

Planning Applications Report

**Planning Committee
24th March 2022**

**Bolton
Council**

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

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

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

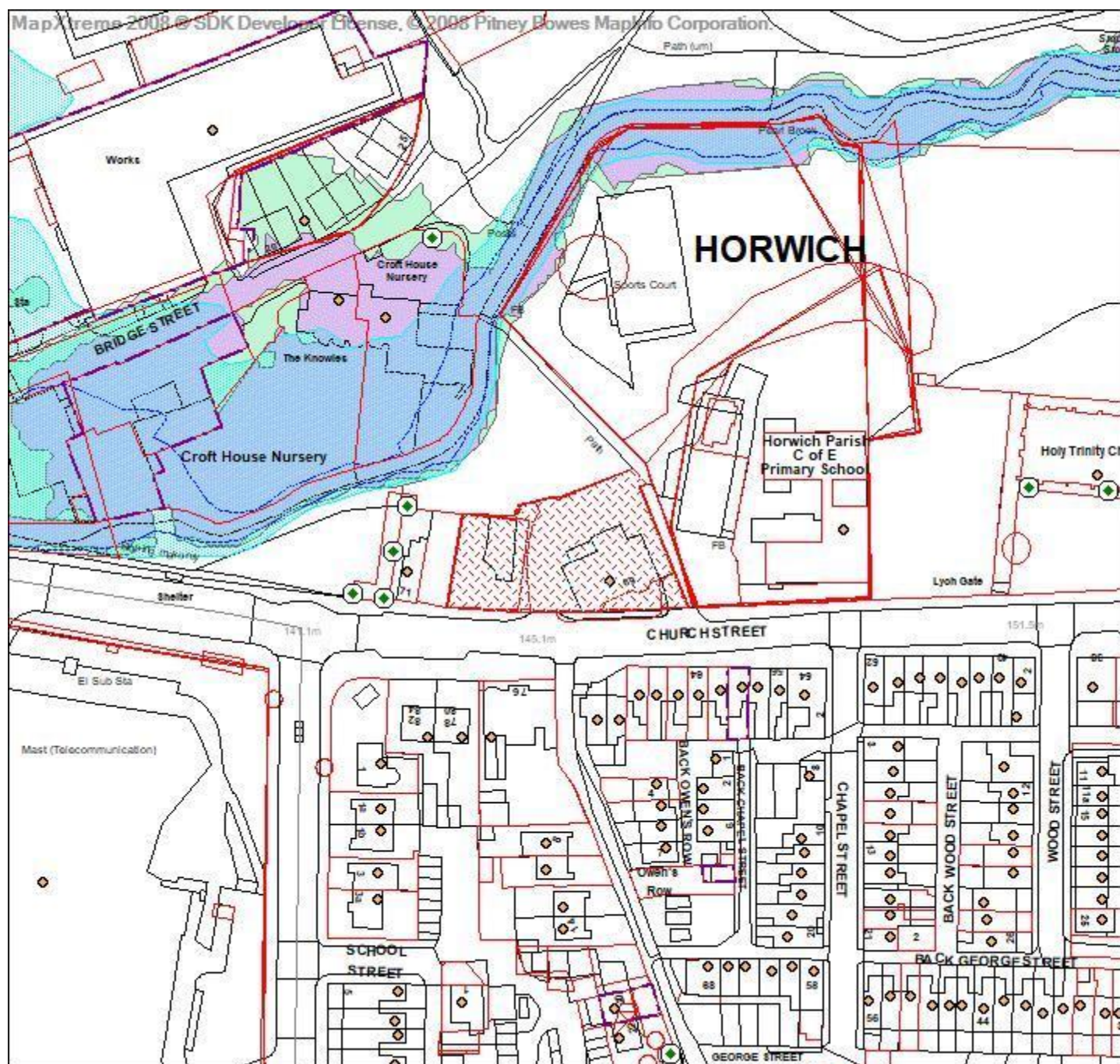
The following abbreviations are used within this report: -

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

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

www.bolton.gov.uk/planapps

Application number 12391/21



Directorate of Place
Development Management Section

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Bolton Council

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Date of Meeting: 24/03/2022

Application Reference: 12391/21

Type of Application: Full Planning Application

Registration Date: 12/11/2021

Decision Due By: 06/01/2022

Responsible Officer: Jackie Whelan

Location: TORO, 69 CHURCH STREET, HORWICH, BOLTON, BL6 6AA

**Proposal: ERECTION OF SINGLE STOREY EXTENSION AT REAR
TOGETHER WITH ALTERATIONS AT FIRST FLOOR TO FORM
REAR TERRACE AREA**

