

**Planning Applications Report**

**Planning Committee**

**17 November 2016**

**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](http://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](http://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: -

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](http://www.bolton.gov.uk/planapps)

## INDEX

Ref. No	Page No	Ward	Location
<b>94154/15</b>	<a href="#">4</a>	FARN	SMITHS LODGES, SMITHS ROAD, BOLTON, BL3
<b>96532/16</b>	<a href="#">17</a>	SMIT	76 CROSBY ROAD, BOLTON, BL1 4EJ
<b>96758/16</b>	<a href="#">26</a>	HONE	BOUNDARY BUNGALOW, CHORLEY OLD ROAD, HORWICH, BOLTON, BL6 6QB
<b>97024/16</b>	<a href="#">41</a>	ASBR	LAND AT ASHWORTH LANE, BOLTON, BL1 8RH
<b>97436/16</b>	<a href="#">54</a>	BRCR	EAGLEY SCHOOL HOUSE NURSERY, 137 HOUGH LANE, BROMLEY CROSS, BOLTON, BL7 9DE
<b>97446/16</b>	<a href="#">64</a>	HONE	CURLEYS DINING ROOM LIMITED, CURLEYS TROUT FISHERY, WALLSUCHES, HORWICH, BOLTON, BL6 6PP
<b>97453/16</b>	<a href="#">73</a>	HONE	76 CHURCH STREET, HORWICH, BOLTON, BL6 6AB
<b>97567/16</b>	<a href="#">82</a>	HULT	LOGISTICS NORTH, PLOTS F1A F2A AND F2B
<b>97640/16</b>	<a href="#">98</a>	GRLE	LAND AT MANCHESTER ROAD AND GROSVENOR STREET, BOLTON, BL2
<b>97675/16</b>	<a href="#">106</a>	GRLE	MAKKAH MOSQUE, GRECIAN CRESCENT, BOLTON, BL3 6QU
	127		<b>BOLTON (LAND OFF OSMUND AVENUE) TPO 2016</b>

**Application number**  
**94154/15**



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

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**Bolton**  
**Council**

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**Date of Meeting: 17/11/2016**

**Application Reference: 94154/15**

**Type of Application: Full Planning Application**  
**Registration Date: 11/05/2015**  
**Decision Due By: 09/08/2015**  
**Responsible Officer: Paul Bridge**

**Location: SMITHS LODGES, SMITHS ROAD, BOLTON, BL3**

**Proposal:** CHANGE OF USE OF LAND AND RETENTION OF 2 FISHING LAKES INCLUDING PROVISION OF ACCESS FROM HIGHWAY, ACCESS ROAD, FOOTPATHS, REMODELLING OF LAND TO PROVIDE LANDSCAPED AREAS, 29No PARKING SPACES AND RETROSPECTIVE PERMISSION FOR FILLING OF SMALLER OVERFLOW POND TOGETHER WITH 'MONK' TYPE OVERFLOW.

**Ward: Farnworth**

**Applicant: Mr Webb**  
**Agent : Cunningham Planning**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Planning permission is sought for the change of use of land and the retention of two fishing lakes including provision of an access road, footpaths, remodelling of land to provide landscaped areas, 29 parking spaces and retrospective permission for the filling of the smaller overflow pond together with 'monk' type overflow.

The larger northern reservoir would be used for more general angling by societies and individuals, whilst the smaller southern reservoir would be retained for competitions and tournaments.

The site area is approximately 0.5 hectares and is irregular in shape.

The northern reservoir would accommodate 29 fishing pegs, whilst the lower southern reservoir would accommodate 17 fishing pegs.

Vehicular access to the site would be from a new access point on Smiths Road (approximately 5 metres south from the existing access). New access roads and footpaths would be constructed within the site to allow vehicular and pedestrian access around the site and on to the proposed car parking areas. The proposed car parking spaces would be sited on three separate areas within the site. Nine spaces would be located on the eastern side of the southern reservoir, three spaces adjacent to the north west corner of the southern reservoir and seventeen spaces on the western side of the northern reservoir.

The proposed landscaping would be predominantly located to the west of the northern reservoir and

to the east of the southern reservoir.

The 'Monk' type over flow would be sited on the western side of the northern reservoir and would connect this reservoir to the River Croal to the west. The 'Monk' overflow is required by the Reservoirs Act 1975 (RA75).

In addition the proposal seeks retrospective planning permission for the infilling of a small overflow pond to the north of the northern reservoir. The applicant has advised that the partial infilling of the pond was undertaken as became apparent to the owner that the northern reservoir levels were reducing significantly as a result of a leak. Investigations of the stability of the reservoir were carried out and it became apparent that the leak was emanating from the small overflow pond to the northern side of the main reservoir.

### **Site Characteristics and Surrounding Area**

The application site comprises of two reservoirs, the larger northern reservoir and the smaller southern reservoir. The site itself is located to the south east of Bolton between Darcy Lever and Little Lever. The site is within the Green Belt, the Croal Irwell Valley and is designated as an area of biological importance and is relatively open in appearance. Small areas to the north west of the site are located within Flood Zones 2 and 3.

A large amount of material has been deposited to the west of the northern reservoir and a number of trees (not protected by Tree Preservation Orders) have been removed along the eastern boundary of the site adjacent to the southern reservoir. In addition material has also been deposited and compacted adjacent to the southern reservoir in preparation for the access road.

To the south west of the site is Moses Gate County Park, to the west the River Croal, whilst to the north is an industrial estate. To the east on the opposite side of Smiths Road is a small number of residential dwellings and associated stables.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1.2 Promote Road Safety; CG1 Cleaner and Greener Bolton; CG2.1 Sustainable Development; CG3 The Built Environment; CG4 Compatible Uses; OA6 Little Lever and Kearsley.

Allocations Plan:- CG7AP Green Belt.

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* principle of development/impact on the purposes of the Green Belt
- \* impact on the openness of the Green Belt and the character of the area
- \* impact on the living conditions of neighbouring residents
- \* impact on biodiversity/ecology
- \* impact on potential flood risk
- \* impact on highway safety/parking
- \* impact on trees

#### Principle of Development

The principle issue in this particular case relates to the principle of this development within the Green Belt and whether or not there are any material considerations which would warrant 'very special circumstances' that need to be taken into account.

#### *National Planning Policy*

The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- \* buildings for agriculture and forestry;
- \* provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- \* the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- \* the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- \* limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- \* limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

This national policy is generally reiterated in policy CG7AP of Bolton's Allocations Plan.

Both national and local policy provide for exceptions to the strict policy of restraint on development in the Green Belt. The proposal would provide for the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries.

The proposal is therefore deemed to be for a purpose that falls within these exceptions and must therefore be considered to be appropriate development in the Green Belt, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

#### Impact on the Openness of the Green Belt and the Character of the Area

The NPPF states that the Government attaches great importance to Green Belts. 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 80 of the NPPF states that Green Belt serves five purposes:

- \* to check the unrestricted sprawl of large built-up areas;
- \* to prevent neighbouring towns merging into one another;

- \* to assist in safeguarding the countryside from encroachment;
- \* to preserve the setting and special character of historic towns; and
- \* to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Given that the proposal is considered appropriate development in this case, it is necessary to consider whether the proposal would impact of the proposal on the openness of the Green Belt.

There are no buildings proposed as part of this current proposal. The operational development would comprise of the associated infrastructure within the site and the 'monk' overflow. The overflow would be located within a channel on the western side of the northern reservoir adjacent to the remodelled area of land. Given this, the proposal and associated infrastructure/works would not have an unacceptable impact on the openness of the Green Belt in accordance with the NPPF and policy CG7AP of the Allocations Plan and policies CG3 and OA6 of the Core Strategy.

#### Impact on Residential Amenity

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

Smiths Road is a busy well used road and is a link between Darcy Lever and Little Lever. The nearest residential dwellings are located on the opposite side of Smiths Road. It is considered that given the proposed use of the site would be used as fishing lakes (with a capacity of 46 fishing pegs) this would not lead to a severe increase in traffic and therefore the potential for an increase in noise and disturbance from the site would be minimal.

Given the proposal's relatively isolated location and the nature of the proposed use, it is considered that the proposal would not have an unacceptable impact on residential amenity. The proposal is therefore in accordance with Policy CG4 of the Core Strategy.

#### Impact on Biodiversity/Ecology

The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and opportunities to incorporate biodiversity in and around developments should be encouraged.

The thrust of Policy CG2.2 of the Core Strategy aims to safeguard biodiversity from adverse developments. The application site is designated as a site of Biological Importance (Smiths Road Reservoir and Raikes Clough Site) and with the Croal Irwell Valley.

The applicants have submitted a number of Ecological Appraisals prepared by Bowland Ecology, the latest being dated June 2016, in support of the proposal.

The purpose of the survey was to:-

1. identify and map all habitats occurring within the survey area,
2. identify the presence of (or potential for) wildlife interests with particular reference to the need for further surveys and legal requirements,
3. provide an ecological assessment, identify potential impacts and provide recommendations pertaining to the proposed works,
4. undertake a badger survey.

The main biodiversity interest of the waterbodies is listed as associated bird life and odonata (carnivorous insects, such as dragonflies). The reservoirs and woodland are also UK Biodiversity Action Plan habitats and listed as Section 41 habitats within the Natural Environment & Rural Communities (NERC) Act 2006, which is considered of principal importance for the purpose of conserving biodiversity.

The development will directly impact on the habitats and species associated with Smiths Road Reservoir and Raikes Clough SBI. It is considered that some of the biodiversity value of the site has been lost with the operations which have been undertaken to date. These include the clearance of vegetation around the reservoirs, deposition of waste timber and demolition type materials on the northern and western areas and clearance of vegetation around the waterbodies where wildlife, especially odonata, would have inhabited. It is considered therefore that further impacts to the site will have a small scale, local, negative ecological impact on the site due to the loss of woodland habitat, open water and marginal vegetation.

The Council's Greenspace Team and the Greater Manchester Ecology Unit (GMEU) have been consulted. GMEU has advised that they raise no objections to the proposal subject to the recommendations (especially in respect of the badger sets) of the Ecology Report being implemented in full. Conditions have been attached to ensure this. As a result a number of conditions are suggested in respect of otters, invasive species, bats and other ecological mitigation.

The Environment Agency have also commented and have no objection in principle to the proposal subject to a number of conditions regarding the invasive species which are present on site and the landscaping with the site. The proposal is therefore considered to be in accordance with CG2 of the Core Strategy and Chapter 11, Paragraph 118 of the NPPF, subjected to the recommended conditions.

#### Impact on Potential Flood Risk

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

The site is located adjacent to the River Croal which runs to the north and east of the site. The River Croal is classified as a main river. Given the large size of the application site, a small area to the north west of the site is located within Flood Zones 2 and 3. Flood Zone 2 and 3 indicates that the site has a medium/high probability of flooding from rivers and there will be some risk to it as it has to be located in an area at risk of fluvial flooding.

The Environment Agency in their initial consultation response dated 16<sup>th</sup> June 2015 had no objection in principle to the application in respect of flood risk. In addition the Council's Drainage and Floodrisk Team have been consulted and have no objections to the scheme. It is considered that the development (and associated built infrastructure) itself is safe and furthermore would not increase flood risk elsewhere. Consequently the development satisfies the requirements of the NPPF (paragraph 103) and of policy CG1 which ensures that development does not suffer from flooding or increase the risk elsewhere, including the consideration of any proposed mitigation measures.

It is therefore considered that the proposal is in accordance with policy CG1 of the Core Strategy.

#### Impact on the Highway Safety/Parking

Policy P5 of the Core Strategy states that the Council will ensure that development takes into account [amongst other things] accessibility, servicing arrangements and parking (in accordance with the



parking standards set out in Appendix 3). Policy S1.2 states that the Council will promote road safety in the design of new development.

It was originally proposed to utilise the existing vehicular access, however, this was found to be unacceptable and substandard to the normal Council's standards for the proposed use. After consultation with the Council's Highway Engineers the proposed vehicular access to the site has been amended and re-sited to a new point on Smiths Road, approximately 5 metres south from the existing access. This will ensure that adequate sight lines and the appropriate standards are achieved.

In addition, to encourage the use of car parking spaces and to ensure that vehicles leaving the site have adequate visibility, the applicant is required to fund the provision of double yellow lines on both sides of Smiths Road along the frontage of site. A condition has been suggested to ensure this is carried out.

In respect of car parking provision there would be 29 car parking spaces located within the site. The parking standards as outlined in Appendix 3 of the Council's Core Strategy states that proposal for outdoor sports and recreation should be given individual consideration.

Given the proposed use of the site and the number of pegs on the reservoir, it is considered that the proposed parking provision is considered acceptable and would not lead to indiscriminate parking within the local area. Moreover, there would still be large sections of unrestricted parking available on Smiths Road beyond the frontage of the site. The Council's Highways Engineers have been consulted and have no objections to the proposal subject to a number of conditions ensuring the above measures are undertaken.

It is therefore considered that the proposed development complies with Policies P5 and S1.2 of the Core Strategy.

#### Impact on Trees

Policy CG1.1 of the Core Strategy states that the Council will safeguard and enhance rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows.

There are number of trees located within and adjoining the application site. The applicant has removed a number of unprotected trees from within the application site along the eastern boundary of the site and adjacent to the southern reservoir. Whilst no further trees of any merit are proposed to be removed the applicant has not submitted any supporting information to advise on how the proposed development may or may not impact on the remaining trees, specifically during the construction of the internal access roads. The Council's Tree and Woodland Officer has been consulted and requested a tree replacement plan. Conditions have been attached to ensure that adequate tree replacement is undertaken and protection measures put in place to prevent any further damage to the remaining trees on site during the construction of the new access point and internal access roads.

The proposal is therefore in accordance with policy CG1.1 of the Council's Core Strategy.

#### Other Issues

The proposal lies within an area defined as a development high risk area. The application site and surrounding area is with an area where there are coal mining features and hazards which need to be considered, specifically both recorded and likely historic unrecorded underground coal mining at shallow depth.

The applicant has provided a Coal Mining Risk Assessment which advises that mine entries and shallow coal mine workings pose a risk to surface stability. The report therefore recommends that intrusive site investigations are carried out in order to establish the exact location and assess the condition of the mine entries and to investigate the presence, or not, of shallow coal mine workings beneath the site. The Coal Authority has assessed this report and agrees that these intrusive site investigations to establish the exact location and condition of all three mine entries along the eastern boundary of the site are required. The findings of the intrusive site investigations carried out on site will inform any remedial measures which may be required in order to ensure the safety and stability of the site. Therefore, subject to a condition requiring further site investigations and any remedial measure carried out the Coal Authority has no objections to the proposal.

### **Conclusions**

For the reasons discussed above, the proposed development would constitute appropriate development within the Green Belt and would not reduce the openness and the purposes of including land within the Green Belt. The proposed development would not unduly harm the amenity of neighbouring residents, would be compatible with the character and appearance of the area, would not prejudice highway safety, would not result in increased flooding and would not have an unacceptable impact on biodiversity. It is therefore considered that the proposal complies fully with policy and is therefore recommended for conditional approval.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Three letters (two from the same author) have been received in response to the planning application publicity and who have raised the following concerns:-

- \* Material has already been deposited on site,
  - \* An existing pond has been infilled,
  - \* Existing trees have been cleared and replanting should take place,
  - \* Is the description of the application correct?,
  - \* Impact on wildlife,
  - \* Drainage and flood risk
- The above issues have been addressed in the appraisal.*
- \* Does the applicant own the land? *The applicant has signed Certificate A to state that the proposed development would be wholly within land owned by the applicant. The Local Planning Authority is entitled to rely on that declaration without further investigation.*

### **Consultations**

Advice was sought from the following consultees: Environmental Health, GM Ecology Unit, Tree and Wood land Officer, GM Archaeological Advisory Service, National Grid, Peak and Northern Footpath Society, Coal Authority, The Open Spaces Society, Environment Agency, Ramblers Association, Greenspace Management, Public Rights of Way Team and Drainage and Bridge Maintenance.

### **Planning History**

None relevant.

**Recommendation:            Approve subject to conditions**

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

1.     The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
  
Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2.     Prior to the commencement of development hereby approved, all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality where necessary and to enable the Local Highway Authority to consult, advertise, promote and implement Traffic Regulation Orders to mitigate the likely impact of the development.  
  
Reason  
  
In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.
3.     Prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority:-
  - \*        The submission of a scheme of intrusive site investigations for the mine entries for approval;

- \* The submission of a scheme of intrusive site investigations for the underground coal workings for approval;
- \* The undertaking of both of those schemes of intrusive site investigations;
- \* The submission of a report of findings arising from both of the intrusive site investigations;
- \* The submission of a scheme of treatment for the mine entries on site for approval;
- \* The submission of a scheme of remedial works for the underground coal workings for approval; and
- \* The implementation of those remedial works.

The development shall be undertaken in accordance with the approved details.

#### Reason

Coal mining legacy potentially poses a risk to the proposed development and intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site, and to comply with policy CG4.3 of Bolton's Core Strategy.

4. Prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority:-

a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

b) details of the species, diameter (measured in accordance with paragraph a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply;

c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree, or any tree on land adjacent to the site

e) details of the specification and position of fencing and an arboricultural method statement detailing full measures to be taken for the protection of any retained tree from damage before or during the course of development.

The development shall be undertaken in accordance with the approved details.

#### Reason

To safeguard the remaining trees within the site and to comply with policy CG1.1 of Bolton's Core Strategy.

5. Notwithstanding the approved plans no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and those works shall be carried out as approved. The details shall include:-

- existing levels and proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. fishing pegs furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- communications cables, pipelines etc. indicating lines, manholes, supports)

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; and an implementation programme. Any trees/shrubs

which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees/shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping and to comply with policies CG1.1 and CG3 of Bolton's Core Strategy.

6. In association with condition 5, no development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall be carried out in accordance with the approved details.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping, and to comply with policy CG3 of Bolton's Core Strategy.

7. Prior to the commencement of development, hereby approved a Landscape and Habitat Creation and Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall accord with the recommendations set out in the Ecological Appraisal prepared by Bowland Ecology dated June 2016 and include details, such as long term design objectives, management responsibilities and maintenance schedules for all landscape areas and shall include details of the proposed habitat creation within the site. The approved details shall then be implemented in full.

Reason

To secure opportunities for the enhancement of the nature conservation value of the site in accordance with policy CG1 of Bolton's Core Strategy.

8. Prior to the commencement of development, or phase of development, hereby approved a detailed method statement for the removal or long-term management/eradication of Japanese knotweed and giant hogweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/ root/ stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason

Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring. To comply with policy CG1.1 of Bolton's Core Strategy.

9. Notwithstanding the approved drawing titled Development Plan A1987/PL03 Dated October 2014 and prior to the development hereby approved being first occupied or brought into use the means of vehicular access to the site from Smiths Road shall be constructed to a minimum width of 8 metres for a distance of 12 metres with 4 metre radii South and 6 metre radii North with a maximum gradient of 5% in accordance with the drawing ref:- Access Plan A1987/PL05 Dated November 2015.

Reason

In the interests of highway safety and in order to comply with policies S1 and P5 of Bolton's Core Strategy.

10. Prior to the development hereby approved being brought into use, all Traffic Regulation Orders



required by the Local Highway Authority to mitigate the impact of the development shall be implemented in full.

Reason

In the interests of highway safety and in order to comply with Core Strategy policies S1 and P5.

11. Notwithstanding the approved plan [Development Plan A1987/PL03 Dated October 2014] and prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 59 metres shall be provided at the junction of the site access with Smiths 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.

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 and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

13. Before the approved development and use is first brought into use no less than 29 car parking spaces with minimum dimensions of 2.5 metres by 5 metres shall be marked out and provided within the curtilage of the site, in accordance with Drawing Ref: Development Plan A1987/PL03 Dated October 2014. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

14. The use hereby approved shall not be brought into use until the access roads and footpaths within the site have been constructed and completed to the satisfaction of the Local Planning Authority.

Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

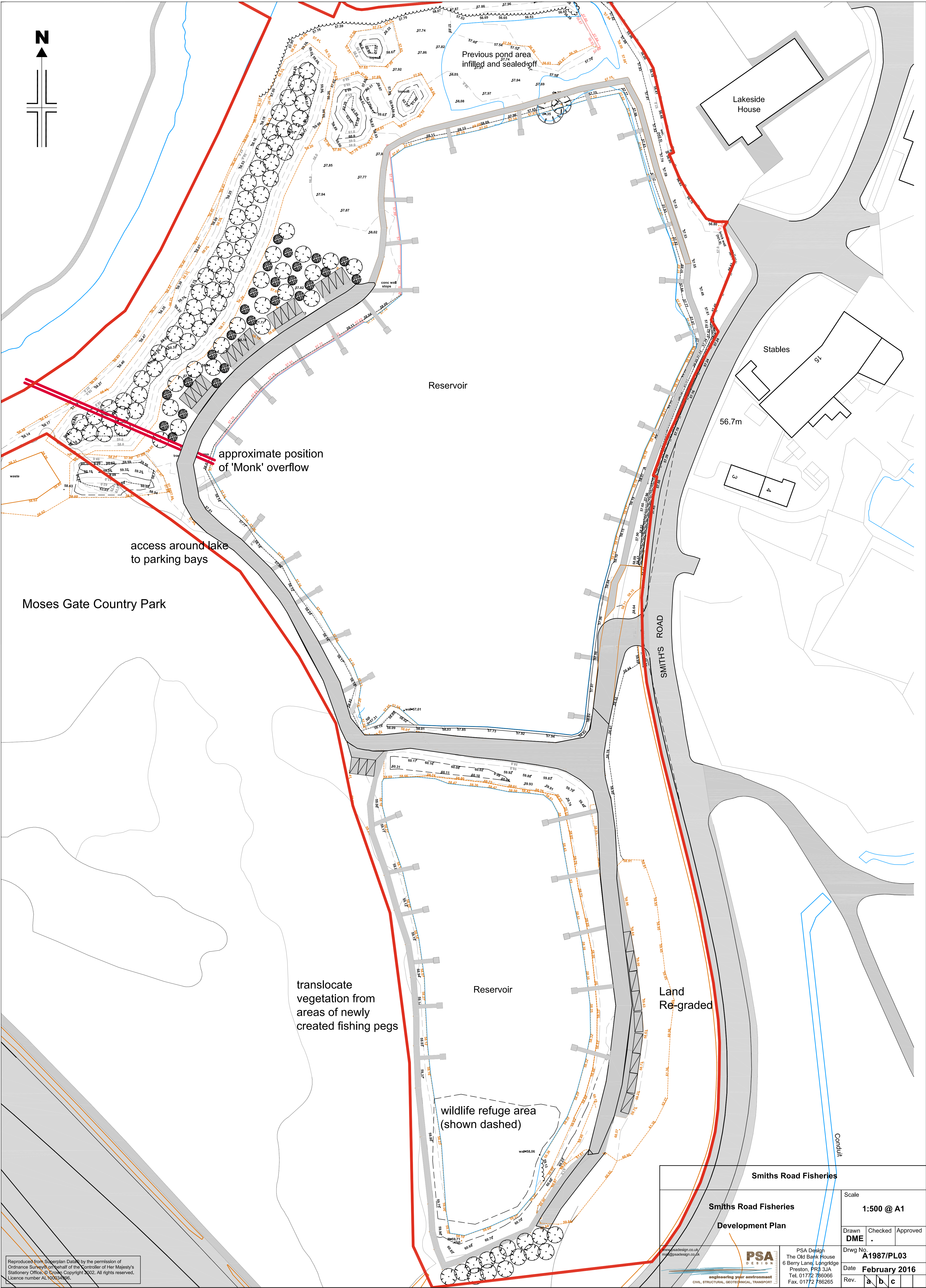
15. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

