

Planning Applications Report

Planning Committee

09 January 2014

**Bolton
Council**

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

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

The plans in this report have been annotated with the symbol ● to show where a letter of objection has been received from an owner or occupier of a property shown on the Report Plan.

The plans in this report have been annotated with the symbol ☺ to show where a letter of support has been received from an owner or occupier of a property shown on the Report Plan.

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

The following abbreviations are used within this report: -

UDP	The adopted Unitary Development Plan 2005
RSS	Regional Spatial Strategy for the North West of England 2008
PCPN	A Bolton Council Planning Control Policy Note
PPG	Department of Communities and Local Government Planning Policy Guidance Note
MPG	Department of Communities and Local Government Minerals Planning Guidance Note
SPG	Bolton Council Supplementary Planning Guidance
SPD	Bolton Council Supplementary Planning Document
PPS	Department of Communities and Local Government Planning Policy Statement
TPO	Tree Preservation Order
EA	Environment Agency
SBI	Site of Biological Importance
SSSI	Site of Special Scientific Interest
GMEU	The Greater Manchester Ecology Unit

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

www.bolton.gov.uk/planapps

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Application No.

90800/13



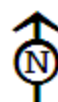
Development and Regeneration Department
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**Bolton
Council**

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Date of Meeting: 09/01/2014

Application Reference: 90800/13

Type of Application: Full Planning Application
Registration Date: 07/10/2013
Decision Due By: 01/12/2013
Responsible Officer: Helen Williams

Location: LEVER PARK SCHOOL, STOCKS PARK DRIVE, HORWICH, BOLTON, BL6 6DE

Proposal: ERECTION OF TWO EXTENSIONS, A TEACHING BUILDING AND FORMATION OF NEW CAR PARK TOGETHER WITH ALTERATIONS TO EXISTING CAR PARK AND ENTRANCE.

Ward: Horwich North East

Applicant: Bolton MB Council
Agent : Good & Tillotson

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for:

- * The erection of a detached, single storey teaching building on the sloped grass area to the front of the school and adjacent Portland Place. At its widest the building will measure 19.34 metres by 12.815 metres. The building will contain two classrooms, a reception office, stores and toilets. Due to the gradient of the slope to the front of the school the building will be 6.661 metres in height at the front and 4.735 metres in height at the rear.
- * The erection of a front extension to the main school building, projecting 4.5 metres to the front and measuring 16.14 metres in width. This extension will increase the office provision for staff and create a new secure entrance.
- * The erection of an extension to the eastern side/rear of the main school building, which will enable the school hall in the centre of the building to be extended. The gym, classroom and hair and beauty salon sited next to the existing hall will be relocated to the new extension.
- * The creation of a new 21 space car park on the slope to the front of the school and adjacent Bond Close.
- * The widening of the access at the entrance, so that it is the same width as the rest of the access road.
- * Amendments to the existing car park to accommodate the proposed front extension, and the creation of a new path to link the main school building to the new teaching building.
- * The erection of new "wall" signage for the school to the north of the existing car park.

Site Characteristics

Lever Park School is an up to 55 place special school for pupils aged 11 to 16 and is a single storey building accessed off Stocks Park Drive to the north. The school's car park is immediately to the front of the school and there are school fields, allotments and playgrounds to the east and south of the school. The site slopes down significantly towards Stocks Park Drive and the area to the front of the school is grassed. There are trees to the front of the site and along the eastern side of the access.

To the north, east and west of the site is residential development. Houses 38 to 48 Stocks Park Drive face the front of the school to the north, 4, 6 and 19 Portland Place adjoin the site to the east and the rears of the odd numbered houses on Bond Close adjoin the site to the west.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: A1.1 Development of Secondary Schools; P5 Transport and Accessibility; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG1.5 Flooding; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

PCPN2 Space Around Dwellings
SPD Accessibility, Transport and Safety

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the school and the surrounding area
- * impact on the amenity of neighbouring residents
- * impact on the highway
- * impact on drainage

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

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

The proposed new teaching building to the front of the main school building will be detached and single storey however, due to the topography of the site, the proposed building will be taller where it faces Stocks Park Drive than the elevation to the main school building. It is proposed that it be constructed mainly from brick, though the side elevation facing the access road will be clad. A rendered blockwork element will "cut through" the centre of the building.

The new teaching building will have a more contemporary appearance than the existing school building, though it is considered that it will be complementary to the site as a whole. The new detached building will be partly screened from the main road by the existing landscaping to the front of the school and thus will not dominate the street scene as it will be set back approximately 25 metres from Stocks Park Drive. The height of the new building is also similar to that of the main school building.

The proposed front and side/rear extensions to the main school building will be compatible with the scale of the school and will allow for increased office space and a larger school hall. The extensions will have a similar appearance to the existing elevations of the school and the brickwork is proposed to match that of the existing building.

The proposed new 21 space car park will occupy the majority of the western grassed area to the front of the school which will inevitably reduce the green area however, it is considered that the benefit of providing more on-site parking for the school (which will in turn reduce the amount of on-street parking on Stocks Park Drive) outweighs this loss. Furthermore, the trees to the front of the school are to be retained, which will help soften the development. A condition is also suggested for additional planting to the front of the school, which again will help to soften and screen the development further.

It is considered that the proposed development will not harm the character and appearance of the school or the surrounding area, compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

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

Teaching building

The new teaching building is proposed to be sited on the school field adjacent Portland Place. This building will be to the side of 19 Portland Place and to the rear of 6 Portland Place.

There are no main windows in the side of 19 Portland Place and the new building will not extend beyond the rear elevation of the dwelling. A close boarded timber fence surrounds the curtilage of 19 Portland Place and therefore it is considered that there would be no privacy issues from pupils entering and leaving the building.

6 Portland Place has a garage at its rear, which will block ground floor views of the new building. The side of the new building that will face Portland Place contains no windows and is approximately 14 metres away from the rear of 6 Portland Place, which exceeds the Council's minimum interface distance (contained within PCPN2) for such a relationship.

4 Portland Place does not directly overlook the proposed teaching building.

Neighbouring residents have raised concern about noise and disturbance that will be generated from pupils using the new building. The application site is an existing school site and there will unavoidably be noise generated from the site during school hours as it stands now. Given this, it is **not considered** that the erection of two further classrooms within the school grounds would unduly harm the amenity of neighbouring residents by significantly increasing noise beyond existing levels. It is considered by officers that some noise should be expected from a special school during the daytime and indeed from any school in the urban area close to houses.

New car park

The proposed new car parking area will be sited to the rears of the houses on Bond Close. The edge of the car park will be approximately 12 metres away from the rear elevations of the houses. There will inevitably be some disturbance caused when vehicles enter and leave the car park, however this will be limited, in the main, to the start and end of the school day. The submitted plans indicate that the car park will be illuminated, therefore a condition to agree the siting, design and LUX level of the lights is suggested to ensure that neighbouring residents are not unduly affected.

It is considered, for the reasons discussed above, that the proposed development will not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

Impact on the Highway

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

The proposed extensions to the school will allow for two additional classrooms. There are a maximum of eight pupils per class, therefore there is a potential for the school to increase by a further 16 pupils (there are currently up to 55 places at the school). There would also be an increase in staff to accompany the new pupils.

The proposed new car park and improvements to the access and existing car park will; both better facilitate the current vehicle movements associated with the school and; allow for additional pupils and staff. The applicant has submitted a school travel plan to support their proposals.

Due to the school being the only school designated for children with a statement of special educational needs for their social, emotional and behavioural difficulties in Bolton, its pupils come from the whole of the borough. The travel plan states that almost all of the pupils travel to school on local authority transport, that is by taxis and minibuses. This causes congestion on the existing car park, especially as delivery, staff, visitor and local authority transport vehicles all have to share the same drop off area.

The proposed development will provide for 21 additional car parking spaces, a larger turning area for the taxis and minibuses and a wider and safer entrance. The new car park will be able to accommodate those vehicles that currently have to park on Stocks Park Drive and will enable a separation between the arriving taxis and minibuses and staff arrivals. The proposals will also make it safer for pupils, as will the new proposed

pedestrian paths.

The school have also stated within their travel plan that they are committed in minimising the number of car trips to the school by staff and outside agencies by promoting access by public transport, and in improving pupils' transport experience by developing confidence in travelling independently.

It is considered that the proposal will increase highway safety in the immediate area and will reduce the need for visitors to park on Stocks Park Drive. It is therefore considered that the proposed development would comply with Policies P5 and S1.2 of the Core Strategy.

Impact on Drainage

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

A resident of Bond Close has raised concern that the proposal will increase flooding from the site to their property. The Council's Drainage Officers have raised no objection to the proposal.

Drainage Officers have however commented that there may be a culverted watercourse passing the site where the teaching building is proposed. They have therefore recommended an informative note bringing the applicant's attention to this and that a diversion may be required if it does exist.

It is not considered that the proposed development would increase the risk of the flooding, and therefore it is considered that the proposal complies with Policy CG1.5 of the Core Strategy.

Conclusion

It is considered, for the reasons discussed above, that the proposed development would not harm the character and appearance of the school or the surrounding area, would not unduly harm the amenity of neighbouring residents, would improve highway safety and would not increase the risk of flooding in the area. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- Two letters of objection have been received from residents of 4 Portland Place and 7 Bond Close. These letters raise the following concerns:

- * The proposed teaching building will be less than 6 metres from the boundary of 4 Portland Place and less than 20 metres from their conservatory;
- * The teaching building will be located on elevated sloping ground and will be disproportionately close to houses, resulting in overshadowing, overlooking and loss of amenity to the properties on Portland Place;
- * The teaching building will create overlooking and loss of privacy to residents on Stocks Park Drive;
- * The proposed car park will be approximately 4 yards away from 7 Bond Close;
- * Noise and disturbance;
- * The design and appearance of the teaching building is not in keeping with a residential estate. The proposed cladding is often used in an industrial environment;
- * Highway safety has been completely disregarded. The current visibility splay is substandard;
- * Removal of trees to increase visibility would have a significant impact on the landscape;
- * Residents on Grosvenor Way have no parking and park on Stocks Park Drive - this has not been considered;
- * The proposal promotes the increase in car usage as it increases on-site car parking;
- * Additional vehicles will exacerbate an already congested residential highway;
- * Increase in flooding from the site to neighbouring properties;
- * No travel plan has been submitted (*officer's comment: this has now been submitted*);
- * No ecology report has been submitted (*officer's comment: an ecology report is not required for this proposal as no demolition is proposed and the site is not recognised for its habitats*).

Petitions:- A petition of objection, signed by 10 residents of Stocks Park Drive, has been received. This raises the following concerns:

- * The new building will be erected immediately in front of houses;
- * The new building is remote from the school, is it not possible for an annexe to the existing building instead?;
- * The new building would be very close to houses and due to the sloping ground would be in an elevated position, therefore pupils entering the leaving the building could intrude on residents' privacy;
- * There is enough space further away from the road for the car park;
- * This would be the second time the car park has been extended;
- * The view of the fields would be ruined (*officer's comment: loss of view is not a material planning consideration*);
- * Increase in the number of pupils attending the school in mini-buses and taxis. This would add to the already busy traffic at peak times;
- * It is unlikely that the proposed car park will improve the parking situation.

Horwich Town Council:- raised no objection at their meeting of 24th October subject to the approval of a satisfactory travel plan.

Consultations

Advice was sought from the following consultees: Highways Engineer, Drainage Officers

and Asset Management and Pupil Place and Planning Unit.

Planning History

A single storey extension to the western side of the school was approved in February 2013 (89242/12).

Permission was granted in September 2011 for the variation of condition 4 on 84377/10 to allow permitted hours of illumination for the hard play area to be from 0700 to 2100 permanently (86551/11).

Permission was granted by Committee in February 2011 for the retention of 2 re-sited polytunnels, 1 storage cabin and 2 storage huts, along with the retention of an access gate and the reduced length of fencing around the community allotment area (85390/10).

The variation of condition 4 on 83534/10 to extend the hours allowed for illuminating the hard play area from 07:00 to 21:00 (from 07:00 to 20:00) was approved in August 2010 (84377/10). The new condition 4 on this approval read, "The lights to the hard play are shall not be illuminated in the hours between 21:00 in the evening until 07:00 in the morning until 5th August 2011 after which date the hard play area shall not be illuminated in the hours between 20:00 in the evening until 07:00 in the morning".

Permission was granted in March 2010 for the erection of 3 polytunnels, 2 storage cabinets, 2.4 weld mesh fencing to create an allotment area and the erection of 3 lighting columns to the hard surfaced play area (83534/10). The permission restricted the hours of illumination of the floodlights to between 07:00 and 20:00 hours.

2.4 metre high fencing around the school buildings and 4 metre high fencing around the play area was approved in September 2008 (80546/08).

An extension to the entrance together with a canopy over the existing courtyard was approved in July 2008 (80197/08).

A single storey extension was approved in March 2007 (76142/06).

An extension to form a garage/workshop was approved in March 2005 (70122/05).

4 columns for use to support cameras and infra-red lighting for a CCTV system was approved in 1998 (53075/98).

Extensions and the laying out of a hard play area and additional parking spaces was approved in 1997 (51712/97).

An extension to the hall, the erection of 2 temporary units to form 4 classrooms was approved in 1996 (48935/96).

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

2. Prior to the commencement of development samples of all the materials to be used for the external walls and roof of the new teaching building shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness.

3. Prior to the commencement of development a detailed specification for all doors and windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and retained thereafter.

Reason

To ensure the development reflects local distinctiveness.

4. Before the new car park hereby approved is first brought into use a scheme shall be submitted to and approved in writing with the Local Planning Authority for external lighting/floodlighting. The lighting shall be designed to an illumination value of less than 5 lux at the nearest residential property. Spill shields should also be fitted. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter.

Reason

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

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

Reason

To ensure the development is safe for use.

6. Prior to the new car park hereby approved/permitted being brought into use the means of vehicular access to the site from Stocks Park Drive shall be constructed to a minimum width of 5.5 metres with a 9 metre radius to the south west and a 6 metre radius to the north east.

Reason

In the interests of highway safety

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.

8. The external surfaces of the extensions to the main school building 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.

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

1339 08; "Proposed Site Layout"; dated 24.09.13

1339 09; "Proposed Plan Main School"; dated 24.09.13

1339 10; "Proposed Elevations Main Teaching Building"; dated 24.09.13

1339 11; "Proposed Plan Teaching Building"; dated 09.09.13

1339 12; "Proposed Elevations - Teaching Building"; dated 09.09.13

1339 14; "Sketch Site Section"; dated 15.11.13

Reason

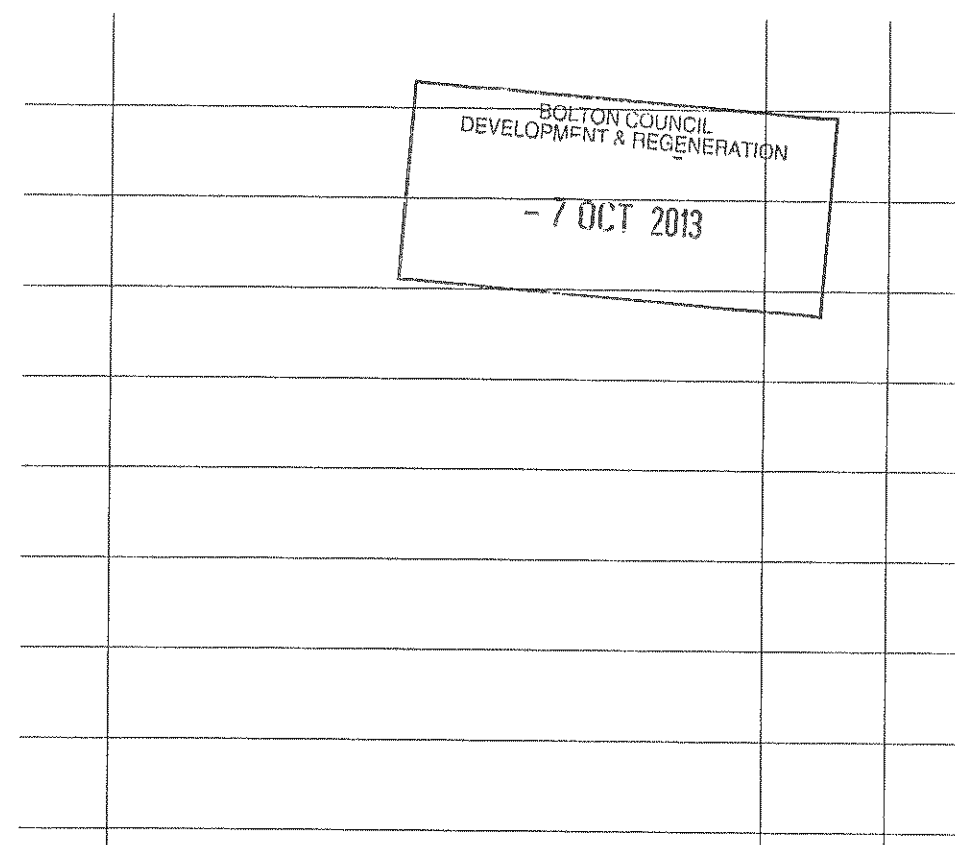
For the avoidance of doubt and in the interests of proper planning.

All relevant boundary positions are to be checked prior to proceeding.



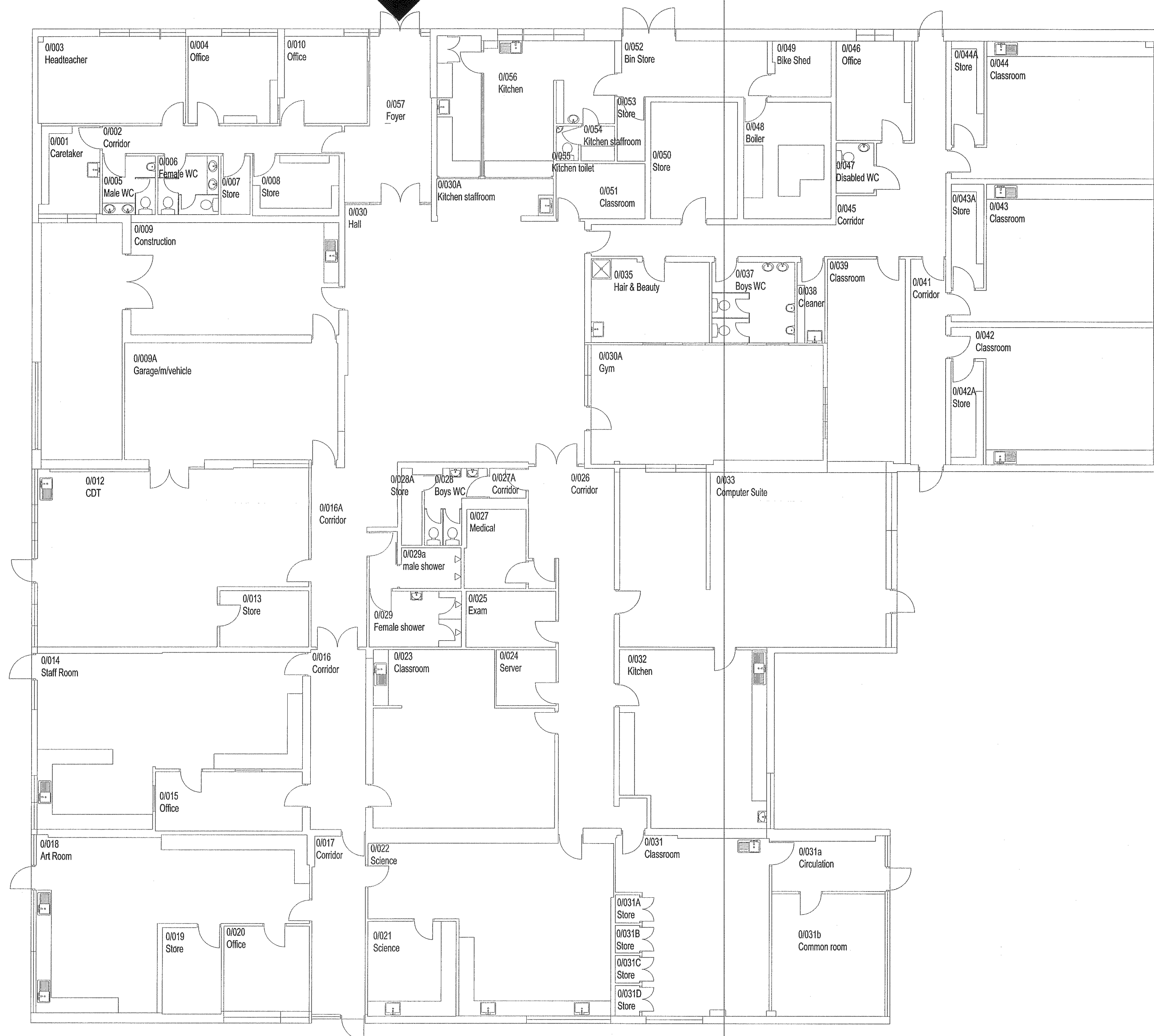

Project No:	Drawing No:	Drawing Revision:
1139	05	-

All relevant boundary positions are to be checked prior to proceeding.




1139	08	-
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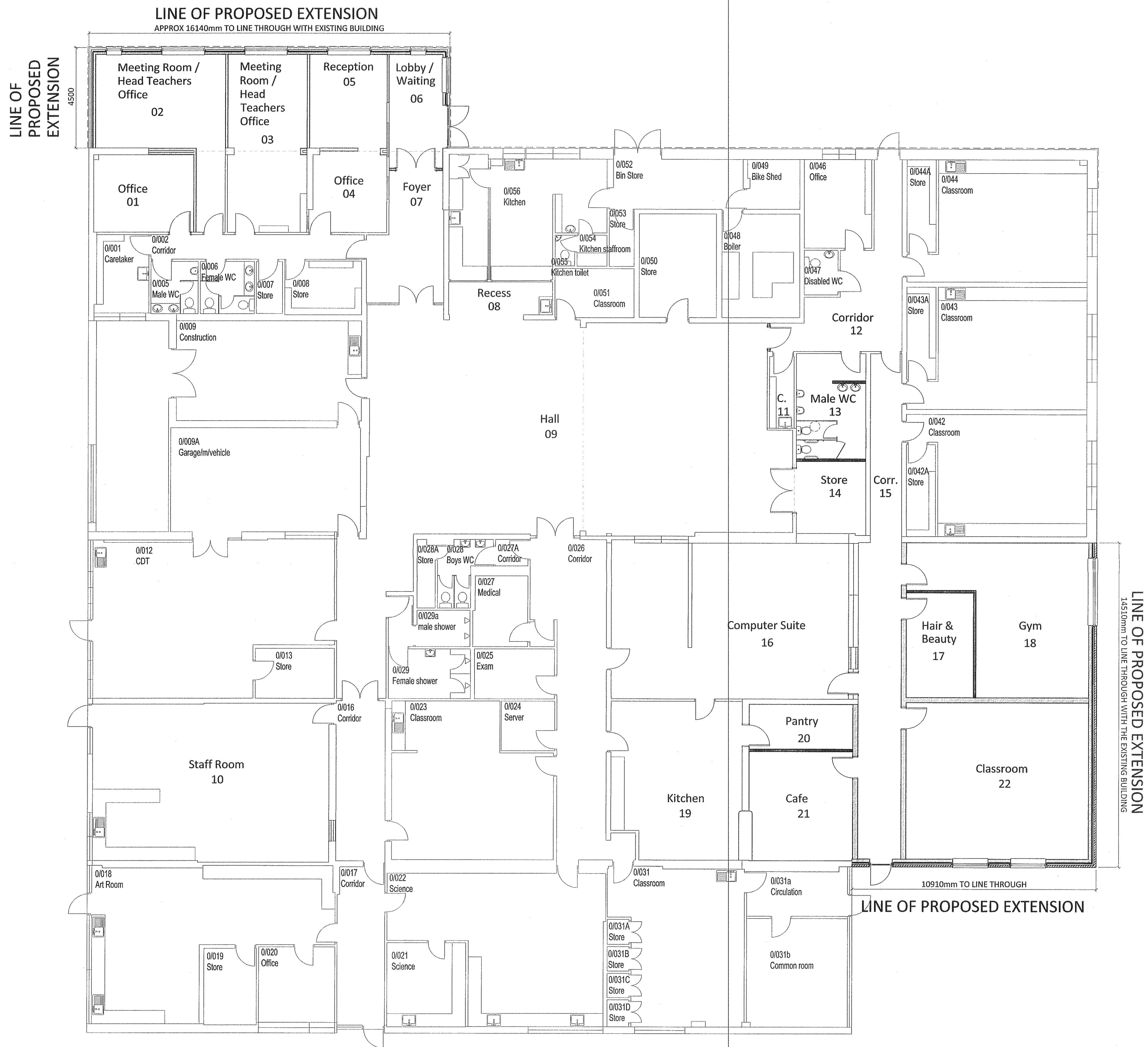
All relevant boundary positions are to be checked prior to proceeding



Existing Plan - 1 : 100

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		Good & Tillotson Chartered Architects 2 The Studios, 318 Chorley Old Road, Bolton, BL1 4JU Tel: 01204 497700 Fax: 01204 497776 Email : info@goodandtillotson.co.uk Web : www.goodandtillotson.co.uk	
Client: Bolton MBC			
Project: Lever Family School Horwich		 Chartered Practice	
Drawing: Existing Plan Main School Building		Date: 24.09.13 Drawn: K.C. Scale: As shown @ A1	
Project No: 1139	Drawing No: 06	Drawing Revision: -	



Proposed Plan Main School Building - 1 : 100

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ALL LEVELS TO BE CHECKED ON SITE.
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect before proceeding.

All component sizes and references to be checked prior to the ordering of materials.

Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.

