal bin store. A revised plan providing 12 parking spaces on site was provided as part of the scheme and that this was considered acceptable by the Council's Highways Engineer. This provided 8 spaces within the reduced parking court and an additional four spaces within the landscaped areas to the front and side of the existing and proposed flats.
12. The proposal would provide one parking space per flat. Most of the flats are one bedroom and so a low level of car ownership can be anticipated. Although I note that no designated visitor parking is provided, I consider that the proposed amount of parking would nonetheless be sufficient to meet the parking needs of the proposed development. In this regard it would comply with policies S1 and P5 of the Core Strategy.

Other Matters

13. I note that the site is located close to local services. I also note that the proposal includes a screened bin storage area. Without a reduction in the number of bins on site, this is unlikely to be adequate to accommodate waste storage for the existing and proposed flats. The appellant has suggested that an alternative waste storage regime could be secured by condition and I accept that this would be appropriate, if the development was otherwise acceptable.
14. My attention has also been drawn to a number of matters, including impact on local infrastructure, the availability of other housing sites, the impact on wildlife and the loss of two trees on site. These matters do not alter my views on the harm identified above.
15. I note that the proposal would provide 4 additional dwellings of a size that would help meet local housing need. Although I give the provision of new homes significant weight, I am also mindful that the proposal would significantly and harmfully impact upon the character of the area, and the residential amenity of a number of existing occupiers. In this regard I do not consider that the homes provided would outweigh these harms.
16. Representations were made to the effect that Ms Cook's and Messrs Tickle's rights under Article 9 of the European Convention of Human Rights would be violated if the appeal were allowed. As I have decided to dismiss the appeal, I do not need to deal with the question of whether the decision would result in a violation of their rights.
17. Therefore, for the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR

Application No.

92362/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399

**Bolton
Council**

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Date of Meeting: 25/09/2014

Application Reference: 92362/14

Type of Application: Full Planning Application
Registration Date: 08/07/2014
Decision Due By: 01/09/2014
Responsible Officer: Martin Mansell

Location: THEATRE CHURCH, SEYMOUR ROAD, BOLTON, BL1 8PG

Proposal: DEMOLITION OF FORMER METHODIST THEATRE CHURCH AND ERECTION OF 9No DWELLINGS TOGETHER WITH PARKING AND ASSOCIATED WORKS (INCLUDING RETENTION OF COMMUNITY AND SCOUT BUILDINGS)

Ward: Crompton

Applicant: Umar (Bolton) Ltd
Agent : RA Design & Project Management

Officers Report

Recommendation: Approve subject to conditions

Proposal

Consent is sought for the demolition of the building known as "The Theatre Church", a former Methodist Church, and the erection of nine two and two and a half storey dwellings. Seven dwellings would front Seymour Road and two would front Sherwood Street to the rear of the site. Each dwelling would have two parking spaces.

Whilst the majority of the buildings at the site would be demolished, the Applicant intends to retain the Scout Hut and another single storey building, both at the rear, for community purposes. An access road would be created with 16 car parking spaces to serve the remaining community uses at the site.

Site Characteristics

The site is that of the Theatre Church, used for some decades as both an amateur theatre and a place of worship together with ancillary uses such as the Scout Hut and the rear single storey building. The church was adapted in approximately 1970 so that it could be used as a small community theatre and was used as such by local theatrical groups until the building was sold in 2012. A large area of land at the west of the site provided parking for the range of uses.

The main building itself is striking and is considered to make a positive contribution to the local distinctiveness of the area, albeit that this is tempered by the lack of a prominent main road frontage. Neither the building nor the site benefits from any statutory heritage protection (i.e. it is not a Listed Building and does not lie within a Conservation Area) but nevertheless is considered to be of some significant heritage value and to be a non-designated heritage asset. The integrity and value of the building and its use, both as

a heritage and a community asset, is considered in the relevant sections below.

The character of the area is almost entirely residential in character, consisting mainly of larger properties with a suburban character fronting Seymour Road and smaller traditional terraces to the rear and south east. Seymour Road is a relatively long and straight road that links Blackburn Road and Crompton Way.

Policy

National Planning Policy Framework - promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, conserving and enhancing the historic environment.

Core Strategy Objectives

SO1 Access to Health, Sport, Recreation and Food, Walking and Cycling, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO10 Climate Change, SO11 Built Heritage, SO14 Inclusive Housing, SO15 Sustainably Located Housing, SO16 Community Cohesion and Access

Core Strategy Policies

P5 Transport, S1 Crime and Road Safety, CG1 Biodiversity, Open Space, Flood Risk and Climate Change, CG2 Sustainable Development, CG3 Design and the Built Environment, CG4 Compatible Uses, SC1 Housing Targets, SC2 Cultural and Community Facilities, RA1 Inner Bolton

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 local distinctiveness
- * impact on community provision
- * impact on the character and appearance of the area
- * impact on living conditions
- * impact on the road network
- * impact on flood risk
- * impact on housing provision

Impact on Local Distinctiveness

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

generations.

Para 60 of the NPPF states that it is proper for Local Planning Authorities to seek to promote or reinforce local distinctiveness. Para 126 refers specifically to heritage assets and notes:-

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

Whilst much of the NPPF refers to designated heritage assets (i.e. Listed Buildings and sites within Conservation Areas) the policy also refers to non-designated heritage assets, such as the application site:-

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

It is therefore necessary to consider the heritage value of this non-designated heritage asset. The Applicant has submitted a survey, carried out by Greenhalgh Chartered Building Surveyors and Valuers of Bolton, carried out in May of this year. The survey is very limited in terms of references to heritage value (only a reference to the building being constructed in 1866 and extended in the early 20th Century) but goes into some detail about repairs deemed necessary to be carried out and the cost of these against potential income streams.

The main building is constructed from brick and stone and is of an imposing height in comparison to nearby properties. The front elevation is symmetrical and the columns of the dominant main entrance give it a classical appearance, as do the arched windows and decorative pediment on the front gable. The side elevation is prominent when viewed from Seymour Road; however, it has already been noted that the building is difficult or impossible to appreciate from any wider or more distant viewpoints. Many objectors have

referred to the heritage significance of the building - however, it is noted that little or no objections have been received from any property with a direct or frequent view of the site, indeed it is noted that a majority of local residents have signed a petition supporting the application proposal.

The survey concludes by estimating the cost of necessary repairs to be in the region of £380,000. It also makes an assessment of the likely income from potential uses, as a wedding venue and as a theatre and takes the view that this income would be insufficient to finance the credit necessary to fund the repairs. Planning Officers are seeking a view from the Council's Corporate Property Services as to the appropriateness of this conclusion and this will be reported at the meeting; however, Officers' initial thoughts are that there is no reason to challenge this conclusion.

Officers also give considerable weight to the fact that this property has no statutory protection, nor is any likely to be forthcoming. The Town and Country Planning (Demolition—Description of Buildings) Direction 1995 excludes from the definition of development "the demolition of every building other than a dwellinghouse or a building adjoining a dwellinghouse". Whilst this direction has been subject to challenge by heritage bodies, the fact remains that Local Planning Authorities have no effective method of imposing the retention of this building on its owner, other than via compulsory purchase, which is not viable in this instance. An application for Prior Notification for its demolition could only take into account the method of demolition and any site restoration - not the principle of demolition. The demolition of this building is to all intents and purposes excluded from planning control.

Due to the lack of powers available to prevent the demolition of this building, Officers conclude that whilst the loss of this non-designated heritage asset would cause a degree of harm to local distinctiveness and loss of heritage value, it is not considered to be of such weight as to justify a refusal on these grounds.

Impact on Community Provision

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 take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services that the community needs, planning policies and decisions should plan for the use of shared space and guard against unnecessary loss of valued facilities. Also to ensure that established facilities and services are retained and able to develop for the benefit of the community.

Policy SO16 of Bolton's Core Strategy is a strategic policy and seeks to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities. Core Strategy Policy SC2 seeks to ensure that local cultural activities and community facilities are located in the neighbourhoods that they serve.

It is clear that the loss of the theatre facility is a material consideration in the determination of this application. It is understood that the theatre has been in use for some decades and has provided significant benefits to Bolton's community needs. Objectors write forcefully of the loss to the theatre community of Bolton and the wider

area, of the quality of the venue and its facilities, that a visit to an amateur production here was more like a visit to a real theatre and of the benefits of introducing young people to the arts. Bolton has benefits from this community provision for approximately 40 years.

However, as with the point above, it is not clear how objectors expect the Council to impose the theatre use of the building on the owner. The Council has no powers to compel the owner to make the building available to amateur theatre groups at a cost that they can afford, nor can the Council realistically subsidise this. It is understood that negotiations took place between the new owner of the building and Bolton Amateur Theatre Societies but the cost of hiring the venue was far in excess of what the theatre community could afford. Nevertheless, it is the right of the owner of the building to place upon their assets whatever hire value they consider to be appropriate. The owner has no legal responsibility to the amateur theatre community.

Many objectors appear to be of the view that the refusal of this planning application would somehow compel the owner of the building to make it available to the theatre community. Officers consider this to be extremely unlikely. Instead, it is considered that were this application to be refused on the grounds of the loss of the theatre facility, the most likely response of the building owner would be a Prior Notification under Part 31 of Schedule of the Town and Country Planning (General Permitted Development) Order 1995. The law is clear that the sole considerations of the Local Planning Authority for such notifications are the method of demolition together with any site restoration and not the principle of demolition and therefore the building could be demolished via this procedure, leading to the same outcome - the loss of the theatre facility.

Even if this were not the case, there is no evidence to suggest that the building is likely to be used again as a theatre. The building is in private ownership by a party unrelated to the theatre community and, subject to planning law, they are free to use or not use the building as they see fit. Indeed, evidence provided by objectors makes it difficult to see how negotiations over the cost of the hire of the building could possibly result in agreement in the future. The building could obviously be used as a theatre in terms of planning law, but Officers consider that the likelihood of it being used as a theatre ceased at the point that it was sold by the previous owners.

The demolition of the building would clearly remove all potential of the building being used as a theatre and this would result in the loss of a community facility, but is it considered that this potential was and is in any case extremely limited due to the operation of Part 31 of the General Permitted Development Order and the lack of any evidence pointing to the theatre use resuming.

The Theatres Trust is The National Advisory Public Body for Theatres and is a statutory consultee in the planning system. Local authorities are required to consult the Trust on planning applications which include 'development involving any land on which there is a theatre.' The Trust is not an approval body, the Local Planning Authority, in this case Bolton Council, is responsible for determining the application. The Theatres Trust were duly consulted on the application and initially raised no objection and recommended that the Council satisfy itself that the venue was surplus to community requirements. However, as a result of being made aware of the strong views of objectors, the Theatre Trust issued a second response that objected to the proposal and recommended that, if the Council was minded to approve the application, a S106 agreement is negotiated to compensate for the loss of community provision. A copy of this revised comment is provided at the end of this report. Officers in no way consider it inappropriate

for the Theatres Trust to change their view - clearly they have a responsibility to listen to the views of the local theatre community - and their response needs to be taken into account.

For the reasons given above, Officers consider that the refusal of this application on the grounds of loss of community provision is unsustainable. This leaves the issue of whether it is appropriate for the Council to negotiate a S106 agreement compensatory to the loss of the community facility. Officers conclude that it is not appropriate in this instance, for the following reasons:-

- there is no precedent in Bolton for a S106 agreement of these terms
- it is unclear how a monetary value can be placed on the loss of the community facility, nor how this can be quantified
- it is unclear where or how any such contribution would be spent
- the building could be quickly demolished via the Prior Notification procedure, resulting in the complete loss of the theatre or its potential
- there is no evidence that the building has been used as a theatre since its sale in 2012. Bolton's theatrical community have had two years to make other arrangements for their continued operation and indeed submission point towards this having been done, albeit at considerable expense
- there is no evidence of the building ever being used as a theatre again

Members may also recall the recent approval of the vacant SS Simon and Judes Church at Rishton Lane, Great Lever to be used as a community theatre (ref: 91069/13). This application was submitted in November 2013 and approved by Planning Committee in February of this year. Whilst the supporting statement for the November application does not make specific reference to the loss by sale of the Seymour Road facility, it does state that:-

"Our client's proposal is to use the building primarily as a Community Theatre for use by local amateur dramatic and operatic societies. There are a number of societies in the local area who previously had "bases" in church halls or similarly buildings who now do not have theatres in which to perform within the town due to the closure of many community type buildings". The case officer also met with the applicant of the SS Simon and Judes proposal during the determination of the application and it was clear that the loss by sale of the Seymour Road facility was a factor in the submission of that application. Officers have revisited the Rishton Lane site and whilst an internal inspection was not carried out it is clear that work has commenced on the implementation of this approval - new decorative gates have been installed including the words "Peace Community Theatre".

It is considered that Bolton's theatrical community has made its own arrangements to compensate for the loss by sale of the Seymour Road facility and this is clearly to be enormously welcomed. However, taken together with the points above, the SS Simon and Judes approval is considered to significantly mitigate against the loss of the community provision.

For the reasons given above, and notwithstanding the strong feelings of the theatrical community and the Theatres Trust, Officers conclude that there is no effective method of ensuring the retention of the building, nor the resumption of the theatre use and that a financial contribution by the Applicant cannot be justified in the present circumstances. Therefore, after taking all relevant representations into account, the impact on community provision is considered to be broadly neutral.

The remaining sections of this report will consider the impacts of the development proposal itself.

Impact on the Character and Appearance of the Area

Section 39 of the Planning and Compulsory Purchase Act 2004 places a general duty on Local Planning Authorities that in the exercise of their powers they have regard to the desirability of achieving good design.

The National Planning Policy Framework recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including replacing poor design with better design. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings. Core Strategy Policy CG3 seeks to ensure that development proposals display innovative, sustainable design that contributes to good urban design, respects and enhances local distinctiveness, and has regard to the overall built character and landscape quality of the area. Proposals should also be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment including hard and soft landscaping and boundary treatment. Historical associations should be retained where possible.

The proposed dwellings are of a simple design which is considered to be appropriate within its context. The character of the area is mixed - predominantly larger suburban properties and smaller traditional terraces, infilled and replaced with more modern properties. The building line would form a continuation of the properties fronting Seymour Road and materials would be compatible with the existing built form. The streetscene drawings demonstrate that the new houses would be compatible with the context in terms of scale, though proportions would differ due to the need to make more effective use of space in comparison with the higher ceilings of the existing housing. The existing site is entirely hard surfaced and the introduction of the limited amount of soft landscaping is to be welcomed.

The impact on the character and appearance of the area is considered to be acceptable.

Impact on Living Conditions

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

Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account. The use is obviously considered to be appropriate for this area, given the generally residential context.

Houses either side of the site present principal elevations to Seymour Road and therefore living conditions will not be materially harmed. Opposite the site to the north are the grounds of St Paul's CE Primary School on Newnham Street and therefore there will be no overlooking issues to the north.

In terms of the two properties proposed for the rear of the site, the blank gable of one of the houses would be 15.7 metres from the principal rear elevation of Gresham Court and therefore in compliance with the recommended 13.5 metres interface. However, the front elevations of the two properties fronting Sherwood Street would be 12.1 metres from some of the traditional terraced houses of this street. This is significantly short of the 21 metre interface recommended by PCPN2 "Space Around Dwellings". However, PCPN2 dates back to 1991 and must be interpreted with flexibility in the light of the NPPF, the Core Strategy and the local context. The NPPF recognises the need to make more effective use of brownfield land. Policy RA1 of Bolton's Core Strategy relates specifically to the area of Inner Bolton and states that the Council will make efficient use of land in inner Bolton due to existing higher levels of development density, requiring development to provide adequate privacy and amenity space and conform to the overall spatial approach. It is considered that the "adequate privacy" referred to here should be the typical existing interfaces between dwellings, which are tight due to the predominance of back of pavement traditional terraces. However, the interface proposed at Sherwood Street is exactly the same as the existing interfaces nearby - the interface between the terraces of Norton Street and Wilton Street is just slightly over 12 metres. It is also noted that whilst every property on Sherwood Street has been consulted, no objections have been received.