**Location Plan A1987/PL/01 Dated November 2014**  
**Existing Plan A1987/PL02 Dated October 2014**  
**Development Plan A1987/PL03 Dated October 2014**  
**Access Plan A1987/PL05 Dated November 2015**  
**Monk Overflow General Arrangement 41.08 dated April 2013**

Reason

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





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Smiths Road Fisheries		
Smiths Road Fisheries Development Plan		
Scale	1:500 @ A1	
Drawn DME	Checked .	Approved
Drwg No.	A1987/PL03	
Date	February 2016	
Rev.	a	b c

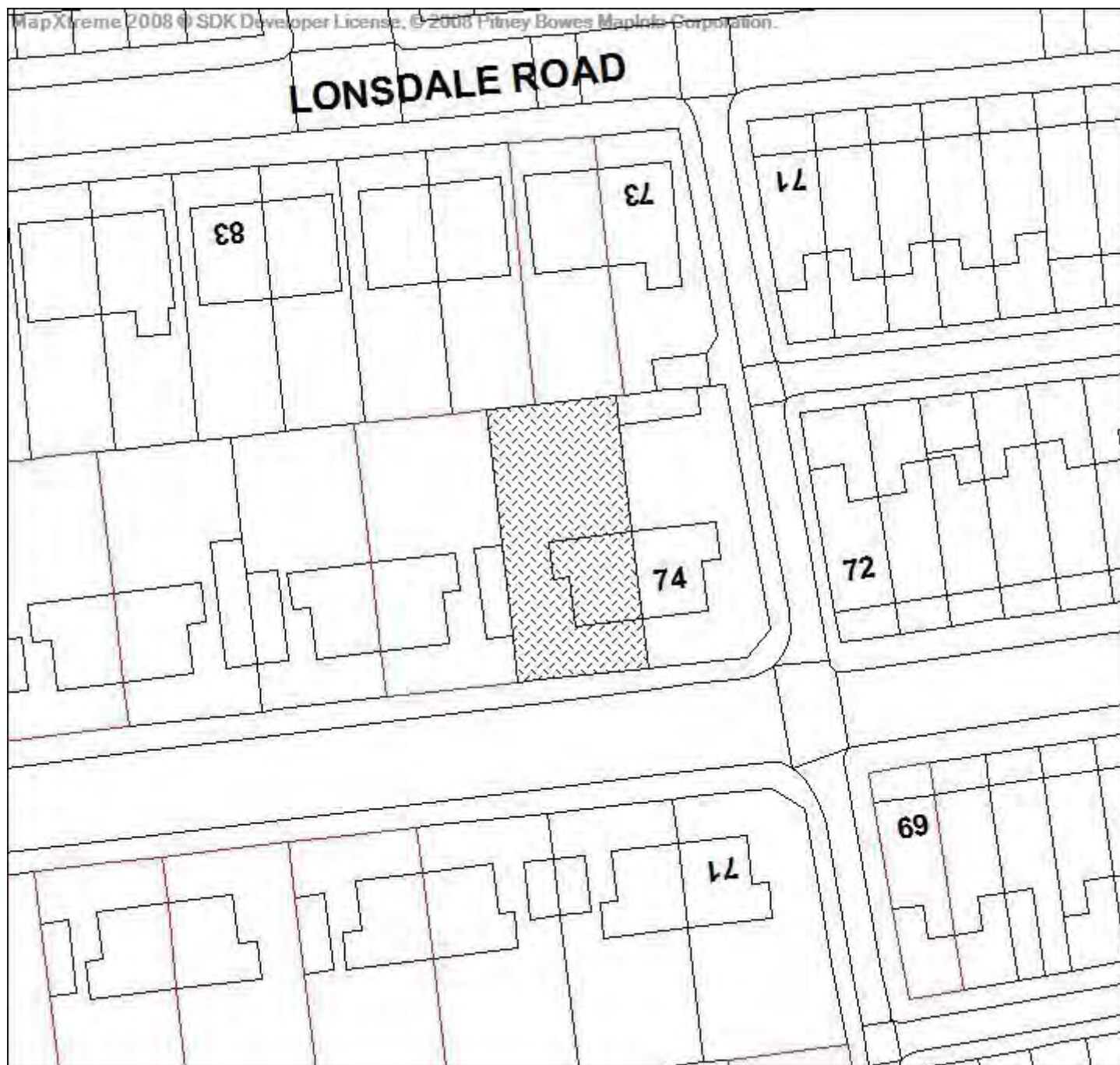
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**Application number  
96532/16**



**Development & Regeneration Dept  
Development Management Section**

Town Hall, Bolton, Lancashire, BL1 1RU  
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**Bolton  
Council**

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**Date of Meeting: 17/11/2016**

**Application Reference: 96532/16**

**Type of Application: Full Planning Application**

**Registration Date: 12/05/2016**

**Decision Due By: 06/07/2016**

**Responsible Officer: Paul Williams**

**Location: 76 CROSBY ROAD, BOLTON, BL1 4EJ**

**Proposal:** ERECTION OF TWO STOREY EXTENSION AT SIDE AND PART TWO STOREY AND PART SINGLE STOREY EXTENSIONS AT REAR (RESUBMISSION OF 96075/16)

**Ward: Smithills**

**Applicant: Mr Q PERVAIZ**

**Agent : Y A ARCHITECTURAL SERVICES**

## **Officers Report**

**Recommendation: Refuse**

### **Proposal**

Permission is sought for a two storey side extension and a part two storey, part single storey rear extension to create a four bedroom property.

This application is presented before Committee given the sensitive nature of the application.

The proposal is intended to provide improved accommodation (ground floor bedroom and bathroom) for the applicant's two children with disabilities (which is a material planning consideration that can justify a departure from policy) as well as an enlarged kitchen on the ground floor and two enlarged bedrooms on the first floor. The proposed extensions have been refused under delegated powers twice before, however the applicant had not at those times provided any special justification for the proposal.

The applicant has, with this latest application, now provided two letters from paediatric consultants (NHS) in support of their proposal.

#### *Two storey side extension*

Would measure approximately 4 metres wide and would retain a 1 metre gap to the side boundary with 78 Crosby Road. The extension would be set back from the front of existing dwelling by approximately 2 metres. It would have an eaves height of 5.7 metres to match the existing dwelling and its pitched roof would have an approximate maximum ridge height of 7.3 metres above ground level. The extension would provide a ground floor bedroom for the disabled residents and a new bedroom on the first floor.

#### *Part two storey, part single storey rear extension*

The proposed single storey element would project 2.9 metres (from the rear of the original dwelling) adjacent the boundary with 74 Crosby Road and 6.2 metres adjacent the boundary with 78 Crosby Road. The 6.2 metre projecting element would be 6.5 metres wide. The first floor element is sited adjacent the boundary with no. 78 and would project 4.5 metres from the rear elevation. The first floor part of the extension would also be 6.5 metres wide.

The proposed rear extension would provide on the ground floor a disabled bathroom, a shower room, an enlarged kitchen, an enlarged lounge and an enlarged dining room. At first floor the rear extension would provide an enlarged main bedroom. The windows in the rear of the main bedroom in the two storey rear extension will both be obscure glazed to restrict overlooking between the occupants and the dwellings at the rear.

The proposed extension would alter the property from a four bedroom dwelling to a five bedroom dwelling. It is estimated that the proposed extensions more than double the size of the original dwelling house.

A 5 metre long driveway would be retained between the front of the proposed two storey side extension and the back edge of the adjoining footpath to Crosby Road to provide two off-road car parking spaces within the curtilage of this site.

### **Site Characteristics**

This is a semi-detached property on a street of similar style properties within a predominantly residential neighbourhood.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategies Policies: P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses; RA1 Inner Bolton.

SPD House Extensions

### **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:-

- \* Supporting Information - Disabled Person's Adaptations.
- \* Impact on the character and appearance of the dwelling and the surrounding area
- \* Impact on the amenity of neighbouring residents
- \* Impact on parking



Supporting Information - Disabled Person's Adaptations  
Paragraph 1.11 of the SPD - House Extensions states as follows -

"The Council is sympathetic to the additional needs of people with disabilities which may make a departure from the guidance necessary. However, detailed evidence of disability will be required (for example, registration as disabled), as may evidence of a needs assessment conducted by an appropriate professional advisor, to demonstrate why an extension which would not normally be considered acceptable in planning terms should be granted permission on the basis of such individual circumstances."

There have previously been many examples of larger ground floor extensions required for disabled persons which have been approved as exceptions to normal policy within Bolton, and where the disabled resident's individual needs were assessed by an Occupational Therapist working on behalf of the Council to ensure that the proposed adaptation was "reasonable and practicable" for the property and was "necessary and appropriate" to meet the individual's needs.

The applicant has not submitted a needs assessment with their application (as advised within policy guidance to justify the scale of development proposed), only two letters from paediatric consultants confirming that two of the residents have a disability and that they would benefit from the proposal.

The plans for this application propose a ground floor bedroom with en suite bathroom (bedroom measuring 17 square metres and a bathroom measuring 6 square metres) for the disabled residents together with extended dining room, kitchen and extended/additional bedrooms upstairs.

Whilst officers are sympathetic to the needs of the disabled residents and their family, it is not considered that the information submitted in support of this application adequately justifies that the needs of the disabled residents warrant the scale of the development proposed given the impacts, particularly of the upper floors, described below.

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

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy RA1 of the Core Strategy relates specifically to developments in Inner Bolton and states that the Council will ensure that development has particular regard to massing and materials used, will respect and strengthen the traditional grid-iron pattern and street-scaping of existing houses where it is compatible with good urban design, and will require development to provide adequate privacy and amenity space.

The proposed side extension is set in 1 metre from the side boundary with 78 Crosby Road and set back 2 metres from the front elevation of the existing dwelling. This would prevent a potential terracing effect from occurring if the adjoining neighbours at 78 Crosby Road were also to build a similar side extension in the future, and complies with policy guidance on avoiding terracing (paragraph 4.15 SPD - House Extensions). The ground floor disabled person's facilities (bedroom and bathroom) would be provided in this side extension, and this ground floor level of provision in this individual case taken on its own merits, would be considered to represent an acceptable addition to this dwelling in terms of its scale, massing and height.

However that is not what is proposed and it is considered that the proposal, particularly the first floor rear elements, is excessive in size. It is considered that the combined scale, massing and height of the proposed two storey side and rear extensions together would have an over-bearing and detrimental visual impact on the character and appearance of the host dwelling, particularly when viewed from the rear by neighbouring properties.

It is considered that the excessive size of the large two storey rear extension has not been specifically justified in this case as required for the "practicable, reasonable, necessary and appropriate" needs of the two disabled persons in this family. To the rear, the extensions would have an over-dominant visual impact on the character and appearance of the host dwelling and the amenity of neighbouring residents covered further below. The proposals do not have an impact on the streetscene when viewed from the front and as such would, on balance, comply with Policy CG3 and RA1 and the design guidance contained in the SPD on House Extensions.

#### 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.

It is considered that the proposed side extension would not raise any significant over-shadowing or over-looking/privacy implications for adjoining neighbours. There are only two first floor windows in the side facing elevation of 78 Crosby Road at a distance of approximately 5 metres from the party boundary and a ground floor side garage within the curtilage of 78 Crosby Road. The bathroom and landing windows do not serve main rooms, and as such, there would not be any significant over-looking or overshadowing implications for the residents of 78 Crosby Road arising from the proposed side extension.

The 2.9 metres projecting single storey rear extension alongside the party boundary with 74 Crosby Road, being less than 3 metres deep from the rear wall of the property, complies with the guidance for maximum 3 metres rear projections to semi-detached houses in paragraph 4.14 SPD House Extensions.

However, the proposed part two storey, part single storey rear extension would contravene the residential amenity provisions which adjoining neighbours to the north (rear) might still reasonably expect to retain and enjoy. The existing separation distance between the current rear elevation of this dwelling and the facing rear elevations of 75 and 77 Lonsdale Road, situated to the north of this application site and containing main room windows, is presently 22 metres. This distance would be reduced between the facing windows to 16 metres (ground floor) and 18 metres (first floor). Paragraph 4.7 SPD House Extensions prescribes a privacy interface distance of 21 metres between facing walls on a neighbouring house and an extension (whether single or two storey) which both contain main room windows.

As such, it is considered that the shortfall in the interface distance between the proposed rear extension, particularly the first floor (18m) in this application and the facing windows in the rear of 75 and 77 Lonsdale Road is such (the standard is 21 metres) as to justify a reason for refusal in this case. It would have a significantly harmful impact on the privacy which the facing neighbours might reasonably expect to retain and enjoy and this is not outweighed by the supporting information provided by the applicant.

Whilst the two bedroom windows facing to the rear (north) might be obscure glazed in an attempt to safeguard privacy, this would not be a satisfactory solution as it would not reduce the overall scale of the impact of the extension on the neighbours to the rear and is an indicator of overdevelopment

of the site, as the outlook of the occupants of the application property would need to be reduced in order to safeguard the privacy of neighbouring residents.

As such, it is considered that the proposed part two storey, part single storey rear extension contravenes the residential amenity, outlook and living conditions of neighbours to the rear contrary to Policy CG4 and the similar neighbour amenity provisions contained at paragraph 4.7 of the SPD on House Extensions.

#### Impact on Parking

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

SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on highway safety.

The proposed side extension would replace currently available off-road car parking within this site. The submitted plan indicates two off road car parking spaces can still be accommodated between the front of the proposed side extension and the back edge of the adjoining footpath to Crosby Road. The proposed extensions in this application would create a five bedroom dwelling, and Council policy normally requires three off road parking spaces in order to support this size of development. However, in this case Highways Engineers have assessed the development proposal and conclude that a minimum of two spaces is acceptable in this case.

As such, it is therefore considered that the proposal would comply with Core Strategy Policies S1.2, P5 and Appendix 3.

#### Local finance considerations

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

#### Conclusion

As discussed above, whilst it is considered that the side extension alone would not necessarily harm the character of the dwelling or streetscene when viewed from the front and would not unduly harm the amenity of neighbouring residents, it is considered that the rear extension (and the combination of the rear extension with the side extension) are excessive to the extent the proposal impacts on the outlook, amenity and living conditions of neighbouring residents to the rear and have not been sufficiently justified by the applicant.

Members are therefore recommended to refuse this application.

## **Representation and Consultation Annex**

### **Representations**

Letters:- 4 letters of objection have been received from neighbouring residents. The main concerns raised were as follows:

- The proposed extensions will impact detrimentally on neighbour amenity, including loss of privacy and loss of sunlight, and will dominate the area and be a nuisance to neighbouring homes.
- The planned extensions will result in the loss of off-road parking, including contractors vehicles.
- The planned extensions will dwarf the existing properties which would create an over-development and be out of character with the area
- The development will effectively double the footprint of the existing house to create a 5 bedroomed property which occupies all the land and the gardens will be minimised at the front and rear of the property.

**Petitions:-** none received.

### **Consultations**

Highways Engineers

### **Planning History**

95427/15 Erection of two storey extension at side and part two storey and part single storey extensions at rear - Refused 28.01.2016.

96075/16 Erection of two storey extension at side and part two storey and part single storey extensions at rear - Refused 03.05.2016.

**Recommendation:**            **Refuse**

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

1. The proposed development by virtue of its design, scale, massing, length, siting and rear projection, would impact detrimentally on the outlook, living conditions and privacy of the neighbouring residents at 75 and 77 Lonsdale Road contrary to Core Strategy Policies CG4 and RA1 and the Supplementary Planning Document on "House Extensions".







2. All drawings are prepared by the architect on computer using AutoCAD and this drawing is to be copied or distibuted by or to any subcontractor without prior written consent of Y.A. Architectural Services.
3. All materials are representative only and are to be checked on site by contract dispersonaries to be reported prior to commencement of work.
4. All work shall conform to the drawing, only work within dimensions.
5. Do not scale from this drawing, only work within dimensions.
6. All new drains to be laid, girded and issued to the entire satisfaction of the Local Authority.
7. All work to comply with current Building Regulations and subsequent revisions.
8. Foundations not to encroach over boundaries.

Product Identification: Roof tiles to be installed shall be 305x200mm standard format, on breather matting, light grey or similar and minimum 200mm long flap or softwood trusses at maximum 600mm centres. Tiles must be installed on slotha approved, 150mm Otis Flat (slate) trusses with a taper 150mm thick used to give a U Value of 0.19W/m<sup>2</sup>K. We plaster board and seal tapes to underside.

Roof trusses to be designed and spaced all in accordance with BS 5268

Roofing: Roofing to be installed in accordance with BS 5268

Gradient of rafters to be minimum 12.5° and roof tiles to be installed all in accordance with BS 5268

with manufacturers requirements and recommendations.

Roof to be ventilated at ridge level with ridge tiles, fixed all in accordance with manufacturers requirements and recommendations and to Part F of Building Regulations and subsequent revisions.

**EXTENSION WALL CONSTRUCTION.** 200x25mm treated lighted SW soil board with structural stiff vinylborate. Cuts and fixed in accordance with manufacturers' requirements according with Part 6 of the current Building Regulations and subsequent amendments. 100x65mm silver beaded wall plates fixed down with 100mm long QMS 1200mm studs and welded metal plates. Straps to be covered in plaster mass. 1200x65mm deep T-section spacers 22mm square section gutter, colour Bacoat support brackets. Cutlet into 62mm square down pipe.

approved. That together with 225mm long double strength stainless steel wall ties, 13mm 20mm plastic membrane, The whole to achieve a U value of 0.20W/m<sup>2</sup>K. Part 16 of the current Building Regulations and Approved Document Part 6 requires that the wall must be constructed in accordance with Part 6 of the Building Regulations 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2

Proposed floor to line up with existing, and all vegetable matter to be removed as waste.

The whole to achieve a U-value of 0.22W/m<sup>2</sup>K, all in accordance with Part C current Building Regulations and subsequent revisions and to the entire section of the Local Authority Building Control Surveyor's requirements on site.

[illegible]

1/20th of the floor area.  
All new windows are to be fixed with trickle vents providing a min. area of 80mm<sup>2</sup> per m<sup>2</sup> of window.  
In addition, kitchen to be provided with mechanical ventilation giving a min rate of 60l/sec, similarly, we to be provided with 30l/sec, all in accordance of the current Building Regulations and subsequent revisions, and to Local Building Control Surveyors requirements on site.

Being as well-treated as possible. Ratee timer and outer leaves of masonry together with 2No. weep openings.

All new brick to be encased in 12.5mm (1/2in) lime board or similar approved 1/2in the protection, all in accordance with Part 8 of the current Building and subsequent revisions.

All bricks are to be in installed all accordance with manufacturer's requirements.

**DAMP PROOF COURSE.**

where necessary and as shown on drawings.  
Provide horizontal and vertical insulated DPC's to all openings in external walls.  
Thermabre or similar approved cavity closer, and to be installed in all in accordance with manufacturers requirements and recommendations and to Local Building Control Surveyors requirements on site.

Access gully with integral back inlet to take two, sink waste and yard surface. All drains below slab/building to be encased in min. 100mm concrete surround. Drains to be laid at 1:40min, fall, and to all in accordance with Part H of Building Regulations and subsequent revisions.

## AMENDMENTS

# Y A Architectural Services

Drawn: Y AHMED. Checked: Project:	Date: 10.05.14 Scale: 1:50
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**JOB TITLE:**  
PROPOSED GROUND AND FIRST FLOOR

PL

JOB NO:

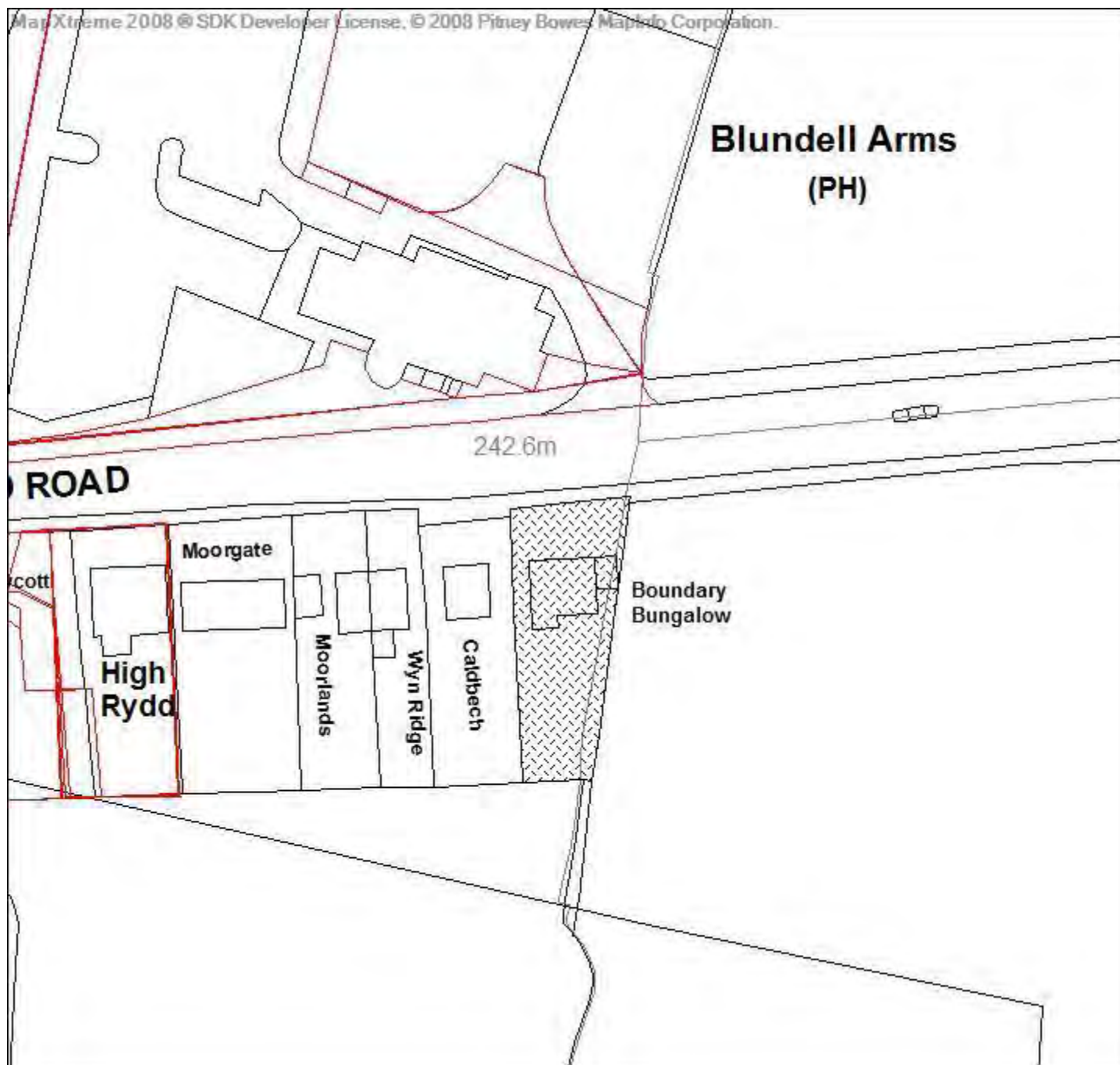
1456-P02



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SCALE. 1:50

**Application number  
96758/16**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 17/11/2016**

**Application Reference: 96758/16**

**Type of Application: Full Planning Application**  
**Registration Date: 15/06/2016**  
**Decision Due By: 09/08/2016**  
**Responsible Officer: Helen Williams**

**Location: BOUNDARY BUNGALOW, CHORLEY OLD ROAD, HORWICH, BOLTON, BL6 6QB**

**Proposal: SUBSTITUTION OF HOUSE TYPE (APPLICATION 93138/14)**

**Ward: Horwich North East**

**Applicant: Mr Brookes**  
**Agent : Neil Pike Architects**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Planning permission was granted in March 2015 (under planning approval 93138/14) for the demolition of the former bungalow on the site and the erection of a two storey dwelling, which was to be split level owing to the fall of the land to the rear of the site. A third bedroom and a bathroom were proposed to be contained within the roof space, with flat roof dormers proposed to the front and rear.