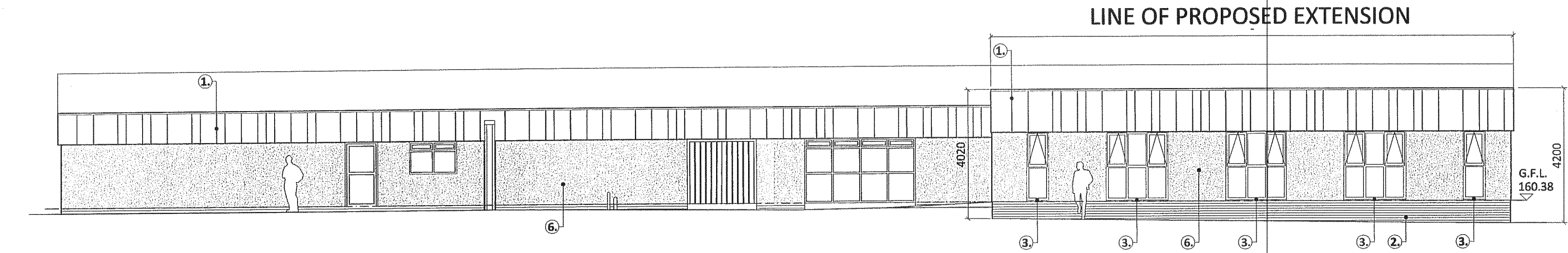
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BOLTON COUNCIL DEVELOPMENT & REGENERATION - 7 OCT 2013			
Rev	Revision	Inl.	Date

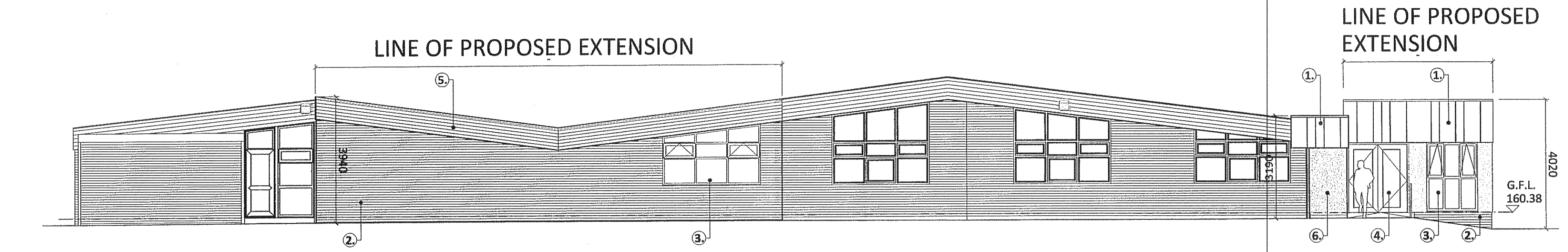
 Good & Tiltson Chartered Architects 2 The Studios, 318 Chorley Old Road, Bolton, BL1 4JU Tel: 01204 497700 Fax: 01204 497776 Email : info@goodandtilton.co.uk Web: www.goodandtilton.co.uk	
Client: Bolton MBC	
Project: Lever Park School Horwich	
Drawing: Proposed Plan Main School Planning Information	
Date: 24.09.13 Drawn: K.C. Scale: As shown @ A1	
Project No: 1139	Drawing No: 09
Drawing Revision: -	

RIBA
Chartered Practice

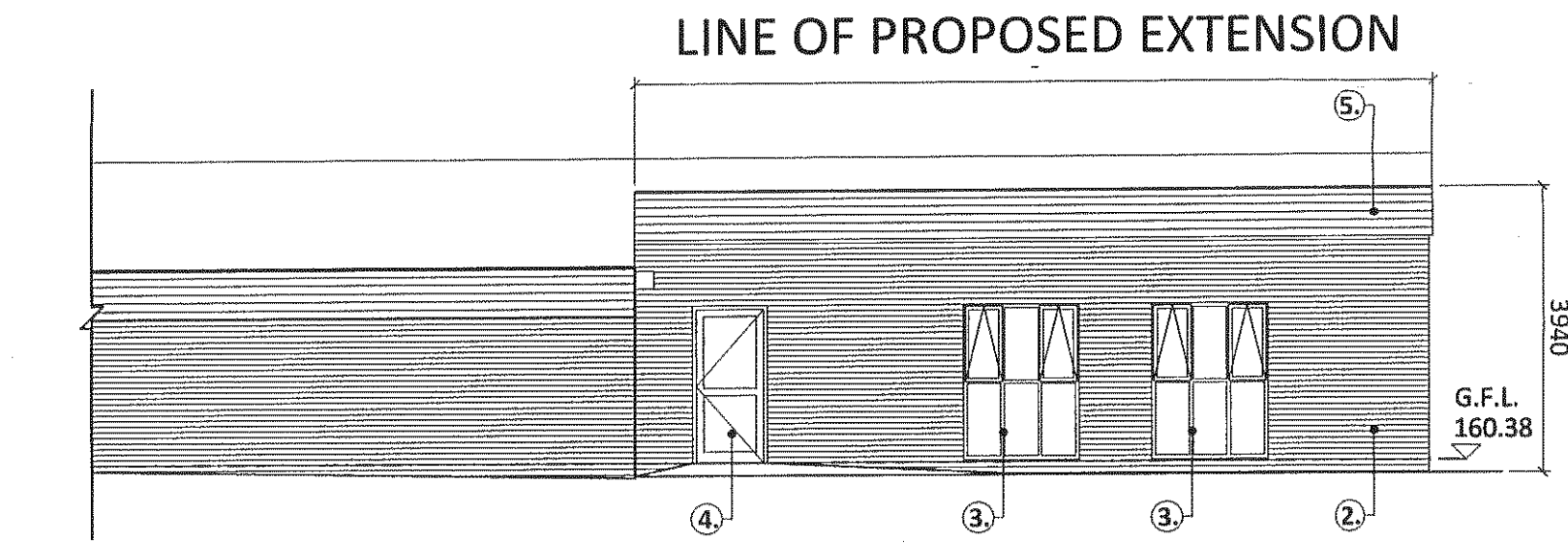
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Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.
All relevant boundary positions are to be checked prior to proceeding.



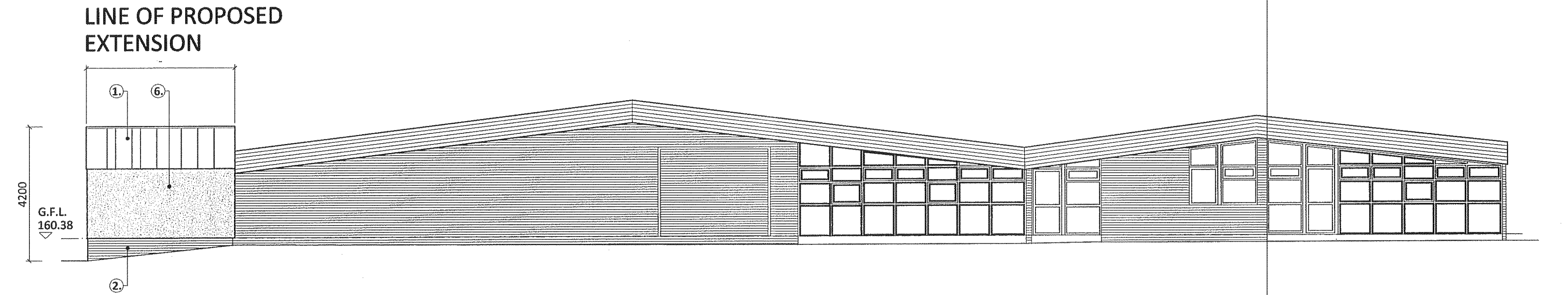
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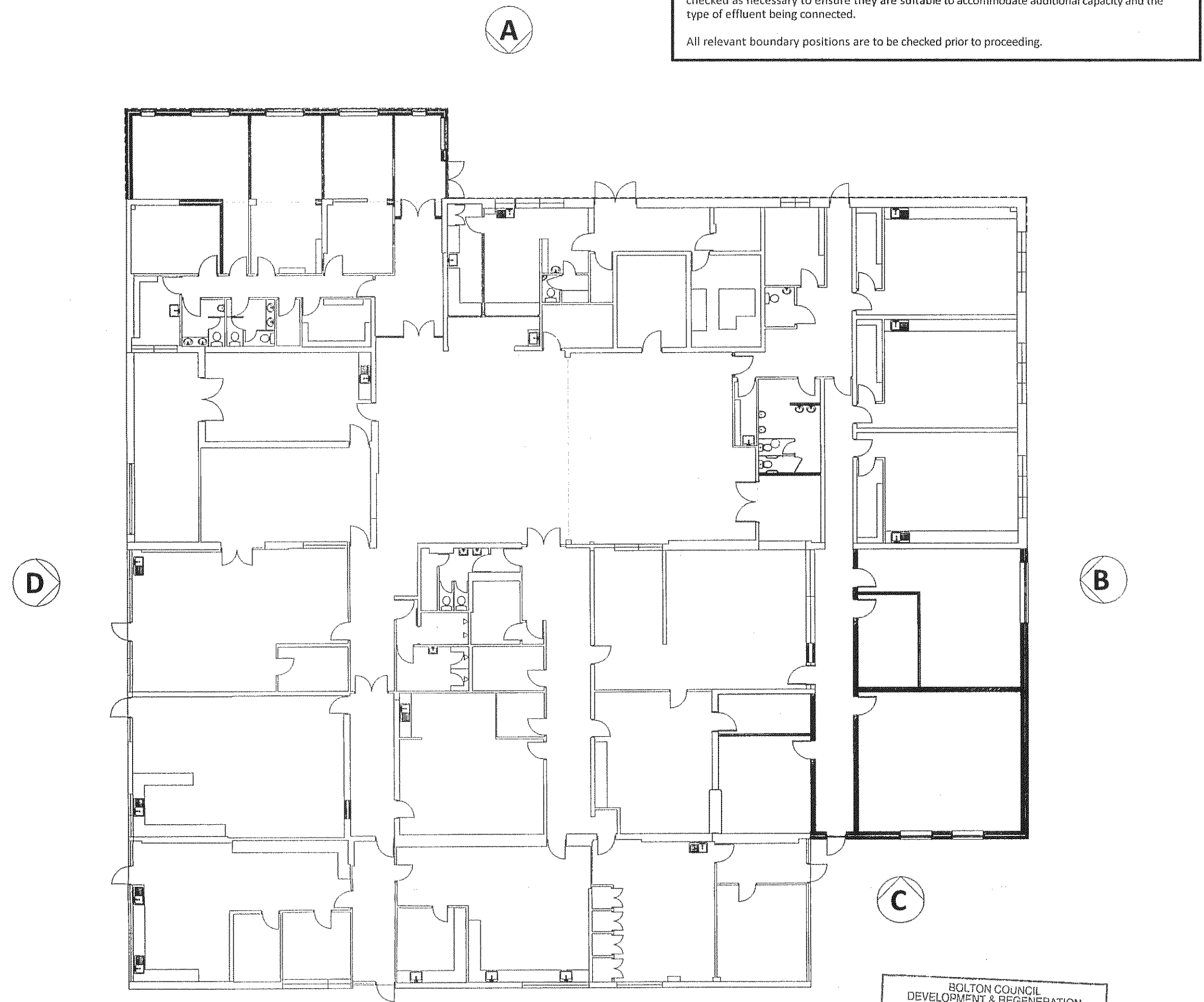
Elevation B - 1 : 100



Elevation C - 1 : 100



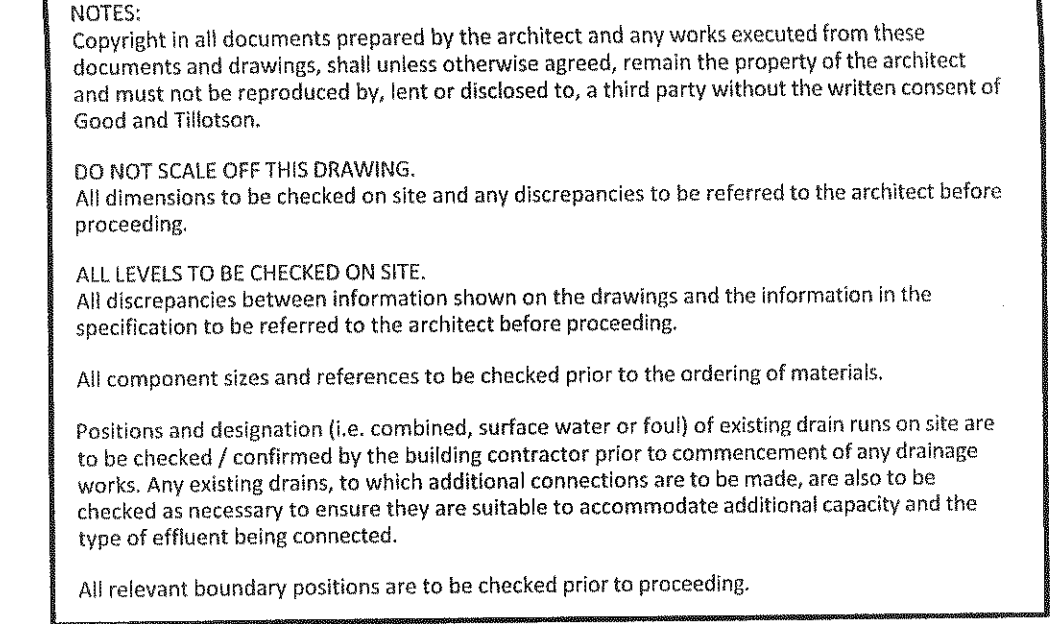
Elevation D - 1 : 100



Key Plan - 1 : 200

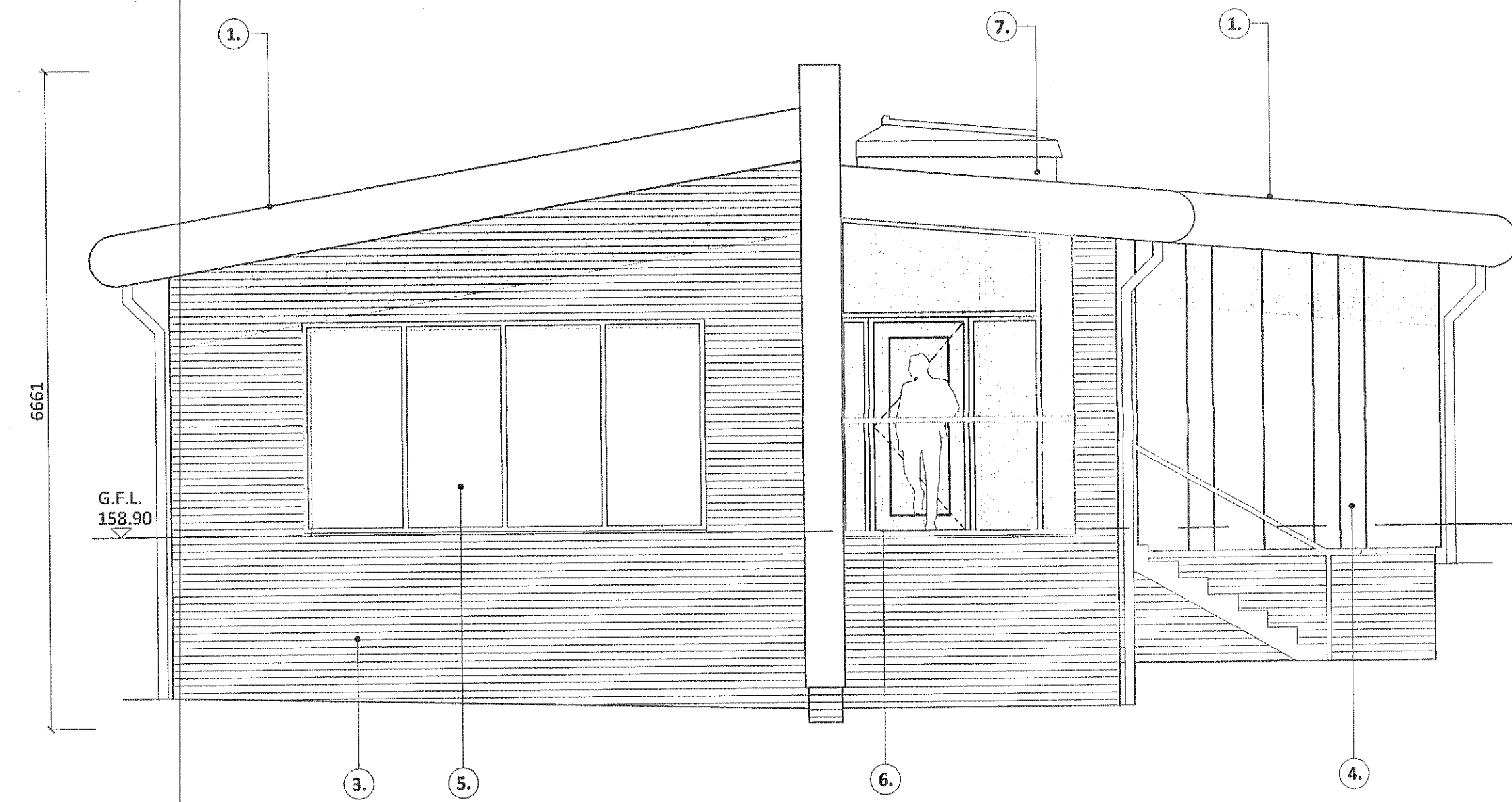
- Materials.**
1. Trespa Cladding.
 2. Facing Brickwork to match adjacent building.
 3. UPVC Windows to match existing.
 4. Aluminium Doors.
 5. Painted Timber Fascia to match existing adjacent.
 6. Rendered Wall - White.

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Client: Bolton MBC	
Project: Lever Park School Horwich	
Drawing: Proposed Elevations Main Teaching Building Planning Information	
Date: 24.09.13 Drawn: K.C. Scale: As shown @ A1 Drawing Revision: -	
Project No: 1139	
Drawing No: 10	

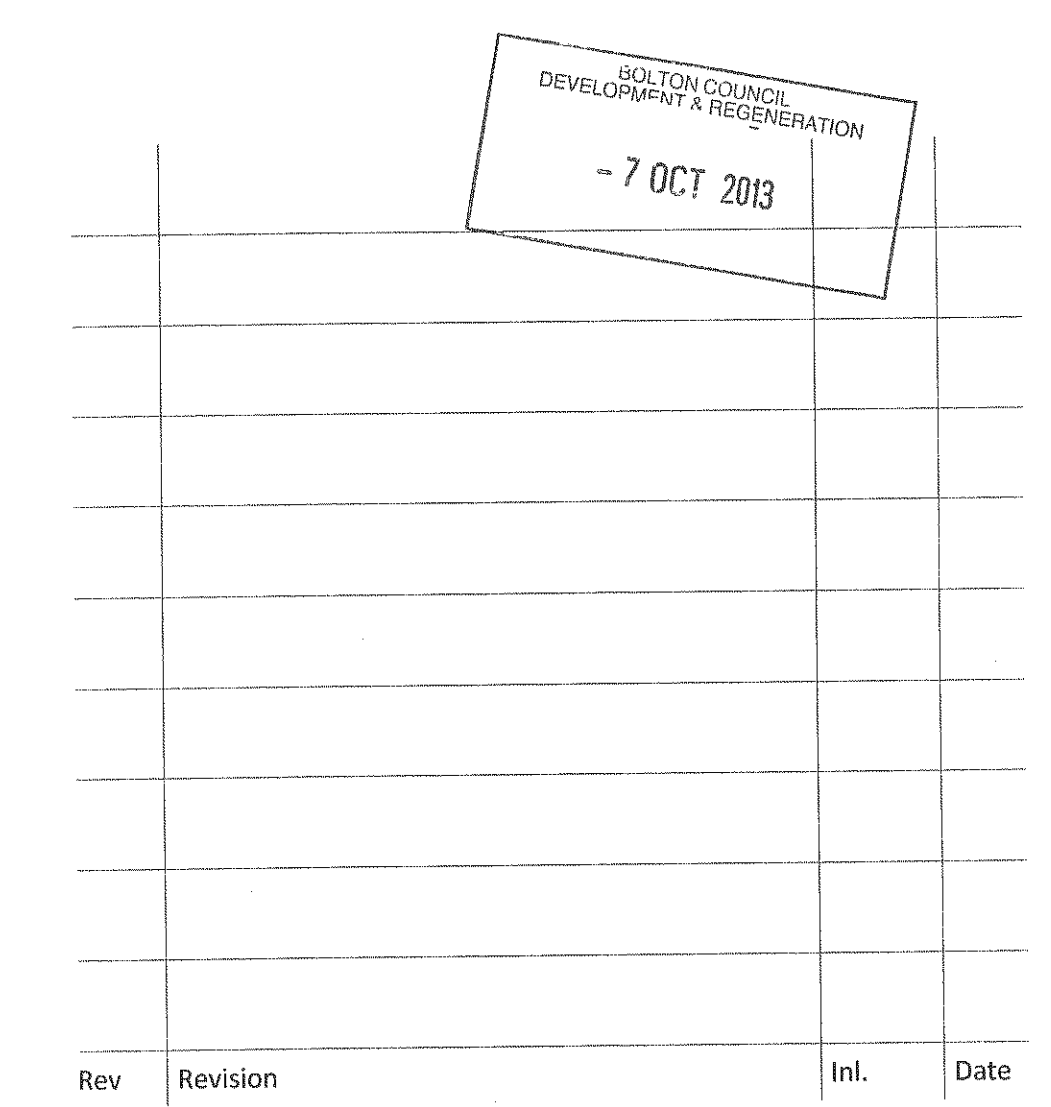




Materials.

1. Speed deck Standing Seam Aluminium Roof.
2. Rendered Blockwork wall.
3. Facing Brickwork.
4. Trespa Cladding.
5. Aluminium Windows.
6. Aluminium Doors.
7. Velux roof lights



Rear Elevation - 1 : 50



		Good & Tillotson Chartered Architects 2 The Studios, 318 Chorley Old Road, Bolton, BL1 4JU Tel: 01204 497700 Fax: 01204 497776 Email : info@goodandtillotson.co.uk Web: www.goodandtillotson.co.uk	
Client: Bolton MBC		Project: Lever Park Special School Horwich	
Drawing: Proposed Elevations - Teaching Building Planning Information		 Chartered Practice	
Project No: 1339		Date: 09.09.13 Drawn: KC Scale: As shown @ A1	
Drawing No: 12		Drawing Revision: -	

NOTES:
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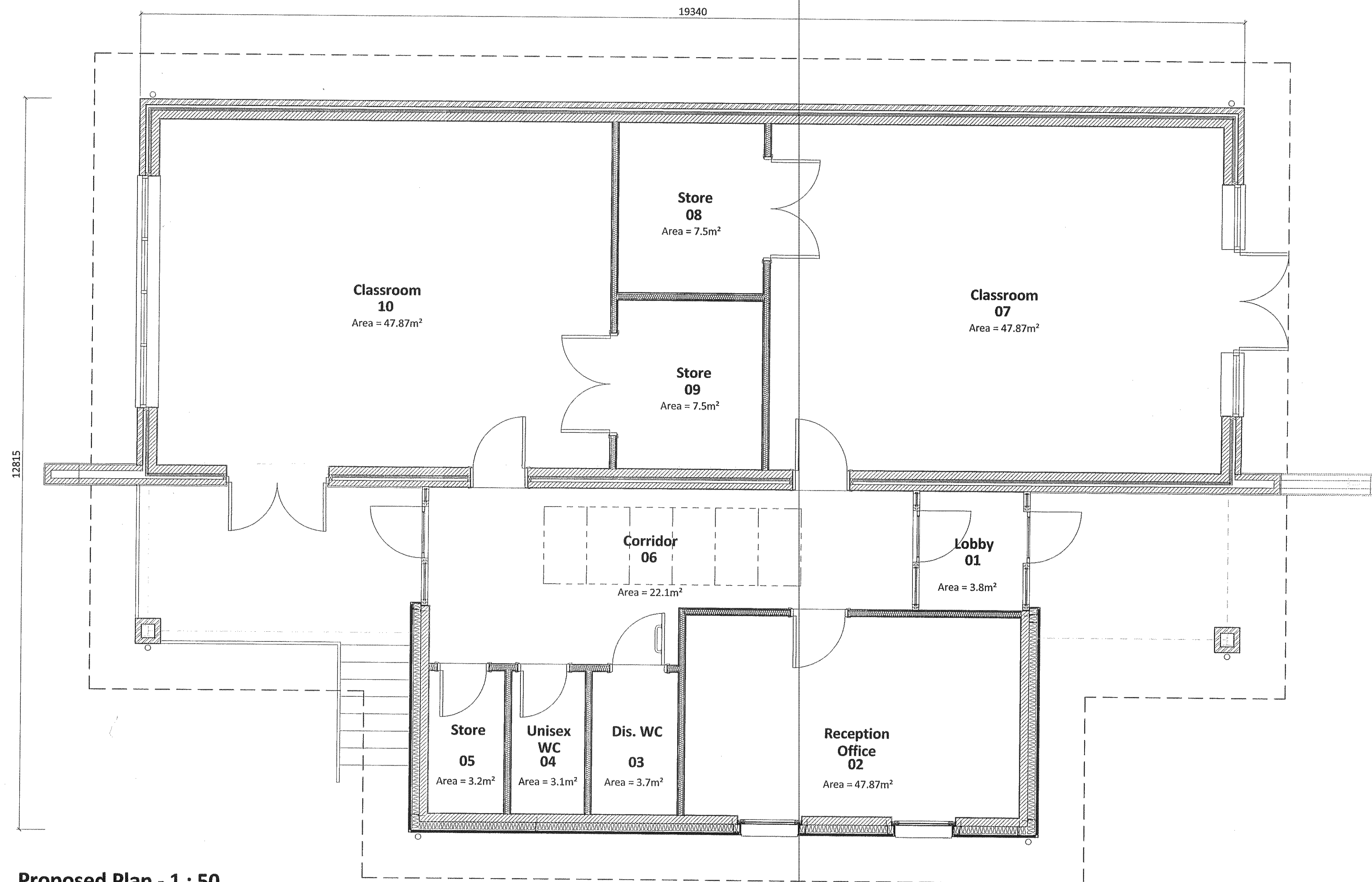
DO NOT SCALE OFF THIS DRAWING.
All dimensions to be checked on site and any discrepancies to be referred to the architect before proceeding.

ALL LEVELS TO BE CHECKED ON SITE.
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect before proceeding.

All component sizes and references to be checked prior to the ordering of materials.

Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.

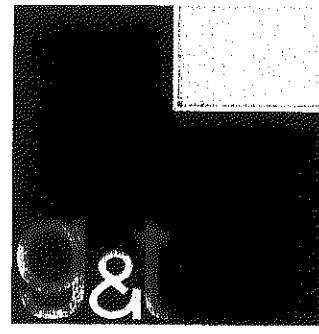

All relevant boundary positions are to be checked prior to proceeding.



Proposed Plan - 1 : 50

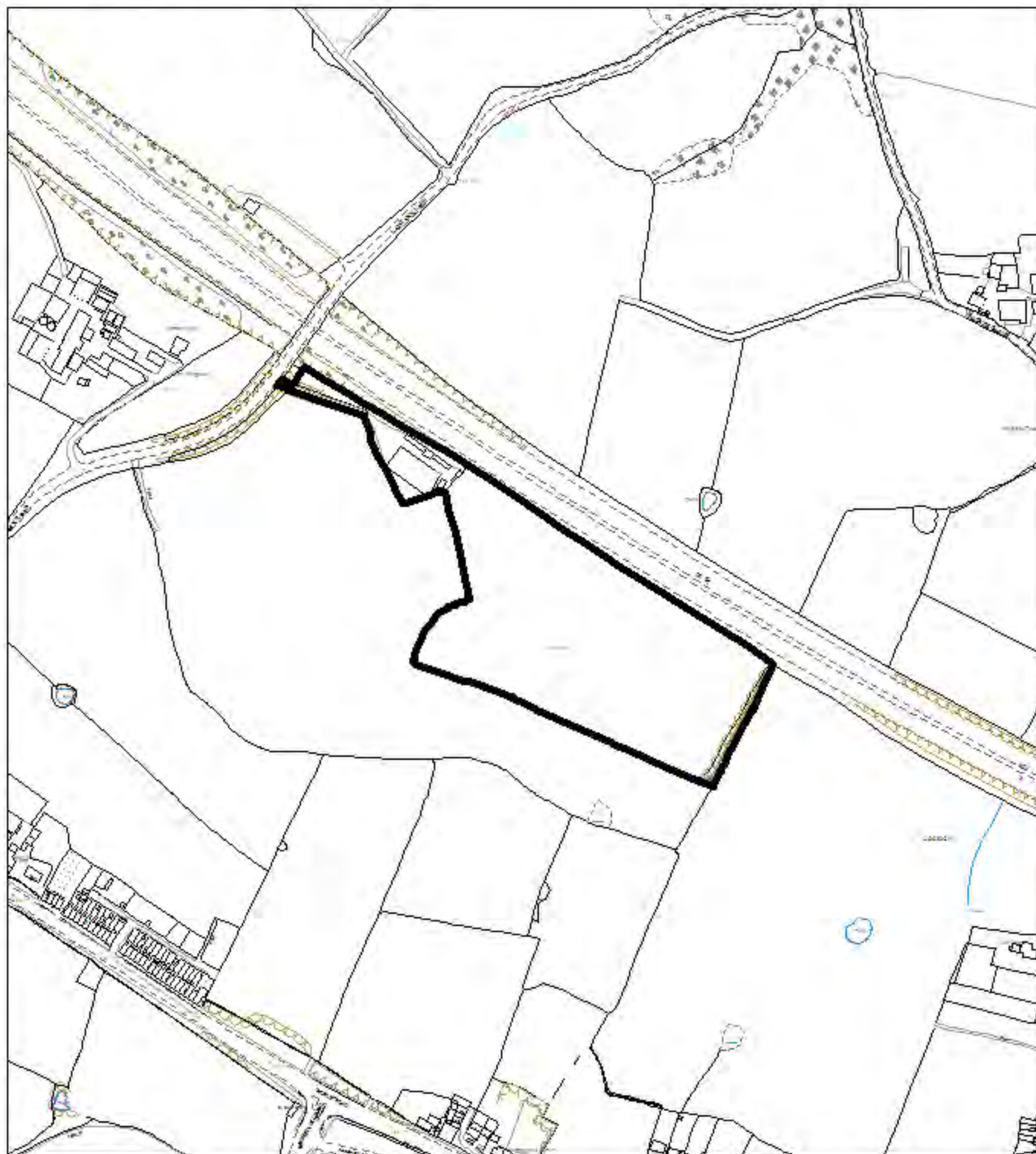
BOLTON COUNCIL
DEVELOPMENT & REGENERATION
7 OCT 2013

Rev	Revision	Inl.	Date
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		Good & Tillotson Chartered Architects 2 The Studios, 318 Chorley Old Road, Bolton, BL1 4JU Tel: 01204 497700 Fax: 01204 497776 Email : info@goodandtillotson.co.uk Web: www.goodandtillotson.co.uk	
Client: Bolton MBC			
Project: Lever Park Special School Horwich		 Chartered Practice	
Drawing: Proposed Plan Teaching Building Planning Information		Date: 09.09.13 Drawn: KC Scale: As shown @ A1	
Project No: 1339	Drawing No: 11	Drawing Revision: -	

Application No.

