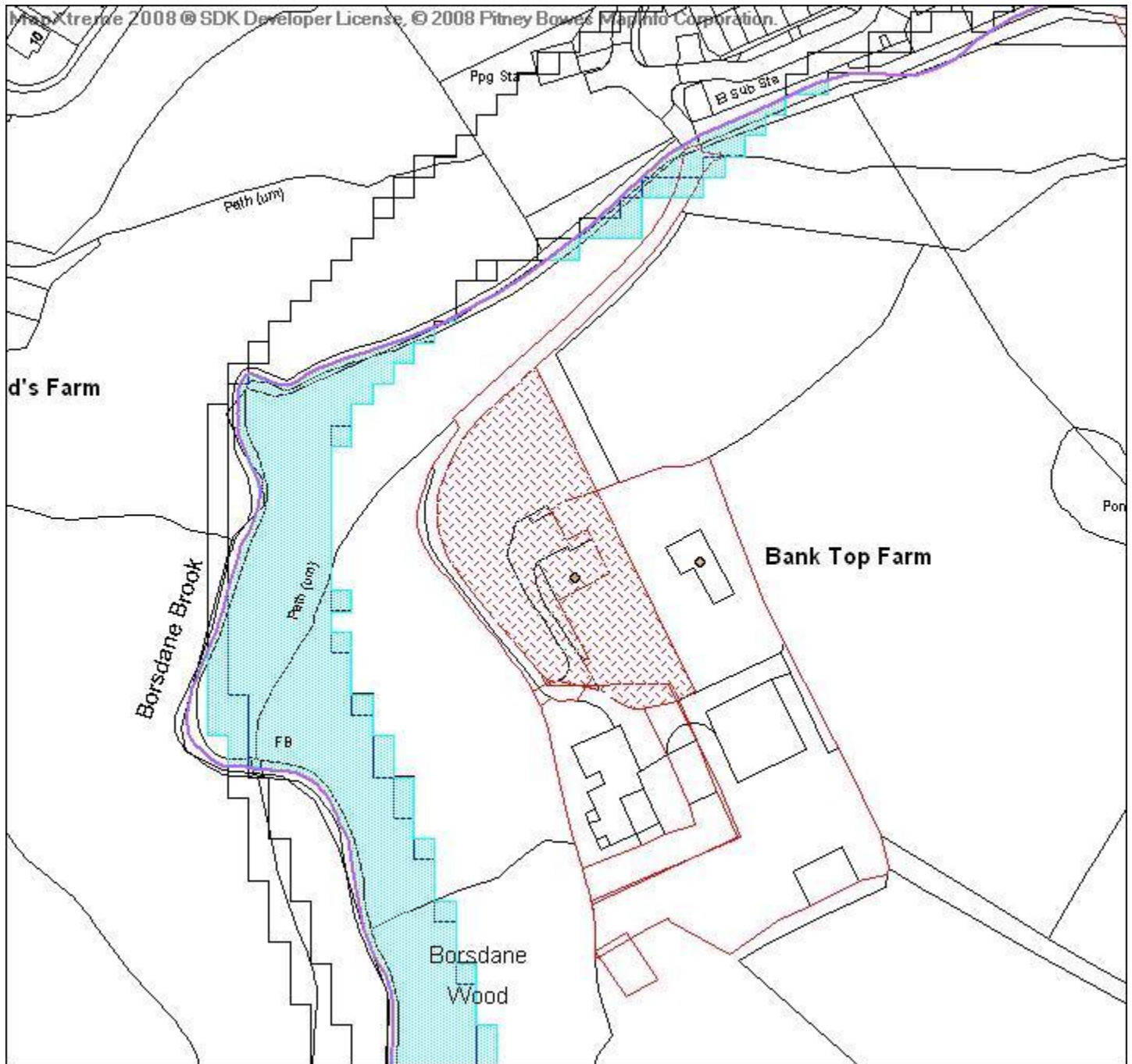


# Application number 95075/15



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 17/12/2015**

**Application Reference: 95075/15**

**Type of Application:** Full Planning Application  
**Registration Date:** 06/10/2015  
**Decision Due By:** 30/11/2015  
**Responsible Officer:** Jeanette Isherwood

**Location:** BANK TOP FARM, MILL LANE, ASPULL, BOLTON, WIGAN, WN2 1QG

**Proposal:** DEMOLITION OF EXISTING FARMHOUSE AND ERECTION OF DETACHED DWELLING

**Ward:** Westhoughton North

**Applicant:** Mr Mercer  
**Agent :** harryjacksonsurveyorsltd

## **Officers Report**

**Recommendation:** Approve subject to conditions

### **PLANNING CONTROL SECTION**

#### **PLANNING OFFICERS REPORT FOR DELEGATED DETERMINATION**

### **Background**

This application has been brought to Planning Committee as Westhoughton Town Council raised objection as the proposal is larger than the footprint of the existing farmhouse.

### **Proposal**

The application proposes the demolition of the existing farmhouse and the erection of a new detached dwelling.

The proposed new dwelling will be approximately 416 sq m floor area over 3 floors including the attic roof space. Use of the attic roof space will enable 6 bedrooms to be accommodated with living areas at ground floor level together with an integral double garage. The new dwelling will be approximately 27% larger than the existing house.

The new building will be of 2 storey construction with upper floor accommodation in the roof space. Rooflights will be provided to light the upper roof space accommodation. The building will occupy substantially the same location and orientation as with the previous dwelling with a frontage width of 17m.

The proposed new house will be constructed using external facing brickwork under a slated, pitched

roof. Central to the main frontage of the new house at first floor level will be a balcony serving the master bedroom suite. As with the existing farmhouse, the new house will utilize a traditional chimney stack to the fireplace.

The main body of the proposed building will occupy substantially the same footprint as the existing farmhouse. It will be of marginally (0.4m) higher than the existing dwelling at 9.5m.

The proposed dwelling would be accessible by the existing track from Mill Lane as are existing dwellings at the site. Within the garden areas the level driveway and paths will afford safe access to the new building.

### **Site Characteristics**

The building is located at the north west corner of the farm complex alongside the access track from Mill Lane which passes alongside the steeply sloping woodland fringing Borsdane Brook. Immediately to the east of the former farmhouse is a modern bungalow whilst immediately to the south is the recently converted former barn which now comprises a large single dwelling. The access track serves each of these properties.

The existing farmhouse is constructed of cement rendered brick work under a slated pitched roof.

Open fields extend to the south and east.

### **Policy**

National Planning Policy Framework 2012

Core Strategy policies: CG1.1 Rural Biodiversity; CG3.1 Innovative Sustainable Design; CG3.2 Respect and Enhance Local Distinctiveness; CG3.3 Scale, Massing, Grain and Form; CG3.6 Design and Adaption to Climate Change; CG4.1 Compatible Uses; CG4.3 Contaminated Land; S1.1 Crime and Reduce Fear of Crime; S1.2 Road Safety; P5 Accessibility; OA3.8 Character of Farm Complexes, Folds, Vernacular Cottages and Wider Landscape of Westhoughton.

Allocations Plan Policies: CG7AP Green Belt.

SPD General Design Principles

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

\* Principle of Residential Development

- \* impact on the Character and Appearance of the Green Belt
- \* impact on Living Conditions of Occupiers of Bank Top Farm (the bungalow)
- \* impact on Borsdane Wood SBI
- \* Highway Safety and Parking Provision
- \* impact on the Public Right of Way

#### Principle of Residential Development

The NPPF emphasises the great importance to Green Belts. The aims and objectives principally to check urban sprawl and maintain the openness of the land and seeks to assist in urban regeneration by encouraging the recycling of derelict and other urban land. Paragraph 90 identifies certain forms of development that are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

Policy SC1.2 of the Core Strategy states that at least 80% of housing development will be on previously developed land.

A structural survey has been submitted with the application as to the suitability of the existing building for renovation. With the conclusions being as follows:-

*The extent of the works necessary to bring this property back into habitable use compatible with modern requirements is disproportionate in both practical and economical terms. The property has in practice reached the end of its useful life and, based primarily on structural and practical issues, but also economic grounds, should be demolished and rebuilt rather than attempt to refurbish it.*

The redevelopment of the site will remove the unsightly appearance of the dilapidated building in order to create useable living accommodation for a residential dwelling.

Officers thus conclude the principle of development is acceptable.

#### Impact on the Character and Appearance of the Green Belt

The NPPF emphasises the great importance to Green Belts. The aims and objectives principally to check urban sprawl and maintain the openness of the land and seeks to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The key consideration is whether the development sought creates a materially greater impact on the openness of the green belt than the existing building.

Great importance is placed on the design of the built environment in the NPPF and Bolton's Core Strategy. Good and accessible design is a key aspect of sustainable development. Schemes should contribute positively to making places better for people, enhance local distinctiveness and be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture and landscape treatment. (Paras. 56 and 58, NPPF & Core Strategy policies CG3.2, CG3.3, OA3.7 and OA3.8)

Policy CG3.6 encourages the incorporation of design measures into new developments that allow adaptation and resilience to the impacts of climate change and extreme weather events and also to reduce the threat of fuel poverty, through the careful selection of aspect, layout and massing, and by making buildings increasingly energy efficient.

Policy CG7AP of the Allocations Plan states that the Council will not permit inappropriate development in the Green Belt. Inappropriate development includes any development which does not maintain the openness of land or which conflicts with the purposes of including land within the Green Belt, and the erection of new buildings except for [amongst other things] the replacement of a



building, provided the new building is in the same use and not materially larger than the one it replaces. It also states that the council will permit development proposals which fail to meet the above criteria in CG7AP only in 'very special circumstances.' It is the responsibility of the applicant to prove that such circumstances exist.

The site forms part of an existing complex of buildings attributed/connected to, either physically or in use to a farm. Previous development has taken place on the site creating a bungalow to the east and converting farm buildings to the south.

The existing farm building is to be demolished, however, the replacement dwelling will be of a similar scale to that of which it replaces with an overall volume increase of 27%. This is not thought to be an unacceptably significant increase and as the previous use was for a domestic property the use of the site will remain the same.

The overall appearance of the new dwelling will be similar to the existing farmhouse albeit on a slightly larger scale. The width of the building will be increased by 4 metres with the depth increasing by 2 metres. The overall height of the building will see an increase of 0.4m.

The increase to the scale of the development is considered to be acceptable and the proposed dwelling will not materially reduce the openness of the Green Belt.

A condition will be added to the approval with regards to external materials ensuring a suitable colour and texture is utilised.

The associated curtilage for the new dwelling is tight to the built form, thus preventing urban sprawl. Officers recommend conditioning this.

Officers conclude the development is compatible with the Green Belt and that the proposal is acceptable when judged against the NPPF, Core Strategy policies CG3.2, CG3.3, CG3.6, OA3.7, OA3.8 and Allocations Plan policy CG7AP.

#### Impact on Living Conditions of Occupiers of Bank Top Farm (the bungalow)

Policy CG4.1 requires new development to be compatible with surrounding land uses and ensure neighbouring occupiers have sufficient privacy and amenity. SPD General Design Principles advises of spacing arrangements between residential dwellings.

The site is independent from any other residential property. The nearest dwelling is the bungalow at Bank Top Farm, however the appearance of the property when viewed from the bungalow will present very much as at present and therefore any additional impact on this property is considered to be minimal.

The addition of the balcony will not present any overlooking issues as this will overlook the wooded area to the north of the site. The design of the build is such that there will be no principal windows facing to the east (towards the bungalow).

It is considered that policies CG4.1 and SPD General Design Principles are satisfied.

#### Impact on Borsdane Wood SBI

Policy CG1.1 safeguards and enhances the rural areas of Bolton 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 survey has been submitted with the application as the application proposes the demolition of the existing building. The submitted bat survey indicates a low potential for use of the structure by bats, though previous use has been identified. The Council's Ecology Officer stated that suggested precautions should be taken if bats are discovered during development and if works to demolish have not been undertaken by April 2016, further advice should be sought and submitted for approval. Provision for bats should be incorporated into the new building to ensure no loss of habitat for this protected species. Specific conditions are suggested to address these issues.

Great Crested Newts have been recorded in the general vicinity of the proposed development site and a pond habitat is present within 100m to the east of the proposed site. An ecological appraisal should be undertaken to determine the likely presence or absence of this protected species and suitable protection and working methods proposed, based upon the findings. Similarly specific conditions are suggested to address these issues.

The site lies 50 metres from Borsdane Wood SBI. The Council's Tree Officer commented that the woodland surrounding the site is visible from the track leading to the farm and from the footpaths in the adjacent Borsdane woods. The woodland is on a slope surrounding the flat area of development. The woodland is natural in appearance and the wooded area is a valuable screen to the proposed development. Ideally the area would be retained as woodland rather than being incorporated as garden land. The trees are of suitable quality for a Tree Preservation Order although the risk of removal is unlikely in view of the screening benefits.

The applicant submits that the application site lies within an existing residential garden area surrounded by trees. Existing woodland planting will be retained and enhanced in connection with the new dwelling. Limited additional planting of ornamental trees and shrubs is proposed on the large front garden area. A boundary landscaping condition is suggested to ensure the area retains its character.

Subject to suggested conditions policy CG1.1 is complied with.

#### Highway Safety and Parking Provision

Policy S1.2 seeks to promote road safety in new development, whilst policy P5 asks that developments are accessible by different means of transport and take into account the parking standards contained in appendix 3.

The site cannot be considered to be in an accessible location, nor can it be said to be practical to expect future occupiers to heavily rely upon public transport and walk to local amenities. Thus, emphasis is placed on the privately owned vehicle. The applicant, in designing the property has accounted for the maximum standard of parking spaces for dwellings of this size and has detailed 5 available spaces by virtue of the integral double garage and hardstanding for 3 cars to the front of the dwelling.

Highway Engineers do not raise objection to the proposals. Officers conclude the application complies with policies S1.2 and P5 as well as Appendix 3 of Bolton's Core Strategy.

#### **Conclusion**

Officers conclude the application complies with the aforementioned national and local planning policies. Members are recommended to approve this application subject to the suggested conditions.

## **Representation and Consultation Annex**

### **Representations**

**Town Council:-** Westhoughton Town Council raised objection as the proposal is larger than the footprint of the existing farmhouse.

### **Consultations**

Advice was sought from the following consultees: Westhoughton Town Council, Highway Engineers, Building Control, Public Right of Way, Peak and Northern Footpaths, Greater Manchester Ecology Unit, Greenspace, R&A Bolton.

### **Planning History**

Approval granted for change of use and conversion of vacant barn building to form one dwelling together with erection of single storey extensions to west elevation to form integral garage, porch and orangery. Ref: 89728/13

Prior approval granted for an agricultural building. Ref: 89727/13.

**Recommendation:**            **Approve subject to conditions**

### **Recommended Conditions and/or Reasons**

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

Reason

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

2. The development hereby approved shall be carried out fully in accordance with the recommendations of the submitted Bat Survey. If demolition takes place after April 2016 a new bat survey shall be undertaken and a report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures should be implemented in full and retained thereafter. The new dwelling hereby approved must incorporate bat boxes or other similar habitation measures, details of which should be submitted to and approved in writing by the Local Planning Authority prior to first occupation and retained thereafter.

Reason

To safeguard the habitats of protected species and to comply with Core Strategy policy CG1.

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

Reason

To safeguard the habitats of protected species and to comply with Core Strategy policy CG1.

4. Prior to the commencement of development the details (samples if required) of the type and colour of materials to be used for the external walls and roof to be agreed with the Local Planning

Authority. The approved materials shall be implemented in full thereafter.

Reason

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

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

1. The trees within or overhanging the site which are to be retained have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).
3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

To protect the health and appearance of the tree(s) and to comply with Core Strategy policy CG3.

6. 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 (to include any gates) 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 and to comply with Core Strategy policies CG3 and CG4.

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

Reason

To reflect and soften the setting of the development within the landscape and to comply with Core Strategy policy CG3.

8. Before the approved/permitted development is first brought into use no less than 3 car parking spaces with minimum dimensions of 2.5 metres by 5.5 metres shall be provided within the curtilage of the site, in accordance with Drawing Titled: Site Plan and scanned to BMBC system 23/10/15. 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 and to

comply with Core Strategy policies S1, P5 and Appendix 3.

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

**Proposed floor plans - scanned to BMBC system 23/10/15.**

**Proposed elevations - scanned to BMBC system 23/10/15.**

**Land survey (topographical) - scanned to BMBC system 23/10/15.**

Reason

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

10. No vegetation clearance or demolition of buildings should take place between the months of March and August inclusive.

Reason

The site has the potential to support breeding birds. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds whilst they are breeding.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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.

Reason

To safeguard the character and appearance of the dwelling/land and to comply with Core Strategy policy CG3 and Allocations Plan Policy CG7AP.

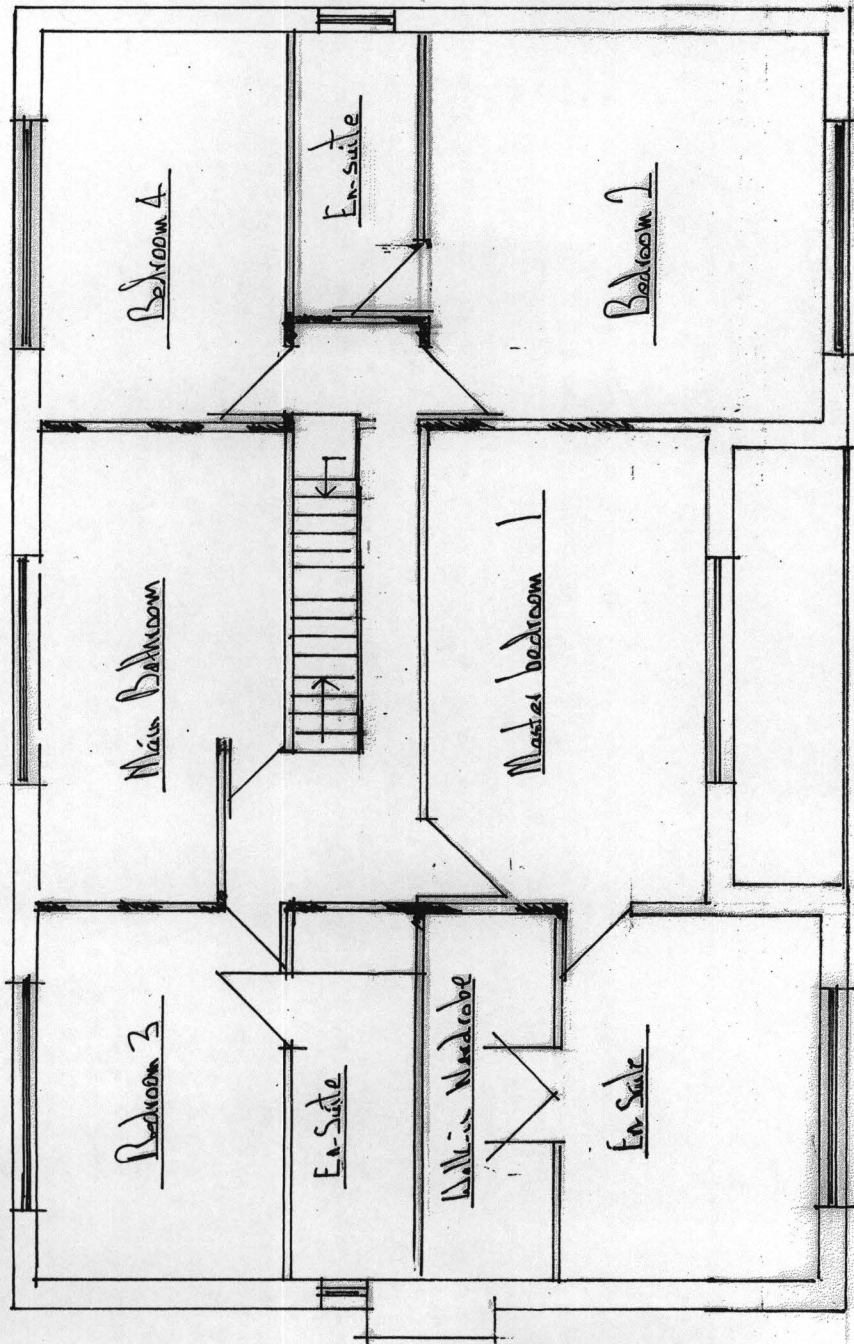
12. The curtilage of the property is being treated for planning purposes as that defined on the approved drawing ref: Site Plan and scanned on 23/10/15.