The removal of the existing use and its replacement with a residential use must also be taken into account. The lawful use of the property is considered to be a mixed use of place of worship (D1) and theatre (sui generis) together with some ancillary uses and therefore to not fit comfortably within the use classes order. The site has been used as a community theatre for around 40 years. A letter from Bolton Amateur Theatre Societies states that the theatre received in excess of 10,000 visitors per year. It is likely that many of the events took place in the evenings in a predominantly residential area on a relatively quiet street with no other evening uses and these events would have had the potential to impact upon local living conditions by way of noise and additional vehicle movements. The site also has a history as a place of worship and whilst Methodist worship has now consolidated at the new Delph Hill site, Members will of course be aware the development pressure for Islamic worship, education and community use via both new build and conversion. The application site could be used for such purposes, possibly without the need for planning control and this would also impact on living conditions. Furthermore, the site has been used recently as a wedding venue and for celebrations with consequential impacts on living conditions. There are benefits to the removal of the existing use in terms of general living conditions within the area. Officers find evidence for this in the fact that no one in the immediate area has objected to the proposal and indeed a petition of support for the proposal has been signed by 89 local residents. Without exception, the objections have been received from people who do not reside within the immediate area and therefore cannot be affected by the existing use in terms of living conditions - indeed some objections are from people who live outside of the Borough. Clearly these objectors are perfectly entitled to prioritise the importance of the theatrical use over living conditions; however; it is the role of the Local Planning Authority to balance these sometimes conflicting priorities. In this instance, Officers consider that significant weight should be given to the beneficial impact on living conditions of the removal of a substantial non-conforming use within a predominantly residential area.

Notwithstanding the substandard interface to the rear, the proposal is considered to comply with Policy CG4 of Bolton's Core Strategy.

Impact on the Road Network

Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety.

The Council's Highway Engineers note the benefits to the road network of the removal of the existing wedding venue use and its replacement with housing. It is considered that the residential use will generate less vehicle movements or parking demands than any recent or potential uses and that these will be spread throughout the day rather than focused on peak times during events.

Two car parking spaces per unit would be provided together with 16 car parking spaces to serve the residual community uses at the site. The layout has been amended at the request of the Council's Highway Engineers. Whilst the layout is not to adoptable standards, Engineers confirm that it will function adequately.

The proposed has been adequately designed in terms of layout and parking and the removal of the existing use will reduce pressure on the road network in this location. The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1.

Impact on Flood Risk

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, amongst other things, take full account of flood risk. Para 100 states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Policy S10 of Bolton's Core Strategy is a strategic objective and seeks to reduce the likelihood and manage the impacts of flooding in Bolton, and to minimise potential flooding to areas downstream. Policy CG1 states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.

A very small area of the site (approximately 1%) on its western boundary falls within an area with a 1 in 200 risk of flooding. However, this area will be used as access and parking and therefore it is not considered that the situation will change in comparison to the existing circumstances. Furthermore, it is noted that each dwelling will be provided with an area of soft-landscaping, therefore there will actually be a reduction in hard surface cover at this site.

The impact on flood risk is considered to be acceptable.

Impact on Housing Provision

The National Planning Policy Framework recognises the role of the planning system in providing the supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing

applications should be considered in the context of the presumption in favour of sustainable development. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should proactively drive and support sustainable economic development to deliver the homes and thriving local places that the country needs whilst encouraging the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value.

The Core Strategy plans for an average of 694 additional dwellings per annum between 2008 and 2026, an overall total of 12,492 dwellings. This is above the minimum level specified in the approved Regional Spatial Strategy and reflects the factual evidence from the Housing Market Assessments and the Sustainable Community Strategy aim of creating housing that meets Bolton's needs. This figure will need to have a degree of flexibility to enable the higher rate of housing delivery required in Bolton as part of the Greater Manchester Growth Point. The location of new housing will reflect the overall spatial option of concentrating development in Bolton town centre, renewal areas and at Horwich Loco Works. There will continue to be some development in the outer areas where it is in character with the surrounding area and where there is adequate infrastructure.

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

Policies SO14, SO15 and SO16 of Bolton's Core Strategy are strategic objectives within the "Strong and Confident Bolton" theme and seek to provide housing that meets the needs of everybody, reflecting the needs of an ageing population and a growth in the number of households, focus new housing in the existing urban area, especially in Bolton town centre, council-owned housing areas and in mixed-use developments on existing older industrial sites and to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.

Policy SC1 of Bolton's Core Strategy states that the council and its partners will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026. At least 80% of housing development will be on previously developed land in accordance with the Regional Spatial Strategy; the Transforming Estates programme will provide up to 20% of housing development on Greenfield land.

This is a proposal for nine family houses on a brownfield site, within a renewal area and in a sustainable location well served by public transport and close to shops, services and places of employment. As such, it is considered to comply in full with national and local planning policies on new housing provision and to deliver significant benefits on those terms, particularly in the context of the presumption in favour of sustainable development.

Value Added to the Development

The layout has been amended to the satisfaction of the Council's Highway Engineers. The consultation period was extended to take account of the considerable public interest in the loss of theatre facility and this non-designated heritage asset.

Conclusion

National planning policies require the Council to take account of loss of local distinctiveness and community provision but it is considered that these policies fall short

of giving Local Planning Authorities the legal powers to require and ensure their retention, particularly in the context of the right to demolish under Part 31 of the General Permitted Development Order. The building clearly makes a positive contribution to the character of the area (albeit reduced by the lack of prominence) and evidence from objectors demonstrates that the theatre use has made a significant and positive contribution to the arts, to personal and community development and to general well-being in Bolton and beyond. However, it remains the case that the Council does not have adequate powers to ensure the retention of this building - and even if it did it, has no powers to compel the owner to make the building available for the preferred use of the objectors. Indeed, no evidence has been submitted that shows the likelihood of the theatre use ever resuming. The Applicant has provided an up to date building survey which, subject to the views of the Council Corporate Property Officers, appears to demonstrate that needed repairs are financially unviable.

The proposal will also deliver a number of benefits - the removal (or at least significant reduction) of the non-conforming use within a fairly dense residential area and the potential for noise, disturbance, vehicle movements and parking demands that this would entail, particularly when other potential uses such as place of worship or wedding celebrations are taken into account. Officers give significant weight to the fact that no objections have been received from immediately local residents (indeed, a petition of support has received 89 signatures) and all the objections are from people not directly affected by the long-standing or current use of the site with some being from outside of the Borough boundaries. New family housing development, sustainably located and on brownfield sites should be given significant positive weight in the planning balance, in terms of both national and local planning policies.

The proposal is considered to be in compliance with the National Planning Policy Framework and Bolton's Core Strategy and is recommended for approval.

Representation and Consultation Annex

Representations

Letters:- 12 letters of objection have been received from residents of Bolton. None of the objectors live within the immediate vicinity of the site.

24 emails have been received directly from objectors. These emails do not specify their home address so their relationship to the site or to Bolton cannot be assessed

2 representations of objection have been received from outside of the Borough

Typical issues raised by objectors include:-

- from the early 1970s until 2012 this community and theatre facility was used by a wide range of theatre and community groups on a full time basis
- many of these groups are now struggling even to function and are close to closure
- the facility was used to store costumes, scenery, lighting all of which are now stored elsewhere breaking up and fragmenting the community who once were housed in one central facility
- these groups have had to find alternative venues in which to meet and perform which resulted high costs which simply cannot continue
- the facility brought hundreds of people together young and old
- the site provided entertainment to members of the public, opportunities for people to learn and develop new skills, share experiences, gain support and work together
- the services and facilities provided by this building were incalculable and saved the council thousands of pounds
- the hire costs imposed by the current owners have rendered community use unviable
- the building is laid out internally like a real theatre and no other school or church hall has this quality
- without this facility, the quality of productions is weaker
- Bolton's theatre community is diverse and should be nurtured rather than inhibited through loss of facilities
- the use encouraged fitness, health and well-being through physical activity and social interaction
- professional performers have taken their first development steps at this site
- planning can refuse to demolish a building if the community can come up with a plan to use this building as a community asset
- a community needs study should be carried out to justify any decisions made with regards to this application and proper planning procedure followed
- the building has architectural merit and an imposing appearance
- the building has cultural and social significance as a place of worship and drama used by thousands of people down the years
- the survey is questionable as the building was only purchased two years ago
- the building should be retained and converted to residential accommodation

Two representations of support have been received from residents of Seymour Road and Sherwood Street

Typical issues raised by supporters include:-

- as a resident on Seymour Road Bolton I welcome the application of houses on the Methodist church site as this will clear the problem of constant parking issues whenever there is a event and will also reduce traffic congestion

- the proposal will deliver a separate independent parking area for the remaining community uses at the site

Petitions:- a petition of support has been submitted, containing the signatures of 89 people almost entirely from the immediate vicinity of the application site. The petition states that the proposed development will help to solve the ongoing long time severe traffic congestion problem on Seymour Road due to the events held at the Methodist Theatre Church.

Elected Members:- Councillors Harkin and Richardson have requested that the application be determined by Planning Committee.

Consultations

Advice was sought from the following consultees: Highways, Drainage, Theatres Trust, GM Police, United Utilities.

Planning History

Minor development unrelated to the current proposal.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of development a detailed specification for all doors and windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is [**first occupied or brought into use**] and retained thereafter.

Reason

To ensure the development reflects local distinctiveness.
3. Prior to the commencement of development samples of the materials to be used for the external walls and roof 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.
4. Before the approved development commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority specifying the provision to be made to protect future residents from noise and disturbance due to the remaining non-residential uses at the site. The approved scheme shall be implemented in full prior to the development being brought into use or first occupied, whichever is sooner and retained thereafter.

Reason

To safeguard the living conditions of residents, particularly from the effects of noise.

5. Before the development hereby approved is commenced/first brought into use [delete as appropriate] a scheme shall be submitted to and approved in writing with the Local Planning Authority for external lighting/floodlighting. The lighting shall be designed to an illumination value of [**] lux at the nearest residential property. The beam angle of any lights directed towards any potential observer should be kept below [**] degrees. Spill shields should also be fitted. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter.

Reason

To safeguard the character and appearance of the locality and to prevent light pollution.

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

Reason

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

7. Prior to the commencement of development full details of the highway works at Seymour Road comprising measures to prohibit waiting at all times 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.

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

Reason

To provide adequate foul drainage

9. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason

To ensure adequate surface water drainage.

10. Prior to the development hereby approved being first occupied or brought into use the means of vehicular access to the site from Seymour Road shall be constructed to a minimum width of 6 metres with 5 metres radii and 1 no. 1.5 metres wide footway.

Reason

In the interests of highway safety

11. Prior to the development hereby approved being first occupied or brought into use 2. no footways shall be constructed to a minimum width of 2.5 metres at Sherwood Street.

Reason

In the interests of highway safety

12. Before the approved development is first brought into use no less than 16 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 the amended drawing recieved by email on 31st July 2014. Such spaces shall be made available for the parking of cars at all times the community buildings are in use.

Reason

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

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

Reason

To encourage drivers to make use of the parking and circulation area(s) provided.

14. Prior to the development hereby approved being first brought into use a visibility splay measuring 2.4 metres by 43 metres shall be provided at the junction of the site access road with Seymour Road, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

To ensure traffic leaving the site has adequate visibility onto the highway.

15. 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.

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

Reason

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

17. No dwelling shall be occupied until the access road, footways and footpaths leading thereto have been constructed and completed in accordance with the amended drawing recieved by email on 31st July 2014.

Reason

In the interests of highway safety.

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

amended layout drawing received by email on 31st July 2014

Reason

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, fences, gates, walls, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed on any elevation.

Reason

To safeguard the character and appearance of the dwellings and because the plot size is limited and any extension would result in an unsatisfactory scheme.

20. 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 or eastern elevations of the development hereby approved other than those shown on the approved drawings, nor shall those approved windows or doors be enlarged or altered.

Reason

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

Our Ref.: RA/3831
Application Ref.: 92362/14



14 August 2014

For the attention of Mr Martin Mansell

Planning Control
Bolton Council
2nd Floor, The Wellsprings
Howell Croft South
Bolton, BL1 1US

Dear Mr Mansell,

Former Methodist Theatre Church, Seymour Road, Bolton BL1 8PG

Application Ref.: 92362/14

Further to my letter dated 29 July 2014 regarding the above planning application for the demolition of the former Theatre Church, The Theatres Trust has been made aware of concerns within the local community over the loss of the building for theatre use. We therefore wish to withdraw our previous submission and **object** to the application. Please see our remit and comments below.

Remit: The Theatres Trust is The National Advisory Public Body for Theatres, safeguarding theatre use or the potential for such use; we provide expert advice on theatre buildings including, new design, heritage, property and planning. Established by The Theatres Trust Act 1976, the Trust delivers statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO), requiring the Trust to be consulted on planning applications 'involving any land on which there is a theatre'.

Advice/comment: My submission noted the importance of the guidance in the National Planning Policy Framework (NPPF), notably paragraph 70, which states that in 'promoting healthy communities', planning decisions should 'plan positively for cultural buildings' and 'guard against the loss of cultural facilities and services'. The loss of a building that could be used by the community as a cultural facility would be contrary to that Framework. I also advised that a community needs study may be required to determine if the church building is surplus to the needs of the local community.

The Trust has become aware of a number of community groups who had a connection with the building for over 40 years until its closure in 2012 and who highly valued the use of the Theatre Church for both community and theatre use. Representatives from the Bolton Amateur Theatre Societies and CATS Youth Theatre have indicated they raised considerable community funds to bid for the building at the time of its sale, though were unsuccessful. It is clear from our communication and current media reports that groups have had difficulties finding new affordable theatre space in Bolton in which to continue their activities and, given the loss of equipment from the Methodist Theatre Church, are having to equip their new spaces at considerable cost to enable it to be used as a replacement theatre. There is clearly a community need to retain the Theatre Church.

Protecting theatres for everyone

Director Mhora Samuel **Chairman** Rob Dickens CBE
Trustees Nick Allott OBE, Dara Ó Briain, Ruth Eastwood, Tim Foster, Oliver Goodwin, Prof Gavin Henderson CBE, Jerry Katzman, Dame Penelope Keith DL, Judith Mellor OBE, Peter Roberts, Matthew Rooke, Simon Ruddick, Ann Skippers, Anna Stapleton

Should the Council be minded to grant approval, it would be appropriate for a section 106 planning obligation to be agreed to provide a financial contribution to address the loss of the facility and support provision of a replacement theatre, and **we recommend that there is a condition** attached to the permission to this effect.

We would certainly object in the strongest possible terms to any planning application which did not include a fully functional theatre which secures a replacement to the existing provision where there is such a community need. Given the level of importance this facility had as a cultural facility and the community's interest in retaining it, we must therefore advise you to **refuse** the application. If you approve the application we strongly advise that you attach the **condition above accordingly**.

Please do not hesitate to contact me should you wish to discuss matters further.

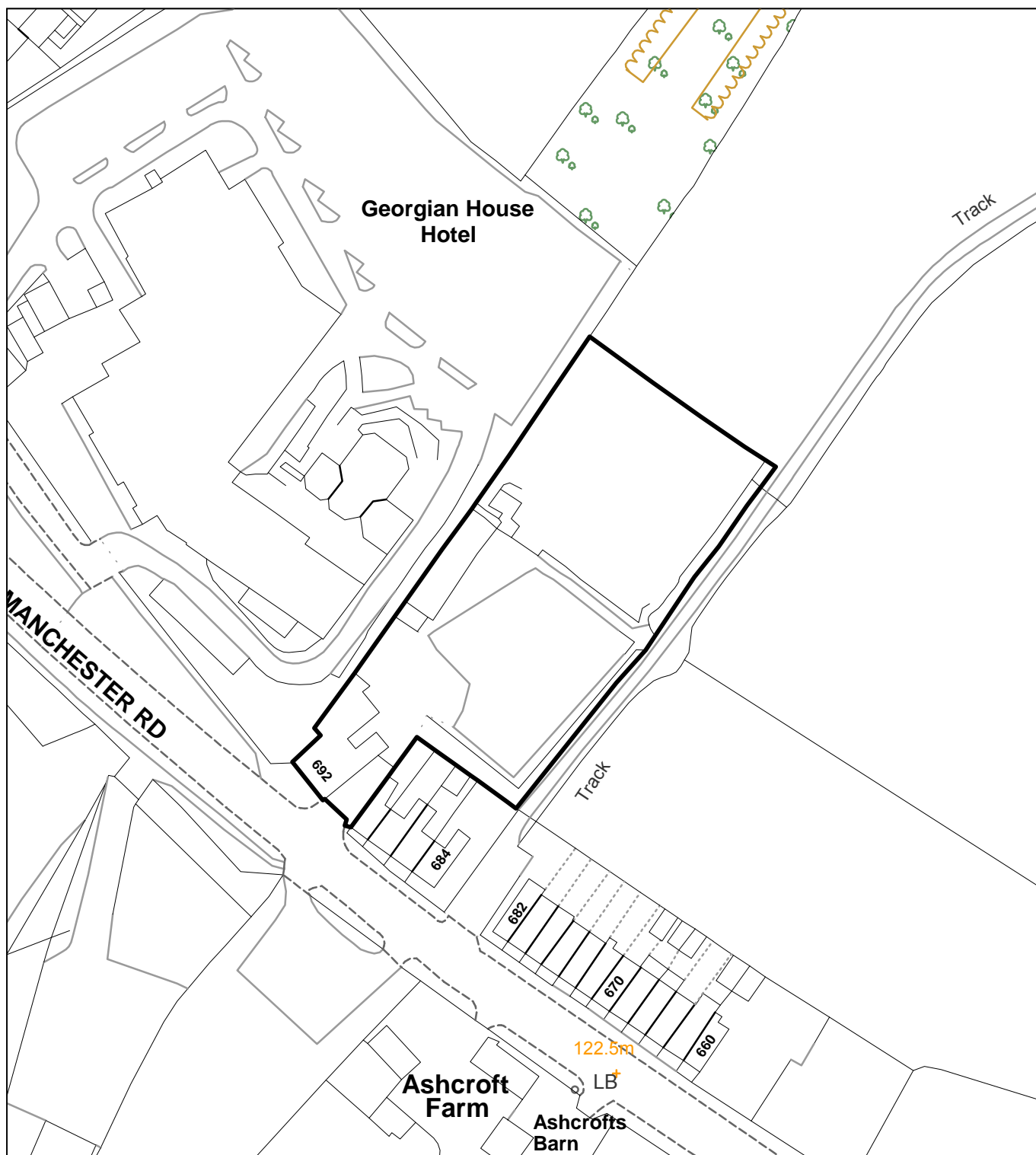
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ross Anthony', written over a horizontal line.