A dwelling is currently being built on the site, however this is not in accordance with the plans approved under application 93138/14. The dwelling is therefore the subject of an enforcement case.

This current application has been submitted in order to seek retrospective permission for the amended house type that is currently being built on the site. The main differences between the dwelling that is being built and the dwelling that had been approved under application 93138/14 are as follows:

#### *Roof*

- \* The roof has been constructed as gabled at the rear - it was approved as hipped with a flat roof rear dormer.
- \* The eaves height has been lowered (the approved eaves were hidden behind a fascia), making the roof structure more prominent.
- \* The alterations to the roof have resulted in the second floor becoming larger in floor area and accommodating an additional bedroom (the dwelling is now proposed as a four bedroom property whereas it was approved as a three bedroom property).

#### *Front elevation*

- \* The entrance door and windows are no longer recessed with an overhanging fascia.



- \* The glazing and door at the entrance have been changed in design so that only three glazed panels are now proposed next to the entrance door.
- \* The feature stone plinth below the entrance glazing has been replaced with a rendered stallrise.
- \* The design of the three small windows to the lower ground utility room has been altered and rendered feature panels are proposed above the narrower designed windows.

#### *Western side elevation*

- \* The number of windows at ground floor have been reduced from four to three and have been altered in size and design.
- \* The overhanging fascia above the previously approved 'feature' side window has been removed.
- \* The flat roof 'wall dormer' at the side has been increased in width by approximately 3.3 metres.
- \* The roof has been constructed so that it is gabled at the rear rather than hipped as approved.

#### *Rear elevation*

- \* The rear elevation has been constructed as a gable elevation, rather than the approved two storey elevation with hipped roof and flat roof dormer window.
- \* Four floor to ceiling window panes are now proposed at the second floor level, rather than the recessed dormer.
- \* The window/patio doors at first floor level have been altered in number, design and siting.
- \* The proposed rear balcony has been replaced with a toughened glazed Juliet balcony.
- \* Patio doors are to replace a window at ground floor level.

#### *Eastern side elevation*

- \* The overhanging fascia detail has been removed and the 'buttress' details have been altered.
- \* The windows on both floors have been altered in design, siting, size and number.
- \* The roof has been constructed so that it is gabled at the rear rather than hipped as approved.
- \* The steps leading down have been altered in design.
- \* A storage area/extension at lower ground floor level has been added to the eastern side elevation, which was not shown on the approved plans.

### **Site Characteristics**

A two storey dwelling is currently being built on the application site. At the time of the case officer's visit the breeze block outer walls, the roof and the dormers of the dwelling had been constructed.

The former dwelling on the application (Boundary Bungalow) has been demolished to make way for the new build. Boundary Bungalow was a detached, mainly white rendered bungalow, which had an attached flat roof side garage and had been extended at the rear with a flat roof two storey extension. As the application site falls steeply to the rear/south, the extended dwelling was part single, part two storeys in height. The dwelling also had a tall, steep pitched, hipped roof.

The application site falls steeply to the rear/south and the new dwelling (as with the former dwelling) is being built on a slightly lower level than the main road.

There are conifers to the front and western side of the site.

The site is located within Green Belt and the dwelling is the first house across the Horwich boundary. The next door property at Caldbeck is a detached dwelling, which is small in scale. Wyn Ridge and Moorlands are two storey semi-detached dwellings, and Moorgate (the next dwelling along) is a bungalow sited lengthways to the road. The dwellings on this stretch of Chorley New Road have a uniform front building line, though the design and scale of the properties differ.

Opposite the site is the stone built Blundell Arms public house, which is a Grade II listed building.

## **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.1 Rural Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod.

Allocations Plan Policies: CG7AP Green Belt.

SPD General Design Principles; SPD House Extensions; 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 purposes and openness of the Green Belt
- \* impact on the character and appearance of the area
- \* impact on the setting of the adjacent listed building
- \* impact on the amenity of the residents at Caldbeck
- \* impact on the highway

### **Impact on the Purposes and Openness of the Green Belt**

Section 9 of the NPPF concerns protecting Green Belt land. The Government attaches great importance to Green Belts. 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 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, however exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

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

The proposed dwelling is a replacement dwelling within the Green Belt (the replacement of a building within the same use). Therefore the purposes of the Green Belt are not considered to be harmed by the development.

The replacement dwelling approved under application 93138/14 was considered not to unduly harm the openness of the Green Belt for the following reasons (as summarised):

- \* The footprint of the replacement dwelling was similar to that of the existing dwelling;
- \* Although the eaves height of the new dwelling was to be 1.719 metres taller than the existing dwelling the overall height of the proposed hipped roof would not be taller;
- \* The roof to the proposed dwelling was amended during the application process by hipping all sides and reducing the ridge height from 7.85 metres to 7.618 metres (at the front);
- \* The approval was conditioned to remove permitted development rights from the dwelling, to restrict any future extensions and/or alterations to the roof;
- \* For these reasons it was not considered that the new dwelling would be materially larger than the one it was to replace.

The main amendments to the approved dwelling that are now being sought - that being the change in the roof design by creating a gabled rear elevation (rather than having the roof hipped on all four sides) and the increase in floorspace at second floor level - result in the dwelling becoming larger in scale and massing than the previously approved replacement dwelling.

The applicant has however removed the proposed free standing balcony originally proposed at the rear, which helps to reduce the overall massing of the dwelling to some extent.

As the amendments to the overall scale of the dwelling are not significant when compared to the scale of the previously approved dwelling on the site, it is considered that the proposed dwelling (as being built) would not impact the openness of the Green Belt to any greater or more harmful extent than the previously approved dwelling. It is therefore considered that the proposed dwelling remains compliant with Policy CG7AP of Bolton's Allocations Plan Policy.

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

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

It was acknowledged during the determination of application 93138/14 that the new dwelling (the dwelling approved under 93138/14) would appear more prominent in the street scene than the former dwelling given that it would be larger in scale (owing to its increased height and massing) and would be more visible from both the front and the eastern side. However it was concluded by officers that the dwelling would not detrimentally harm the street scene given its position as the first house in the row.

The proposed change in design and massing of the roof (as proposed in this latest application) results in the dwelling being more prominent when viewed from the east (when entering Horwich) and the change in the roof design increases the massing of the dwelling when also viewed from the east. The removal of the rear balcony (which was to be supported by columns) however reduces the length of the development when viewed from this viewpoint.

It is also acknowledged that the increase in the scale of the roof to the rear and the increase in the width of the 'wall dormer' on the western side elevation results in the dwelling becoming more

dominant when viewed in conjunction with the neighbouring bungalow at Caldbeck (from the west).

The proposed alterations to the fenestration and the removal of 'feature' details to the elevations will lead to a simpler designed building, however it is still considered that the contemporary designed dwelling would make a positive architectural statement at the beginning of the row of houses and at the entrance to the town.

Although the scale and design of the dwelling has been altered from that previously approved, it is considered that the proposed substitute house type will not harm the character and appearance of the street, compliant with Policies CG3 and OA1 of Bolton's Core Strategy.

#### Impact on the Setting of the Adjacent Listed Building

Policy CG3.4 of the Core Strategy states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings.

Opposite the application site (on the other side of Chorley Old Road) is the Blundell Arms public house, which is a Grade II listed building. It is not considered that the altered appearance and scale of the proposed dwelling would harm the setting of the listed building given the distances involved, the separation of the sites by a main road and as the neighbouring dwellings opposite the public house are of differing design and are contemporary to the listed building.

It is therefore considered that the proposal complies with Policy CG3.4 of the Core Strategy.

#### Impact on the Amenity of the Residents at Caldbeck

Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. SPD General Design Principles sets out the Council's advisory interface standards between dwellings.

The proposed amendments would not alter the footprint of the approved replacement dwelling; the proposed dwelling would continue not to infringe upon a line drawn at a 45 degree angle from the centre of the nearest window at the rear of Caldbeck (as advised as a "rule of thumb" within SPD House Extension).

The previously approved rear balcony has been removed, which removes any potential for overlooking into Caldbeck.

It is considered that the proposed development would not unduly harm the amenity of the neighbours at Caldbeck, compliant with Policy CG4 of Bolton's 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] parking, in accordance with the parking standards set out in Appendix 3. Policy S1.2 states that the Council will promote road safety in the design of new development.

Parking continues to be proposed to the front of the property (on-site parking) as well as a turning head, which ensures that vehicles would be able to enter and leave the site in forward gear (which is essential as Chorley Old Road is a 60mph road at this stretch). The proposed level of parking is considered to be acceptable.

The visibility splays at the junction of the access and Chorley Old Road are to be improved in line

with Highways Engineers recommendations for the previous planning approval.

It is therefore considered that the proposed development would not jeopardise highway safety, compliant with Policies P5 and S1.2 of the Core Strategy.

### **Local finance considerations**

Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. It is considered that the following are local financial considerations in this case:

- \* New Homes Bonus (officer's comment: this is not considered to be a material consideration in this case).

### **Conclusion**

For the reasons discussed above it is considered that the proposed amendments to the previously approved dwelling would, on balance, not harm the purposes and openness of the Green Belt in this location, would not unduly harm the character and appearance of the street scene, would not unduly harm the amenity of neighbouring residents, and would not jeopardise highway safety. Members are therefore recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** A letter of objection has been received from Horwich Heritage. This raises the following concerns:

- \* The building is far too big for the site;
- \* It dominates the local landscape;
- \* It overwhelms the adjacent property.

**Horwich Town Council:-** raised an objection at their meeting of 21st July 2016 due to the overbearing size and scale of the development.

**Elected Members:-** Cllr. Silvester has objected to the proposal for the following reasons:

- \* The size, scale and nature of the development is overbearing on the neighbouring property on Chorley Old Road;
- \* It is out of scale with the other properties in the row;
- \* Its height compared to the neighbouring property and other properties is too high;
- \* Detrimental to the character and appearance of the area;
- \* The result can already be seen and the building already gives a negative impact on the area.

### **Consultations**

Advice was sought from the following consultees: None.

### **Planning History**

Application 93138/14 for the demolition of the existing bungalow with the erection of a new detached dwelling was approved in March 2015.

A pitched roof over the rear extension was approved in August 1983 (21442/83).

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

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

1. Prior to the development hereby approved/permitted being first occupied the means of vehicular access to the site from Chorley Old Road shall be constructed in accordance with the drawing ref K677/01 (received 4th March 2015 for application 93138/14).

Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

2. Prior to the development hereby approved/permitted being first brought into use visibility splays measuring 2.4 metres by 215 metres shall be provided at the junction of the access with Chorley Old 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 and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

3. Prior to the occupation of the dwelling house hereby permitted provision shall be made for the parking of motor vehicles in the area identified for that purpose on the approved plan for application 93138/14. The area 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) 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 and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

4. 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, dormers or any other alterations to the roof shall be constructed.

Reason

To safeguard the character and appearance of the dwelling, to safeguard the amenity of the neighbouring property and as the site is within Green Belt and the extension of the dwelling may jeopardise the purposes and openness of the Green Belt. To comply with policies CG3, CG4 and OA1 of Bolton's Core Strategy and policy CG7AP of Bolton's Allocations Plan.

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

**K677/02 Rev. E; "Proposed Lower Ground Floor Plan"; dated 26.10.16**

**K677/03 Rev. E; "Proposed Upper Ground Floor and First Floor Plan"; dated 26.10.16**

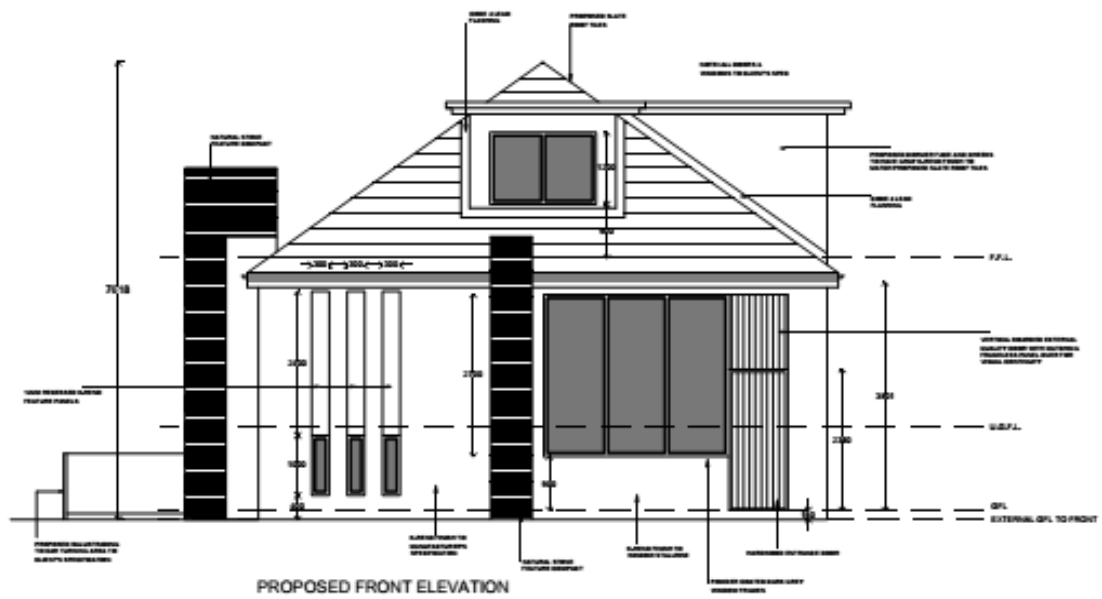
**K677/04 Rev. F; "Proposed Front & Side Elevation"; dated 26.10.16**