Reason

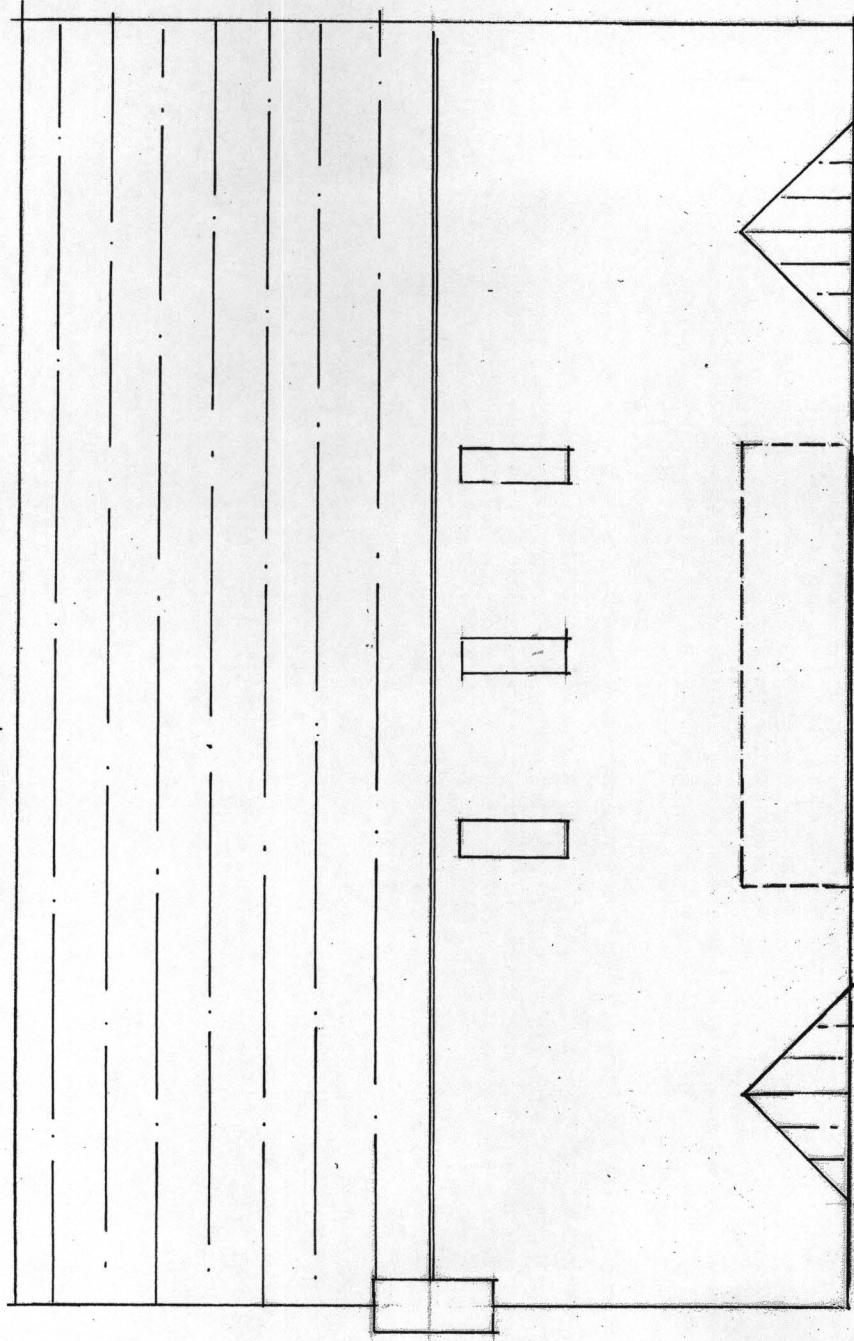
For the avoidance of doubt as to what is permitted.



First Floor Layout

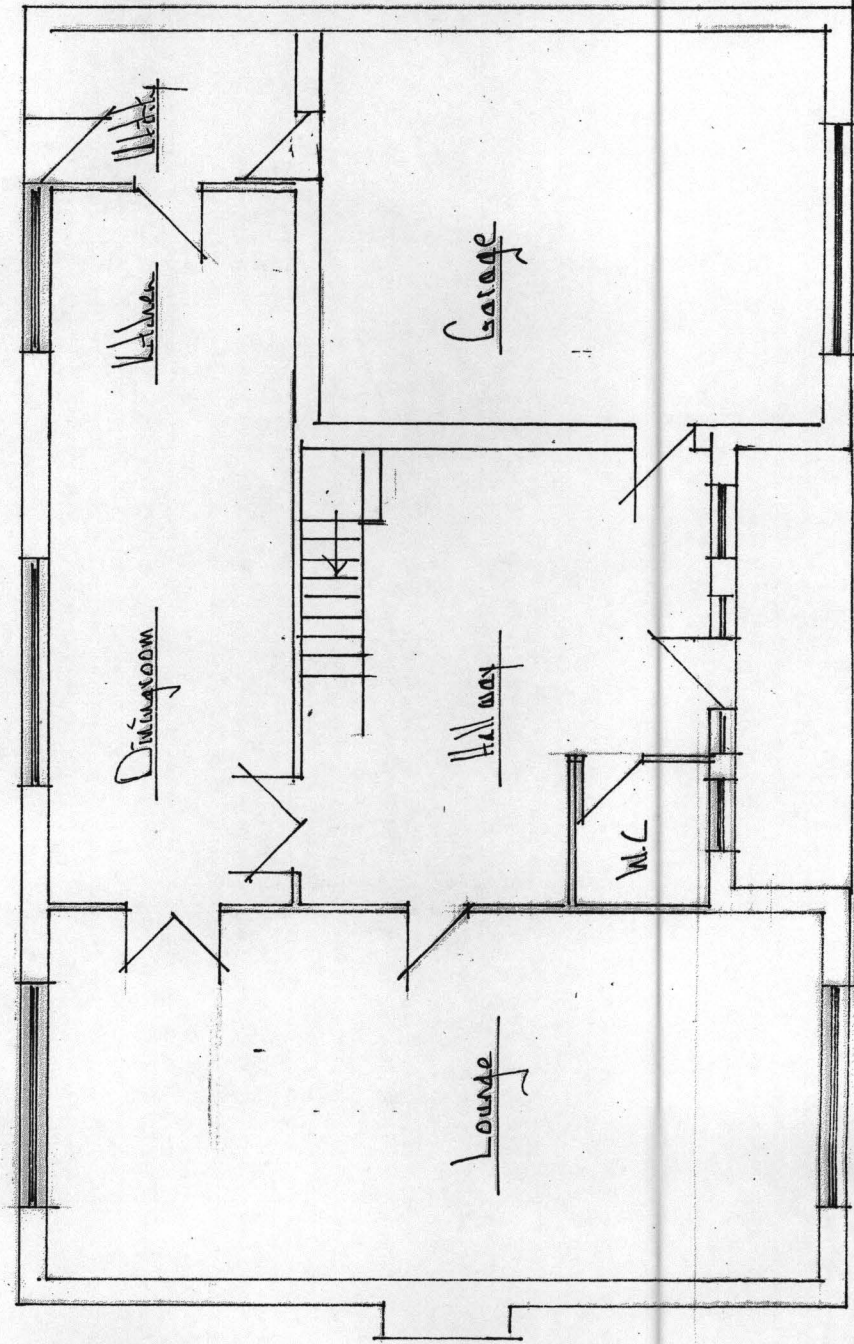


Roof Layout

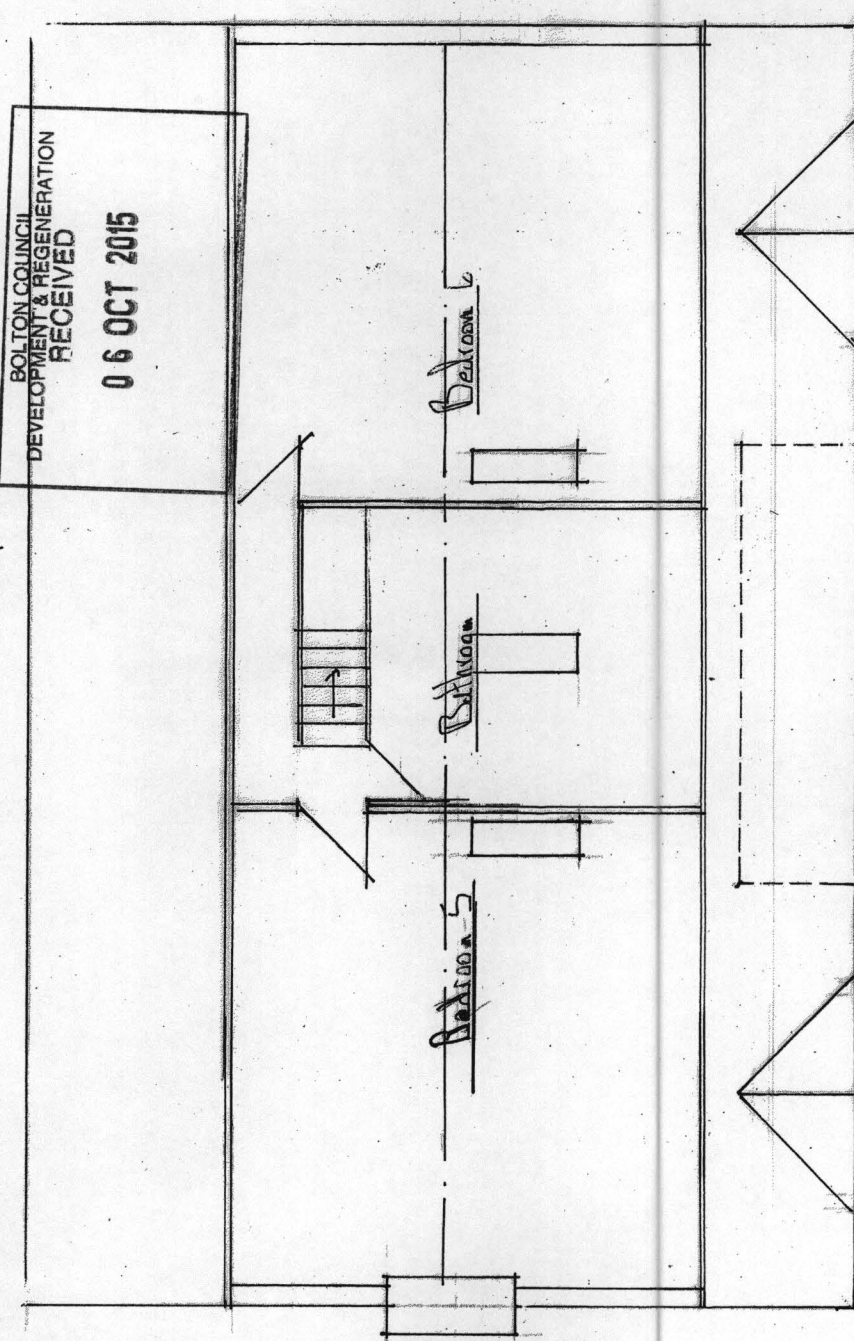


Scale 1:100

Demolition of Existing house and erection of new detached property for Mr. & Mrs. Mercer at Mill Lane Aspull N. Wigan WNG 10G



Ground Floor Layout

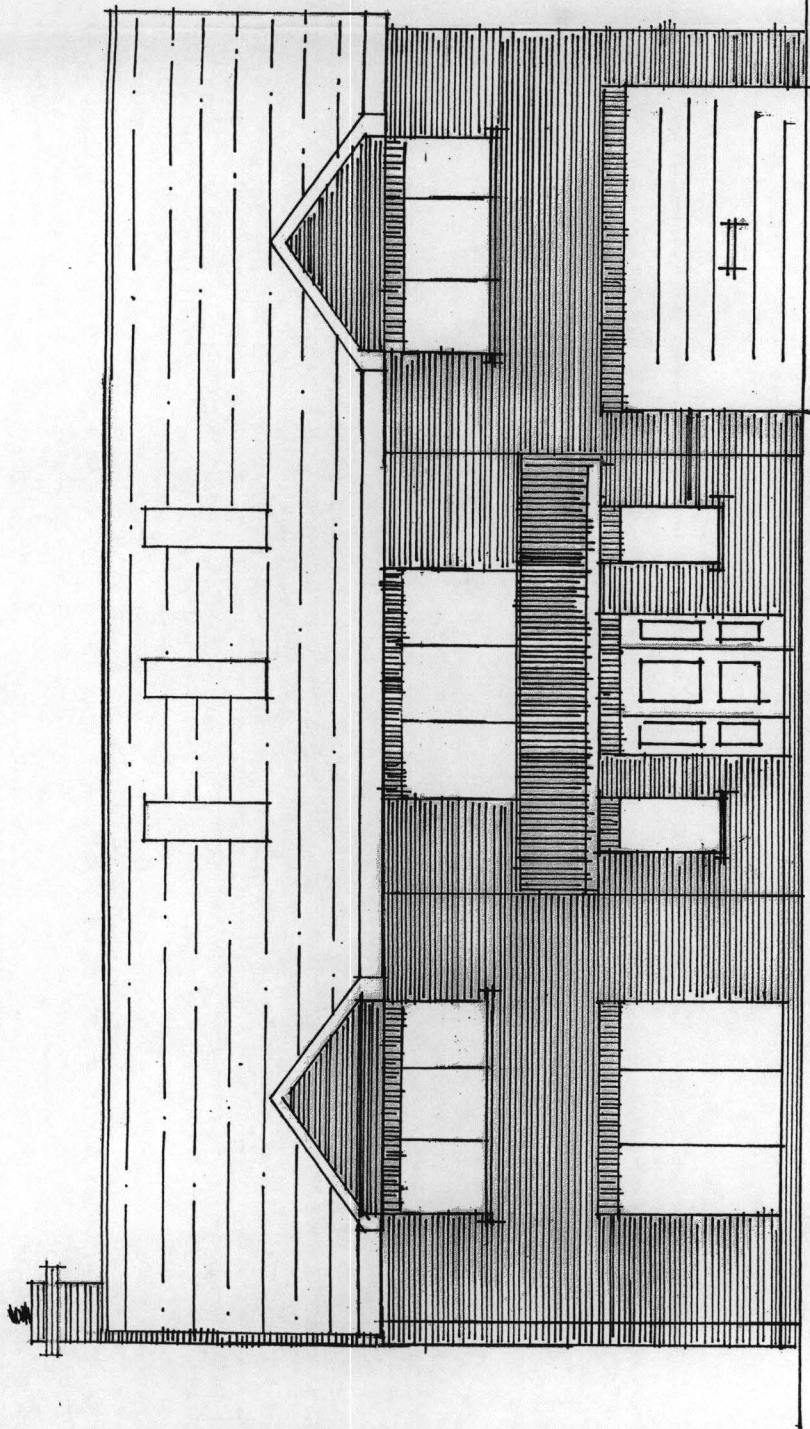


Second Floor Layout

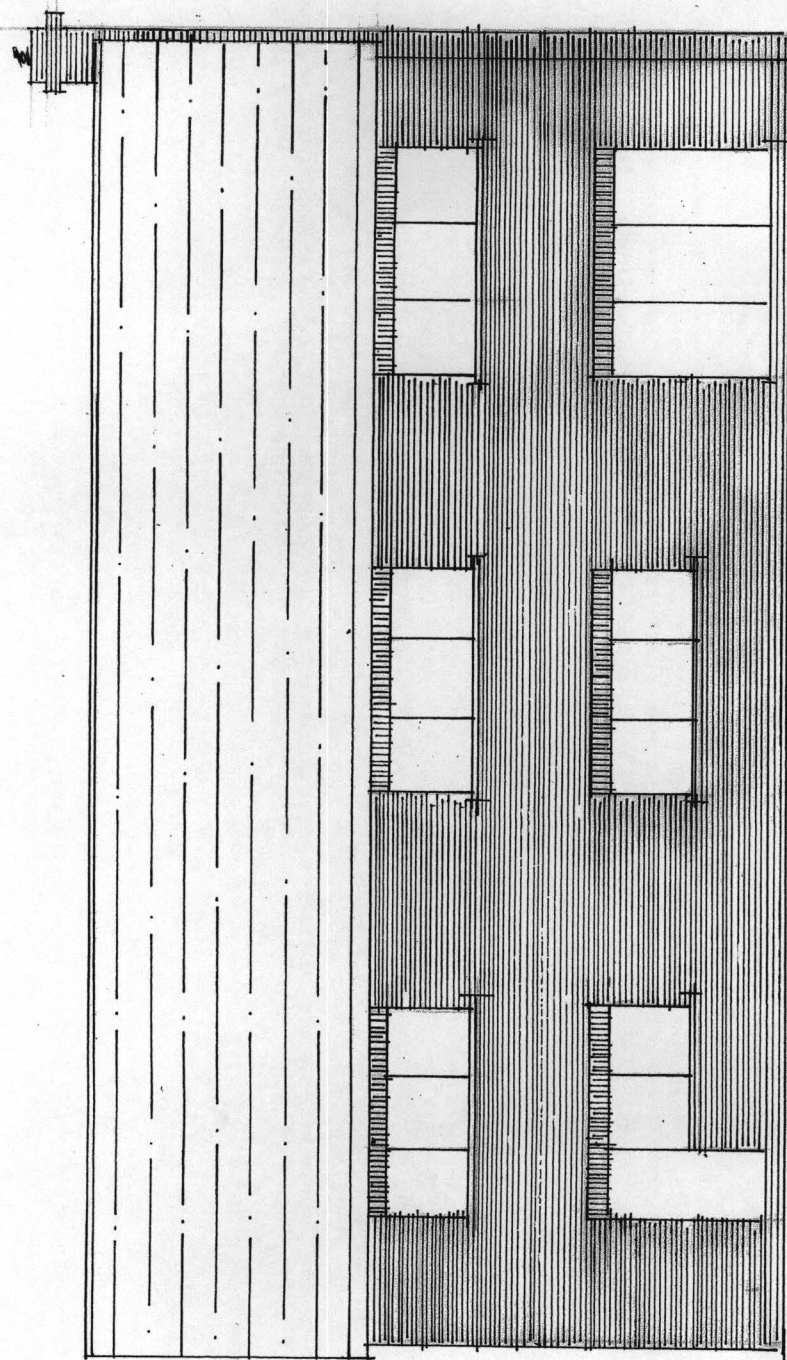
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06 OCT 2015





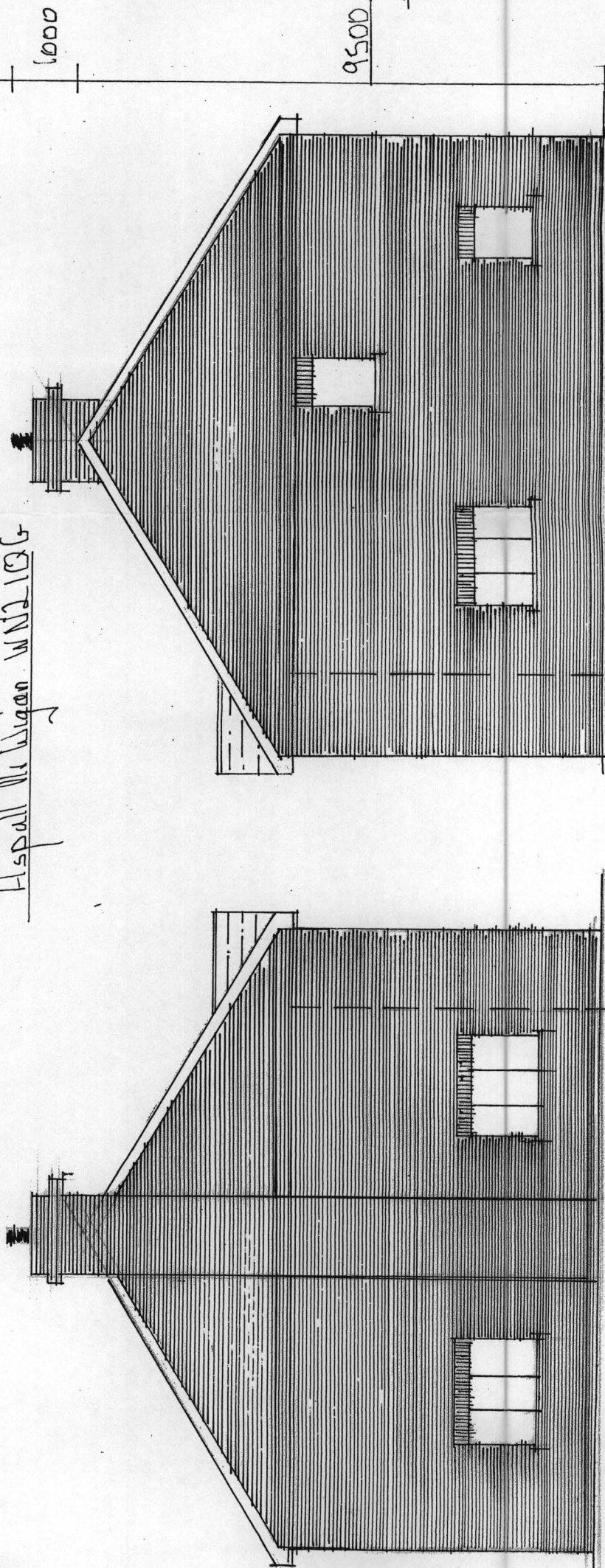
Front Elevation



Rear Elevation

Demolition of Existing House and Erection of new  
Detached property for Mr & Mrs Marces at Mill Lane  
Aspull Wigan WN2 1QG

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 06 OCT 2015



Side Elevation

Side Elevation

Scale

9500  
 Elevations 1:100



# Application number 95081/15



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 17/12/2015**

**Application Reference: 95081/15**

**Type of Application:** Full Planning Application  
**Registration Date:** 05/10/2015  
**Decision Due By:** 29/11/2015  
**Responsible Officer:** Jeanette Isherwood

**Location:** UNITS 1 AND 3, ST PAUL'S MILL, BARBARA STREET, BOLTON, BL3 6UQ

**Proposal:** CHANGE OF USE FROM INDUSTRIAL UNIT TO COMMUNITY AND FUNCTION SPACE

**Ward:** Rumworth

**Applicant:** Mr Jiva  
**Agent :** Smusa1

## **Officers Report**

**Recommendation:** Approve subject to conditions

### **Proposal**

A change of use is proposed to use part of the mill building for a community and function facility, which falls into a D2 use classification.

The proposal includes a function and community assembly space together with a serving area and kitchen.

25 car parking spaces have been allocated within the existing car park, with the plans also detailing an additional parking facility adjacent to Swan Mill opposite the site.

The applicant has requested that the hours of opening will be 11:00 - 23:00 Monday to Sunday with 22 employees (2 x full time and 20 x part time).

Minor changes to the front and side elevations are proposed to provide a new entrance lobby (to the side) and 2 exit doors to the front.

### **Site Characteristics**

The site is a former mill which lies in the heart of Inner Bolton. To the north and east are residential dwellings, typically laid out in rows of terraces. To the south are other mill buildings, which are put to commercial uses. The adjoining part of the mill is used as a mosque (Goshia Mosque).

### **Policy**

National Planning Policy Framework 2012

Core Strategy Objectives - SO2 Achieving Bolton; SO11 Bolton's Built Heritage

Core Strategy Policies CG3.2 Conserve and Enhance Local Distinctiveness; CG3.3 Scale, Massing, Grain and Form; CG4.1 Compatible Uses; SC2.1 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:-

- \* Suitability of the Use and Visual Changes
- \* Highways Issues

### **Suitability of the Use and Visual Changes**

Core Strategy policy SC2.1 states that the Council and its partners will ensure that local cultural activities and community facilities are located in the neighbourhoods they serve.

Objection has been raised to the proliferation of similar uses in the area. However, this proposal will be located adjacent to the Ghosia Mosque and is ideally situated to promote Community Cohesion, linking facilities within the communities they serve.

