

Planning Applications Report

**Planning Committee
14th November 2023**

**Bolton
Council**

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

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

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

The following abbreviations are used within this report: -

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

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

www.bolton.gov.uk/planapps

Application Number 15185/22

Directorate of Place
Development Management Section

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



Bolton
Council

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Date of Meeting: 14 November 2023

Application Reference: 15185/22

Type Of Application
Registration Date
Decision Due Date
Responsible Officer
Authorising Officer

Full Planning Permission
17 December 2022
8 November 2023
Alex Cowling

Location

1 DAFFODIL ROAD FARNWORTH BOLTON BL4 0DN

Proposal

ERECTION OF SINGLE STOREY SIDE EXTENSION TO SHOP

Ward

Farnworth North

Applicant: Mr C Mistry

Agent: Mr F Patel

Recommendation: Approve subject to conditions

Executive Summary

- Permission is sought for the 'Erection of single storey side extension to shop.'
- This application is before Members as the applicant is Cllr Champak Mistry.
- There are no objections from any neighbours or consultees.
- The proposals accord with Bolton's development plan. Members are therefore recommended to approve this application.

Proposal

1. Permission is sought for the erection of a single storey side extension to an existing convenience store/shop (Use Class E(a)). The proposed extension will project a maximum of approximately 5.5m to the side at the rear, narrowing to 3.3m to the front, the full depth of the existing building, creating an additional 44m² of shop floor/storage floorspace.
2. The application is submitted as a 'free-go' resubmission following the previously refused application 14583/22 for an identical extension. The previous application was refused under delegated powers for the sole reason that: "The site lies within the defined Development High Risk Area for coal mining. Insufficient information has been provided by the applicant to undertake an assessment of the impacts of the development on land stability/coal mining risk and as such it would be contrary to Policy CG4 of Bolton's Core Strategy and Paragraphs 183 and 184 of the National Planning Policy Framework."
3. This application has sought to overcome the previous reason for refusal and is accompanied by a Coal Mining Risk Assessment.

Site Characteristics

4. The application site comprises an existing ground-floor convenience store/shop with residential use at first floor. The existing shop has a floorspace measuring 119m². The existing building comprises a former dwelling, constructed from red brick with a hipped roof and is semi-detached. The site frontage is open, with a 1m high brick wall to the eastern side boundary. To the rear is a garage/storage building. Parking is located to the front from Daffodil Road. There is an unadopted road (Back Harper Green Road) to the eastern side providing access to the rear of dwellings along Harper Green Road.

5. The site topography is generally flat and lies within a predominantly residential area, comprising a mix of semi-detached and terraced dwellings, of a similar scale, with some variance in design and appearance.

Policy

The Development Plan

Core Strategy Policies: P2 Retail and Leisure; P5 Accessibility; S1 Safe; CG1 Cleaner and Greener; CG3 The Built Environment; CG4 Compatible Uses; and RA2 Farnworth.

Other Material Considerations

National Planning Policy Framework (NPPF).

General Design Principles SPD

Accessibility, Transport and Road Safety SPD

House Extensions SPD (principles)

Places for Everyone (PfE) – 2023 – This plan has reached the main modifications stage. The modifications have been agreed by Bolton’s Cabinet which are currently the subject of a public consultation period. Given the level of public consultation and scrutiny it has received, the Plan and its policies are now a material planning consideration in the determination of planning application in Bolton. The Plan and its policies must therefore be given significant weight in the planning balance.

Analysis

6. 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.
7. The main impacts of the proposal for consideration are:
 - Principle of Development
 - Impact on the Character and Appearance of the Area
 - Impact on the Amenity of Neighbouring Residents
 - Impact on Highway Safety and Parking
 - Impact on Land Stability/Coal Mining Risk
8. The site lies within Flood Zone 1 and the scale of the development is such that issues of flood risk and drainage are not for consideration (covered under building regulations). The scale of the development, and as an extension to an existing property over existing hardstanding (no planting/hedgerows or trees) is such that there is no harm in respect of ecology.

Principle of Development

9. Core Strategy Policy P2 (Retail and Leisure) [amongst other things] seeks to ensure that development for additional convenience goods floor space takes place where local communities have good access. Policy RA2 of the Core Strategy supports the renewal of the Farnworth area and seeks to ensure that development makes efficient use of land.

10. The proposals would comprise a small extension to an existing local shop/convenience store that serves the need of the local community and surrounding residential properties. The site supports a full-time employee and provides social and economic benefits to the area. Given the scale and nature of the development a retail impact assessment and sequential test are not required. The principle of the development is therefore considered acceptable and accords with the Development Plan.