**K677/06 Rev. F; "Proposed Rear & Side Elevation"; dated 26.10.16**

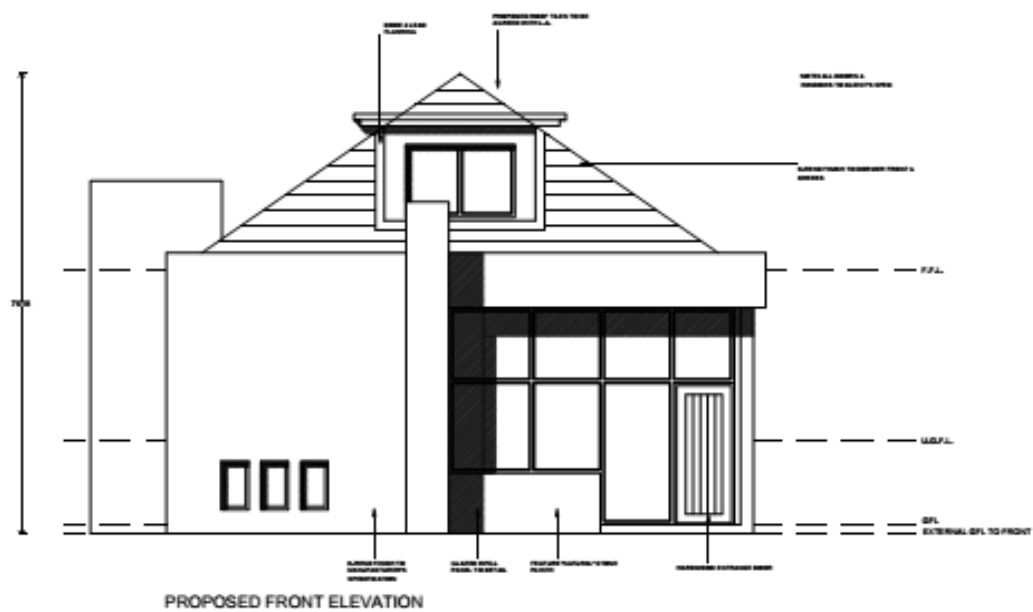
Reason

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

## Proposed front elevation

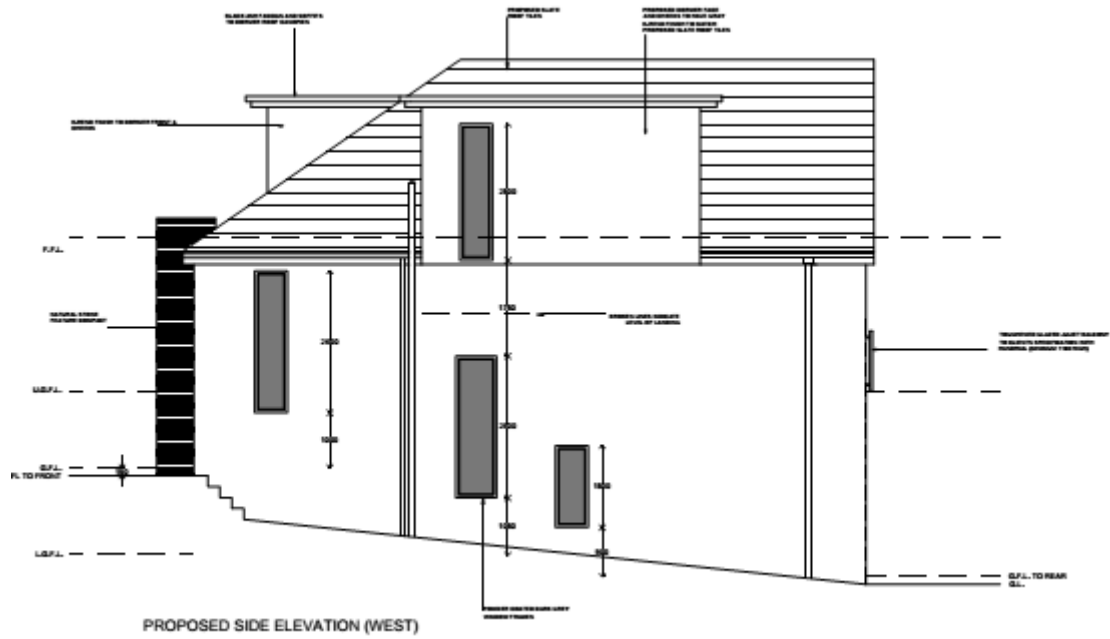


## Approved front elevation

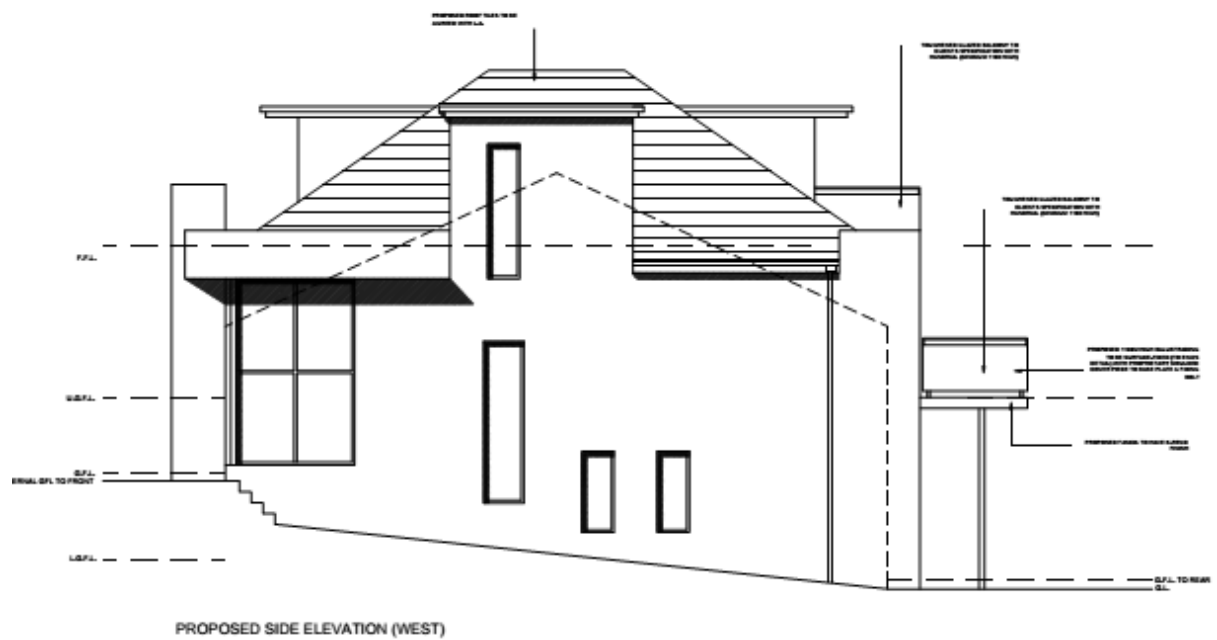




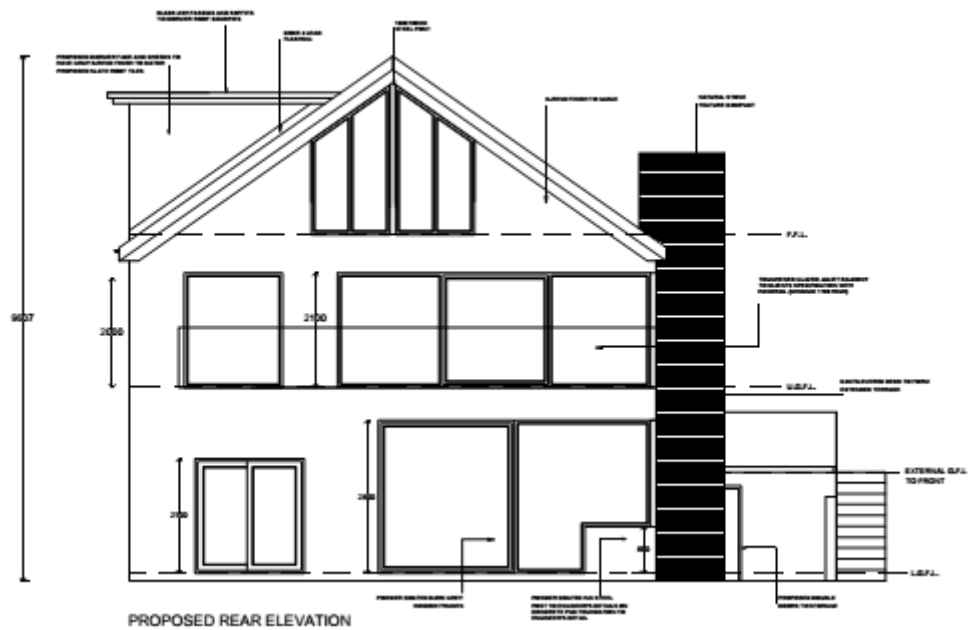
## Proposed western side elevation



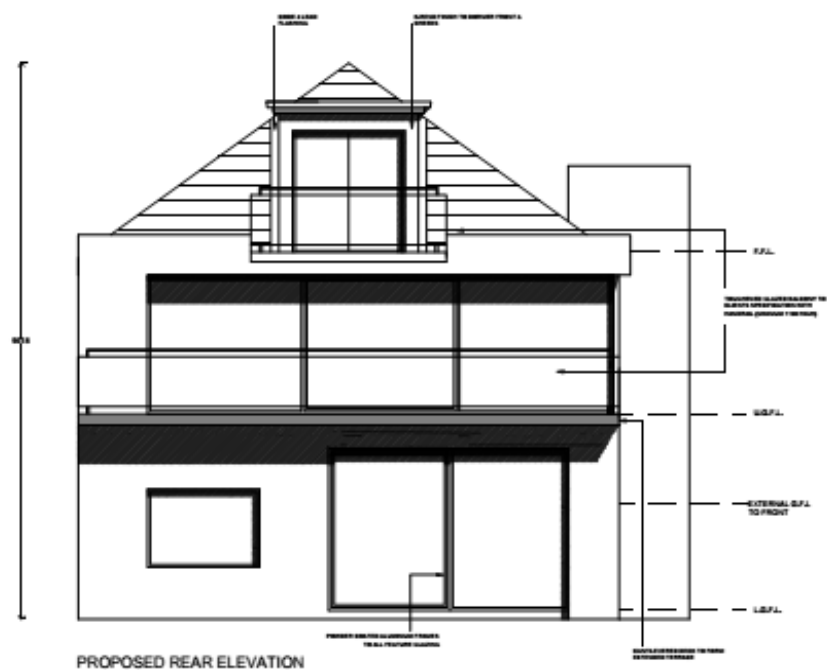
## Approved western side elevation



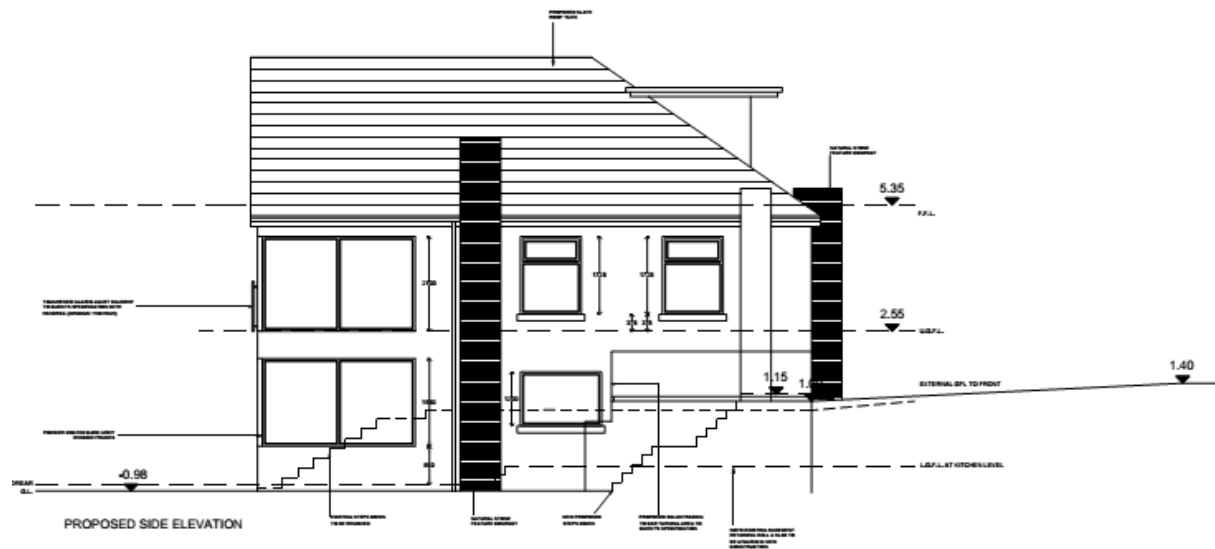
### Proposed rear elevation



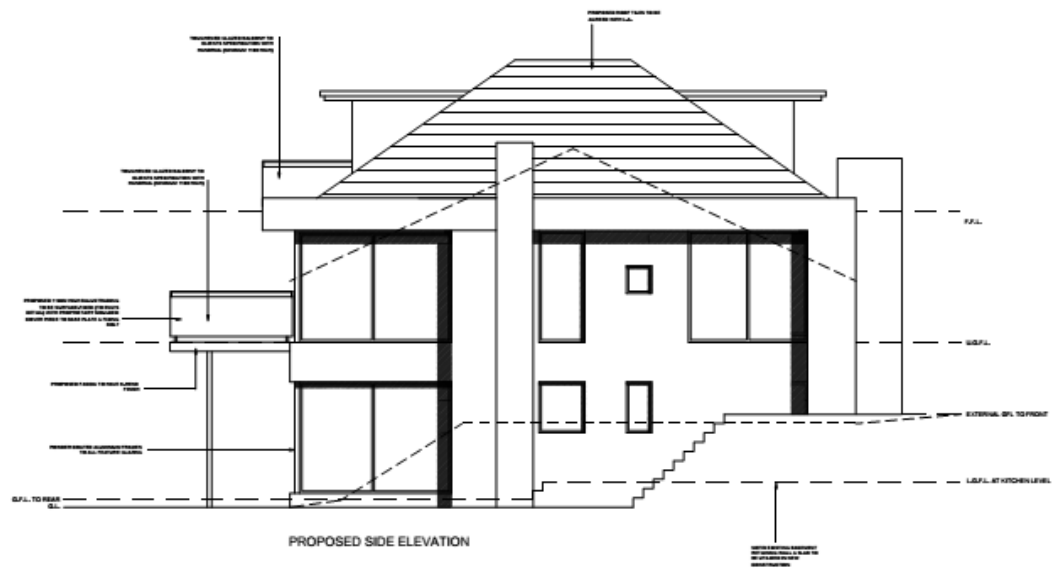
**Approved rear elevation**



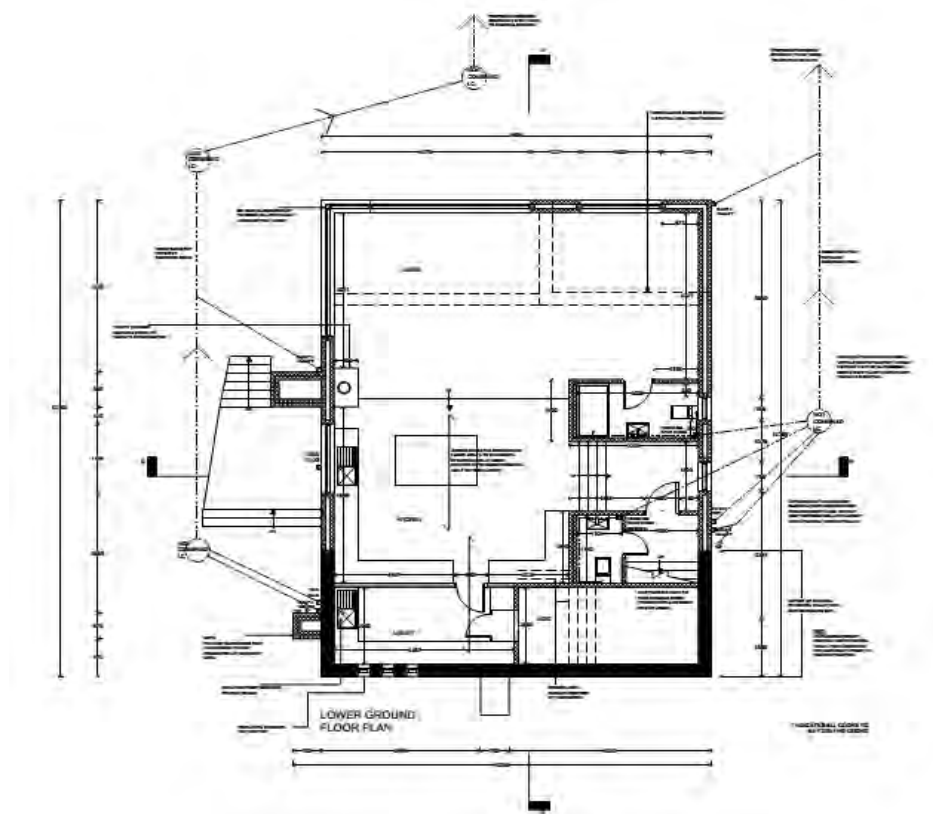
## Proposed eastern side elevation



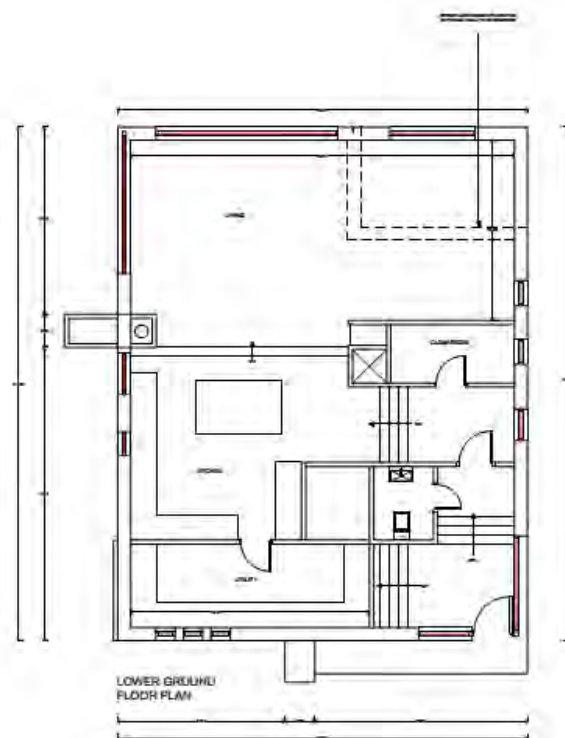
## Approved eastern side elevation



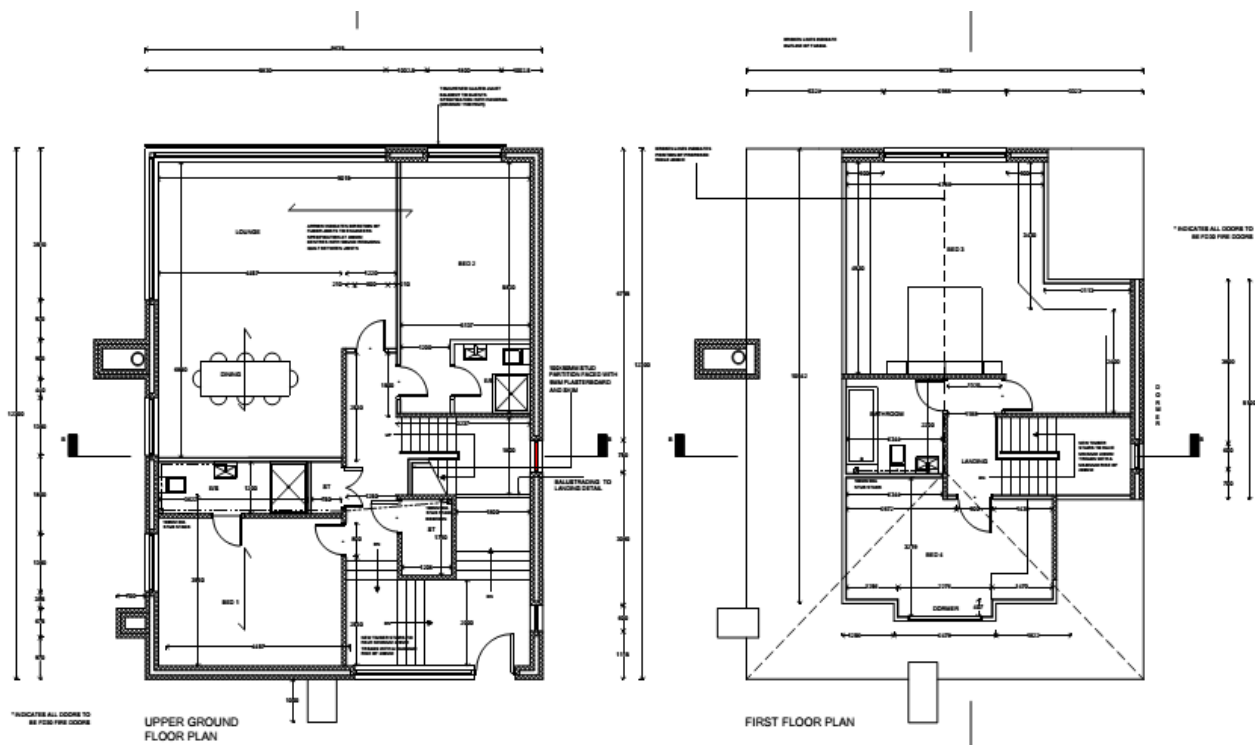
### Proposed lower ground floor plan



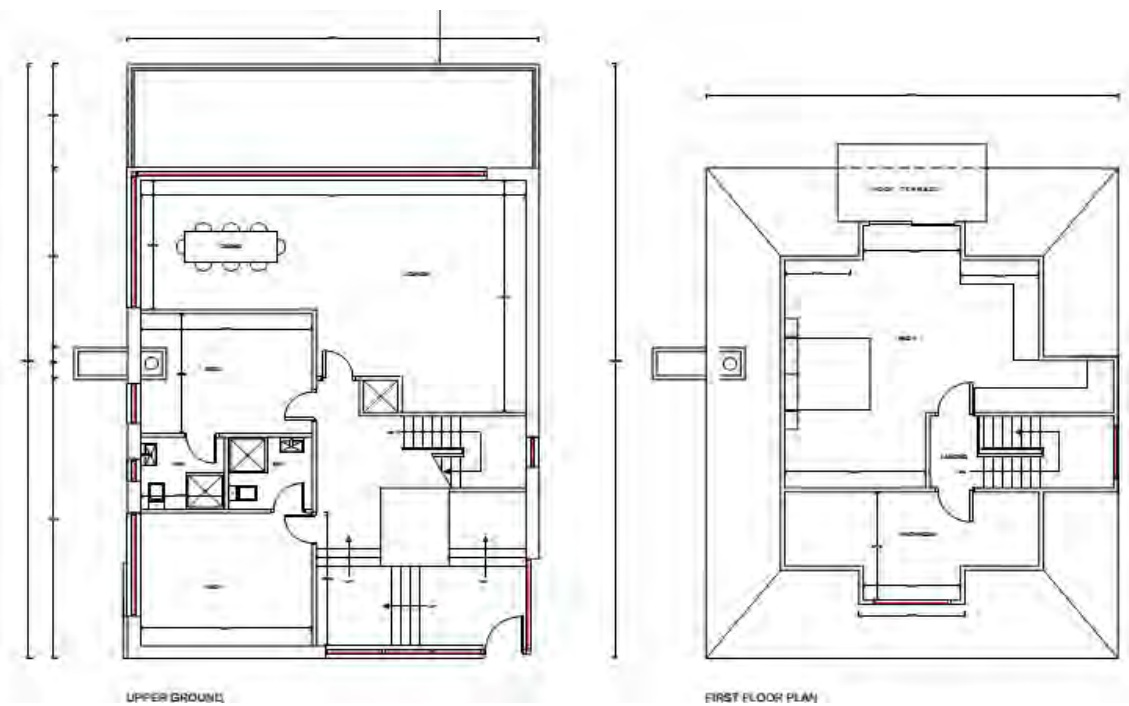
### Approved lower ground floor plan



## Proposed upper ground & first floor plans



## Approved upper ground & first floor plans



# Application number 97024/16



Development & Regeneration Dept  
Development Management Section

Town Hall, Bolton, Lancashire, BL1 1RU  
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# Bolton Council

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**Date of Meeting: 17/11/2016**

**Application Reference: 97024/16**

**Type of Application: Full Planning Application**  
**Registration Date: 15/07/2016**  
**Decision Due By: 08/09/2016**  
**Responsible Officer: Paul Bridge**

**Location: LAND AT ASHWORTH LANE, BOLTON, BL1 8RH**

**Proposal: DEMOLITION OF EXISTING DOUBLE GARAGE AND ERECTION OF 1NO. DETACHED RESIDENTIAL DWELLING**

**Ward: Astley Bridge**

**Applicant: Mr R Gunlach**  
**Agent : Mr A Whittam**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

The application seeks permission for the construction of a two storey detached dwelling located on land Ashworth Lane.

The existing garage on the site would be demolished in order to accommodate the proposal.

The proposed dwelling would comprise a lounge/diner kitchen, utility study and w.c. at ground floor, with four bedrooms (one with en-suite) and a bathroom at first floor. Vehicular access to the site would be via the unadopted Ornatus Street. The dwelling would have parking for three vehicles.

### **Site Characteristics**

The site consists of an irregular shaped piece of land approximately 440 sq. metres in size. The site currently houses a hardstanding which accommodates a single storey detached garage, which is located relatively centrally within the site. The site is currently heavily overgrown by shrubs and a number of mature trees which are protected by way of a Tree Preservation Order.

The site is bound to the south and east by a wooded area. On a lower level to the south east is also Barley Brook. To the north and west in the immediate locality are semi-detached and terraced dwellings, set back from the pavement and characterised by front gardens with small front boundary treatments consisting of a mix of fences, hedges and walls. Parking for the surrounding dwellings is a mixture of on and off street parking. The overall character and appearance of the area is predominantly residential.

### **Policy**

National Planning Policy Framework 2012

Core Strategy: CG3 The Built Environment, CG4 Compatible Uses, OA5 North Bolton, SC1 Housing, S1 Safe Bolton, P5 Transport and Accessibility and Appendix 3.

SPD General Design Principles and SPD Accessibility, Transport and Road Safety

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* principle of residential development
- \* impact on the character and appearance of the area
- \* impact on the amenity of neighbouring residents and future occupants
- \* impact on access, highway safety and parking
- \* impact on flood risk
- \* impact on trees

### **Principle of Residential Development**

Guidance contained within NPPF and Core Strategy policy SC1 seeks to concentrate new development within the urban area, predominantly on previously developed sites.

The site is located within the urban area of Bolton and within a well-established residential area, is well served by a choice of means of transport and is well related to housing, services and infrastructure and is considered to be within a sustainable location for the purposes of the NPPF and Bolton's Core Strategy (Policy SC1 and OA5). Developing the site for residential purposes would also contribute towards developing and maintaining a sustainable urban neighbourhood in accordance with the NPPF.

The application site forms part of the curtilage of an existing garage and as such is considered by the NPPF to constitute a previously developed site.

The proposal complies with Core Strategy policy SC1 and guidance contained within the NPPF.

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

Policy CG3 of the Bolton Core Strategy states that the Council expects development proposals to contribute to good urban design, respect and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area.

The Government and LPA attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.



The site is located within a residential area of Astley Bridge and comprises of modest two storey terraced and semi-detached dwellings of relatively uniform design and which form a strong building line; some with landscaped fronted gardens, and a wooded area to the south and east.

The site itself occupies a prominent location on this section of Ashworth Lane and given the size and siting of the proposal would be highly visible within the street scene. The adjacent row of terraced dwellings to the west are set on a right angle to the proposed dwelling, which follow the line of this section of Ashworth Lane. The residential character of the area is typified by a sense of openness with the majority of properties particularly along Ashworth Lane having modest gardens to the front and rear.

The design of the proposed dwelling is considered to be acceptable as it would complement other dwellings within the immediate and wider street scene. The design ensures that the property would integrate well into the urban grain. The case officer has sought amendments with the applicant to the side elevation fronting onto Ashworth Lane. The amendments has resulted in changes to the fenestration on this elevation so that it addresses Ashworth Road and does not appear as an austere blank gable adjacent to Ashworth Lane.

The plot is readily capable of accommodating the dwelling without resulting in an over development of the site. Given that the dwelling proposed is detached, there would be no terracing effect created. Given the urban context and residential character/appearance of the immediate and wider area, the proposed dwelling would make an efficient use of land whilst not harming the street scene.

The proposal is therefore considered to comply with policies CG3 and OA5 of the Bolton Core Strategy.

#### Impact on the Amenity of Neighbouring Residents and Future Occupants

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.

With regard to the future amenity of residential users it is considered that the proposed dwellings would provide for adequate outlook and daylight to each room.

Bolton's SPD General Design Principles sets out guidance for appropriate amenity space for new build properties; in respect of dwellings of this type useable private amenity space of 50 sq metres is recommended. The dwelling private amenity space would be above this threshold in accordance with the guidelines set out in SPD General Design Principles.

In respect of loss of light and overbearing it is considered that the proposal would not have an unacceptable impact on the adjacent dwellings along Ashworth Lane.

In respect of loss of privacy and overlooking, the proposal would introduce habitable room windows within close proximity to the rear and side boundaries of the site. Given the siting and orientation of the these windows in respect of the adjacent neighbouring dwellings the windows would not directly face any principle habitable room windows. The northern side elevation of the proposal would introduce habitable room windows at both ground and first floor level. An interface distance of approximately 20 metres would be maintained between the side elevation of the proposal and the front elevation of No. 59 and 61 Ashworth Lane.

Paragraph 4.7 states that the distances should not be read as a minimum standard but simply as

advice on what would represent an ideal layout and that the Council will take into account other factors. Given that the windows in the northern side elevation of the proposal would not directly face the front habitable room windows in No. 59 and 61 and that the interface distance of 20 metres and be similar to the existing distances between dwelling along the northern and southern side of this section Ashworth Lane the proposal is considered acceptable. Therefore the proposal would not result in an unacceptable loss of privacy and sense of overlooking to the neighbouring residents at along Ashworth Lane.

Having regard to the above, it is considered that the proposed development not result in an unacceptable impact on the residential amenity of both the future occupiers of the dwelling and neighbouring residential dwellings in accordance with policy CG4 of the Core Strategy and the guidance contained within the SPD General Design Principles.

#### Impact on Access, Highway Safety and Parking

Appendix 3 of the Bolton Core Strategy recommends that two car parking spaces be provided for new dwelling houses that provide two or more bedrooms.

Policy S1.2 requires road safety be taken into account in the design of new development.

The proposed scheme would provide one additional four bedroom dwelling within a residential area comprising dwellings of similar size. The surrounding road network comprises a relatively standard size residential street with a degree of both off and on-street parking. Nevertheless, the addition of one dwelling would not be considered to cause any significant harm by way of additional traffic generation on the surrounding road network. The proposal would provide a vehicular access and three parking space clear of the highway for the dwelling. Three parking spaces which would accord with the levels seen within the surrounding area, and the maximum parking standards per dwelling required by Appendix 3 of the Core Strategy.

It is noted that vehicle speeds would be relatively low when entering the site and that there are a number of similar driveways in the vicinity. The Council's Highway Engineers have been consulted and have no objections to the proposal. It is considered that the proposal would result in acceptable impact in terms of highway safety in accordance with policy S1.2 of the Council's Core Strategy.

#### Impact on Flood Risk

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

The site is not located with a flood risk or critical drainage area. However, the location of the proposed dwelling is adjacent to Barley Brook which is classified as a main river. Being adjacent to a main river, there is always the potential that surface water flooding can occur from this source. As there is a brook to the rear and side of the application site the proposal the Environment Agency has been consulted and have responded with no objections to the proposal.

The proposal is therefore considered to comply with policy CG1.5 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.

The site is currently heavily overgrown by shrubs and has a number of mature trees on the site, two

sycamores of which are protected by way of a Tree Preservation Order No.725 (Barley Brook No.2) 2004. The applicant has submitted a tree survey in support of the application which concludes that the protected Sycamore trees T1 and T2 are in good health and should continue to provide an important part of the local landscape for many years to come.

The applicant has amended the site layout to move the driveway and property away from tree T1 to alleviate the potential for any damage to this tree. Both T1 and T2 will be retained within the application site and their felling is not required to facilitate the development. The Council's Tree and Woodland Officer has assessed the proposal and subject to a condition regarding an arboricultural method statement would have no objections to the revised siting of the proposal and its impact on the two protected Sycamore trees (T1 and T2). The proposal, subject to condition is therefore considered to be in accordance with policy CG1.2 of the Core Strategy.