Core Strategy policy CG4.1 outlines the Council's stance regarding the protection and preservation of neighbouring occupiers privacy and amenity by ensuring new development is compatible with surrounding land uses and it does not generate unacceptable nuisance, fumes, odours, noise or light pollution.

Several objections have been received to the proposal with one issue being the possibility of noise disturbance with the use of the venue.

The Council's Environmental Health Officers were consulted and had no objections to the proposal subject to several conditions due to the proximity of the site to residential dwellings. Conditions are suggested to ensure there is no undue disturbance and nuisance arising from the centre with regard to light pollution, odour or noise, beyond what is normally expected during daytime and evening hours.

In terms of the proposed use, Officers on the basis of information submitted and technical consultee responses, do not consider the use will unduly affect the amenity of local residents, businesses or the surrounding environment.

One objection has been raised with regards to the loss of local employment. However, the site is currently vacant, its re-use will create 22 new employment opportunities for local people.

Core Strategy policies CG3.2 and CG3.3 require proposals to respect and enhance local distinctiveness and be compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape treatment, including hard/soft landscaping and boundary treatment. Changes to the front and side elevations are considered to be minor, in terms of their impact on the street scene.

The proposal is considered to be compliant with Core Strategy policies CG3, CG4, and SC2.

#### Highways Issues

Policy P5 requires development to be accessible by different means of transport.

Objections have been raised to possible traffic/parking issues that may arise due to the use of the site.

The applicant submits that parking is on site and on local highways. Provision is available for 25 vehicles in the car park, which is shared with the adjacent local business. The applicant states this is open to sole use beyond 5pm, this being the main occupation time for the building. Additional parking has been secured adjacent to Swan Lane Mill opposite the site and a condition will be added to this approval requesting a detailed plan of available parking at this site. Officers consider the site to be in an accessible location and within walking distance of a large amount of the community.

The Highway Engineers have no objections to the scheme. However it is noted that they request that it should be ensured that 25 spaces are sufficient to meet the Council's parking standards for the proposed use and existing uses in the remainder of the mill. Appendix 3 of the Core Strategy does not provide specific guidance on parking requirements for D2 community use/facilities. However, in addition to the existing 25 car parking spaces provided on site, the applicant has secured off-site parking at Swan Lane Mill and a parking scheme will be required via condition to ensure the provision of this.

On the basis of this information the proposal is considered to comply with Core Strategy policy P5.

#### Conclusion

The proposal is considered to comply with the aforementioned policies. Therefore the application is approved subject to conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** 20 letters of objection have been received from areas throughout Bolton with the main issues being:-

- Proliferation of similar uses in the area
- Traffic and parking issues
- Loss of employment opportunities

### **Consultations**

Advice was sought from the following consultees: Highways

### **Planning History**

Planning approval for the change of use of part of vacant mill to community and education facility (D1) Ref: 88139/12

**Recommendation:            Approve subject to conditions**

### **Recommended Conditions and/or Reasons**

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

Reason

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

2. Before 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 and to comply with Core Strategy policy CG4.

3. Before the approved/permitted development is first brought into use no less than 25 car parking spaces with minimum dimensions of 2.5 metres by 5.0 metres shall be provided within the curtilage of the site, in accordance with Drawing Ref: Revised Site Plan 05 dated 08/15 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 and to comply with Core Strategy policy S1 and P5.

4. Prior to the development hereby approved/permitted being first occupied or brought into use a scheme shall be submitted to and approved in writing by the Local Planning Authority for the parking of vehicles within the area adjacent to Swan Mill detailed in Drawing Ref: Revised Plan 05 dated 08/15. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter and not to be used for any purpose except the parking of vehicles.

Reason

In the interests of highway safety and to comply with Core Strategy policies S1, P5 and Appendix 3.

5. Before the commencement of the use hereby permitted, a scheme showing details of the means of extraction and filtration of cooking odours and methods to be employed to prevent noise disturbance shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full before the use hereby permitted is first commenced and retained thereafter at all times.

Reason

To minimise the impact of noise on the general and residential amenity from the increase and alteration of commercial and/or industrial uses in the area and to comply with Core Strategy policy CG4.

6. The external surfaces of the altered elevations 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 and to comply with Core Strategy policy CG3.

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

11:00- 23:00 Mondays – 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 to comply with Core Strategy policy CG4.

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

**Proposed floor plans - 03 - dated 08/15**

**Proposed elevations - 04 - dated 08/15**

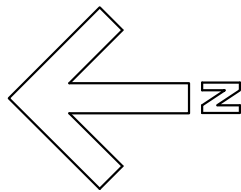
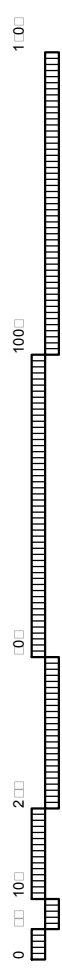
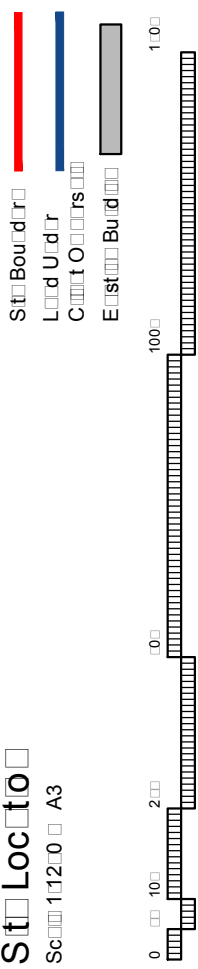
**Revised site plan - 05 - dated 08/15**

Reason

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







**NOTES:**

**No scaling or dimensions other than those figured are to be taken from this drawing. All dimensions to be checked on site**

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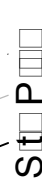
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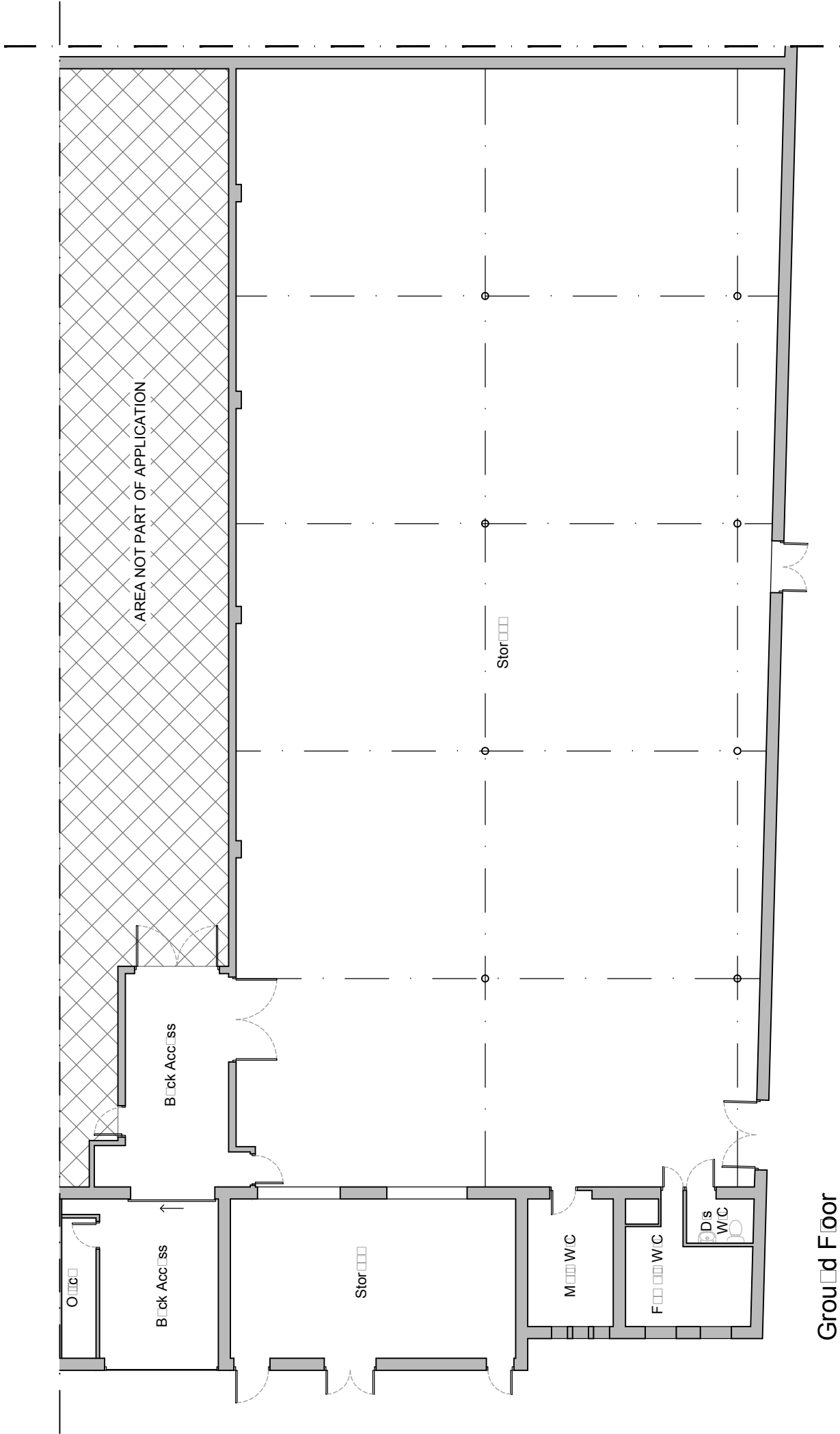
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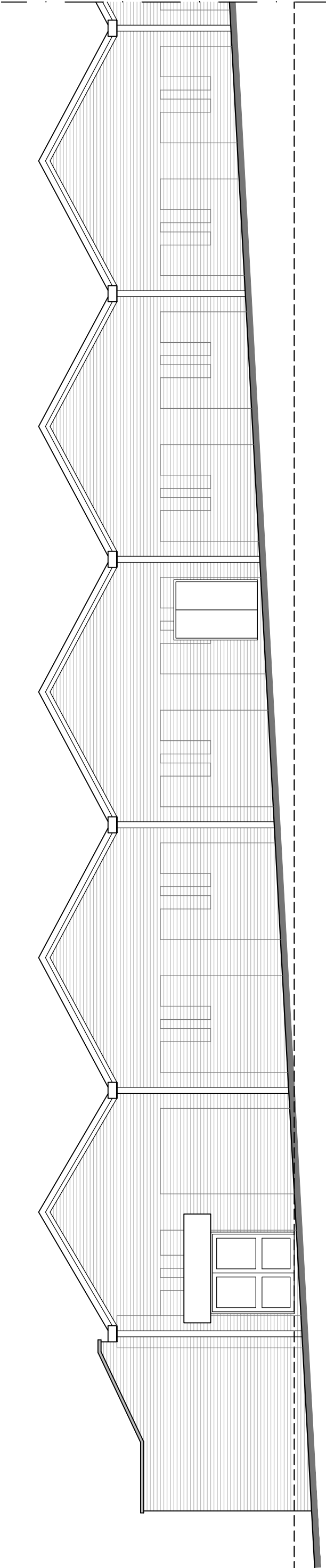
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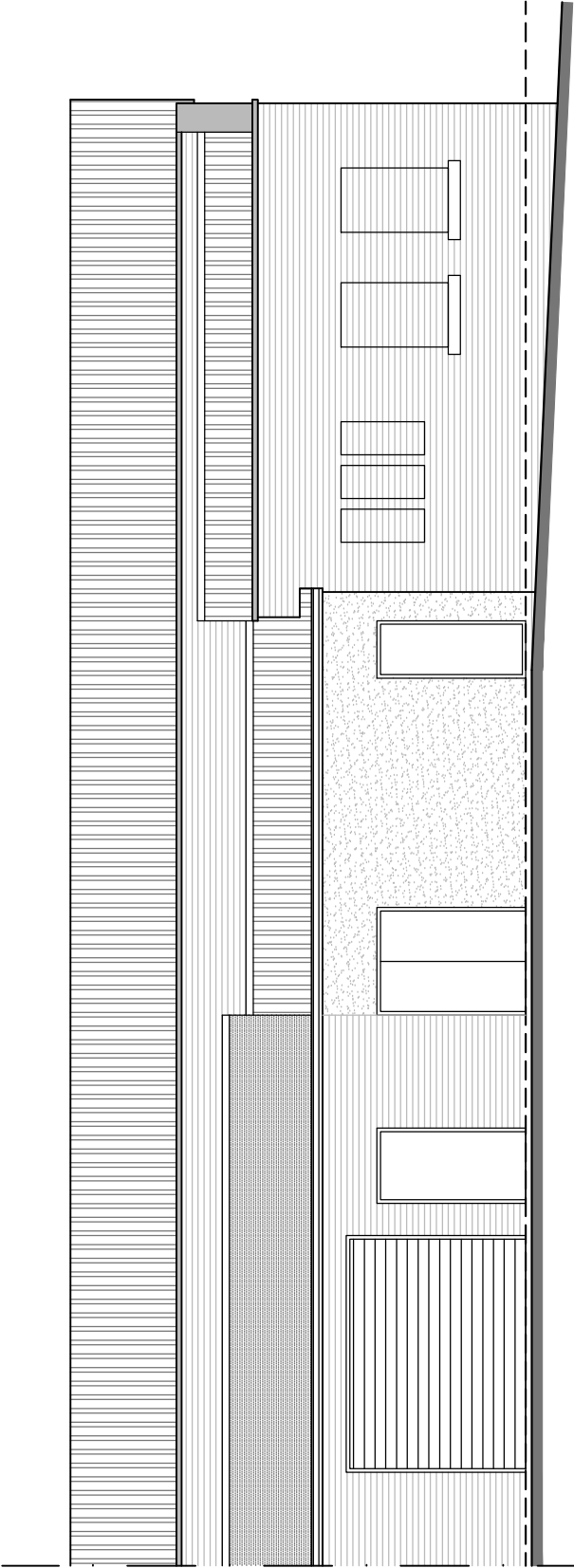
Project Location  
St Paul's Manor  
Bristol St  
Bristol  
BL3 6U

Drawn by  
01 East Park

Scale	Sheet	Date
1:150	A3	08/15



Front Elevation



Side Elevation

NOTES:

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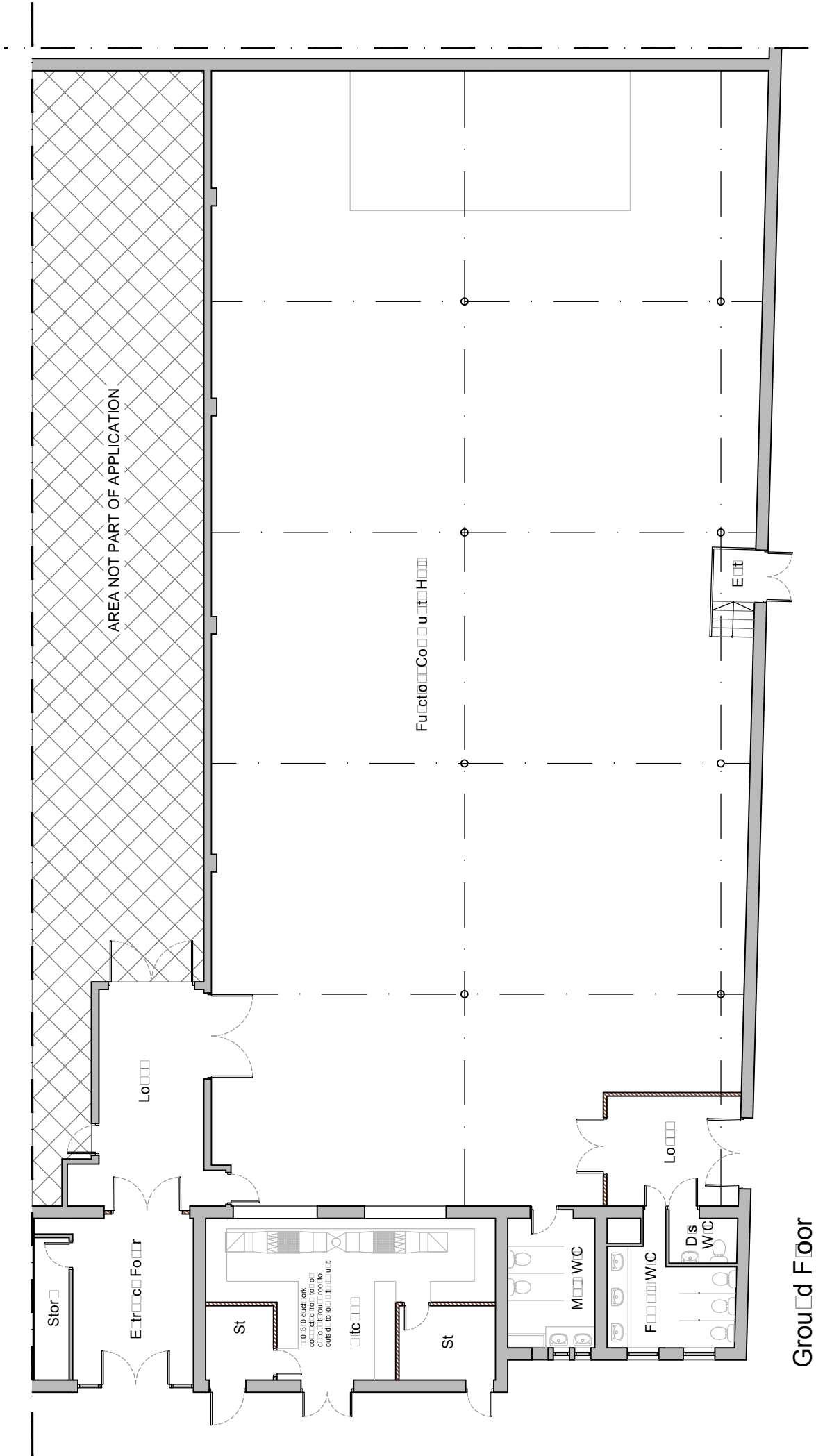
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Project Location  
St Pauls Mill  
Burrill St  
Boltong  
BL3 6UJ

Drawings

02 Elevation Details

Scale	Sheet	Date
1:100	A3	08/15



NOTES:

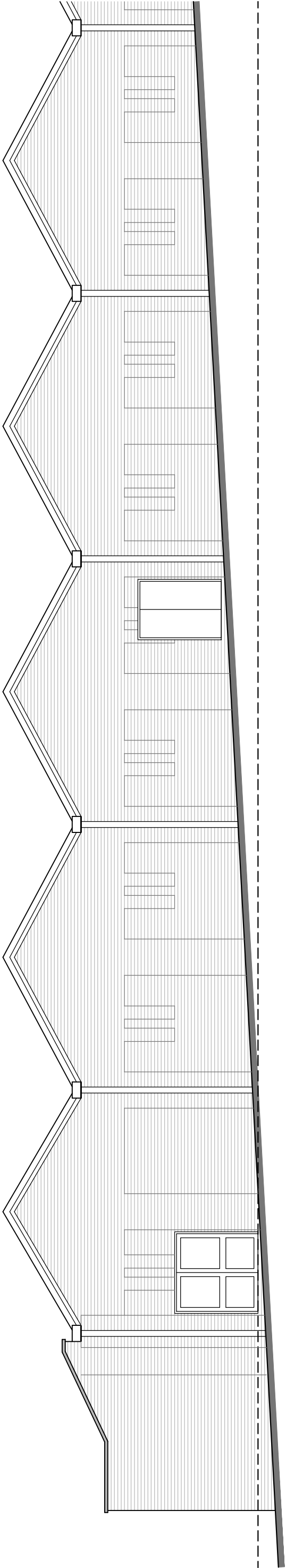
No scaling or dimensions other than those figured are to be taken from this drawing. All dimensions to be checked on site

This drawing is for use at the named location and for Planning Permission purposes only and as such should not be used at any other location or for any other purposes

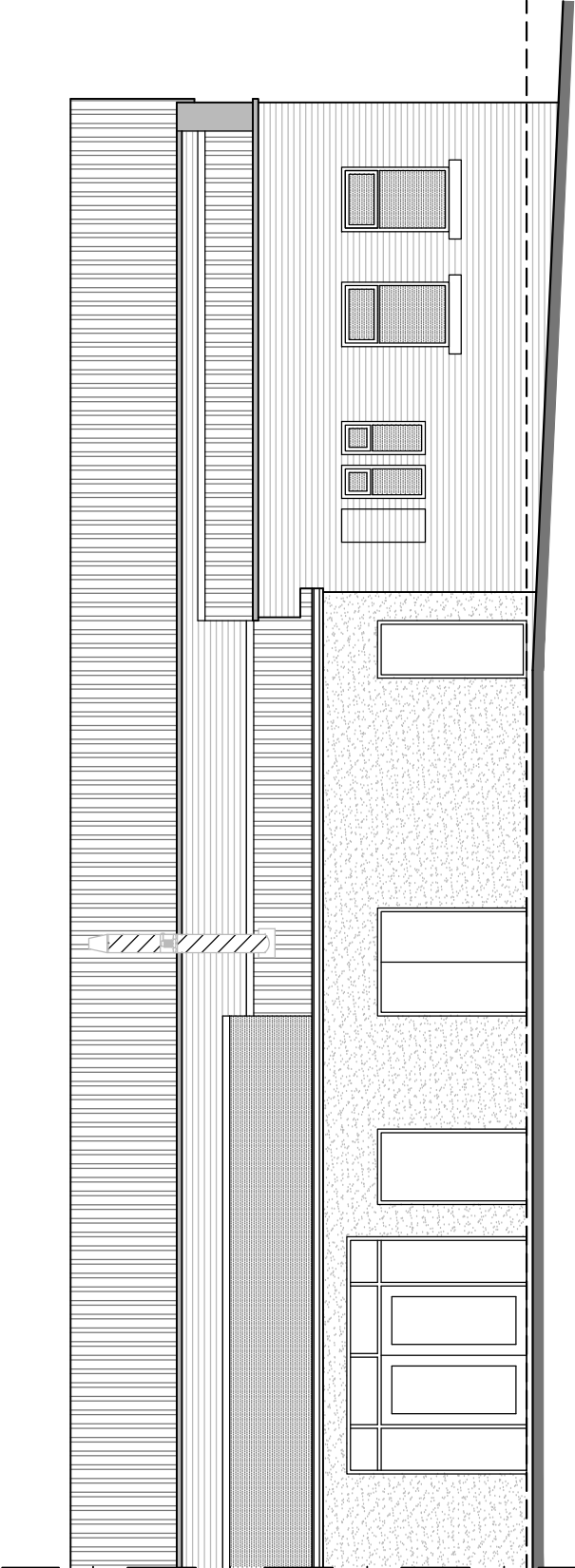
Project Location  
St Paul's Mission  
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Bristol  
BL3 6U

