

PLANNING COMMITTEE
Schedule of Supplementary Information

20.11.14

**Members are advised of the enclosed information that was either
received or requested after the production of the planning applications report**

**Bolton
Council**

91676/14

Ward	Location
BRCR	63 CHAPELTOWN ROAD, BROMLEY CROSS, BOLTON, BL7 9NB

The Local Planning Authority has widened the consultation process with neighbours. This further exercise will run until 1st December. The recommendation is therefore for Members to delegate the decision to the Director of the Development and Regeneration Department. Should any issues/ grounds of objection not covered in the report be raised then the application will be brought back before the Planning Committee.

91779/14

Ward	Location
HELO	49 REGENT ROAD, LOSTOCK, BOLTON, BL6 4DG

Additional correspondence has been received from Lostock Residents' Group (LRG) and a third party (acting on behalf of a neighbouring resident) following the writing of the officer's report. An additional letter from LRG is attached below:

PA91779/14 -- 49 REGENT ROAD

Objections by Lostock Residents' Group

This 13th proposal increases the habitable space, while ignoring the parking hazards

This proposal lacks merit, and should be refused. It makes no concessions to the current planning constraints on this site. It is a step backwards from the current extant permission, PA90507/13, granted 14 months ago, by imposing a third habitable storey, deemed unacceptable by the Council and the Planning Inspectorate.

Approval of a third storey would lock in additional habitable space, increasing the hazard of near-misses when exiting the side roads bordering this site by triggering extra on-street parking on the frontage.

There is an extensive and unhappy history at this site. An earlier extant permission, now lapsed, increased the habitable space by enhancing the footprint by 26% and adding an extra storey. That 126% increase was not objected to by residents, although they expressed reservations (which turned out to be well-founded) about the practicality of what was proposed. At the time, informed by a site visit, councillors stated that this large increase was the maximum that the site would bear, a position which has been repeated in the Council chamber by elected members and to the Planning Inspectorate. This proposal will exceed it.

The Planning Inspectorate became involved because the applicant instituted an appeal against Bolton Council's determination for total demolition of a huge, unauthorised overbuild here. That had increased the footprint of the original bungalow by 60%. It also added a third habitable storey to the two permitted.

The Council's decision to enforce for demolition was inevitable - the built structure could not legally be signed off because it contravened Core Strategies. That judgement was confirmed by the independent Planning Inspector. His decision was careful to identify that the Council's decision to enforce for total demolition had been proportionate and that the public interest here overrode the applicant's private one.

The applicant ignored both the Council and the Inspectorate. He did not clear the site within six months, as required. Instead, he made yet another application, 90507/13, which, inexplicably, succeeded in retaining the north wall, whose foundations had been built without Building Control approval. These foundations remain, as does the concrete slab, and they still form part of this current application. However, following disquiet at the second of the deferrals of this current 91779/14 proposal, and the bowing of an internal wall once scaffolding had been removed, much of the demolition has recently been undertaken, a year after the deadline.

The main results of an approval here will be:

- to extend by 14 months the time during which further amendments can be added to the proposals here, because the extant PA90507/13 will be superseded by PA91779/14
- to change the already agreed appearance, possibly affecting the re-growing canopy of the Copper Beech
- to formalise, by grant of full planning permission, the inclusion of an extra, third, habitable storey in this property, despite the settled position that PA85387/10 is the maximum that the site will bear
- to provide a master class on the advantages of serial applications and the ignoring of conditions

The Officer's Report to elected members is incorrect in stating that, 'the only changes to the approved scheme are to the dwelling's design and appearance'. This application seeks full planning permission for a significant change in the permitted habitable space, taking it well above the maximum agreed by the Council.

The applicant's latest planning consultant has stated that 'the new scheme does also include living accommodation within the roofspace but it is important to note that this element of the scheme could be carried out under permitted development rights pursuant to the previously approved scheme 90548/13.' The applicant is of course free to pursue this. We understand that it would be an inferior option.