Impact on the Character and Appearance of the Area

11. Policy CG3 and RA2 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. Policy S1 of the Core Strategy seeks to ensure that the design of new development will take into account the need to reduce crime and the fear of crime. The NPPF seeks to ensure that development contributes to achieving well-designed places and states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
12. The proposed extension, given its scale, design and appearance (materials to be secured by condition) would appear as a subordinate addition to the existing building. The windows proposed to the front of the extension imitate the existing front elevation, providing an active frontage to the street scene. Waste storage and recycling will be unaffected given the existing yard to the rear. The GMP Designing Out Crime Officer has been consulted and made comments to the previous application 14583/22 raising no objections and outlining several recommendations (in respect of new external fittings, lighting, and CCTV). It is recommended that these are appended as an informative.
13. The proposed extension to the shop would be in keeping with the surrounding character and appearance of the area and would accord with Policies CG3, RA2 and S1 of the Core strategy.

Impact on the Amenity of Neighbouring Residents

14. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety, and security. The Council's General Design SPD provides general advice on designing new development including considering the effects on neighbouring amenity. The NPPF seeks to ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
15. The proposed extension has a maximum ridge height measuring approximately 4.2m. The use would not be sensitive, and no windows are proposed to the east facing side elevation. Windows to the front would have an outlook over the highway imitating the existing windows to the frontage. Openings to the rear have an outlook to the storage building and rear yard of the host property.
16. The scale of the development, use, and distance to any neighbouring properties (approx. 13m at the closest point) including 87 Harper Green Road to the east; 3 Daffodil Road to the west; 42 Lily Avenue to the rear/south; and 2 Begonia Avenue and 3 Daffodil Road opposite to the front/north are such that there would be no significant effects by virtue of overlooking (loss of privacy), overshadowing or overbearing effects.

17. The Council's Environmental Health officers have been consulted and have raised no objections subject to a condition for a Noise Assessment (if any new plant).
18. The proposals are for a small extension to the existing retail use as a local convenience store, with existing opening hours. Therefore, it is not considered that the proposals would result in a significant increase such that detrimental effects to the amenity of surrounding properties (including residential use above the existing shop) by virtue of noise from its use, including comings and goings of customers (including by car).
19. The proposals would therefore accord with Policy CG4 of the Core strategy.

Impact on Highway Safety and Parking

20. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility, servicing arrangements and parking as set out in Appendix 3. Policy S1.2 of the Core Strategy states that the Council will promote road safety in the design of new development. The Accessibility, Transport and Road Safety SPD is also relevant. The NPPF (Paragraph 111) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
21. The proposals are for an extension to the existing shop, which is sustainably located for use by local residents, with access via walking and cycling. The Council's Highways Engineers have been consulted on the proposals and no objections have been raised (see Representation and Consultation Annex below). Given the small-scale nature of the extension, with existing parking to the front of the shop, and comments from the Council's Highways Engineers it is considered that the proposals would accord with the aforementioned policies and guidance.

Land Stability/Coal Mining Risk

22. Policy CG4 of the Core Strategy states that development proposals on land that is (or is suspected to be) affected by contamination or ground instability 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.
23. The NPPF is also relevant and outlines at Paragraph 183 that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). Paragraph 184 of the NPPF further outlines that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.
24. The Coal Authority have been consulted on the proposals and have confirmed that the site lies within the defined Development High Risk Area for coal mining. The Development High Risk Area (15% of the coalfield) is where recorded coal mining risks are present at the surface or shallow depth and are likely to affect new development. A coal Mining Risk Assessment has been submitted as part of the application and The Coal Authority have reviewed and confirmed that there are no objections, subject to an informative (see Representation and Consultation Annex below). This has therefore overcome the previous reason for refusal.

25. The Council's Environmental Health officers have commented that there are no objections subject to a condition pertaining to unexpected contamination.
26. It is therefore concluded that sufficient information has been provided to undertake an assessment of the impacts of the development on land stability/coal mining risk and as such it would comply with Policy CG4 of the Core Strategy and Paragraphs 183 and 184 of the NPPF.

Conclusion

27. The proposals are considered acceptable in principle, and in respect of the effects on the character and appearance of the existing building and area, living conditions of neighbouring occupiers, highway safety and parking, flood risk and drainage, and land stability/coal mining risk.
28. The proposals accord with Bolton's Development Plan and Members are therefore recommended to approve the application.

Representation and Consultation Annex

Representations

Letters/petitions: none received.
Elected Members: none received.

The application has been advertised by neighbour notification letters and site notice.

Consultations

GMP Designing out Crime Officer: Comments were made as part of the previously refused application 14583/22 - The application is supported subject to advice in respect of new external fittings, lighting, and CCTV.

Environmental Health: No objections subject to conditions for a watching brief (contamination or gas migration) and Noise Assessment (if any new plant).

Highways and Engineering: No reasonable objections on highway grounds to what is being proposed under this application.

The Coal Authority: The Coal Authority most recently objected to this application in a letter dated 29th December 2022 as no Coal Mining Risk Assessment was submitted by the applicant to support the application.