90845/13



Development and Regeneration Department
Planning Control Section

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

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Council**

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Date of Meeting: 09/01/2014

Application Reference: 90845/13

Type of Application: Full Planning Application
Registration Date: 14/10/2013
Decision Due By: 08/12/2013
Responsible Officer: Helen Williams

Location: LAND AT MILLERS NOOK RIDING SCHOOL, LOSTOCK LANE, LOSTOCK, BOLTON, BL5 3LX

Proposal: IMPORTATION OF INERT LANDFILL MATERIALS TO FORM A NOISE AND SCREENING BUND TO NORTH SIDE OF SITE ADJACENT M61, IMPROVEMENTS AND USE OF LAND FOR RIDING SCHOOL INCLUDING DISABLED RIDING AND CARTING TRACK, AND IMPROVEMENTS TO ROAD ACCESS OFF LOSTOCK LANE

Ward: Westhoughton North

Applicant: Rigshaw Ltd.
Agent : Oakbay Design Ltd.

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for the importation of inert materials on the field to the riding school to form a 4 metre high noise and screening bund to the north of the site (alongside the M61) and to level the central part of the site to improve drainage and enable the site to be better used for riding and grazing. Open field drains are proposed to the north and south of the bund and a 3 metre wide soft surface stone carting track is proposed around the site (to be used by disabled riders and children).

Improvements to the vehicular access to the riding school are also proposed. The proposed improvements include increasing the width of the roadway and improving visibility at its junction with Lostock Lane.

The applicant has stated that a total of approximately 39,000 cubic metres of material will be required to be imported onto the site and it is envisaged that the overall scheme will be completed within 24 months. The works are to be implemented in two phases:

1. On completion of the access works, the noise and screening bund will be formed and the drain between the motorway and the bund will be constructed. The soiled bund will then be seeded and planted. The applicant proposes to implement these works within the first 12 months of the scheme.
2. As the filling works are nearing completion the open part of the site will be graded with the imported material to create a gentle dome. A further open drain will be created adjacent to the gas pipeline and the land will be restored by soiling, grassing and planting

along the edges. This will take approximately another 6 months. The carting track will be laid following this.

This application is brought before Committee as a similar application (for the importation of inert materials on a site in Green Belt) has previously been refused by Committee.

Site Characteristics

The application site comprises a large field (used for the grazing and riding of horses and measuring approximately 4 hectares) and an access road to the field from Lostock Lane. The access road runs through the buildings associated with Millers Nook Riding School.

Millers Nook Riding School has been operating from the site since 2007. It provides horse riding for both able and disabled children.

The field contains deposited materials from the excavation of the M61 motorway, which is immediately to the north of the application site. The site is poorly drained and regularly waterlogged. A gas pipeline runs across the site in a west-east direction. There are existing drains along the eastern and southern boundaries of the field.

The site is located within Green Belt and the Agricultural Coal Measures Landscape Character Area.

The nearest residential properties are on the other side of Lostock Lane.

Policy

National Planning Policy Framework (NPPF)
PPS10 Waste Management

Core Strategy Policies: P3 Sustainable Waste Management; P5 Accessibility and Transport; S1.2 Road Safety; CG1.5 Flooding; CG3 Compatible Uses; CG4 Compatible Uses; OA3 Westhoughton.

Saved UDP Policies: G1, G2 Green Belt.

SPD Accessibility, Transport and Safety.

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on land contamination

- * impact on the Green Belt
- * impact on the character and appearance of the area
- * impact on drainage
- * impact on highways
- * impact on neighbouring residents

Impact on Land Contamination

Amongst the key planning objectives of PPS10 Waste Management are to:

- help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for.
- help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.

Paragraph 120 of the NPPF states to prevent unacceptable risks from pollution and land stability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

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

The applicant has stated that a total of approximately 39,000 cubic metres of inert material will be required to be imported onto the site to create the proposed landscape and noise bund and to regrade the rest of the field. It is anticipated that this work will take about 24 months. The site already contains deposited materials from the excavation of the M61 motorway, to the immediate north of the site. The site is not good quality agricultural land nor does it have any biodiversity designation.

The Environment Agency have raised no objection to the proposal but comment that the applicant would require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from them to import the material.

The Council's Pollution Control Officers recommend a condition be attached to any approval to ensure that no material is brought to the site unless and until a testing methodology (including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment and source material information) has been submitted to and approved by the Council. The approved methodology would then be implemented in full during the importation of the material. This would ensure that none of the material brought onto the site would be contaminated.

The applicant has also confirmed that a technically competent manager will manage the site and they will be responsible for keeping a record of all incoming and outgoing materials (these records would be kept for inspection during operational hours). All incoming materials would be subject to a visual inspection on arrival and all material that is rejected will be removed from the site.

It is therefore considered, subject to the condition recommended by Pollution Control Officers for the testing the material before it is brought onto site, that the proposal would not harm the condition of the application site or the surrounding environment, compliant with Policy CG4.3 of the Core Strategy.

Impact on the Green Belt

Section 9 of the NPPF sets out national Green Belt planning guidance and states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 90 of the NPPF lists engineering operations as a form of development that is not inappropriate within the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

Saved UDP Policies G1 and G2 reflect national Green Belt policy.

The proposed importation of materials onto the site and the proposed regrading of the land is not considered to be inappropriate development in the Green Belt. The proposed works (to improve the drainage of the site and to create an earth bund to screen the development from the noise of the motorway) will enable the site to be better used for equestrian recreation, a use that is compatible with the Green Belt.

The proposed development will not affect the openness of the Green Belt and the investment in the site should enhance the visual amenities of the Green Belt in this location.

It is therefore considered that the proposal would comply with national and local Green Belt policies.

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, will require development to be compatible with the surrounding area, and will maintain and respect the landscape character of the surrounding area and its distinctiveness. Policy OA3.8 states the Council will, for development in Westhoughton, ensure regard is had to the character of farm complexes, folds, vernacular cottages and the wider open landscape.

There will inevitably be disruption to the landscape during the implementation of the proposed development. The applicant has stated that, following completion of the proposed works to the vehicular access, it will take approximately 24 months to complete the development (12 months to strip, excavate and move the existing topsoil within the site, start creating the shape of the new landform and to cultivate, seed and plant the proposed bund, 6 months to continue create the new landform and create an open drain, and the next 6 months to restore the land by soiling, grassing and planting). It is considered that the proposed development will improve the appearance of the land when the works have been completed, given that the site is almost constantly waterlogged and muddy. A condition is suggested to limit the time of the proposed works to 24 months after the completion of the access road (unless otherwise agreed by a further planning permission) to safeguard the appearance of the area.

A landscaping scheme is also suggested by condition to ensure that the proposed planting around the boundaries of the site are of a species suitable to the area and provide

adequate screening.

It is considered, subject to the recommended conditions, that the proposal would not detrimentally harm the character and appearance of the area, compliant with Policies CG3 and OA3.8.

Impact on Drainage

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

Along with creating a noise and screening bund along the site boundary with the M61 motorway, the main purpose of the application is to improve the drainage of the site, to enable better use of the site as a riding facility.

The quality of the field is extremely poor and it is constantly waterlogged and unusable (due to the materials deposited and compacted on the site from the constructed of the M61). As the site undulates this causes ponding and poaching. There is no obvious signs of existing field drainage and the applicant has stated that during winter the water drains northwards, sometimes onto the motorway hard shoulder. There is a surface water ditch to the west, east and south which catches water flowing across the surface.

The proposed regrading of the site, which will create a bund to the north and a gentle dome to the middle of the site, will aid natural drainage. Field drains are proposed to the north and south of the proposed bund and the existing surface water ditches along the periphery of the site will be utilised.

To ensure that the proposal allows for the sufficient drainage of the land, a drainage condition is suggested.

It is considered that the proposal will improve the drainage of the site and will reduce the risk of flooding to surrounding areas, compliant with Policy CG1.5 of the Core Strategy.

Impact on Highways

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

Improvements to the vehicular access to the riding school off Lostock Lane are proposed, to provide appropriate access for the implementation of the proposed importation works, as well as appropriate access for the future use of the riding school. The access is to be widened to 7.2 metres for a distance of 15 metres and the visibility splays and radii at the junction with Lostock Lane are to be improved.

A transport statement has also been submitted with the application. This has concluded that the development will not have any material adverse highway and traffic effects and will not result in a significant increase in traffic in the area. Incoming traffic will be directed via the A6 and turn right into the site and only turn left out of the site. An average of 20 HGVs a day is envisaged, if the material is available.

The Council's Highways Engineers raise no objection to the proposal. The Highways Agency also do not raise any objections. It is therefore considered that the proposed

development takes into account accessibility and servicing arrangements and would not jeopardise highway safety, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on Neighbouring Residents

Policy CG4 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, nor cause detrimental impacts upon water, ground or air quality.

There are no residential neighbours immediately surrounding the site, though the residents at Chadwick's Farm, The Bungalow and Pasture House are sited opposite the vehicular entrance to the site.

A condition is suggested to limit the time of the proposed works to 24 months after the completion of the access road (unless otherwise agreed by a further planning permission), which will help to safeguard the amenity of neighbouring residents.

The applicant has stated that a wheel cleaner will be used by all HGV traffic before leaving the site to ensure mud is not left on the road (this will be conditioned). It is also put forward that road sweeping equipment will be made available if required.

During the construction stage all vehicles, equipment and plant to be used on site will be fitted with silencers to the manufacturers recommendations and operated in accordance with Health and Safety at Work legislation. This will help to reduce noise from the site and will also be conditioned within any approval notice.

The applicant has confirmed that water will be made available on site to damp down and suppress dust, and the tarmac and concrete areas of the site will be swept as necessary. A number of other additional measures would be introduced to reduce the effect of dust, which again can be conditioned within any approval.

It is considered, subject to the suggested conditions, that the proposed development will not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

Other Matters

A gas pipeline runs across the site in a west-east direction. National Grid therefore request that the applicant contacts them before any works are carried out to ensure that this apparatus is not effected by the development. This requirement will be brought to the applicant's attention through an informative note on any approval notice.

Value Added by the Development

The proposed development will improve the quality of the field and allow it to be better used for grazing and riding. The school is a facility for both able and disabled children and the proposed track around the site will allow for carting as well as riding.

The proposed bund along the northern boundary of the site will prevent traffic from spooking the horses when they are being ridden, as the bund will help screen noise from the motorway (as well as being a visual screen).

Conclusion

It is considered for the reasons discussed above that the proposed development will not harm the ground condition of the site or the surrounding area, will not harm the purposes

and visual amenities of the Green Belt, will not harm the character and appearance of the area, will reduce the risk of localised flooding, will not jeopardise highway safety and will not unduly harm the amenity of neighbouring residents, subject to the suggested conditions. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

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

Consultations

Advice was sought from the following consultees: Highways Engineers, Pollution Control Officers, Drainage Officers, Highways Agency, Environment Agency, Greater Manchester Waste Disposal Authority and National Grid.

Planning History

Permission was granted in December 2010 for the erection of an American barn and an indoor arena (85122/10).

Permission was granted in October 2010 for the erection of a dormer bungalow including removal of an existing dwelling (84771/10).

A stable block for 5 loose boxes with tack and canopy in connection with the use of the land for grazing of horses was approved in January 2000 (55934/99).

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 site shall be drained in accordance with a drainage scheme to be submitted to and approved in writing by the Local Planning Authority before the commencement of development.

Reason

To ensure a satisfactory form of restoration.
3. Prior to the commencement of development full details of the highway works at Lostock Lane comprising the relocation of the armco barrier shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety.
4. Prior to the importation of any materials onto the site, details for the provision of wheel cleaning facilities shall be submitted to and agreed in writing with the Local Planning Authority. Such facilities shall be made available, employed and maintained at all times during tipping operations to prevent the deposit of any detritus on the public highway. Any detritus deposited on the highway shall be removed immediately and in any event at the end of each working day.

Reason

In the interests of the visual appearance of the locality and highway safety.

5. No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the Local Planning Authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material.

Prior to the development being first brought into use or occupied a verification report including soil descriptions, laboratory certificates and photographs shall submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the site is safe for use.

6. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Lostock Lane shall be constructed to a minimum width of 7.2 metres for a distance of 15 metres with 10 metres radius (south) and 6 metres radius (north).

Reason

In the interests of highway safety

7. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 120 metres shall be provided at the junction of the access with Lostock Lane, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

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

8. Prior to the commencement of development of the riding and carting track a sample/s of the material/s to be used for the track shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness.

9. 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 completion of the development, 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.

10. The importation of waste materials hereby authorised by this permission shall cease 24 months after the date of the completion of the access works (the applicant shall inform the local planning authority in writing when these works have been completed) unless a further planning permission is granted by the Local Planning Authority.

Reason

To ensure that the development is completed in a reasonable time to safeguard the visual appearance of the area and the living conditions of nearby residents particularly with regard to noise and/or disturbance.

11. All vehicles, plant, equipment and other machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing or soundproofing equipment to the standard of design set out in the manufacturers original specification and maintained in such condition at all times.

Reason

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

12. The measures listed in section 5.5 of the submitted planning statement and working plan relating to the control of dust or windblown material shall be implemented in full at all times during the development.

Reason

To minimise the impact of windblown dust and materials on general and residential amenity from the proposed importation of materials.

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

X291,001; "General Proposals"; dated June 2013
X291-002; "Sections"; dated June 2013
X291.004; "Site Compund Plan"; dated Aug 2013
X291-010 Rev.1; "Access Proposals"; dated Aug 2013
X291-011; "Sightlines to Access"; dated Aug 2013

Reason

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

LOSTOCK LANE

Job Title

MILLERS NOOK RIDING SCHOOL

All dimensions must be checked on site and not scaled from this drawing

Drawing Title

EXISTING SURVEY

Oakbay Design

29 Bradford Road Eccles Manchester M30 9FF
Tel: +44 (0)161 707 0058 info@oakbaydesign.com

Scale 1 : 1250

Date

JUNE 2013

Drawing No.

X291 - 003

Rev.

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14 OCT 2013

STABLES

RIDING CENTRE

M61 MOTORWAY

GAS PIPELINE

RAIL FENCING

EXISTING DRAIN

EXISTING DRAIN

EXISTING DRAIN

..... SITE BOUNDARY

FOR SECTIONS SEE DWG NO X291 - 002

LOSTOCK LANE

ACCESS

RIDING CENTRE

GAS PIPE LINE

M61 MOTORWAY

OPEN FIELD DRAIN

RAIL FENCING

EXISTING DRAIN

EXISTING DRAIN

Job Title

MILLERS NOOK RIDING SCHOOL

All dimensions must be checked on site and not scaled from this drawing

Drawing Title

GENERAL PROPOSALS

Oakbay Design
29 Bradford Road Eccles Manchester M30 9FF
Tel: +44 (0)161 707 0058 info@oakbaydesign.com

Scale

1 : 1250

Date

JUNE 2013

Drawing No.

X291, 001

Rev.

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DEVELOPMENT & REGENERATION
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14 OCT 2013

THICKET PLANTING @ 1.5 M CENTRES

Species	Size	Remarks
Alnus glutinosa	60-90cm	1+1 bare root
Betula pendula	60-90cm	1+1 bare root
Crataegus monogyna	60-90cm	1+1 bare root
Corylus avellana	60-90cm	1+1 bare root
Pinus sylvestris	40-60cm	2 litre pot
Prunus padus	60-90cm	1+1 bare root
Prunus spinosa	60-90cm	1+1 bare root
Rosa canina	60-90cm	1+1 bare root
Sambucus nigra	60-90cm	1+1 bare root
Salix caprea	60-90cm	1+1 bare root
Sorbus aucuparia	60-90cm	1+1 bare root

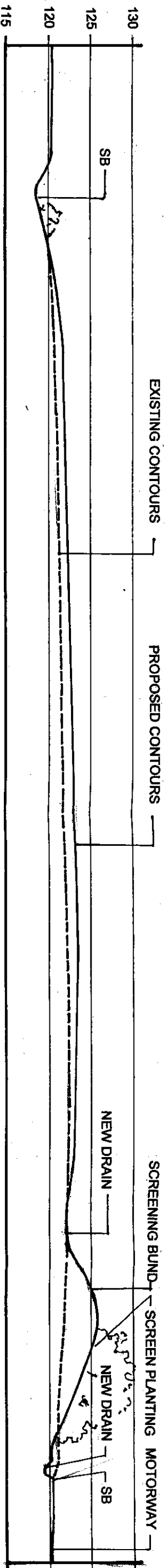
• • • SITE BOUNDARY

PROPOSED THICKET PLANTING

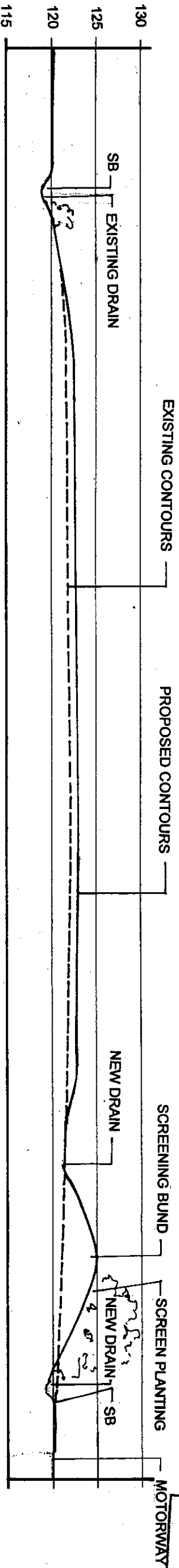
✓ ✓ ✓ AGRICULTURAL GRASSLAND

DISABLED TRACK RIDE

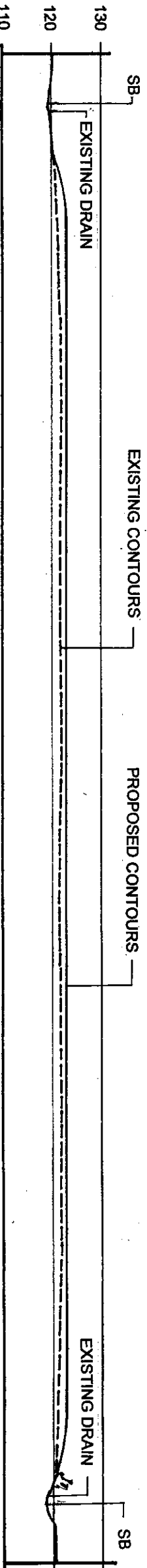
FOR SECTIONS SEE DRAWING NUMBER X291.002



SECTION A - A' SCALE 1 : 500



SECTION B - B' SCALE 1 : 500



SECTION C - C' SCALE 1 : 1000

14 OCT 2013

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DEVELOPMENT & REGENERATION
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Job Title

MILLERS NOOK RIDING SCHOOL

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Drawing Title

SECTIONS

Oakbay Design

29 Bradford Road Eccles Manchester M30 9FF
Tel: +44 (0)161 707 0058 info@oakbaydesign.com

Scale

AS SHOWN

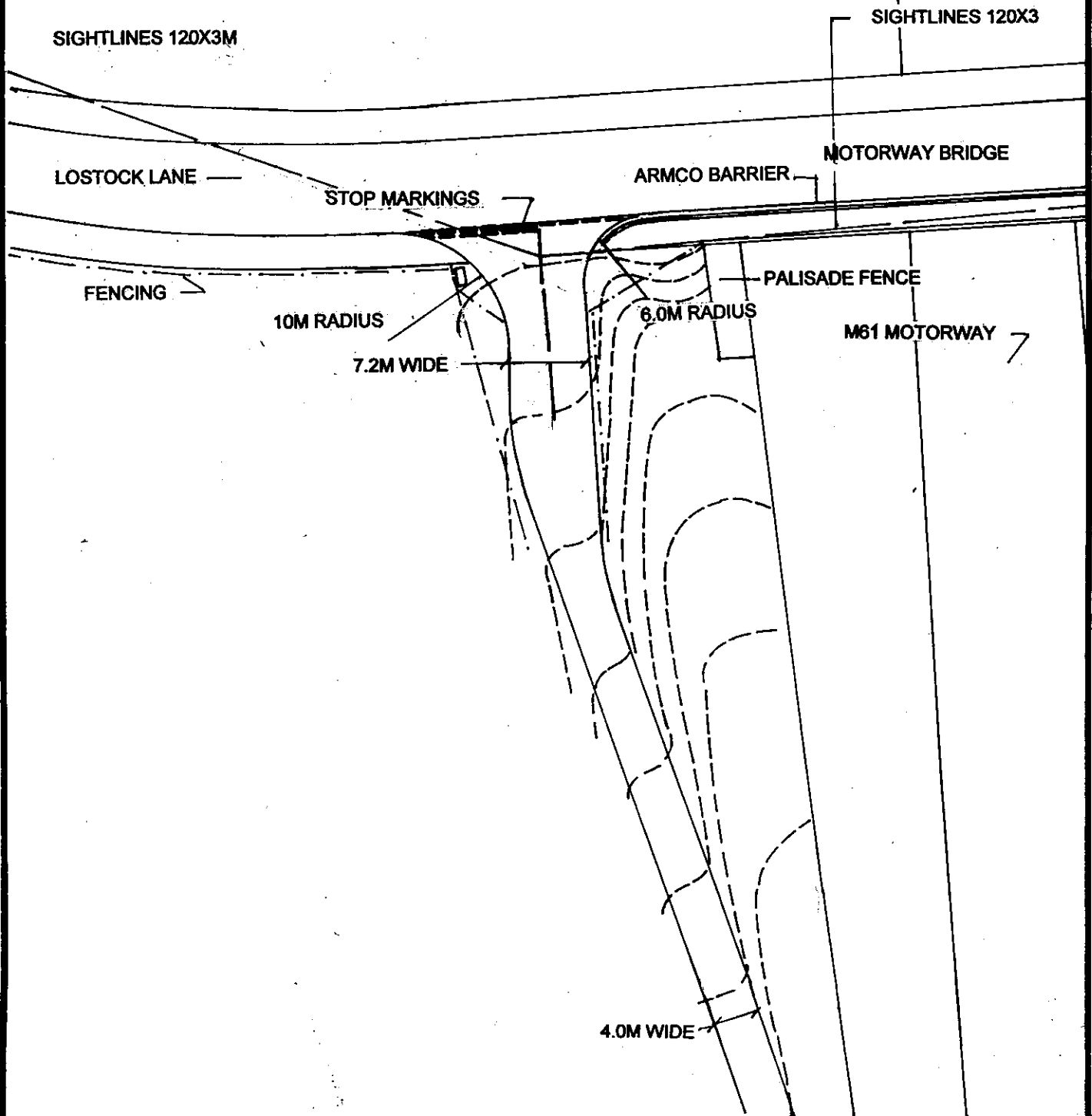
Date JUNE 2013

Drawing No.

X291 - 002

Rev.

FOR LOCATION POSITIONS SEE DWG NO X291 - 001 AND 003



Job Title

MILLERS NOOK RIDING SCHOOL

All dimensions must be checked on site and not scaled from this drawing

Drawing Title

ACCESS PROPOSALS

OakbayDesign

29 Bradford Road Eccles Manchester M30 9FF
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Scale	1 : 500	Date	AUG 2013
Drawing No.	X291 - 010	Rev.	1

M61 MOTORWAY



STABLES

STORES

BOLTON COUNCIL
DEVELOPMENT & REGENERATION
RECEIVED

14 OCT 2013

ACCESS

BOOKING IN CABIN AND MESS

TOILETS

WHEELCLEANER

GAS PIPELINE

..... SITE BOUNDARY

Job Title

MILLERS NOOK RIDING SCHOOL

All dimensions must be checked on site and not scaled from this drawing

Drawing Title

SITE COMPOUND PLAN

OakbayDesign

29 Bradford Road Eccles Manchester M30 9FF
Tel: +44 (0)161 707 0058 info@oakbaydesign.com

Scale

1 : 500

Date

AUG 2013

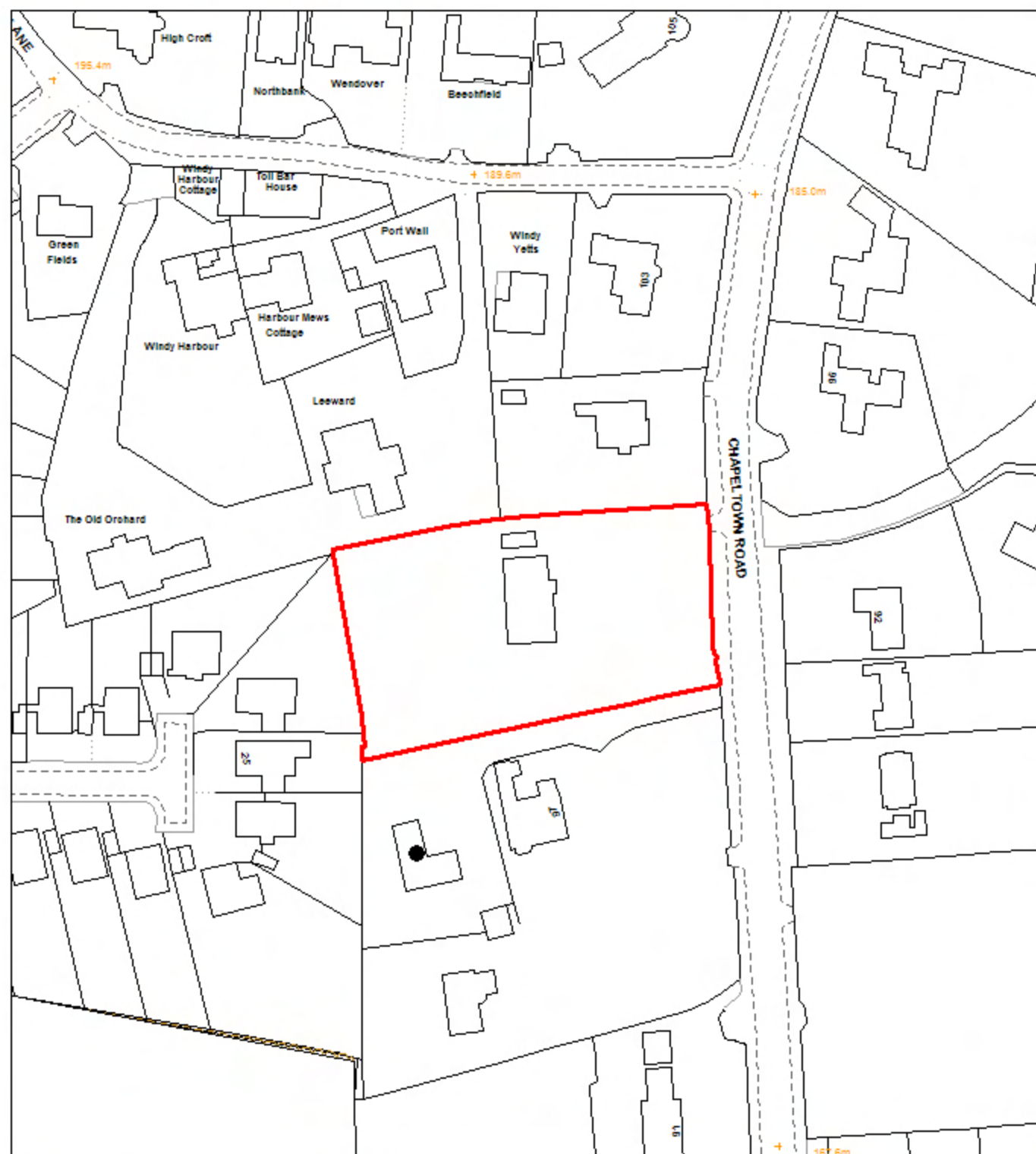
Drawing No.

X291 . 004

Rev.

Application No.

90887/13



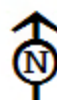
Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

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Date of Meeting: 09/01/2014

Application Reference: 90887/13

Type of Application: Extension of Time
Registration Date: 28/10/2013
Decision Due By: 22/12/2013
Responsible Officer: James Berggren

Location: 99 CHAPELTOWN ROAD, BROMLEY CROSS, BOLTON, BL7 9LZ

Proposal: APPLICATION TO EXTEND THE TIME LIMIT FOR THE IMPLEMENTATION OF APPLICATION 81186/08 FOR THE ERECTION OF ONE DWELLING AND ATTACHED DOUBLE GARAGE TOGETHER WITH THE FORMATION OF NEW ACCESS.