We are disappointed to find that, despite the history and costs of applications here, this submission is recommended for approval. Conditions have not been an effective tool in many approvals here and cannot be relied on. This application may not be the last, as Lostock Residents' Group have accurately predicted in many objection letters, beginning with 86047/11. This is now the 13th application at this site in a 5-year-long marathon. It does not resolve acknowledged parking hazards, which could come back to haunt members. These should be addressed by a new scheme, using the same area of footprint as the maximum agreed.

Councillors have repeatedly stated in committee that they are uneasy about the use of serial applications, yet they are being repeatedly invited here to reverse decisions and retrospectively accept infringements of conditions. A grant of full planning permission here opens the door to more of the same.

We urge refusal of this proposal and the encouragement of a safer scheme.

Dr M M F Collier, Chairman, Lostock Residents' Group, 18 November 2014

Issues raised within LRG's letter and officer's comments

- Addition of a "third storey" – an additional bedroom is proposed within the roofspace but this does not result in the replacement dwelling being any taller than the dwellings previously approved on the site. In fact, the proposed hip of the roof now reduces the massing of the dwelling. Furthermore, the proposed conversion of the roofspace to living accommodation could be undertaken in any event under permitted development rights.
- Concern that the "third storey" would further jeopardise highway safety – the replacement dwelling is proposed to be a 5 bedroom dwelling, whereas the dwelling was previously approved as a 4 bedroom dwelling. The Council's maximum parking standards do not differ between 4 and 5 bedroom dwellings, therefore it is considered that the previously approved on-site parking is still sufficient, as discussed within the officer's report.
- Increase in footprint – the footprint of the replacement dwelling is the same as previously approved (albeit it 0.085 metres narrower).
- Canopy of the Copper Beech – this has been addressed in the officer's report.
- Incorrect description of changes – the proposed changes between this latest application and the previous approval are detailed within the "Proposal" section of the officer's report.
- This application may not be the last – each application must be determined on its own merits.

Further issues raised by third parties following the writing of the officer's report

- Querying whether or not the foundations have been approved – Building Control has confirmed that the foundations have been approved following approximately 20 inspections made by surveyors between July 2011 and January 2014.
- The bungalow was demolished before a bat survey (requested by condition) was undertaken/there is no proposed provision of bat roosts – the bungalow was demolished before a survey was undertaken and it has therefore not been possible to confirm the presence or absence of bats in the original dwelling. A survey undertook following the demolition of the bungalow (February 2012), which had regard to photographs of the former bungalow, considered that there would not have been access to the roofspace for bats. For mitigation the surveyor advised that crevice features be incorporated within the new building to provide the maximum possible benefit for local bat populations. He specifically recommended that a "bat brick" be installed in the southern facing elevation of the dwelling to allow potential roosting, or to create a 25mm gap under the ridge tiles or install a feature roof tile. The following additional condition is therefore suggested to Members:

"Prior to the commencement of development details of a mitigation feature/s to be incorporated in the construction of the dwelling, as suggested within the Bat Survey undertaken by S. Christopher Smith dated 7th February 201 shall be submitted to and approved in writing by the local planning authority. The

approved feature/s shall be implemented in full prior to first occupation and shall be retained thereafter.”

- The bungalow was demolished before a phase II contamination survey was carried out – this was not a planning condition of 86047/11. A condition is however now suggested, as a precaution, for such a survey for this latest proposal (attached to the officer’s report).
- Cannot find any changes to the plans since the second deferment – no further amendments have been made, apart from the applicant agreeing to remove the fencing along the northern boundary.
- Site clearance – officers consider that the site clearance carried out is acceptable, given that there are no longer any development materials above ground level and as the land is in a tidy condition (photographs will be displayed at the meeting). It would not be reasonable to require the grubbing out of the foundations and their replacement with rubble/hardcore when ultimately there would be no difference in terms of visual impact as a result of this.