We note that this application is accompanied by a Coal Mining Risk Assessment report prepared by the Commercial arm of the Coal Authority, dated 29th August 2023. The report has been based upon a review of coal mining and geological information and concludes that both recorded and probable unrecorded coal mine workings at shallow depth pose a low risk to the site. The Coal Authority's Planning & Development Team considers that the content and conclusions of the Coal Mining Risk Assessment report to be sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development. However, furthermore detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

Should planning permission be granted for this proposal, we request that the following wording is included as an Informative Note on any decision notice: Shallow coal seams in areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Planning History

14583/22 - Erection of a single storey side extension. Refused 04.11.2022.

- 1. The site lies within the defined Development High Risk Area for coal mining. Insufficient information has been provided by the applicant to undertake an assessment of the impacts of the development on land stability/coal mining risk and as such it would be contrary to Policy CG4 of Bolton's Core Strategy and Paragraphs 183 and 184 of the National Planning Policy Framework.*

47993/95 - Change of use from shop with living accommodation to 2 self-contained flats and alterations to front elevation. Approve subject to conditions 01.02.1996.

44788/94 - Demolition of existing garage and erection of a store/workshop at rear of premises. Refused 02.06.1994. Appeal Allowed.

41729/92 - Change of use from house/shop/workshops/flat to 6-bedroom flats with car parking spaces. Deemed Withdrawn 07.08.1992.

36624/90 - Erection of replacement garage/storage building rear of shop in connection with existing business. Approve subject to conditions 26.07.1990.

22138/83 - Erection of a two-storey extension at side of shop/house. Approve subject to conditions 18.01.1984.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

Subject to the following conditions, which have been imposed for the reasons stated:-

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

Reason

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

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

Location and Proposed Site Plan received 17/12/2022.

Proposed Floor and Elevation Plans - Dwg No.01 Rev 0, dated 'Jul 2022' and received 12/12/2022.

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

- 3
 1. A Watching Brief should be undertaken by a suitably qualified person. If 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 .

2. A Verification/Completion Report detailing the objectives and findings of the Watching Brief and appropriate recommendations, where necessary shall thereafter be submitted to and approved in writing by the Local Planning Authority, and fully implemented prior to the development being first brought into use or first occupation.

General Note to Applicant

Please note: The responsibility to properly address contaminated land issues, including safe development and secure occupancy, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

Reason

To ensure that risks from ground gases and land contamination to the future users of the land

and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CG4 of Bolton's Core Strategy (2011).

- 4 If any plant or machinery is to be installed as part of the extension, hereby approved the rating level, as defined in BS4142:2014+A1:2019 shall not exceed the measured daytime and/or night-time background sound level at the closest sensitive premises at any time. A noise assessment shall be carried out and a report submitted to and approved in writing by, the Local Planning Authority prior to the installation of any plant or machinery. The report shall include all the information specified in Clause 12 of BS4142:2014+A1:2019 and details of any mitigation proposed to achieve the rating level. The approved details shall be carried out in full and retained thereafter.

Reason

To minimise the impact of noise on the general and residential amenity from the potential increase and alteration of commercial uses in the area to accord with Policy CG4 of Bolton's Core Strategy.

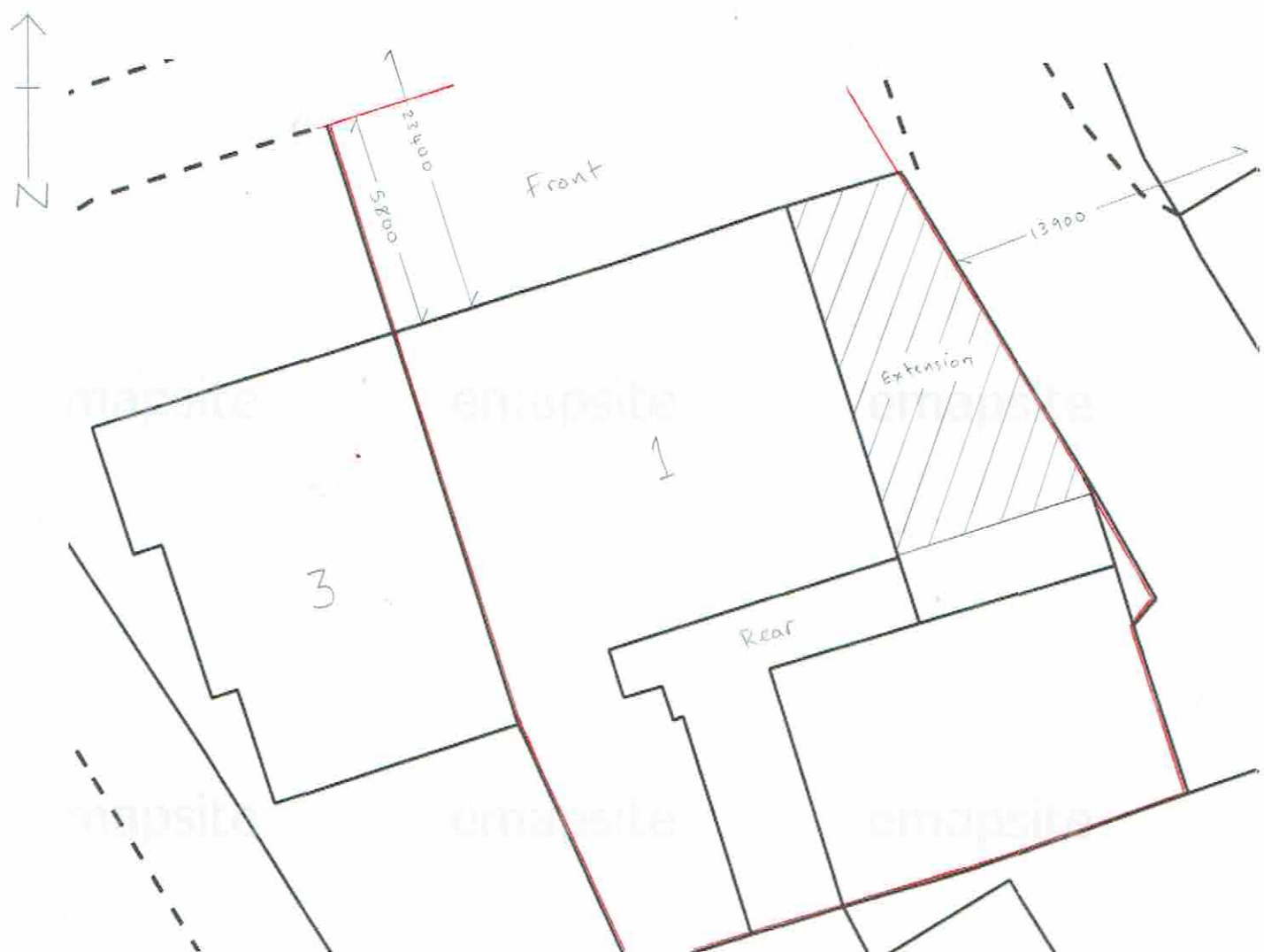
- 5 Notwithstanding the submitted details, the external surfaces of the extension hereby permitted shall be of a similar colour, texture, and size of those of the existing building, and shall be retained thereafter.