Drawn  
03 Project P

Scale	Sheet	Date
1:150	A3	08/15



Front Elevation



Side Elevation

NOTES:

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Project Location  
St Pauls Mill  
Burrill St  
Boltong  
BL3 6UJ

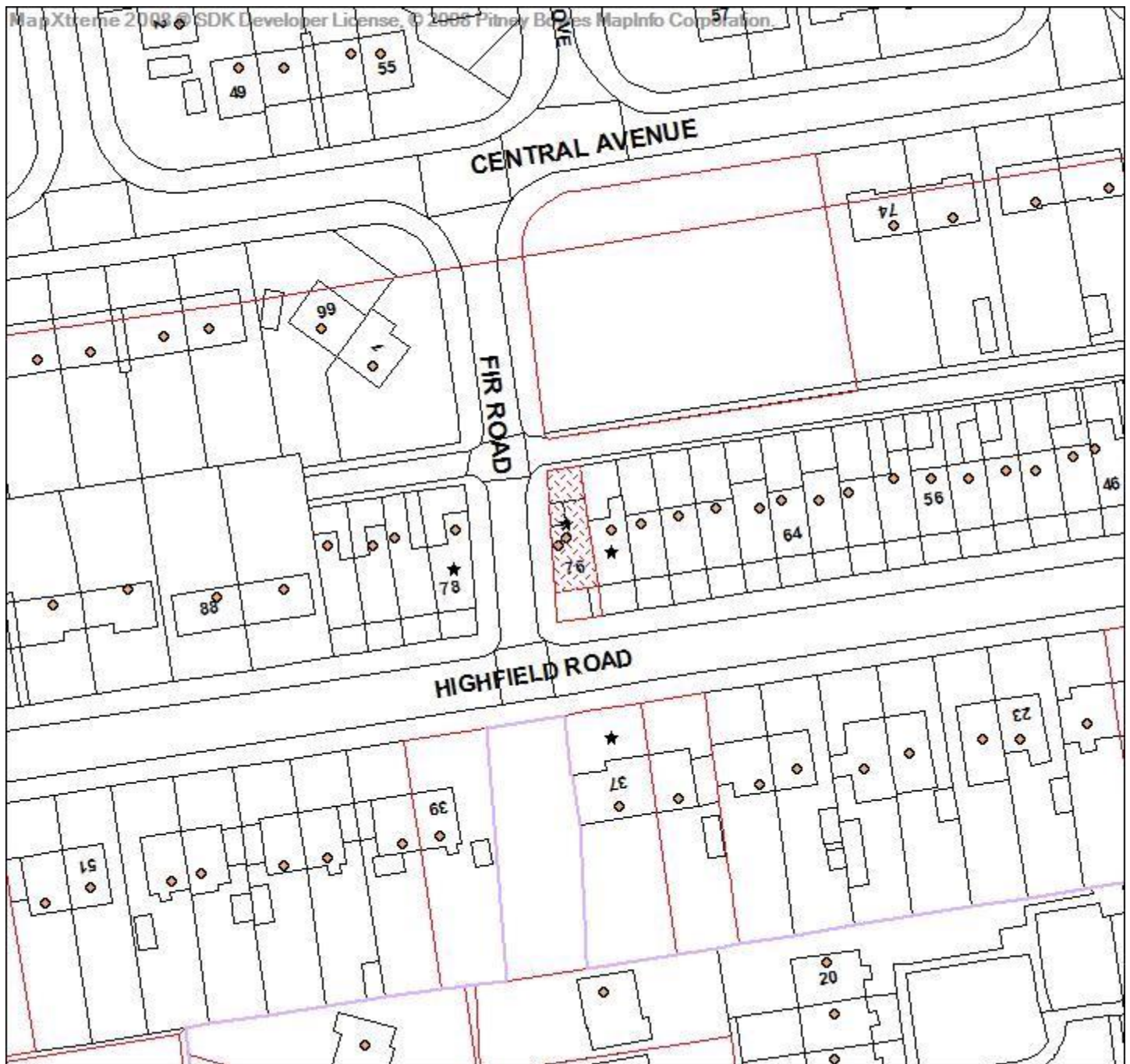
Drawings  
04 Proposed  
Elevations

Scale	Sheet	DWG
1:100	A3	08/15





# Application number 95086/15



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 17/12/2015**

**Application Reference: 95086/15**

**Type of Application: Full Planning Application**  
**Registration Date: 06/10/2015**  
**Decision Due By: 30/11/2015**  
**Responsible Officer: Paul Bridge**

**Location: 76 HIGHFIELD ROAD, FARNWORTH, BOLTON, BL4 0AD**

**Proposal: CHANGE OF USE FROM RETAIL (CLASS A1) TO SUNBED AND NAIL BAR (SUI GENERIS).**

**Ward: Farnworth**

**Applicant: Mr S Williams**  
**Agent :**

### **Officers Report**

**Recommendation: Approve subject to conditions**

#### **Proposal**

Planning permission is sought for the change of use of the premises from a shop (A1) to a sun bed and nail bar (sui generis). The proposal would have an internal floor space of approximately 25m2 with proposed hours of opening between 9:00am – 9:00pm Monday to Friday, 9:00 – 6:00pm Saturdays and 10.00am – 4.00pm Sunday and Bank Holidays.

No car parking provision is proposed within the site. There would be limited external alterations in order to accommodate the proposal, which include the replacement of the window and frames. These alterations would not require planning permission and therefore are not being assessed as part of the proposal.

#### **Site Characteristics**

The application premises comprises of a vacant A1 retail shop. The site occupies a corner plot at the junction with Highfield Road and Fir Road. The premise has a small hardstanding to the front.

The surrounding area is predominantly residential in character with dwellings immediately neighbouring the application site to the east, south and west. To the rear of the site is an access road, beyond which is a small area of grassland.

#### **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies: P2 Retail and Leisure; P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses; RA2 Farnworth

SPD Accessibility, Transport and Road Safety

## **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* principle of development;
- \* impact on the amenity of neighbouring residents
- \* impact on the highway
- \* impact on the character and appearance of the building and the surrounding area

### **Principle of Development**

The proposal is not sited within a Town or Neighbourhood Centre and therefore there is no requirement for the applicant to demonstrate that there is no demand for the retail premises or that an alternative use would be more appropriate. The property has been vacant for some time and is now falling into a state of disrepair.

It is considered that the use of the property as a nail bar and sun bed place is akin to an A1 retail shop in terms of coming and goings of customers and provides a local amenity to local residents. Given that the use would occupy a vacant property, it is also considered to have a positive impact on economic development. The site is located within close proximity to bus stops and is therefore served well by public transport. The proposed change of use is deemed appropriate and compatible with neighbouring land uses. The loss of the retail premises would not be detrimental to the local area.

The principle of the proposal is therefore considered acceptable.

### **Impact on the Amenity of Neighbouring Residents**

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

The application site is located within a predominantly residential area, with residential dwellings being sited to the east, south and west. Having regard to the similarities between the proposed use and the former use as an A1 retail shop, and the proposed hours of opening between 9:00am – 9:00pm Monday to Friday, 9:00 – 6:00pm Saturdays and 10:00am – 4:00pm Sunday and Bank Holidays, it is not considered that the introduction of the proposed use at these times would have any unacceptable impact on the residential amenity of neighbouring occupiers.

A condition has been attached restricting the hours of operation to the times mentioned above.

It is considered that the proposed change of use of the application property 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] accessibility by different types of transport and parking, in accordance with the parking standards set out in Appendix 3. Policy S1.2 states that the Council will promote road safety in the design of new development.

The objections in respect of parking provision have been noted. The site does not have any car parking specifically allocated to it, however, the Council's Highway Engineers have been consulted and have no objections to the proposal. It is considered that there is sufficient on street parking on Highfield Road and surrounding streets with no parking restrictions. In addition there was no such provision with the use of on street parking having been relied upon for the previous use as an A1 retail shop.

It is considered that the proposed change of use would not have an unacceptable impact on highway safety in accordance with Policies P5 and S1.2 of the Core Strategy.

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

No substantial external alterations are proposed to the building within this application. Any new signage would require additional advertisement consent. It is therefore considered that the proposal would comply with Policies CG3 and RA2 of the adopted Core Strategy.

#### **Conclusion**

It is considered, for the reasons discussed above, that the proposed change of use would not unduly harm the amenity of neighbouring residents, would not jeopardise highway safety, and would not harm the character and appearance of the area. Members are therefore recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Two letters have been received in response to the planning application publicity and who have raised the following issues: (i) Lack of Parking and highway Safety.

The above issues have been addressed in the appraisal.

**Petitions:-** none received.

**Members:-** no comments received.

### **Consultations**

Advice was sought from the following consultees: Highways Engineers and Greater Manchester Fire and Rescue Authority.

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

**location plan received 5th October 2015**

Reason

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

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

9:00am – 9:00pm Monday to Friday

9:00am – 6:00pm Saturdays

10.00am – 4.00pm Sunday 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.



SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 372682, 405729



BOLTON COUNCIL  
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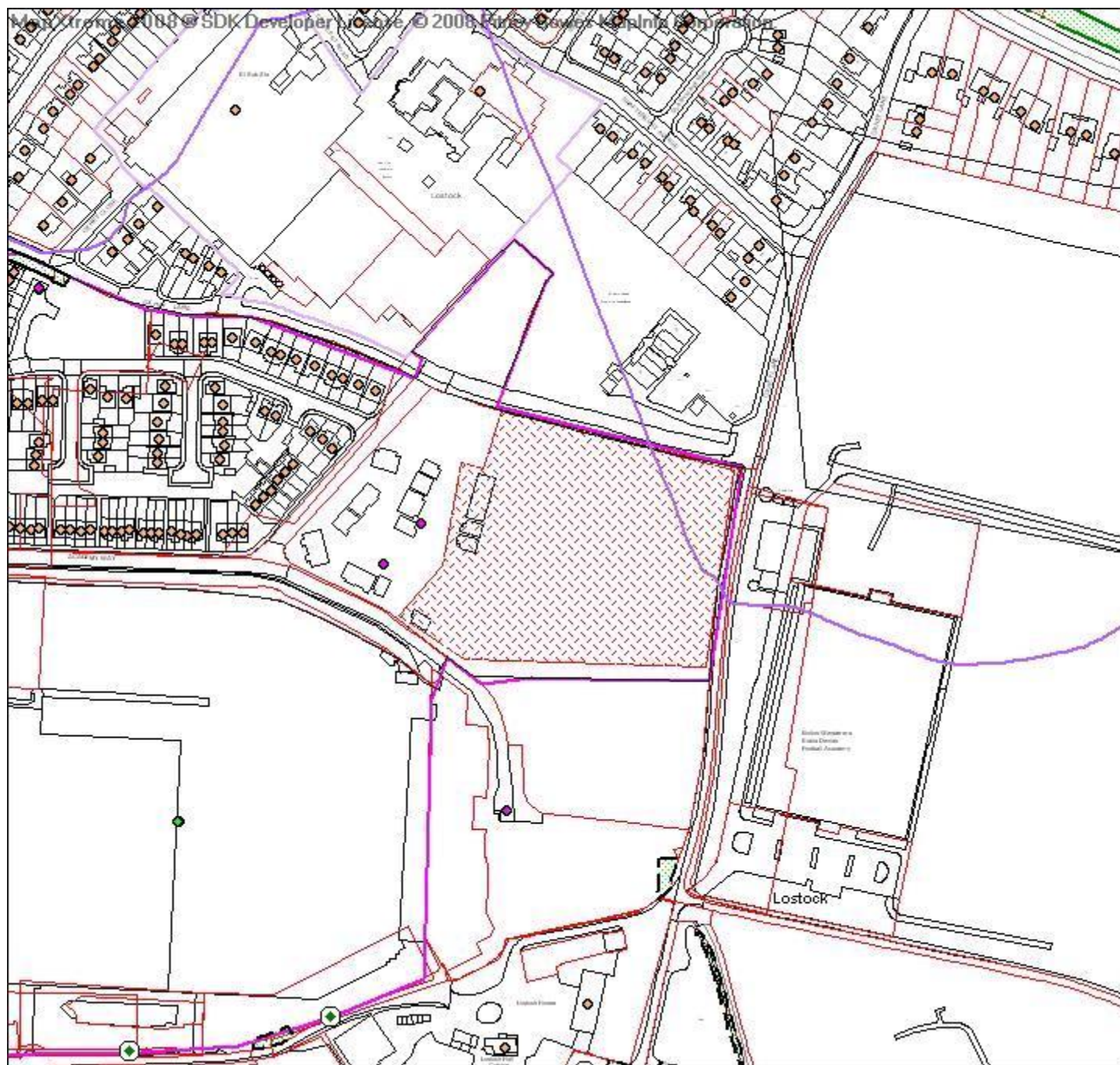
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DEVELOPMENT & REGENERATION  
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01 SEP 2015

SCANNED



# Application number 95110/15



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 17/12/2015**

**Application Reference: 95110/15**

**Type of Application: Discharge of Condition**  
**Registration Date: 13/10/2015**  
**Decision Due By: 07/12/2015**  
**Responsible Officer: Helen Williams**

**Location: LAND OFF LOSTOCK LANE, LOSTOCK, BOLTON, BL6 4AP**

**Proposal:** DISCHARGE OF CONDITIONS 3 AND 4 ON APPLICATION 92922/14 (ERECTION OF 73 NO DWELLINGS (57 NO 3 BEDROOMS, 8 NO 4 BEDROOMS AND 8 NO 2 BEDROOMS)).

**Ward: Horwich and Blackrod**

**Applicant: Persimmon Homes North West**  
**Agent :**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

This application has been made to discharge conditions 3 and 4 on planning approval 92922/14.

Permission was granted under application 92922/14 for the erection of 73 dwellings on the final phase of the Persimmon Homes' Middlebrook View residential development (the easternmost part of the development).

**Condition 3** of 92922/14 reads:

*None of the development hereby approved shall be commenced unless and until the means of access between Lostock Lane and Ox Hey Lane has been constructed and completed in accordance with details to be submitted to and approved in writing by the local planning authority. This shall include a new link road (and related crossing/mains/utilities/infrastructure works) leading directly up to the Bolton Wanderers Academy site. These access arrangements shall be so retained thereafter.*

**Condition 4** reads:

*No development shall commence unless and until full details of the means of preventing access to Ox Hey Lane have been submitted to and approved by the local planning authority and the approved measures have been implemented in full on site. These details shall include bollards at the junction of Ox Hey Lane with the new access link road leading directly up to the Bolton Wanderers Academy site, which shall be implemented entirely in accordance with the requirements of condition 3. The approved measures shall be retained thereafter.*

Condition 3 was attached to the planning approval to ensure that a direct vehicular access to the Bolton Wanderers' Academy site from Lostock Lane was provided, to prevent vehicles entering and

leaving the Academy site from Ox Hey Lane, a lightly trafficked, unadopted, residential highway. Condition 4 was attached to ensure that vehicles could not enter Ox Hey Lane from Lostock Lane (and vice versa) to prevent this route being used as a "rat run" by drivers trying to avoid the Beehive Roundabout (especially on Bolton Wanderers' match days, when it is reportedly a problem for residents living on Ox Hey Lane).

The applicant has submitted details to show how the highway measures requested within conditions 3 and 4 will be implemented, which are in line with the works originally envisaged when the conditions were attached to approval 92922/14 (road design, road sewer design, manhole schedule, road construction details and longitudinal section plans).

Members will recall that planning application 94386/15 for the *removal* of conditions 3 and 4 on approval 92922/14 and the variation of condition 15 (the approved plans) was refused at August's Committee meeting. This refusal is now subject of a planning appeal.

Members have requested that this latest application be heard before Committee.

### **Site Characteristics**

Approval 92922/14 relates to the easternmost part of Persimmon Homes' residential development at Middlebrook View, which is a residential development of 291 dwellings sited off Lostock Lane to the east and Academy Way to the south. The majority of the houses within the wider development have now been built and are occupied. Development on the easternmost part of the site has been commenced.

The site is bordered to east by Mill Lane and to the north by Ox Hey Lane. To the south west is protected employment land (Lostock Industrial Estate) and to the north is mainly established residential development. Greenhalgh's Bakery is to the north west, served by Bakers Lane, which runs through the development to the west of the application site. Bolton Wanderers' Academy is to the east of the site and is accessed via a temporary road to the south.

### **Policy**

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton.

SPD Accessibility, Transport and Safety

### **Analysis**

The details the applicant has submitted for the discharge of the highway conditions show the link road and infrastructure works up to the Bolton Wanderers Academy site referred to in condition 3 and means of preventing vehicular access from Lostock Lane and Ox Hey Lane (bollards and a "pinch point" in the link road) as referred to in condition 4.

The Council's Highways Engineers have raised no objection to the submitted details.

Conditions 3 and 4 cannot be fully discharged as they both refer to the works being completed prior to the commencement of development (development has commenced). It is therefore suggested that the conditions be discharged provided that the works are completed within 12 months of the discharge letter.

### **Conclusion**

It is recommended that the conditions be partially discharged (to be fully discharged once the works have been completed within 12 months time).

## **Consultations**

Advice was sought from the following consultees: Highways Engineers.

## **Planning History**

Planning application 94386/15 for the removal of conditions 3 and 4 and the variation of condition 15 on planning approval 92922/14 was refused at Committee in August 2015 for the following reason:

*Planning conditions 3 and 4 attached to planning approval 92922/14 meet the "six tests" contained within paragraph 206 of the National Planning Policy Framework and their removal would result in an increase in vehicles using Ox Hey Lane (a sub-standard vehicular access to Bolton Wanderers' Academy), to the detriment of highway safety and contrary to Policies P5 and S1.2 of Bolton's Core Strategy.*

Permission was granted at Planning Committee in December 2014 for the erection of 73 dwellings (92922/14).

Permission was granted in August 2013 for the erection of 135 dwellings, substituting 171 dwellings (92 apartments and 79 houses) (90115/13).

A non-material amendment to 75979/06 (replacing 3 1 bed apartments with 2 2 bed apartments and changes to elevation in Block D) was approved in December 2012 (89076/12).

A reserved matters application to substitute house types providing 38 two and three storey dwellings and 36 apartments in four blocks (appearance, landscaping, layout and scale only) was approved by the Planning Committee in July 2012 (87439/12).

Permission was granted in December 2010 to vary condition 3 of 68157/04 (to allow up to 25 dwellings to be occupied prior to points A, B, and C being implemented) (84265/10). Point A was for the access road to Greenhalgh's Bakery to be constructed and made available for public use. point B was for the change of use of the training building and the erection of the indoor football school. Point C was for the playing surfaces and pitches on land to the east of Mill Lane to be laid out.

Permission for the approval of details of layout, appearance, scale and landscaping for 301 dwellings (137 apartments and 164 houses) was approved in February 2008 (75979/06). The Unilateral Undertaking for the development accompanies this decision.

An application for the approval of details of siting, design, external appearance and landscaping of 166 residential units (66 apartments and 100 houses) was withdrawn by the applicant in November 2006 (72337/05).

Outline planning permission was granted in September 2004 for the erection of an indoor football school, residential development and industrial and warehouse development (Class B1 and B8) (means of access details only) without complying with condition 2 on application 62282/02 (to apply for reserved matters by 16/01/06 and commence development by 16/01/08) (68157/04).

Outline permission was granted in January 2003 for the erection of an indoor football school, residential development and industrial and warehouse development (Class B1 and B8) (means of access details only) and full permission for the use of the former training building for a football academy, the laying out and use of land as playing surfaces and pitches and the laying out of access roads (62283/02).