Ross Anthony
Planning Adviser

Application No.

92367/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399



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11

Date of Meeting: 25/09/2014

Application Reference: 92367/14

Type of Application: Full Planning Application
Registration Date: 08/07/2014
Decision Due By: 01/09/2014
Responsible Officer: Jeanette Isherwood

Location: 692 CHORLEY ROAD, WESTHOUGHTON, BOLTON, BL5 3NL

Proposal: CHANGE OF USE AND CONVERSION OF OUTBUILDING TO DWELLING INCLUDING SINGLE STOREY SIDE EXTENSION.

Ward: Westhoughton North

Applicant: Mrs Anna Fielding
Agent :

Officers Report

Recommendation: Approve subject to conditions

Proposal

The proposal is for the change of use of an existing outbuilding to a one bedroom detached bungalow, together with the erection of a single storey extension to the rear.

The property is of an irregular shape with the rear elevation being stepped in appearance. The proposed single storey extension will 'square up' the rear elevation, extending 4.2 metres from the southern elevation and 2.6 metres from the northern elevation. The proposal incorporates a dual pitched roof design and will be 200 mm lower than the existing hipped roof.

This outbuilding was previously approved for conversion and extension under application reference - 64982/03

Site Characteristics

The site lies within the Green Belt with the plot originally containing one property. The original dwelling at 692 has been considerably extended with the erection of a large summer house to the rear that has since been converted into a 4 bedroom detached property. The outbuilding to be converted is sited between the original house and the existing converted summer house, but is presently included within the curtilage of the converted summer house. This summer house conversion was originally refused under reference 78640/07, but the decision was overturned at appeal in June 2008.

The access is to the side of 692 taken from Chorley Road and leads down to a large, fenced, parking area. The outbuilding and converted summer house has gated pedestrian access.

To the south of the A6 is Station House Farm, whilst on the northern boundary is the

Ramada Jarvis Hotel. Fronting the A6 and to the south are a number of terraced properties.

Access is to the side of 692, which leads down a gravel path to a large parking area at the bottom.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.5 Flood Risk; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod, OA3 Westhoughton.

Saved UDP Policies: G2 Green Belt; CG3 Re-use of Buildings in the Green Belt.

PCPN2 Space Around Dwellings

History

Application 61212/02 proposed the conversion of the outbuilding into a dormer bungalow and was refused June 2002

Application 64982/03 proposed the conversion and extension to the rear of the outbuilding and was approved October 2003.

Application 70675/05 proposed the conversion and extensions to the front and side of the outbuilding and was refused April 2005.

Application 72895/06 proposed the erection of a summer house / recreation facilities within the garden. This was a certificate of lawfulness application and was approved as permitted development in February 2006.

Application 73357/06 was granted permitted development for the certificate of lawfulness to erect a single storey outbuilding. This was approved as permitted development in March 2006.

Application 78640/07 proposed the conversion of the summer house to a detached dwelling and was refused December 2007 with a subsequent appeal being allowed June 2008.

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 Openness of the Green Belt
- * impact on Highway Safety and the Public Right of Way
- * impact on the Character and Appearance of the Area

Impact on the Openness of the Green Belt

Section 9 of the NPPF refers to Green Belt land. Para. 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paras. 89 and 90 list types of development that do not constitute inappropriate development, including, "the re-use of buildings provided that the buildings are of permanent and substantial construction", provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

Saved UDP Policy G2 reflects the Green Belt guidance within the NPPF.

Saved UDP Policy CG3 states that the Council will consider the re-use of buildings within the Green Belt to be appropriate development providing [amongst other things] the proposal does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it.

The site lies within the Green Belt but the proposal represents a conversion of a building rather than the erection of a new one. The outbuilding is within an existing garden which is well screened on all boundaries. The impact of the proposal would therefore not have a materially greater impact on the openness of the green belt.

The application building is an existing outbuilding, located to the rear of the residential property of 692 Chorley Road. The outbuilding is sited within the curtilage of a further property recently converted to a detached dwelling, historically being the summer house to 692. Both properties are sited within a large rear residential garden.

The present use of the site is domestic garden and the conversion would continue this use and is therefore not thought to conflict with the openness of the Green Belt as the proposal would not be a significant change. It is also considered that the previous conversion of the summer house establishes the principle for a dwelling on the site.

The applicant has no plans to enclose the site and wishes to preserve the open feel of the larger expanse of garden.

A condition is suggested to remove the permitted development rights for additional extensions, changes to the roof and the addition of outbuildings to further protect the site from inappropriate future development.

The proposed extension to the building is considered to be appropriate in terms of scale, design and siting. The extension is modest in scale and represents the filling in of a corner of the existing building. It is concealed from the wider Green Belt by the mature trees and the addition of a pitched roof does not represent an inappropriate increase in volume of the building.

It is therefore considered that the proposed change of use and extension would not harm the openness or purposes of the Green Belt, compliant with saved UDP G2 and CG3

Impact on Highway Safety

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

Access into the site is to the side of 692, leading down to a large gravel enclosed space suitable for the parking of several cars. This is currently utilised for parking and will provide ample space for the parking of any future occupiers, with no detriment to highway safety.

Highway Engineers do not raise any objections to the development.

Impact on the Character and Appearance of the Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and require development to be compatible with the surrounding area. Policy OA3 refers specifically to ensuring regard is given for the wider open landscape enhancing the character existing physical environment.

The garden is of a substantial size and the part of the site under consideration is not visible from much of the surrounding area.

The form of the building is considered to be in-keeping with its surroundings and the site is very well screened.

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

Impact on the Amenity of Neighbouring Residents

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

The application building is existing and is sited adjacent to the converted summer house separated by a 1.8 metre timber fence. The relationship of the properties, although in close proximity is similar to the majority of developments throughout the borough. The extension to the rear of the building will level the rear elevations of both properties and as such the impact on the neighbouring resident will be minimal.

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.

Conclusion

For the reasons discussed above it is considered that the proposed development would not harm the openness of purposes of the Green Belt, would not harm the character and appearance of the existing building or the surrounding area, would not jeopardise highway safety and would not unduly harm the amenity of neighbouring residents. It is therefore considered that the proposal is fully compliant with policy.

Members are recommended to approve this application subject to conditions.

Representation and Consultation Annex

Representations

Blackrod Town Council:- Raised objection as the site is within the Green Belt.

Westhoughton Town Council:- Raised objection as the site is within the Green Belt.

Consultations

Advice was sought from the following consultees: Highways Engineers, Pollution Control, Design for Security, National Grid.

Planning History

As detailed above.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

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

Reason

To ensure the development reflects local distinctiveness.

4. Before development commences details of all external lighting equipment shall be submitted to and approved by the Local Planning Authority. The lighting in the scheme should be erected and directed so as to avoid nuisance to residential accommodation in close proximity. The lighting should be designed to provide a standard maintained illumination of no more than 5 LUX at the facades of the nearest residential properties. No other lighting equipment may then be used within the development other than as approved by the Local Planning Authority.

Reason To minimise light intrusion to the residential amenity of the area from the increase and alteration of commercial, industrial and recreational uses in the area.

5. Before the approved/permitted development is first brought into use no less than 2 car parking spaces with minimum dimensions of 2.4 metres by 4.8 metres shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. Such spaces shall be made

available for the parking of cars at all times the premises are in use.

Reason

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

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

Reason

To encourage drivers to make use of the parking and circulation area(s) provided.

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, fences, gates, walls, soil stacks, waste pipes (other than rainwater pipes), meter boxes, central heating or biomass heating flues, solar PV, solar thermal, wind turbines, satellite dish(s), TV or radio antenna, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

Reason

To safeguard the character and appearance of the Green Belt

9. The curtilage of the property is being treated for planning purposes as that defined on the approved drawing ref: "Site Layout"; received 23rd July 2014.

Reason

For the avoidance of doubt as to what is permitted.

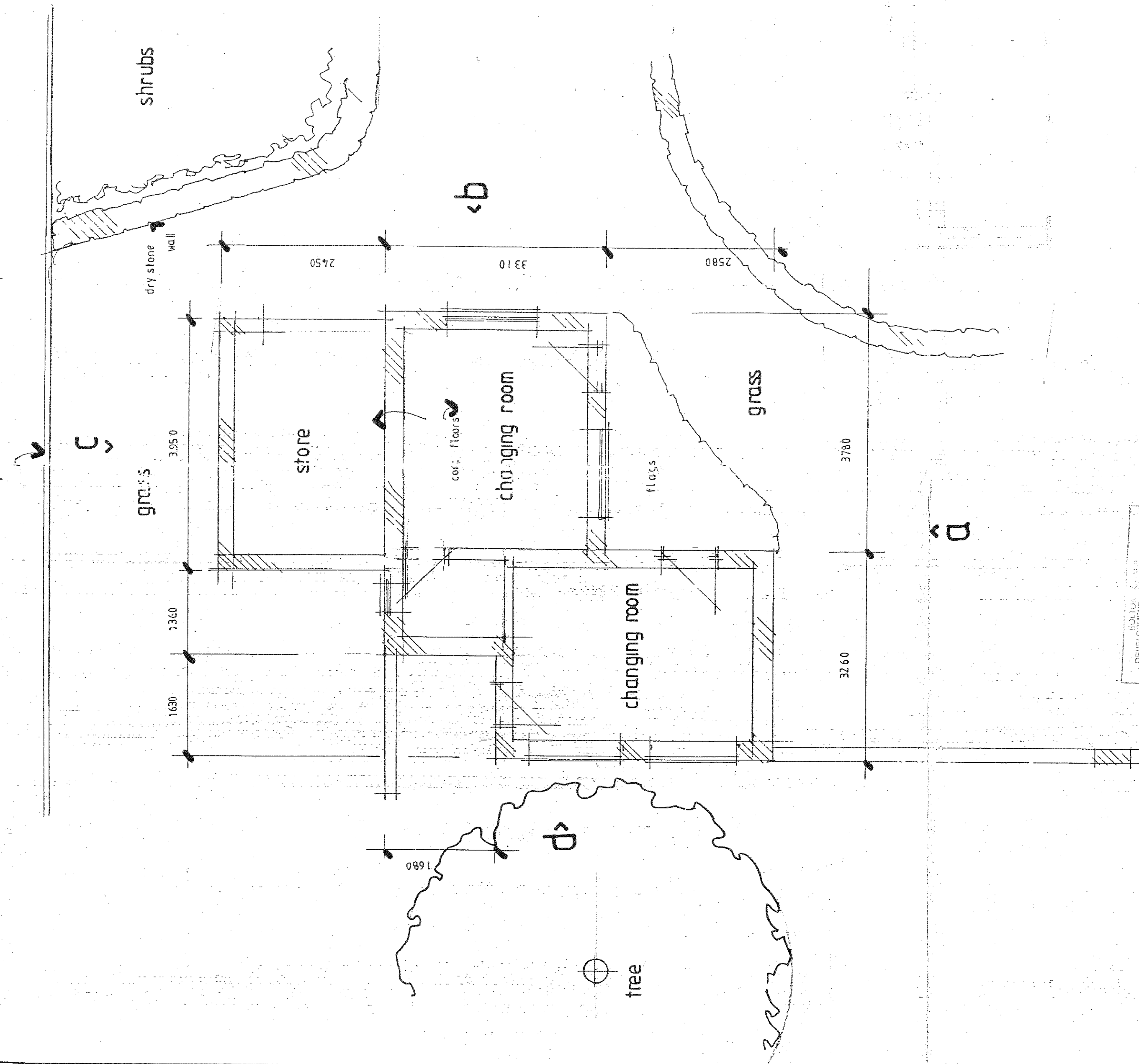
10. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Plans scanned on 23/07/14