Ward: Bromley Cross

Applicant: Mr P Gaskell
Agent :

Officers Report

Recommendation: Approve subject to conditions

Background

Planning application 81186/08 was approved under delegated powers for the erection of one dwelling with an attached double garage, together with the formation of a new access off Chapeltown Road.

Proposal

This application seeks to extend the period of implementation of the development approved under application 81186/08 as referred to above.

Site Characteristics

The site is part of a mature garden set in an area characterised by large detached houses in large gardens. This site features a number of mature trees and shrubs. The existing house is thought to be early twentieth century. The ground slopes from south to north with a large drop immediately to the south of the site meaning the new dwelling would be on a raised level as seen by the neighbour.

Policy

National Planning Policy Framework 2012

Core Strategy Policies: P5 Accessibility and Transport; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing and OA6 North Bolton.

PCPN2 Space Around Dwellings and PCPN27 Housing Development.

SPD: Accessibility, Transport and Safety.

Analysis

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

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

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

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

Extension of time limit applications

CLG's guidance "Greater flexibility for planning permissions" October 2010 states that extensions to the time limits for implementing planning permissions were introduced to make it easier for developers and the LPA to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. The guidance advises LPAs to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed will by definition have been judged to be acceptable in principle previously. Whilst such applications should, of course, also be determined in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, judged against development plan policies and other material considerations which may have changed significantly since the original grant of permission. LPAs may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably.

Development plan policies and other material considerations

Since the granting of planning permission 81186/08, the Core Strategy has replaced the Unitary Development Plan as the development plan for the borough, though a number of UDP policies have been saved and still form part of the development plan. In addition, since the application was approved, the National Planning Policy Framework 2012 (NPPF) has been introduced. The NPPF states that local planning authorities should consider the case for setting out policies to resist development of residential gardens, for example where development would cause harm to the local area.

Bolton Council does not have a specific policy relating to garden development within its Core Strategy. Rather each proposal is considered on a case by case basis, taking into account local and national policy and guidance together with local site circumstances. The proposal is therefore judged against the relevant Core Strategy policies and NPPF in the section below.

The applicant has not altered their proposal in any way that previously approved in 2008.

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on residential amenity
- * impact on the highway

* impact on trees

Impact on the character and appearance of the area

Policy CG3 of the Core Strategy states that the Council will expect development proposals to contribute to good urban design, conserve and enhance local distinctiveness and be compatible with the surrounding area.

There have been no significant changes to the relevant design policies nor the site circumstances. Policy CG3 of the Bolton Core Strategy is relevant.

The previous report considered that the scheme would create another large detached house that will be in keeping with the character of the area. Although it involves intensifying the development of the site, the existing garden is very generous and can absorb the development without unreasonably changing its character. The scheme involves the creation of an attractive detached family home within an area of mixed dwelling types including large detached houses with terraced houses and flats set in the wider area.

It is therefore considered that the proposal complies with Policies CG3 of the Core Strategy and that there is no significant reason why a different view should be taken from that decided previously.

Impact on Residential Amenity

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

The previous report noted that there are neighbours on all sides of the proposal. the new dwelling is sited approximately 2m from the southern boundary however the house to the south is approximately 20m away. The changing ground levels mean this house is at a much lower level thus reducing the impact. The windows in the new house have been put on other elevations to avoid overlooking".

The proposed siting of the dwelling and its associated areas of amenity space would remain the same as previously approved and there have been no material changes to the site circumstances to warrant a change in the approach taken previously. The relevant interface distances are met and the proposal is compliant with PCPN2 and Policy CG4 of the Bolton Core Strategy.

Impact on the Highway and Car Parking

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

The proposed access arrangements off Chapeltown Road were agreed and approved under 81186/08. Core Strategy Policies relating to highway safety and access arrangements are broadly similar to the previous UDP policies used in the determination of 81186/08. Officers do not consider that there have been any significant changes to either the site circumstances nor to policy that would warrant a different approach being taken. Bolton Council's Highways Engineers have raised no objections to this extension of time application and officers conclude that the proposal complies with policies P5 and S1 of the Bolton Core Strategy.

Impact on Trees

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

The Council's Trees and Woodlands Officer has raised no objections to the extension of time.

Conclusion

It is considered that the proposal is still in accordance with all relevant policies within the Council's development plan (now the Core Strategy) and that there are no material considerations that would indicate that the proposal should no longer be treated favourably. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- 1 letter of objection was received the owner/occupier of 95 Chapeltown Road.

Objections raised:

- Overlooking;
- Invasion of privacy;
- Concerns regarding the new access and the impact on surrounding properties.

Responses:

- The Councils interface standards are met and therefore there would be no unacceptable issues of overlooking or loss of privacy resulting from the proposal;
- The new access would be taken from an existing road which serves many residential sites presently. Bolton Council's Highways Engineers have raised no objections.

Consultations

Advice was sought from the following consultees: Highways, Trees and Woodlands, Landscape Development and Design and Environmental Health.

Planning History

81186/08 - Erection of one dwelling and attached double garage together with the formation of new access. Approved with conditions.

69754/04 - Felling of one lime and one sycamore. Approved.

39593/91 - Construction of an additional vehicular access. Refused.

30993/88 - Erection of a single storey 'family room' extension at side of house. Approved with conditions.

12863/79 - Erection of a conservatory at side of house. Approved with conditions.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

2. No development shall be commenced until samples of the facing materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development either fits in visually with the existing building and safeguards the character and visual appearance of the locality or ensures the development safeguards the character and visual appearance of the locality.

3. The site shall be drained in accordance with a drainage scheme to be submitted to and approved in writing by the Local Planning Authority before the commencement of development.

Reason

To ensure a satisfactory form of restoration.

4. No development shall be started until the trees within or overhanging the site which are the subject of a Tree Preservation Order have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority. The approved fencing shall extend to the extreme circumference of the spread of the branches of the trees (in accordance with BS 5839) or as may otherwise be agreed in writing with the Local Planning Authority; such fences shall remain until all development is completed.

Reason

In order to avoid damage to trees within the site which are of important amenity value to the area.

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 and are subject of a Tree Preservation Order (TPO) 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).

6. Phase II Report

Should the approved Phase I Report recommend that a Phase II Report is required, then prior to commencement of any site investigation works, design of the Phase II site investigation shall be submitted to, and approved in writing by, the Local Planning Authority. Site investigations shall be carried out in accordance with the approved design and a Phase II Report shall then be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The Phase II Report shall include the site investigation data, generic quantitative risk assessment, detailed quantitative risk assessment (if required) and recommendations regarding the need or otherwise for remediation.

Should the Phase I Report recommend that a Phase II Report is not required, but during construction and prior to completion of the development hereby approved, contamination or gas migration is found or suspected, the developer shall contact the Local Planning Authority immediately and submit proposals for investigation and remediation of the contamination or gas migration within seven days from the date that it is found or suspected to the Local Planning Authority for approval in writing.

Options Appraisal

Should the Phase II Report recommend that remediation of the site is required then unless otherwise agreed in writing with the Local Planning Authority, no development shall commence unless or until an Options Appraisal has been submitted to, and approved in writing by, the Local Planning Authority. The Options Appraisal shall include identification of feasible remediation options, evaluation of options and identification of an appropriate Remediation Strategy.

Implementation of Remediation Strategy

No development shall commence, unless otherwise agreed in writing with the Local Planning Authority, until the following information relating to the approved Remediation Strategy has been submitted and approved by the Local Planning Authority:

- i) Detailed remediation design, drawings and specification;
- ii) Phasing and timescales of remediation;
- iii) Verification Plan which should include sampling and testing criteria, and other records to be retained that will demonstrate that remediation objectives will be met; and
- iv) Monitoring and Maintenance Plan (if appropriate). This should include a protocol for long term monitoring, and response mechanisms in the event of non compliant monitoring results.

The approved Remediation Strategy shall be fully implemented in accordance with the approved

phasing and timescales and the following reports shall then be submitted to the Local Planning Authority for approval in writing:

- v) A Verification Report which should include a record of all remediation activities, and data collected to demonstrate that the remediation objectives have been met; and
- vi) A Monitoring and Maintenance Report (if appropriate). This should include monitoring data and reports, and maintenance records and reports to demonstrate that long term monitoring and maintenance objectives have been met.

Reason

To ensure that the development is safe for use.

7. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 24 metres by 90 metres shall be provided at the junction of Chapeltown Road, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

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

8. Trees and shrubs shall be planted on the site in accordance with the landscape scheme to be submitted and approved by the Local Planning Authority (P864/FW/08/2A). Such scheme shall be carried out within 6 months of the occupation of any of the buildings or the completion of the new 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 planting season with others of similar size and species.

Reason

To soften the development proposed and to enhance and improve the setting of the development within the landscape of the surrounding locality.

9. No work, including the storage of materials, or placing of site cabins, shall take place within the extreme circumference of the branches of any tree which is the subject of a Tree Preservation Order on or overhanging the site.

Reason

In order to avoid damage to tree(s) within the site which are of important amenity value to the area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or replacing that Order) unless otherwise agreed in writing with the Local Planning Authority no windows, doors or other openings shall be formed in the south and/or east elevations of the development hereby approved/permitted other than those shown on the approved drawings nor shall those existing windows, doors or other openings be enlarged or altered.

Reason

To ensure adequate standards of privacy are obtained.

11. Within 12 months of any trees/hedgerows not covered by Tree Preservation Order but nevertheless shown for retention on the approved plan ref P864/FW/08/2A received on 31/10/08 being felled, suitable replacements of a size, species and location to be agreed in writing with the Local Planning Authority shall be replanted. Any such trees/hedgerows which are removed (including those which die) within 5 years of planting shall be replaced in the next planting season with a other of a similar size and species.

Reason

To safeguard the trees and hedgerows within or adjacent to the development site in the interests of

protecting the landscape and wildlife of the area.

12. Within 12 months of the tree(s) subject to this permission being felled, suitable replacement(s) of a size, species and location to be agreed in writing with the Local Planning Authority, shall be replanted. Any such tree(s) which die or are removed within 5 years of planting shall be replaced in the next planting season with (an) other(s) of a similar size and species.

Reason

In the interests of protecting the landscape of the area.

LEVEL RELATIONSHIP WITH ADJOINING PROPERTIES - 1:250



Ref: P864/08/FW/08/1
 Scale: 1:1250 + 1:250
 Date: July 2008.

BEECHWOOD, SHADY LANE, BROWLEY CROSS, BOLTON BL7 9AF TEL (01204) 303168

DEVELOPER
 31 OCT 2008

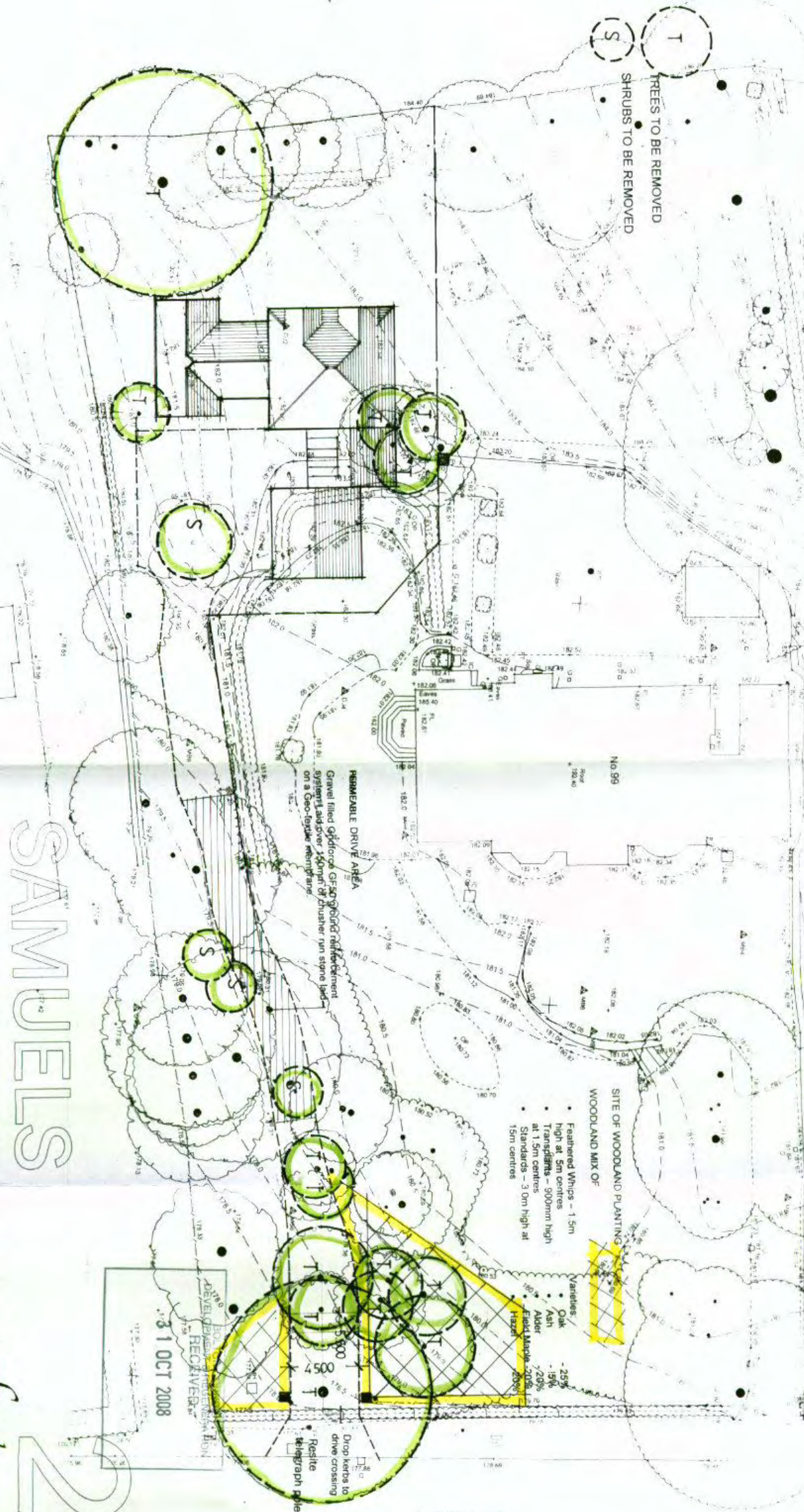
Frank Whittaker
 PLANNING CONSULTANTS

SAMUELS

ERECTION OF ADDITIONAL DWELLING ON LAND AT
 STRATHMORE, 99 CHAPELTOWN ROAD, BOLTON.

SURVEY/SITE PLAN

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TREES TO BE REMOVED
 SHRUBS TO BE REMOVED

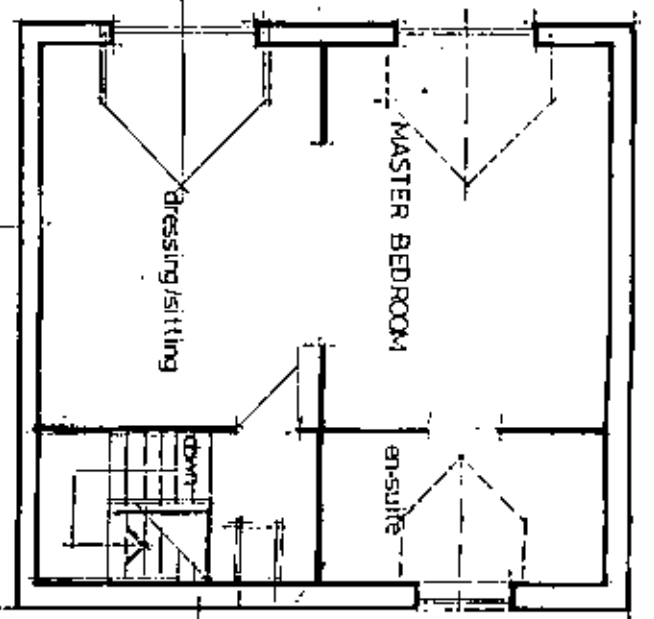
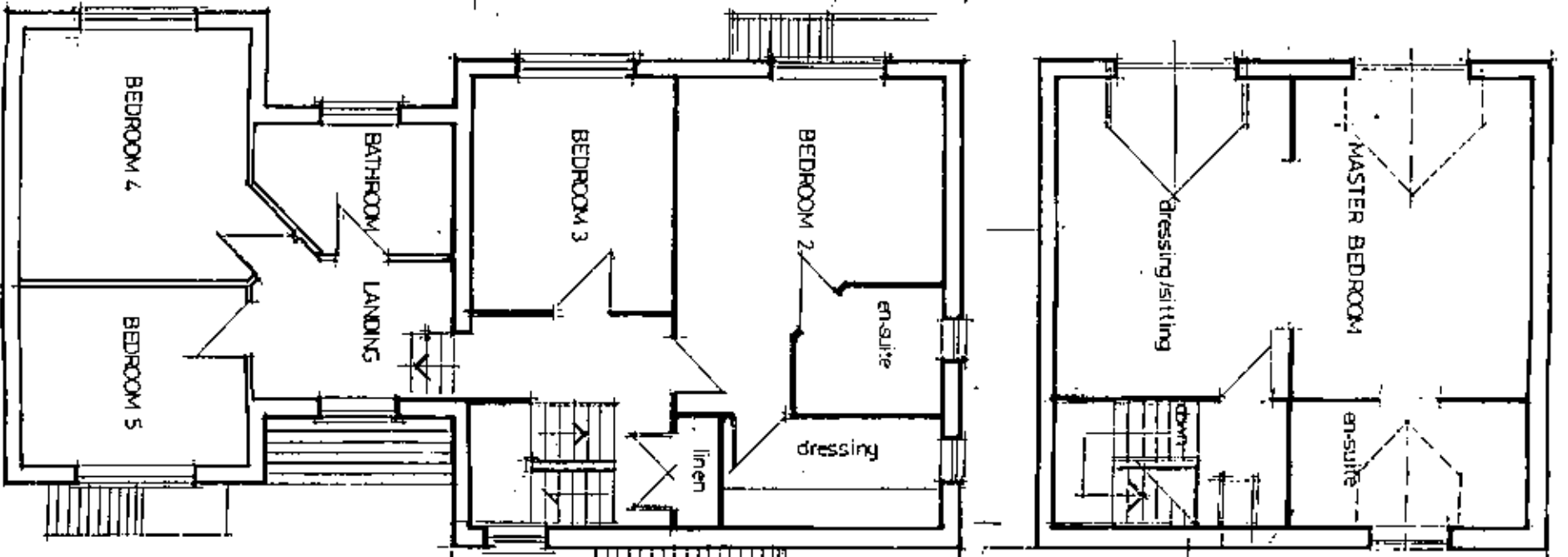
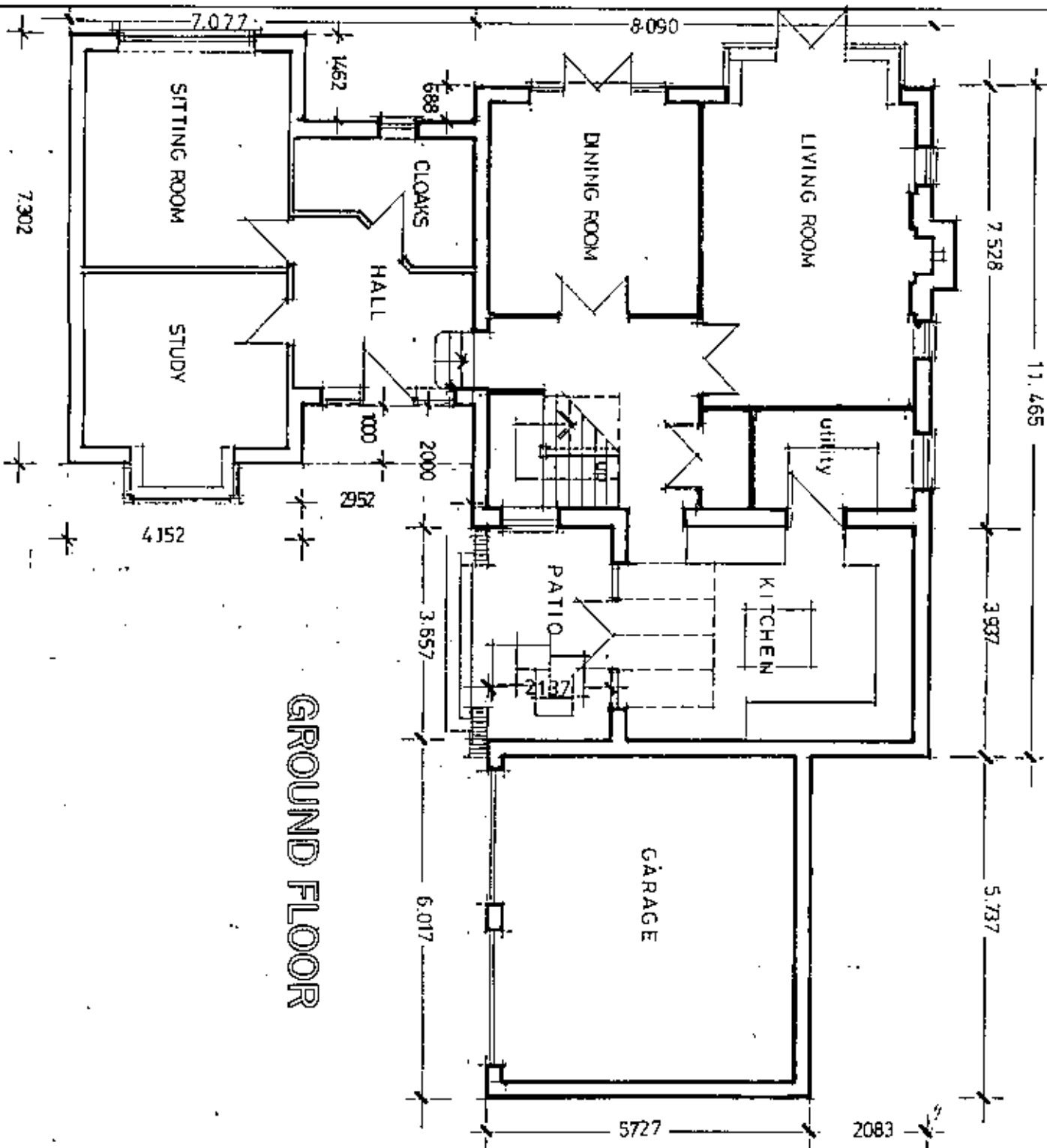


SAMUELS

ERECTION OF ADDITIONAL DWELLING ON LAND AT
 STRATHMORE, 99 CHAPELTOWN ROAD, BOLTON.

Ref: P864 /FW/08/2A
 Scale: 1:250
 Date: July 2008.

Frank Whittaker
 PLANNING CONSULTANTS



FLOOR LAYOUTS

SECOND FLOOR

FIRST FLOOR

RECEIVED
31 OCT 2008
DEVELOPMENT & REGISTRATION

ERECTION OF ADDITIONAL DWELLING ON LAND AT
STRATHMORE, 99 CHAPELTOWN ROAD, BOLTON.

SAMUELS

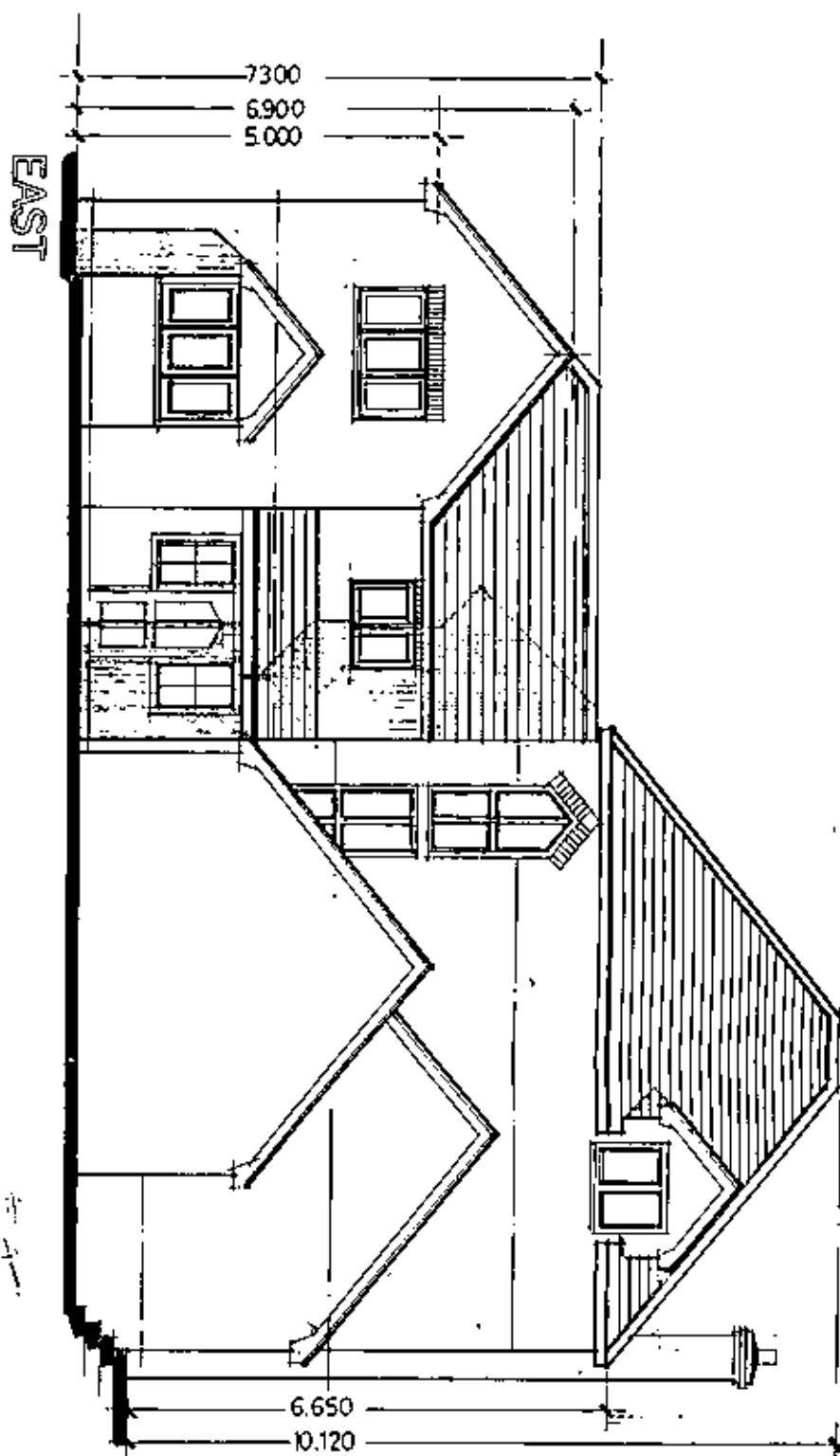
Frank Whittaker
PLANNING CONSULTANTS

Ref: P864/08/FW/08/3 A
Scale: 1:100
Date: July 2008.