Condition 7: waiting restrictions at the junction of Regent Road with Mildale Close

This condition was requested by Highways Engineers as they felt the fence erected along the northern boundary would make the proposed parking provision inconvenient, along with the fact that the proposed dwelling now comprised 5 bedrooms rather than 4. The applicant has now however agreed to remove the erected fence and therefore the proposed parking provision will go back to what was previously approved for the site. As explained above, there is no difference in maximum parking standards between 4 and 5 bedroom dwellings, therefore it is considered that the proposed parking provision on-site is sufficient. Officer’s therefore agree with the applicant’s planning consultant that condition 7 is not necessary; it is no longer required and therefore it would be unreasonable to add this condition.

For clarification, the history section within the officer’s report should read that the enforcement notice was issued on 13th June 2012 (not 2013 (typo)) and that the hearing date for the appeal against the enforcement notice was the 17th April 2013 and the Inspector’s decision was issued on 28th May 2013.

91981/14	
Ward	Location
FARN	ST GERMAIN NURSERY SCHOOL, ST GERMAIN STREET, FARNWORTH, BOLTON, BL4 7BQ

Additional Consultee Comments Received

Highways Officer – Requested that a 2.4m by 2.4 m visibility splay be provided at back of footpath.

Trees and Woodlands Officer – Requested first parking spaces either side of vehicular access be omitted to provide clearance to the adjacent protected trees.

Amended Plan (Attached)

An amended Proposed Site Layout Plan has been submitted to take into account comments received from the Councils Highways Officer and Trees and Woodlands Officer, and those comments in the main committee report.

The resultant parking layout now provides for 2.4m x 2.4m visibility splays from the back of footpath; omits the parking spaces nearest the protected trees, and now provides for a reduced total of 24 no. parking spaces, including 2 disabled parking spaces, and space for cycle parking. The proposed parking layout is considered to provide more than adequate parking provision for the proposed use (adopted parking standards require 14 spaces) and would provide for safe access and egress from the site, in accordance with policy P5 of the Core Strategy.

Amended Condition

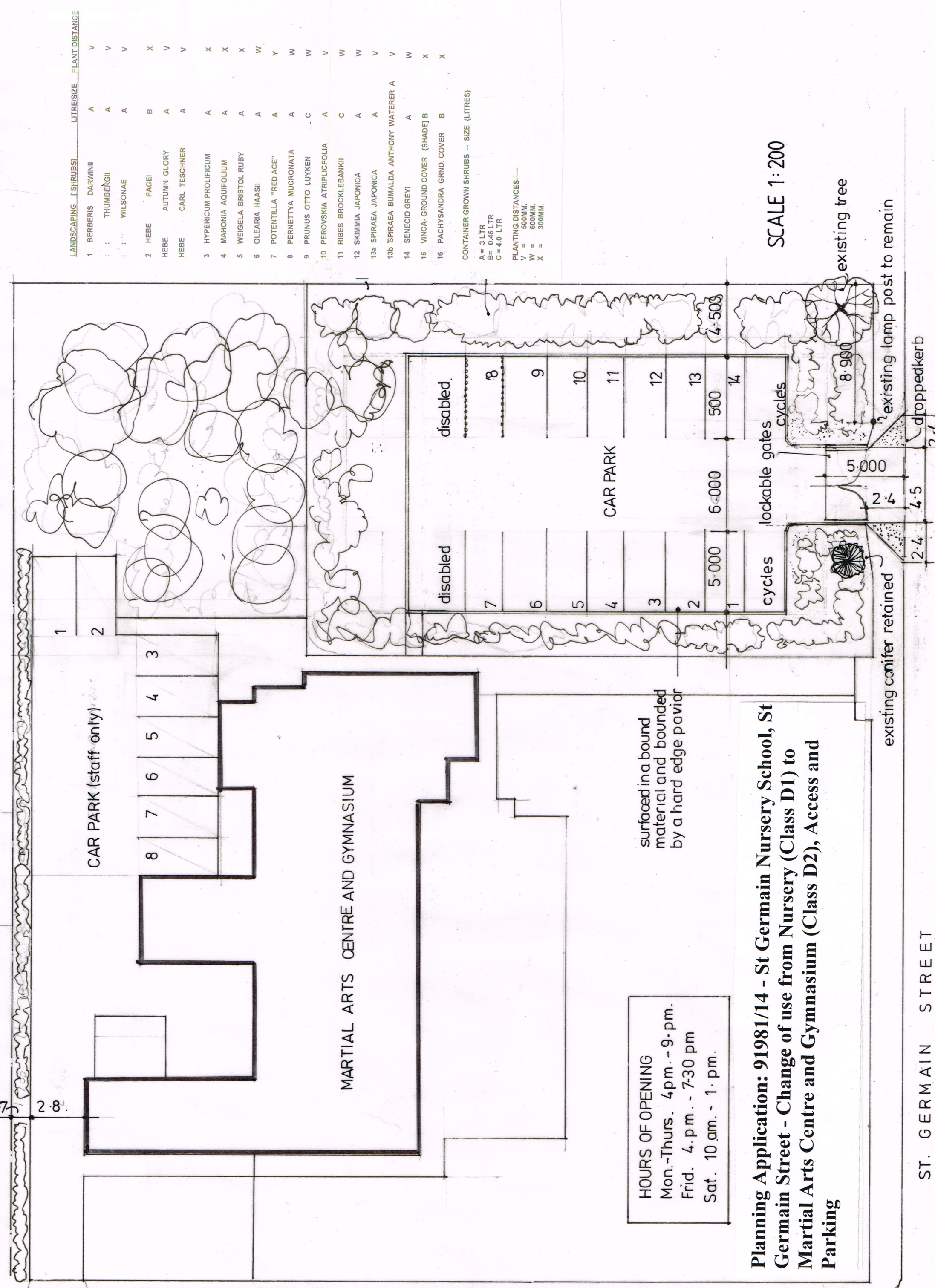
Condition no. 7 updated to reflect amended plan submitted:

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

**[Existing Ground Floor Layout, received and uploaded 15th May 2014;
Proposed Ground Floor Layout, received and uploaded 15th May 2014;
Proposed Site Layout, scale 1:200, uploaded 19th November 2014]**

Reason

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



92771/14

Ward	Location
HALL	SHEPHERD CROSS STREET INDUSTRIAL ESTATE, SHEPHERD CROSS STREET, BOLTON, BL1 3DE

The Council's surveyors have provided comments on the submitted viability assessment. They have concluded that the information submitted with the application does show that the proposed residential development of the site could not stand any commuted sum contribution.

Indeed, the information submitted with the application suggests that financially the scheme is not viable, which is likely to be why despite the site having had several residential planning permissions dating back to 2008 it has not yet been developed.

There are some discrepancies in the submitted viability assessment, relating to the ground report and an element of duplication as the costs for piled foundations are accounted for twice. In addition, the applicant has not provided any indication of developer's profit or the purchase price of the land which, when coupled with the figures calculated for commuted sums, would reduce further the viability of the scheme. The surveyors, along with housing strategy also question the inclusion of apartments in the scheme as there is no market demand for these for either sales or rental in this area.

Despite this information, and the discrepancies it is clear that the scheme is barely viable, delivering no developers profit and therefore there is no scope for the scheme to stand a commuted sum contribution.

92875/14

Ward	Location
CROM	HALLIWELL INDUSTRIAL ESTATE, ROSSINI STREET, BOLTON, BL1 8DL

A further letter of objection has been received, raising the following concerns (*officer comments shown in italics*):

- Impact on local residents, most notably those that are disabled and elderly.
- Noise, pollution and hours of operation – *addressed in the report*.
- Question the type of businesses that will be located here – *the application is for B1 units*.
- The development will result in residents not being able to enjoy being out in their gardens – *the proposed industrial units will be no closer to residential properties than the existing units and will have greater controls over noise and hours of operation than currently*.
- Flytipping.
- More vehicles, especially HGvs.

- There are a lot of vacant units at the Halliwell Business Park, so why are ore units needed?
- Concerns raised that no residents on Avoncliff Close were consulted – *this is incorrect as those residents bordering the site were consulted and site notices were posted around the site.*