Reason

To ensure the development fits in visually with the existing building and safeguards the character and visual appearance of the locality and in order to comply with Policy CG3 of Bolton's Core Strategy (2011).



Location Plan Scale 1 : 1250



Site Plan Scale 1 : 200

Proposed erection of a single storey extension at the side of property at 1 Daffodil Road, Farnworth, Bolton

Draw No: 01	Revision: 0
FLOOR PLANS & ELEVATIONS	
Scale: 1:100 (A3 drawing size)	Date: Jul 2022
FP Architecture & Planning email: fp.arch@btinternet.com tel: 07786580011	

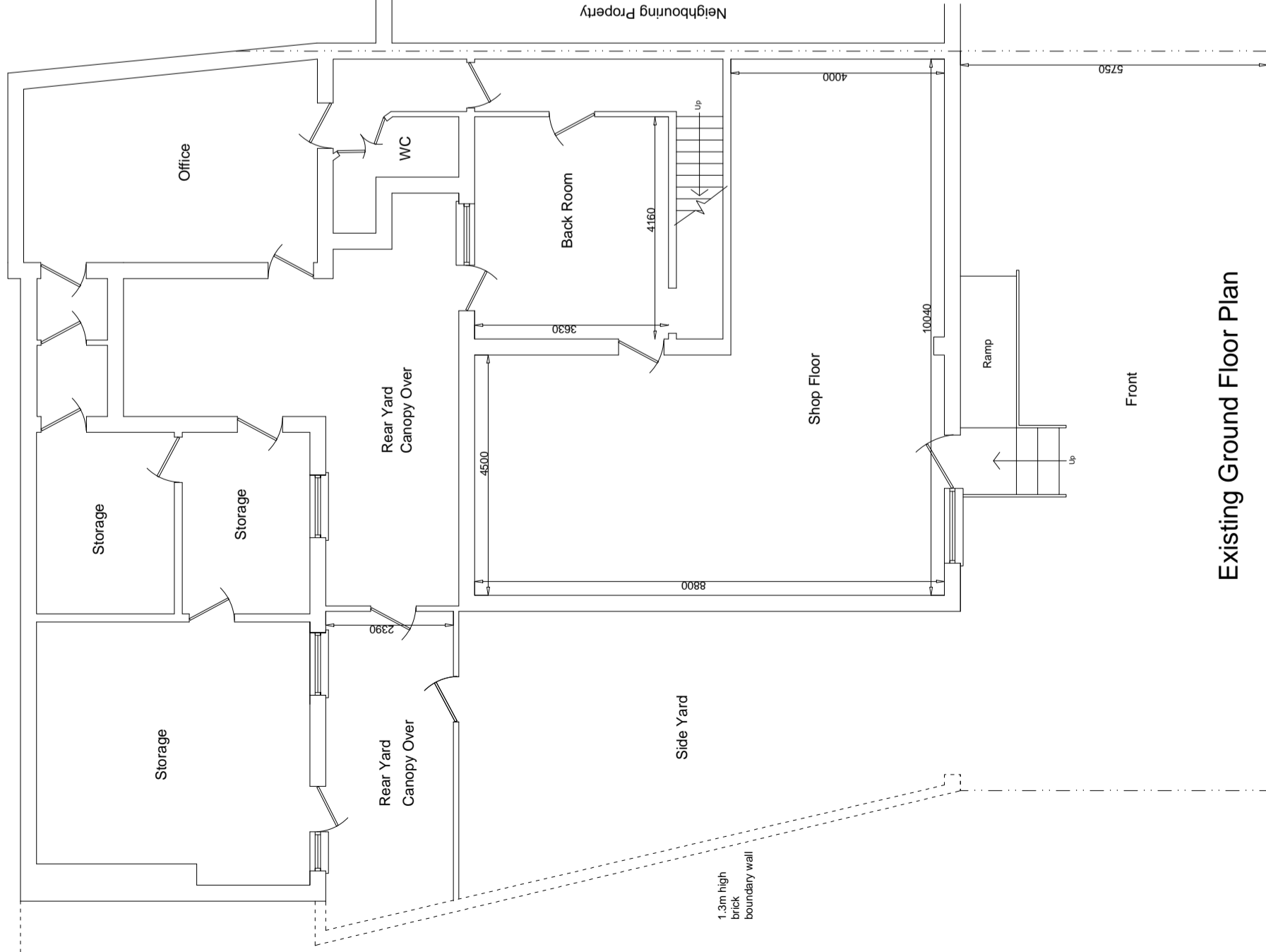
NOTES:
 Copyright in all documents and drawings prepared by the designer and any works executed from these documents and drawings shall, unless otherwise stated, be the property of the designer and shall not be reproduced by, sent or disclosed to, a third party without the written consent of the designer.
 All drawings shall be checked and approved by the designer.
 All discrepancies between information shown on the drawings and the information in the specification to be referred to the architectural designer before proceeding.
 All discrepancies between information shown on the drawings and the information in the specification to be referred to the architectural designer before proceeding.
 Positions and dimensions of existing drains, surface water or foul water drains on site are to be checked and confirmed by the building owner prior to construction.
 Positions and dimensions of existing drains, surface water or foul water drains on site are to be checked and confirmed by the building owner prior to construction.
 All relevant boundary positions to be checked prior to proceeding.