### **Conclusion**

In conclusion, it is considered that the layout, scale and means of access for the erection of one dwelling is acceptable and would be in accordance with both national and local planning policies with regard to residential development. Members are recommended to approve this proposal subject to conditions.

## **Representation and Consultation Annex**

### **Representations**

Five letters of objection have been received with the concerns being as follows:-

- Overdevelopment of the site
- Loss of light
- Increase in overlooking
- The building work could damage trees and loss of habitat  
*The above issues have been addressed in the appraisal.*
- Ornatus Road is unadopted and the construction traffic would cause further damage – *As the road is unadopted and not maintained at the Council's expense, any issues in terms of its condition during any proposed construction works would be a civil matter.*
- Loss of property value – *Loss of property value is not a material planning consideration.*
- Loss of view – *The loss of a view is not a material planning consideration.*

### **Consultations**

Advice was sought from the following consultees: Highways, Drainage, Environmental Health, Trees, GMP Design for Security, Environment Agency and Greenspace

### **Planning History**

None relevant.

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

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

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

Reason

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

2. Prior to the commencement of development the details of the type and colour of materials to be used for the external walls, roof windows and doors are to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

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

3. Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The statement is to include details of the working methods to be employed for the construction of the driveway in proximity to the two retained sycamore trees. The scheme shall be carried out entirely in accordance with the approved scheme during the construction of the dwelling hereby approved.

Reason

To protect trees which are the subject of a Tree Preservation Order and to comply with policy CG1.2

of Bolton's Core Strategy.

4. Prior to the commencement of the development:-

- A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, property and/or the wider environment; and
- The details of any proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority. The approved remedial works shall be incorporated into the development during the course of construction and completed prior to occupation of the development or the development being first brought into use; and

Prior to first use/occupation of the development hereby approved:

- A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

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/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 trees and to comply with policy CG1.2 of Bolton's Core Strategy.

6. Prior to the occupation of the dwelling house hereby permitted provision shall be made for the parking of motor vehicles adjacent to dwelling house in the area identified for that purpose on the approved plan 5492/1AB. The area shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

7. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or

in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

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

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

Reason

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

9. Before the approved development is first brought into use no less than 3 car parking spaces with minimum dimensions of 2.5 metres by 5 metres shall be provided within the curtilage of the site, in accordance with Drawing Ref:5492/1 AB. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

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

**5492/1 Revision AB Proposed Block Plan**  
**5492/2 Existing Block Plan**  
**5492/3a Proposed Ground Floor Plan**  
**5492/4a Proposed First Floor Plan**  
**5492/5a Proposed Elevations**

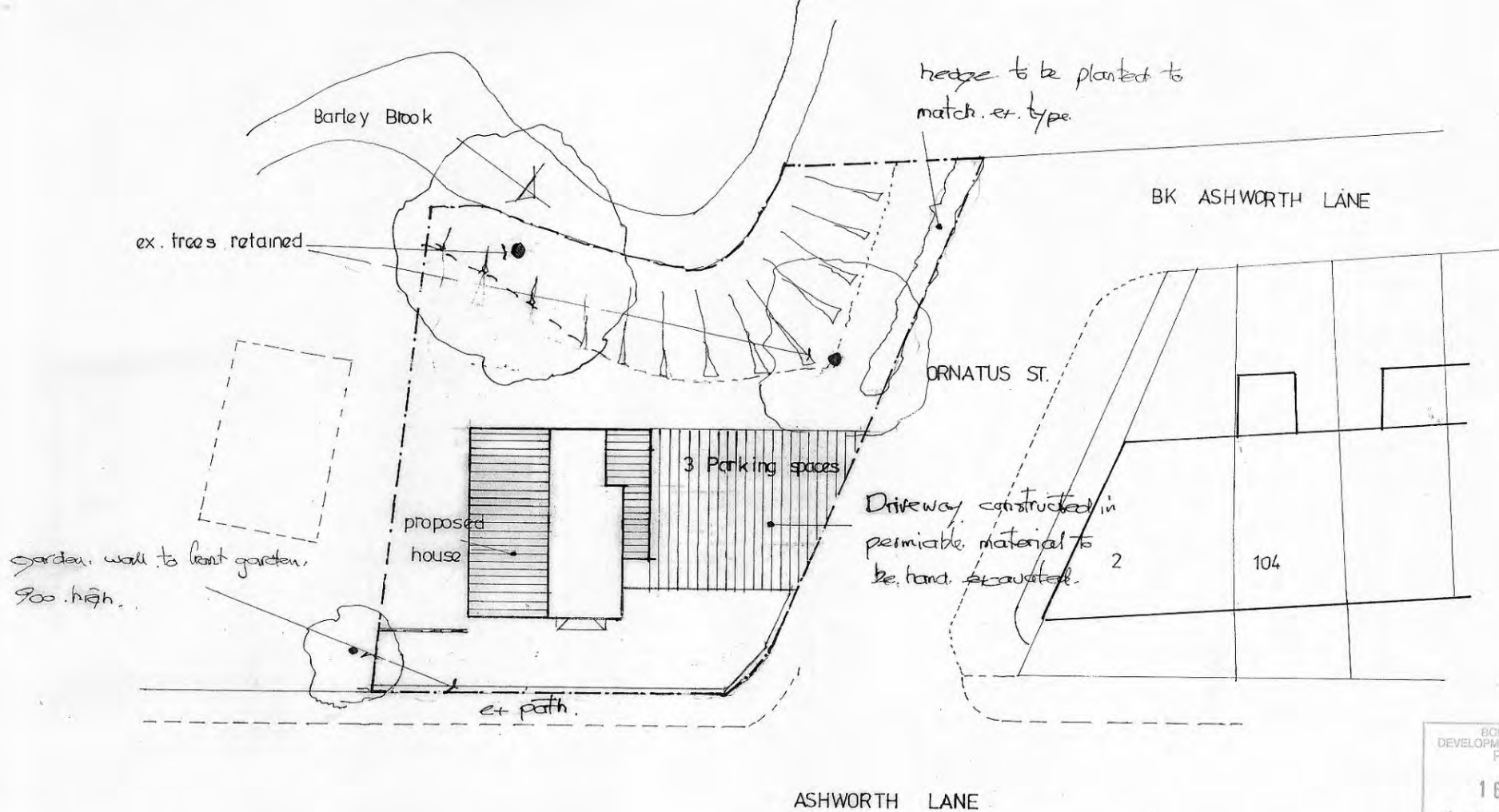
Reason

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

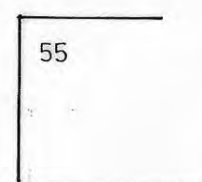
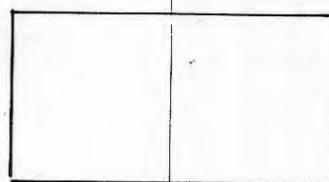
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, fences, gates, walls, soil stacks, waste pipes (other than rainwater pipes), (other than those expressly authorised by this permission) shall be constructed within the curtilage of the dwelling hereby approved.

Reason

To safeguard the integrity / health of existing protected trees which are located adjacent to / and within the curtilage of the approved dwelling and to safeguard the adjacent Barley Brook in accordance with Core Strategy policy CG1.2.

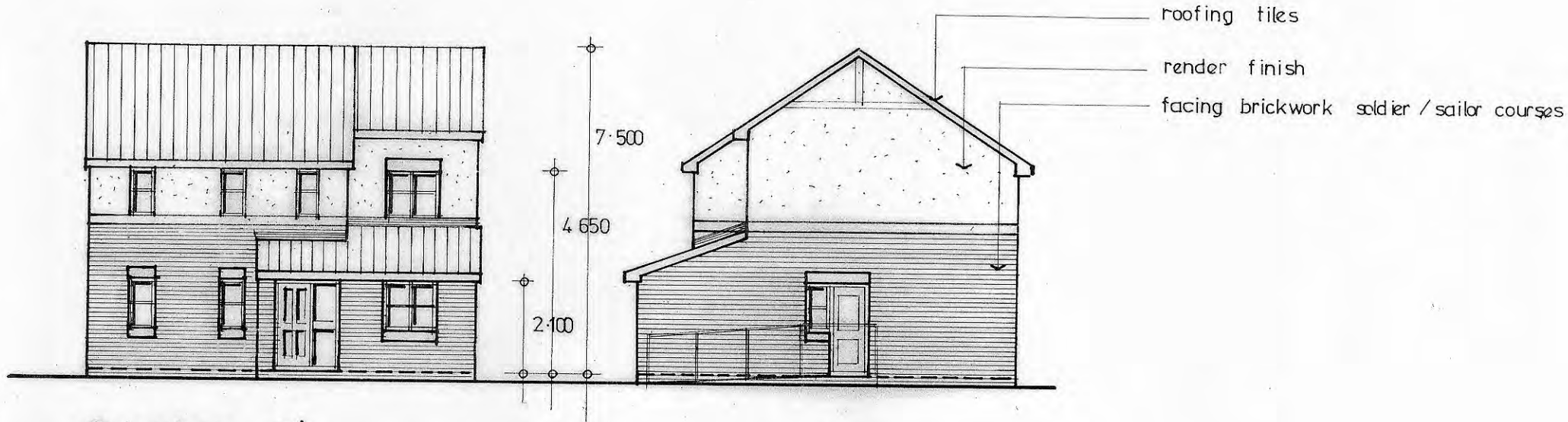


scale 1:200



5492/1<sub>AB</sub>

proposed block plan for  
Mr. R.W.E. Gundlach.  
Land at Ashworth Lane  
Bolton



Orantus St.

rear



side

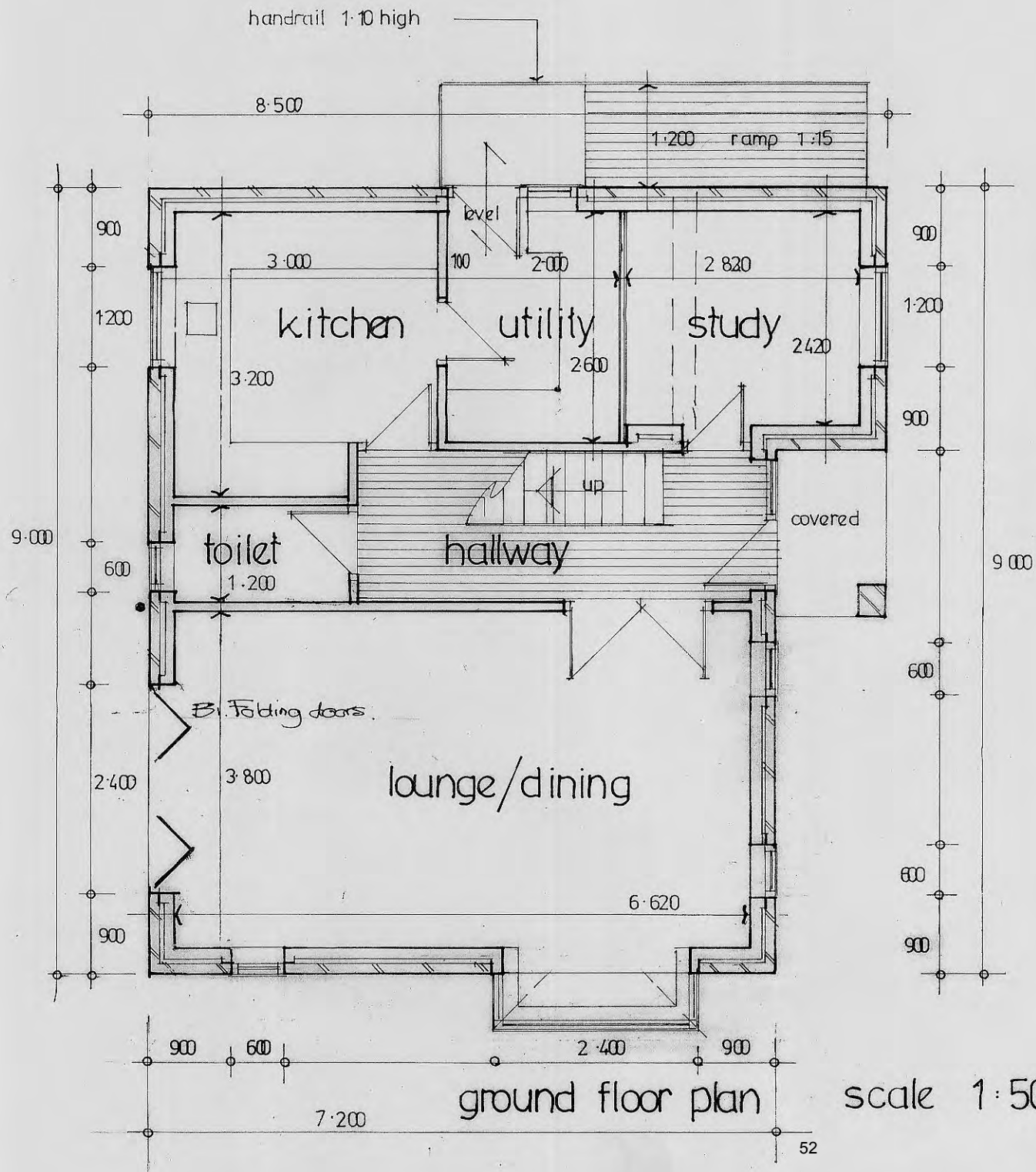
Ashworth Lane

proposed elevations

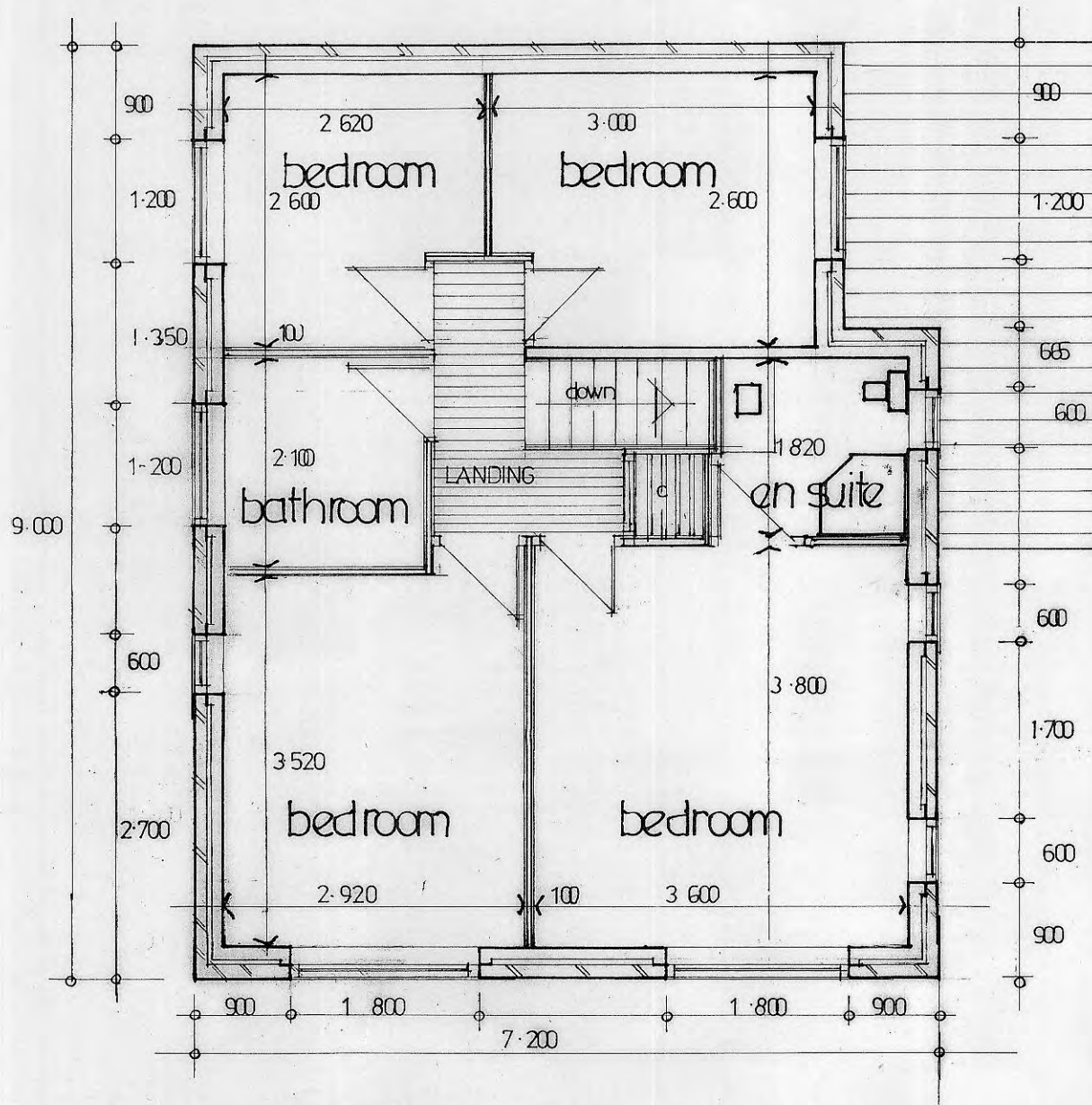
scale 1:100

5492/5a





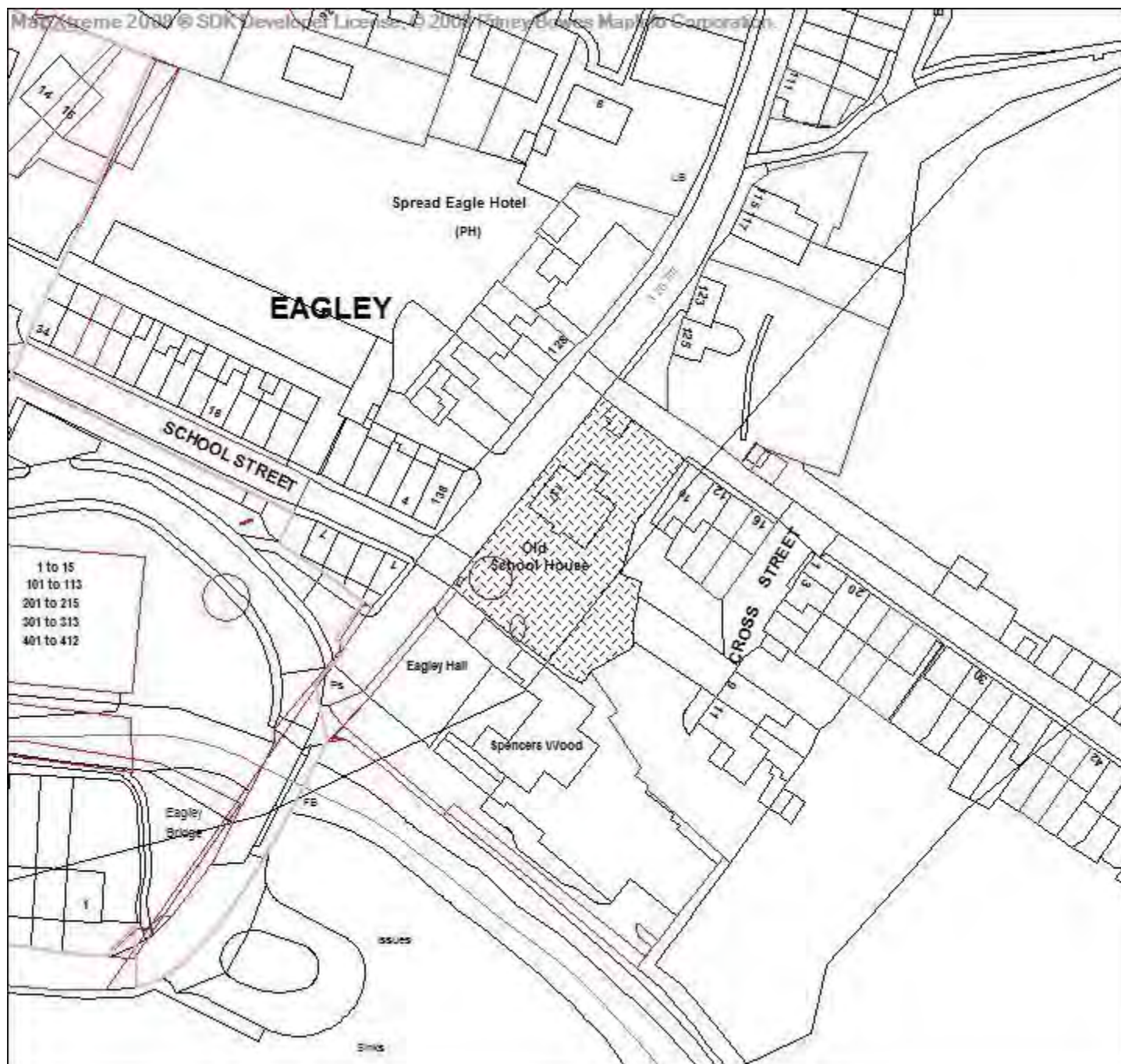
5492/3a



first floor plan scale 1:50

5492/4a

# Application number 97436/16



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 17/11/2016**

**Application Reference: 97436/16**

**Type of Application: Full Planning Application**  
**Registration Date: 20/09/2016**  
**Decision Due By: 14/11/2016**  
**Responsible Officer: Kara Hamer**

**Location: EAGLEY SCHOOL HOUSE NURSERY, 137 HOUGH LANE,  
BROMLEY CROSS, BOLTON, BL7 9DE**

**Proposal: CHANGE OF USE OF FIRST FLOOR TO PROVIDE ADDITIONAL  
NURSERY SPACE TOGETHER WITH ERECTION OF  
CONSERVATORY.**

**Ward: Bromley Cross**

**Applicant: Mrs J Robinson**  
**Agent : Good & Tillotson**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Permission is sought to change the use of, and to convert, the first floor of the application premises from residential use to form additional floorspace in connection with the existing ground floor nursery provision at 'Eagley School House Nursery'. In addition, a conservatory extension measuring 3.5m x 3.4m and sited on the south east corner will provide additional accommodation for the 'baby sleeping area'. An existing canopy will be removed to facilitate the conservatory extension.

The first floor totals 121 sq metres and is currently in residential use. No additional staff or child day care spaces are proposed, instead the applicant submits that the nursery will be able to offer additional day care hours from September 2017, under new Government legislation/funding.

Current opening hours are stated as 8:00am to 6:00pm Monday to Friday. The business employs 5 full time staff and 7 part time staff. There are no proposals to amend either the hours of opening or the number of staff.

The nursery business has approval for 46 child places and can operate between the hours of 07:30 - 18:30 Monday to Friday only, these conditions were granted under approval ref 62666 /02.

### **Site Characteristics**

The immediate area is predominantly residential, consisting of terraced dwellings which front onto Hough Lane. Neighbouring properties to all elevations are residential.

The application premises is a stone built detached historic property and sits sideways on to Hough Lane. The car park area is sited at the front (south) of the property and Papermill Road bounds the



property at the rear (north). Apartments at Eagley Hall and Spencer's Wood bound the property to the south.

Landscaped gardens are sited to the rear and east side.

The application property is located within Eagley Bank Conservation Area.

### **Policy**

National Planning Policy Framework

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG3 The Built Environment; CG4 Compatible Uses; SC2 Cultural and Community Provision; OA5 North Bolton.

SPD General Design Principles; 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 area
- \* impact on the amenity of neighbouring residents
- \* impact on the highway

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

The NPPF in paragraph 56 states that The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Core Strategy policies CG3.2 and CG3.3 require proposals to respect and enhance local distinctiveness, being compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape treatment, including hard/soft landscaping and boundary treatment. Policy OA5 of the Core Strategy states that the Council will conserve and enhance the character of the existing physical environment, especially the conservation areas and will require special attention to be given to the massing and materials used in new development.