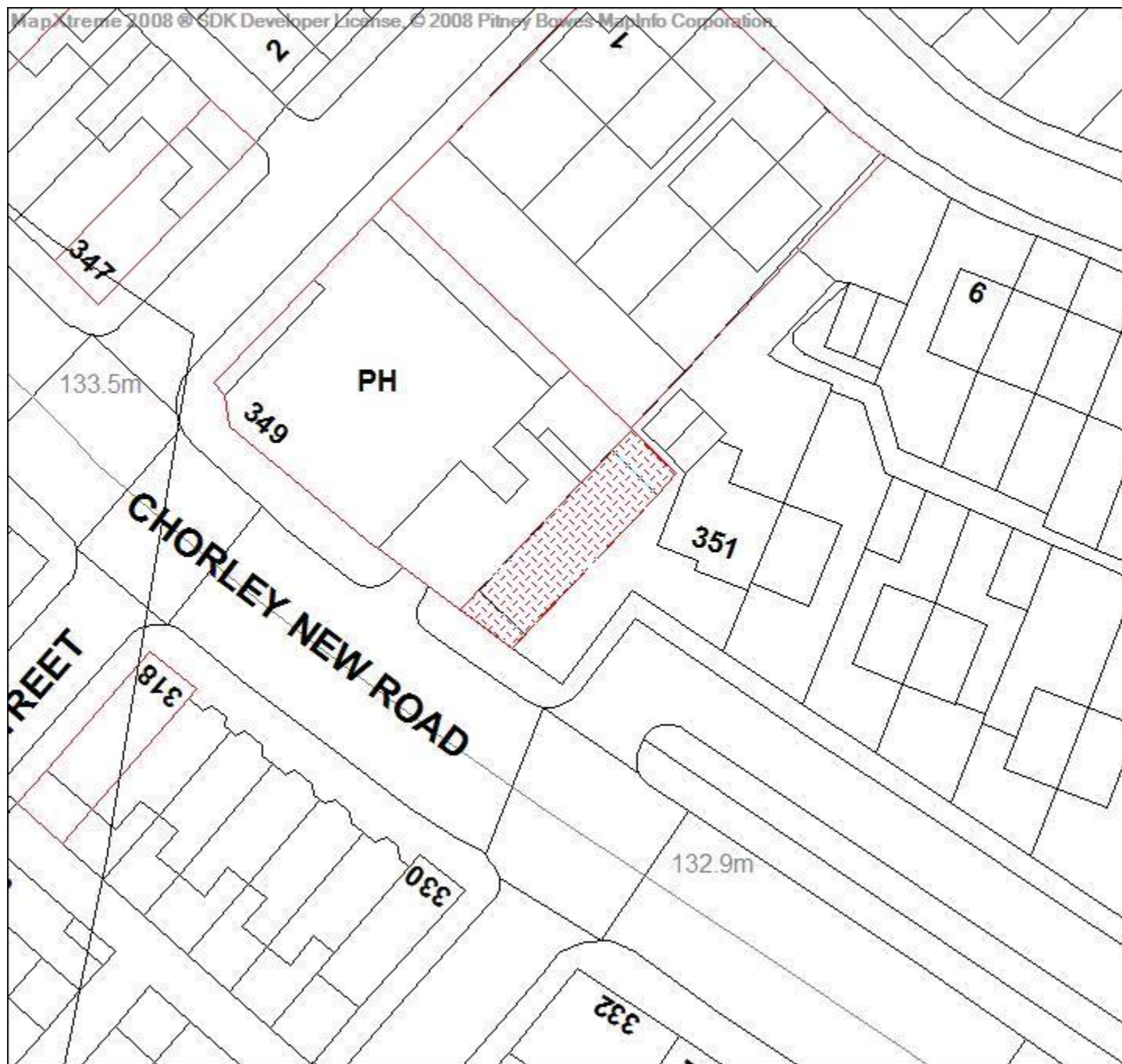
**Recommendation:**        **Approve subject to conditions**

**Recommended Conditions and/or Reasons**





# Application number 95112/15



Development & Regeneration Dept  
Development Management Section

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

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**Date of Meeting: 17/12/2015**

**Application Reference: 95112/15**

**Type of Application:** Full Planning Application  
**Registration Date:** 13/10/2015  
**Decision Due By:** 07/12/2015  
**Responsible Officer:** Helen Williams

**Location:** THE VICTORIA TAVERN, 349 CHORLEY NEW ROAD,  
HORWICH, BOLTON, BL6 6DT

**Proposal:** PROPOSED CONVERSION OF OUTBUILDING TO A3/A5 USE  
INCLUDING RAISING OF HEIGHT TO PROVIDE FIRST FLOOR  
STORAGE AREA, ERECTION OF FRONT EXTENSION AND  
CREATION OF NEW SHOP FRONT.

**Ward:** Horwich North East

**Applicant:** Mr Naran  
**Agent :** RA Design & Project Management

## **Officers Report**

**Recommendation: Refuse**

### **Proposal**

Permission is sought for the change of use of the outbuilding (which is located within the side yard of the Nisa Local store) to an A3/A5 use (cafe/restaurant/hot food takeaway use). To accommodate this proposed use it is also proposed to extend the building at the front (up to the front boundary of the site), raise the height of the extended building by 1 metre, remove the existing brick wall at the front of the site, install a shop front on the Chorley New Road elevation of the building and brick up a number of door and window openings on the western elevation facing the yard.

The applicant has stated within their submission that they are in discussions with Domino Pizza (an A5 use).

The proposed hours of opening are between 11:00 and 00:00 hours seven days a week.

### **Site Characteristics**

The application premises are a brick built, two storey outbuilding to the side of the former Victoria public house building (which has now been converted to a Nisa Local store). The outbuilding is separated from the Nisa Local building by a gated cobbled yard (which is an area used for deliveries for the existing store).

The eastern elevation of the building forms the side boundary of the side garden of the dwelling at 351 Chorley New Road.



The semi-detached dwellings at 351 and 353 Chorley New Road neighbour the application site to the west and are set back from the main road (an access road runs to the front of the dwellings at 351 to 385 Chorley New Road).

Opposite the application site are residential terraced properties, with the exception of "Snax 2 Go" at no. 318 (a cafe/takeaway).

335 to 347 Chorley New Road are commercial properties at ground floor, with nos. 335 and 337 being in takeaway use.

Chorley New Road (A673) is a main road.

### **Policy**

National Planning Policy Framework (NPPF)

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

SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* impact on the amenity of neighbouring residents
- \* impact on the scale of activity
- \* impact on the highway
- \* impact on the character and appearance of the area
- \* proximity to schools

### **Impact on the Amenity of Neighbouring Residents**

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

### ***Proposed use***

Paragraph 6 of SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas states that the Council considers that there is the potential for impacts to the amenity (living conditions) of nearby residential properties from A3, A4 and A5 uses. These impacts can be in the form of noise and general disturbance, cooking odours and the creation of litter. All of these

impacts can be compounded by the fact that many such uses operate outside of normal retail hours.

The proposal is for the extension and change of use of the building to an A3/A5 cafe/restaurant/hot food takeaway use (the applicant has stated that Domino Pizza (an A5 use) are currently interested in the premises). The proposed hours of opening are between 11:00 and 00:00 hours seven days a week.

The application site is not allocated within a local centre (though there are retail premises to the west along Chorley New Road), and a residential property at 351 Chorley New Road neighbours the site immediately to the east.

Paragraph 10(a) of the SPD states that applications for A3, A4 and A5 uses will not be acceptable where there is a residential property adjacent to the site concerned. As the application site is immediately adjacent the house at 351 Chorley New Road the proposed change of use is therefore contrary to the policy guidance at paragraph 10(a) of the SPD.

The Council's Pollution Control Officers have also raised concerns regarding the close proximity of neighbouring residential properties in relation to odour and noise from any plant equipment that may be installed at the premises.

It is considered that the proposed use of application premises as either a cafe/restaurant or hot food takeaway would unduly impact on the living conditions of the residents at 351 Chorley New Road by reason of noise, odours and general disturbance, contrary to Policy CG4 of the Core Strategy and the guidance contained within SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas.

#### *Proposed raising of the roof and front extension*

It is not considered that the proposed raising of the roof by 1 metre and the proposed front extension to the application building will impact any further on the amenity of the neighbours at 351 Chorley New Road than the existing building, as the front elevation of no. 351 is angled away from the building and there are no windows in the side elevation of no. 351.

#### Impact on the Scale of Activity

Paragraph 29 of SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas states that the Council considers that an unacceptable proliferation of A5 uses shall be considered to occur where, as a result of a new proposal, there would be more than two existing, or approved, A5 uses within a 50 metre radius of the application site.

The proposed use of the application building for an A5 use would only result in there being two A5 uses (the application premises and "Snax 2 Go" at no. 318) within a 50 metre radius of the application site. The proposed use would therefore not result in an unacceptable proliferation of A5 uses in the area.

#### Impact on the Highway

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

Paragraph 22 of SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas states that where an application site lies upon a classified road special attention will need to be paid to the impact of additional traffic that may be created by new restaurants, cafes,

public houses, bars and hot food takeaway proposals. Where it is considered that a proposal will lead to the intensification of parking on a classified road to the detriment of highway safety such an application will be refused.

The application building is located on Chorley New Road, a classified road (A673).

The Council's Highways Engineers have stated that the applicant is not proposing any viable off-road parking for the proposal as the existing car park and loading area (the cobbled yard between the Nisa Local and the application building) is not adequate to allow for vehicles to enter and leave in forward gear. Engineers have also commented that the proposed use, along with the existing uses in the vicinity of the site, will potentially result in a significant increase and intensification in on-street parking and servicing, to the detriment of highway safety and the amenity of neighbouring residents.

It is therefore considered that the proposed development would be contrary to Policies P5 and S1.2 of the Core Strategy, along with Policy CG4.

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

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA1 states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that development in Horwich and Blackrod respects street patterns.

The proposed alterations to the building in order to accommodate the proposed cafe/restaurant/hot food takeaway use include extending the building at the front (up to the front boundary of the site), raising the height of the extended building by 1 metre, removing the existing brick wall at the front of the site, installing a shop front on the Chorley New Road elevation of the building and the bricking up a number of door and window openings on the western elevation facing the yard.

The proposed development will retain an original outbuilding to the former Victorian public house, however its original character will be altered by the proposed alterations. The proposed shop front will be relatively simplistic in design and the proposed raising of the roof height will only increase the building to a similar height as a two storey building. It is not considered that the proposed extensions and alterations would harm the character and appearance of the street scene.

It is therefore considered that the proposed development complies with Policy CG3 and OA1 of the Core Strategy.

#### Proximity to Schools

Paragraph 33 of SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas states that when the Council considers a planning application for a hot food takeaway (A5), it will take into account the proximity of the proposal to secondary schools, that is any school attended by 11-16 year olds. If an application is within 400 metres of a secondary school, then the Council may refuse the application on the grounds that it would be harmful to public health.

The application site is not within 400 metres of a secondary school.

#### **Conclusion**

For the reasons discussed above it is considered that the proposed A3/A5 use of the application building would, by reason of noise, odours and general disturbance, detrimentally impact on the

amenity of neighbouring residents and would result in an increase in on-street parking on a classified road to the detriment of residential amenity and highway safety, contrary to Core Strategy Policies CG4, P5 and S1.2 and the guidance contained within SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas. Members are therefore recommended to refuse this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** A letter of support has been received from a neighbouring resident, who believes that the property will look much better following the conversion.

Nine letters of objection have been received from neighbouring residents, which raise the following concerns:

- \* It is next door to residential properties. It will affect the living conditions of neighbours;
- \* Lack of parking. The number of cars parking in the area has increase since Nisa has opened;
- \* Increase in traffic and disruption to the neighbouring residential access road and driveways;
- \* Increase in litter;
- \* Increase in noise from, customers, extraction fans, and car doors, horns and engines, particularly at night;
- \* Increase in smells;
- \* There are already four takeaways nearby and also two cafes; do not need anymore takeaways;
- \* Increase in vandalism and anti-social behaviour in the area;
- \* Increase in vermin;
- \* The increase in the height of the roof will effect 351 Chorley New Road;
- \* Unacceptable opening hours, plus will be open seven days a week;
- \* The building should instead be demolished to give a larger car park to the Nisa store.

**Petitions:-** A petition in support of the application (started by the applicant) and containing 35 signatures has been received.

**Horwich Town Council:-** raised no objection at their meeting of 19th November 2015.

### **Consultations**

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

### **Planning History**

Permission was granted at Committee in May 2013 for external alterations to the former Victoria Tavern public house building to accommodate a Nisa Local store (permission not required for the A1 use), along with the installation of an ATM, air conditioning units, roller shutters and gate to car park (89529/13).

Signage for the Nisa Local store was approved at Committee under application 89530/13 in May 2013.

**Recommendation:            Refuse**

### **Recommended Conditions and/or Reasons**

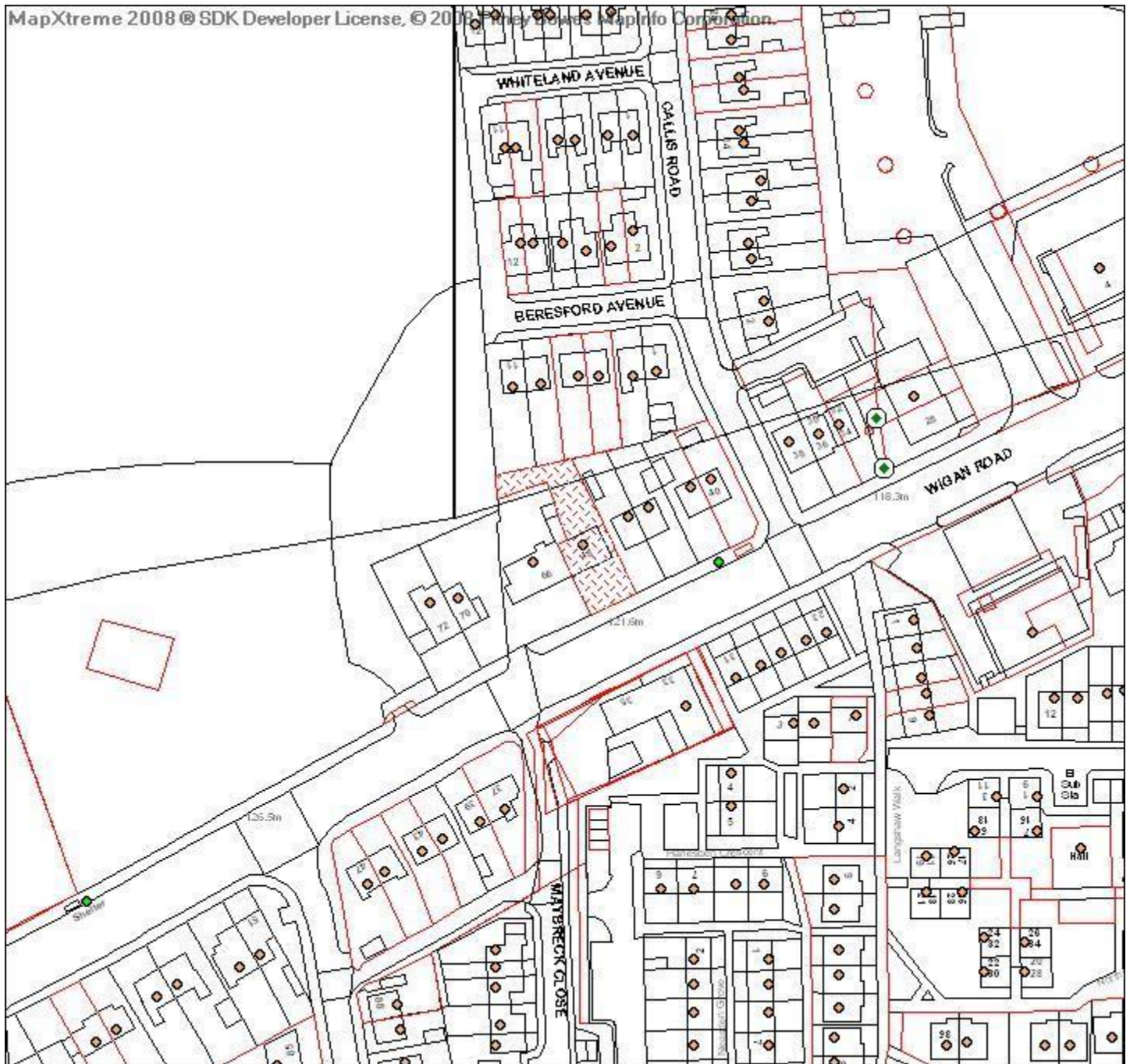
1. The proposed development will increase noise, odour and activity in and around the premises to the detriment of the living conditions of nearby residents and is contrary to Policy CG4 of Bolton's Core Strategy and Supplementary Planning Document "The Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Take Aways in Urban Areas".
2. The proposed development will give rise to increased traffic and result in on-street parking to the detriment of the amenity of neighbouring residents and highway safety and is contrary to Policies



CG4, P5 and S1.2 of Bolton's Core Strategy and Supplementary Planning Document "The Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Take Aways in Urban Areas".



# Application number 95134/15



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 17/12/2015**

**Application Reference: 95134/15**

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

**Location: FRESH DENTAL, 48 WIGAN ROAD, BOLTON, BL3 5PZ**

**Proposal: ERECTION OF FIRST FLOOR EXTENSIONS AT FRONT/SIDE AND REAR**

**Ward: Rumworth**

**Applicant: Freshdental**  
**Agent : Torplan Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

The application proposes the erection of a first floor extension 1.4 metres long and 3.85 metres wide, sited to the front elevation over the existing single storey element. Together with a first floor extension to the rear elevation 4 metres long and 7.25 metres wide. The rear proposal is sited over the existing ground floor element, overhanging to the side by 1.2 metres creating a covered open area. The rear element is offset, set away from the gable nearest to 66 extending across the rear elevation, flush with the gable nearest to 46.

### **Site Characteristics**

This is a large detached property in existing use as a dentist surgery. The property has a small off street parking area to the front with space for approximately 3 cars. The adjacent property at 66 is a large detached residential property. Whilst the adjacent property at 46 is a smaller semi-detached house. There is a difference in ground level with 48 being set approximately 0.5 - 1 metre higher than 46. 46 has no principal windows nearest to the boundary with 48. To the rear the property is well screened with trees and backs on to the rears of properties on Beresford Avenue.

The immediate vicinity is a mix of residential a small retail outlets.

### **Policy**

National Planning Policy Framework 2012

Bolton's Core Strategy: -

CG3 – Cleaner and Greener- The Built Environment; CG4 – Cleaner and Greener – Compatible Uses; RA1 - Inner Bolton; S1 -Safe; P5 - Accessibility.

SPD - House Extensions

SPD - General Design Principles

## **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* impact on the character and appearance of the building and the surrounding area
- \* impact on the amenity of neighbouring residents
- \* impact on parking

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

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy RA1 relates to Inner Bolton and states that the Council will ensure that development has particular regard to massing and materials used.

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

The main bulk of the extension is sited to the rear with a smaller element to the front of the property. The rear extension will not be visible from Wigan Road and will not therefore have any impact on the streetscene. The front extension is at first floor only and will be sited over an existing single storey extension, infilling a recessed space and will bring the existing side extension flush with the main body of the building at first floor.

Although this is a commercial unit the scale, massing and architectural design of the proposed extensions are considered to be in-keeping with the existing property, integrating well with its original design.

### **Impact on the Amenity of Neighbouring Residents**

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

SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on neighbouring properties, particularly in relation to natural light, privacy and overlooking.



Two objections have been received from surrounding properties with regard to the proposal leading to a loss of light at the rear. However the adjacent property at 46 has no main room windows in the side or rear elevations closest to the proposal as these windows serve, kitchen, bathroom and landing. The main windows are set away from the boundary and therefore there is no impingement using the "45 degree" rule.

A further objection has been received with regard to noise impact from existing condensers at the surgery; however this proposal does not detail any increase in the use of plant machinery.

The rear extension is set away from the boundary with 66 and is in excess of 27 metres from the properties to the rear on Beresford Avenue and therefore is considered to have minimum impact on the surrounding residential dwellings.

#### Impact on Parking

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] parking, in accordance with the parking standards set out in Appendix 3. Policy S1.2 states that the Council will promote road safety in the design of new development.

The extension is to provide two additional surgeries and a rest room/mess room.

One objector was concerned about the need for additional parking. However the property has a small parking area to the front for 3 vehicles and there are no onstreet parking restrictions on this part of Wigan Road.

Highways engineers were consulted and were of the opinion that there is ample on-road (without restrictions) on either side of the premises. This location is also accessible to sustainable modes of transportation. The Highways Authority has received no comments/observations in terms of vehicle parking issues on the highway associated with this business.

The proposal is considered to comply with Policies P5 and S1 of Bolton's Core Strategy

#### **Conclusion**

For the reasons discussed above the proposal is considered to comply with present policies and is therefore recommended for approval.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Two letters of objection have been received with the concerns being addressed in the main body of this report. The concerns outlined were as follows:-

- Increased noise nuisance from plant machinery
- Loss of light to rear windows
- Parking causing an obstruction

### **Consultations**

Advice was sought from the following consultees: Highways

### **Planning History**

Planning permission was approved for the erection of a single storey rear extension in 2010 (84672/10)

Planning permission was approved by Committee in September 2007 for the change of use of the dwelling to a dentist surgery, including a two-storey side extension (78141/07)

**Recommendation:            Approve subject to conditions**

### **Recommended Conditions and/or Reasons**

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

Reason

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

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

**Proposed floor plans - 15.04.24.01 Rev C - dated 24/04/15**  
**Proposed elevations - 15.04.24.04 Rev A - dated 02/09/15**

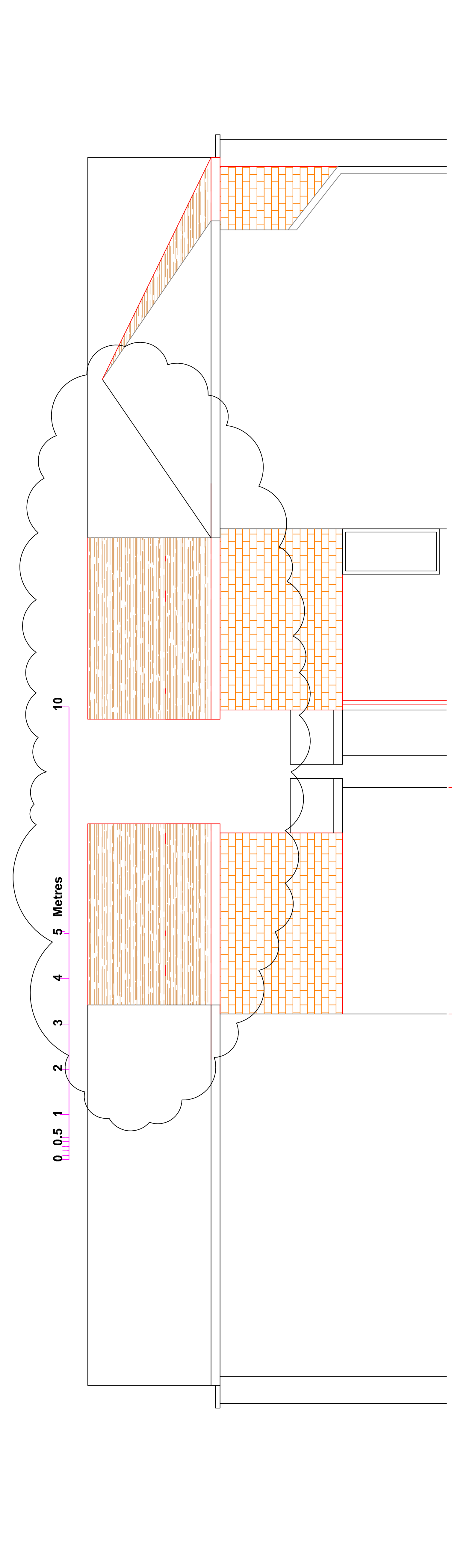
Reason

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

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

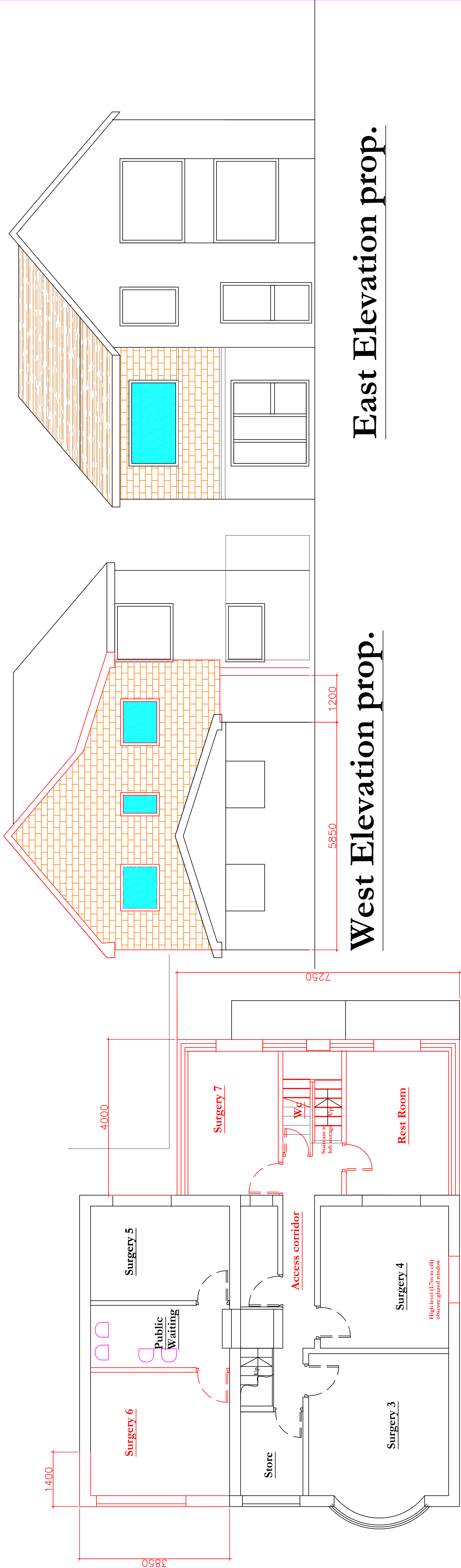
Reason

To ensure the development visually reflects the existing building and to comply with Core Strategy policy CG3.