Ward: Horwich North East

Applicant: MAGALEMI LTD

Agent : SYNERGY DESIGNS LTD

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- Councillor McKenna has requested that the application be considered at Committee on the grounds that it would have disadvantageous effect on the historic building contrary to policy CG3 and would have a detrimental effect on noise and privacy of neighbours contrary to Policy CG4.
- A similar application for a single storey extension and rear first floor balcony was refused due to harmful impact on noise and privacy under reference 07188/19. There was no noise assessment submitted with that application.
- The current proposal is supported by a noise assessment that concludes there would be no adverse noise impact on neighbouring properties arising from the proposed use of the external seating area.
- The proposed scheme proposes the use of the external balcony for 36 covers maximum and the supporting noise assessment demonstrates that there would no adverse noise disturbance. The balcony would also conceal some unsightly extensions to the rear.
- It is considered that there would be no harmful impact from overlooking given the long range interface distances to neighbouring properties and woodland screening at the rear.
- The proposal is therefore not considered to harm neighbouring residential amenity and is recommended for approval subject to conditions limiting use and numbers of seating on the external balcony area.

Proposal

1. Permission is sought for the erection of a single storey rear extension to the ground floor of the existing restaurant (Il Toro) and alterations at first floor level to form an outdoor terrace area part above the proposed/existing extension and partially supported by a column.

2. The extension (with roof terrace above) would project 3.76 metres from the rear elevation of the restaurant and the extension would be approx 10 metres in width. A new fire escape staircase would be constructed on the western corner of the extension/roof terrace. The terrace would be accessed via the formation of one door in an existing window opening at rear first floor level.

Site Characteristics

3. The application site contains a detached stone-built two-storey building and is sited within the Wallsuches Conservation Area. The property is in use as a restaurant and is not within the designated Local Town Centre shopping area. The surrounding area is mixed commercial - residential in character along Church Street with more residential properties further up Church Street into Wallsuches and south of Church Street.
4. The land to the rear of the property is laid out as a car park for the restaurant and is bounded by a stone boundary wall. The land slopes steeply beyond the rear wall towards Bridge Street and is populated by mature trees forming a dense screen. Croft House Nursery and Knowles House are sited on Bridge Street to the rear of the property at a distance of over 40 metres.
5. Along Church Street to the front of the restaurant are the terraced dwellings Nos. 54 - 74 and 78 - 84 Church Street.
6. The neighbouring Horwich Parish C of E Primary School lies to the side and east of the restaurant with classroom windows facing its rear parking area. A public footpath leads down to Bridge street between the application property and the school.

Policy

7. Development plan policies

- * Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod

8. Other material planning considerations

- * National Planning Policy Framework (NPPF): 2. Achieving sustainable development; 4. Decision-making; 12. Achieving well-designed places; 13. Protecting Green Belt. 15. Conserving and enhancing the natural environment; 16. Conserving and enhancing the historic environment.
- * Supplementary Planning Documents (SPDs): General Design Principles; Accessibility, Transport and Safety.
- * Wallsuches Conservation Area Appraisal.

Analysis.

9. 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.

10. The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on neighbouring residential amenity
- * impact on highways and parking

Impact on the Character and Appearance of the Building and the Area.

11. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, will require development to be compatible with the surrounding area, and conserve and enhance the heritage significance of heritage assets and heritage areas. Policy OA1 relates specifically to developments in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment (especially the conservation areas), and ensure that development respects street patterns and the grain and form of predominant architectural styles.
12. The property has a prominent main road location and is a historic building within the Wallsuches Conservation Area but it is not listed. The extension with roof terrace above would project 3.76 metres from the rear elevation of the restaurant and the extension would be approx 10 metres in width. A new fire escape staircase would be sited on the western corner of the extension/roof terrace. The terrace would be accessed via the formation of one doorway in an existing window opening at rear first floor level. The useable terrace area above would be approx 10 metres wide with a glass safety balustrade surround.
13. An extension would potentially improve the appearance of the rear of the building, given that the current extensions are somewhat unsightly. The extension would be of a simple construction with one column above the existing ground floor smoking area with a glazed balustrade surrounding the balcony. There is an attractive arched stair window to the rear which will be retained following amendments submitted as requested by the Conservation Officer. One window to the rear will be extended to form a new doorway for access to the first floor terrace.
14. The proposed extension is considered to present an enhancement of the rear by covering over a number of unsightly additions and is thereby considered to conserve the character and appearance of the building and the Conservation Area compliant with Policies CG3 and OA1 of the Core Strategy. Overall, it would result in a neutral impact on the significance of the Wallsuches Conservation Area.