Reason

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

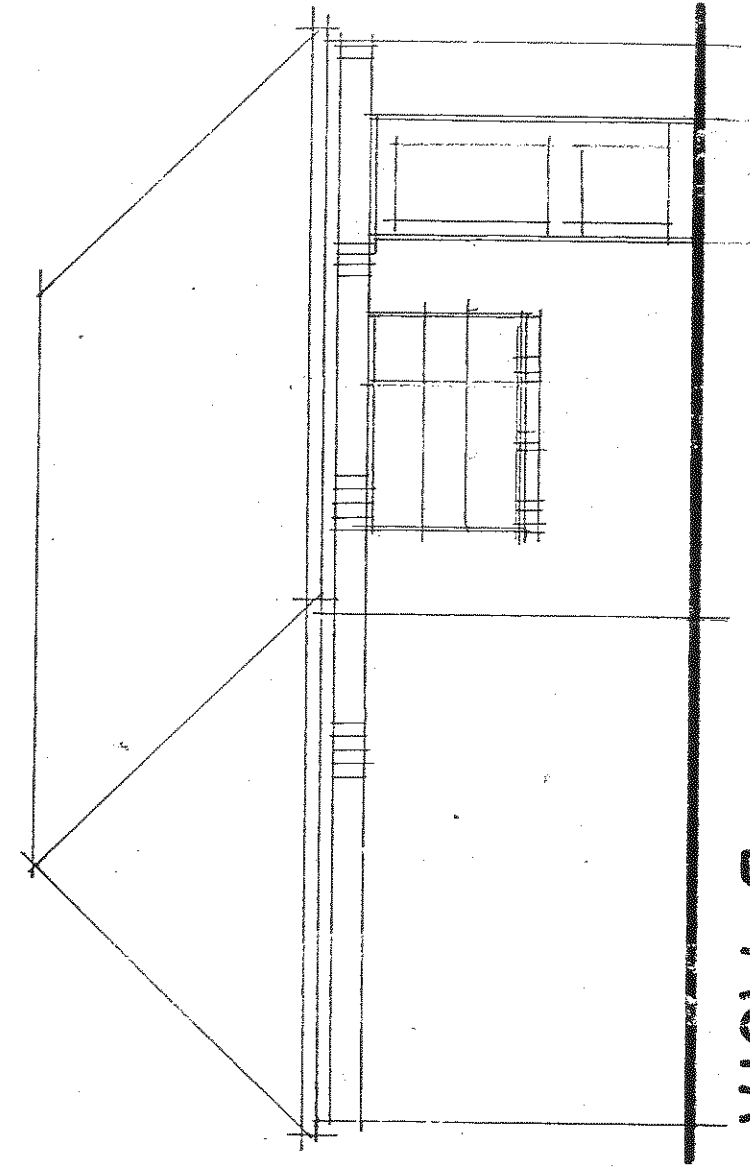
boundary



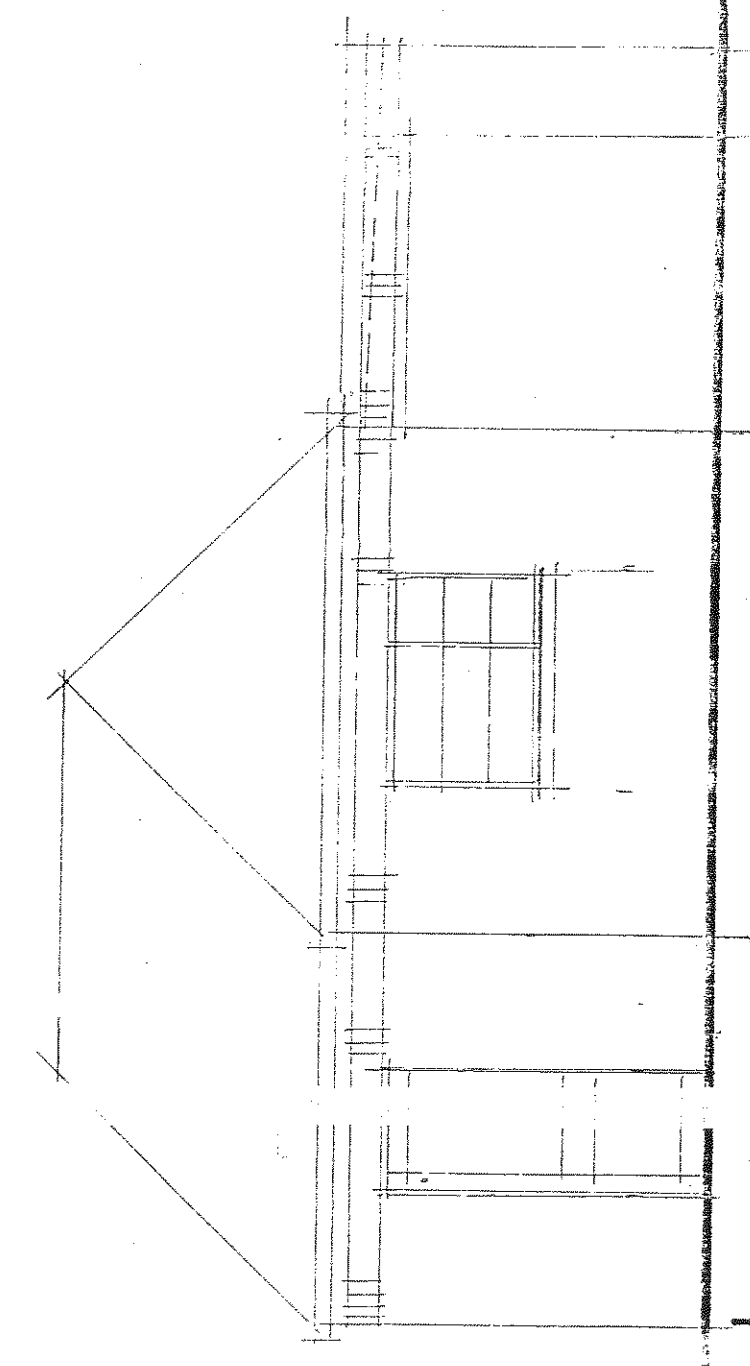
site plan

DEVELOPMENT APPLICATION
- 8 JUL 2014

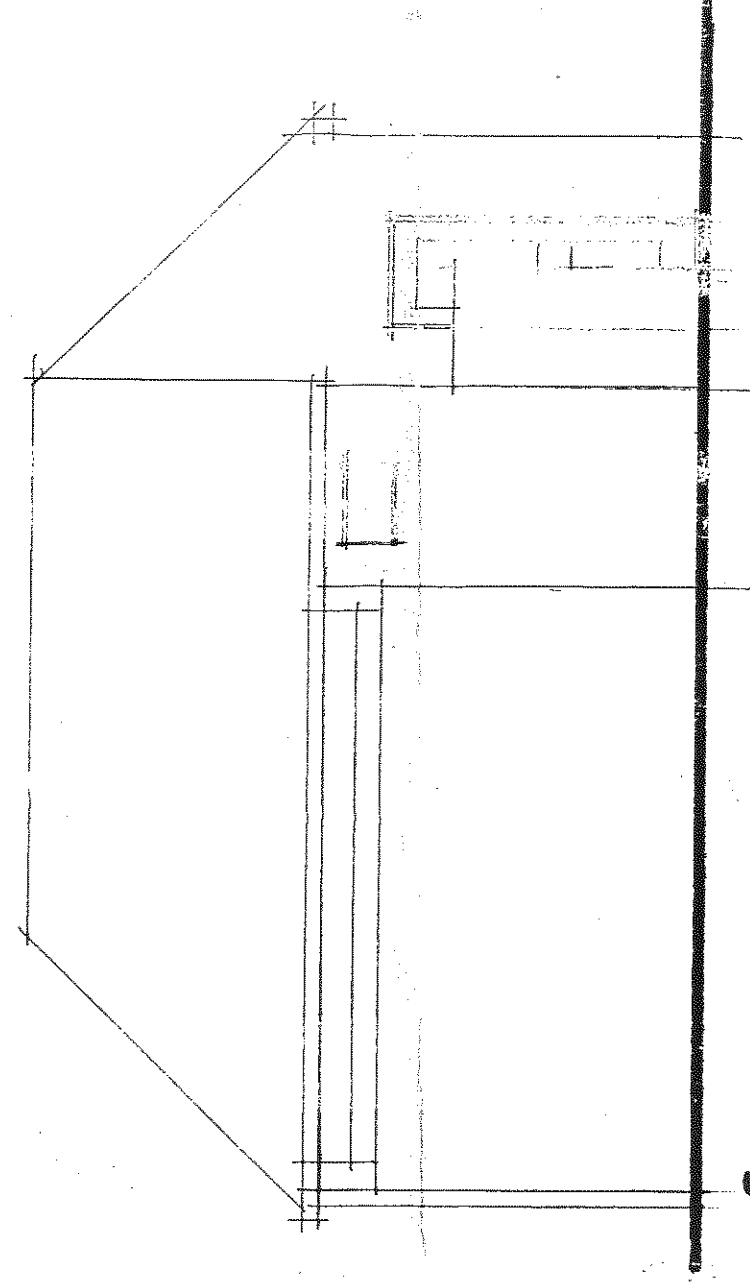
EXISTING BUILDING



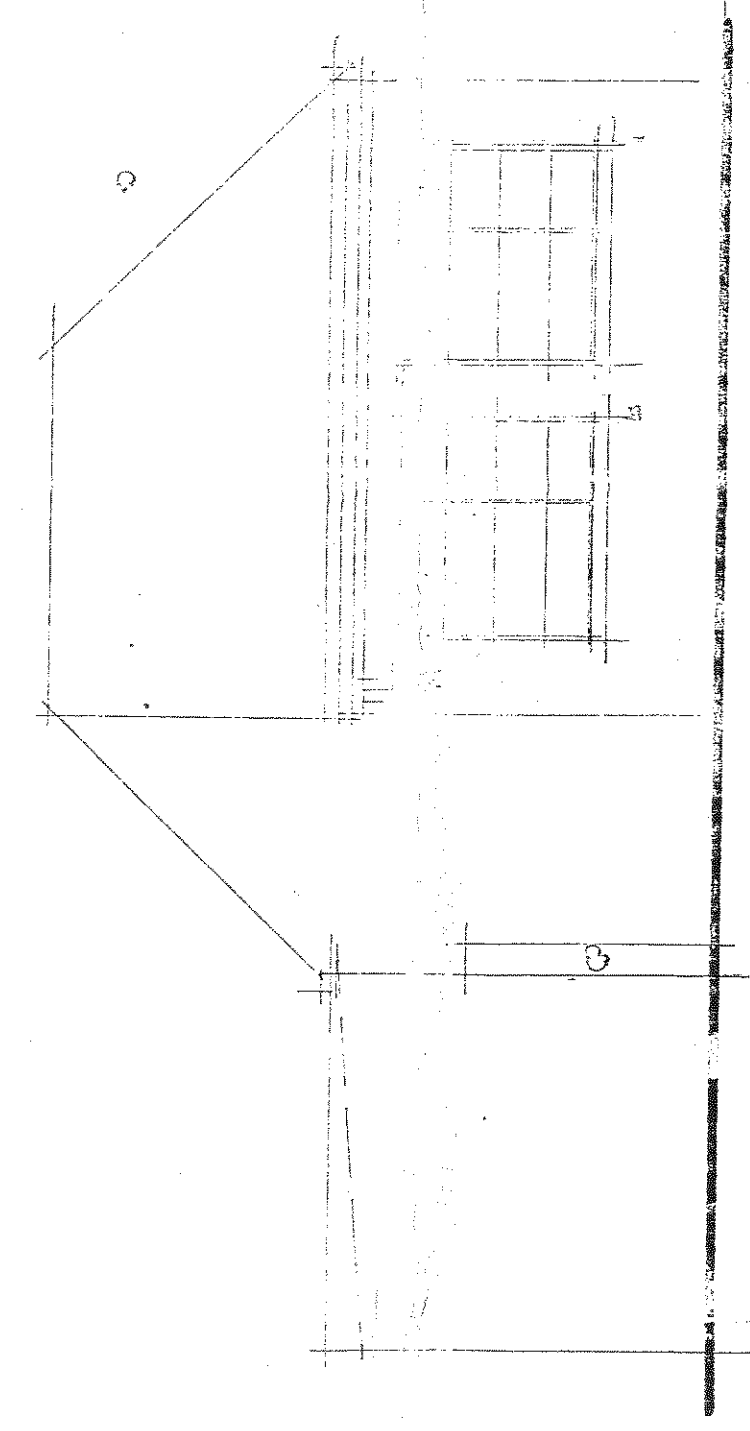
view a



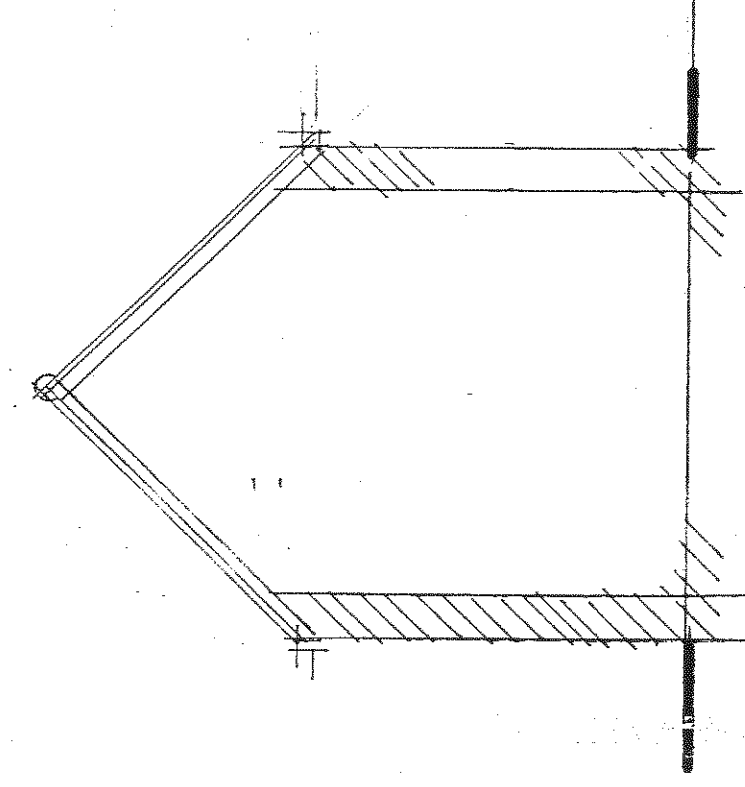
view b



view c



view d

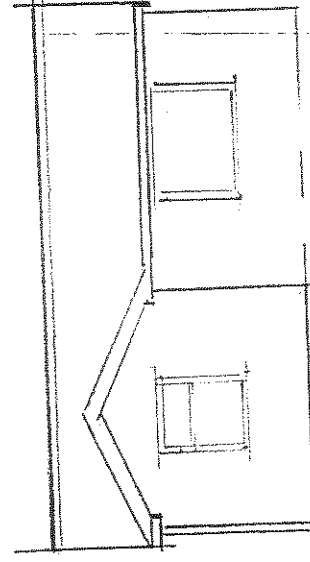


section

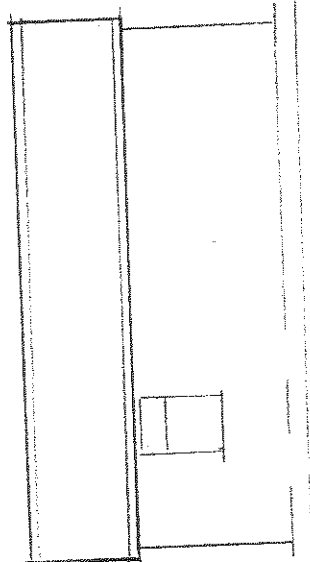
DATE	INITIAL	DETAILS
		REVISIONS
692 Chorley Road Westhoughton BL5 3NL		
Change of Use SURVEY		
DRAWING NUMBER		
1		
SCALE		
1:50		
REVISION		
3.05		
DRAWN		
CHECKED		
DESIGNED		
BY		

Proposed

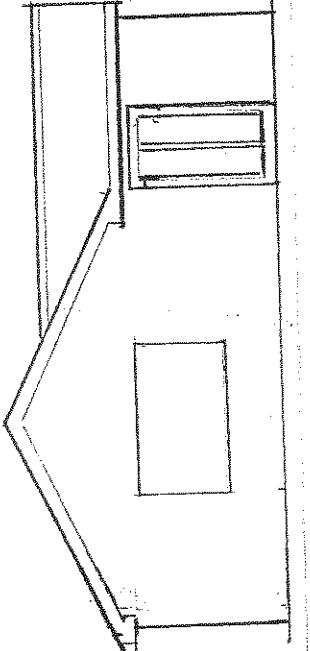
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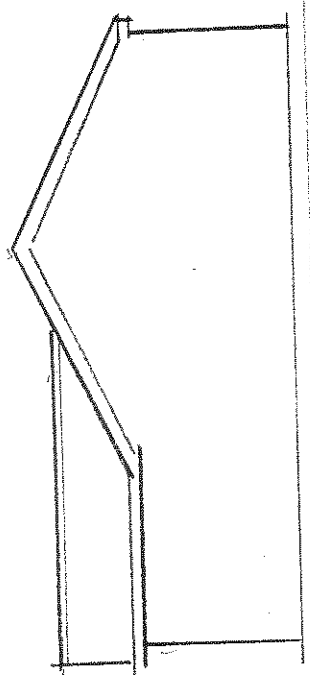
SIDE ELEVATION