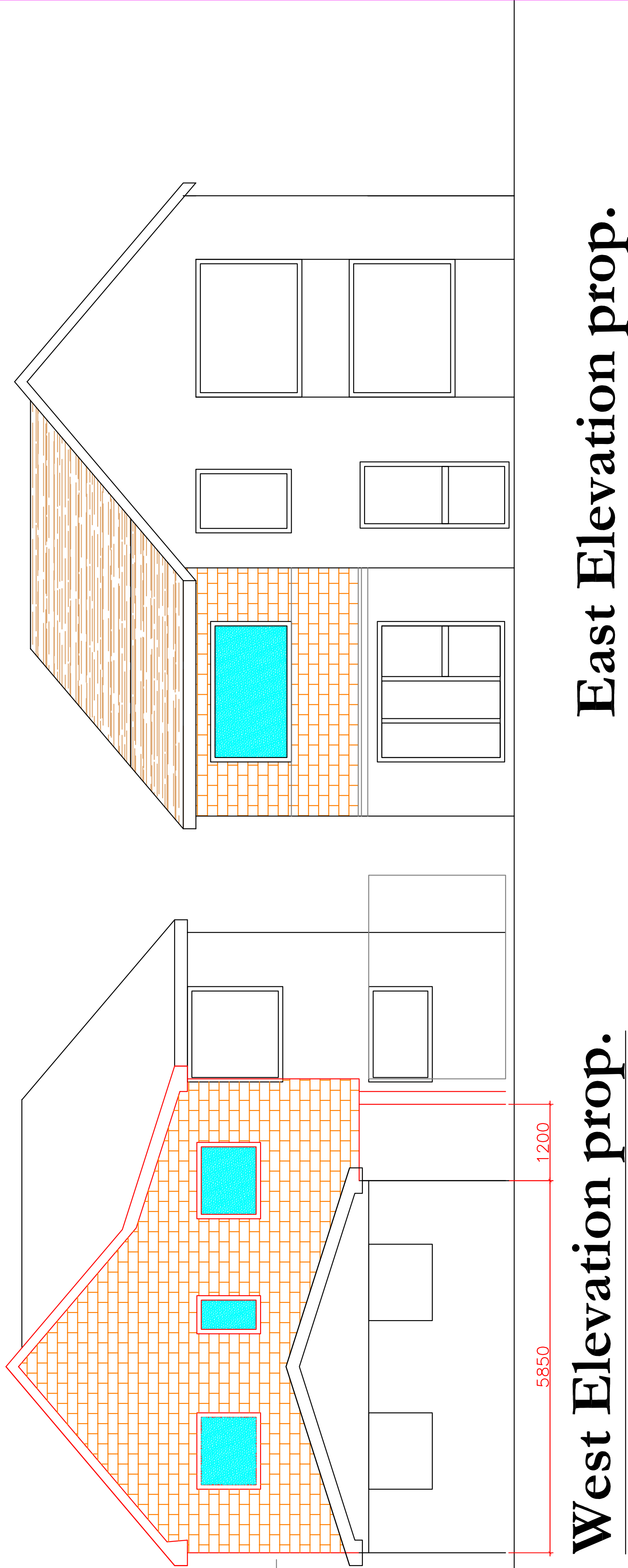


North Elevation prop.

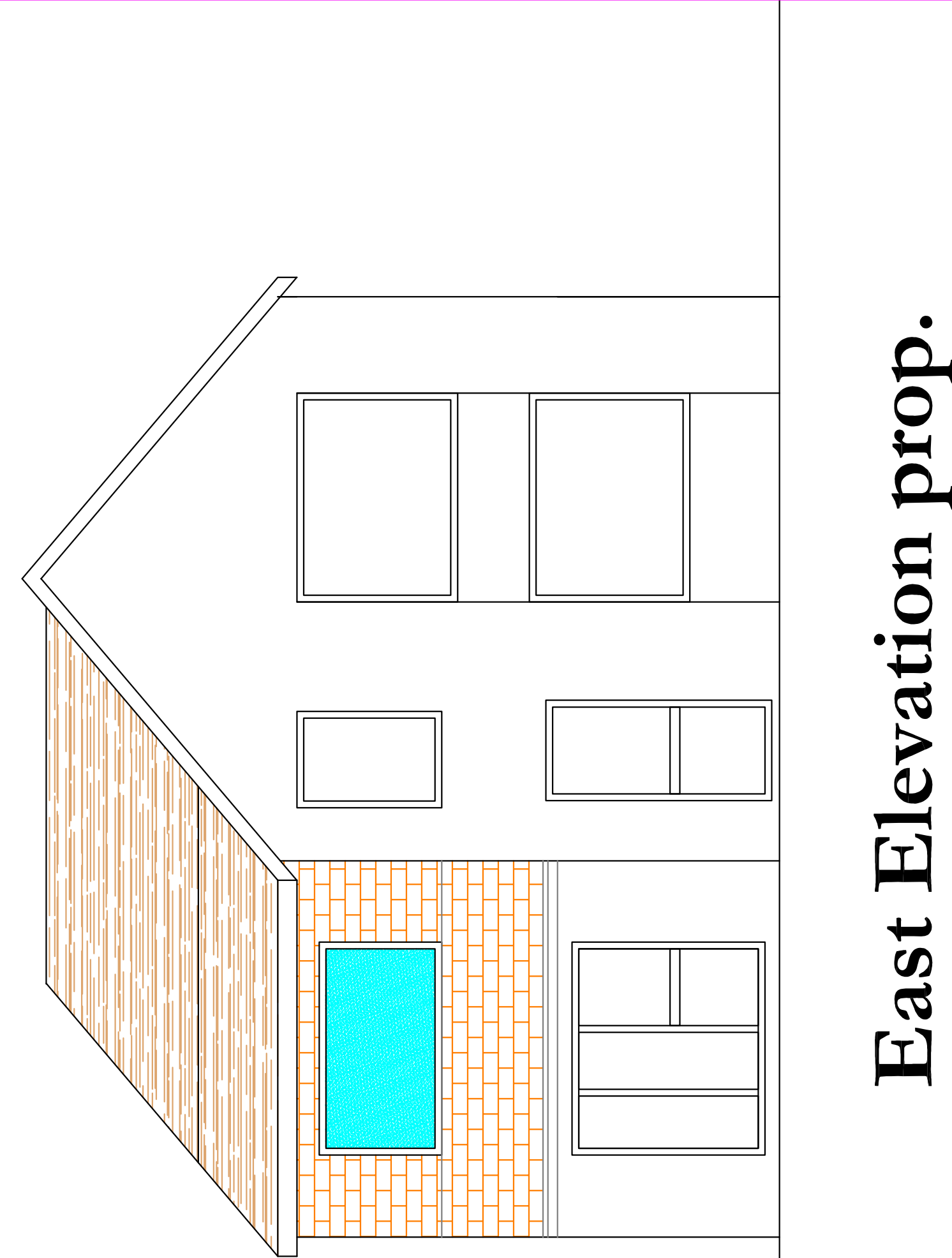
South Elevation prop.



First Floor prop.



West Elevation prop.

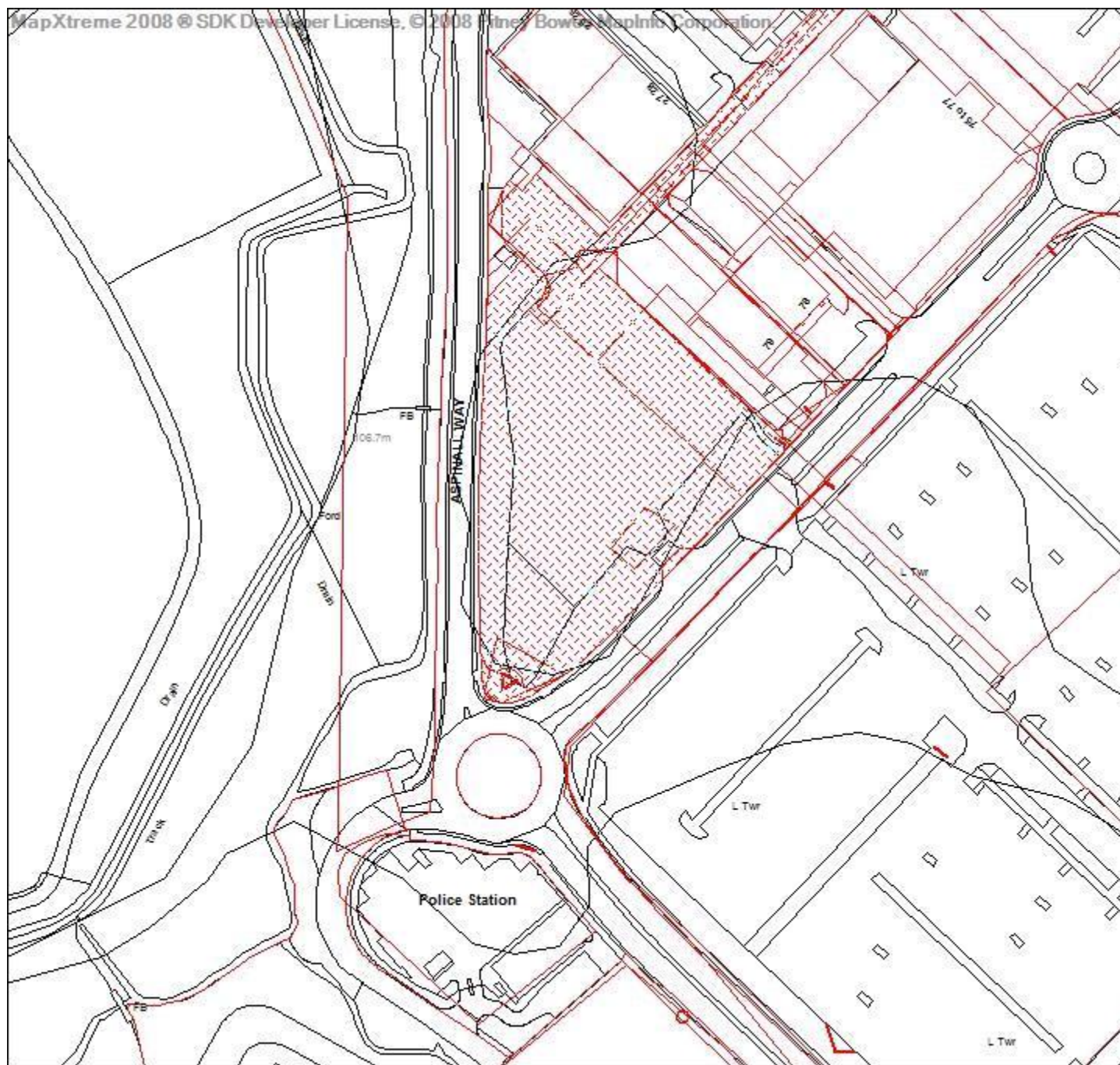


East Elevation prop.

Rev A	Elevations completed	02/11/15	Project Name and Address <b>48 Wigan Road Bolton</b> Proposed Front and Rear first floor extension Elevations - Proposed - 1m setback		Project	15.04.24	Sheet
					Date		
					Scale	1:100 @ A3	Rev A

<b>F SUMMERFIELD</b> <small>BS (architects) Char. Pct. in issue</small> Chartered Consulting Civil, Structural & Municipal Engineer, CDM Coordinator & Party Wall Surveyor. (Per Of Topplan Ltd.) <b>216 Heron Moor Road, Stockport, SK4 40J</b> Tel: 0161-443 1881 - Mobile: 07982-296037 - Fax 0161-431 0786 - Web Site: <a href="http://www.topplan.co.uk">http://www.topplan.co.uk</a> engineer e-mail: <a href="mailto:fig@topplan.co.uk">fig@topplan.co.uk</a>	Project Name and Address <b>48 Wigan Road Bolton</b>		Project <b>15.04.24</b>	<b>04</b>	Sheet
	Proposed Front and Rear first floor extension		Date <b>02.09.15</b>		
	Elevations - Proposed - 1m setback		Scale <b>1:100 @ A3</b>		

# Application number 95190/15



**Development & Regeneration Dept**  
**Development Management Section**

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

# **Bolton Council**

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**Date of Meeting: 17/12/2015**

**Application Reference: 95190/15**

**Type of Application: Full Planning Application**

**Registration Date: 26/01/2016**

**Decision Due By: 24/01/2016**

**Responsible Officer: Helen Williams**

**Location: LAND AT THE LINKWAY AND ASPINALL WAY, HORWICH, BOLTON**

**Proposal: ERECTION OF RETAIL STORE INCORPORATING GARDEN CENTRE AND CAFE WITH ASSOCIATED STORAGE, CAR PARKING, LANDSCAPING, ACCESS AND SERVICING.**

**Ward: Horwich and Blackrod**

**Applicant: Next Plc**

**Agent : Peter Brett Associates**

## **Officers Report**

**Recommendation: Refer to Secretary of State**

### **Proposal**

Permission is sought for a three storey Next Home and Garden store (total net retail sales area of 4,305 sq. metres), with an ancillary cafe. The proposed building will have a gross external area of 8,603 sq. metres.

The applicant has stated that 44.5 per cent of sales will be dedicated to fashion goods, 51.2 per cent to home and garden products and 4.3 per cent within the cafe.

Vehicular access into the 165 space car park is proposed off the Linkway (this access point has already been constructed, as part of the approval for the previously approved office development on the site). Service vehicles are to access the site from the rear through Enterprise Park, via Aspinall Way.

Next propose to combine their existing three units at Middlebrook (units 8 and 19 (fashion goods) and unit 15a (home products)) into a single unit with an enlarged offer (with an additional garden store and cafe). The existing three units will therefore close. Next have also confirmed that their existing stores at the Market Place and Bolton Shopping Park will be retained and that the proposed new store will be entirely complimentary and in addition to these stores.

### **Site Characteristics**

The application site measures approximately 1.28 hectares and is roughly triangular in shape. It is sited to the north of the roundabout at the junction of the Linkway with Aspinall Way, at the south western end of Middlebrook Retail and Leisure Park. The site is currently being used as informal overspill car parking for existing uses at Middlebrook, but has extent planning permission for a large



office development (application 77798/07).

The application site is allocated within the Council's Allocations Plan as an employment allocation (site allocation 6P1.1). Middlebrook Retail and Leisure Park is an out-of-centre retail development.

To the immediate north east of the application site is a Kia car dealership, then a Homebase store. To the north is the computer firm Scan. To the south of the roundabout is Horwich (Middlebrook) Police Station and on the opposite side of the Linkway is the large car park to the Macron Stadium.

### **Policy**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

Core Strategy Policies: P1 Employment Land; P2 Retail and Leisure; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4.3 Land Contamination; M4 Middlebrook; OA1 Horwich and Blackrod; OA2 Retail and Leisure Uses at Middlebrook.

Allocations Plan: Section 3 Prosperous Bolton.

SPD Accessibility, Transport and Safety and SPD General Design Principles

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* principle of allowing a non-B1/B2/B8 use on an allocated employment site
- \* impact on the vitality and viability of Bolton town centre and neighbouring centres
- \* impact on the highway
- \* impact on the character and appearance of the area
- \* impact on the risk of flooding
- \* impact on crime and the fear of crime

### **Principle of Allowing a Non-B1/B2/B8 Use on an Allocated Employment Site**

Policy P1 of the Core Strategy states that the Council will identify a range of employment sites for new development with a total area of between 145ha and 165ha up to 2016 and will safeguard existing employment sites where they are compatible with residential amenity and contribute to the sustainability of communities in which they are situated. Where they are not compatible, mixed uses will be encouraged to retain an element of employment.

The application site is allocated as employment land within the Council's Allocations Plan (allocation 6P1.1 The Linkway, Middlebrook). The proposed Next Home and Garden store is an A1 retail use (Use Class A1).

Paragraph 3.7 of the Allocations Plan states that alternative non-B1/B2/B8 uses on allocated employment land, protected employment land and mixed-use sites will be permitted where:

- \* There would be no harm to the economic function of the locality or the benefits of the proposed development outweigh the harm; or
- \* A marketing strategy satisfactorily demonstrates that there is no longer demand for B1/B2/B8 use; or
- \* A viability assessment satisfactorily demonstrates that it is no longer appropriate for the site to be retained for B1/B2/B8 purposes.

The applicant has provided detailed information within their submission to substantiate that the first two criteria of the Council's employment land policy have been met.

*No harm to economic function of the locality/benefits of the proposal outweigh the harm*

The applicant has demonstrated that the proposed development will have the following significant economic benefits:

- \* The creation of in the region of 220 employment opportunities (approximately half will be new opportunities and approximately half will be transferred from the current Next stores at Middlebrook);
- \* Additional jobs will be created during the store's construction phase;
- \* Next will create new apprenticeship positions offering employees the chance to gain valuable experience and develop work related skills, whilst achieving recognised qualifications;
- \* Wherever possible Next will interview Jobcentre Plus candidates that meet the criteria for a role (Jobcentre Plus run pre-employment training programmes prior to interviews for the priority candidates, if the labour market requires it). The relationship Next has with Jobcentre Plus is well established and highly successful; the company has recruited large numbers of priority candidates and job seekers who have registered with the Jobcentre Plus;
- \* The new store will create a range of posts including management roles, sales consultants, stockroom assistants, administration and delivery positions;
- \* The development represents a fully funded investment in the order of £12 million;
- \* The development will comprise a high quality, flagship building which will significantly enhance the area;
- \* The new store will provide enhanced consumer choice for local residents and improved retention of expenditure on comparison goods within the Middlebrook area.

*No longer demand for B1/B2/B8 use*

The applicant has provide substantial information within their submission to demonstrate that there have been significant but unsuccessful attempts to market the application site since 2002. These included sending details to commercial agents in Manchester and Bolton since 2002 along with Bolton Council's Economic Development Department, Greater Manchester Economic Development Office and MIDAS, displaying a board with an artists impression of the approved office development and marketing details on the site, reference to the development on other letting boards around Middlebrook, and promotion through Bolton WIDE. Orbit Developments have confirmed that an enquiry for the site was received in 2005 for a new call centre, however this enquiry did not progress. In 2006 Orbit submitted a further planning application for a five storey office building (76160/06) on the application site and again marketed this. Some inquiries were received but did not progress (one company was sold and another company decided to stay in Manchester city centre). The marketing brochure was refreshed in 2014 without any success.

It is considered that two of the "exclusion" criteria within section 3 of the Allocations Plan have been complied with by the applicant (only one criterion is required to be met to allow a non-B1/B2/B8 use to be permitted on an allocated employment site). It is therefore considered that the proposed development complies with Policy P1 of the Core Strategy.

#### Impact on the Vitality and Viability of Bolton Town Centre and Neighbouring Centres

Policy P2 of the Core Strategy seeks to increase the quantity of retail floor space in the borough, concentrated mostly in Bolton town centre. This reflects the Council's objective of creating a transformed and vibrant town centre, as well as complying with Government advice contained in section 2 of the National Planning Policy Framework (NPPF). New shops to serve local communities will be concentrated in the defined district and local centres. Some large, specialist shops selling bulky goods have special requirements in terms of retail space and parking provision that may make them inappropriate for them to be located in centres. In these cases, edge-of-centre sites, especially around Bolton town centre, will be favoured over other sites.

Policy OA2 of the Core Strategy states that the Council will plan for changes in retailing and leisure at Middlebrook provided there is no adverse effect on Bolton town centre or any other centres, and that there is no substantial increase in floor space.

The application site is not located within a town, district or local centre; it is instead an out-of-centre site, as is the rest of the Middlebrook development. The proposed development will be an A1 retail use, a main town centre use.

#### *Sequential test - are there any available suitable sites in a defined centre or edge-of-centre location?*

Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The applicant has undertaken a sequential assessment. The specific sites that Next have considered are a number of vacant units within the Market Place, the former Ikon building, Church Wharf, Central Street, King Street, Moor Lane, the former BMW site/Merchant's Quarter, the former Bow Street multi-storey car park and Westbrook Gateway in Bolton town centre, Central (Ravenside) Retail Park and Trinity Retail Park at the edge of Bolton town centre, and the former Gaiety Club site and the former Glebe Mill site in Westhoughton town centre.