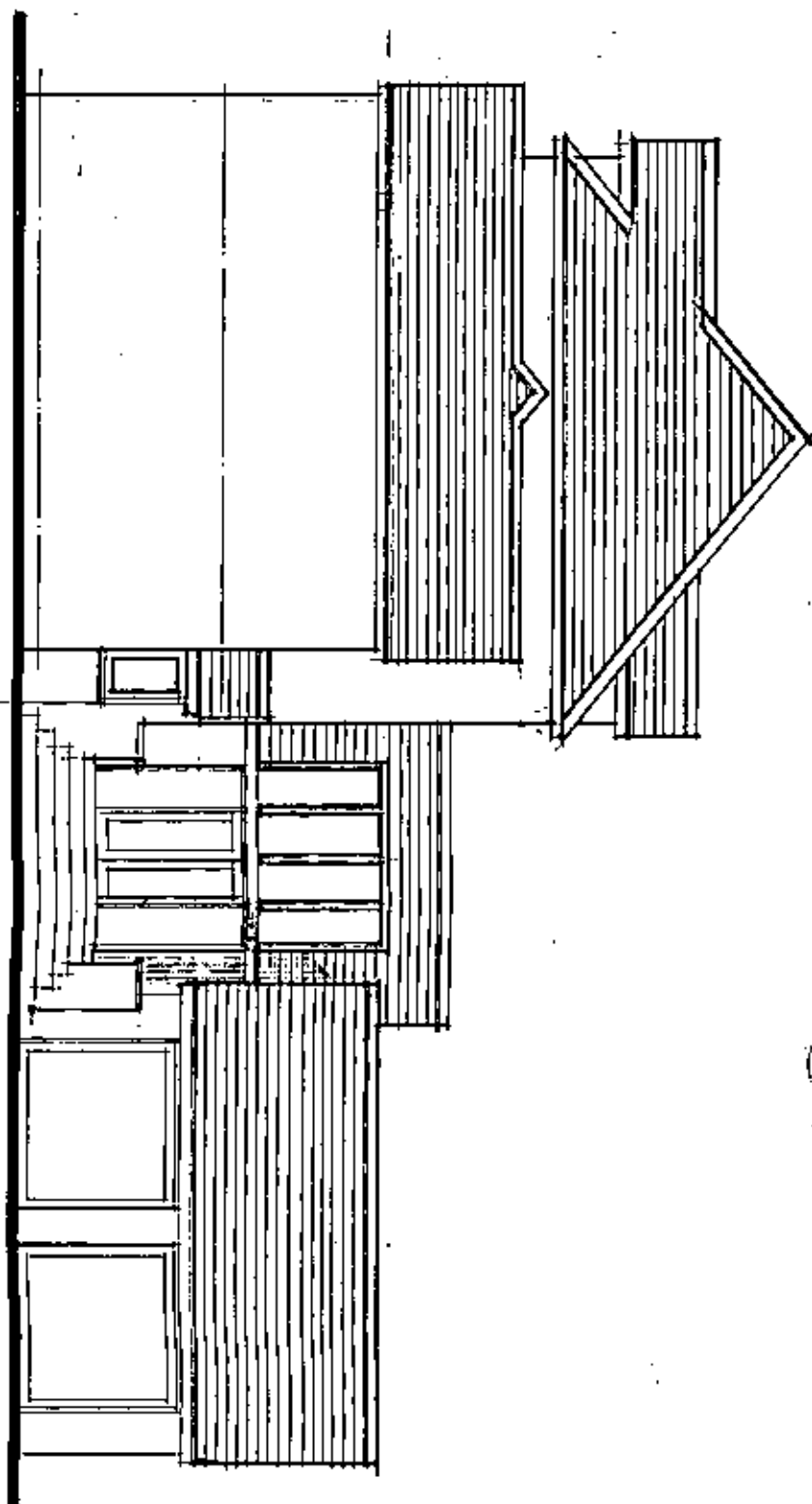
BEECHWOOD, SHADY LANE, BROMLEY CROSS, BOLTON BL7 9AF TEL (01204) 303166

PROPOSED ELEVATIONS 1/2

4



SOUTH



Ref: P864/PW/08/4
 Scale: 1:100
 Date: August 2008.

BEECHWOOD, SHADY LANE, BROMLEY CROSS, BOLTON BL7 9AF TEL (01204) 303168

31 OCT 2008

BOLTON COUNCIL
 DEVELOPMENT & REGENERATION
 RECEIVED

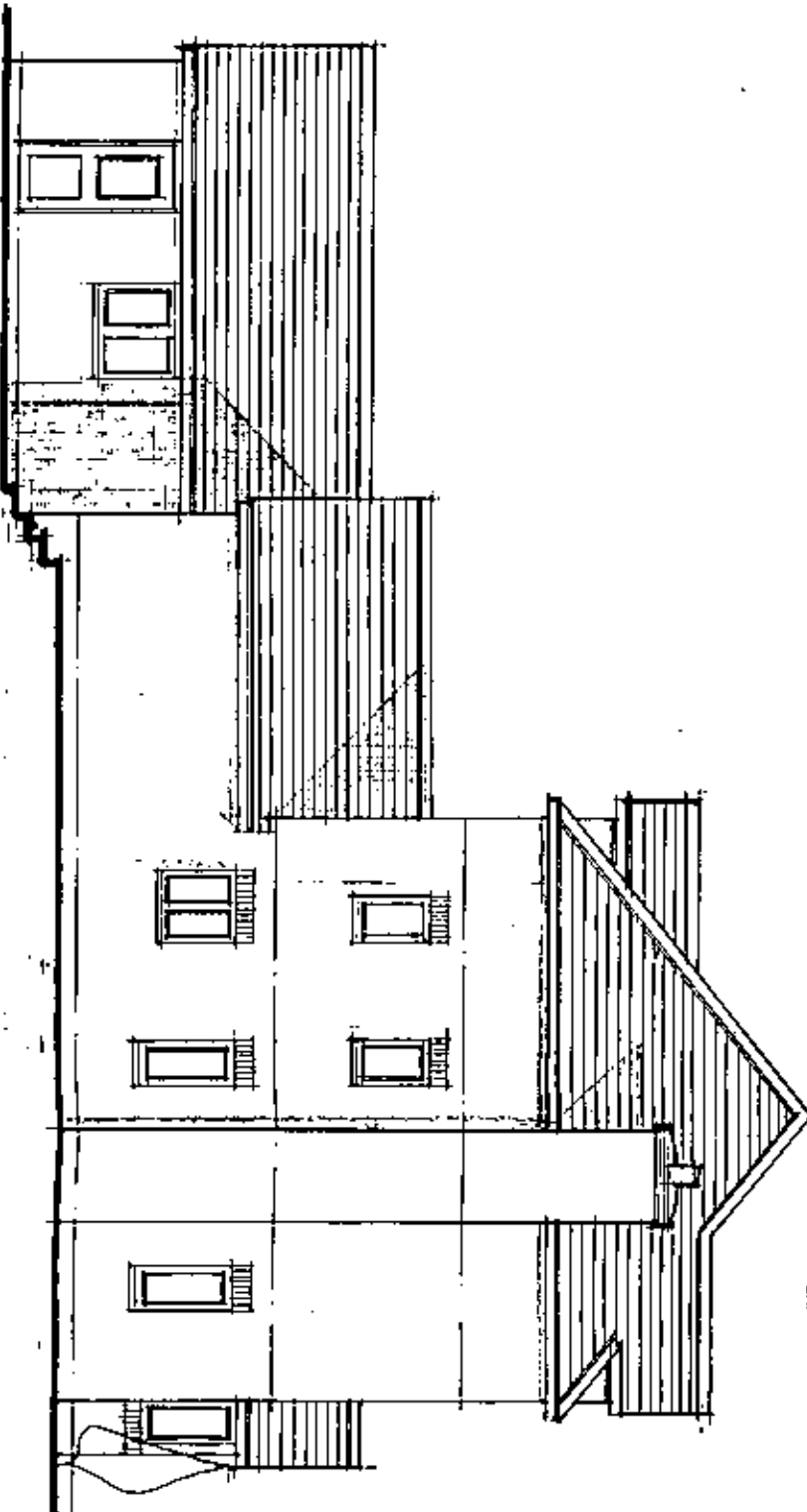
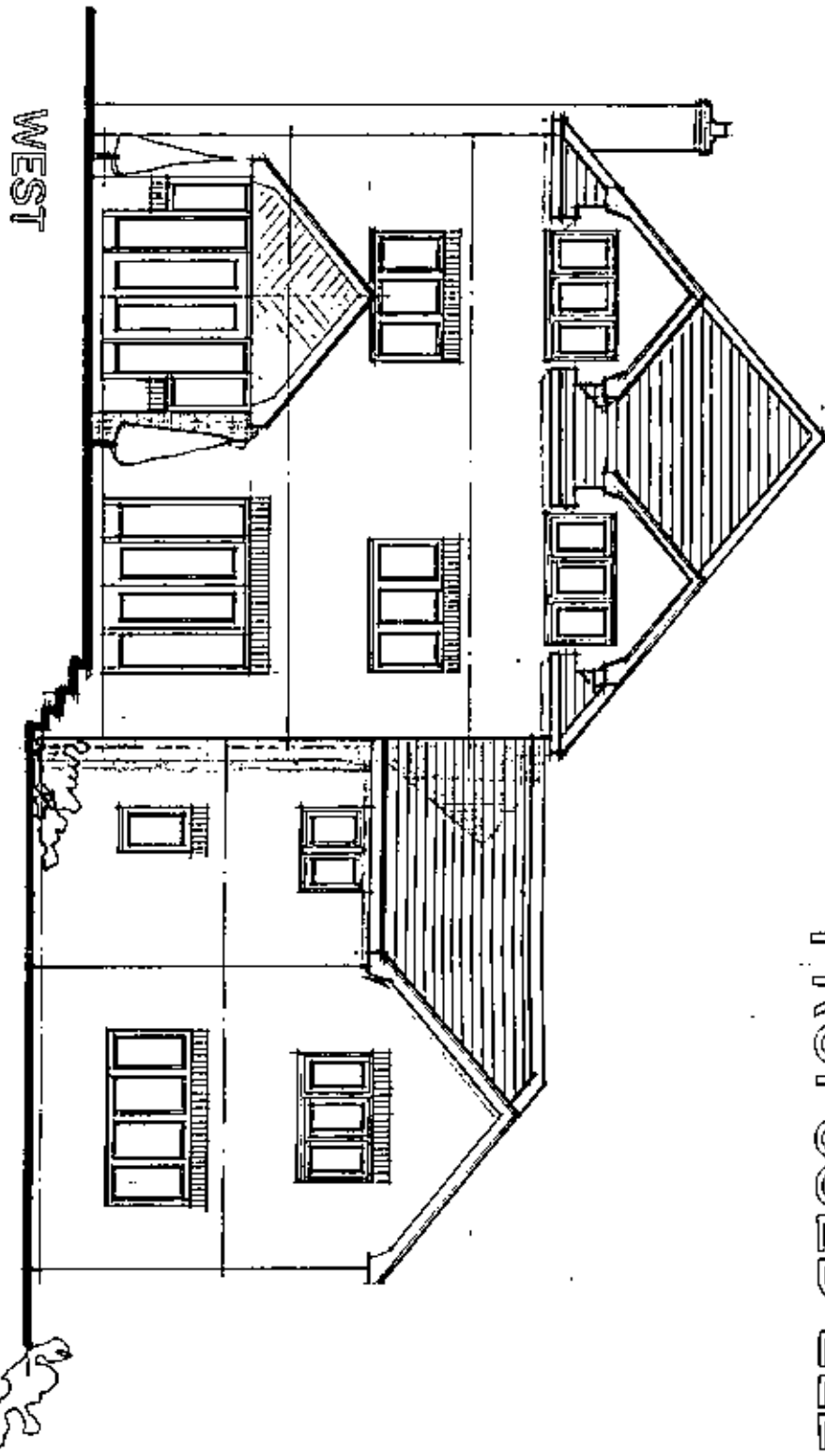
SAMUELS

Frank Whittaker
 PLANNING CONSULTANTS

ERECTION OF ADDITIONAL DWELLING ON LAND AT
 STRATHMORE, 99 CHAPELTOWN ROAD, BOLTON.

PROPOSED ELEVATIONS 2/2

4/1



Ref: P864/PW/08/4.1
 Scale: 1:100
 Date: August 2008.

DEVELOPMENT
 RECEIVED
 31 OCT 2008

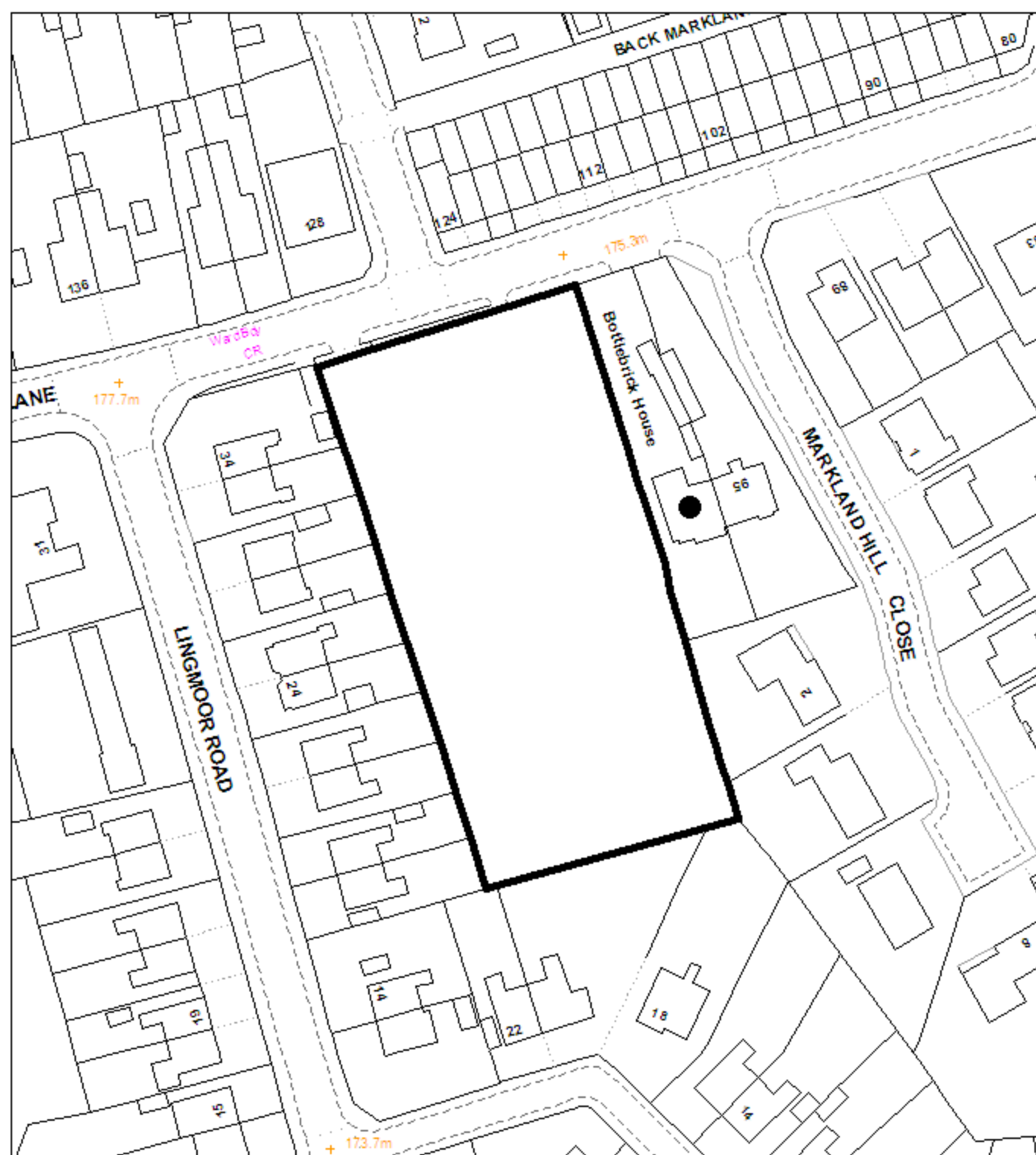
SAMUELS

ERECTION OF ADDITIONAL DWELLING ON LAND AT
 STRATHMORE, 99 CHAPELTOWN ROAD, BOLTON.

Frank Whittaker
 PLANNING CONSULTANTS

Application No.

90914/13



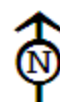
Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

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Date of Meeting: 09/01/2014

Application Reference: 90914/13

Type of Application: Full Planning Application
Registration Date: 31/10/2013
Decision Due By: 25/12/2013
Responsible Officer: Helen Williams

Location: 99-101 MARKLAND HILL LANE, BOLTON, BL1 5NX

Proposal: ERECTION OF SEVEN DWELLINGS TOGETHER WITH ASSOCIATED ACCESS

Ward: Heaton and Lostock

Applicant: Charles Topham & Sons Trading LLP

Agent : Nathaniel Lichfield & Partners

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for the erection of seven, two storey, detached houses on a site previously occupied by two large Victorian semi-detached dwellings. The development will comprise a mix of five house types (four and five bedroom dwellings). Two dwellings will front onto Markland Hill Lane and the remaining five dwellings will be sited around a cul-de-sac.

Access into the development is off Markland Hill Lane, at the north eastern corner of the site, though plot 1 also has a driveway off the main road.

All houses will have either a detached garage or an integral garage. Front and rear gardens are also proposed.

Permission was granted in 2007 and again in 2010 for six semi-detached dwellings and six apartments in a three storey building (77707/07 and 84959/10), and permission was granted in 2005 for two apartment buildings (71764/05).

Site Characteristics

The application site is a cleared site containing a couple of blue portable buildings and bounded by security fencing at the front. The site previously comprised of two large Victorian semi-detached dwellings (Moorside and the Marklands) and their large gardens. The two dwellings were demolished approximately five years ago.

A significant number of trees protected by Tree Preservation Order Bolton (Markland Hill Lane) 1971 bound the application site to the north, south and east. Further protected trees are grouped to the west of the site.

The area surrounding the site is wholly residential and is characterised by a variety of house designs and ages, ranging from large detached dwellings to rows of terraced housing.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Accessibility and Transport; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG1.5 Reduce the Risk of Flooding; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA4 West Bolton.

Saved UDP Policies: N8 Protected Trees.

PCPN2 Space Around Dwellings; PCPN7 Trees; PCPN10 Planning Out Crime; PCPN27 Housing Development.

SPD Accessibility, Transport and Safety.

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on urban regeneration
- * impact on the character and appearance of the surrounding area
- * impact on the amenity of neighbouring residents
- * impact on trees
- * impact on the highway

Impact on Urban Regeneration

The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land) and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy SC1.2 of the Core Strategy states that at least 80% of housing development will be on previously developed land in accordance with the Regional Spatial Strategy. Policy OA4.1 refers specifically to development in West Bolton and states that the Council will concentrate sites for new housing within the existing urban area.

The principle of residential development on the site has already been established through previous planning approvals 84959/10, 77707/07 and 71764/05. The application site is also located within a residential urban area and is considered to be in a highly sustainable

location, close to local shops and schools.

It is therefore considered that the principle of developing the site for residential development is acceptable and compliant with Policies SC1.2 and OA4.1 of the Core Strategy.

Impact on the Character and Appearance of the Surrounding Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA4 states that the Council will conserve and enhance the character of the existing physical environment and ensure that development in West Bolton has particular regard to the overall density, plot sizes, massing and materials of the surroundings.

The proposed development is a lower density scheme than the developments previously approved on the site. The size of the proposed dwellings reflect the size of the residential properties surrounding the application site and each dwelling has an ample plot size. The proposed heights of the dwellings (two storeys) are also reflective of the surrounding built form.

It is considered that plots 1 and 2 successfully address Markland Hill Lane, retaining the protected trees to the front of the site and being set back from the road, which follows the existing character of the development on the southern side of Markland Hill Lane. The scheme also successfully retains the existing trees within the site, retaining the leafy character of the site and street scene.

The five proposed house types vary in design, but all are suburban in character and utilise contrasting rendered features to add interest to the front elevations. It is considered that the designs of the dwellings are compatible with the mixed character of the area.

1.8 metre high screen fencing is proposed along the frontages of plots 1 and 2, which continues the tall and characterful existing boundary treatment along this section of Markland Hill Lane.

It is considered that the proposed development would conserve the character and landscape quality of the area and would be compatible with the built character of the surrounding area, compliant with Policies CG3 and OA4 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution. PCPN2 "Space Around Dwellings" set out the minimum distances required between dwellings to ensure privacy and make sure that new development relates well to surrounding properties.

All the proposed dwellings are sited so that they exceed the minimum interface standards contained within PCPN2 (over 13.5 metres where the side of the proposed dwellings face the rear elevations of the neighbouring houses and over 21 metres where the proposed dwellings are "rear to rear" with the neighbouring houses).

The resident at 97 Markland Hill Lane (the property neighbouring the site to the east) has raised concern regarding the access road into the development being proposed along his boundary and there being 1.8 metre high fencing proposed along his boundary when there is a level difference of 1 metre between his property and the application site. The proposed access road is in a similar location to that approved under applications 84959/10 and 77707/07, however the new access road will not extend as far beyond his property than the previously approved access road would have and will serve five dwellings rather than the previously approved eight. The presence of the proposed fencing along the boundary is intended to prevent any overlooking into the garden of 97 Markland Hill Lane from the new development, however a boundary treatment condition for this particular boundary is suggested to allow the applicant to reconsider their proposal (for example, railings with landscaping behind may be preferable and less overbearing on the neighbour).

It is considered that the proposed development would not unduly harm the amenity of any neighbouring resident and is therefore compliant with Policy CG4 of the Core Strategy.

Impact on Trees

Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development. Saved UDP Policy N8 refers specifically to protected trees.

A significant number of trees protected by Tree Preservation Order Bolton (Markland Hill Lane) 1971 bound the application site to the north, south and east. Further protected trees are grouped to the west of the site.

The development has been designed based upon an updated tree survey of the application site and the parameters established from the previous planning permissions. As with the previous planning permissions, a tree to the front of the site is to be removed to facilitate the proposed access road. The three trees at the north eastern corner of the site are now however better accommodated by bringing the access road further away from the boundary with 97 Markland Hill Lane.

Following advice from the Council's Tree Officers plots 1 and 2 have been moved further into the site, away from the canopies of the protected trees along the frontage of the site.

Additional tree planting is proposed within the development, and this is to be secured via a condition.

It is considered that the proposed development will not result in the unacceptable loss of trees, compliant with Policy CG1.2 of the Core Strategy and saved UDP Policy N8.

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 and the transport needs of people with disabilities. 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 Markland Hill Lane, at the north eastern corner of the site. Plot 1 will also have a driveway off Markland Hill Lane. All

houses will have either a detached garage or an integral garage, therefore having provision for at least two vehicles.

The Council's Highways Engineers have commented that the access road will remain private as it does not meet adoptable standards. They raise no objection to the proposal and recommend a number of conditions (as listed below).

It is considered that the proposed development will not jeopardise highway safety and provides sufficient on-site parking, compliant with Policies P5 and S1.2 of the Core Strategy.

Conclusion

For the reasons discussed above it is considered that the proposed residential development would assist in urban regeneration, would be compatible with the character and appearance of the area, would not unduly harm the amenity of neighbouring residents, would not lead to the unacceptable loss of trees and would not jeopardise highway safety. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- one letter of objection has been received from the neighbouring resident of Bottlebrick House, 97 Markland Hill Lane. This letter raises the following concerns:

- * The proposed access road will run the length of their property and will be invasive due to increased noise and traffic passing their kitchen/living room windows (their property is currently quiet and secluded);
- * The height of the road will be 1 metre higher than their house. The road will therefore pass their house at eye level;
- * The access should run along the centre of the plot to reduce the impact on them; The access road should either be opposite Inca Road or there should be a new access onto Lingmoor Road;
- * Markland Hill Lane is already very busy with car;
- * The current proposal for fencing is ludicrous as it weaves through existing trees;
- * A tall solid fence is not in keeping with their natural borders;
- * The fencing will tower over their property, blocking out light to their living room and kitchen.

Consultations

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

Planning History

Permission was granted in January 2008 for the pruning of various trees (78956/07).

An extension of time application to implement permission 77707/07 was approved in November 2010 (84959/10).

Planning permission was granted in October 2007 for the demolition of the existing dwellings and the erection of six semi-detached dwellings and six apartments in one three storey building together with access, landscaping and associated works (77707/07).

Permission was granted in September 2005 for the erection of one building of two apartments and one building of four apartments, with associated landscaping (71764/05). This application did not include the dwelling or garden area of Moorside and proposed to retain the Marklands.

An application for the erection of one building of three apartments and one building of six apartments at the Marklands was withdrawn by the Applicant in May 2005 (70879/05).

Planning permission was granted in April 2005 for the subdivision of the Marklands into two apartments (70493/05).

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

2. Prior to the commencement of development samples of the materials to be used for all the external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness.

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

Reason

To ensure the development reflects local distinctiveness.

4. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason

To ensure the development safeguards the character and visual appearance of the locality and to safeguard the living conditions of nearby residents particularly with regard to privacy and outlook.

5. No demolition, development or stripping of soil shall be started until:
 1. The trees within or overhanging the site which are subject of a Tree Preservation Order (TPO) 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 areas.
 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 trees.

6. Prior to commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority which details the construction methodology of the approved access road and footpaths to ensure the tree protection zones of the adjoining protected trees are not compromised. The scheme as approved shall be implemented in full and retained thereafter.

Reason

In order to avoid damage to trees within the site which are of important amenity value to the area.

7. Prior to the commencement of development full details of the highway works at the footway to

Markland Lane comprising re-kerbing and making up and resurfacing to the width of 2.3 metres to the east and 2.9 metres to the west shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety.

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

Reason

To ensure the development is safe for use.

9. Prior to the development hereby approved/permitted being first occupied the means of vehicular access to the site from Markland Hill Lane shall be constructed to a minimum width of 5.5 metres for a distance of 10 metres with 5 metres radii and 2 metres wide footways.

Reason

In the interests of highway safety

10. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 43 metres shall be provided at the junction of the access road with Markland Hill Lane.

Reason

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

11. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 2.4 metres at the back of the footway shall be provided at the junction of plot 1 with Markland Hill Lane.

Reason

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

12. 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.

13. 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.

14. Prior to the development being first occupied, details of the treatment to the eastern boundary (adjoining 97 Markland Hill Lane) shall be submitted to and approved in writing by the Local Planning Authority. The approved details along with the approved details to the other boundaries shown in drawing SL-01 Rev. B 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.

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

SL-01 Rev. B; "Site Layout"; dated 4-12-13
4B1430-P-001 Rev. A; "4B1430 House Type 1438 sq.ft. floor plans"; dated Oct 2013
4B1430-P-002 Rev. A; "4B1430 House Type 1438 sq.ft. elevations"; dated Oct 2013
4B1470-P-001; "4B1470 House Type 1476 sq.ft. floor plans"; dated Oct 2013
4B1470-P-002; "4B1470 House Type 1476 sq.ft. elevations"; dated Oct 2013
4B1500-P-001; "4B1500 House Type 1500 sq.ft. floor plans"; dated Oct 2013
4B1500-P-002 Rev. A; "4B1500 House Type 1500 sq.ft. elevations"; dated 12-11-13
5B1605 House Type 1605 sq.ft. floor plans"; dated Oct 2013
5B1605-P-002; "5B1605 House Type 1605 sq.ft. elevations"; dated Oct 2013
5B1815-P-001; "5B1815 House Type 1815 sq.ft. floor plans"; dated Oct 2013
5B1815-P-002; "5B1815 House Type 1815 sq.ft. elevations"; dated Oct 2013
G-001; "Single Garage"; dated Oct 13
G-002; "Pyramid Double Garage"; dated Oct 13
G-003; "Pyramid Twin Garage"; dated Oct 13

Reason

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

general notes:
do not scale the drawing.
all dimensions to be checked on site prior to commencement of work and any discrepancy shall be immediately reported and resolved prior to work commencing.
this drawing is to be read in conjunction with all relevant drawings and specifications relating to the job whether or not indicated on the drawing.
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ENCLOSURES

- 1.8m high feather edge boarded screen /fence/
- 1.8m Timber post and waney lap panel.
- 0.9m M.S Railings (Painted black).