Impact on Neighbouring Residential Amenity.

15. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution. Development should not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.
16. Residential properties of note for proximity include 'The Knowles' and 'Croft House' sited at the rear/north west on Bridge Street (in excess of 40m away) and terraced dwellings fronting the premises (at the south) along Church Street (no's 54 - 74 and 78 - 84). Also of note for amenity is the neighbouring Horwich Parish C of E Primary School to the side/east of the subject property. Objections have been received with regards to the proposed new terrace having direct views into classrooms at Horwich Parish C of E Primary School and safeguarding concerns as well as external smoking and noise from patrons. Officers note the restaurant opening hours (promoted online) are outside of school hours. Objections have also been raised by residents of dwellings sited at the rear of Il Toro at 'The Knowles' and 'Croft House' in relation to direct

overlooking from the proposed terrace onto these dwellings and their associated garden plots and the impact of noise and lighting on these dwellings.

17. Properties to the rear are some distance from the premises in excess of 40m and are set at an oblique angle from Il Toro and it is thereby considered the proposal would not give rise to overlooking. The wooded embankment to the rear and sloping topography would also provide screening from any overlooking of persons using the balcony. It is considered that there is unlikely to be unacceptable overlooking or privacy to neighbouring residential properties. With reference to the school there could some overlooking of classrooms although the premises operate outside school hours. A condition is recommended that would limit the use of the terrace to only outside school hours to ensure no harm arose in the future.
18. The external seating area would seat approximately 36 persons and would be surrounded by 1.8m high glazed screen on the side elevation facing the school. The submitted noise assessment for the proposal notes that traffic noise along Church Street was a major contributing element to ambient noise and there would be no predicted adverse effects to the ambient noise levels from the proposals. The Councils Pollution control officer agreed with the findings and recommended conditions be imposed to ensure the glazed screen was retained around the balcony, the seating area limited to 36 persons and an acoustic screen installed to windows.
19. In light of these findings it is the Officer's view that the current proposal varies from the previous planning application that was refused (reference 07188/19) where the assessment was made without the benefit of a noise report and there was no information as to seating numbers on the balcony. These factors are considered to offer appropriate mitigation against harmful noise to neighbouring properties at the rear and on Church Street which would be further strengthened by recommended conditions to limit the operational use of the terrace outside school operating times and capped at 23.00 hours in the evening. It is thereby considered the proposal would not give rise to any unacceptable noise disturbance or overlooking and would comply with CG4 of the Core Strategy.

Impact on Highways and Parking.

20. The proposal would not impact on parking spaces to the rear of the premises and as such the Highways Officer did not object to the proposals on the basis that the external seating was small and would not impact on parking provision.

Local finance considerations

21. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. There are not considered to be any local financial considerations in this case.

Conclusion

22. Members are recommended to approve the proposal as would conserve the Wallsuches Conservation area in accordance with Policy CG3 and would not give rise to unacceptable noise disturbance or overlooking compliant with Policy CG4 of the Core Strategy.

Representation and Consultation Annex

Representations

Letters:-

4 letters have been received objecting to the proposal on the following grounds;

- the new terrace would have direct views into classrooms at Horwich Parish C of E Primary School (safeguarding concern);
- smoking area is adjacent the school (health concern);
- impact of dust/noise from construction work and conduct of construction staff during construction on neighbouring school children; *Officer comment - it is considered that this would only carry limited planning weight*
- direct overlooking from terrace onto dwellings (and associated gardens) 'The Knowles' and 'Croft House' (at rear);
- impact of noise and lighting on dwellings at the rear ('The Knowles' and 'Croft House');
- impact of loss of 20 parking spaces on surrounding streets - *Officer comment- no parking spaces would be lost*
- Noise and disturbance would impact on wildlife. *Condition restricting hours of use would limit harm to wildlife.*

Northern Footpath Society and Footpath Officer commented that the PROW Horwich 128 is close to the proposed site. Use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place. *An informative is recommended*

Points without Officer comment have been addressed in the report.

Town Council:- Horwich Town Council raised concerns as to increased noise levels on the amenity of neighbours.