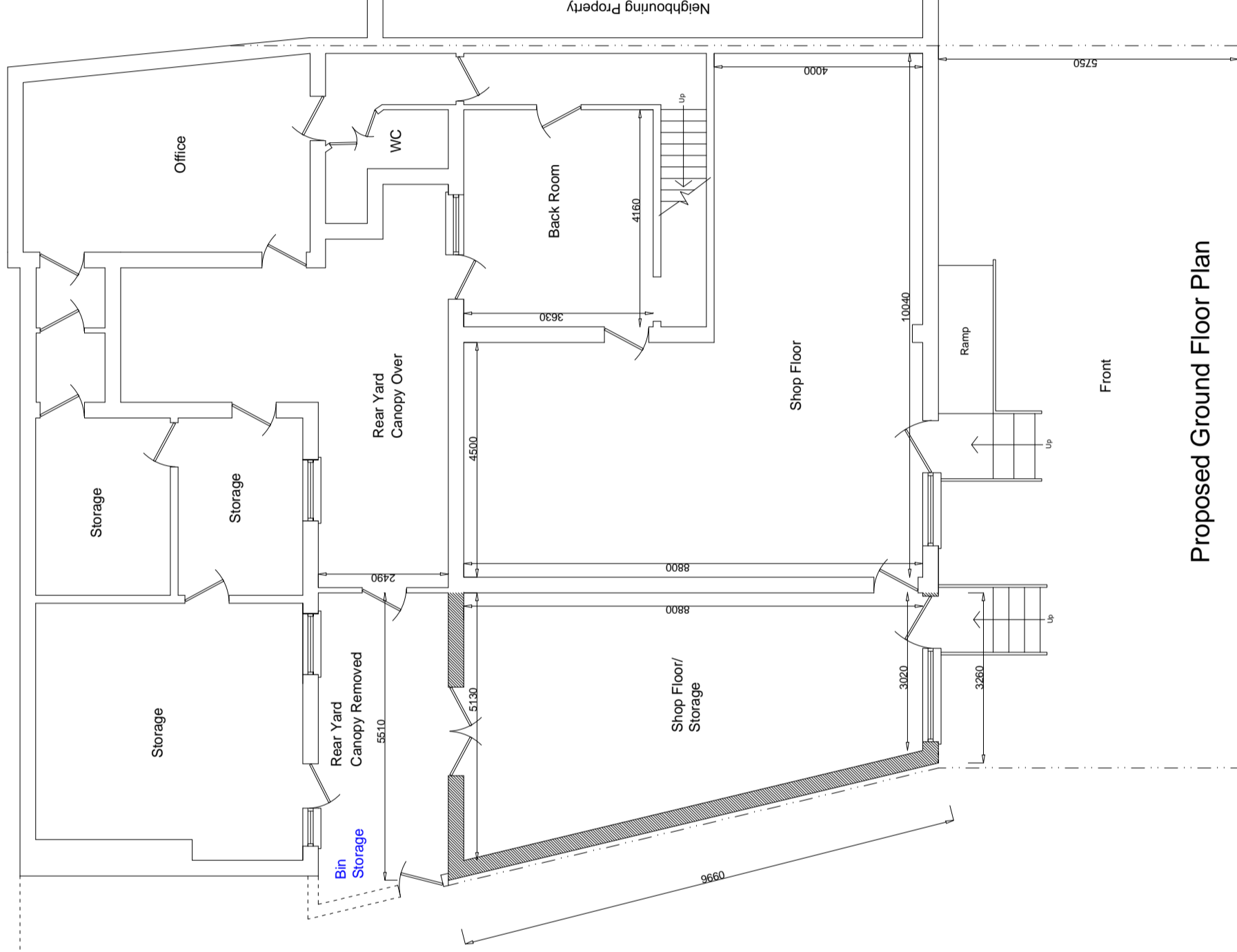
1 Daffodil Road, Bolton



Scale 1:100

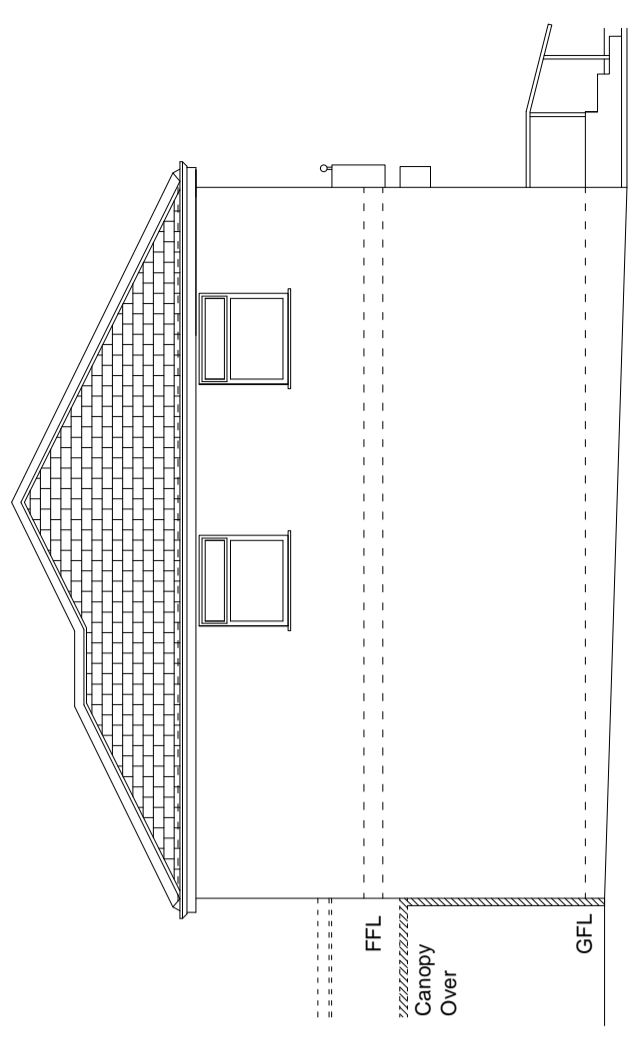