KEY

- Existing trees to be retained
- Existing planting to be removed
- Indicative landscaping
- Indicative planting
- Shared Drives shown thus

SCHEDULE OF ACCOMMODATION				
KEY	NAME	SIZE	NO.	SQFT
4B1430	4B1430	1438	1	1438
4B1470	4B1470	1476	1	1476
4B1500	4B1500	1500	2	3000
5B1605	5B1605	1605	2	3210
5B1815	5B1815	1815	1	1815
TOTAL			7	10939

B	4-12-13	SCK	PLOTS 1,2,3 & 4 moved back by 2m as per tree officers comments
A	12-11-13	SCK	DIMENSIONS FROM PROPERTIES TO BOUNDARIES ADDED
Rev.	Date	By	Description

RIVER STREET
ASSET MANAGEMENT



associates limited

architecture ■ building surveying ■ urban design

burnaby villa ■ 48 walling street road ■ tulwood ■ Preston ■ pr2 8bp

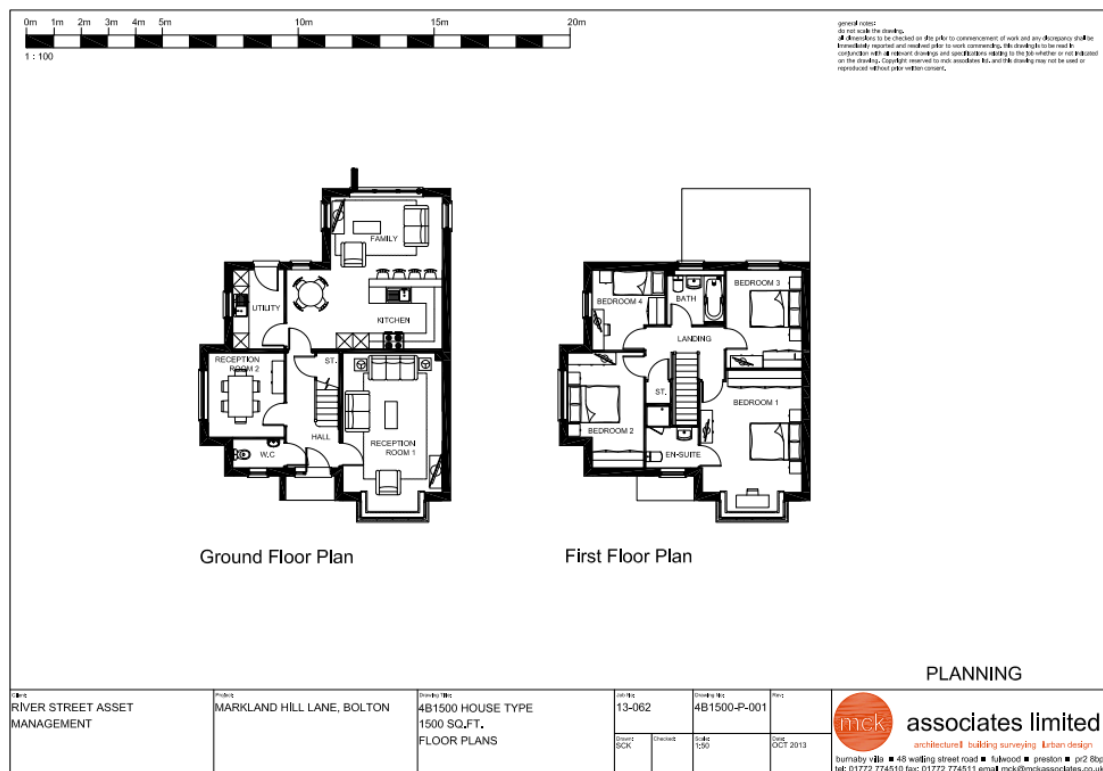
tel: 01772 774510 fax: 01772 774511 email mck@mckassociates.co.uk

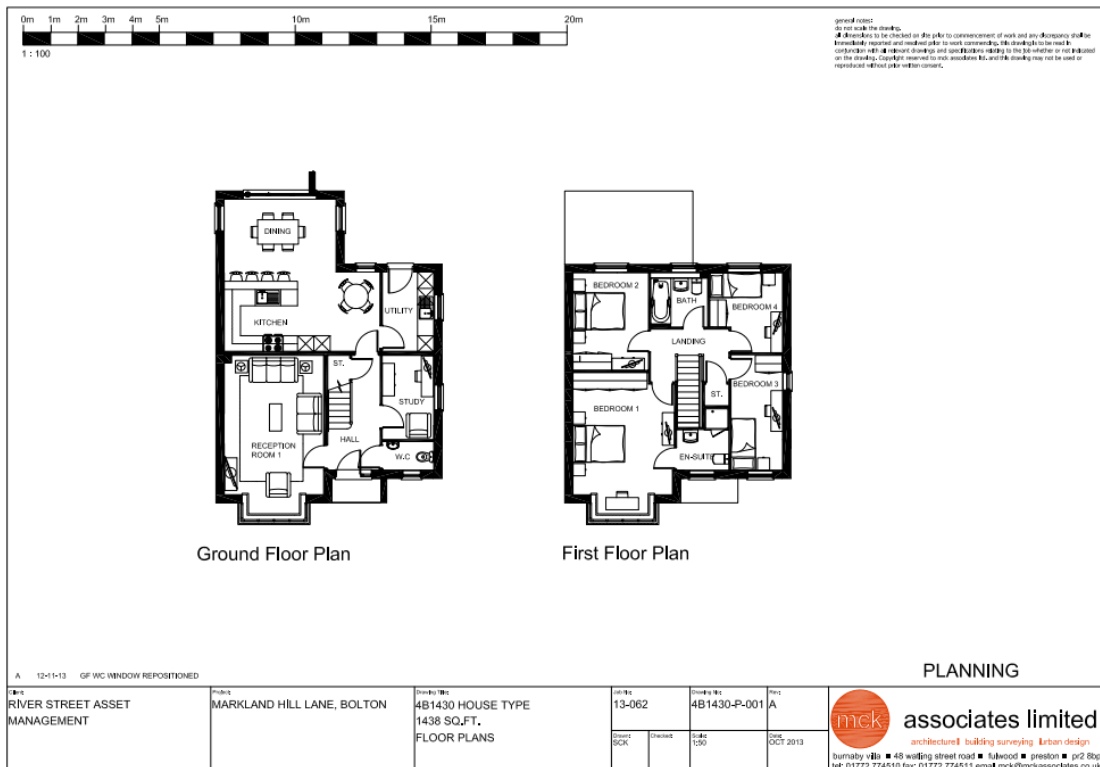
Project

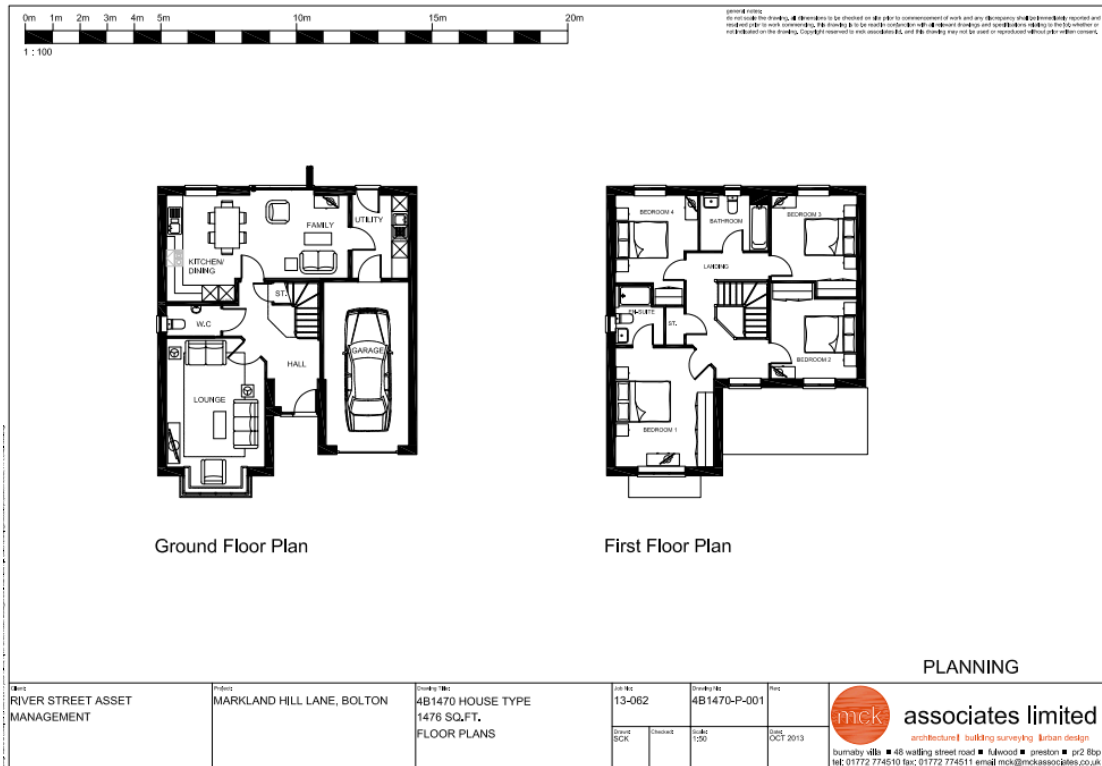
MARKLAND HILL LANE,
BOLTON

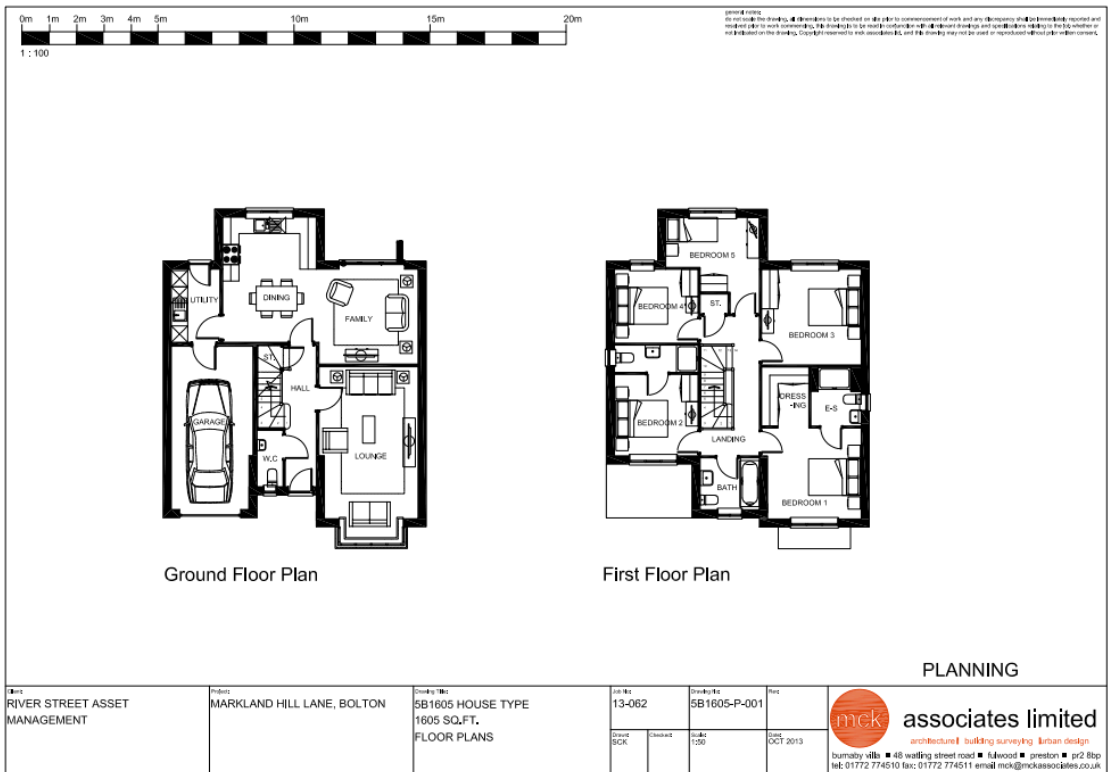
Drawing Title:			
SITE LAYOUT			

Drawn:	Checked:	Scale:	Date:
SCK		1:500	OCT 13
Job No:	Drawing No:	Rev:	
13-062	SL-01	B	



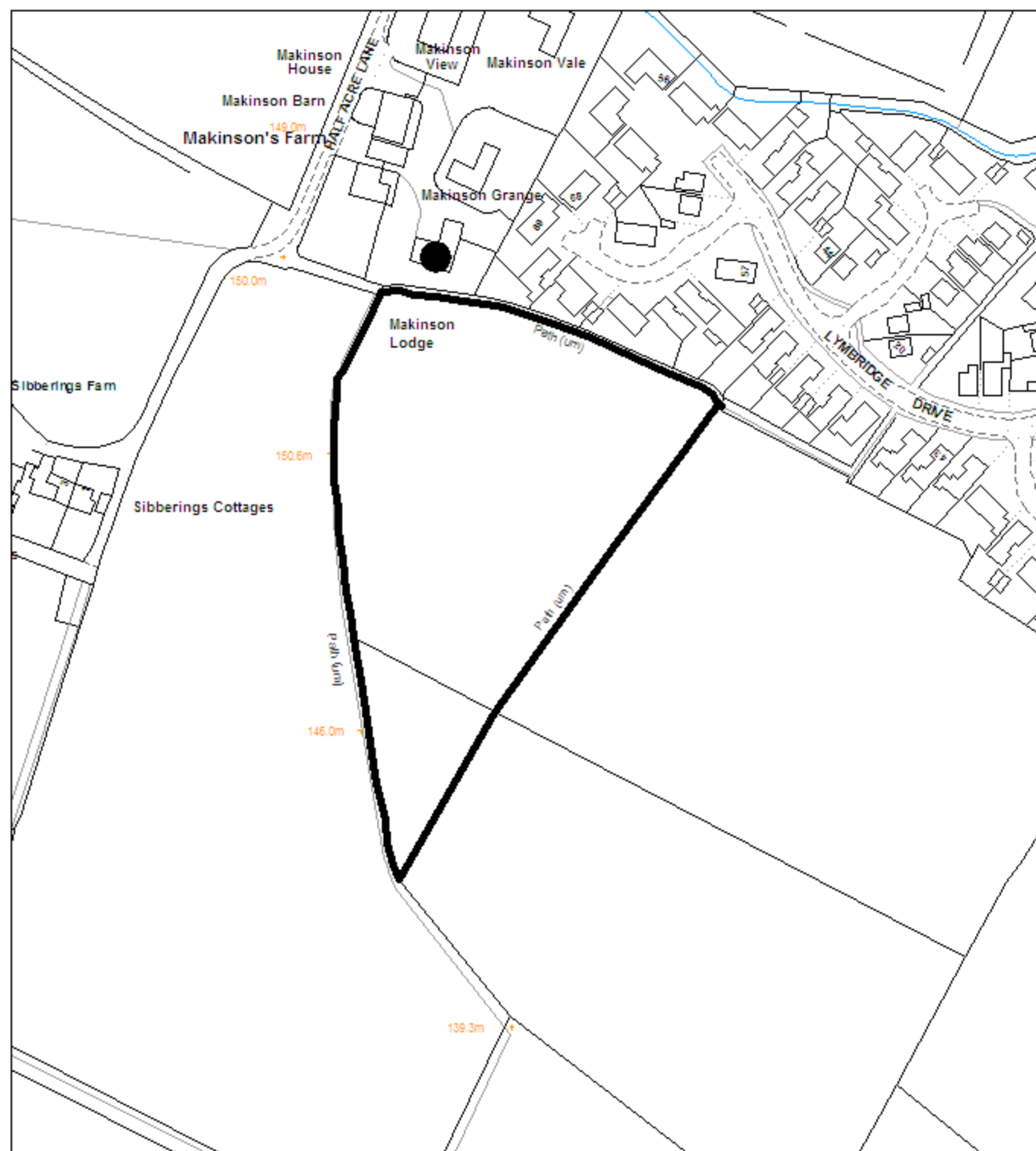






Application No.

90940/13



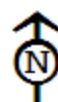
Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

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Date of Meeting: 09/01/2014

Application Reference: 90940/13

Type of Application: Full Planning Application
Registration Date: 31/10/2013
Decision Due By: 25/12/2013
Responsible Officer: Helen Williams

Location: SIBBERING FARM, HALF ACRE LANE, BLACKROD, BOLTON, BL6 5LR

Proposal: ERECTION OF FOUR POLE-MOUNTED RETRACTABLE FLOODLIGHTS TO MANEGE (TOTAL HEIGHT 4.25 METRES)

Ward: Horwich and Blackrod

Applicant: Mrs Benson
Agent : Equestrian Design

Officers Report

Recommendation: Approve subject to conditions

Proposal

This application is a resubmission of planning application 90270/13, which was refused under delegated powers in September for the following reason:

"The proposed floodlights would, by virtue of their siting, design and height, prejudice the visual amenities of the Green Belt and would fail to conserve the landscape character of the area, contrary to saved Unitary Development Plan Policy G2, Policies CG3 and OA1 of the Core Strategy and Planning Control Policy Note No.28 "Equestrian Developments".

This resubmitted proposal differs from that refused in September as the four floodlights now proposed will be retractable, in that they will be folded down when not in use.

The applicant has stated within their submission that they will only use the lights three evenings a week, between the hours of 17:30 and 18:30, and between October 1st and April 15th. The applicant has explained that they require the newly created manege to be lit during the early evening in winter to enable her to continue with the training of herself and her horse in her chosen equestrian pursuits (the applicant works during the day).

Site Characteristics

The application site is an agricultural field belonging to and to the east of Sibberings Farm. A manege measuring 20 metres by 40 metres has recently been constructed at the site, sited lengthways north to south. The manege is bounded by a low timber and rail fence.

Public right of way BLA033 runs (north to south) to the west of the application, BLA031 is to the north and BLA032 is to the east. A hedgerow of approximately 1 metre in height is

located along the edge of BLA033 adjacent the application site.

To the north of the application site are residential properties (Makinson Lodge and Makinson's Farm, Half Acre Lane and 63 to 67 Lymbridge Drive). To the west are 1 and 3 Sibberings Cottages.

The site slopes down to the south. There is an access gate into the field at the north western corner of the site.

The site is within Green Belt and the Agricultural Coal Measures Landscape Character Area.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

Saved UDP Policies: G1, G2 Green Belt; O7 Public Rights of Way.

PCPN16 Floodlighting

PCPN28 Equestrian Developments

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 visual amenities of the Green Belt and the character and appearance of the area
- * impact on the amenity of neighbouring residents

Impact on the Visual Amenities of the Green Belt and the Character and Appearance of the Area

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt, with the exceptions being [amongst other things] the provision of appropriate facilities for outdoor sports and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Saved UDP Policy G1 states that the Council will not permit development within the designated Green Belt unless it is clearly needed for agriculture, forestry or other

appropriate uses and does not prejudice Green Belt's purposes and objectives. Saved UDP Policy G2 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] essential facilities for outdoor sport and outdoor recreation and other uses which preserve the openness of the Green Belt. Policy G2 continues, in all cases, development should not prejudice the purposes and visual amenities of the Green Belt by reason of its scale, design and siting.

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness ensuring development has regard to the overall built character and landscape quality of the area and require development to be compatible with the surrounding area. Policy OA1 refers specifically to development in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that new development does not harm the landscape setting and protects views from public areas to the surrounding landscape.

Paragraph 4.29 of PCPN28 Equestrian Developments states, "Lighting mounted on poles or columns will not normally be acceptable as this creates visual intrusion in the countryside."

A previous planning application (90270/13) for four 4.25 metre high pole-mounted floodlights at the newly constructed manege was refused under delegated powers in September 2013. It was considered that the presence of four pole-mounted floodlights in this otherwise open area of Green Belt would be harmful to the openness and character of the area, in that they would appear incongruous.

The applicant has amended their proposal by replacing 4.25 metre high permanent pole-mounted floodlights with 4.25 metre high retractable pole-mounted floodlights. This means that when the floodlights are not in use (that being the middle of April to the beginning of October and outside the hours of 17:30 to 18:30 in October to the middle of April) they will be lowered and fixed against the low level fencing to the manege. As the floodlights will only be erected for an hour a day for half the year it is considered that their effect on the openness and visual amenities of this part of the Green Belt will be limited. A condition is suggested to ensure that the floodlights are not erected apart from during the times stated by the applicant.

It is considered, subject to the proposed condition, that the proposed development as amended would not prejudice the visual amenities of the Green Belt, compliant with saved UDP Policies G1 and G2 and Core Strategy Policies CG3 and OA1.

Impact on the Amenity of Neighbouring Residents

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

The manege is sited over 60 metres away from the nearest residential properties (Makinson Lodge and 63 to 67 Lymbridge Drive), therefore the nearest floodlight will be over 70 metres away.

The applicant has stated that they require the floodlights for the exercising of their horses

in winter months, as they work during the day. They have stated that they would only use the lights for a maximum of three nights per week for a maximum of one hour. The hours of operation are proposed to be conditioned.

The Council's Pollution Control Officers have studied the details of the proposed lighting submitted with the application and have stated that it has been demonstrated that the proposed floodlights would be able to comply with the Council's standard floodlighting condition. It is therefore considered that the proposed floodlights would not unduly harm the amenity of neighbouring residents by reason of light pollution.

It is also not expected that the proposal would unduly harm the amenity of neighbouring residents by virtue of noise pollution and disturbance (from the extended use of the manege) as the applicant is only proposing to exercise their horses early evening.

It is therefore considered, subject to appropriate conditions, that the proposed floodlighting would not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

Conclusion

For the reasons discussed above it is considered that the proposed retractable floodlights would not prejudice the visual amenities and openness of the Green Belt, will not harm the landscape character of the area, and would not unduly harm the amenity of neighbouring residents. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- A letter of objection has been received from a resident of Makinson Lodge, Half Acre Lane. This resident raises the following concerns:

- * The floodlights will be directly adjacent their house;
- * The proposed lighting would prejudice the visual amenities of the Green Belt and fail to conserve the landscape character of the area;
- * The manege is sited on elevated ground in relation to their house, therefore making it level with their bedroom windows.
- * All the bedrooms at the rear of the house are occupied, including by their young sons;
- * The light emitted will cause light pollution to the area;
- * It is unacceptable and non-essential development.

*

Blackrod Town Council:- raised an objection to the proposal at their meeting of 2nd December on the grounds of light and noise pollution to nearby residents.

Elected Members:- Cllr. Stephen Pickup has requested an advanced site visit and has made the following comments:

"While I recognise the need to exercise horses all year round, I would ask that appropriate consideration is given to whether the flood lighting proposed is an appropriate addition to the manege in the greenbelt. The application would seem not to differ significantly from a recent application, which was rejected by the Council. The effect of the lighting could cause significant light pollution to surrounding properties & this can be appreciated most effectively from a site visit to nearby homes. I would request that in coming to a decision levels of light pollution are considered & if permission for the application is thought to be appropriate that the floodlights are not permitted to be on after a specified time of day, so as to cause minimal negative effect to other residents."

Consultations

Advice was sought from the following consultees: Pollution Control Officers.

Planning History

Planning application 90270/13 for the erection of four pole-mounted floodlights to the manege (total height 4.25 metres) was refused under delegated powers in September 2013. The reason for refusal was as follows:

"The proposed floodlights would, by virtue of their siting, design and height, prejudice the visual amenities of the Green Belt and would fail to conserve the landscape character of the area, contrary to saved Unitary Development Plan Policy G2, Policies CG3 and OA1 of the Core Strategy and Planning Control Policy Note No.28 "Equestrian Developments".

Permission was granted in January 2013 for the construction of a manege (89056/12). Condition 4 of the approval stated that there was to be no external lighting, unless otherwise agreed in writing with the local planning authority.

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 floodlights shall not be erected or in use (they shall be retracted) except between the hours of 17:30 and 18:30.

Reason

To safeguard the living conditions of residents and the amenity and character of the area.

3. The approved floodlighting shall be designed to an illumination value of no more than 5 LUX at the nearest residential property. No other lighting equipment may then be used within the development other than that approved by the local planning authority. The approved lighting shall be retained thereafter, unless otherwise agreed in writing by the local planning authority.

Reason

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

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

271013; "Planning information"; dated Oct 2013
0.01 Rev. A; "Lighting positions indicated"; received 16th Dec 2013

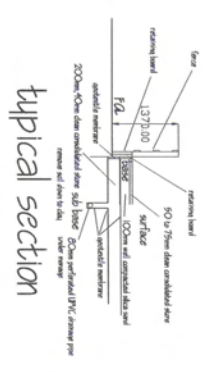
Reason

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

NOTES
 ORIGINAL A1
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LOCATION PLAN 1/2500



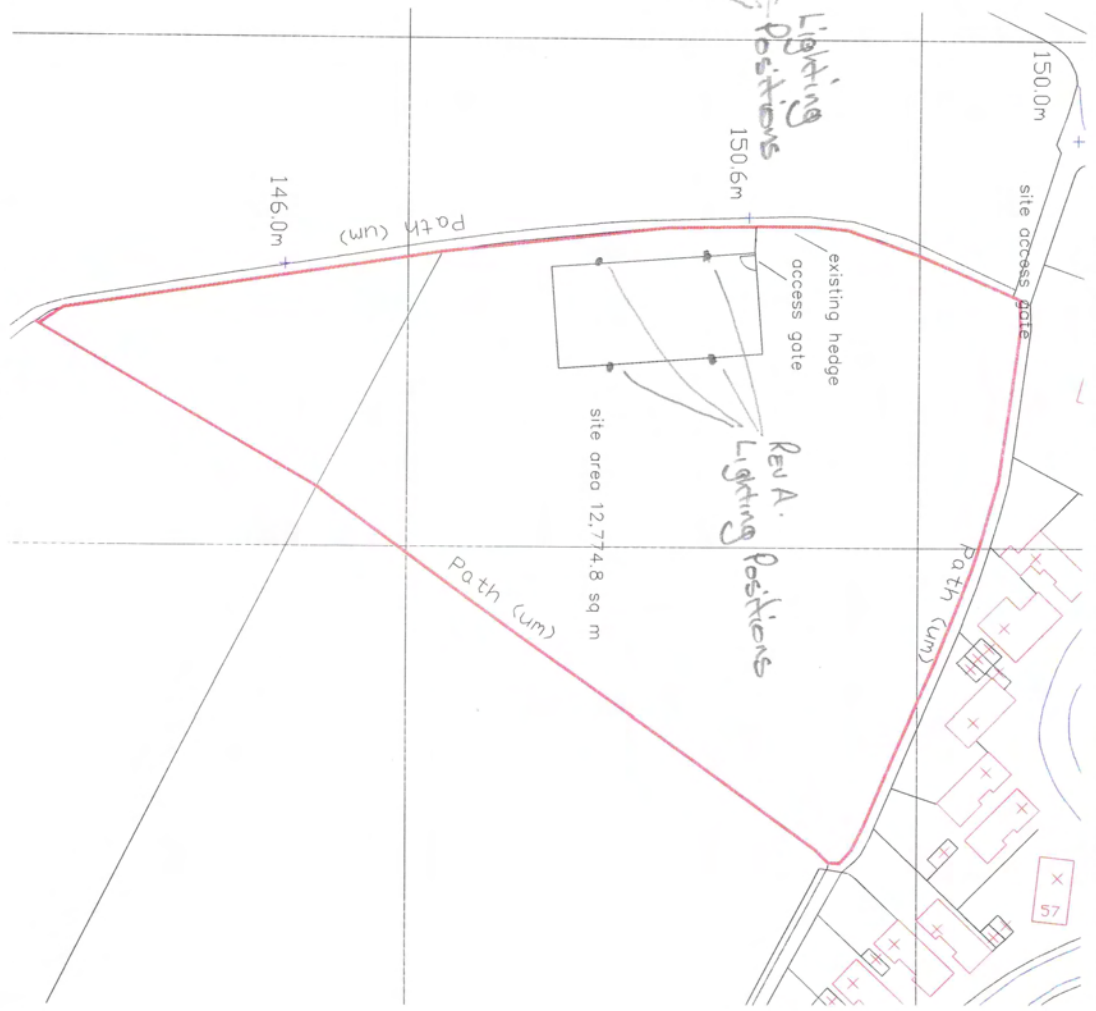
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CLIENT			
SUE BENSON			

TITLE	
PROPOSED MENAGE ON LAND AT STRECHING FARM, BACUP RD, BOLTON	

DRAWING No. 0.01

Rev A - Lighting Positions indicated

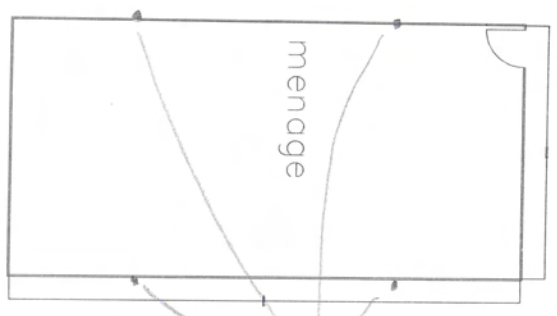


SITE PLAN 1/500

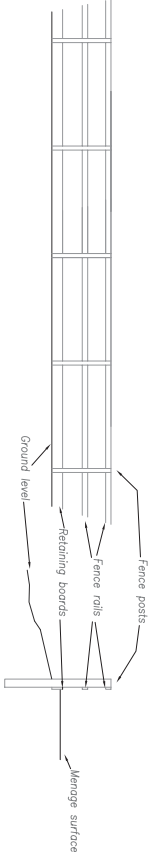
side elevation



plan 1/200



EXISTING



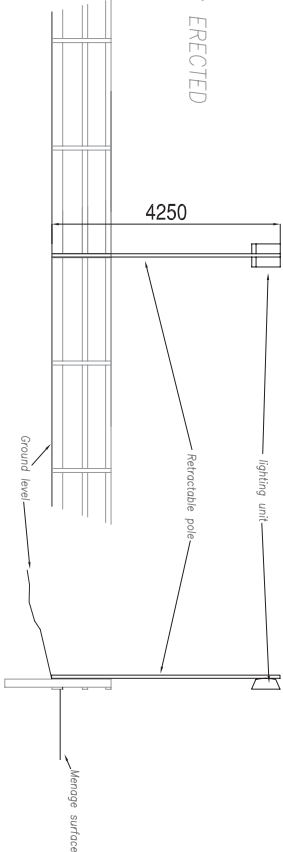
TYPICAL MENAGE FENCE VIEW
(1:50)

TYPICAL MENAGE SECTION THROUGH
(1:50)



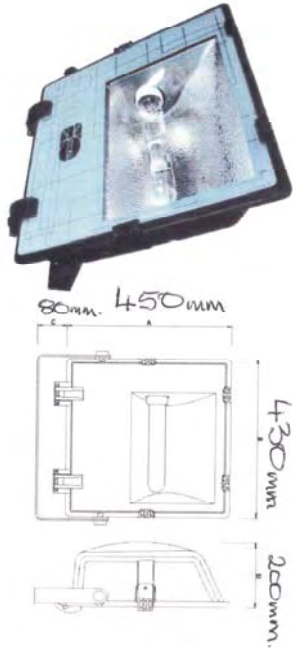
RETRACTABLE LIGHTING POLE
60mm dia aluminium tube

LIGHTING ERECTED



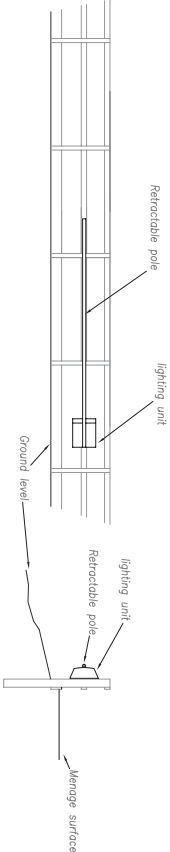
TYPICAL MENAGE FENCE VIEW
(1:50)

TYPICAL MENAGE SECTION THROUGH
(1:50)



PROPOSED LIGHTING UNIT

LIGHTING RETRACTED



TYPICAL MENAGE FENCE VIEW
(1:50)

TYPICAL MENAGE SECTION THROUGH
(1:50)

Equestrian Design

EQUESTRIAN DESIGN
5 WASLEY CLOSE,
FEARNEHEAD,
WARRINGTON,
CHESHIRE,
WV2 0DH
Tel 01925 824523
Mobile 07506 721170
Email info@equestriandesign.co.uk

Client
MRS S BENSON

Job Title
PROPOSED RETRACTABLE MENAGE
LIGHTING TO AN EXISTING
MENAGE AT SIBBERINGS FARM,
HALF ACRE LANE, BLACKROD,
BOLTON, BL6 5LR

Drawing Title
PLANNING
INFORMATION

Scale
AS NOTED @ A1

Date
OCT 2013

Drawn By
AJW

Drawing Number
271013

Rev

Application No.