The sites in Bolton town centre have been demonstrated to be unsuitable for the proposed development for a variety of reasons, including the following: the sites/units they have looked at cannot accommodate the proposed garden centre, they do not have immediately adjacent surface level car parking for the bulky goods, existing units do not have an inappropriate building layout, they would be unviable for Next (with regards to Church Wharf, Central Street and King Street), and/or they are unavailable in the short term. Next also already have a fashion store in the Market Place and a home store at Trinity Retail Park, which they are not intending on closing. In terms of the Market Place store, Next have only recently moved into this larger and improved store, and they have a 15 year lease for this store (a lease until 2030). The applicant have confirmed that it would not be commercially viable for them to operate a second large store in Bolton town centre.

Horwich and Westhoughton town centres were included in the sequential test, but only two sites in Westhoughton were identified as potentially being suitable. These two sites are however considered too small to accommodate the proposed store with parking and servicing (Gaiety Club), would not be visually prominent enough (Glebe Mill), and would be surrounded by retailers focusing on day to day localised goods rather than similar goods to the proposed development (both sites) (Next prefer a location in close proximity to other national multiple comparison retailers).

Officers consider that the applicant has satisfied the sequential test in this instance, and that there are no available suitable sites for the proposed store within a nearby town, district or local centre.

*Impact assessment - impact of the proposal on existing, committed and planned investment in a centre and on town centre vitality and viability*

Paragraph 26 of the NPPF states when assessing applications for retail, leisure and office development outside of town centre, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq. metres). This should include assessment of:

- \* the impact of the proposed on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- \* the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

The proposed development has a proposed total net retail sales area of 4,305 sq. metres, which is above the nationally set threshold of 2,500 sq. metres (there is not a locally set threshold). The applicant has therefore completed an impact assessment for the proposed new store. The assessment concludes that most of the trade diversion will be from Middlebrook itself, with a trade diversion of £5 million (which represents 4 per cent of Middlebrook's total comparison goods turnover). In terms of Bolton town centre there will be an estimated trade diversion of £3.99 million, which represents 1.13 per cent of the town centre's comparison goods turnover. This 1.13 per cent figure is not considered to be significant. For other neighbouring centres the impact is estimated to be less than 1 per cent of those centres' comparison goods turnover.

Officers consider that, based on the detailed information provided by the applicant, the proposed new Next store at the application site will not have a significant adverse impact on Bolton town centre or any neighbouring centre.

It is therefore considered that the proposed development complies with the objectives of Policies P2 and OA2 of the Core Strategy (although it is acknowledged that the proposal will substantially increase the floor space within Middlebrook).

Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3), the transport needs of people with disabilities, and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 states that the Council will promote road safety in the design of new development.

Vehicular access into the development is proposed off the Linkway and the applicant is proposing to utilise the implemented access to the site for a priority controlled left-in/left-out junction. A car park comprising 165 parking spaces (10 of which are disabled parking bays), along with 14 cycle parking

spaces and six motorcycle parking spaces, is proposed to the front of the proposed store.

The applicant has submitted a detailed Transport Assessment with their planning submission, which focuses on the Friday evening network peak hours and Saturday morning network peak hour as the busiest network peaks in relation to store customer peaks. The Council's Highways Engineers have considered this assessment and confirm that it is a robust assessment.

The assessment demonstrates that the trip generation associated with the proposed retail development in the Friday evening peak hour is lower than that associated with the consented office development on the site (the proposed Next store will therefore generate fewer vehicles to the local highway network than that of the consented office development). The assessment notes a peak hour of operation of the local highway network on a Saturday is between 11:15 and 12:15 with Next customer peak being noted as being between 14:30 and 15:30. There will be increase traffic levels on the local highway network on a Saturday in both the network peak and the store peak, although the traffic levels will be significantly lower than what the network operates at in weekday peaks.

In order to quantify the Saturday network traffic flow increases the assessment compared the 2020 year base flows plus Next's proposal with the full development flows assessed in the Horwich Loco Works Transport Assessment that made an allowance for the consented office development. The traffic flows are lower than the 2012 weekday peak survey flows assessed in the Horwich Loco Works Transport Assessment at all junctions, with exception of the Burnden Way/The Linkway/Aspinall Way roundabout. Modelled analysis of this junction in the 2020 base plus development scenario for the Saturday peak hour flow shows that the junction operates within operational capacity and with minimal queuing.

Accident data for the local highway network has also been analysed and the accident data for the most recent three year period indicates that there are no existing highway safety issues which the proposed development would exacerbate.

Engineers have confirmed that the proposed parking provision is in accordance with the Council's parking standards and the number of space proposed have also been derived from the customer surveys and spaces available at existing Next Home and Garden stores elsewhere in the country. There is also an assumption that there will be an element of linked trips with other retail units at Middlebrook and customers will utilise the significant existing retail parking provision.

Deliveries will be taken from Aspinall Way via an existing access road and joint service yard. The Transport Assessment demonstrates that there will be adequate operation movement for HGVs through a swept path analysis.

The Council's Highways Engineers therefore raise no objection to the proposed development, and it is considered that it complies 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 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 developments 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, and the grain and the form of predominant architectural styles.

Planning permission was previously been granted on the application site for a four storey and a five storey office development (applications 61984/02, 76160/06 and 77798/07). The proposed three storey Next store will be smaller in scale than these developments, but it is still considered that the development would constitute a landmark building on an important junction into Middlebrook. It is considered that the proposed building is of good urban design and would be compatible with the mixed commercial appearance of the surrounding area.

The existing trees and hedges along the Aspinall Way boundary are to be retained and new tree planting is to be introduced along the rest of the street frontages. This landscaping scheme has been amended in accordance with recommendations made by the Council's Landscape Officers.

It is considered that the proposed development is of good design and will regenerate a vacant site at a prominent junction location, compliant with Policies CG3 and OA1 of the Core Strategy.

#### Impact on the Risk of Flooding

Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk. Policy CG2.2 states that the Council will ensure that all non-residential units of over 500 sq. metres demonstrate sustainable management of surface water run-off.

The application site is located predominantly in Flood Zone 1 (area with a low probability of flooding), with the western and eastern fringes of the site being located within Flood Zone 2 (medium probability of flooding). In accordance with the requirements of section 10 of the NPPF, a flood risk assessment and surface water drainage strategy have been submitted with the application to assess the risk of flooding and to set out an appropriate strategy for the management of surface water run-off from the site.

Whilst a small portion of the site has a medium probability risk of flooding the proposed retail use is classed as a "less vulnerable" use and therefore is considered acceptable in this location. However in order to ensure that the proposed building remains free from flooding it is proposed that the ground floor finished floor levels be set at or above 107.45m AOD.

The rate of surface water discharge from the site is proposed to be restricted to the equivalent greenfield run-off rate, thereby ensuring that there is no significant increase in discharge and no increase in downstream flood risk due to the proposed development. A sustainable drainage scheme is to be secured via a condition.

The proposed foul water drainage from the development will be discharged into the existing public foul sewer.

It is therefore considered that proposed development will not increase the risk of flooding and will provide sustainable management of surface water run-off, compliant with Policies CG1.5 and CG2.2 of the Core Strategy.

#### Impact on Crime and the Fear of Crime

Policy S1.1 of the Core Strategy states that the Council will ensure that the design of new development will take into account the need to reduce crime and the fear of crime.

The applicant has considered security and crime prevention within their design and access statement (submitted with the application). The security measures provided within the development will work in conjunction with those pre-existing in the retail and leisure park (which includes 24 hour surveillance)



and will also include car and cycle parking in well-observed areas, anti-ram bollards, laminated glass to vulnerable frontages and security fencing around the service yard. It should also be noted that the application site is located opposite Horwich (Middlebrook) Police Station.

It is therefore considered that the proposed development complies with Policy S1.1 of the Core Strategy.

### **Conclusion**

It is considered that the proposed new Next Home and Garden store would not harm the economic function of the locality (and would instead bring with it economic benefits) and it has been demonstrated that there is no longer a demand for B1/B2/B8 use of the application site and there are no other suitable available sites in the borough that could accommodate the proposed development. It is considered that the proposed store would not harm the vitality and viability of Bolton town centre or any neighbouring centre, would not lead to a harmful increase in traffic and would not jeopardise highway safety, would be compatible with the character and appearance of the area, would not increase the risk of flooding, and would not increase crime or the fear of crime. The application is therefore recommended for approval.

As the application proposal is on land which is out-of-centre, increases the retailing floor space within Middlebrook, and is over 5,000 sq. metres in footprint, Members are advised that if they are minded to approve the application the decision would need to be referred to the Secretary of State.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One letter of objection has been received from Scan (an adjacent business) who states that the site is currently used as a car park for office staff and believes that the removal of this will leave considerable problems for many office workers. They also raise concern about increased traffic congestion at peak times. *Officer's comment: the owner of the application site (Orbit) is currently allowing the site to be used temporarily as an overspill car park. It has never been the intention that the site would permanently be used for car parking and the site indeed has extant permission for a large office development, meaning that the landowner could implement this permission at any time (making the overspill parking unavailable). The owner could also fence off the site at any time. Orbit have however confirmed that they would be willing to work with the adjacent businesses to find other suitable parking spaces within Middlebrook (for example they have confirmed that the tiered parking by the restaurants is underused). The issue regarding increase in traffic is addressed within the analysis of this report.*

A letter of support has been received from a resident of Chorley, on the grounds that the proposal will create new jobs and a nice development on wasteland.

**Horwich Town Council:-** raised no objection at their meeting of 19th November, with councillors broadly welcoming the proposal as it would enhance this area of the retail park, improve the Linkway approach and provide local employment.

### **Consultations**

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Landscape Officers, Pollution Control Officers, Economic Strategy Officers, Strategic Development Officers, Greater Manchester Police's Architectural Liaison Officers and the Environment Agency.

### **Planning History**

Permission was granted in September 2007 for the renewal of permission 61984/02 for the erection of a four storey office building together with the formation of 317 car parking spaces and new vehicular access to the Linkway (77798/07).

A five storey office building and associated multi-storey car park, access and landscaping was approved in February 2007 (76160/06).

A four storey office building together with the formation of 317 car parking spaces and new vehicular access to The Linkway was approved in August 2002 (61984/02).

The application site formed part of the permission in September 1997 (and renewed in June 2001 under application 59068/01) for details of siting, means of access, design and external appearance in respect of motor car dealerships, heritage centre and family entertainment centre (51311/97).

The application site also formed part of application 54520/99 for the erection of a two storey mixed development comprising a factory outlet centre (7,900sqm), heritage and tourism centre (700sqm), leisure unit (3,716sqm) and restaurant (500sqm) (siting and means of access only) which was refused in December 1999.

**Recommendation:**            **Refer to Secretary of State**

**Recommended Conditions and/or Reasons**

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

Reason

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

2. Prior to the commencement of development the details (samples if required) of the type and colour of materials to be used for the external walls and roof to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with Policies CG3 and OA1 of Bolton's Core Strategy.

3. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter retained, managed and maintained in accordance with the approved details. Those details shall include:
  - 1) A timetable for its implementation, and
  - 2) A management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the site provides satisfactory means of surface water drainage and to comply with Policy CG2.2 of Bolton's Core Strategy.

4. 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 the development reflects the landscape and townscape character of the area and to comply with Policies CG3 and OA1 of Bolton's Core Strategy.

5. Trees and shrubs shall be planted on the site in accordance with the approved landscape scheme [drawing reference: IT(15)053 (9-)L001 Rev. PD] prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape and to comply with Policies CG3 and OA1 of Bolton's Core Strategy.

6. Before the approved/permitted development is first brought into use no less than 165 car parking

spaces shall be marked out and provided within the curtilage of the site, in accordance with drawing ref: (PL)02. 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, and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

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

Reason

To encourage drivers to make use of the parking and circulation area(s) provided, and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

8. Prior to first occupation of the development, a scheme which assesses the proposed BREEAM rating of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall achieve a BREEAM (Retail) Very Good standard (or such national measure of sustainability for commercial retail design that replaces that scheme). Within 3 months of the occupation of the building a Final BREEAM Certificate shall be submitted to the Local Planning Authority which certifies that the approved scheme/standard has been achieved.

Reason

To reduce the impact on climate change and to improve the sustainability of the site and to comply with Policy CG2.2 of Bolton's Core Strategy.

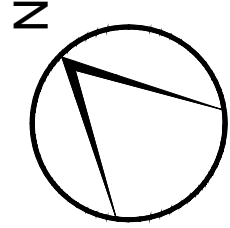
9. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

**(PL)02; "Proposed Ground Floor Site Plan"; dated 15.10.15**  
**(PL)03; "Proposed Roof Plan"; dated 15.10.15**  
**(PL)04; "Proposed Ground Floor with Section"; dated 15.10.15**  
**(PL)05; "Proposed First and Second Floors"; dated 15.10.15**  
**(PL)06; "Proposed Elevations With Materials"; dated 15.10.15**  
**IT(15)053 (9-)L001 Rev. PD; "Proposed Soft Landscape Strategy Plan"; revised 24.11.2015**

Reason

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

Drawn by: RS		Date: 15.10.15	Scale: 1/500 @ A1	
Status	Preliminary	Presentation	Tender	Construction
Date:	15.10.15			
Checked by:				
Revision			Date	Drawn
				Approved



## APPROX GROSS EXTERNAL AREAS

**RED LINE AREA 1.28 Hectares**

**TOTAL BUILDING FOOTPRINT  
INCLUDING GARDEN CENTRE 3141 m<sup>2</sup>**

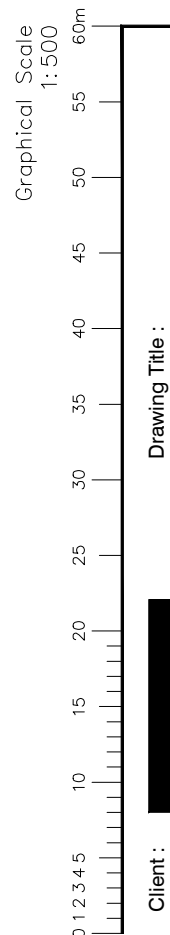
**PROPOSED NEW BUILDING FOOTPRINT EXCLUDING  
GARDEN CENTRE 2731 m<sup>2</sup>**

GARDEN CENTRE FOOTPRINT ONLY 410 m<sup>2</sup>

**PARKING** 165 spaces

STANDARD PARKING 155 spaces

DISABLED PARKING 10 spaces



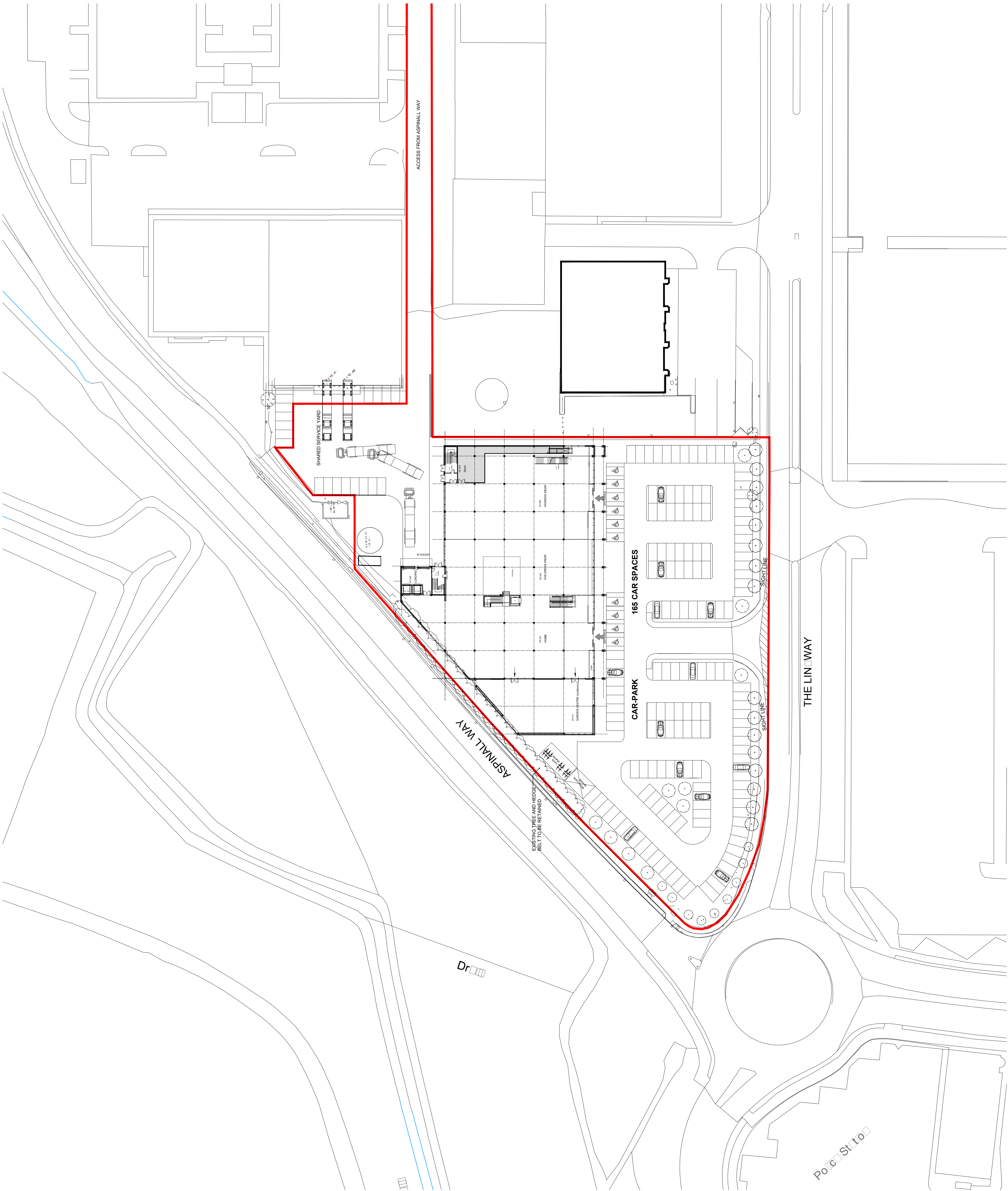
next

Drawing Title :  
Proposed Ground  
Floor Site Plan

Project: **Proposed Next Home & Garden Centre,  
LINKWAY MIDDLEBROOK, BOLTON**

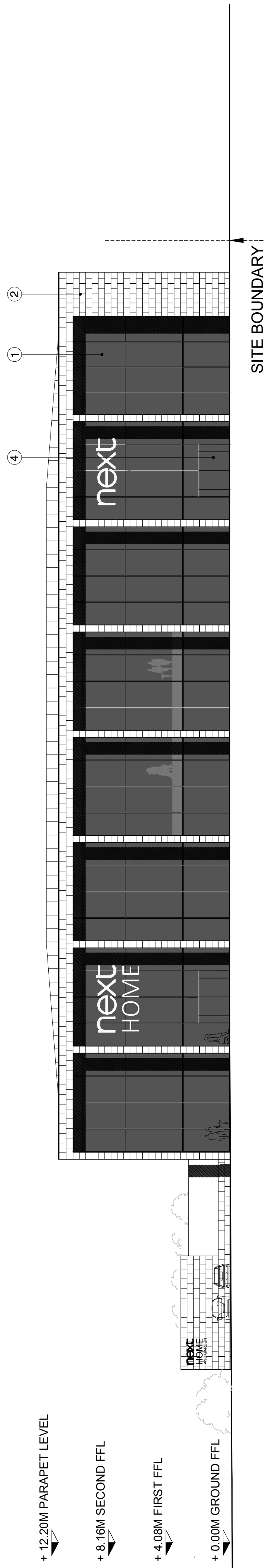
Project No. :  
101-011

Drawing No. :  
(PL)02

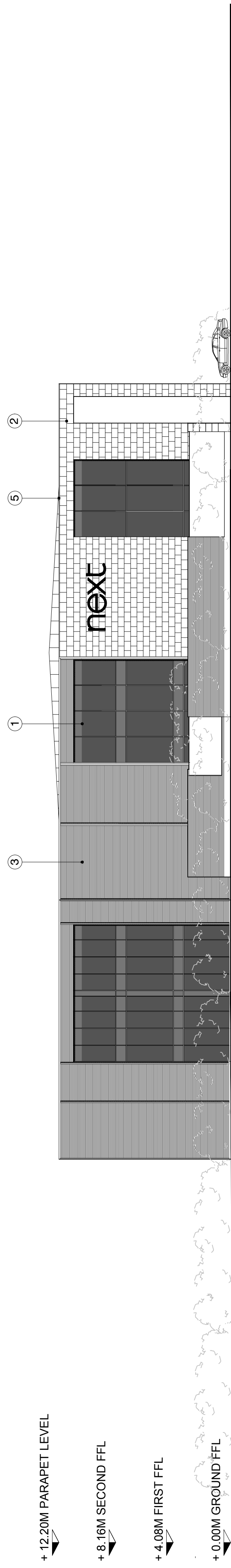




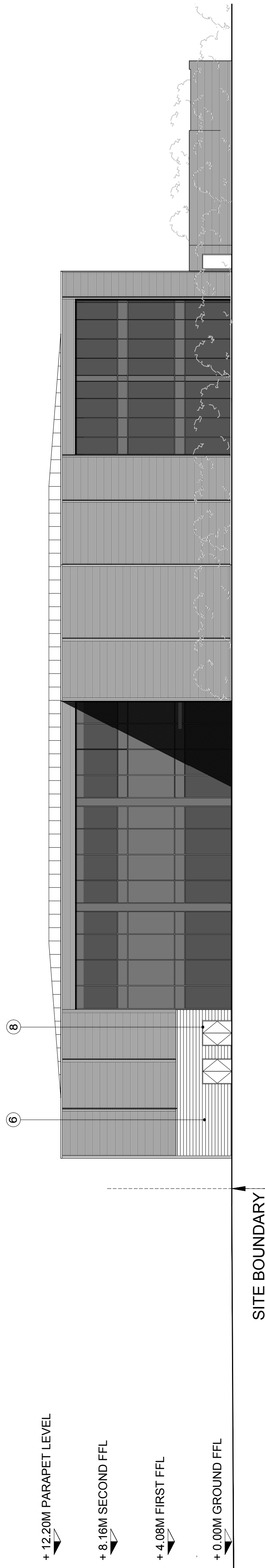
Drawn by: RS	Date: 15.10.15	Scale: 1/200 @ A1
Status	Preliminary	Tender
Date:	10.10.15	
Checked by:		
Revision	Date	Drawn
		Approved