Existing Ground Floor Plan

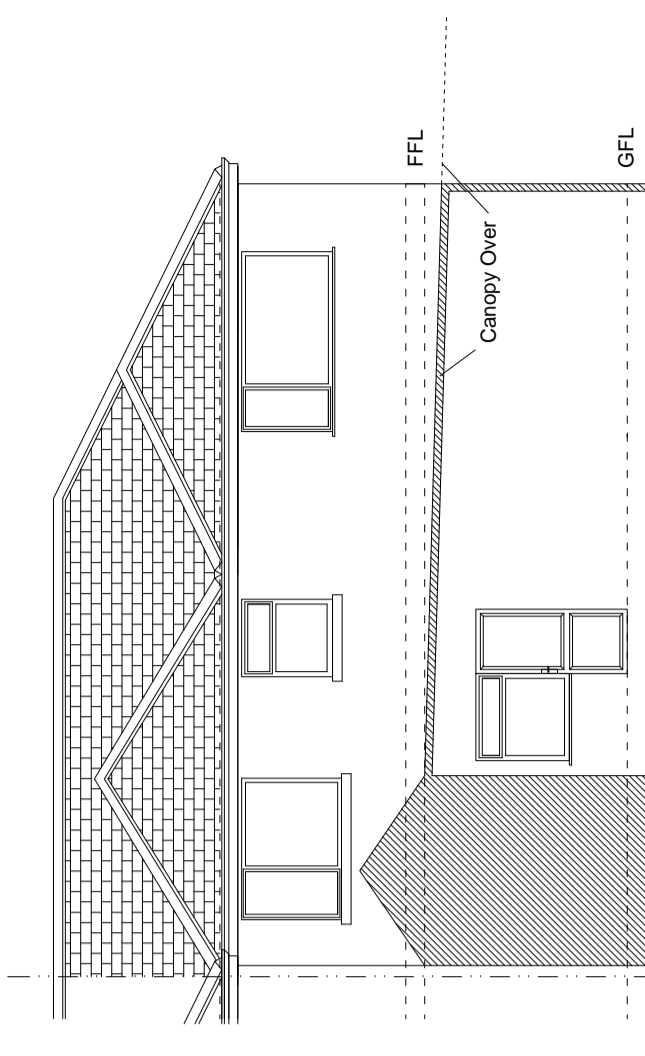


Proposed Ground Floor Plan

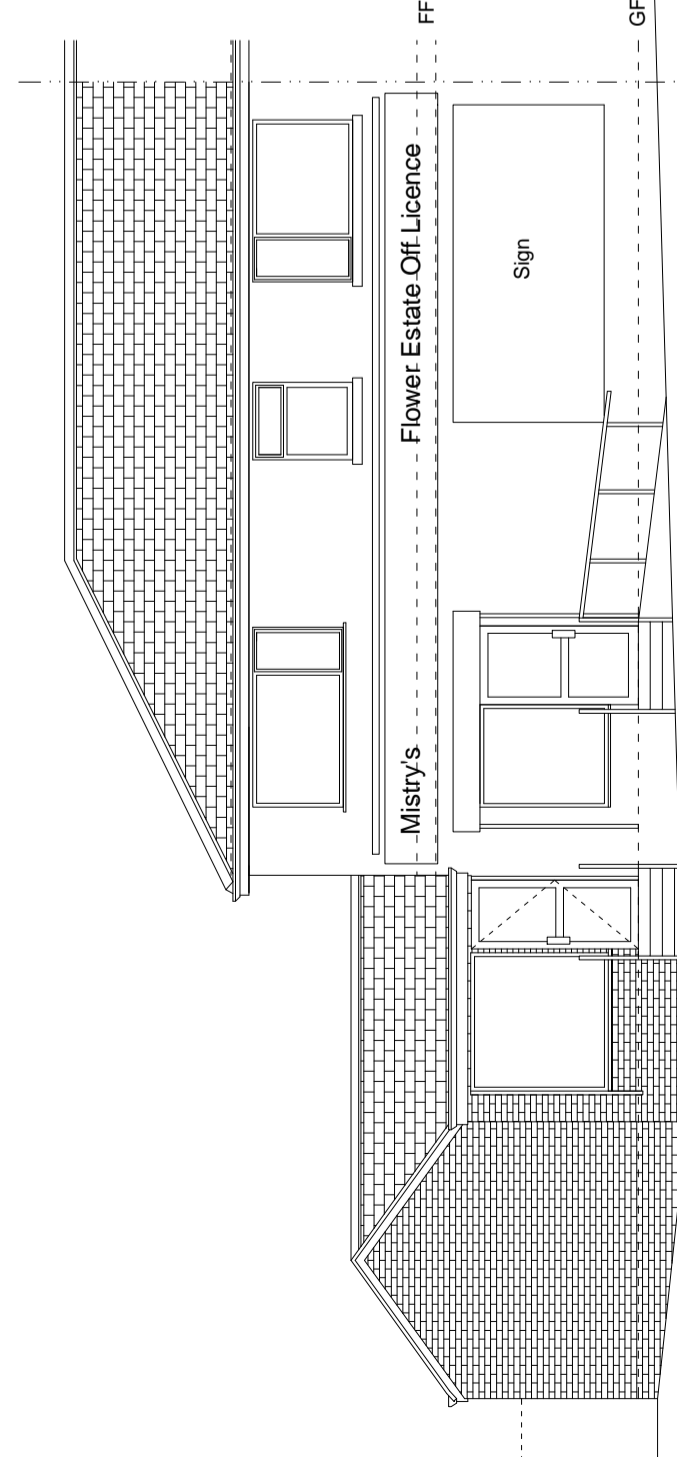