90970/13



Development and Regeneration Department
Planning Control Section

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

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11

Date of Meeting: 09/01/2014

Application Reference: 90970/13

Type of Application: Full Planning Application
Registration Date: 04/11/2013
Decision Due By: 29/12/2013
Responsible Officer: Jodie Turton

Location: 8 BROAD OTH LANE, BOLTON, MANCHESTER, BL1 6RT

Proposal: ERECTION OF TWO HOUSES INCLUDING TWO PARKING SPACES AT REAR FOLLOWING DEMOLITION OF EXISTING HOUSE. (AMENDMENT TO PREVIOUSLY APPROVED APPLICATION 90031/13)

Ward: Astley Bridge

Applicant: Mr D Lally
Agent : A. B. DESIGN SERVICES

Officers Report

Recommendation: Approve subject to conditions

Background

Planning permission was approved by Members at the September committee meeting for the development of the site for two houses (90031/13) and members will recall that they visited the site prior to that meeting.

Proposal

The current application is for an amended house type to the previously approved scheme, which permitted the development of two attached dwellings on the site, following the demolition of the existing building. The approved dwellings consisted of one 2-bedroom dwelling and one 3-bedroom dwelling. The proposed amendments are:

1. Removal of the first floor element which would adjoin 10 Broad O'th Lane.
2. Insertion of roof lights to the front and rear elevations, to allow the use of the roofspace for bedrooms. This will result in the approved 2-bedroom house becoming a 3-bedroom house.

Site Characteristics

The site is currently occupied by a small, two-storey detached building, which has a single storey side extension. The area is characterised by traditional terrace properties and the site sits close to the junction with Belmont Road.

Policy

NPPF policies: 6. Delivering a Wide Choice of High Quality Homes; 7. Requiring Good Design; 11. Conserving and Enhancing the Natural Environment.

Core Strategy Policies: CG3 Built Environment; CG4 Incompatible Uses; RA1 Inner Bolton; SC1 Housing; S1 Safe Bolton; P5 Accessibility; Appendix 3 Parking Standards.

PCPN2 Space Around Dwellings

SPD Accessibility, Transport and Safety

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the design and character of the area
- * impact on residential amenity
- * impact on the highway

Impact on the Design and Character of the Area

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

The approved first floor element, which would have adjoined the gable elevation of 10 Broad O'th Lane, has been removed from this proposal. It is noted that this change had been requested of the applicant on the previous application as it was considered to detract from the overall design and appearance of the development within its setting. That request was however declined and approval ultimately granted. The removal of this element from the current scheme is to be welcomed and officers are of the view that it represents an overall design improvement in the the development that will sit more comfortably within the streetscene, thus complying with Core Strategy policy CG3.

The insertion of roof lights into the roof plane is acceptable in design terms and is consistent with policy.

Impact on Residential Amenity

Core Strategy policy CG4 seeks to ensure that 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 removal of the first floor section adjoining 10 Broad O'th Lane and the insertion of roof lights into the front and rear roof planes will not have any impact on the residential

amenity of neighbouring dwellings. One letter of objection sites loss of light as a concern, the proposed amendments to the scheme will not result in the increase in height or bulk of the dwellings, in fact the external size of the dwellings will be reduced due to the removal of the first floor section above the driveway of 10 Broad O'th Lane. The proposal is not considered to have any impact in terms of loss of light to nearby residential properties and fully complies with the guidance contained in PCPN2 and Core Strategy policy CG4.

Impact on the Highway

Core Strategy policy S1 seeks to promote road safety in the design of new development. Core Strategy policy P5 seeks to ensure that development is accessible by different types of transport, prioritising pedestrians, cyclists and public transport over the motorised vehicle. Appendix 3 provides guidance on parking standards.

The site is in a sustainable location, within an established residential area, with good links to public transport, and within walking distance of Astley Bridge centre. One parking space is proposed per dwelling, these will be accessed from the back street. Appendix 3 provides for maximum parking standards and for 3 bedroom dwellings a maximum of two parking spaces is recommended. The Council's Highway Engineers have commented that the parking standards should be met in full in this location, hence two spaces per dwelling, however this would not be possible to achieve in this development.

One of the letters of objection has been submitted on parking grounds, considering there to be a shortage of parking in the area. Increasing the number of bedrooms in two bed unit to three bedrooms is not considered to present a significantly greater impact on parking demand than the previous application. Given the prevailing character of the area and the fact that terrace properties characteristically have no parking, one space per dwelling is considered adequate in this sustainable location.

The proposal is therefore considered to comply with Core Strategy S1 and P5.

Conclusion

The proposed development has been designed sympathetically to be in keeping with the prevailing character of the terrace street, thus complying with Core Strategy CG3. The proposal will have no impact on neighbouring residential amenity and meets the policy guidance of PCPN2 and Core Strategy policy CG4. One parking space per dwelling is proposed, which although below the maximum standard set out in Appendix 3, this is a sustainable location and the proposed parking provision is considered adequate. Overall, the proposal is considered to comply with policy and is therefore recommended for approval.

Representation and Consultation Annex

Representations

Letters:- two letters of objection have been received from 10 and 11 Broad O'th Lane, raising the following issues:

- 2 parking spaces are inadequate in this location.
- Loss of light to properties opposite the site.

Consultations

Advice was sought from the following consultees: Highway Engineers; Environmental Health.

Planning History

Planning permission was approved in September 2013 by the Planning Committee for the development of two houses (90031/13)

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. Prior to the commencement of development samples of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness.
3. Before the approved development is commenced details of the existing and proposed ground levels within the site and on adjoining land, including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason

To safeguard the visual appearance and or character of the area.
4. All new window frames to the building(s) shall be recessed a minimum of 0.07 metres behind the external face of the elevations of the development hereby approved.

Reason

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

Reason

To ensure the development is safe for use.
6. Prior to the occupation of the dwelling houses hereby permitted provision shall be made for the parking of a motor vehicle adjacent to each of the dwelling houses in the area identified for that

purpose on the approved plan (drawing no. 133/1485-2A/B, Proposed Site Layout Revision B, showing one parking space per dwelling). Those areas shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or replacing that Order) other than (a) garage(s), no extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines or satellite antennae shall be erected within that area.

Reason

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

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

Reason

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

8. Before the development is first brought into use a detailed scheme shall be submitted to and approved by the Local Planning Authority showing the design, location and size of a facility to store refuse and waste materials. The approved scheme shall be implemented in full within 21 days of the Local Planning Authority approving the scheme in writing and retained thereafter.

Reason

To ensure satisfactory provision is made for the storage of waste materials.

9. Prior to the development hereby approved/permitted being first occupied or brought into use the existing vehicular access onto Broad Oth Lane (adjacent to number 6) shall be closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards. There shall thereafter be no means of vehicular access to, or from, Broad Oth Lane, other than as shown on the approved site layout drawing ref: 133/1485-2A/B.

Reason

In the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, dormers or any other alterations to the roof shall be constructed on the dwellings hereby approved.

Reason

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

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

Existing and Proposed Site Layout; 133/1485-2A/B (Revision B); dated: 31-10-13.

Proposed Elevations; 133/1485-1'A', revision B - 29-10-13 - 1st Floor Extn Over Car Access is Removed.

Proposed First and Second Floor Layout; 133/1485-4A (Issue A dated 31-10-13 - Rooms Added in Loft Space).

Reason

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

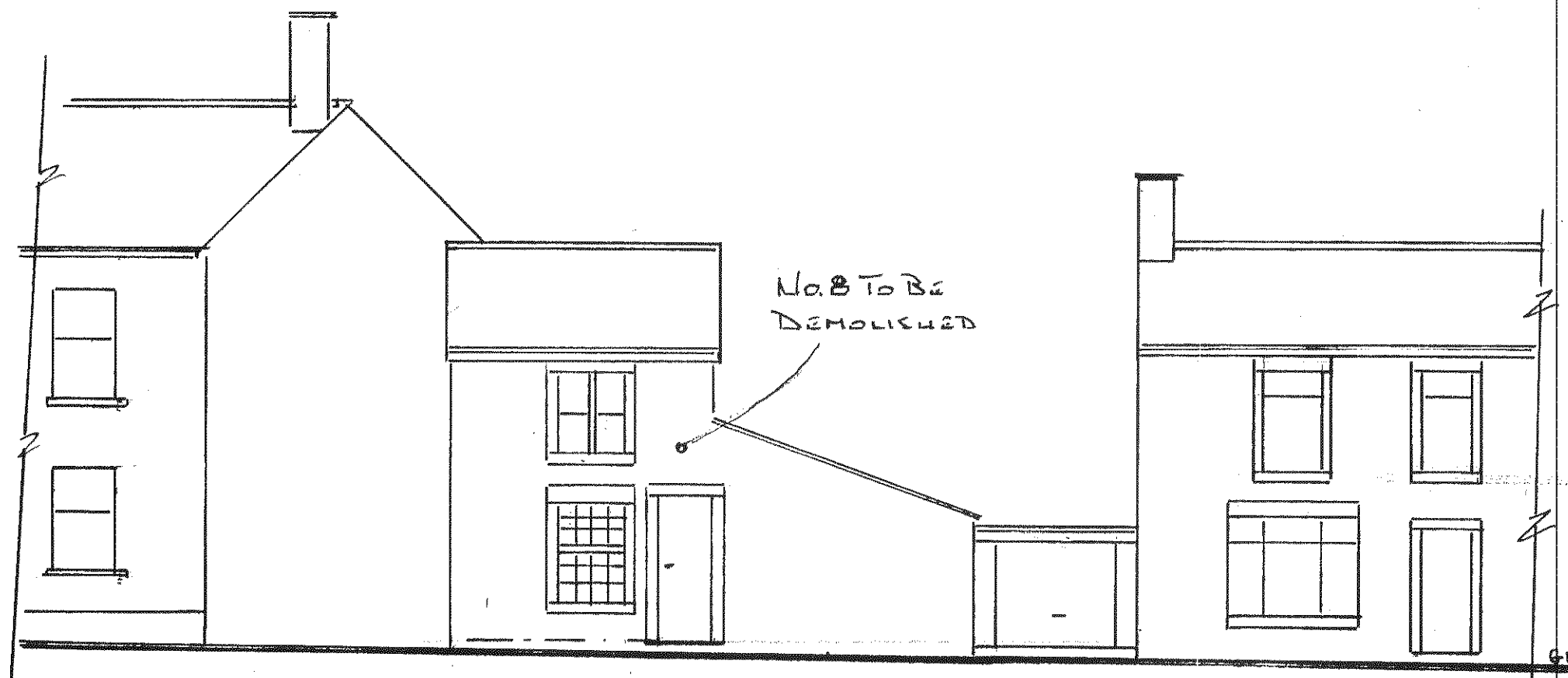


PROPOSED FRONT ELEVATION 1:100

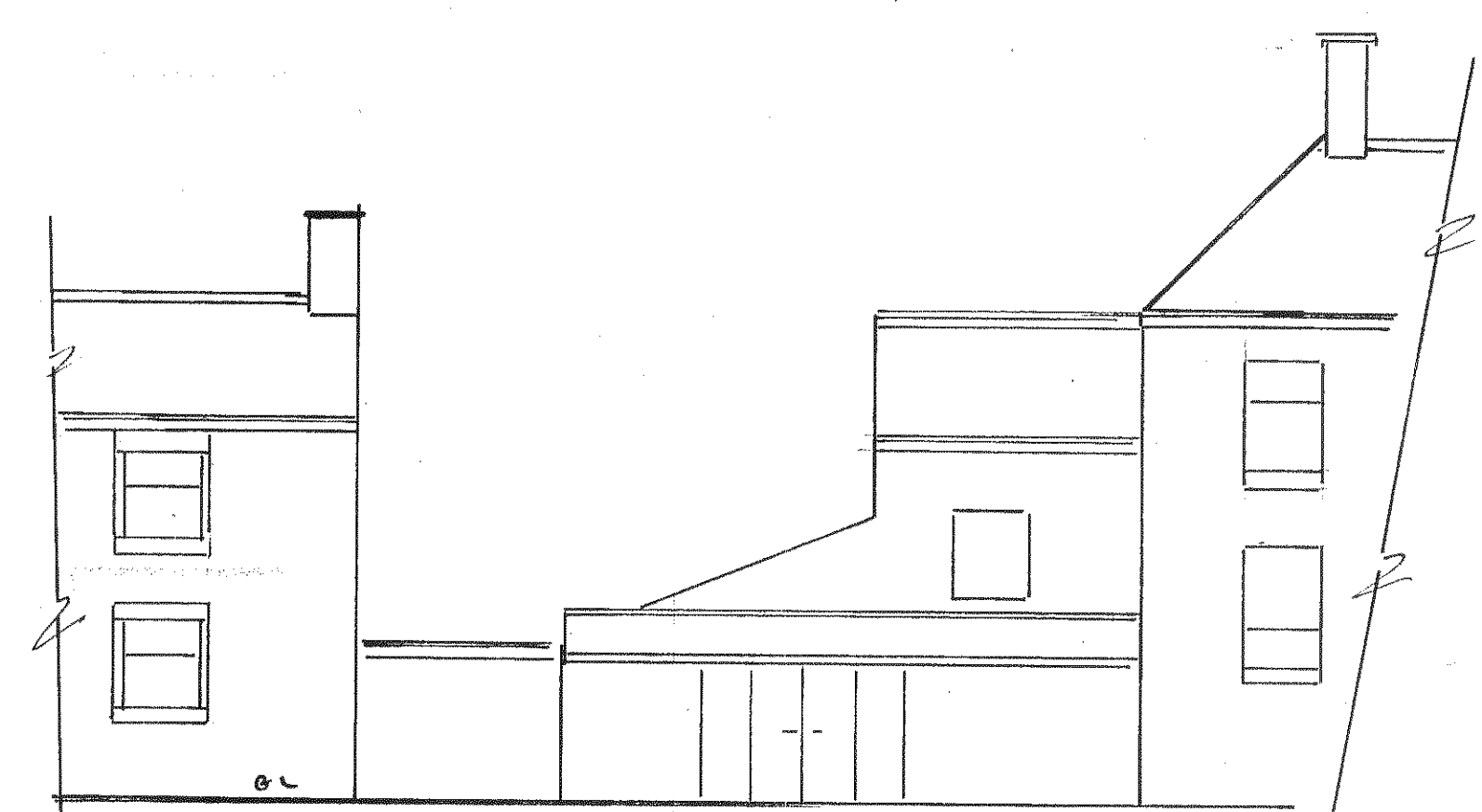


PROPOSED REAR ELEVATION

VIEW ON ARROW A'



EXISTING FRONT ELEVATION



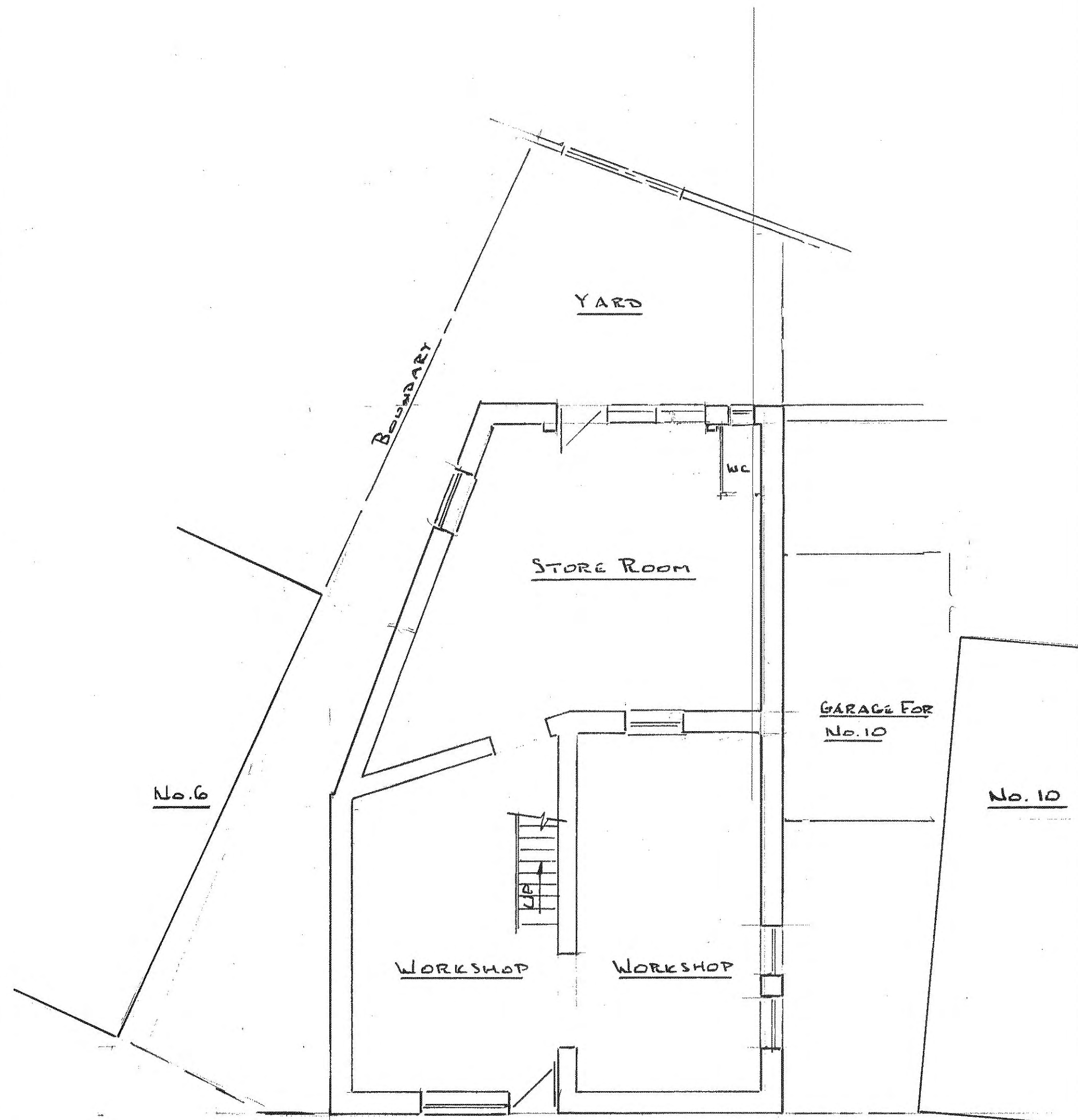
EXISTING REAR ELEVATION

LOCAL AUTHORITY
RECEIVED
- 4 NOV 2013

PROPOSED 2 NEW TERRACED HOUSES BUILT ON LAND OCCUPIED BY:-
NO. 8 BROAD O' TH LANE BOLTON

DRAWN A.B. | DATE 20-6-11 | SCALE 1:100
DRAWING NO. 133/1485-1'A
REVISION 'A'- SINGLE STOREY EXTENSION AT REAR
DATED 16-8-13 OF PROPERTY IS REMOVED.
'B'- 29-10-13 - 1st FLOOR EXT. OVER CAR ACCESS IS REMOVED

DRAWN A.B.	DATE 8-3-2013	SCALE 1:75
DRAWING NO. 133/1485-2 A/B		
REVISION 'A' DATED 16-8-13 SINGLE STOREY EXTENSIONS AT REAR REMOVED		
REVISION 'B' DATED 31-10-13 FIRST FLOOR SIDE EXTENSION REMOVED.		

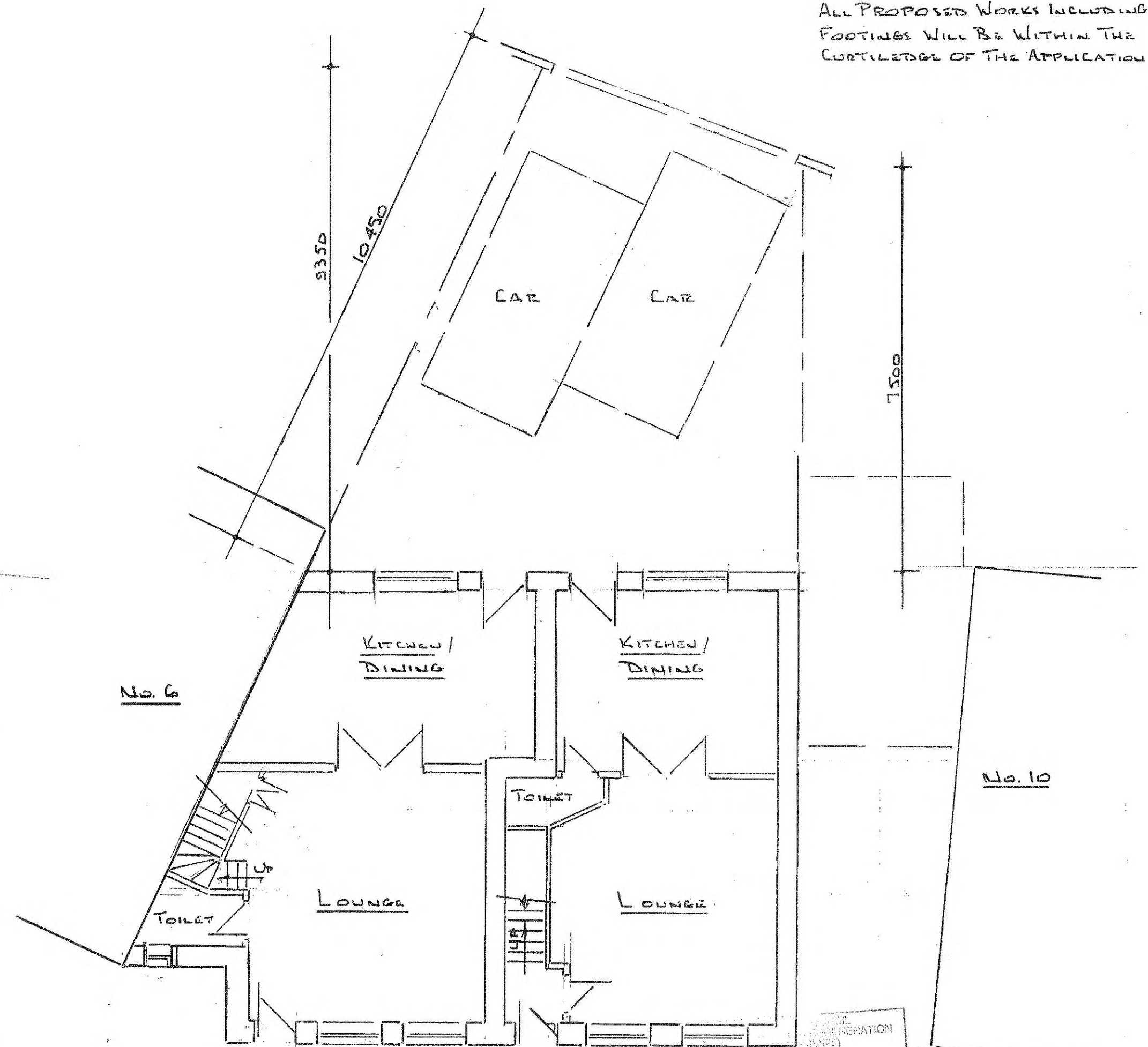


EXISTING SITE LAYOUT SCALE 1:75

PROPOSED 2 NEW TERRACED HOUSES AT:-
8 BROAD OTH LANE BOLTON BL1 6RT

NOTE :-

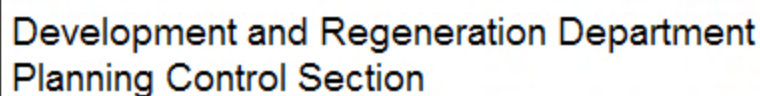
ALL PROPOSED WORKS INCLUDING FOOTINGS WILL BE WITHIN THE CURTLEDGE OF THE APPLICATION SITE.



PROPOSED SITE LAYOUT SCALE 1:75

NO. 10 NOV 2013

91001/13

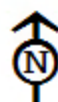


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Bolton Council

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Date of Meeting: 09/01/2014

Application Reference: 91001/13

Type of Application: Full Planning Application
Registration Date: 08/11/2013
Decision Due By: 06/02/2014
Responsible Officer: Alex Allen

Location: LAND AT WILDMAN LANE, FARNWORTH, BOLTON, BL4 0NY

Proposal: ERECTION OF 18 RESIDENTIAL DWELLINGS CONSISTING OF 14 NO. HOUSES AND 4 NO. FLATS TOGETHER WITH ASSOCIATED PARKING AND LANDSCAPE DETAILS

Ward: Harper Green

Applicant: Cornell Group
Agent : Brewster Bye Architects

Officers Report

Recommendation: Approve subject to conditions

Proposal

The application proposes the redevelopment of the former youth centre site with the provision of 12 x 2 bedroomed 2 storey properties, 2 x 3 bedroomed properties and 4 x 2 bedroomed flats. The dwellings would be for affordable housing for rent and would be provided for Bolton at Home.

Site Characteristics

The former Youth Centre site has been cleared of all buildings with the site characterised by an area of hard standing and the wider curtilage comprising of a grassed area. The site is fenced off from open access.

Two storey residential properties adjoin the application site on three sides, with Avondale Road overlooking the site to the north, Highfield Road to the south and with 2 storey residential properties on Highfield Road overlooking the site. Two storey residential properties are also located to the east on the opposite side of Wildman Lane. Properties on Avondale Road overlooking the site have a variety of detached garages located in their rear gardens. An electricity sub station abuts the site to the north east.

Policy

National Planning Policy Framework

Core Strategy

Strategic Objectives - 6 Prosperous Bolton, 9 Safe Bolton, 11 Cleaner and Greener Bolton, 12 Biodiversity and 14/15/16 Strong and Confident Bolton.

Policies
P5 Accessibility,
S1 Safe,
CG1 Cleaner and Greener,
CG2 Sustainable Design and Construction,
CG3 The Built Environment,
CG4 Compatible Uses,
SC1 Housing and
RA2 Farnworth.

Analysis

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

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

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

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

The main impacts of the proposal are:-

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

Principle of residential development

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

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

Furthermore, Core Strategy Strategic Objectives 14, 15 and 16 and policy SC1 seek to provide housing which meets the needs of everybody and the growth in the number of households.