SIDE ELEVATION

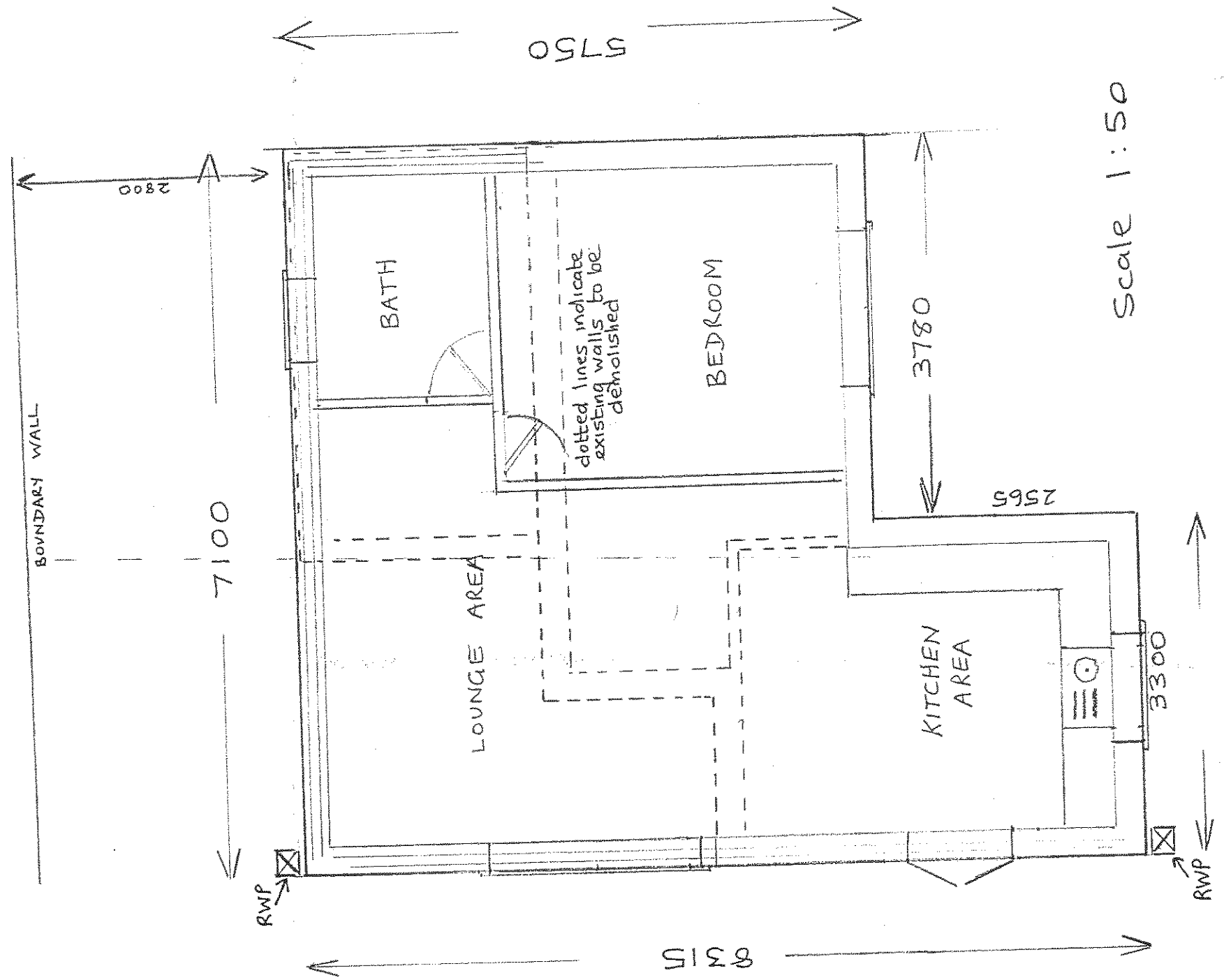


FRONT ELEVATION



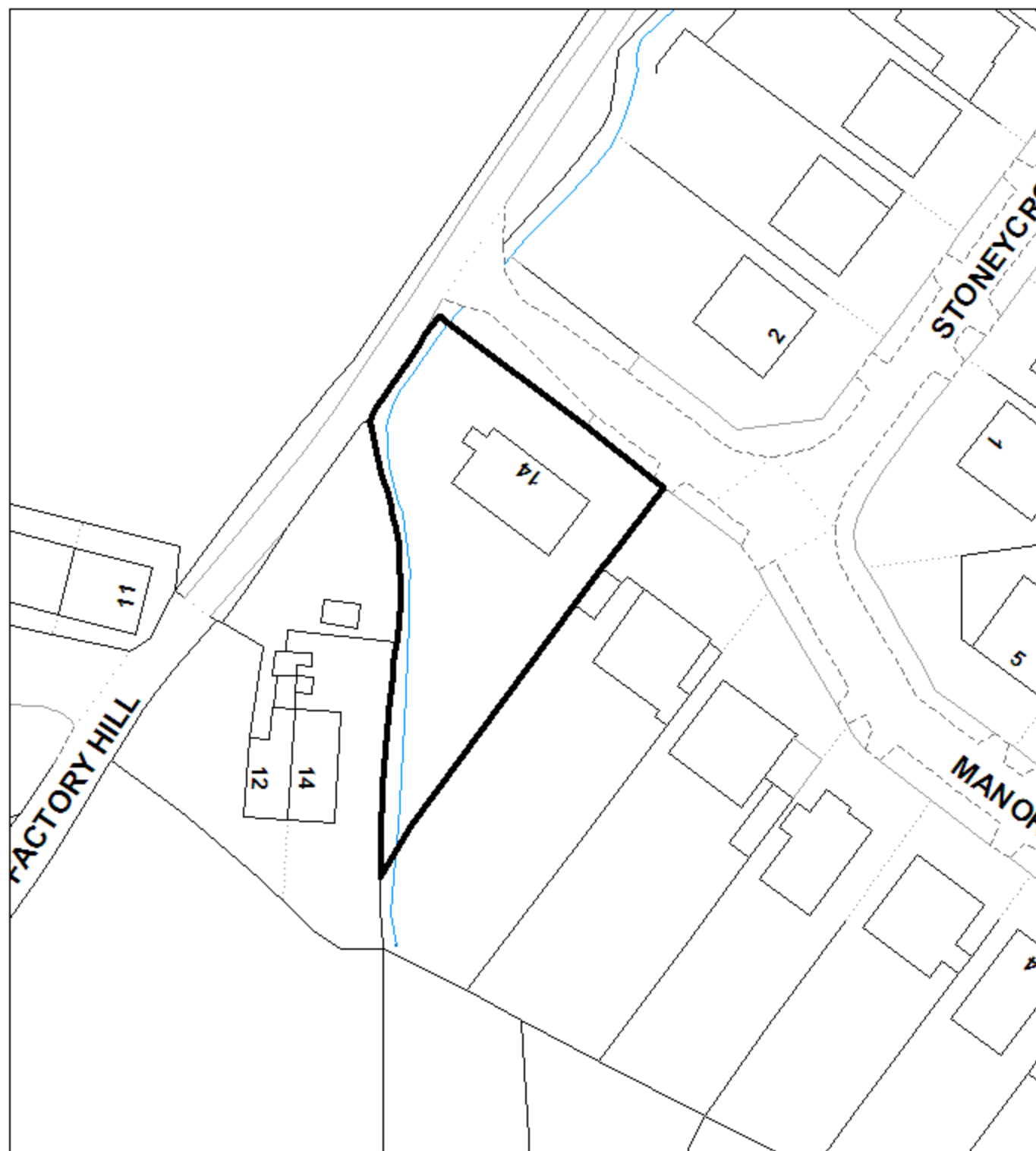
REAR ELEVATION

REVISIONS
- 8 JUL 2014



Application No.

92401/14



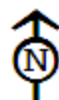
Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399

**Bolton
Council**

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Date of Meeting: 25/09/2014

Application Reference: 92401/14

Type of Application: Full Planning Application
Registration Date: 15/07/2014
Decision Due By: 08/09/2014
Responsible Officer: Helen Williams

Location: 14 MANOR ROAD, HORWICH, BOLTON, BL6 6AR

Proposal: DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF DORMER BUNGALOW

Ward: Horwich North East

Applicant: Mr Cotton
Agent : CadTech Design

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for the demolition of the existing detached bungalow and detached flat roof garage and the erection of a detached dormer bungalow with an attached double garage (a replacement dwelling).

The proposed dwelling will be wider, deeper and taller than the existing dwelling and will contain five bedrooms within the roofspace. A single storey double garage and rear workshop are proposed to be attached to the side, adjacent the boundary with 12 Manor Road. Two pitched roofed dormer windows are proposed at the front and three are proposed at the rear.

A driveway wide enough for the parking of three vehicles is proposed to the front of the garage.

Site Characteristics

The application site comprises a detached bungalow, a detached flat roof garage adjacent the boundary with 12 Manor Road, and a front and rear garden. The dwelling is the last property on the road and overlooks the rear garden of 2 Stoneycroft Avenue. The dwelling is sited at a lower ground level than Manor Road and the relatively lengthy, triangular shaped rear garden slopes down to the south west. There is an oak tree to the front of the dwelling, at the north western corner of the site, and a number of smaller trees and shrubs along the rear boundaries.

Manor Road and the adjoining Stoneycroft Avenue are characterised by detached dormer bungalows. The application dwelling is the only dwelling in the near vicinity that does not contain any dormer windows. The roofs of the houses on Manor Road and Stoneycroft Avenue have a variety of pitches.

To the south west of the application site are the semi-detached traditional stone dwellings of 12 and 14 Factory Hill. The side of number 14 overlooks the rear of the application dwelling's garden.

Factory Hill, which is also a public right of way (HOR132) runs to the north west of the application site. The Green Belt begins on the other side of Factory Hill from the application site. The site is also outside Wallsuches Conservation Area.

The application dwelling has been vacant for a number of years.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG1.5 Reduce the Risk of Flooding; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod.

PCPN2 Space Around Dwellings and SPD House Extensions

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 street scene and the surrounding area;
- * impact on the amenity of neighbouring residents;
- * impact on the highway;
- * impact on trees; and
- * impact on the watercourse.

Impact on the Character and Appearance of the Street Scene and the Surrounding Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA1 refers specifically to development in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that development respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

The existing bungalow is the only dwelling in the vicinity, on Manor Road and Stoneycroft Avenue, that does not contain dormer windows. The ridge height of the dwelling is also lower than its neighbours. The plot on which the dwelling stands is wider than others in the area, being at the end of Manor Road.

The proposed replacement dwelling will contain two individual, pitched roof dormer windows on the front roofplane and three individual dormers on the rear, to allow accommodation (five bedrooms) within the roofspace. The total height of the dwelling (height to ridge) will be 7.666 metres, which is approximately 0.9 metres taller than the ridge height of the adjacent bungalow at 12 Manor Road. There are however other dwellings in the vicinity that have higher ridges than number 12.

The proposed dwelling will also be wider than the existing dwelling as a double garage is proposed to be attached to its side, adjacent the boundary with 12 Manor Road. It is however considered that the wide plot could comfortably accommodate a dwelling of this increased footprint (the depth of the dwelling is also to be increased by approximately 1 metre) and would not harm the existing built grain of the area.

The application site has the advantage of being the end plot on Manor Road and only overlooks the side and rear garden of 2 Stoneycroft Avenue. The presence of a larger dwelling on this plot would not appear incongruous within the street scene (it could in effect be seen as a "bookend"), and its siting would follow the existing established stagger of houses on the southern half of Manor Road. The proposed height of the dwelling is not dissimilar to other houses in the area and the height difference between the proposed dwelling and the neighbouring property at 12 Manor Road has been lessened by the siting of a lower pitched roof (over the garage) adjacent the party boundary (the garage roof is approximately 0.9 metres lower than the ridge of number 12).

The proposed pitched roofed porch to the front of the new dwelling will help to break up the wide of the front elevation. The dwelling will also be constructed from brick and roof tiles similar to those of the existing dwellings on the street.

The relatively lengthy rear garden will be retained.

For these reasons it is considered that the proposed development would be compatible with the character and appearance of the street scene and the surrounding area, compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. PCPN2 Space Around Dwellings sets out the Council's minimum interface standards between dwellings.

12 Manor Road

The proposed dwelling will be sited forward of the front elevation of 12 Manor Road, as is the case with the existing bungalow. The proposed attached single storey garage will be sited adjacent the side boundary with number 12. The proposed dwelling is not sited so forward of number 12 that it would impinge upon an imaginary line drawn at a 45 degree angle from the centre of the lounge window at the front of number 12 (using the "45 degree rule" as advised within SPD House Extensions). The window in the side elevation

of number 12 is a secondary window to the lounge, and therefore not a main window. The proposed dwelling will also not extend past the rear elevation of number 12. It is therefore considered that the siting of the proposed dwelling would not unduly harm the amenity of the neighbouring residents at 12 Manor Road.

14 Factory Hill

14 Factory Hill is sited to the rear of the application site. The property has been extended at the rear and the windows in the side of the dwelling overlook the bottom of the application property's rear garden. No windows in 14 Factory Hill will directly overlook the rear of the proposed dwelling (they are angled away). 14 Factory Hill is however at a significantly lower ground level than the proposed dwelling.

PCPN2 advises that where principal windows do not directly overlook each other a minimum distance of 17 metres should be maintained. The PCPN also advises differences in ground levels may contribute to an effect not dissimilar to high buildings being located near lower buildings, and this should be taken into consideration. The rear of the proposed dwelling will, at its nearest, be 21 metres away from 14 Factory Hill (though it is not certain that the nearest point of 14 Factory Hill contains a main window or not). This interface distance however exceeds the recommended 17 metres in such situations and allows a further 4 metres to take into account the level differences. It is therefore considered that the proposed development would not unduly affect the amenity of the residents at 14 Factory Hill.

2 Stoneycroft Avenue

There is only a secondary window in the side of 2 Stoneycroft Avenue and this will only overlook the proposed garage. It is therefore considered that the proposal would not unduly affect the amenity of the neighbours at 2 Stoneycroft.

For these reasons it is considered that the proposed dwelling would 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] parking. Policy S1.2 states that the Council will promote road safety in the design of new developments.

An attached double garage and a driveway wide enough for the parking of three vehicles are proposed within the development (the proposed driveway has been widened following comments from the Council's Highways Engineers). It is therefore considered that ample off-site parking provision has been provided for the proposed five bedroom property.

The proposed driveway is from the same point off Manor Road as the existing driveway.

It is therefore considered that the proposal would not jeopardise highway safety and that more than sufficient off-site parking has been provided, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on Trees

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

There is a mature oak tree to the front of the site, at the north western corner, and a

number of smaller trees and shrubs along the rear boundaries. None of the trees are protected.

The Council's Tree Officer has confirmed that the proposed dwelling gives sufficient clearance to the oak tree. He has stated that it is of a fair quality but not of high amenity. The Officer has also confirmed that the dwellings will be clear of the trees and shrubs at the rear, but these are of low quality.

It is therefore considered that the proposed development would safeguard the existing vegetation on site, compliant with Policy CG1.2 of the Core Strategy.

Impact on the Watercourse

Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.

There is an existing watercourse located along the western edge of the application site. The Council's Drainage Officers have confirmed that the watercourse still receives surface water flows and should remain in situ. The watercourse is not proposed to be affected by the development and it is sufficiently far enough away from the proposed dwelling (it is over the 3 metre easement distance recommended by Drainage Officers). Following concern from third parties the applicant has confirmed that they will be making the stream a feature of their garden and they will be removing any surplus material from it.

It is therefore considered that the proposed development would not affect the existing watercourse and will not increase the risk of flooding, compliant with Policy CG1.5 of the Core Strategy.

Conclusion

For the reasons discussed above it is considered that the proposed replacement dwelling would be compatible with the character and appearance of the street scene and the surrounding area, would not unduly harm the amenity of any neighbouring residents, would not jeopardise highway safety, would not affect existing trees, and would not increase the risk of flooding. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- two letters of objection have been received from neighbouring residents at 12 Manor Road and 14 Factory Hill. These letters raise the following concerns:

- * The original dwelling is only single storey;
- * The new dwelling will be overbearing for the size of the plot and also in comparison with other properties within the vicinity;
- * The new dwelling extend much further back than the existing dwelling;
- * The roof will be considerable higher than 12 Manor Road's, which will cause loss of light to their lounge;
- * The windows in the side elevation of the garage will overlook 12 Manor Road;
- * The new dwelling will loom over 14 Factory Hill due to it being at a greater ground level;
- * Concerns about the use of the garage and workshop and any noise implications (officer's note: a condition is suggested to keep the garage available at all times for the parking of vehicles. A condition is suggested to ensure that the workshop remains incidental to the enjoyment of the dwelling);
- * There is a watercourse within 10 metres of the building, which has not been maintained or cleaned for over 7 years. Because of this the resident at 14 Factory Hill has experienced flooding in their garden;
- * Most of the existing trees have been removed earlier this year. They no longer provide screening to 14 Factory Hill;
- * The driveway is only suitable/long enough for one vehicle.

Horwich Town Council:- raised an objection to the proposal at their meeting of 21st August 2014 on grounds of scale, impact on neighbouring properties, trees and the existing watercourse.

Elected Members:- Cllr. Richard Silvester has requested an advance site visit.

Consultations

Advice was sought from the following consultees: Highways Engineers, Tree Officers, Drainage Officers, Corporate Property Officers, Strategic Development and Greater Manchester Police's Architectural Liaison Officers.

Planning History

None.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of development samples of the materials to be used for the external walls and roof 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. Prior to the commencement of development a detailed specification for all doors and windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and retained thereafter.

Reason

To ensure the development reflects local distinctiveness.

4. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and finished floor levels 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 appearance of the locality and to safeguard the living conditions of nearby residents.

5. 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.