Elected Members:-

Cllr McKeon: Objected as would impact on the character and appearance of the building and the area Contrary to CG3 and result in noise overlooking to neighbours contrary to CG4. A similar application was refused and is considered relevant.

Consultations

Advice was sought from the following consultees: Highways; Environmental Health; Conservation and Design; Peak and Northern Footpath Society, Open Spaces Society, Public Rights of Way, Bolton Ramblers, Horwich TC, Horwich Heritage.

Planning History

07188/19 Planning Permission refused for erection of single storey extension to ground floor and extensions and alterations at first floor to form terrace at rear.

09826/20 Application withdrawn for the erection of single storey extension to ground floor and alterations at first floor to form rear terrace.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

2. The use of the external balcony area shall be limited to 36 covers and shall not be in use outside the following hours unless otherwise agreed in writing by the Local Planning Authority:-

[16:00- 22:00] Mondays – Fridays

[10:00- 22:00] Saturdays, Sundays and Bank Holidays

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and in order to comply with Bolton's Core Strategy policies CG3 and CG4.

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

Reason

To ensure the development reflects local distinctiveness and to comply with policy CG3 of Bolton's Core Strategy.

4. The first floor balcony area hereby approved shall be only be used for outdoor restaurant seating up to a maximum of 36 covers unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring residents in accordance with Policy CG4 of the Core Strategy.

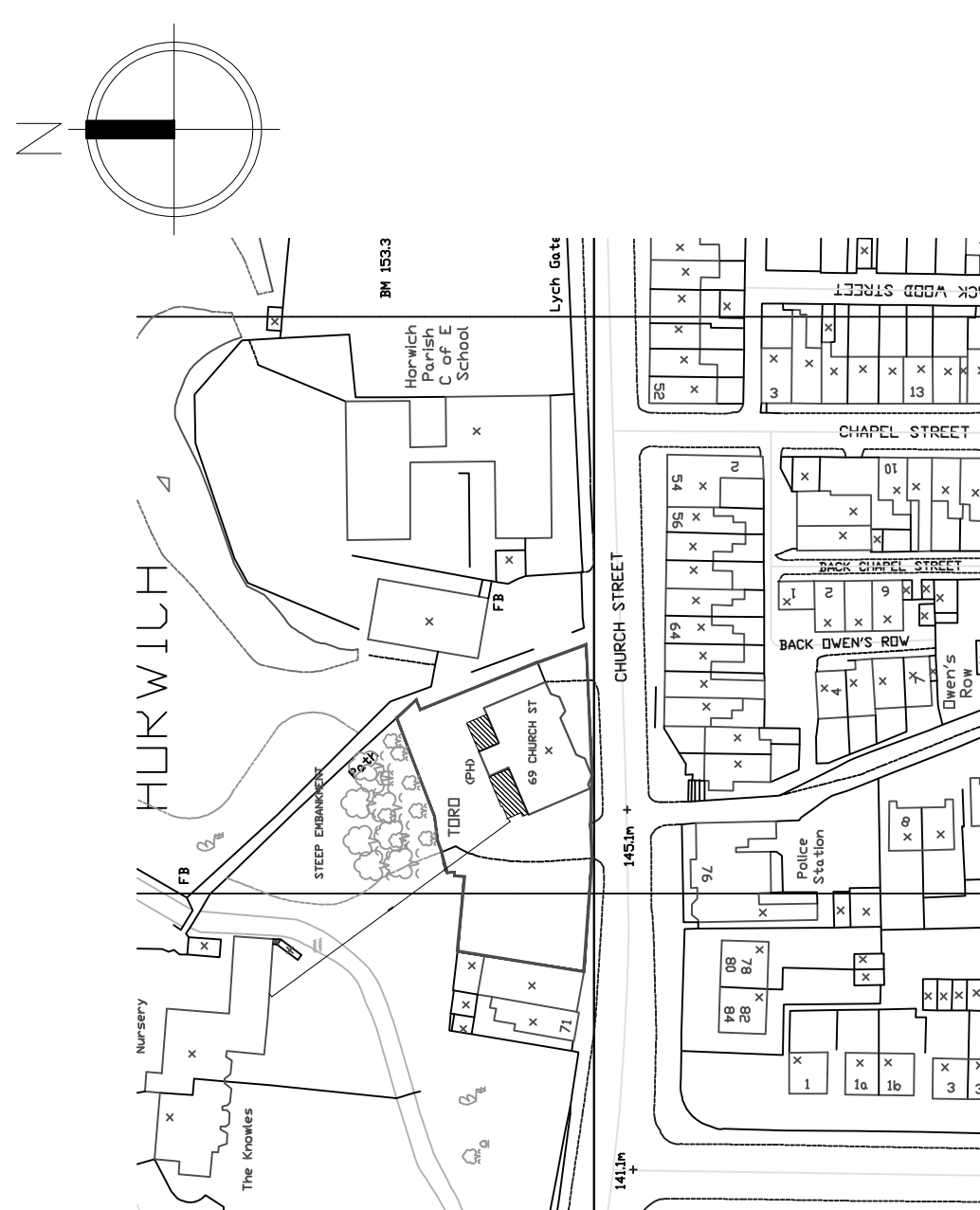
5. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Proposed Plans and elevations scanned to BMBC website 10/1/22.