The site is part greenfield part previously developed which is unallocated both within the current UDP Proposals map and the Core Strategy Draft Allocations Plan. The site was last used as a Youth Centre which was closed and subsequently demolished. The proposal therefore needs to be assessed against Core Strategy policy SC1.

Core Strategy policy SC1 seeks to ensure a total of 694 dwellings are completed per annum in the Borough with a concentration of new build on previously developed sites

(80%). Up to 20% of new build is to be provided on Greenfield land as part of the Transforming Estates programme.

The proposal would provide new affordable housing provision for Bolton at Home and would therefore meet, in part, the strategic need for new affordable housing provision. The proposal would be within the overall scope of the Transforming Estates programme being located within/close to an existing Bolton at Home estate.

Whilst it is appreciated that the site provides an open aspect to residents on all sides and has obvious value to local residents in the area, the site would provide much needed affordable housing and would be developed for the end user - Bolton at Home who, members will know are a provider of affordable homes.

The proposed development would also have a number of other benefits, being located close to the retail centre of Highfield Road together with other local facilities such as local schools and relative close proximity to Farnworth town centre and the Royal Bolton Hospital.

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

Impact on the character and appearance of the area

Guidance contained within NPPF and Core Strategy policies CG3 and RA2 seek to ensure that new development proposals are compatible with the surrounding area in terms of scale, massing, grain, form, architecture, landscape treatment.

The proposal has been designed in such a way as to replicate the grain / street pattern, scale (two storey) and architecture (simply designed front and rear elevations) with dual pitched roofs and the proposal would be of a similar density to the existing dwellings surrounding the site with a mix of semi detached (flats) and mews properties (houses).

It is considered that the proposal would complement the existing character of the area and is thus considered to comply with Core Strategy policies CG3 and RA2.

Impact on the living conditions of existing/future residents

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

Properties on Avondale Road to the north of the site are located at least 17.5 metres from the closest new residential property (Plot No. 18). As this is a gable to rear elevation relationship this distance would be in excess of the 13.5 metres guideline as outlined in PCPN2. The proposed flats at Plots 1 to 4 (inclusive) would be c. 26/27 metres away from the existing rear elevations of 1 and 3 Avondale Road which are the closest existing houses to the northern part of the site.

Properties to the south on Highfield Road would be over 30 metres away from the main rear elevations of Plots 5 to 10 and Plot 11 would have its gable c. 24 metres from the rear elevation of 222a Highfield Road (i.e. the closest property).

The proposed layout ensures current external interface guidelines would all be met and thus would not result in any undue impact on existing dwellings in terms of privacy or general living conditions including light. In addition, properties to the north have existing garages located in between their main rear elevations and the proposed new housing which would assist in partially screening the new houses.

Within the site, the layout would also broadly meet the interface guidelines with two exceptions:

- Distance from the front elevation of the proposed flats (Plots 1 and 2) to the proposed new houses in Plots 6 to 9 would be c. 15 metres. This is 6 metres below the recommended guideline;
- Distance from the r/o Plots 11 to 14 to the existing garage colony which forms the western edge of the site = 6.6 metres. As the existing garages are single storey in height a distance of 9 metres is the guideline outlined in PCPN No. 2.

Whilst there is a shortfall in the interface guidelines in a number of places the relationship between Plots 5 -10 and Plots 1 to 4 involves only a small number of units and would involve proposed dwellings which would be for rent. Bearing in mind the wider benefits in the provision of affordable housing, this shortfall is considered acceptable.

In the context of the wider area, it is considered that the proposed development is in character with the local pattern of development whilst actually achieving enhanced interface standards than are the norm on surrounding streets. It is considered that the properties are far enough away from existing dwellings not to result in undue loss of light to the properties surrounding the site.

The proposal benefits of the development outweigh any harm to the new residents.

Impact on highway safety

Core Strategy policies P5 and S1 and the maximum car parking standards provided in Appendix 3 of the Core Strategy seek to provide adequate off road car parking and to promote road safety in the design of new development. Each new 2 bed property would have the ability to park one space off road whilst the larger 3 bed units would have two car parking spaces.

The Council's Highways Engineers have confirmed that they have no objections to the proposal. Given the nature of the proposed development it is likely that car ownership levels will be minimal and therefore, the proposed level of car parking is acceptable. It is also noted that the standards provided within the Core Strategy are maximum and not minimum standards.

The proposed internal layout would comply with the Council's adoption standards and it is considered that the proposal would comply with policy.

Impact on trees

Core Strategy policy CG1 seeks to safeguard and enhance biodiversity by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development. The site contains no trees with a number of trees being removed prior to submission of the planning application. Whilst this is unfortunate, the trees were not protected via a TPO.

The Council's Trees and Woodland officer has recommended that a number of plots be moved to enable additional space from existing trees located within the adjoining site.

Whilst it is unfortunate that trees have been felled it is considered that their loss can be mitigated by the provision of replacement tree planting in the rear gardens and at the ends of the site. This would be conditioned upon approval of the proposal.

Impact on drainage/land stability

Core Strategy policy CG4 seeks to ensure that development proposals do not cause detrimental impacts upon water, ground/air quality. In addition, where proposals may be affected by contamination or ground instability appropriate surveys should be provided.

Subject to the usual planning condition relating to the provision of a remediation strategy and subsequent validation upon completion of the development it is considered that the development could be safely developed from a construction and end user perspective.

The proposal would comply with policy.

Impact on sustainability

Core Strategy policy CG2 seeks to ensure that new residential development proposals of 5 dwellings or more are Code for Sustainable Homes Level 3 compliant, provide low carbon energy sources to reduce Carbon Dioxide emissions by 10% from regulated and unregulated energy use and to ensure surface water run-off from the site should be no worse than the original conditions.

The applicant has confirmed that the proposal would comply with Code Level 3 and that the proposed reduction in CO2 emissions would be achieved through a fabric first approach (e.g. enhanced insulation and building materials). It is considered that this is within the spirit of the policy and would have the same effect.

The proposal complies with policy.

Conclusion

The application relates to a previously developed and greenfield site located in a highly accessible and sustainable location on the edge of the Highfield Road centre. The proposal would be for the provision of affordable housing with modest, well designed properties with sufficient off road car parking. Whilst the proposal would result in the loss of an area of open land, this can be compensated for by replacement tree planting and other landscaping where appropriate.

It is considered that the proposal would respect the overall character of the area and is sufficiently offset from existing residential properties so as not to result in any harm being caused to existing/future residents living conditions.

It is considered that the proposal complies with policy and is recommended for approval.

Representation and Consultation Annex

Representations

Letters:- two objection letters have been received from 7 and 11 Avondale Road raising concerns of loss of privacy, light and whether there is adequate parking for the proposed occupants of the dwellings.

Petitions:- no petitions received.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees: the Council's Highways Engineers, Greenspace Management, Economic Strategy, Strategic Development Unit, Trees and Woodland Officer, Pollution Control, Drainage and Landscape Design and Development. The Greater Manchester Ecology Unit and Design for Security (Greater Manchester Police).

Planning History

No relevant planning history.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

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

2. No development shall be commenced until full details of the type and colour of facing materials to be used for the external walls and roof(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

3. Phase II Report

Should the approved Phase I Report recommend that a Phase II Report is required, then prior to commencement of any site investigation works, design of the Phase II site investigation shall be submitted to, and approved in writing by, the Local Planning Authority. Site investigations shall be carried out in accordance with the approved design and a Phase II Report shall then be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The Phase II Report shall include the site investigation data, generic quantitative risk assessment, detailed quantitative risk assessment (if required) and recommendations regarding the need or otherwise for remediation.

Should the Phase I Report recommend that a Phase II Report is not required, but during construction and prior to completion of the development hereby approved, contamination or gas migration is found or suspected, the developer shall contact the Local Planning Authority immediately and submit proposals for investigation and remediation of the contamination or gas migration within seven days from the date that it is found or suspected to the Local Planning Authority for approval in writing.

Options Appraisal

Should the Phase II Report recommend that remediation of the site is required then unless otherwise

agreed in writing with the Local Planning Authority, no development shall commence unless or until an Options Appraisal has been submitted to, and approved in writing by, the Local Planning Authority. The Options Appraisal shall include identification of feasible remediation options, evaluation of options and identification of an appropriate Remediation Strategy.

Implementation of Remediation Strategy

No development shall commence, unless otherwise agreed in writing with the Local Planning Authority, until the following information relating to the approved Remediation Strategy has been submitted and approved by the Local Planning Authority:

- i) Detailed remediation design, drawings and specification;
- ii) Phasing and timescales of remediation;
- iii) Verification Plan which should include sampling and testing criteria, and other records to be retained that will demonstrate that remediation objectives will be met; and
- iv) Monitoring and Maintenance Plan (if appropriate). This should include a protocol for long term monitoring, and response mechanisms in the event of non compliant monitoring results.

The approved Remediation Strategy shall be fully implemented in accordance with the approved phasing and timescales and the following reports shall then be submitted to the Local Planning Authority for approval in writing:

- v) A Verification Report which should include a record of all remediation activities, and data collected to demonstrate that the remediation objectives have been met; and
- vi) A Monitoring and Maintenance Report (if appropriate). This should include monitoring data and reports, and maintenance records and reports to demonstrate that long term monitoring and maintenance objectives have been met.

Reason

To ensure that the development is safe for use.

4. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason

To ensure the development safeguards the character and visual appearance of the locality and to safeguard the living conditions of nearby residents particularly with regard to privacy and outlook.

5. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to and approved by the Local Planning Authority before development is started. Such scheme shall be carried out within 6 months of the occupation of any of the buildings or the completion of the new 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 planting season with others of similar size and species.

Reason

To soften the development proposed and to enhance and improve the setting of the development within the landscape of the surrounding locality.

6. Before development commences details of the treatment to all boundaries to the site shall be submitted to and approved by the Local Planning Authority. Such details as are approved shall be implemented in full before the development is first occupied or brought into use and retained thereafter.

Reason

To ensure adequate standards of privacy are obtained and to enhance the setting of the development within the landscape character of the locality.

7. Prior to the commencement of development full details of the highway works at Wildman Lane comprising of footway widening to 2 metres to coincide with visibility splay drawing ref: 386/48(02003C shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety.

8. The dwellings hereby approved shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). Within four months (unless otherwise agreed in writing with the LPA) of first occupation of the development hereby approved a Final Code Certificate will be submitted to the Local Planning Authority certifying that Code Level 3 has been achieved.

Reason

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

9. Within 3 months of the commencement of development, an energy assessment of the approved development shall be submitted to the Local Planning Authority. The submission shall include a scheme which details how either (i) renewable energy technology or (ii) an alternative scheme e.g. enhanced insulation shall reduce CO2 emissions of predicted energy use of the development by at least 10%. The approved scheme shall be installed, retained and maintained in perpetuity thereafter unless agreed by the Local Planning Authority.

Reason

To enhance the sustainability of the development and to reduce the reliance on fossil fuels in order to comply with Core Strategy policy CG2.

10. No building hereby permitted shall be occupied until surface water drainage works have been implemented on site which maintains the existing surface water run off from the site under greenfield conditions in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

1. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
2. include a timetable for its implementation; and
3. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall be implemented in full prior to full occupation of the development hereby permitted and retained thereafter.

Reason:

To reduce the risk of contaminating surface water run off and reduce the risk of localised flooding and down stream flooding by ensuring the provision of a satisfactory means of surface water dispersion

11. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from ** shall be constructed to a minimum width of ** metres for a distance of ** metres with ** metres radii to ** and **no. ** metres wide footway(s) in accordance with the drawing ref [**].

Reason

In the interests of highway safety

12. Prior to the development hereby approved/permitted being first occupied or brought into use the existing vehicular access onto Wildman Lane shall be closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards. There shall thereafter be no means of vehicular access to or from Wildman Lane, other than as shown on drawing ref: 386/48(02)003 Rev C.

Reason

In the interests of highway safety.

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

Reason

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

14. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 37.4 metres shall be provided at the junction of the site with Wildman Lane to the north, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

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

Reason

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

15. Prior to the occupation of the dwelling house(s) hereby permitted provision shall be made for the parking or garaging of (a) motor vehicle(s) adjacent to (the (each of the) dwelling house(s)) in the area identified for that purpose on the approved plan. [Garage driveways shall be a minimum of 5.5 metres long.] The (those) area(s) shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or replacing that Order) other than (a) garage(s), no extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines or satellite antennae shall be erected within that area.

Reason

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

16. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General

Permitted Development Order 2008 (or any Order amending or replacing that Order) no dormers shall be constructed or other alterations to the roof carried out on the approved dwelling(s) other than those expressly authorised by this permission.

Reason

To safeguard the architectural character and appearance of the dwelling.

17. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 2008 (or any order amending or replacing that order) no extensions, porches, garages, outbuildings, sheds, greenhouses, oil tanks, or hardstandings shall be erected within the curtilage of (any of) the approved dwellinghouse(s), other than those expressly authorised by this permission.

Reason

The private garden space of the dwellings is limited and any extension would result in an unsatisfactory scheme in terms of open space and privacy requirements.

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

Dwg No. 386/48(02)003 Rev. C - Proposed Site Plan

Dwg No. 386/48(02)200 # House Type A

Dwg No. 386/48(02)201 # House Type B

Dwg No. 386/48(02)202 # House Type C

Reason

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

19. No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with the drawing ref: 386/48(02)003 Rev C.

Reason

In the interests of highway safety.



- Key**
- Site boundary
 - Existing buildings
 - D.O.T. type standard kerb, verges, footway & pavement with 100mm high kerb
 - Grassed areas
 - 600 x 600mm Paving slab (Marshall Perfecta, Natural or similar)
 - Block paving surfacing in herringbone pattern, Colour: Charcoal (Marshall Raylocor, or similar)
 - Secure garden shed.
 - New tree (species TBC).
 - New dwelling
 - 1500mm high timber palisade fencing
 - 1800mm high timber palisade fencing/privacy screen
 - 600mm high timber knee-rail fence
 - 1100mm high galvanneal railing/ guarding. Spec TBC.
 - 2500mm existing perimeter fence
 - 1200mm bin store timber palisade fencing
 - 1200mm bin store wall
 - 1800mm garden wall
 - Spot level
 - Domestic refuse bin store (general & recycling).



Schedule of accommodation

Plot No.	House Type	Bedrooms	Persons	Unit	Tenure
1	C	3	5	Flat	Affordable Rent
2	C	3	5	Flat	Affordable Rent
3	C	3	5	Flat	Affordable Rent
4	C	2	3	Flat	Affordable Rent
5	A	2	4	House	Affordable Rent
6	A	2	4	House	Affordable Rent
7	A	2	4	House	Affordable Rent
8	A	2	4	House	Affordable Rent
9	A	2	4	House	Affordable Rent
10	A	2	4	House	Affordable Rent
11	A	2	4	House	Affordable Rent
12	A	2	4	House	Affordable Rent
13	A	2	4	House	Affordable Rent
14	B	3	5	House	Affordable Rent
15	B	3	5	House	Affordable Rent
16	A	2	4	House	Affordable Rent
17	A	2	4	House	Affordable Rent
18	A	2	4	House	Affordable Rent
Total		38	70		
Site Area (total)		0.300		Ha	
No of units		18			
Density		60		Dwelling/ Ha	
Parking		70		Bedspaces	
Parking %		20		Spaces	
		111		%	

PROPOSED SITE PLAN

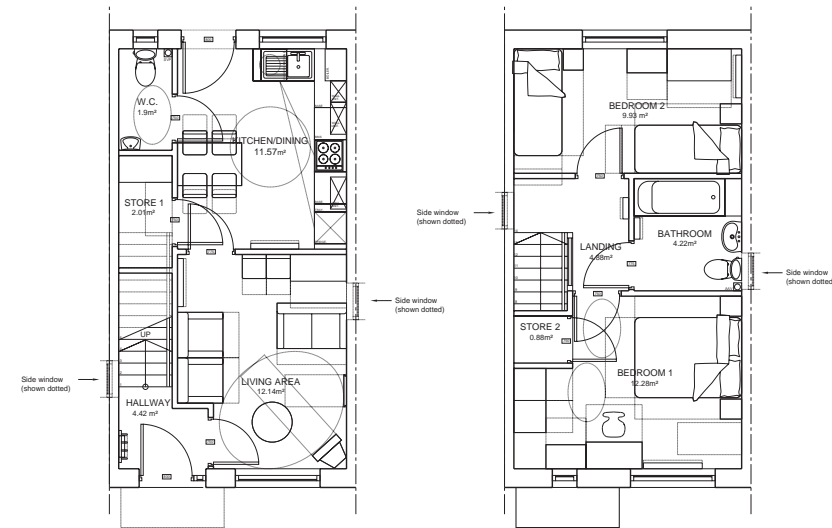
Drawn: MS
Checked: JTS
Scale: 1:200 (A1)
Contract: 101



Dwg No: 386/48(02)003 C



Front elevation (shown semi-detached)



Ground floor plan

First floor plan



Side elevation



98 Rear elevation (shown semi-detached)

Materials:

Roof: Concrete interlocking roof tiles. Profiled uPVC fascias and soffits as shown.

Rainwater goods. Black uPVC box gutters and downpipes securely fixed to walls.

External Walls: Red multi stock. (Spec TBC). Smooth-face artstone detailing to window sills

Windows & Doors: Extruded bevelled section uPVC-framed double-glazed units. Colour White

REVISIONS

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CORNELL GROUP

RESIDENTIAL DEVELOPMENT

WILDMAN LANE, BOLTON

**HOUSE TYPE A
2 BED 4 PERSON
ELEVATIONS**

Drawn: MG Scale: 1:100 @ A3
Date: 10/13 Checked: KWB

brewsterbye
5 NORTH HILL ROAD
HEADINGLEY
LEEDS
LS6 2EN
telephone
0113 2754000
fax/office
0113 2844250
e mail
info@brewsterbye.co.uk



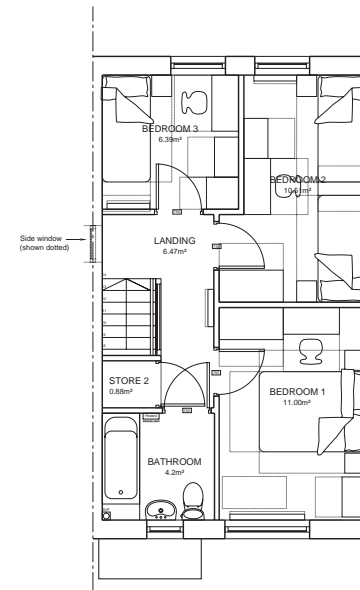
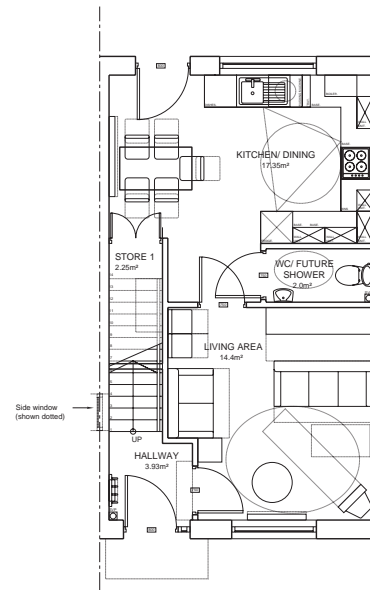
Dwg No: 386/48(02)200 #



Front Elevation



Side Elevation



Materials:

Roof: Concrete interlocking roof tiles.
Profiled uPVC fascias and soffits as shown.

Rainwater goods. Black uPVC box gutters and downpipes securely fixed to walls.

External Walls: Red multi stock. (Spec TBC).
Smooth-face artstone detailing to window sills

Windows & Doors: Extruded bevelled section uPVC-framed double-glazed units.
Colour White



Rear Elevation

REVISIONS

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CORNELL GROUP

RESIDENTIAL DEVELOPMENT

WILDMAN LANE, BOLTON

**HOUSE TYPE B
3 BED 5 PERSON
ELEVATIONS**

Drawn: MG Date: 10/13 Scale: 1:100 @ A3 Checked: KWB

brewsterbye

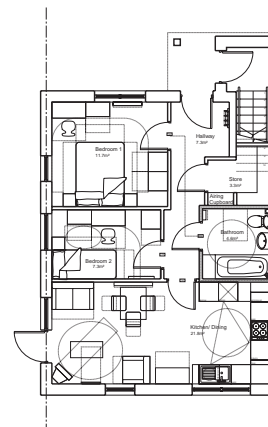
5 NORTH HILL ROAD
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telephone
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fax/office
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e-mail
info@brewsterbye.co.uk



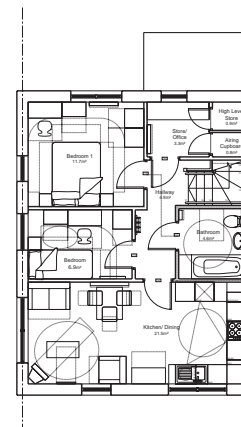
Dwg No: 386/48(02)201 #



Front elevation (shown semi-detached)



Ground floor plan
NTS



First floor plan
NTS

Materials:

Roof: Concrete interlocking roof tiles.
Profiled uPVC fascias and soffits as shown.

Rainwater goods. Black uPVC box gutters and downpipes securely fixed to walls.

External Walls: Red multi stock. (Spec TBC).
Smooth-face artstone detailing to window sills

Windows & Doors: Extruded bevelled section uPVC-framed double-glazed units.
Colour White



Side elevation



Rear elevation (shown semi-detached)

REVISIONS

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CORNELL GROUP

RESIDENTIAL DEVELOPMENT

WILDMAN LANE, BOLTON

**HOUSE TYPE C - LTH FLAT
2 BED 3 PERSON
ELEVATIONS**

Drawn: MG Date: 10/13 Scale: 1:100 @ A3
Checked: KWB

brewsterbye

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Dwg No: 386/48(02)202 #

Proposed modification to the Section 106 Agreement (dated 9th August 2007) accompanying planning permission 73431/06: Erection of 42 apartments at the former Swallowfield Hotel, Chorley New Road, Horwich

Applicant: Redrow Homes Lancashire

Planning permission was granted in August 2007 for the erection of 42 apartments in two three storey buildings, under planning application 73431/06. A Section 106 Agreement accompanied the approval, which required the following:

- 4 affordable units on site, to be transferred to a housing association
- A commuted sum of £12,615 to provide new primary school places in Horwich (prior to commencement of development)
- A commuted sum of £5,000 for public art works in the vicinity of the site (on completion of development)
- A commuted sum of £5,000 towards the cost of off-site road works in Ainsworth Avenue (prior to commencement of development)

Development has commenced on the site as the applicant constructed foundations and underground services shortly after the approval in 2007. Works however ceased in early 2008 due to the economic downturn, and the development has been stalled ever since (the site has been “mothballed”).

The applicant is now looking to finish constructing the development. They however have commented that, although the housing market is showing signs of improvement, apartments have a materially different viability level to houses and sales values remain depressed. The applicant has stated that this means that the development at the former Swallowfield’s site will continue to be stalled unless significant cost savings can be achieved.

The applicant has therefore approached the local planning authority to request that the previously agreed Section 106 Agreement is modified, to remove the requirement to transfer four of the apartment units to a housing association. The applicant are still proposing to pay the required commuted sums listed within the Section 106 Agreement (none of these have yet been paid, as the LPA considered it to be unreasonable to pursue the applicant for the pre-commencement payments given that the applicant had to cease work, and as they would not be benefiting from any financial gain).

The applicant has submitted a viability assessment to support their proposed modification, which has been assessed by the Council’s Surveyors. The assessment has demonstrated that there has been a very significant reduction in anticipated sales revenues since 2007, to the extent that the development would now produce a negative return, even after the land value has been written down. The applicant has stated that there would therefore be no commercial incentive for Redrow to complete the development, unless significant savings can be achieved. If the proposed affordable units are provided as market units instead they would generate an additional £160,000 of sales revenue; this would be sufficient to wipe out the negative return.

At the time of writing this report the Council’s Surveyors were still in discussions with the applicant. It is initially recommended that Members approve the proposed modification of the Section 106 Agreement, however an updated recommendation will be reported directly to Members at the meeting.

Consideration of objections to the Bolton (Old Kiln Lane) Tree Preservation Order 2013

Background

It was brought to the attention of the Council's Tree and Woodland Officer that some trees along the rear of the properties on Old Kiln Lane were in danger of being removed. A survey was undertaken and a TPO placed on nine individual trees and two groups of trees within the rear gardens of eight properties on Old Kiln Lane that were considered worthy of protection. Others that had been poorly pruned/topped in the past were not included.

Objection 1

Two objections have been received to the making of the TPO from the owner/occupiers of 10 and 42 Old Kiln Lane. The specific objections to the order are set out below followed by the response from the Council's Tree and Woodland Officer's (in italics):-

The objection letter submitted in respect of trees within the rear garden of 10 Old Kiln Lane firstly points out that the Horse Chestnut tree (T6) has been identified as having the disease 'Phytophthora Bleeding Canker'. It also confirms their understanding of this matter and that they have endeavoured to employ a tree surgeon on a regular basis to monitor its condition, with works previously carried out to treat any problems, including appropriate pruning works. The letter also confirms that they intend to continue this regime.

The letter further states that, by placing the order on the tree(s), the process for undertaking any works, including necessary treatment/pruning would be onerous and that they would feel obliged to make a formal application to remove the tree due to the disease issues.

Officer response

The Council's Tree and Woodland Officer welcomes and supports the management undertaken by the owner to tree T6. Based on this and the inspections carried out on their behalf by a tree surgeon, the point appears not to have been reached whereby the tree poses a safety hazard or is no longer treatable and is not unsafe. Officers therefore consider the tree should be retained unless and until the condition is untreatable and the tree either starts to die or become dangerous. At this point in time the tree is considered to be safe and the tree is worthy of retention.

The Council seeks to work with all tree owners for the safe management of their trees, and would support sound and proactive management works. Should the owner apply to fell the tree should the order be confirmed, the Council would consider the tree's health as part of the application process.

Objection 2

The letter from the owner/occupier of 42 Old Kiln Lane objects to the order in respect of two Cherry trees within the Group G2 which also comprises an Ash tree. Firstly the objectors consider that, as the Cherry trees are being situated in the middle of the garden, their

contribution to visual amenity is limited. Their real value is short lived when in blossom, after which time they are less than attractive and ultimately a nuisance when leaves fall and should not be subject to protection. They also confirm that they have no current plans to cut down or lop them severely but that the TPO places an onerous and burdensome process on them to enable regular maintenance/pruning works as necessary to avoid problems with neighbours around branch and leaf fall. It is also referenced that the trees, when not in bloom, do offer suitable nesting places and habitats for birds and other fauna.

Officer response

The Council's Tree and Woodland Officers advise that the trees are worthy of protection as they do form an important part of the tree amenities of the area, on both an individual and collective basis. The trees are visible to the general public from the surrounding area of the lodges and this is not reduced by the fact that the trees are a short distance within the garden area rather than on the boundary line of the property.

Whilst the habitat value of trees is not a requirement in making a tree preservation order, it is considered that there is an increased benefit to be gained by retaining the trees for their important contribution to the natural environment which is part of the public amenity value they contribute towards.

Leaf and blossom fall is a natural process of trees growth and should not be considered a sufficient reason for the removal of the trees. Many trees bloom for a short period of time, however this does not mean their aesthetic importance to the amenity of an area is reduced by this natural process and contribution to visual amenity.

Finally, it is again acknowledge that, in making a TPO, the Council remains fully supportive of regular proactive tree management and would seek to work with all tree owners to ensure good tree management and maintenance is supported through the application process.

Conclusion

It is considered that the trees are situated within a prominent location, are of high amenity value and their loss/removal would affect the character and appearance of the area to the detriment of visual amenity. The trees are currently considered to be healthy and should be allowed to continue to prosper ensuring they continue to contribute to the aesthetic character of the area.

Recommendation

Officers recommend that the Bolton (Old Kiln Lane) TPO 2013 be confirmed.

The common Seal of the Borough Council of Bolton was hereto affixed on the making of the Bolton (Old Kiln Lane) Tree Preservation Order 2013 on the 25th day of October, 2013 in the presence of: -

Adrian Gormley

Authorised Sealing Officer



SEALING NO.
17,031

Bolton (Old Kiln Lane) Tree Preservation Order 2013

DC23. 948
drawn: SF
October 2013
Scale : 1:250



T1 Individual Tree

G1 Groups of Trees

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Bolton Council

Development and Regeneration Department
Planning Control Section

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