The application site is a detached, double fronted, stone built property and is sited within Eagley Bank Conservation Area.

The proposed materials for the conservatory extension comprise stone walls to match the host building with a proprietary uPVC framed conservatory structure above. The roof line of the existing

single storey lean to extension at the front of the building will continue through into the proposal. The extension will have a hipped roof and a door on the south east corner.

It is considered that the design of the proposal is more aesthetically pleasing than the existing canopy structure and will have no adverse aesthetic impact on the host dwelling or the immediate surrounding area.

It is therefore considered that the proposal complies with policies CG3 and OA5 of Bolton's 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 should not generate unacceptable nuisance, odours, fumes, noise or light pollution.

The use of the day care nursery was established in 2002 (ref; 62666/02). No additional staff or child day care spaces are proposed, instead the applicant submits that the nursery will be able to offer additional day care hours from September 2017.

The application property occupies a generous plot and benefits from reasonable separation distances between adjacent residential properties which will contribute towards limiting the impact of any noise/disturbance generated by the use, particularly in external garden and car park areas.

The nearest residential property to the application site is at 10 Papermill Road which occupies the adjacent plot to the east and is set back the entire length of the nursery building and faces north east onto Papermill Road.

The Council's Pollution Control Unit have been consulted and have raised no objections and have recommended that conditions be included in an approving Decision Notice to restrict opening hours and delivery hours to those stated as 08:00 - 18:00 Monday to Friday with no opening or deliveries on Saturdays, Sundays and Bank Holidays. However, the nursery business can lawfully operate the ground floor between the hours of 07:30 - 18:30 Monday to Friday only, this condition was granted under approval ref 62666/02.

Based on the limited opportunity for noise disturbance and existing restricted daytime opening hours, it is not considered that the proposal will generate any further detrimental impact on the character and appearance of the area or the amenity of neighbouring residents than the current scale of the nursery business.

It is therefore considered that the proposal complies 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, servicing arrangements and parking, in accordance with the parking standards set out in appendix 3. Policy S1.2 states that the Council will promote road safety in the design of new development.

Policy SC2 of the Core Strategy states that the Council will ensure that local cultural activities and community facilities are located in neighbourhoods that they serve.

The application site has provision for car parking at the front. No additional staff or child day care spaces are proposed.

It should be noted that the application site is in a sustainable location, being within the community the nursery will serve (in compliance with Core Strategy Policy SC2) and within walking distance of bus stops on Darwen Road. In planning terms, this should reduce the need for users and staff of the nursery to arrive and leave by vehicle.

The Council's Highways Engineers have been consulted and comment as follows;

*There appears to be ample off-road parking provision associated with the premises in line with the Councils parking standards/SPD for this level of D1 use class in order to accommodate what is being proposed (2 drop-off spaces/1 space per full-time equivalent staff). According to the application the number of staff will remain as existing. Based on the above observation, the Highways Authority cannot reasonably object to what is being proposed.*

Officers therefore consider that the proposed change of use would not jeopardise highway safety in this location and as such the proposal is compliant with Policies P5 and S1.2 of Bolton's Core Strategy.

### **Local finance considerations**

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

### **Conclusion**

Given the above detail, it is not considered that the proposal would generate any further detrimental impact on the character and appearance of the area than the current scale of the nursery business and would not have a harmful effect on the living conditions of nearby residents and, would not jeopardise highway safety in this location. As such, it is considered that the proposal complies with aforementioned national and local planning policy.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Two letters have been received from nearby residents objecting to the proposal on the grounds of;

- loss of amenity due to additional noise from more concentrated use of the premises; *Officer comment - the number of child care places and staff will not increase.*
- increase in traffic congestion; *Officer comment - the number of child care places and staff will not increase.*
- in relation to the change of use of first floor the application is non specific and vague; *Officer comment - proposed floor layout plans have been submitted.*
- the ground floor plan of existing floor plans do not show the extension to the rear elevation on the road side nor structure abutting the stone extension adjacent, the front elevation does not show roof windows, the site location does not show the true footprint of the building; *Officer comment - amended existing/proposed plans have been submitted.*
- the applicant has requested local residents to refrain from starting cars and motorbikes between certain hours to facilitate babies' sleep time; *Officer comment - the applicant submits that babies presently sleep outside under a canopy - the proposal will replace the canopy with a conservatory extension.*
- neighbouring residents work night shifts;
- the owner opened a second nursery on Darwen Road a number of years ago. The lease of this property is due to come to an end in two years time. We are concerned that the alterations being made within Eagley School House Nursery, with some modifications to the first storey could be to accommodate the children from Darwen Road once the lease is terminated; *Officer comment - this is not a material planning consideration, planning permission would be required to further extend the nursery/increase child places.*
- the staff room proposed for the second floor will look directly into our garden; *Officer comment - the second floor has 2 small centrally located roof lights set in the sloping front facing roof plane which overlook the car park and apartments at Eagley Hall, the objector is sited at the rear of the application premises. Views from a first floor kitchen window on the rear elevation of the application premises are restricted by the adjacent two storey rear extension and, the application premises is approx. 36 metres in distance to the objector and there is another property in between.*
- the plans do not seem to be complete, there is no fire escape shown. This would have to be outside as the only way to the first floor is by an internal narrow staircase. *Officer comment - this is not a material planning consideration, it is the responsibility of the applicant to meet [amongst other things] fire safety standards, Building Control Officers have confirmed that an external fire escape staircase will not be required for a property this size.*

### **Consultations**

Advice was sought from the following consultees: The Council's Early Years Development, Education Social Worker, Highway Engineers, Environmental Health and Design For Security GM Police.

### **Planning History**

62666/02 - CHANGE OF USE FROM PRIVATE DWELLING INTO NURSERY. ERECTION OF SINGLE STOREY EXTENSION AT SIDE TO FORM BABY ROOM AND TOILETS - approved December 2002.

83669/10 - ERECTION OF A CONSERVATORY AT REAR AND SINGLE STOREY EXTENSION AT SIDE - approved April 2010.

**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 premises subject of this consent shall not be open outside the following hours:-

**07:30 - 18:30 Mondays – Fridays**

No opening shall take place on Saturdays, Sundays or Bank Holidays.

Reason

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

3. No deliveries shall be taken or dispatched from the premises outside the following hours:-

**07:30 - 18:30 Mondays – Fridays**

No operations shall take place on Saturdays, Sundays or Bank Holidays.

Reason

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

4. 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 visually reflects the existing building and to comply with policy CG3 of Bolton's Core Strategy.

5. No more than 46 children shall be accommodated on the site/within the planning unit at any one time.

Reason

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

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

**Proposed Floor Plans, Drwg No. 1648 03, 02/09/16 (scanned to file 14/09/16)**  
**Proposed Elevations Plans, Drwg No. 1648 04, 02/09/16 (scanned to file 14/09/16)**  
**Location Plan (scanned to file 14/09/16)**

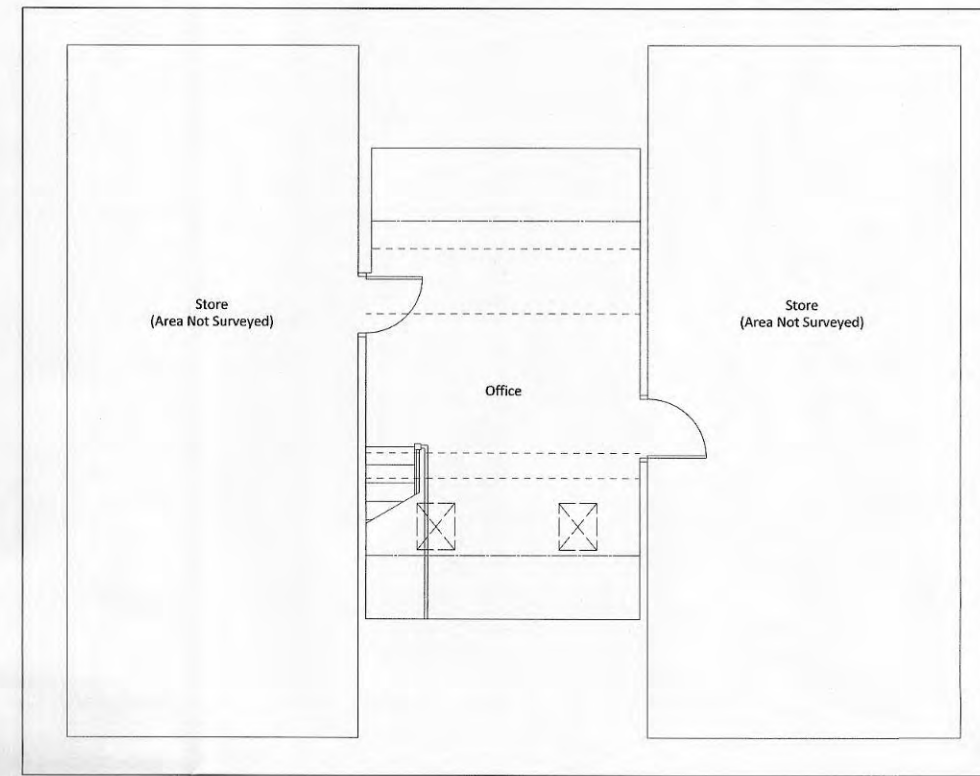
Reason

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

[illegible]

		<b>Good &amp; Tillotson Architects</b>  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: Mrs S. Thornton			
Project:  Eagley School House Nursery Hough Lane Bromley Cross Bolton			
Drawing:  Proposed Site Plan  Scheme Drawing		Date: 20th September 2016  Drawn: M.D.J.  Scale: 1 : 500 @ A3	
Project No: <b>1648</b>		Drawing No: <b>05</b>	
		Drawing Revision:	

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



## Second Floor Plan



## Ground Floor Plan

	<p><b>Good &amp; Tillotson Chartered Architects</b></p> <p>2 The Studios, 318 Chorley Old Road, Bolton, BL1 4JU</p> <p>Tel: 01204 497700 Fax: 01204 497776</p> <p>Email: <a href="mailto:info@goodandtillotson.co.uk">info@goodandtillotson.co.uk</a> Web: <a href="http://www.goodandtillotson.co.uk">www.goodandtillotson.co.uk</a></p>	<p>BOLTON COUNCIL DEVELOPMENT &amp; REGENERATION RECEIVED</p> <p>13 SEP 2016</p>
<p>Client: Mrs J. Robinson</p>		
<p>Project:</p> <p>Eagley School House Nursery 137 Hough Lane Eagley, Bolton BL7 9DE</p>	<p><b>RIBA</b> </p> <p>Chartered Practice</p>	
<p>Drawing:</p> <p><b>Proposed Floor Plans</b></p> <p><b>Scheme Drawing</b></p>	<p>Date: 02nd September 2016</p> <p>Drawn: M.D.J.</p> <p>Scale: 1 : 50 @ A1</p>	
<p>Project No:</p> <p><b>1648</b></p>	<p>Drawing No:</p> <p><b>03</b></p>	<p>Drawing Revision:</p>

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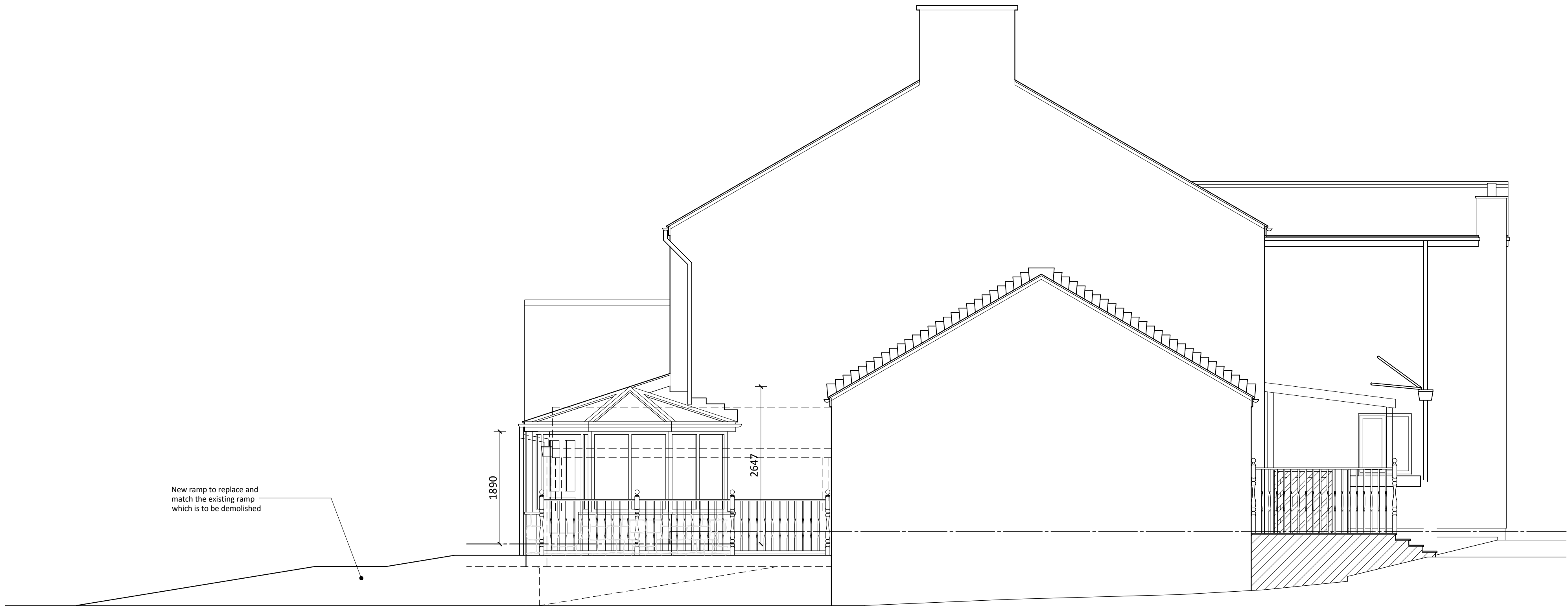
DO NOT SCALE OFF THIS DRAWING.  
All dimensions to be checked on site and any discrepancies to be referred to the architect before proceeding.

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.



Side Elevation



Front Elevation

A	Rooflights added to front elevation & general amendments	M.D.J.	13.10.16
Rev	Revision	Inl.	Date



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Web: www.goodandtillotson.co.uk

Client: Mrs J. Robinson		
Project: Eagley School House Nursery 137 Hough Lane Eagley, Bolton BL7 9DE		<b>RIBA</b>  <b>Chartered Practice</b>
Drawing: Proposed Elevations  Scheme Drawing		
Project No: <b>1648</b>		Drawing Revision: <b>A</b>

1648

04

A



# Application number 97446/16



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

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

# Bolton Council

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**Date of Meeting: 17/11/2016**

**Application Reference: 97446/16**

**Type of Application: Full Planning Application**  
**Registration Date: 14/09/2016**  
**Decision Due By: 08/11/2016**  
**Responsible Officer: Helen Williams**

**Location: CURLEYS DINING ROOM LIMITED, CURLEYS TROUT FISHERY, WALLSUCHES, HORWICH, BOLTON, BL6 6PP**

**Proposal: VARIATION OF CONDITIONS 13, 20, 21 AND 22 ON PLANNING APPLICATION 77938/07 (OPENING HOURS, USE CLASS, APPROVED PLANS AND RETAIL SALES).**

**Ward: Horwich North East**

**Applicant: CURLEYS FISHERY AND DINING ROOMS**  
**Agent : Frank Whittaker Town Planning Consultants**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Permission is sought to vary four conditions on the original planning approval for Curley's Fisheries (77938/07). These same four conditions have previously been varied under planning application 90902/13, which was approved at Planning Committee in February 2014.

Whilst the applicant proposes to vary four conditions, only the proposed variation of condition 13 differs from the conditions attached to planning approval 90902/13.

#### **Condition 13: Hours of opening**

The original hours of opening were conditioned on the original approval so that the buildings on the site (with the exception of the WC facilities) would not be open to customers outside the hours of 08:00 to 20:00 hours every day.

Permission was granted under application 90902/13 to re-word the condition to state:

*"There shall be no serving of food or drink to any customers after 20:00 hours. The application site (with the exception of the WC facilities) shall not be open to customers outside the hours of 08:00 and 20:30 hours every day."*

The intention of the re-wording of this condition was to take into account the time it took customers to leave the premises ("drinking up time").

The applicant now proposes to further vary the condition so that it states:

*"There shall be no serving of food or drink to any customers after 22:00 hours. The application site (with the exception of the WC facilities) shall not be open to customers outside the hours of 08:00 and 22:30 hours every day."*

It is therefore now proposed that Curley's Dining Rooms (the cafe/restaurant at the fisheries) be opened two hours later in the evenings.

#### Conditions 20, 21 and 22

For information, the following variations have already been approved under application 90902/13 and no further amendments are sought.

#### *Condition 20: A3 use in connection with the fishery*

Approval 90902/13 varied condition 20 so that the cafe/restaurant no longer needs to be used "in connection with" the fisheries but now must form a single planning unit with the fishery business. The condition was however also varied to state that should the commercial fishery use be discontinued the use of the building should also cease.

#### *Condition 21: Ground floor layout and all uses to remain ancillary to the fisheries and not amalgamated*

This condition was varied under approval 90902/13 to reflect amended floor plans and to remove the statement that all of the uses should remain ancillary to the fisheries.

#### *Condition 22: No retail sales (except for the cafe and items related to the fishery use)*

This condition was varied under approval 90902/13 to state that there will be no retail sales in the building other than for food and drink (in the restaurant and patio area) and fishing related products (in the tackle shop), and that there will be no retail sales external to the building with the exception of Christmas trees between mid-November and the end of December.

As the proposed variation of conditions 20, 21 and 22 of approval 77938/07 have previously been approved under application 90902/13 (and no further amendments to these conditions are sought by this latest application), this officer's report therefore only considers the main impacts of the proposed extension of opening hours for the cafe/restaurant (condition 13 of 77938/07).

### **Site Characteristics**

The application site is roughly triangular in shape and comprises a stone building (accommodating "Curley's Dining Rooms", living accommodation for the applicant, storage and a tackle shop), a large fishing lodge, a car park and ancillary open areas.

The site is located within the Green Belt and Wallsuches Conservation Area.

Wallsuches (which is a public highway and a public right of way (HOR144)) runs immediately to the eastern side of the site and is elevated from the application site. Chorley Old Road (a main thoroughfare into Horwich town centre) runs immediately to the south.

The nearest residential properties (on Wallsuches) are to the immediate north, approximately 70 metres away.

### **Policy**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance - Use of Planning Conditions  
Planning Practice Guidance - Noise

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

Allocations Plan Policies: CG7AP Green Belt.

## **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* impact on the amenity of neighbouring residents
- \* impact on the highway

### **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.

Planning Practice Guidance - Noise advises on how planning can manage potential noise impacts in new development.

The applicant proposes to extend the hours of opening for Curley's Dining Rooms from the permitted 08:00 to 20:00 hours (every day) to 08:00 to 22:00 hours (every day). As with the previous approval for the site (90902/13) it is proposed that the proposed hours would relate to the serving of food and drink and would allow customers an additional half an hour to vacate the premises ("drinking up time").

The nearest residential properties are located on Wallsuches and are sited approximately 70 metres away from the rear elevation of the building that houses Curley's Dining Rooms.

A Noise Impact Assessment, undertaken by an independent consultant, has been submitted with the application to determine whether or not the proposed extended hours of opening have the potential to unduly disturb the amenity of the closest neighbouring residents to the application site. The Council's Pollution Control Officers agreed the methodology of the assessment with the consultant prior to submission.

Background measurements were taken at the northern boundary of the site, before the nearest neighbouring houses. Potential noise from the car parking area, the Dining Rooms, external eating areas and extraction fans/fixed plant have all been considered within the assessment. Noise modelling has been used to predict noise levels from activities and plant during the proposed hours of opening.

The assessment concludes that the predicted indoor noise level at the nearest residential dwellings satisfies the recommended day and night noise criteria (within British Standards (BS ratings) and World Health Organisation guidelines). The author of the assessment therefore does not consider



that any additional mitigation to control noise is required at the site.

The Council's Pollution Control Officers have reviewed the Noise Impact Assessment and raise no objection to the proposal. It is therefore considered that the proposed extension of opening times would not unduly harm the amenity of the neighbouring residents to the north of the site by reason of noise and general disturbance.

As Curley's Dining Rooms will be open for two hours later in the evenings there will be a requirement for the external lighting within the site (mostly within the car park) to be on for longer. A condition was attached to the original permission for the site (77938/07) to ensure that the external lighting within the site does not exceed 5 LUX at the nearest residential properties. The information submitted to the Council to meet this condition showed that the cumulative effect of the lighting was in fact below 2 LUX. It is therefore considered that the extended use of the lighting would continue not to detrimentally harm the amenity of neighbouring residents to the site. A condition is again suggested to be attached to this permission (should the application be approved) to ensure that the lighting does not exceed 5 LUX at the nearest residential properties.

For these reasons, it is considered that the proposed variation of condition 13 (to extend the hours of opening of Curley's Dining Rooms) would not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of Bolton's Core Strategy.

#### Impact on the Highway

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

The proposed extended hours of opening at Curley's Dining Rooms will result in the on-site car park being used for longer. There is a potential for cars to be parked on Wallsuches for a longer period if the on-site car park is full or if visitors choose to park there instead of in the car park. It is not anticipated that the proposed later opening hours would attract a greater number of visitors at one time given that there will be a limited number of tables at the restaurant.

The Council's Highways Engineers have raised no objection to the proposal. It is therefore considered that the proposal would not jeopardise highway safety in the area, compliant with Policies P5 and S1.2 of the Core Strategy.

The impact of noise from the extended use of the car park has been addressed within the submitted Noise Impact Assessment and is discussed above.

Horwich Town Council at their meeting of 20th October raised no objection to the proposal but requested that a condition be attached to any approval requesting a traffic assessment on Wallsuches. It is however not considered that this would be a necessary requirement given the authorised development, the nature of the proposal, and that the Council's Highways Engineers have raised no objection to the proposal (nor have requested any conditions). It is also considered that a condition for a traffic assessment would not meet the five condition tests within paragraph 206 of the NPPF (it would not be necessary or reasonable).

#### Other Issues

Objections received to the application have raised concern that the cafe/restaurant within the building at the fisheries is no longer ancillary to the fisheries. As explained within the "Proposal" section of this report, conditions 20 and 21 of the original planning approval for the building were amended under application 90902/13 so that the restaurant no longer needed to be ancillary to the

fisheries, but instead would form the same planning unit as the fisheries (a "mixed use site").

Concerns have also been raised about the proposal's impact on the Green Belt and Wallsuchers Conservation Area. The use of the building has already been approved and the proposed extended hours of opening would not further impact on the purposes or openness of the Green Belt. As the proposal is only for extended hours of opening there is no additional impact on the character and appearance of the conservation area.

### **Local finance considerations**

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

### **Conclusion**

For the reasons discussed above it is considered that the proposed extension to the opening hours at Curley's Dining Rooms (variation of condition 13 on original approval 77938/07) would not unduly harm the amenity of neighbouring residents and would not jeopardise highway safety in the area, compliant with Policies CG4, P5 and S1.2 of Bolton's Core Strategy. The proposed variation of conditions 20, 21 and 22 of approval 77938/07 has already been approved by Planning Committee under application 90902/13, and no further amendments are sought by this current application.