Existing Front Elevation



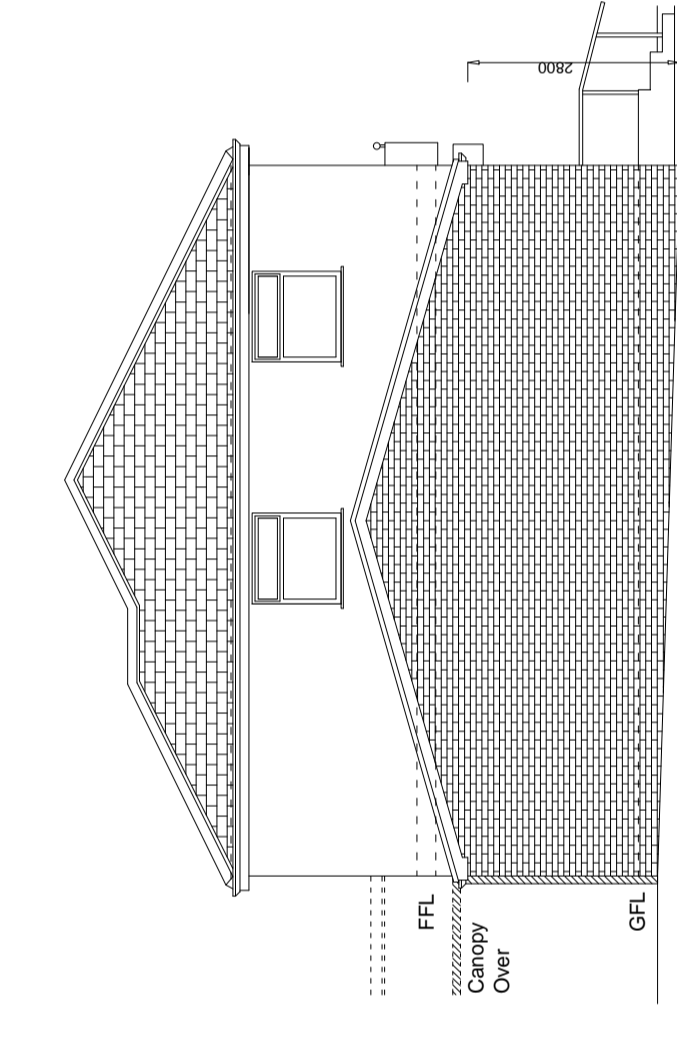
Existing LHS Elevation