6. 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

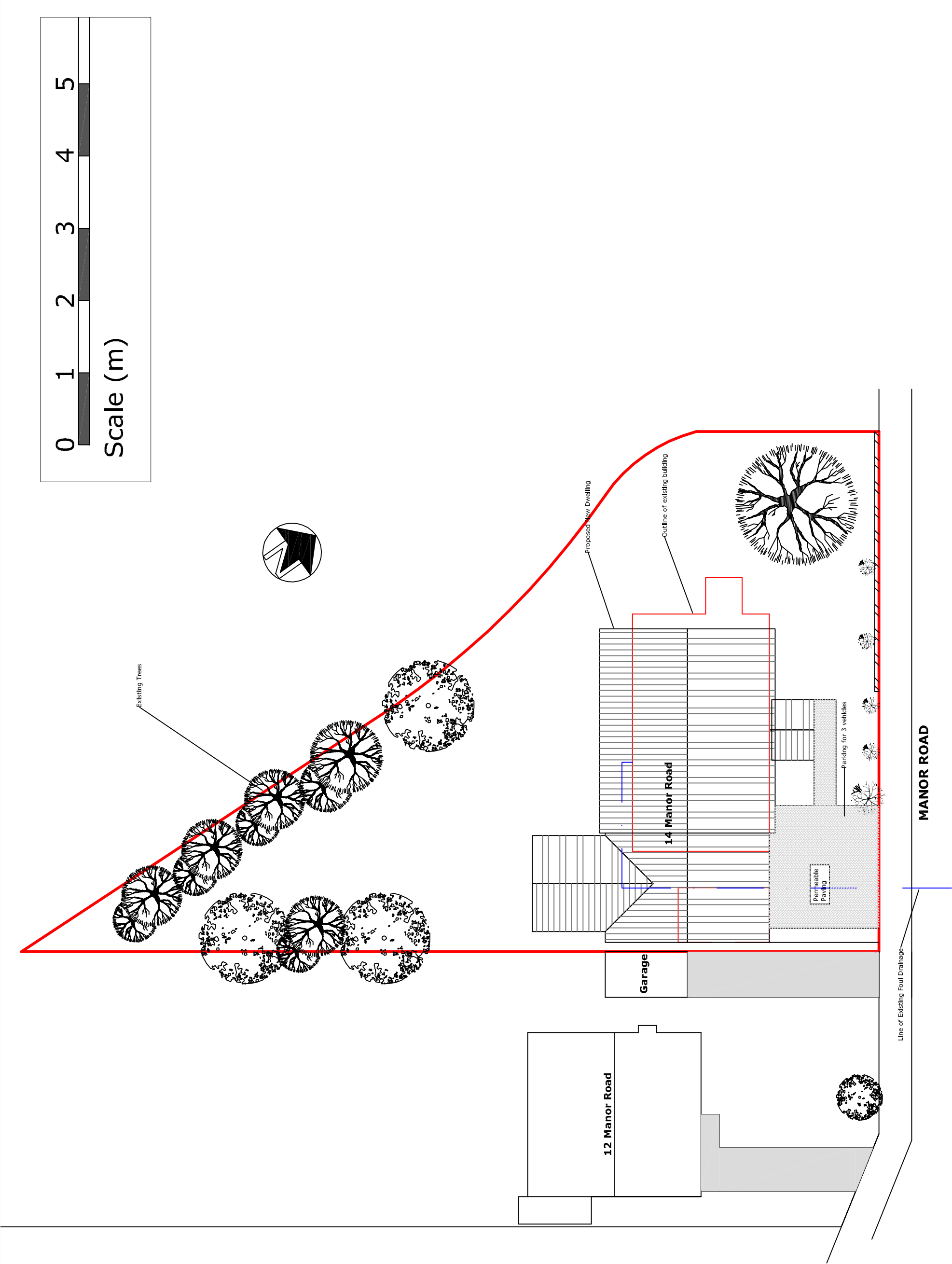
To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.

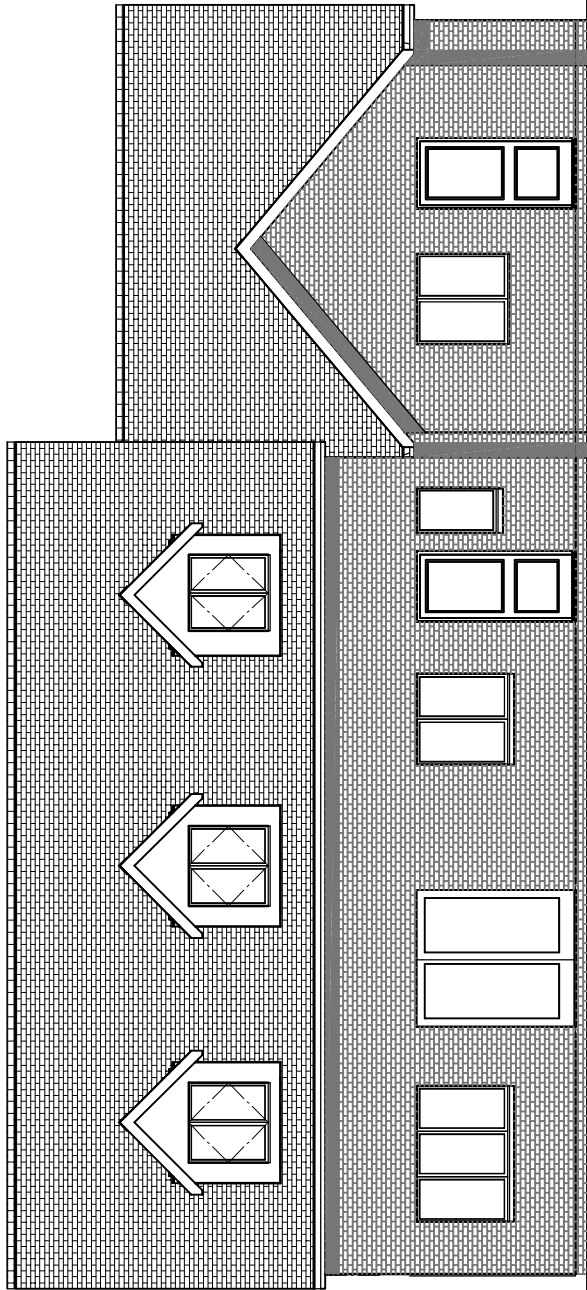
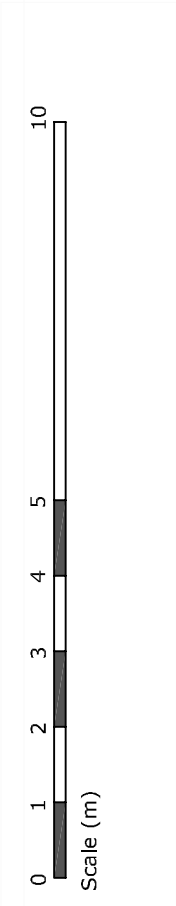
7. Before the approved/permitted development is first brought into use no less than 3 car parking spaces shall be provided within the curtilage of the site, in accordance with Drawing Ref: "Site Plan"; received 2nd September 2014. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

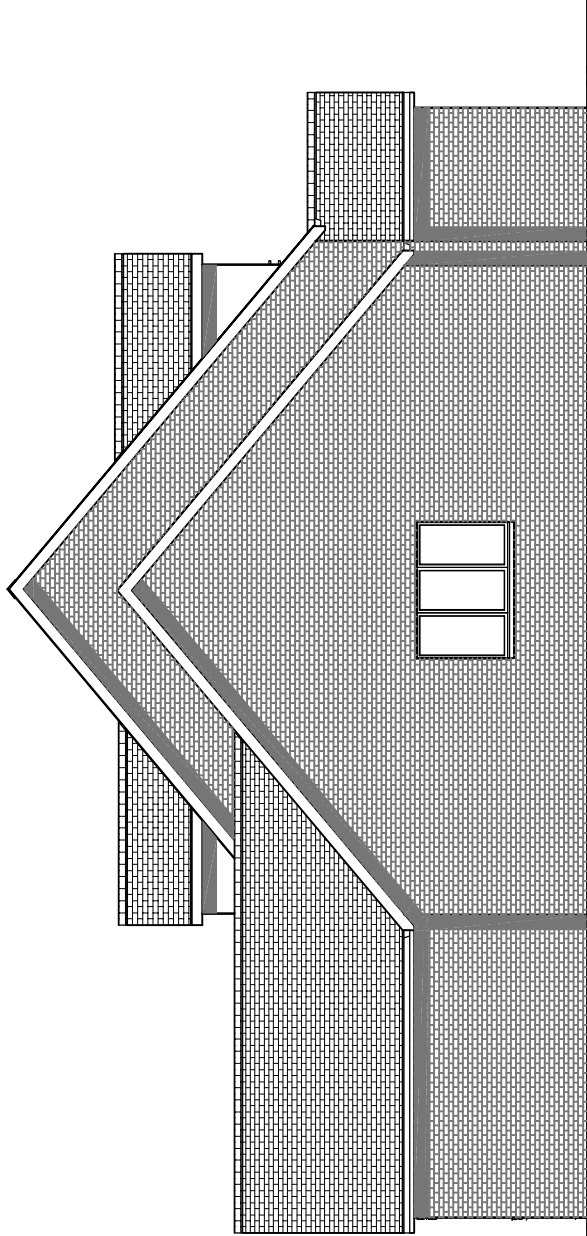
To ensure that adequate provision is made for vehicles to be left clear of the highway

8. The dormer fronts and cheeks shall be clad in materials similar to the existing roof.
- Reason
- To ensure the development safeguards the visual appearance of the building.
9. 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, garages or outbuildings (other than those expressly authorised by this permission) shall be constructed to the rear of the dwelling.
- Reason
- To safeguard the amenity of neighbouring residents.
10. The workshop hereby approved/permitted shall remain incidental to the enjoyment of the dwellinghouse.
- Reason
- For the avoidance of doubt to what is permitted.
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 and the general amenity of the area.
12. The development hereby permitted shall be carried out in complete accordance with the following approved plans:
- "Elevations"; dated July 2014
"Site Plan"; dated July 2014 and received 2nd September 2014
"Floor Plans"; dated July 2014
- Reason
- For the avoidance of doubt and in the interests of proper planning.

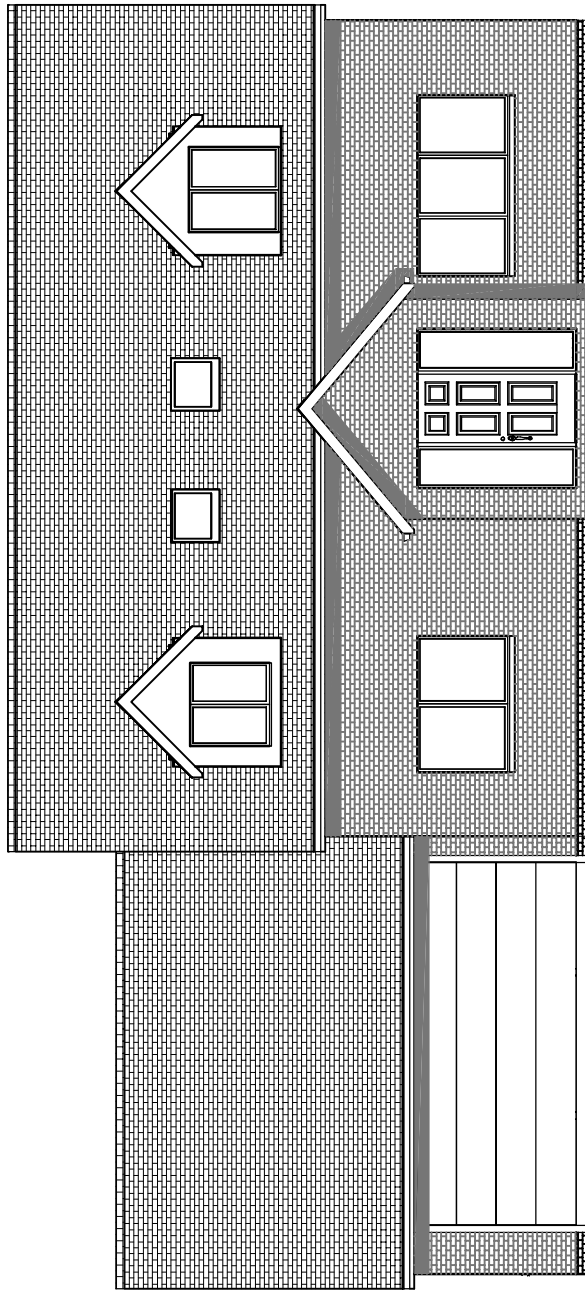




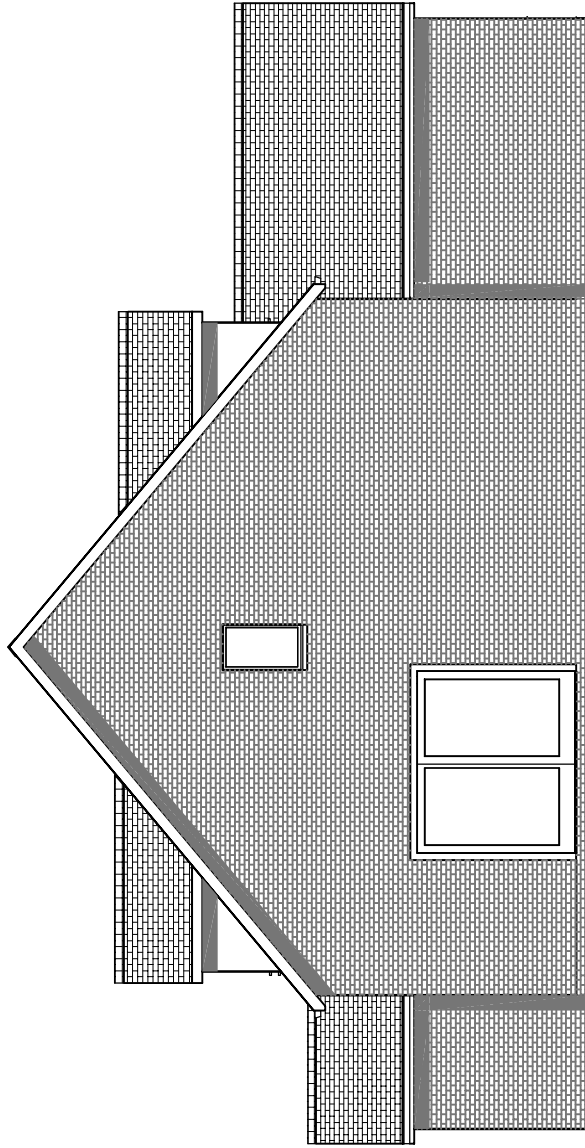
Proposed South West Elevation (Rear)



Proposed South East Elevation (Side)



Proposed North East Elevation (Front)

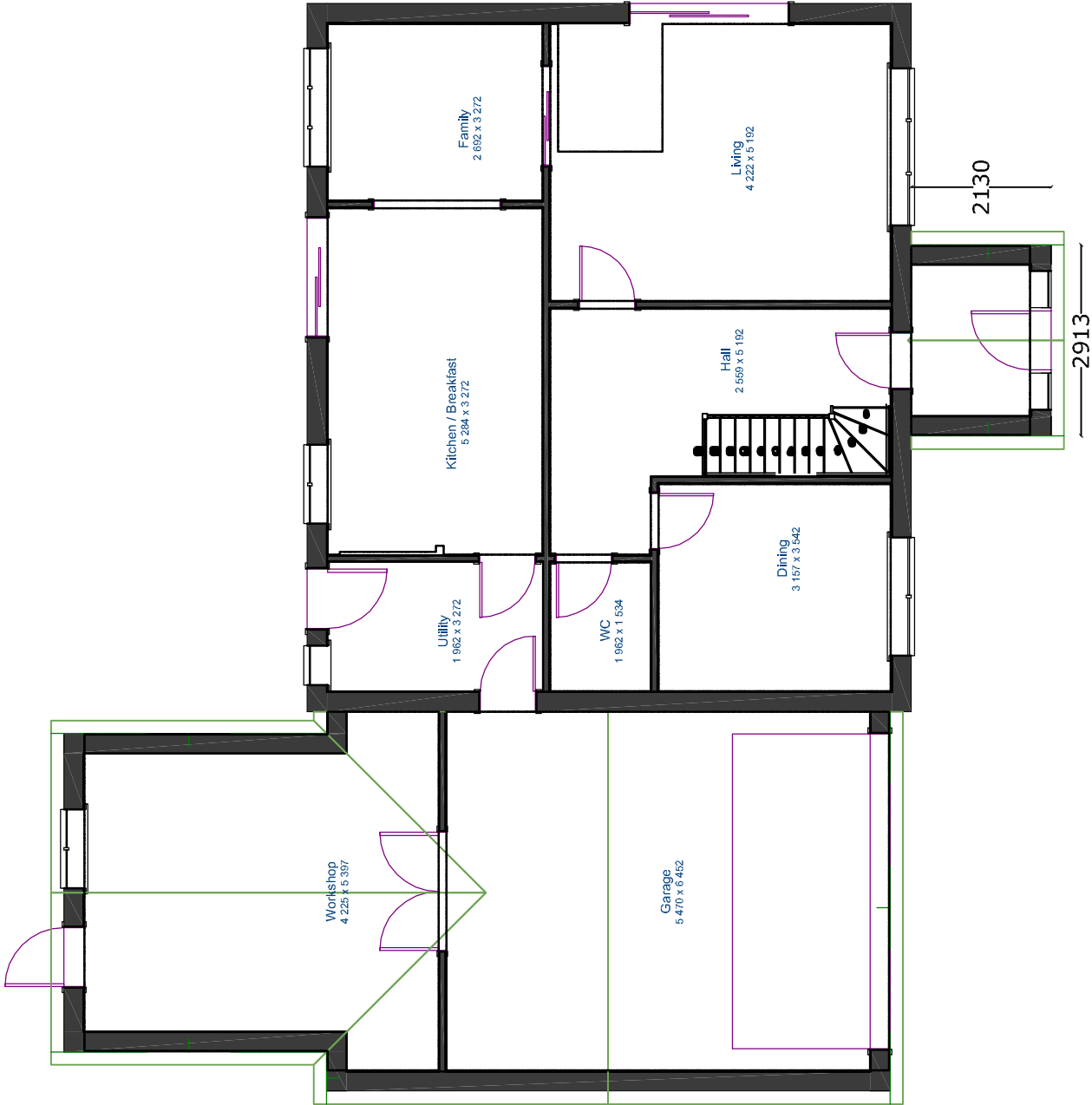


Proposed North West Elevation (Side)