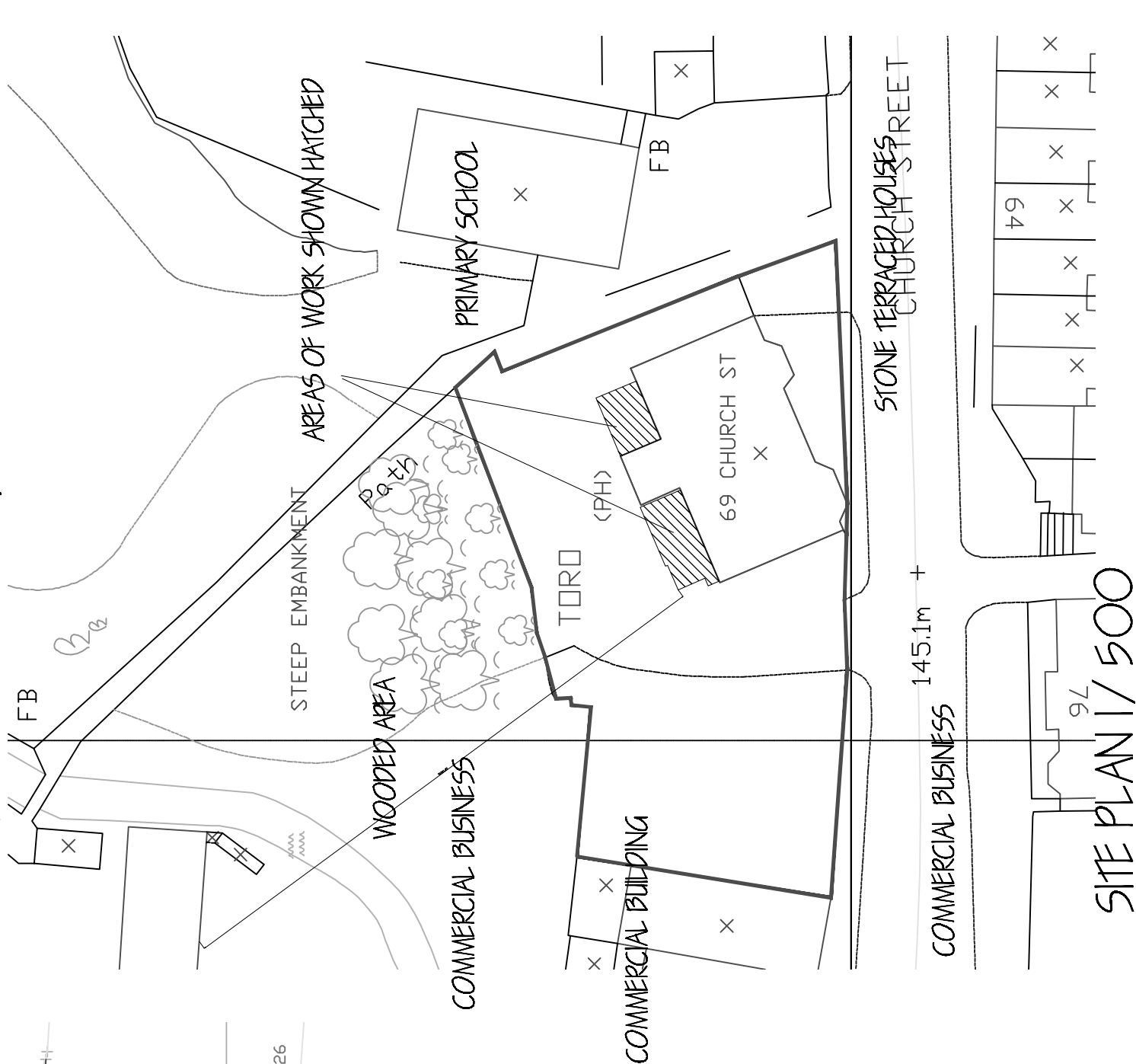
Reason

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

DO NOT SCALE FROM THIS DRAWING.
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LOCATION PLAN I / 1250



SITE PLAN / 500