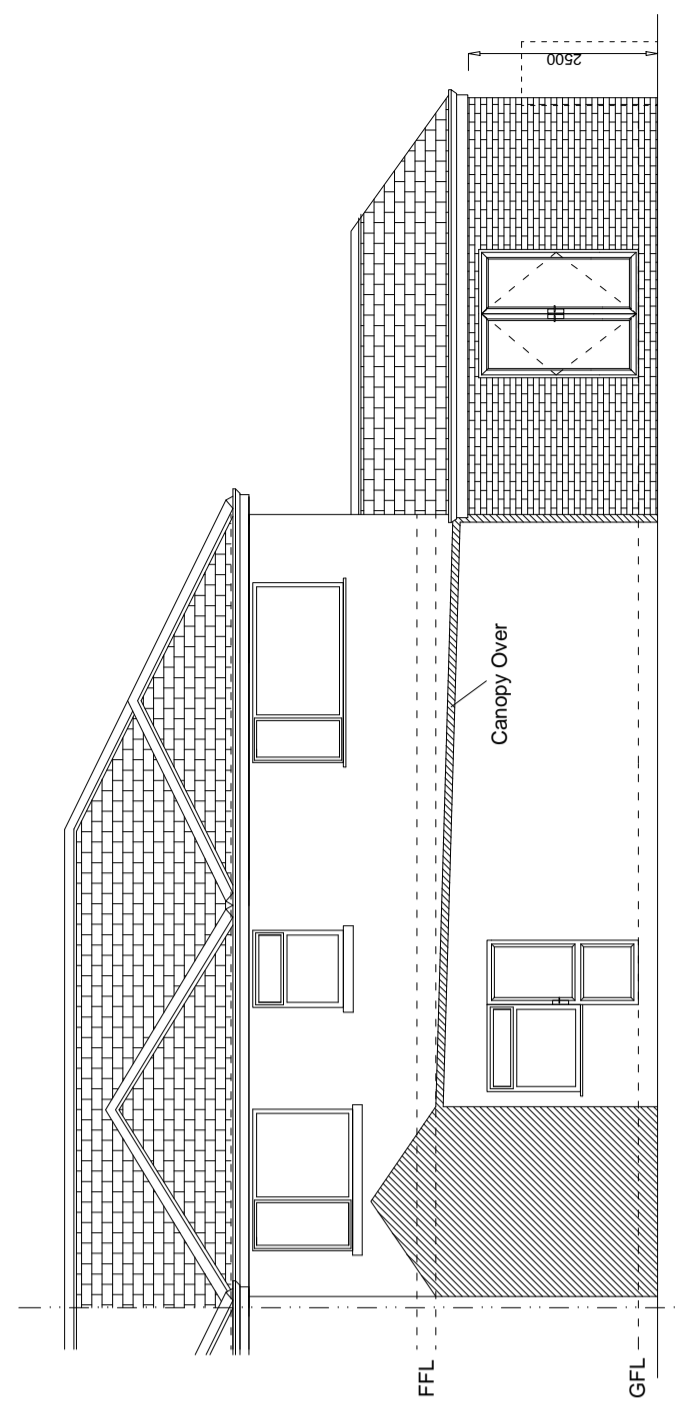
Existing Rear Elevation



Proposed Front Elevation



Proposed LHS Elevation



Proposed Rear Elevation