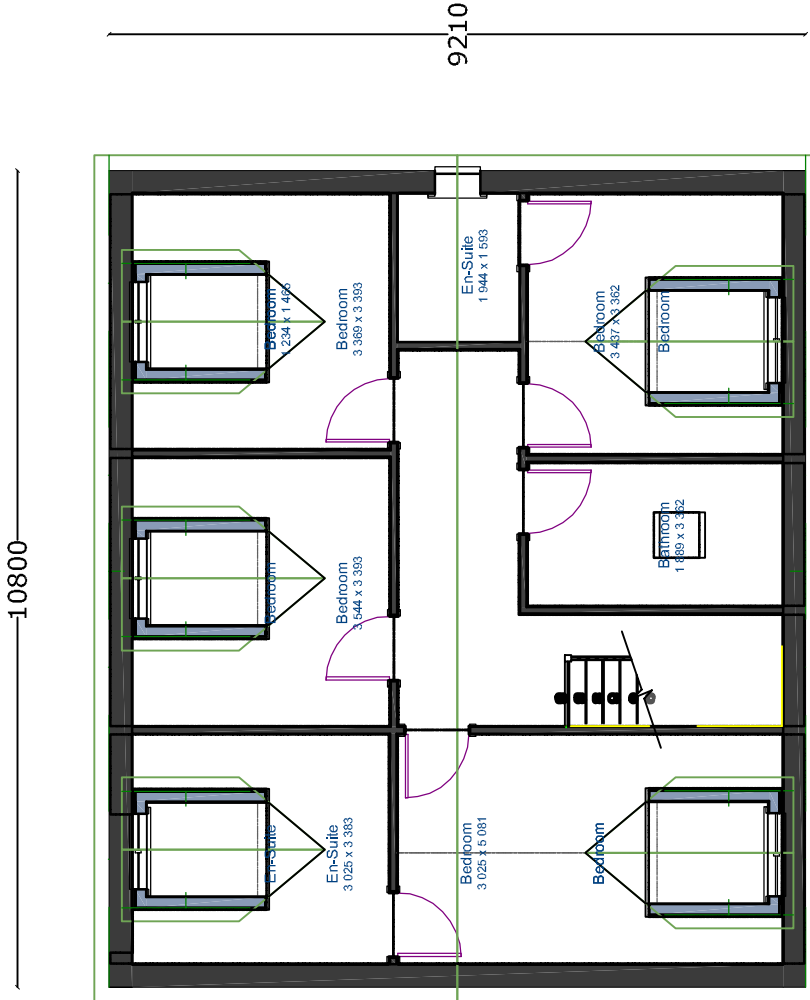


Scale (m)

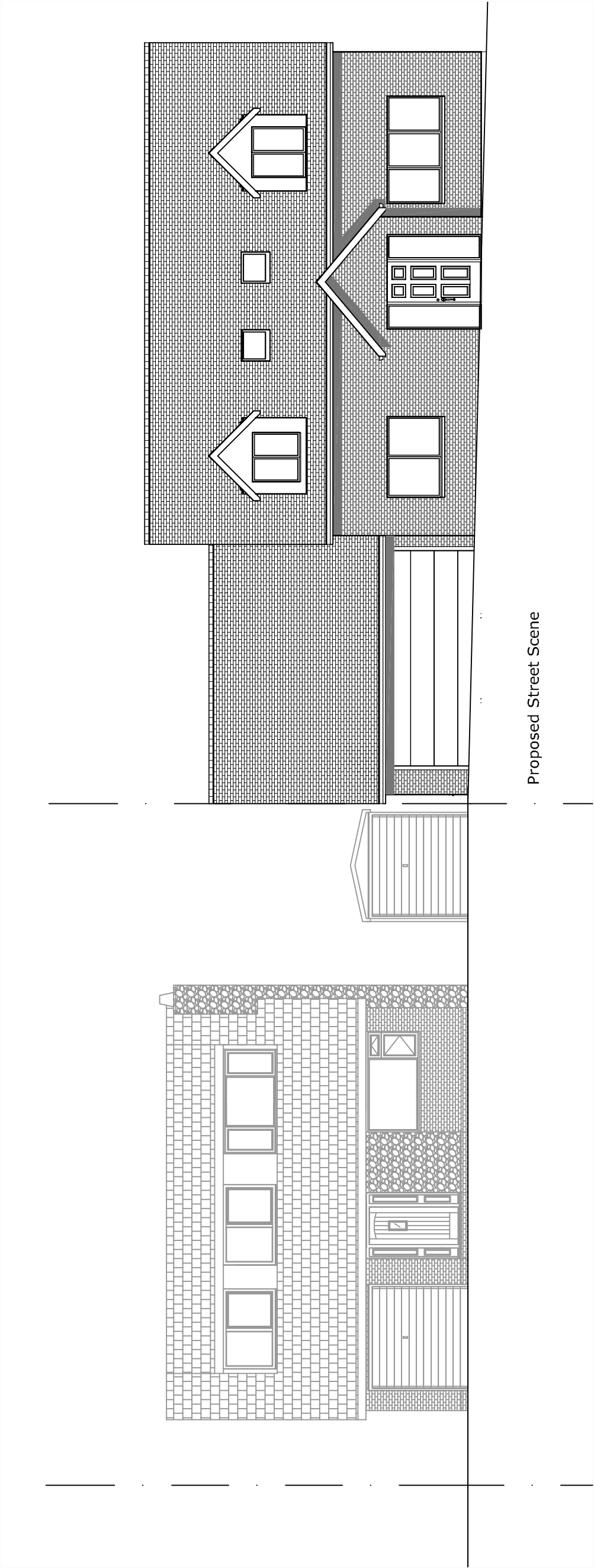
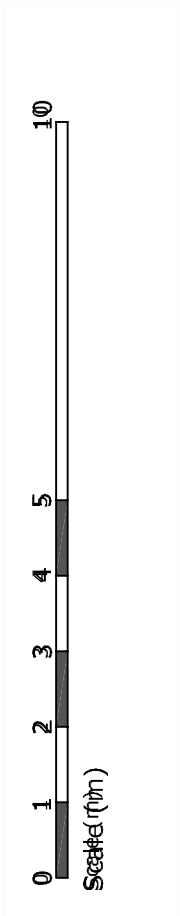
16585



GROUND FLOOR



FIRST FLOOR



Application No.

92468/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399



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11

Date of Meeting: 25/09/2014

Application Reference: 92468/14

Type of Application: Full Planning Application
Registration Date: 25/07/2014
Decision Due By: 18/09/2014
Responsible Officer: Jeanette Isherwood

Location: LADYBRIDGE HIGH SCHOOL, NEW YORK, BOLTON, BL3 4NG

Proposal: CREATION OF TEMPORARY ACCESS FROM DEALEY ROAD AND CONSTRUCTION OF A HAUL ROAD TO THE REAR OF THE PLAYING FIELDS OF LADYBRIDGE HIGH SCHOOL INCLUDING ERECTION OF 3 METRE HIGH PALADIN FENCE AND GATES

Ward: Heaton and Lostock

Applicant: Ladybridge High School
Agent : Bolton M B Council

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for the formation of a new temporary vehicular access and haul road to be used during the construction of the development recently approved under application 91143/13 (construction of an all-weather sports pitch including 4.06 metre high open mesh steel panel fencing, flood lighting and access paths.). The applicant has stated that they request temporary permission for a period of 6 months.

The proposed haul road route will run parallel with the eastern boundary of the site before crossing the private footpath through the school from Wigan Road. The proposed road then crosses the former rugby pitch to adjoin the site of the proposed 3G surfaced football pitch.

It is proposed that the topsoil is scraped and mounded to one or both sides of the 4 metre wide haul road route. Geotextile is laid to the formation and then permeable stone laid and rolled to provide a firm surface for construction traffic.

The extent of the school boundary on Dealey Road will be fenced and gated with 3 metre high paladin fencing abutting the existing allotment frontage fence and the rear of 71 Junction Road. The fence and gates are to be located over 200mm back from the rear of the footpath to Dealey Road

Site Characteristics

The application site is located to the south east of the secondary school buildings, accessing from Dealey Road, reaching westerly towards Greenhill Lane.

The nearest residential properties to the proposed haul road, although still quite some distance away are the houses on Junction Road that back on to the site, with 71 being adjacent to the proposed access.

Immediately to the south of the site is St Mary's C of E Primary School and a large area occupied by private allotments.

Policy

National Planning Policy Framework (NPPF).

Core Strategy Policies: P5 Accessibility and Transport; S1.2 Promote Road Safety; CG1.5 Reduce the Risk of Flooding; CG3 The Built Environment; CG4 Compatible Uses; OA4 West Bolton

PCPN21 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:-

- * impact on highway safety
- * impact on the character and appearance of the area
- * impact on the amenity of neighbouring residents

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 proposed temporary access for construction vehicles will be accessed off Dealey Road.

Pre-application advice was taken from the Highways Department with regard to the visibility splay needed to afford safe exit and entrance to the proposed haul road. In response the applicant has set the double gates back 200 mm from the rear of Dealey Street to achieve this required visibility splay.

The Council's Highways Engineers have not raised any objections to the proposed access and therefore it is considered to comply with Policies P5 and S1.2 of the Core Strategy.

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 OA4 refers to ensuring 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.

The proposed access and associated fencing will be sited directly adjacent to allotments on one side and the side/rear of the property at 71 Junction Road. The existing boundary details to the allotments is a 3 metre high galvanised chain link fence whilst the boundary to 71 Junction Road is panel and post to approximately 1.4/5 metres then lined with hedges. The addition of the paladin fencing to the proposed access is thought to be in-keeping with the existing treatment and as such is not considered have a detrimental impact on the street scene.

The haul road itself is not considered to be in a prominent, highly visible location and utilises the existing ground treatment to allow the site to be turned to its existing state once the works are completed.

A condition is suggested that after the temporary period has expired, the land is reinstated.

It is considered that the proposed temporary access would not harm the character and appearance of the area compliant with Policies CG3 and OA4 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

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

The chosen route avoids any need to further add to congestion on Junction Road and New York, or to disrupt school children and the school day.

One objection has been received with the concerns being around general disruption and noise whilst the road is being constructed and will remain an issue at the end of the works. However as stated previously in this report the works will be for a temporary period of 6 months and a condition will be added to ensure the ground is returned to its previous state.

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

Conclusion

It is considered for the reasons discussed above that the proposed temporary development would not jeopardise highway safety, would not harm the character and appearance of the area, would not be incompatible with the surrounding area and would not unduly harm residential amenity. It is therefore considered that the proposal complies fully with policy.

Representation and Consultation Annex

Representations

Letters:- One objection received with the concerns being around general disruption and noise whilst the road is being constructed and will remain an issue at the end of the works.

Consultations

Advice was sought from the following consultees: Highways Engineers, Drainage, Corporate Property.

Planning History

Various permissions for extensions to the school and sports pitches.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. This permission shall be for a temporary period expiring on **25 February 2015** when the access and haul road hereby approved shall be discontinued and the land reinstated in accordance with a scheme to be approved in writing by the Local Planning Authority before the expiry of this permission. The approved scheme shall be implemented in full and retained thereafter.

Reason

The applicant has only applied for temporary permission

2. Prior to the development hereby approved being brought into use the means of vehicular access to the site shall be constructed in accordance with the drawing ref 002.

Reason

In the interests of highway safety

3. 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.

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

Reason

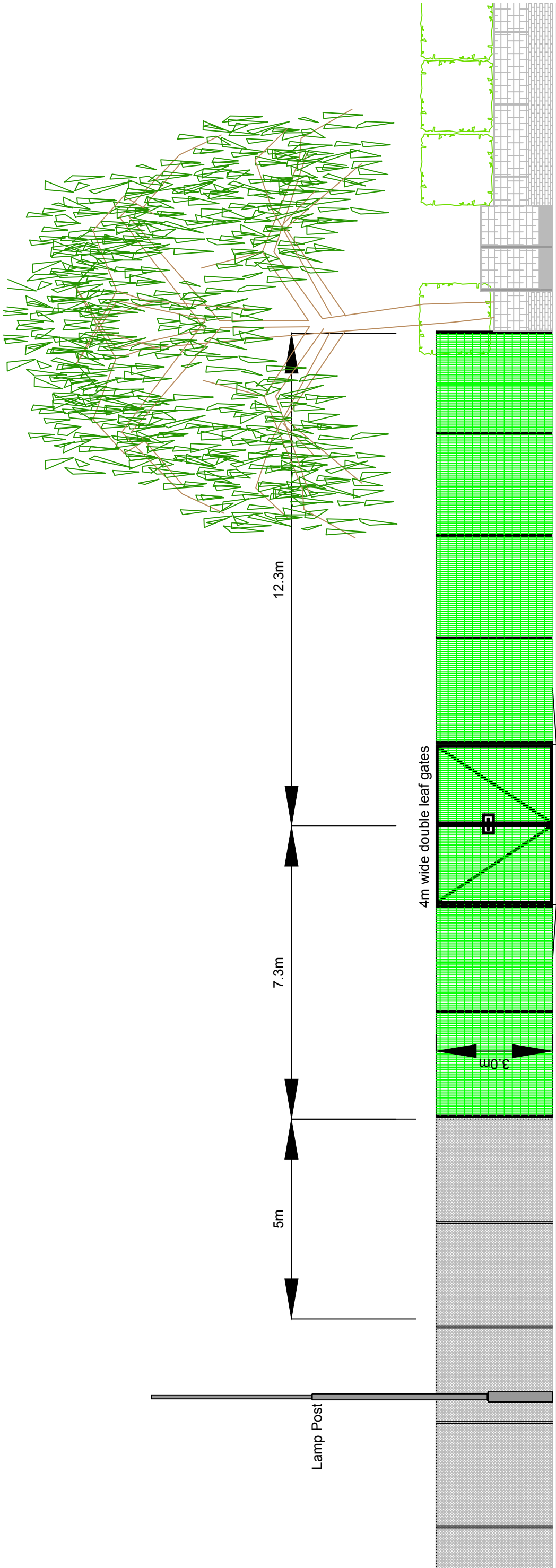
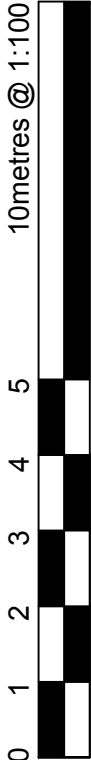
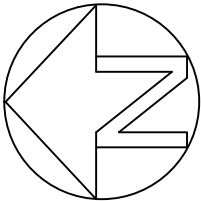
To ensure traffic leaving the site has adequate visibility onto the highway.