RETAIN FEATURE ARCHED WINDOW AS EXISTING 01/22
OMIT GLAZING & ROOF 04/21
ACOUSTIC GLAZING TO SMOKING AREA 02/21

SCALE

REVISIONS

DATE	DRAWN	CHECKED
1/10/00		

CLIENT
TORO RESTAURANT

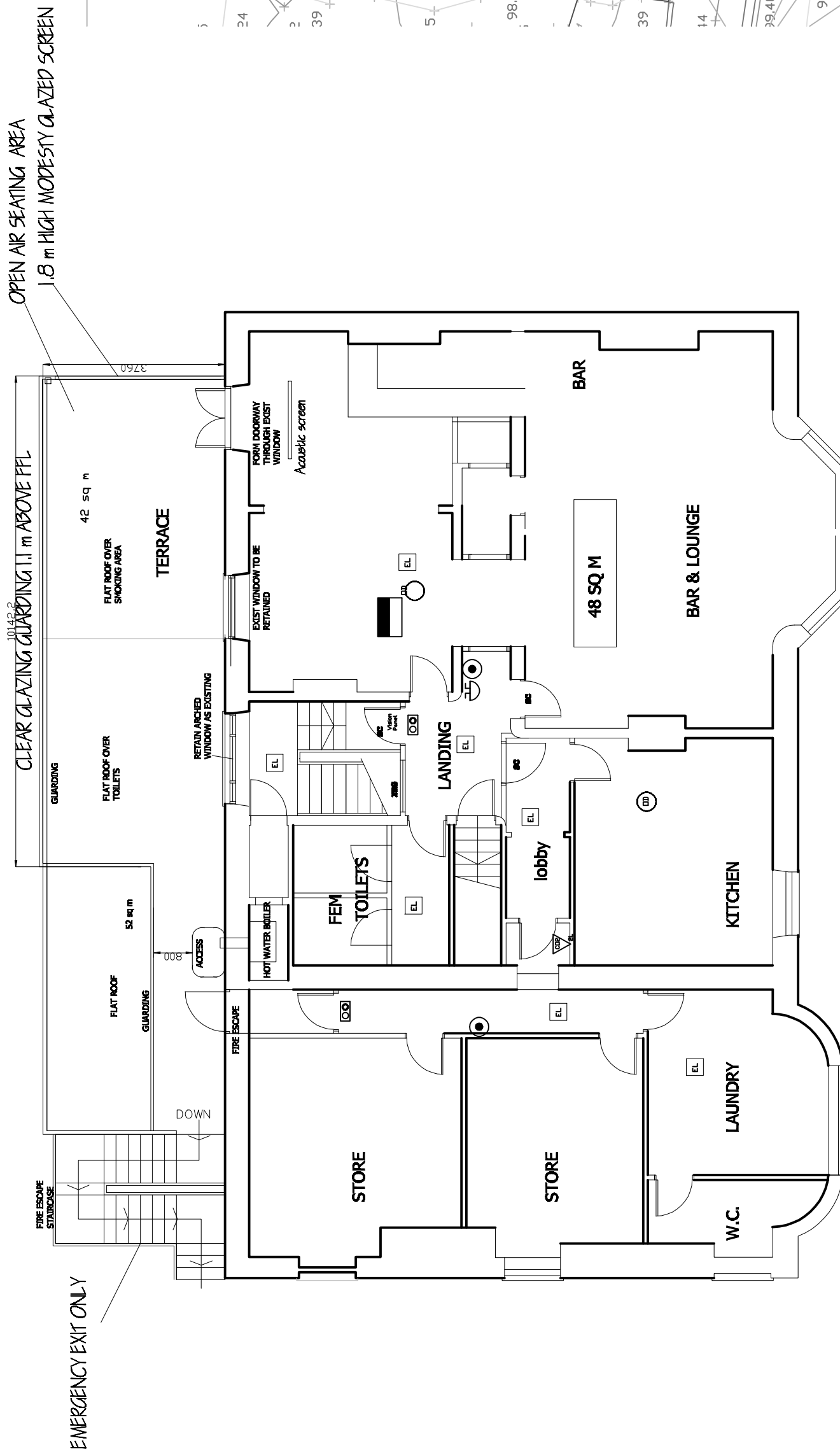
TITLE