Members are therefore recommended to approve this application subject to the suggested conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** seven letters of objection have been received from local residents. These raise the following concerns:

- \* Increase in the number of vehicles visiting the site owing to increased opening times;
- \* Congestion on Wallsuches from an increase in cars parking there and increase in vehicles using the road;
- \* Difficulties for emergency services getting down Wallsuches;
- \* The business is clearly a success so see no justification for extending the hours of use;
- \* The cafe was approved as being subservient to the fisheries: it has become more than this;
- \* The original proposal for a fishery with a small hut has got out of control;
- \* Exploitation of the Green Belt;
- \* Impact on Conservation Area;
- \* Undue stress to neighbouring residents and families - it used to be a quiet lane with no buildings on the site;
- \* Do not need another licensed pub-type eatery in the area (*officer comment: this is not a material planning consideration*);
- \* Health and safety concerns owing to extended alcohol sales (*officer comment: this is not a material planning consideration*).

**Horwich Town Council:-** raised no objection at their meeting of 20th October, but requested that a condition be attached for a traffic assessment on Wallsuches.

### **Consultations**

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

### **Planning History**

Permission was granted at Committee in February 2014 for the variation of conditions 13, 20, 21 and 22 on planning approval 77938/07 (90902/13).

Permission was granted at Committee in October 2013 for the retention of a timber store shed in connection with fishery maintenance (90413/13).

Planning application 90239/13 for the erection of three non-illuminated freestanding signs on Chorley Old Road and Wallsuches was withdrawn by the applicant in August 2013.

A non-material amendment to 77938/07 was approved in February 2012 for changes to several window and door details, the removal of canopies at the entrance link, the reduction in the number of rooflights, the installation of a Juliet balcony balustrade, alterations to the internal layout of rooms, the installation of a double gate, the formation of a vehicular access, turning area and parking at the rear, and alterations to the stone paved patio area (87309/12).

A non-material amendment to 77938/07 was approved in May 2011 for the adaptation of the building access to first floor level by the addition of a stone-built external staircase and adaptation of existing window opening (86157/11).

A non-material amendment to 77938/07 was approved in October 2010 for 6 additional windows at first floor level to the northern part of the building (3 in the northern elevation and 3 in the southern elevation) (84989/10).

A non-material amendment to 77938/07 was approved in June 2010 to use a double block construction to the perimeter of the double storey extension (300mm increase) (84198/10).

Permission was granted in January 2008 for the erection of 2 linked buildings for admin/management of the existing fishery, the retention of the tearoom (12 months), the retention of the existing storage container (24 months), together with the continued use of the site as a fishery without complying with condition 25 on 65750/03 (to allow fishing at night) (77938/07).

Permission was granted in August 2005 for the retention of a storage container in connection with the fishery for a further two years (71509/05).

A temporary timber building for use as a refreshment area, WC, tackle shop and store was approved in March 2004 (66746/04).

Application 69302/04 for the siting of a temporary de-mountable home (log cabin) for the proprietor/staff was withdrawn by the applicant in November 2004.

Angling and recreational facilities, including car parking, 40 fishing pegs, tackle shop, refreshment area, toilet facilities and landscaping, were approved in December 2003 (65750/03).

**Recommendation:            Approve subject to conditions**

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

1. There shall be no serving of food or drink to any customers after 22:00 hours. The application site (with the exception of the WC facilities) shall not be open to customers outside the hours of 08:00 and 22:30 hours every day.

Reason

To safeguard the living conditions of nearby residents particularly with regard to noise and/or disturbance, and to comply with policy CG4 of Bolton's Core Strategy.

2. All uses at the building and premises within the application site shall form a single planning unit and shall cease should the commercial fishery use be discontinued, unless otherwise agreed in writing with the local planning authority.

Reason

For the avoidance of doubt as to what is permitted, in light of the assurances given as to how the development will be carried out and to comply with Policy CG4 of Bolton's Core Strategy and Policy CG7AP of Bolton's Allocations Plan.

3. The restaurant shall be used as a Class A3 use only and for no other purpose.

Reason

For the avoidance of doubt as to what is permitted, in light of the assurances given as to how the development will be carried out, and to comply with Policy CG4 of Bolton's Core Strategy and Policy CG7AP of Bolton's Allocations Plan.

4. The tackle shop shall be used as a Class A1 use only and for no other purpose (including any other purposes in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason

For the avoidance of doubt as to what is permitted, in light of the assurances given as to how the development will be carried out and to comply with policy CG4 of Bolton's Core Strategy and policy CG7AP of Bolton's Allocations Plan.

5. The building hereby permitted shall not be subject to any subdivision or changes in internal floorspace or designation (as shown on drawing references AM09-0078-01 Rev. K attached to approval 90902/13) without the prior written approval of the local planning authority.

Reason

To restrict the potential for any further retailing and to comply with policy CG4 of Bolton's Core Strategy and policy CG7AP of Bolton's Allocations Plan.

6. There shall be no retail sales in the building other than for food and drink, in the restaurant and the related patio area, and fishing related products in the designated tackle shop. There shall be no retail sales external to the building and the related patio area, within the application site, with the exception of Christmas trees between mid-November and the end of December only every year.

Reason

To restrict the potential for any further retailing and to comply with policy CG4 of Bolton's Core Strategy and policy CG7AP of Bolton's Allocations Plan.

7. The external lighting within the site shall be maintained to an illumination value of 5 lux at the nearest residential property.

Reason

To safeguard the character and appearance of the locality and to prevent light pollution and in order to comply with policy CG4 of Bolton's Core Strategy.

8. The car parking spaces within the curtilage of the site (as approved under application 77938/07) shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

# Application number 97453/16



Development & Regeneration Dept  
Development Management Section

Town Hall, Bolton, Lancashire, BL1 1RU  
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# Bolton Council

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**Date of Meeting: 17/11/2016**

**Application Reference: 97453/16**

**Type of Application: Full Planning Application**  
**Registration Date: 15/09/2016**  
**Decision Due By: 09/11/2016**  
**Responsible Officer: Helen Williams**

**Location: 76 CHURCH STREET, HORWICH, BOLTON, BL6 6AB**

**Proposal: ALTERATIONS TO ROOF AND WINDOWS ON FRONT AND REAR ELEVATIONS**

**Ward: Horwich North East**

**Applicant: Mr Bromley**  
**Agent : rt design**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

This application is a resubmission of application 96614/16, which was refused under delegated powers in July. The applicant has amended their proposal following this refusal, and has also amended their plans following the comments received from Horwich Heritage.

Permission is sought for the following:

- \* Extension of the existing front (central) gabled element by increasing its eaves and ridge height and the insertion of a window above the existing eaves level;
- \* Installation of two conservation style roof lights in the front roof plane (one on each side of the front gable);
- \* Erection of a pitched roof, gable fronted "wall dormer" on the rear elevation (centrally located) and the insertion of a window above the eaves level;
- \* Installation of two conservation style roof lights in the rear roof plane (one on each side of the "wall dormer").

The applicant has stated that the proposed alterations are required as the present loft space is poorly lit by natural daylight.

### **Site Characteristics**

The application building is a former police station, which is now used as offices (approved under application 79890/08). The building is an attractive, two storey, red brick building with stone window heads and cills. The building has been extended at the rear.

The building is sited within Wallsuches Conservation Area. To the east of the application site are listed terraced houses and to the west are two storey flats. To the rear are further residential

properties and across the road from the building (on Church Street) are a beauty salon and a restaurant.

### **Policy**

National Planning Policy Framework (NPPF)

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

SPD General Design Principles

Wallsuches Conservation Area Appraisal

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* impact on the character and appearance of the building and Wallsuches Conservation Area
- \* impact on the amenity of neighbouring residents

### **Impact on the Character and Appearance of the Building and Wallsuches Conservation Area**

Section 12 of the NPPF concerns conserving and enhancing the historic environment. Paragraph 132 states, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more importance the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

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 CG3.4 states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings. Policy OA1 states that the Council will conserve and enhance the character of the existing landscape and physical environment, especially the conservation areas at Horwich town centre, Horwich Loco Works and Wallsuches, 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 application site is located within Wallsuches Conservation Area. It is considered that the building, the former police station, is a building of note within the conservation area and that it positively contributes to the street scene. It is also considered that the conversion of the building to offices has been sympathetic so far.

The proposal to convert the roof space of the building into office space has been approved in June 2014 (under application 91669/14) and this permission is still valid (until June 2017). Under this permission two small pitched roof dormers and two roof lights were proposed on the rear roof plane.

#### *Proposed front extension*

The front elevation of the application building is highly visible from outside the site, with Church Street being a main thoroughfare through Horwich Town Centre and through Wallsuches Conservation Area. The proposed front extension would increase the height of the central gabled feature, making it more dominant, and would remove the front hip design to its roof. The proposed window within the gable extension has been reduced in scale from the proposal previously refused (under application 96614/16), and is now proposed to be rectangular in shape with a stone cill and head. This is considered to be more symmetrical and sympathetic to existing windows in the front elevation than the previously proposed extension.

#### *Proposed rear extension*

The rear roof plane is visible from Owens Row and School Street. Whilst the proposed rear "wall dormer" will be relatively visible from views outside the site, it is not considered that the scale and siting of the proposed extension would detrimentally harm the character and appearance of the rear elevation of the building. As with the proposed front window, the proposed rear window has been reduced in scale, made rectangular in shape and has been finished with a stone cill and head.

#### *Proposed roof lights*

The roof lights proposed in the front and rear roof planes are considered to be small in scale and it is not considered that these would detract from the appearance of the roof or the character of the building. The roof lights would be of a conservation style and would fit flush with the roof.

It is considered that the proposed extensions and roof lights to the application property would lead to less than substantial harm to the significance of Wallsuches Conservation Area. Paragraph 134 of the NPPF advises that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The applicant has put forward the following benefits of the proposal:

- \* *"It will support local business";*
- \* *"Will encourage local employment giving additional income to the area";*
- \* *"Additional income to local authority coffers in terms of Council Tax revenue."*

It is considered that the benefits of the proposal outweigh the less than substantial harm that would be caused to the character and appearance of the former police station building and the less than substantial harm to the significance of Wallsuches Conservation Area, compliant with the guidance contained within the NPPF.

It is therefore considered that the proposed development would comply with Policies CG3 and OA1 of Bolton's 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, safety and security, and that it does not generate unacceptable nuisance, odours, fumes, noise or light pollution.

The rear wall dormer window will face on to the side of 8 Owens Road and will be over 20 metres away from this property. It is therefore considered that the proposed alterations to the building would not unduly affect the amenity of neighbouring residents.

There are no residential properties to the front of the application site.

It is therefore considered that the proposed development would comply with Policy CG4 of the Core Strategy.

### **Local finance considerations**

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

### **Conclusion**

For the reasons discussed above it is considered that the proposed development (as amended from the previous delegated refusal) would not detrimentally harm the character and appearance of the building or the significance of Wallsuches Conservation Area, and would not affect the amenity of any neighbouring residents. Members are therefore recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Horwich Heritage has raised an objection to the submitted plans (prior to them being amended) for the following reasons:

- \* It is difficult to understand the decision to go for a loft conversion in this building given the limited additional usable space that will be achieved. If the work is purely for storage than the proposal is not required;
- \* There are no dimensions on the drawings (*officer comment: the plans have been submitted to scale (1:100) with one dimension shown, which allows the proposals to be scaled*);
- \* The Design Statement is inadequate as there is no design content in it;
- \* There is no attempt to blend the proposed windows in with the existing windows. The triangular sections at the top of the windows should be removed and replaced with lintels (*officer comment: the applicant has amended both the proposed front and rear windows to reduce their scale, change them to rectangular designed windows and introduce a stone head above them*);
- \* The rear window is totally overbearing and out of scale and should be split into two smaller ones (*officer comment: the applicant has reduced the scale of the window instead*);
- \* There is no statement about matching brickwork. It will be impossible to match 100 plus year old brickwork (*officer comment: given the age of the existing brick it is not expected that the new brick will be a perfect match, however a condition is proposed for a sample brick (and slate) to be submitted and approved by the local planning authority prior to construction, to get the materials as similar as possible*);
- \* It would be better to introduce two smaller dormer windows into the roof on the front and rear elevations (*officer comment: officers disagree that the addition of dormer windows in the front elevation would be a better solution given that there are no other dormer windows within the street scene, meaning that this would be contrary to the Council's policy guidance*).

**Horwich Town Council:-** raised an objection at their meeting of 20th October 2016 as they consider the proposal to be inappropriate development in the conservation area.

### **Consultations**

Advice was sought from the following consultees: None.

### **Planning History**

Application 96614/16 for alteration to roof and windows on front and rear elevations was refused under delegated powers in July 2016 for the following reason:

*The proposed development, by virtue of the front extension's height, siting and design, will have a detrimental effect on the character and appearance of the building, the street scene and Wallsuches Conservation Area, contrary to Policies CG3 and OA1 of Bolton's Core Strategy.*

Application 93693/15, which was a resubmission of application 91669/14 (change of use from loft to office B1), including installation of dormer at rear of property) to allow for the erection of a larger dormer at the rear, was refused in April 2015.

Permission was granted in June 2014 for the change of use of the loft to office space (B1) including the installation of a dormer to the rear (91669/14). This was a resubmission of 82747/09.

Permission was granted in October 2009 for the change of use of the loft space into office space (B1) together with the installation of dormer windows to the rear (82747/09).

Permission was granted in 2008 for the change of use of the police station to offices (B1) (79890/08).

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

Reason

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

3. Prior to the commencement of development a detailed specification for both the approved front and rear windows 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 and to comply with policies CG3 and OA1 of Bolton's Core Strategy.

4. The roof lights shall be fitted flush with the plane of the roof in accordance with details to be submitted to, and approved by, the Local Planning Authority, before the commencement of the development, and 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 to comply with policies CG3 and OA1 of Bolton's Core Strategy.

5. The cills and heads to the windows of the extensions hereby approved shall be in natural reclaimed stone of a colour and texture to match to those of the existing building.

Reason

To ensure the development safeguards the visual appearance of the building and to comply with policies CG3 and OA1 of Bolton's Core Strategy.

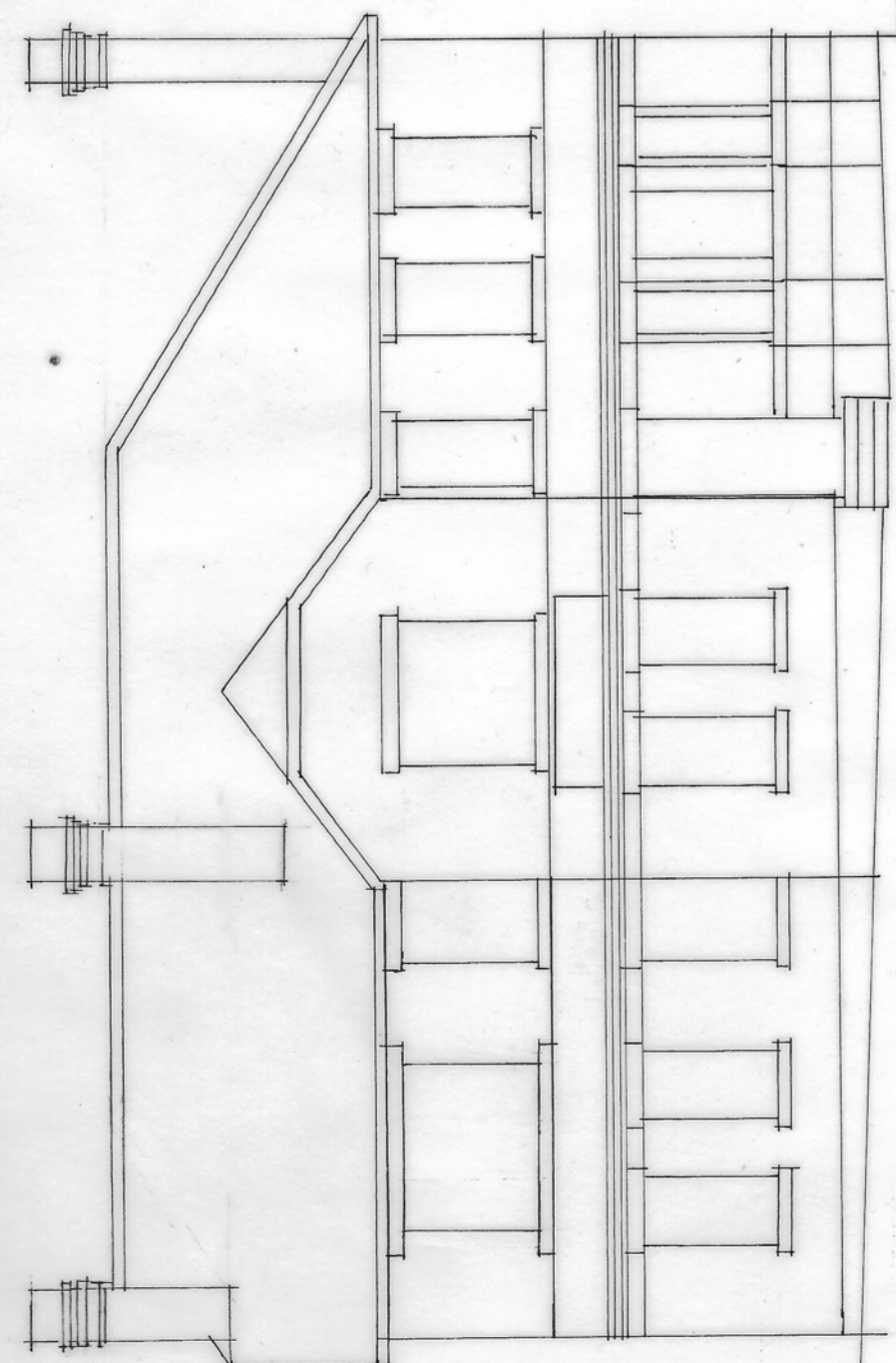
6. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

**Front and Rear Elevations Rev. B; dated Sept '16 and received 03 Nov 2016**  
**Side Elevations; dated May '15 and received 15 Sept 2016**

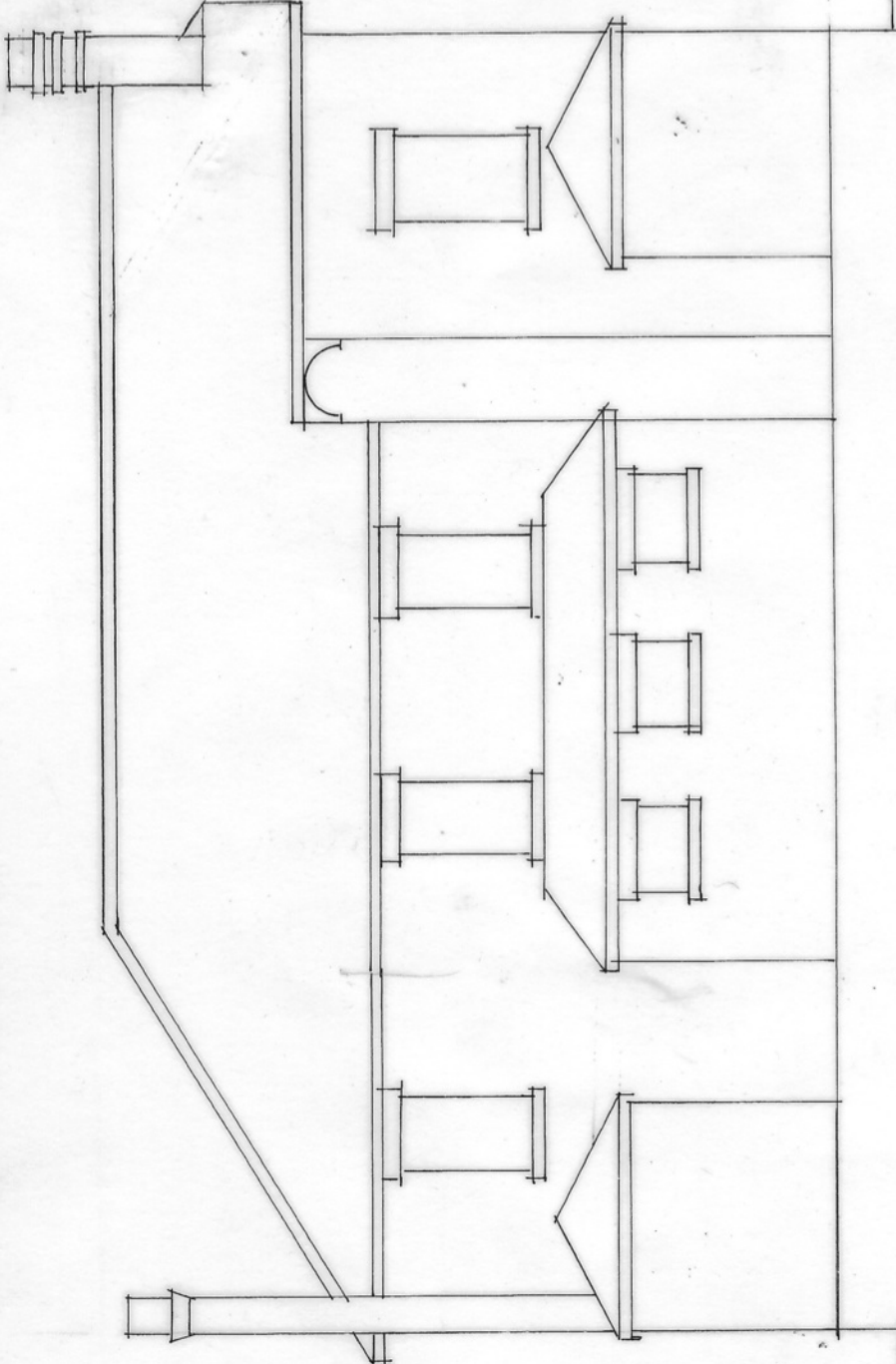
**Second Floor Plan; received 15 Sept 2016**

Reason

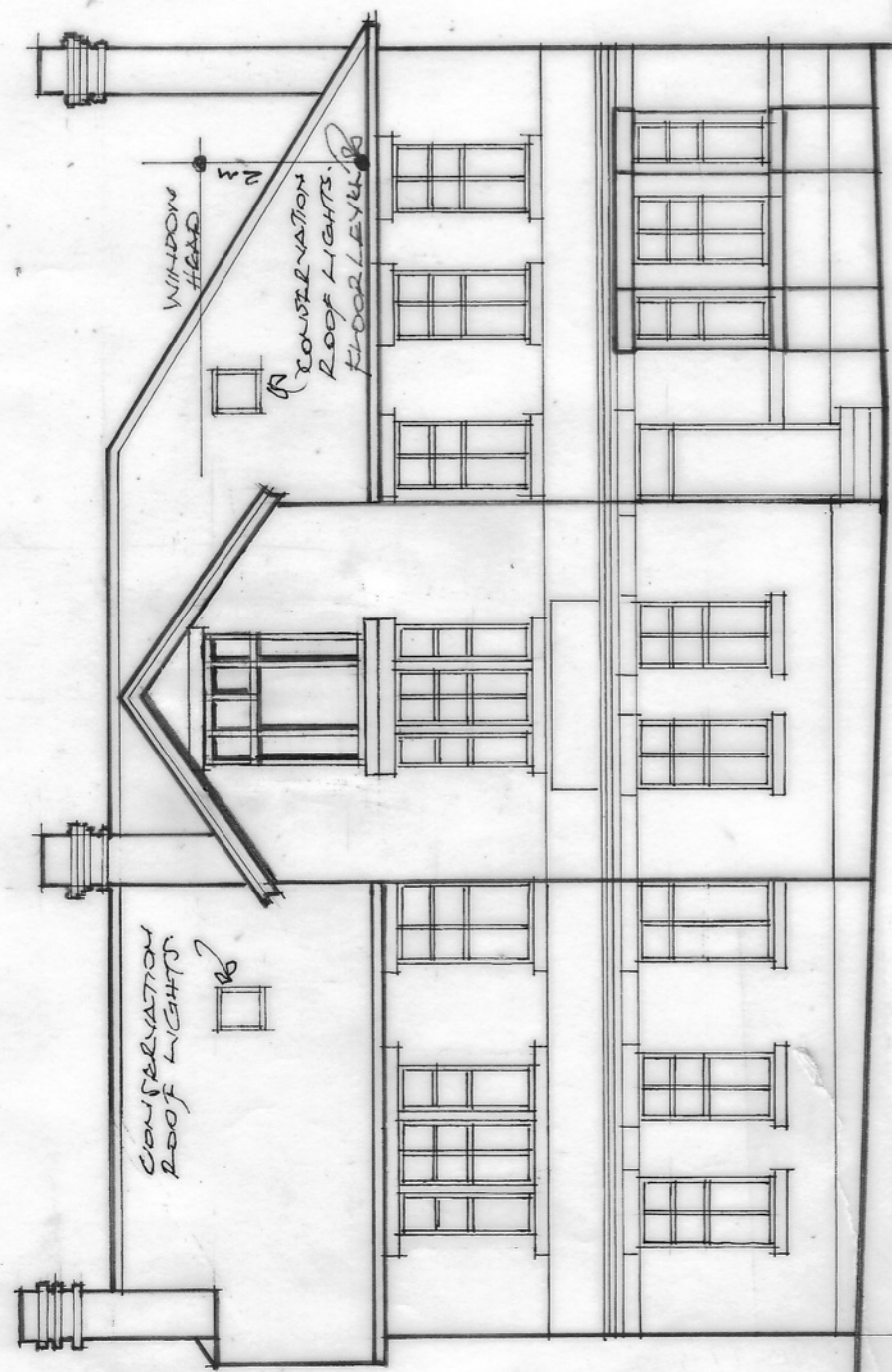
For the avoidance of doubt and in the interests of proper planning.