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

Drawing numbers 002 and 003

Reason

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



Proposed new 3m high 'Paladin' fence and gates to Dealey Road frontage between Allotment site and rear of 71 Junction Road. Powder coated in RAL 6005 Moss Green

Rear of 71 Junction Road

Allotment site boundary galvanised "chain link" mesh fence

Dealey Road

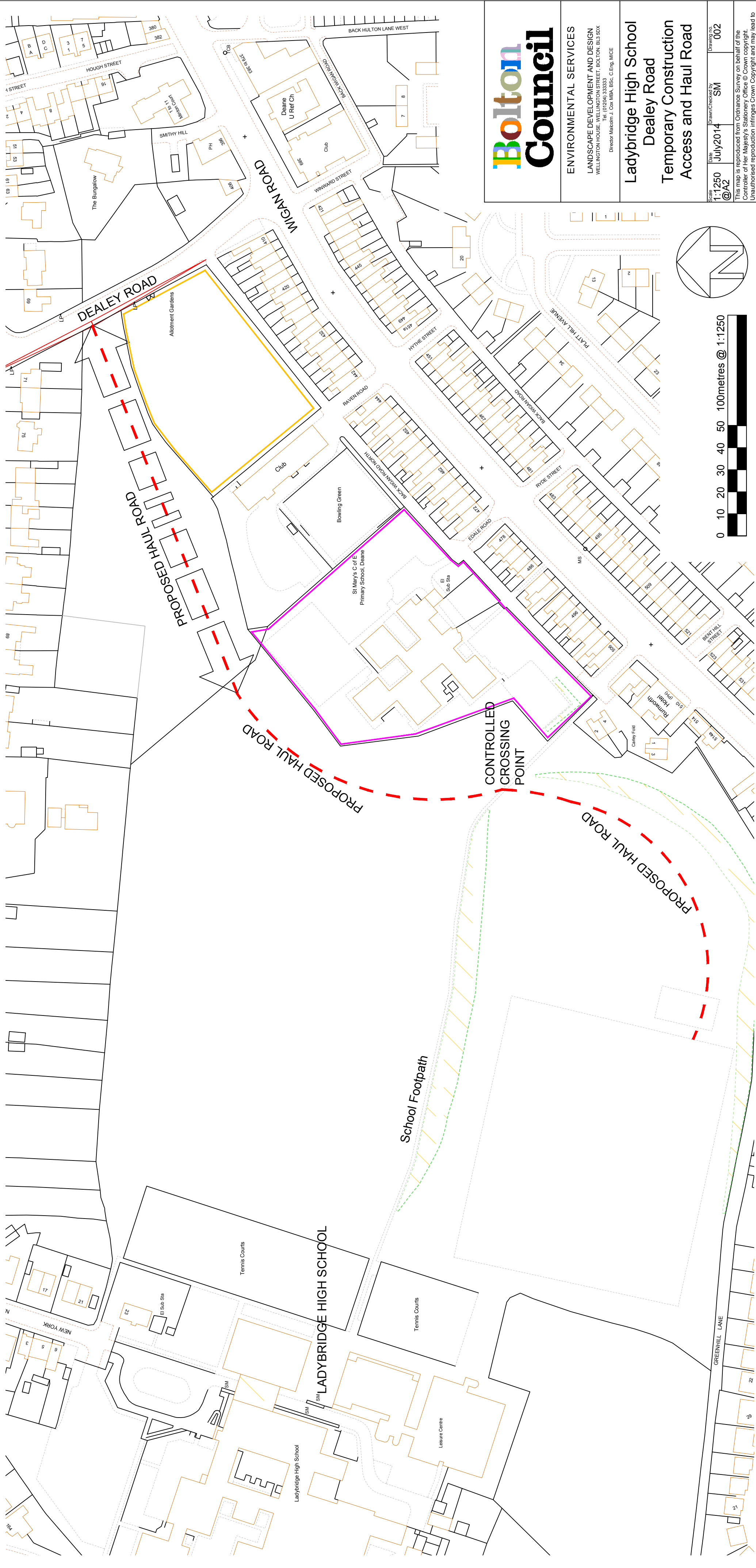
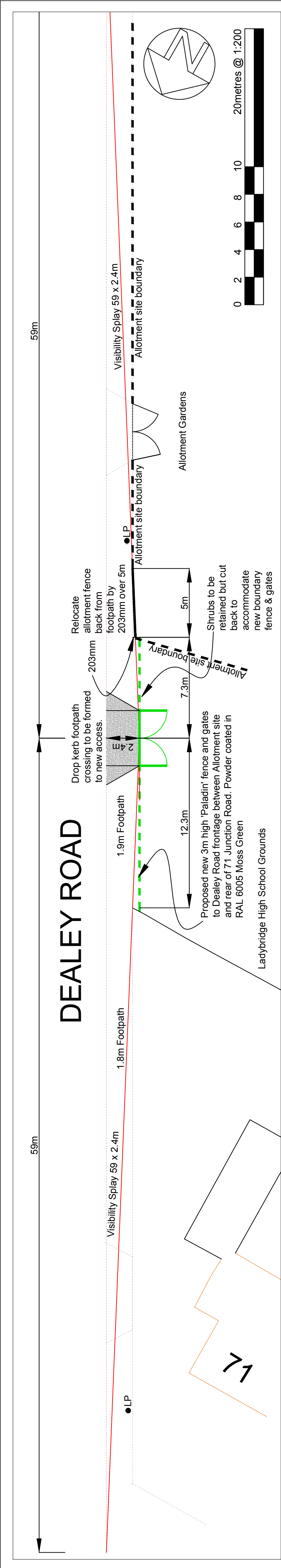



ENVIRONMENTAL SERVICES
LANDSCAPE DEVELOPMENT AND DESIGN
WELLINGTON HOUSE, WELLINGTON STREET, BOLTON, BL3 5DX
Tel: 01204 353535
Fax: 01204 353536
Director: Malcolm J. Cowdrey, BSc, C.Eng, MICE

Ladybridge High School
New York, Bolton
Proposed Fence at
Dealey Road - Elevation

Scale: 1:100 @A3
Date: Aug 14
Drawn/Checked by: SM
Drawing no.: 003

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Bolton Council

ENVIRONMENTAL SERVICES

LANDSCAPE DEVELOPMENT AND DESIGN

WELLINGTON HOUSE, WELLINGTON STREET, BOLTON, BL3 8DX

Tel: 01204 133533

Director: Malcolm J. Cox MSc, FRCGS, C.Eng, MICE

Ladybridge High School

Dealey Road

Temporary Construction

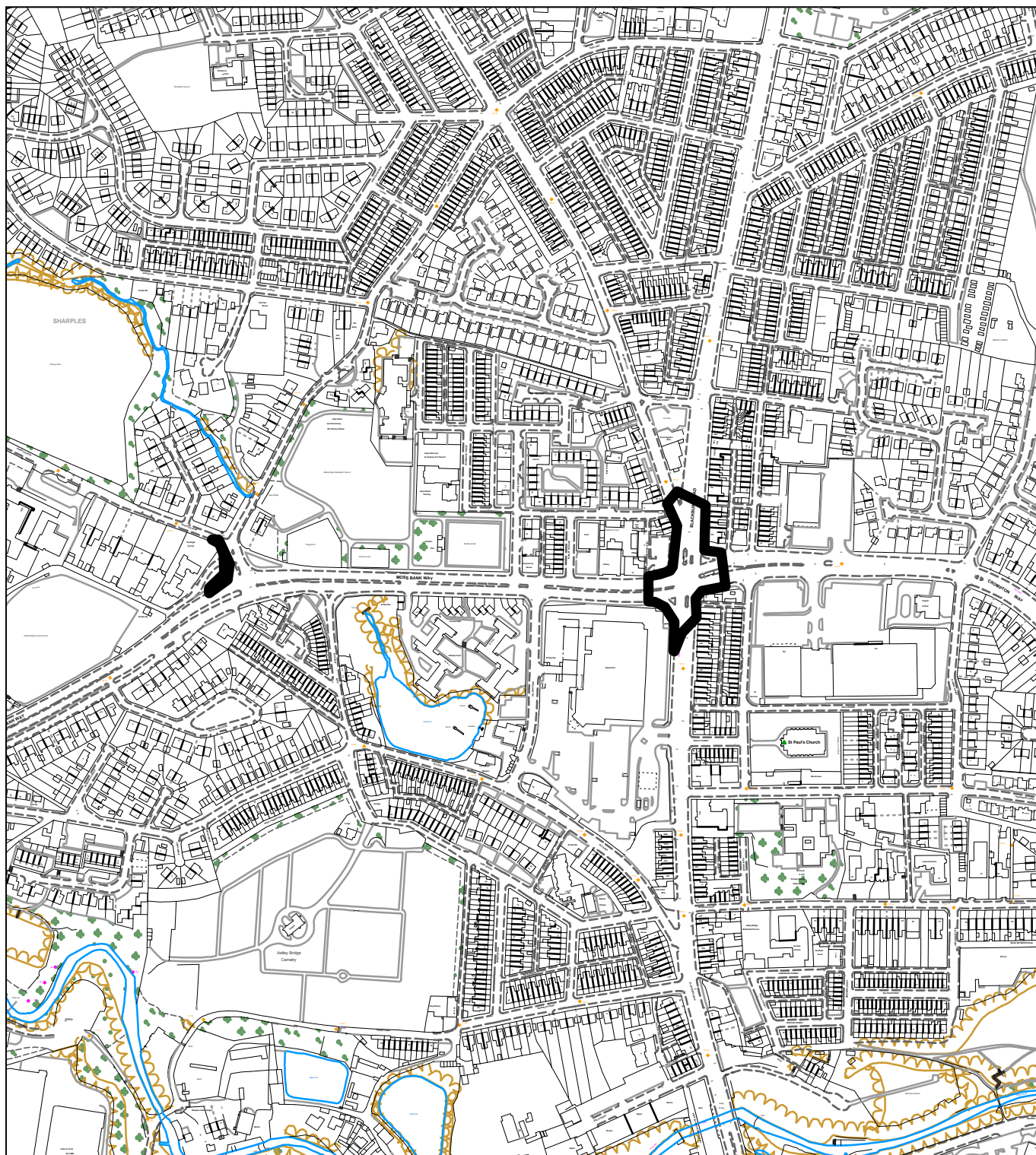
Access and Haul Road

Scale	1:250	Date	July 2014	Drawn/Checked by	SM	Drawing No	002
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Application No.

92510/14

NB Site plan shows the two general areas
for the signs



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399

**Bolton
Council**

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11

Date of Meeting: 25/09/2014

Application Reference: 92510/14

Type of Application: Advertisement Consent
Registration Date: 04/08/2014
Decision Due By: 28/09/2014
Responsible Officer: Jodie Turton

Location: BLACKBURN RD, CROMPTON WAY, MOSS BANK WAY, BROAD OTH LANE, BOLTON

Proposal: ADVERTISEMENT TO 38 NO EXISTING PLANTERS (NON ILLUMINATED)

Ward: Astley Bridge

Applicant: Friends of Astley Bridge
Agent : Mrs H Fairclough

Officers Report

Recommendation: Approve subject to conditions

PLANNING CONTROL SECTION

PLANNING OFFICERS REPORT FOR DELEGATED DETERMINATION

Proposal

A number of trough planters containing flowers have been provided by the "Friends of Astley Bridge" at the junctions of Moss Bank Way and Blackburn Road and also at the junction with Sharples Park / Broad o' th' Lane. These planters do not fall within the definition of development and therefore do not require consent; however it is now intended that sponsorship in the form of advertisements for local businesses will be displayed on the trough planters. Officers take the view that these commercial advertisements do not benefit from deemed consent - they are not Local Authority signs and do not relate to the premises upon which they are displayed - and therefore Advertisement Consent is required.

In general, the Council's Scheme of Delegation gives Officers the powers to determine all applications for Advertisement Consent, even in circumstances where objections are received; however, in this instance, the application has been submitted by Councillor Hilary Fairclough, Member for Astley Bridge Ward, and therefore the matter has been referred to Planning Committee.

Site Characteristics

The majority of the planters are at the major highway junction of Blackburn Road, Moss Bank Way and Crompton Way. The flowers are in bloom at the time of writing and are considered to make a positive contribution to the character and appearance of the area. The junction and its traffic dominate the area and the majority of other uses are commercial - the prominent Asda supermarket, the Pineapple and Three Pigeons public

houses, together with smaller commercial units fronting Blackburn Road in particular. The vast majority of residential properties are located at the back of the main roads with no clear views of the junction, the planters or the proposed advertisements.

Four planters are located further west along Moss Bank Way, near to the junction of Sharples Park and Broad o' th' Lane - despite the major highway, this area has a different character, a more green and suburban feel and has a number of residential properties.

Policy

Saved UDP Policy D4 Advertisements, CG3 The Built Environment, OA5 North Bolton

PCPN6 The Display of Signs and Advertisements

Analysis

The Town and Country Planning (Control of Advertisements) Regulations 2007 permit Local Planning Authorities to exercise control over advertisements in the interests of visual amenity and highway safety.

The National Planning Policy Framework recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Saved UDP Policy D4 states that the Council will only permit advertisements, (including banners, blinds or canopies) that do not adversely affect the amenity of the building, the site and the local area by reason of design, size, materials, illumination, colour or number. Core Strategy Policy CG3 requires proposals to be compatible with the surrounding area. Policy OA5 relates specifically to the area of North Bolton and states, amongst other things, that the Council will conserve and enhance the character of the existing physical environment.

The sole considerations of the proposal are:-

- * impact on amenity
- * impact on highway safety

Impact on Amenity

It has been noted that the Blackburn Road junction very much dominates the character and appearance of the area and that it has a commercial feel and character. The proposed advertisements are considered to be relatively small (not all of the sign is devoted to the logo of the sponsor) and the appearance has been carefully designed to be consistent with other corporate signage displayed by the Council.

Given the commercial and highway infrastructure context, it is considered that the signs will not harm the amenity of the area.

It is accepted that the area to the west has a different character and the two objections received relate chiefly to this area. However, it is considered that the proposal takes account of this difference in character by markedly reducing the number of signs in comparison to the majority of the proposal and ensuring that the planters (and therefore

the signs) relate more strongly to Moss Bank Way and not to the lower category residential roads nearby. Again, the signs are not considered to be excessively large or dominant and it is envisaged that they will be easily assimilated into the street scene.

When in full bloom, the flowers are likely to obscure the advertisements to some degree; however, the usefulness of the advertisements is not a consideration here.

The impact on amenity is considered to be acceptable.

Impact on Highway Safety

The Council's Highway Engineers have considered the proposal and note that the junction at Sharples Park provides access to Thornleigh College and residential properties on Oldham's Estate. The junction at Crompton Way/Blackburn Road is one of the busiest junctions in Bolton catering for high traffic volumes. This junction also has an appreciable accident record over the last 5 year period.

Whilst Engineers initially advised that no phone numbers or website addresses should be provided, the proposed signs do contain a telephone number. However, Engineers consider that the signage will possibly cause a minimal distraction to users of the public highway owing to the font size/graphics, and will probably only be observed fully when drivers are stationary in queuing traffic.

For the reasons given above, the impact on highway safety is considered to be acceptable.

Conclusion

The display of the advertisements proposed will not adversely affect the amenity of the building, the site and the local area by reason of their design, size, materials, illumination, colour or number, nor will they prejudice highway safety and they therefore comply with Saved UDP Policy D4, CG3 The Built Environment and PCPN6.

Representation and Consultation Annex

Representations

Letters:- two representations of objection have been received from residents living close to the Sharples Park junction. Both raise similar grounds of objection:-

- the junctions are very busy and the adverts could cause a distraction. There have been number of near misses
- whilst the flowers are appreciated, it's difficult to see the point of the logos as the flowers will grow over them
- Astley Bridge is trying to smarten up its image and the addition of advertising on the existing planters will do nothing to help that
- the planters are meant to help the aesthetics of the area not to be a platform for advertising logos
- I think the addition of advertising would target the planters for vandals as the addition of advertising de-values their purpose
- I would question whether it is prudent to have advertising so close to the roadside which would be a distraction for drivers; especially if content such as telephone numbers and website information is displayed (as shown in the photographs attached to this application)
- I think mass advertising in such a concentrated area will just cement Astley Bridge's shabby image

Elected Members:- the application has been submitted by Councillor Hilary Fairclough, Member for Astley Bridge Ward

Consultations

Advice was sought from the following consultees: Highway Engineers

Planning History

None.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. 1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to—
a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason

Required to be imposed pursuant to Regulation 14 of the Town and Country Planning (Control of

Advertisements) (England) Regulations 2007.

proposed

- 4 AUG 2014



01204 303015

are pleased to sponsor the
"Friends of Astley Bridge"
Flowers

Proposed

are pleased to sponsor the
"Friends of Astley Bridge"
Flowers



example 1



Suggest we use the maximum width available between the the slots and the maximum height before it has the bend as in example 1

Font use

As near to corporate as possible, suggest using Bolton font for name and helvetica or arial for the message.



Usual planning rules apply to web address **or** phone number, not both

BOLTON COUNCIL
DEVELOPMENT & REGENERATION
RECEIVED

- 4 AUG 2014