AMENDED SCHEME

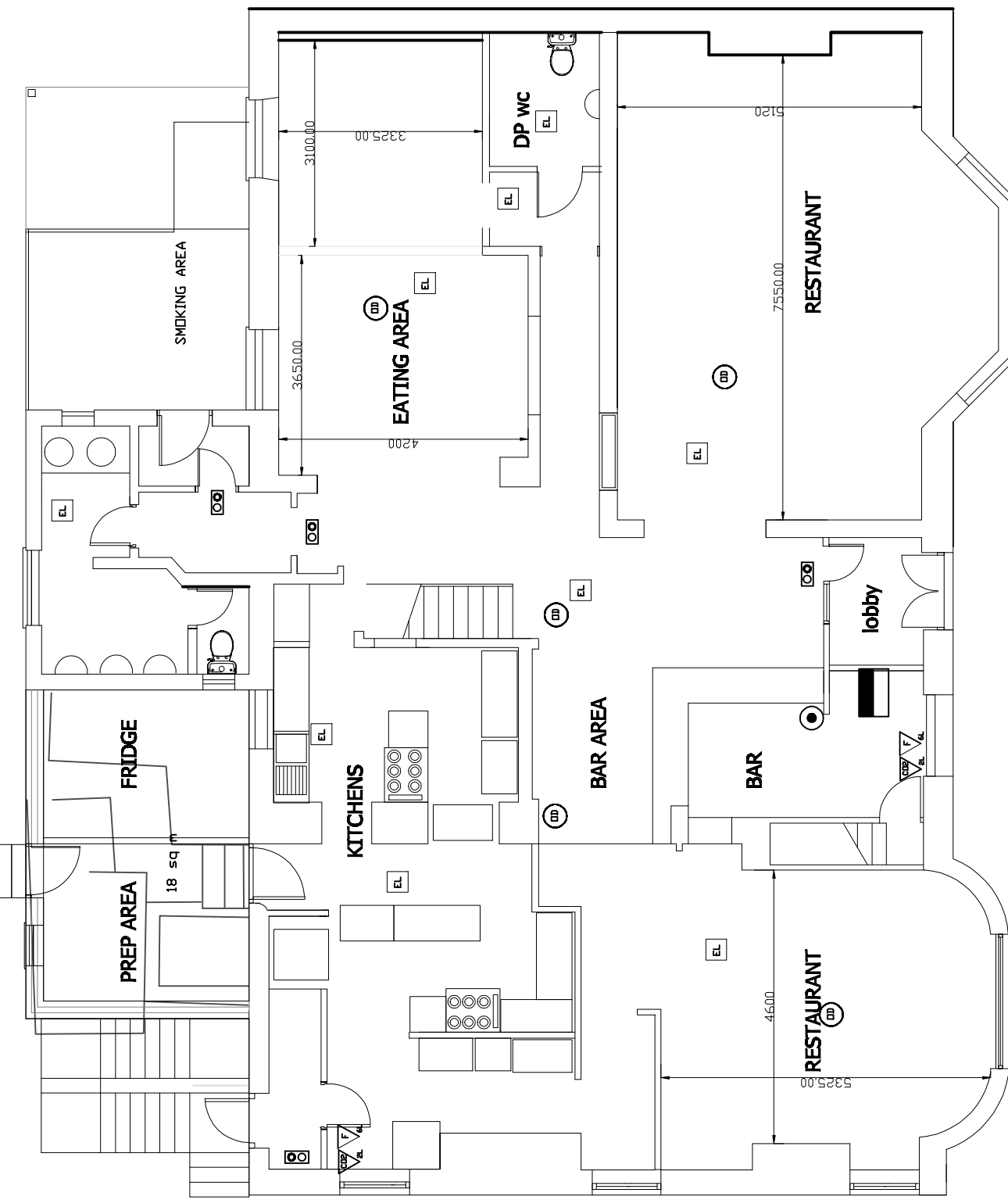
PROPOSED KITCHEN EXTENSION GROUND
FLOOR & FIRST FLOOR TERRACE AREA
OVER TOILETS ON EXISTING FLAT ROOF
69 CHURCH STREET, HORMWICH, BOLTON
PLANS & ELEVATIONS AS PROPOSED

DRAWING No.