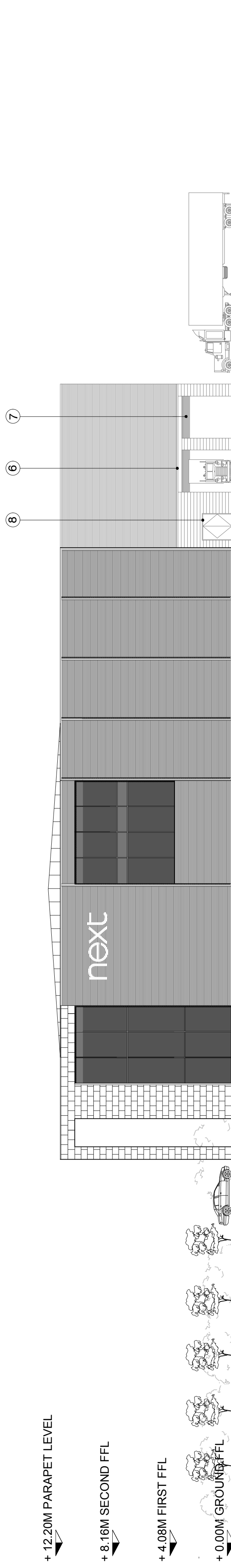
SOUTH-EAST ELEVATION



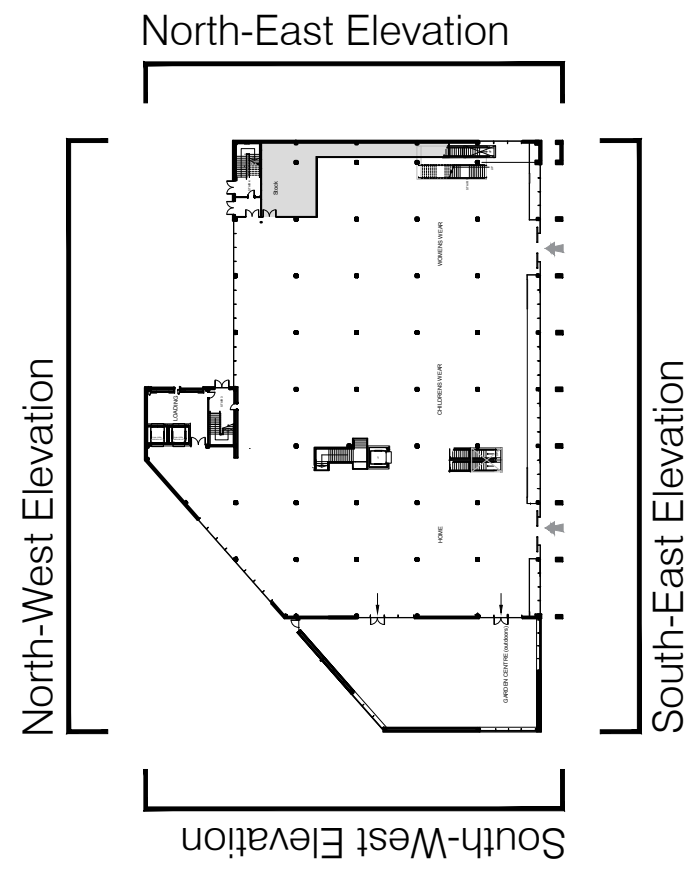
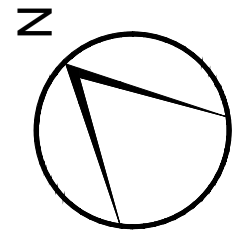
## SOUTH-WEST ELEVATION



## NORTH-WEST ELEVATION



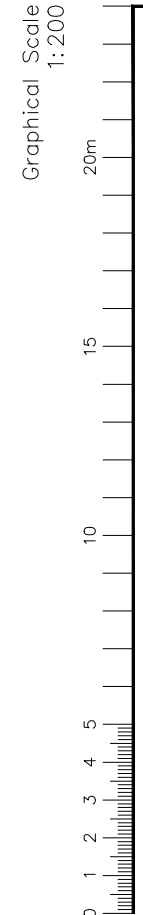
## NORTH-EAST ELEVATION



Key Plan 1:1000

Key - Proposed materials:

1. Structural Glazing, Clear Float Glass, TBC
2. Natural Jura Beige Limestone
3. Brick slip cladding system to match local character TBC
4. Float layered safety glass doors.
5. Metal Coping TBC
6. Exposed Blockwork (Forticrete or similar) TBC
7. Metal powder coated insulated roller shutter doors. TBC
8. Metal powder coated doors. TBC



next

## Proposed Elev With Materials

Project :

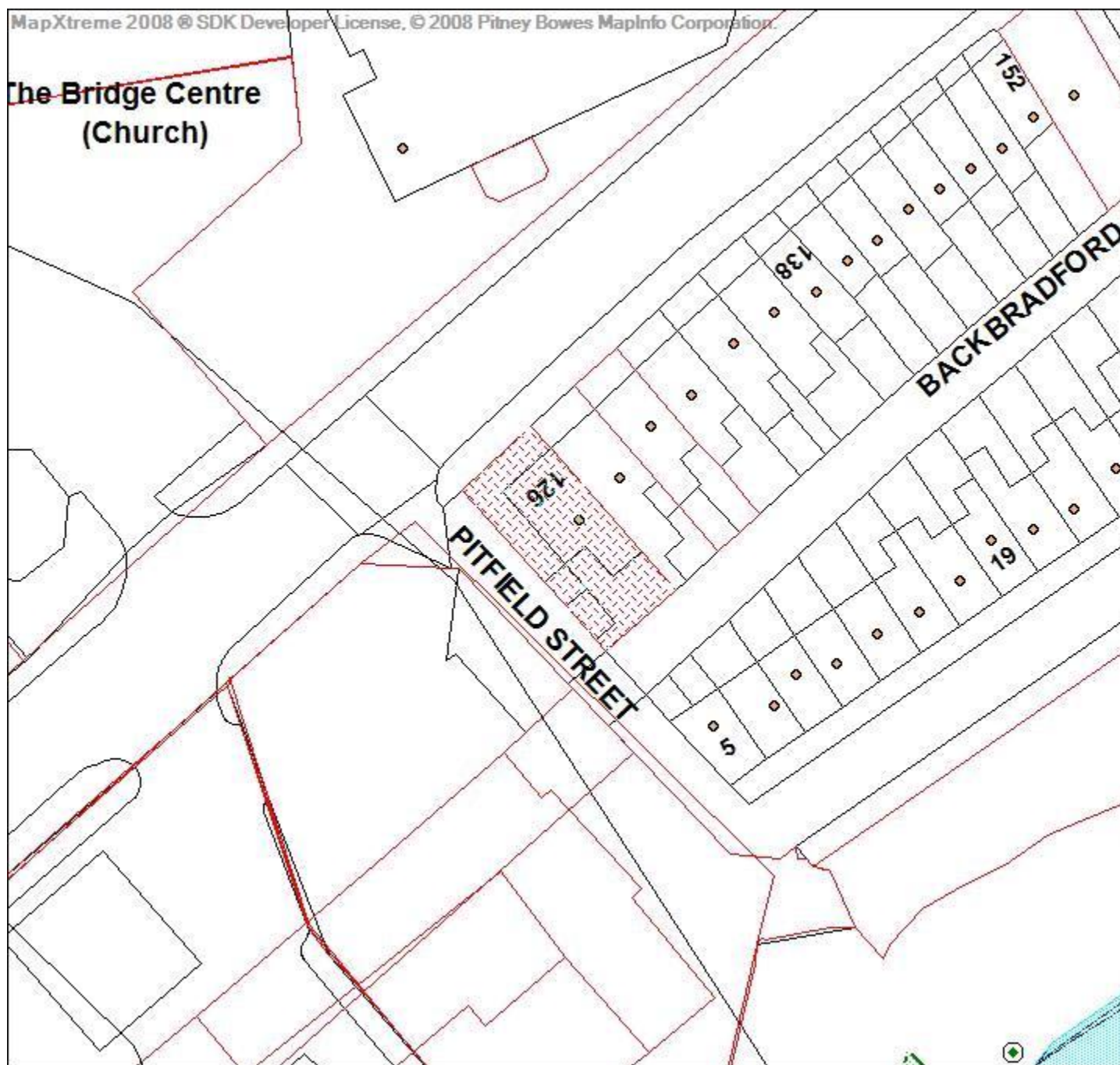
Proposed Next Home & Garden Centre,  
LINKWAY MIDDLEBROOK, BOLTON

Project No. :  
101-011





**Application number  
95226/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 17/12/2015**

**Application Reference: 95226/15**

**Type of Application:** Full Planning Application  
**Registration Date:** 02/11/2015  
**Decision Due By:** 27/12/2015  
**Responsible Officer:** Alex Allen

**Location:** 126 BRADFORD STREET, BOLTON, BL2 1JS

**Proposal:** RETENTION OF PREVIOUSLY CONVERTED RESIDENTIAL DWELLING AS 9NO. BED HOUSE OF MULTIPLE OCCUPANCY (HMO)

**Ward:** Tonge with the Haulgh

**Applicant:** Nest Box Homes  
**Agent :** LINKS Architecture Ltd

## **Officers Report**

**Recommendation: Refuse**

### **Proposal**

The applicant proposes the retention of the use of the property as a 9 bedroomed House In Multiple Occupation (Sui Generis). The larger homes extension approved earlier this year has been built and forms a shared kitchen dining area for the occupants of the property. The remainder of the ground floor provides the following accommodation: four single bedrooms each with a sink and bed and one lounge. The first floor comprises of five single bedrooms each with a bed and sink. There are also two bathrooms each with a shower, sink and toilet.

The external area of the property has a front area which is hard surfaced with a small yard area located at the side/rear of the property.

### **Site Characteristics**

The site comprises a modern two storey terraced dwelling located on the end of the row, on a corner plot adjacent to Pitfield Street on the edge of a predominantly residential area of Tonge with Haugh. Residential properties occupy Halton Street to the south whilst a vacant site lies on the opposite side of Pitfield Street, together with the existing Esso / Tesco site further to the east. On the opposite side of Bradford Street is the Bridge Centre (Church).

### **Policy**

National Planning Policy Framework

Core Strategy CG3 The Built Environment, CG4 Compatible Uses, P5 Accessibility, S1 Safe and RA1 Inner Bolton.

Supplementary Planning Documents - (i) House Extensions and (ii) General Design Principles.

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* impact on the character and appearance of the property;
- \* impact on the users of the property / adjoining users;
- \* impact on highway safety.

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

Core Strategy policies CG3 and RA1 seek to ensure that development proposals conserve/enhance local distinctiveness.

It is considered that the proposed conversion has not resulted in any harm to the character of the existing property. The re-use of the building will result in the continued use of the property in a prominent location.

The proposal would comply with Core Strategy policy CG3 and RA1.

### **Impact on the Users of the Property / Adjoining Users**

Core Strategy policy CG4 seeks to ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Guidance contained within the House Extension SPD has guidance on the acceptable reduction of external private amenity / garden space. It is noted that the application property had a larger homes extension approved in February 2015 which reduces the amount of private amenity space at the rear of the property. This aspect is authorised under the new General Permitted Development Order and in any event complies with policy as it applied to a single dwellinghouse.

However, as the applicant is now seeking to retain the property as a 9 bedroomed House in Multiple Occupation it is on this basis the current application must be assessed. The amount of external amenity space for the property is c. 56 sq. metres. However, when the open side space is excluded to include only private amenity space, the amount of space is c. 34 sq metres.

If this related to a single terraced property it is considered that this may be acceptable as detailed within paragraph 3.13 of the House Extension SPD. Guidance contained within the General Design Principles SPD (Section 3.1) details the amenity space standards for flats/apartments, where there is an adequately screened communal area minimum provision of 18 sq. metres per flat should be made.

Whilst the proposal is for an element of shared accommodation it is noted that a requirement for 135 sq. metres may be impractical, it is still expected that a reasonable element of private amenity space is required. When the proposal relates to a house which has converted to 9 separate bedrooms, which has limited internal amenity space e.g. a 13 sq.m lounge and small bedrooms the requirement for private external amenity space is more important.

For the above reasons it is considered that the proposal represents an overdevelopment of the property/site and would be detrimental to the living conditions of existing/future occupants representing a poor form of development.

The proposal does not comply with Core Strategy policy CG4.

#### Impact on Highway Safety

Core Strategy policies P5 and S1 states that the Council will ensure development proposals take account of the accessibility of different types of transport making provision for parking where appropriate and also promote road safety in the design of new development.

The applicant does not propose any curtilage parking for the existing/proposed occupants of the property.

The Council's Highways Engineers note no formal parking is provided but comment that as the property is highly accessible to sustainable modes of transport they have no objections to the proposal.

In addition, due to the nature of the proposal and the sustainable location it is not considered the proposal would result in highway safety issues. The proposal complies with Core Strategy policies P5 and S1.

#### **Conclusion**

The proposal represents an over development of the property resulting in poor living conditions for existing/future occupants, primarily due to the lack of genuine private amenity space within the site curtilage. The proposal would be contrary to Core Strategy policy CG4 and is recommended for refusal.

## **Representation and Consultation Annex**

### **Representations**

**Letters/petitions:-** no representations received to date.

**Elected Members:-** Cllrs Peel and Donaghy have requested that the application be brought to Committee for determination.

### **Consultations**

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

### **Planning History**

Consent was refused for a Certificate of Lawfulness (Ref: 94850/15) for the use of the premises as a 9 bedroomed House in Multiple Occupation (Class C4). This was refused as the proposal constituted a sui generis use. A C4 use would be restricted to a dwelling occupied by up to 6 persons.

Prior approval was granted in February 2015 (Ref: 93354/14) for the erection of a larger home extension at the rear. This extension has been erected/implemented.

**Recommendation:            Refuse**

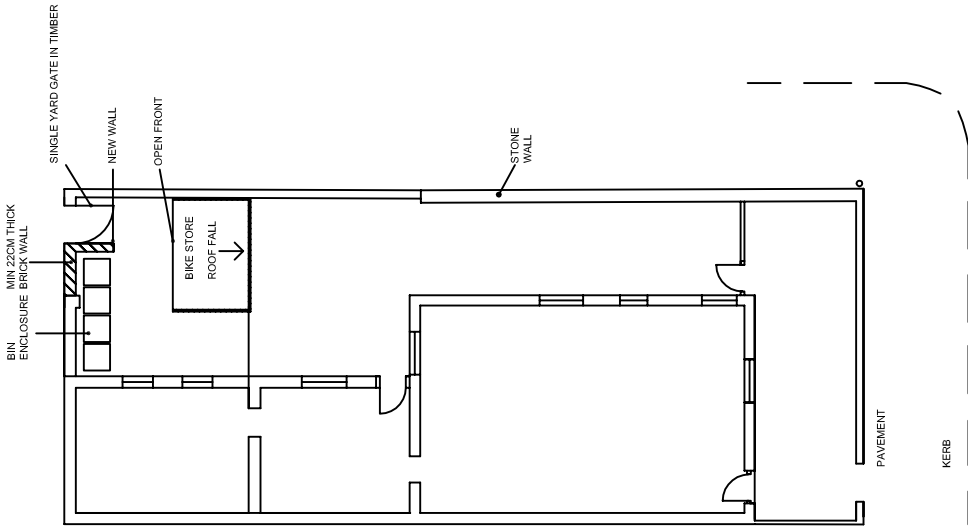
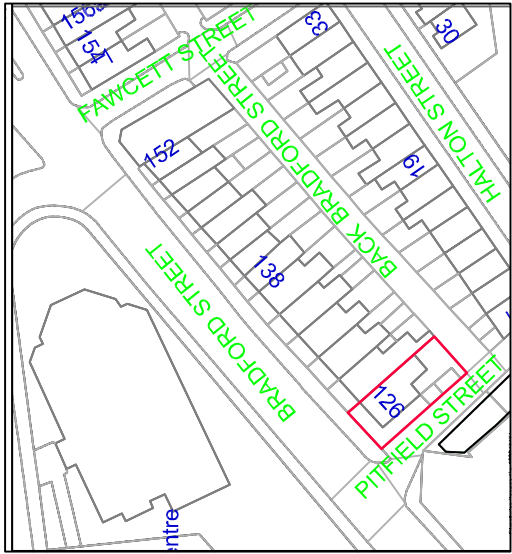
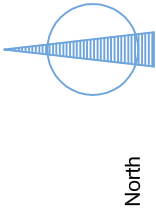
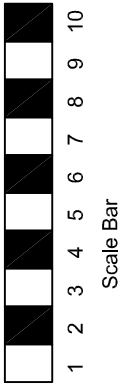
### **Recommended Conditions and/or Reasons**

1. The proposal represents an over development of the site which will result in insufficient private amenity space for existing/future occupants of the property to the detriment of their living conditions and is thus contrary to Core Strategy policy CG4 and Supplementary Planning Document 'General Design Principles'.

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EXISTING SITE PLAN @1:200

LOCATION PLAN @1:1250

Revisions:

Project:	126 Bradford Street, Bolton. BL 1 1JS.
Drawing:	LOCATION PLAN & EXISTING SITE PLAN
Dwg N°:	15061-01
Rev:	
Scale@A4:	1:1250 & 1:200 Date: 16/8/15

LINKS Architecture Ltd

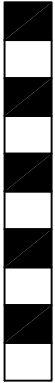
35 Collinfield Kendal LA9 5JD  
www.linksarchitecture.co.uk  
Alan Varley  
T/F: 01539 741250  
M: 07971 507933  
E:a.varley333@btinternet.com



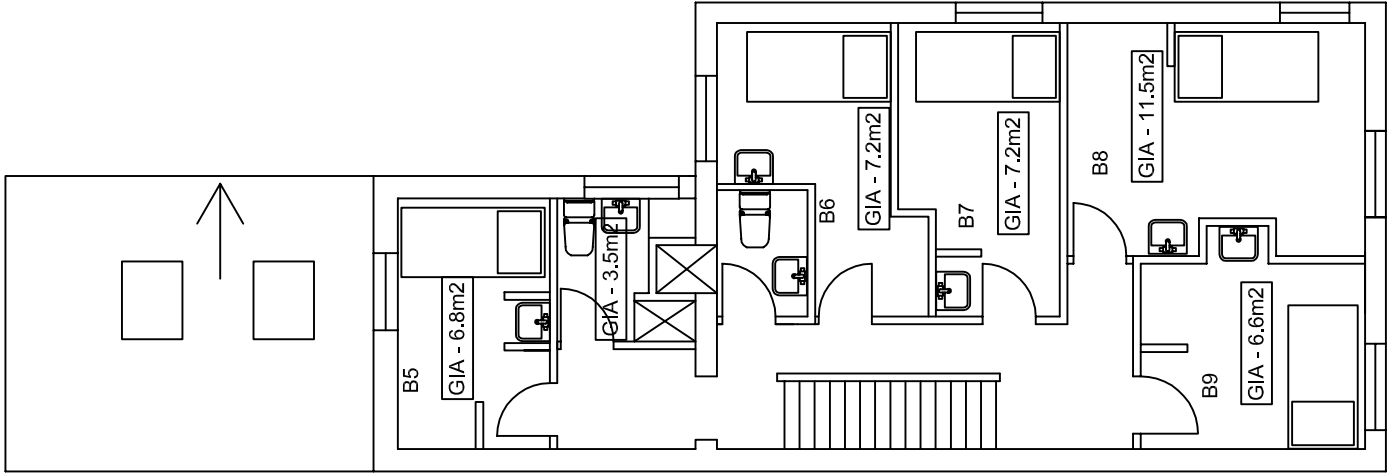
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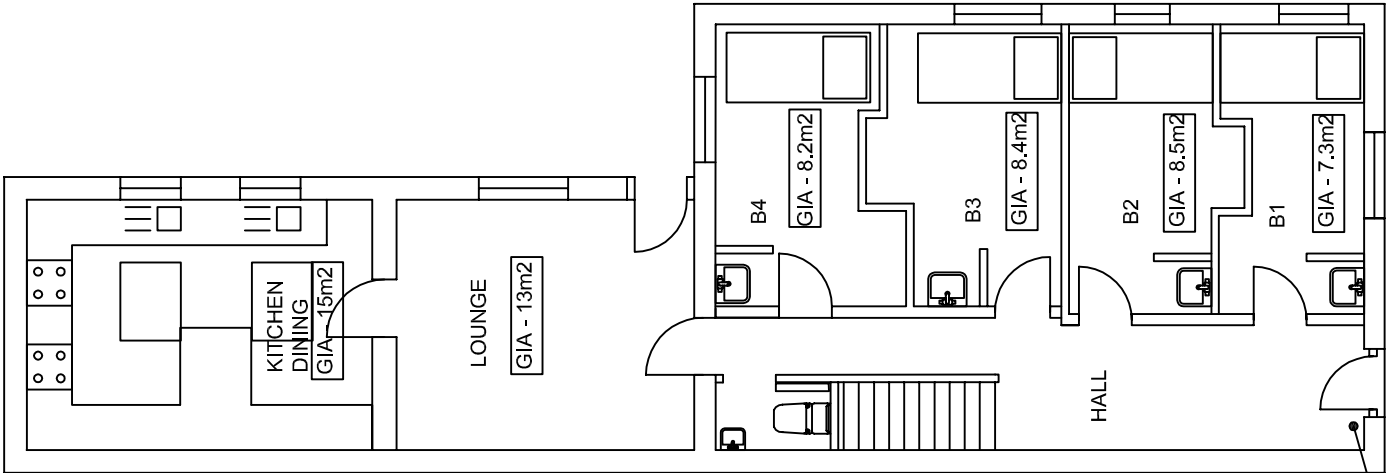
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Scale Bar



EXISTING FIRST FLOOR



EXISTING GROUND FLOOR

Revisions:

Project: 126 Bradford Street, Bolton. BL2 1JS.

Drawing: EXISTING FLOOR PLANS

Dwg N°: 15061-03 Rev:

Scale@A4: 1:100 Date: 24/10/15

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