0.02E














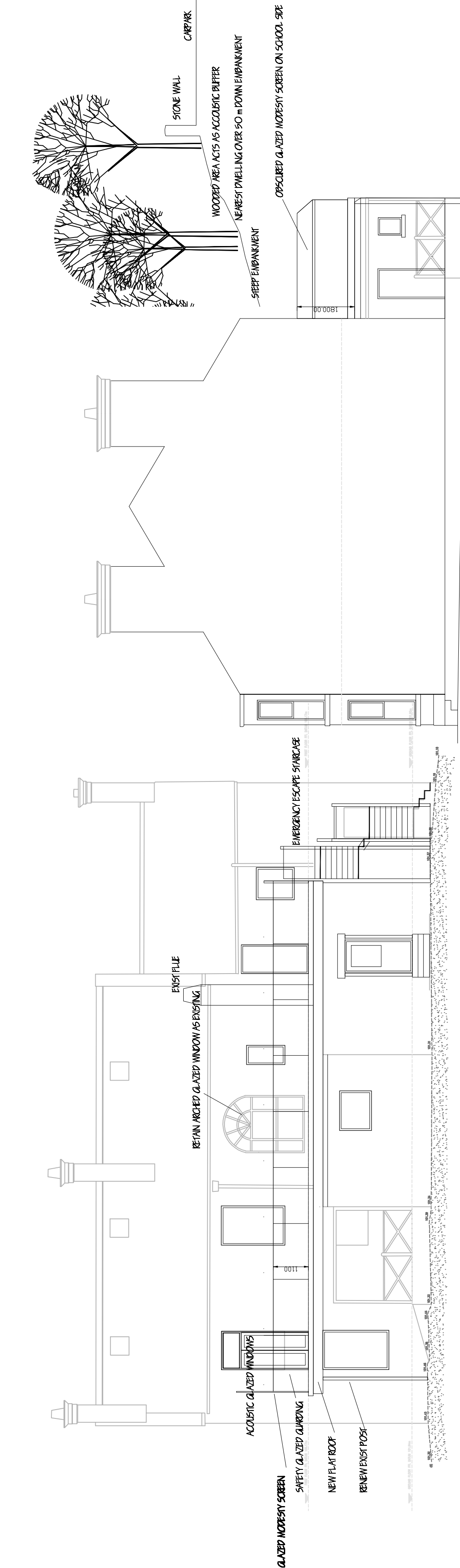
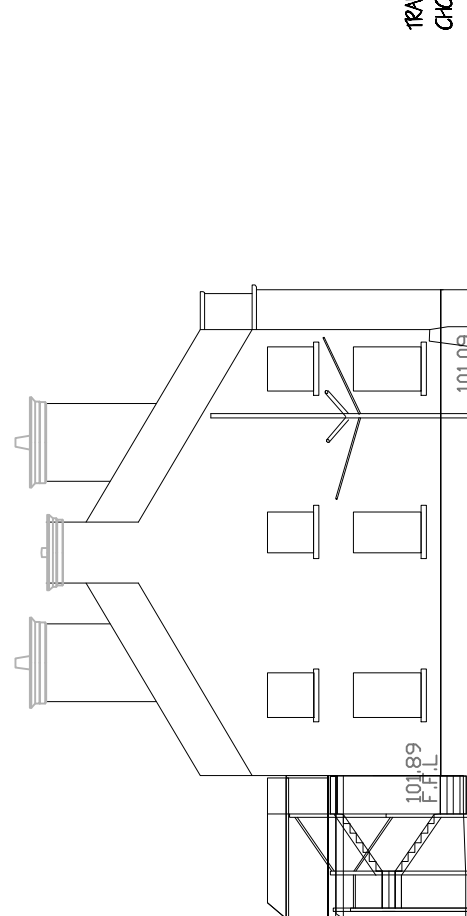
PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

LEGEND

- | | |
|---|---------------------------------|
|  | DISABLED ALARM PULL CORD. |
|  | ALARM SOUNDER. |
|  | BREAK GLASS CALL POINT. |
|  | OPTICAL DETECTOR. |
|  | EMERGENCY LIGHTING. |
|  | PICTOGRAM REFLECTIVE EXIT SIGN. |
|  | MAIN FIRE PANEL. |
|  | HEAT DETECTOR. |
|  | ILLUMINATED EXIT BOX. |
|  | FIRE EXTINGUISHER. |
|  | FIRE EXTINGUISHER. |



IL TORO REAR ELEVATION

III. TOPO SIDE EVALUATION