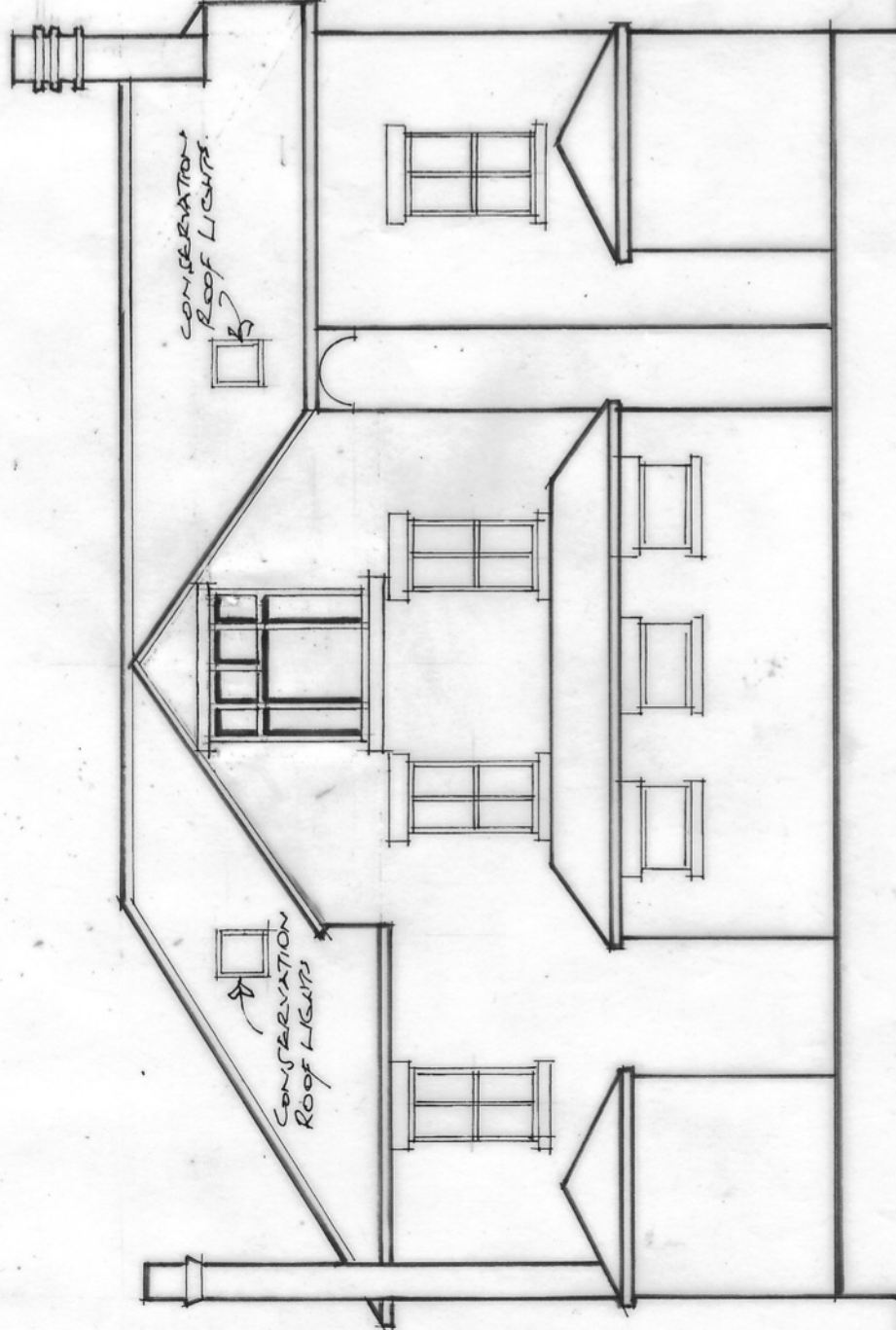
EXISTING FRONT.



REAR ELEVATIONS.



PROPOSED FRONT.



REAR ELEVATIONS.

SCALE - 1/1000  
DATE - SEPT '16  
DRAWN - R.C.P.  
REV B 2.11.16



# Application number 97567/16



**Development & Regeneration Dept  
Development Management Section**

Town Hall, Bolton, Lancashire, BL1 1RU  
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# Bolton Council

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**Date of Meeting: 17/11/2016**

**Application Reference: 97567/16**

**Type of Application: Reserved Matters**  
**Registration Date: 30/09/2016**  
**Decision Due By: 29/12/2016**  
**Responsible Officer: Alex Allen**

**Location: LOGISTICS NORTH, PLOTS F1A F2A AND F2B**

**Proposal:** RESERVED MATTERS PLANNING APPLICATION PURSUANT TO OUTLINE PLANNING PERMISSION 90539/13 ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THREE BUILDINGS (USE CLASS B2/B8) WITH ANCILLARY OFFICE SPACE (B1A)

**Ward: Hulton**

**Applicant: Harworth Estates**  
**Agent : Cushman & Wakefield**

## **Officers Report**

**Recommendation: Delegate the decision to the Director**

### **Proposal**

The applicant seeks reserved matters consent for the development of Plots F1A, F2A and F2B at the Logistics North development site. The specific matters which are to be considered are access, appearance, layout, landscaping and scale of the three buildings. The breakdown for each building would be as follows:

Unit	B2/B8 floorspace	Office floorspace	Total floorspace (GIA)
Unit F1/A	5,560 sq.m	296 sq.m	5,856 sq.m
Unit F2A	3,926 sq.m	209 sq.m	4,135 sq.m
Unit F2B	4, 904 sq.m	261 sq.m	5,165 sq.m

Each unit would have its own designated car parking area and service yard. The proposed office element would be ancillary to the main industrial use of the property.

The proposal represents the first plot to be submitted for approval on the eastern side of the Logistics North development site. The unit sizes are more modest when compared to the Aldi RDC building. Unit F1/A would be 58.5 metres in width and 96 metres in length, Plot F2/A would be 62 metres in length by 64 metres in depth and Plot F2B would be 62 metres in length and 80 metres in depth. All the units would be a maximum of 13.3 metres in height.

### **Site Characteristics**

The application site relates to 3.7 hectares of land at Plots F1A, F2A and F2B of Logistics North situated within the eastern parcel of the Logistics North site. The plot lies to the east of the existing



Aldi Regional Distribution Centre and Cutacre Brook. The existing In Vessel Composting facility forms the northern boundary of the site with parts of the eastern parcel of development land lying to the east and south of the application site. The main east/west spine road forms the southern boundary of the site.

The western side/half of the Logistics North site has either been developed or has planning permission for a range of employment uses primarily B2 and B8 uses with ancillary commercial development including an Aldi training store and a Greene King amenity restaurant.

### **Policy**

National Planning Policy Framework 2012

Core Strategy policies: CG1 Cleaner Greener, CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses, P1 Employment, P5 Accessibility, S1 Safe and M3 Broad Location for Employment Development.

Allocations Plan: CG7AP Green Belt

Sustainable Design and Construction SPD, Accessibility and Transport SPD and General Design Principles SPD.

### **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 employment development;
- \* impact on the character and appearance of the area;
- \* impact on surrounding land uses/users;
- \* impact on land stability / site remediation;
- \* impact on drainage;
- \* impact on highway safety / accessibility;
- \* impact on sustainability;
- \* impact on ecology.

### **Principle of Employment Development**

Members will recall that outline planning permission was granted, subject to the signing of a Section 106 Agreement, for the development of the Logistics North employment area in April 2014. A number of other permissions have been granted for the Aldi, MBDA, Joy Global, Plot A6 and Plot E2 development plots with the MBDA, Aldi and Joy Global developments currently under construction on site.

The proposal is entirely consistent with the outline approval and the allocation of the wider site for employment use. The proposal would make provision for a building with use classes B1c/B2/B8 with ancillary office development (use class B1a). The proposal is currently a speculative build with no end users currently lined up.

The proposal is therefore considered to comply with policy.

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

Core Strategy policy CG3 seeks to ensure that development proposals conserve/enhance local distinctiveness. The application and wider site has permission for employment development with development parameters which prevent the development from exceeding 20 metres in height in the western parcel of land. The maximum height of the current proposal is 13.3 metres.

The Officer's report for the outline permission stated:

*'The long term effect of the country park proposals, which wrap around the western and southern sides of the development site, will be to create a strong woodland framework and will assist in screening the development; nevertheless the inherent scale and nature of the buildings proposed will result in a change to the landscape character and views in the locality.'*

*'There is no doubt that the scale and extent of development proposed is a significant land use that would impact on the character and appearance of the area. These impacts would be most substantial in the early stages before the country park planting is complete and has had time to mature. They would diminish as the works are completed and the planting matures to the point where these impacts are partly mitigated. It is of vital importance therefore that the country park proposals are implemented in a timely fashion and are retained and well-managed in the long-term.'*

The building has been designed to institutional standards in identical materials used in the construction of the two large units which front of the site (Plot A6). The ridge will be 13.3 m from FFL. The building is of a smaller scale than the neighboring distribution units.

From the north and the closest residential properties on Salford Road the units would be screened by the existing Household Waste Centre, Solar Farm and In Vessel Composting facility. When the Logistics North site is complete the development would be screened by the development plots to the south and east.

Landscaping is proposed along the southern boundary of the site which once developed will soften the appearance of the site when viewed from the south and the main spine road. Existing vegetation sited along the western boundary of the site within the Lomax Brow area would be retained. Boundary treatment would be 2.4 metre high weldmesh/paladin fencing along the boundaries. This is consistent with fencing across all the existing plots on the site.

The development would however be viewed in the context of a completed high quality development at Logistics North. It is also noted that the development parameters which were approved under the original hybrid planning permission in 2014 (90539/13) granted approval for buildings of up to 30 metres in height. The proposal is therefore significantly under this height parameter/recommendation.

The proposal is fully compliant with the site's allocation as a development site for primarily logistics / distribution uses and complies with policy and is in character with the modern industrial facility which is being created at Logistics North.

#### Impact on Surrounding Land Uses/Users

Core Strategy policy CG4 seeks to ensure that new development is compatible with surrounding land uses and occupiers protecting amenity, privacy, safety and security.

The closest residential property is located on Salford Road to the north over 300 metres away (No's 650 to 656 Salford Road). It is considered that the properties are far enough away from the proposed development to not have any unacceptable detrimental impact on their outlook or be overbearing.

Any potential issues of noise emanating from the application site/operations would be controlled through Condition No. 14 on the outline permission for the site. Condition 14 sets the noise limit from the building and plant and equipment from the site to 39dB within 4 metres of the closest elevation of the residential property. This information needs to be submitted and approved prior to occupation of the proposed units.

It is considered that the proposal complies with policy CG4.

#### Impact on Land Stability / Site Remediation

Core Strategy policy CG4 seeks to ensure that new development proposals affected by contamination and / or ground stability must include an assessment of the issues and potential risks. Development will only be permitted where the land is, or is made, suitable for the proposed use.

The Coal Authority have confirmed that the development would avoid all three recorded mine entries located within the site. Further detail regarding the site remediation would be provided under the conditions on the outline/hybrid permission.

The proposal complies with policy.

#### Impact on Drainage

Core Strategy policy CG2 seeks the provision of a sustainable drainage system which is capable of reducing surface water run-off from the site in addition to policy CG1 which seeks to reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development.

The applicants have submitted a Drainage Philosophy in support of the application which provides an outline of the management of surface water and foul water from the site. In recent years (2013-2014) the site has been divided into development plots and served by recently constructed infrastructure highways and sewers.

The site is located within Flood Zone 1 which comprises land assessed as having less than a 1:1000 annual probability of river or sea flooding. NPPF Technical Guidance table identifies buildings for commercial use are classified as less vulnerable, when cross referencing this classification with Table 3 of the NPPF this is acceptable for Flood Zone 1.

The site is former open cast mine workings and there is an existing pond and spring located in the north west corner of the site. It is intended that the existing pond would be filled in and a new pond and spring provided adjacent to the development site. It is intended that the new pond created would assist in attenuating surface water run-off from the site. The water from the pond would then flow into Wharton Brook at an agreed discharge rate.

However, the proposed attenuation pond is scheduled to be constructed prior to the completion of

this development. The applicant proposes a temporary measure to drain surface water run-off from the site to two ponds which are located within Plot E2 which is located to the south west of the site. The detail of both schemes needs to be provided to the LPA. It is considered appropriate to condition this element of the proposal.

The proposed foul drainage for the development would be via the existing foul sewerage system located in the existing spine road.

The Council's Floodrisk Engineers have been consulted and have requested further information to be submitted before they can offer their support to the proposal. However, the LPA is of the opinion that any increase in surface water runoff can be managed on site through Sustainable Urban Drainage System techniques. These would mitigate for the consequences of flooding by incorporating measures to accommodate flood risk and an appropriate foul water drainage system. In this way the proposal would not pose a flood risk and a condition has been attached to secure the required measures to achieve this.

It is considered therefore that the proposal would contribute to the wider sustainable drainage system and complies with plot level restrictions on surface water run-off and therefore complies with policy.

#### Impact on Highway Safety/Accessibility

Core Strategy policies P5 and S1 seek to ensure that new development proposals are accessible by a range of types of transport including pedestrians, cyclists and public transport uses. It is also necessary to ensure that developments should promote road safety.

The overall highway impact of the Logistics North site has been assessed at the outline stage in which Harworth Estates produced a robust Transport Assessment that has been accepted by Transport for Greater Manchester (TfGM) and Highways England (formerly the Highways Agency) and which demonstrated satisfactorily that the impact of the development can be mitigated. Public transport accessibility will be improved with significant investment in cycling and walking routes.

The highway access from Bridgewater Avenue and the central spine road complies with the Council's standards for an industrial access and is currently under the S38 agreement for adoption by the Highways Authority.

The vehicle circulation areas indicated on the submitted site plan for units F1/A, F2/A, F2/B are adequate to provide for HGV manoeuvrability and reduce the potential for vehicular conflict. Car parking provision is slightly below standards for a potential B8 use class including ancillary B1 offices, the site is in a sustainable location and would not have a severe impact on the highway network. Separate cycling provision is provided for each unit.

No public rights of way would be affected by this proposal.

The proposal complies with policies with policies P5 and S1 of the Core Strategy.

#### Impact on Sustainability

Policies CG1 and CG2 of the adopted core strategy seek to ensure [amongst other things] that development work towards minimising energy requirements, improving energy efficiency, lessening the reliance on fossil fuel-based energy and reducing carbon dioxide(CO2) emissions as well as maximising the potential for renewable energy development and encourage proposals that contribute towards the renewable energy targets.

In addition all development proposals contribute to the delivery of sustainable development, being located and designed so as to mitigate any adverse effects of the development and adapt to climate change by incorporating high standards of sustainable design and construction principles and achieve the "very good" BREEAM rating (or any subsequently adopted set of national sustainable construction standards).

In support of the application, the applicants have submitted a Sustainability Statement which proposes that the development would achieve a rating of BREEAM 'very good'. The applicant has confirmed the development would achieve a BREEAM rating of very good. The applicant have also submitted an Energy Statement which outlines how the proposed development would achieve a reduction in CO2 emissions from the development, in order to comply with Core Strategy policy.

Conditions have been attached to ensure that this is achieved.

Given the above the proposal is considered to comply with policies CG1 and CG2.

#### Impact on Ecology

Core Strategy policy CG1.1 seeks to safeguard and enhance biodiversity in the borough by protecting rural areas. The larger Logistics North site will have five ponds located within it. Matters of ecology/biodiversity are controlled through the outline/hybrid permission that dates back to 2014 (90539/13).

The application relates to land previously located adjacent to the Lomax Brow Site of Biological Interest. The applicant has provided a Ecological report which provides detailed consideration to the status of nesting birds, bats and great crested newts.

The application site contains a large water body and spring which are located within the north west corner of the site. The report details that the spring and pond/water body will need to be relocated. The applicant has committed to the relocation of the spring and water body. This would be secured by condition as requested by the Environment Agency.

The report states that whilst Great Crested Newts are not recorded within the site, Common frogs and toads are. It is noted that there are no structures or significant features within the application site which would provide bats with roosting potential. In addition, ground nesting birds are present on land bordering the Plot including lapwing, oyster catcher, little ring plover and skylark. Other bird species are breeding and feeding, foraging in and adjacent to the site.

The following mitigation measures are proposed:

- Prior to commencement of development / site clearance the site will be searched for amphibians. If any are found they will be translocated to suitable habitats off site, if GCNs are found work should be halted and an appropriate license applied for. This work will be overseen by an Ecological Clerk of Works;
- All building material to be stored so as not to attract amphibian species;
- Any ditches on site should be provided with a ramp to enable animals to escape;
- All ditches to be searched for the presence of animals prior to recommencement of work the following morning;
- Provision of mesh fencing along the boundary to ensure smaller terrestrial animals are excluded from the site;
- Relocation of the spring, in an enhanced form in Lomax Brow;
- Design of a lighting scheme for the development which is low level, low intensity in accordance with the Bat Conservation Trust guidelines;

- Bat boxes to be provided within Lomax Brow;
- Hedgehog domes to be provided on the west and north boundaries of the site;
- Compliance with the Habitats and Biodiversity Management Plan to include no vegetation clearance, soil stripping within the bird breeding season (end of March to the end of July) unless checked by an ecologist.

In addition to the above proposed mitigation measures a new pond and spring are to be created adjacent to the proposed development.

It is considered that the above ecology proposals are consistent with the outline/hybrid permission and are considered acceptable. The delivery of the SUDS pond and associated works will be secured by way of a condition.

#### Other Issues

NPPF identifies 12 core planning principles one of which indicates that planning should “contribute to....reducing pollution.” To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account.

The impact from the proposed traffic generations once the whole of the site has been developed and associated effects on future residents from emissions from local roads was fully considered under the hybrid application 90539/13 and were considered acceptable. This current application therefore raises no further issues in respect of Air Quality.

#### **Conclusion**

The proposal to develop plots F1/A, F2/A and F2/BC4 are entirely consistent with both the approved outline planning permission and masterplan for the wider site in terms of the principle of industrial development, the design, siting and massing of the proposal and the environmental and transport impacts. The proposal fully complies with policy and is recommended to delegate the decision to the Director of Place (to allow for the consultation period to end).

## **Representation and Consultation Annex**

### **Representations**

**Letters/petitions:-** no representations have been received.

**Elected Members:-** no comments received.

### **Consultations**

Advice was sought from the following consultees: the Coal Authority, Greater Manchester Ecology Unit, Greater Manchester Archaeological Advisory Service, Design for Security (Greater Manchester Police), Environment Agency, Economic Strategy, Planning Strategy, Landscape Architects, Flood Risk/Drainage officers, Pollution Control officers.

### **Planning History**

In November 2013 three planning applications were delegated to the Director of Development and Regeneration pending the signing of a legal agreement. These were as follows:

Ref: 90539/13 which provided for outline planning permission for phased employment development comprising of 102 ha of B8, B2 and ancillary uses.

Ref: 90543/13 which will grant full planning permission for the construction of a Regional Distribution Centre (including ancillary office accommodation); and

Ref: 90552/13 which will change the use of restored former Open Cast mine site to form a Country Park including remodelled landform, creation of ponds, watercourses and a mix of habitats, improved public access routes and the provision of a visitors' car park.

Reserved matters permission was granted planning permission (Ref: 91459/14) for the siting of a manufacturing facility with ancillary offices and outbuildings (Class B2) on Plot B1. Planning permission (reserved matters) was granted in August 2015 for the erection of (94417/15) two (B2 / B8) industrial units with ancillary office accommodation on Plot A6 fronting Salford Road. Reserved matters permission was granted by Planning Committee in November 2015 (Ref: 94999/15) for the erection of an industrial unit on Plot E1.

Ref: 96590/16 for the reserved matters application pursuant to outline planning permission 90539/13 - access, appearance, landscaping, layout and scale for a building (use class B2/B8) with ancillary office development (B1a) was granted permission by the Planning Committee in July 2016

**Recommendation:            Delegate the decision to the Director**

### **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 approved highway access from the existing spine road as shown on Drawing No. Nk018523-0103 shall be implemented in full prior to the development being first brought into use and retained thereafter.



Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

3. No development shall take place until the proposed relocated pond and spring is constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

The scheme shall include the following features:

- New wetland should be of similar size or larger to that that being lost as part of development.
- New wetland be designed to have a mosaic of marginal and open water habitats.
- New wetland is designed to provide additional habitat resource to adjoining local wildlife site
- Ensure any new site drainage to pond is based around new SUDs guidelines ([http://www.ciria.org/Memberships/The\\_SuDs\\_Manual\\_C753\\_Chapters.aspx](http://www.ciria.org/Memberships/The_SuDs_Manual_C753_Chapters.aspx) ).
- Ensure an appropriate long term maintenance and management regime is integrated into design.

Reason

To ensure that the relocated pond to North West of development, is designed in a way that contributes to the nature conservation value of the site and provides a positive enhancement with adjoining Lomax Brow Site of Biological Importance, and to comply with policy CG1 of Bolton's Core Strategy.

4. The approved cycle parking as shown on Drawing No. **NK018532\_0150** shall be implemented in full before the development hereby approved is first occupied or brought into use and retained thereafter.

Reason

To encourage cycle use and provide adequate facilities for cyclists and to comply with policy P5 of Bolton's Core Strategy.

5. Prior to commencement of development an Employment and Skills Statement shall be submitted to the Local Planning Authority for approval and once approved shall be implemented in full in accordance with an agreed timetable. This Statement should be based on the Local Employment Framework Plan approved under 90539/13.

Reason

To ensure that local employment benefits are addressed and secured and to comply with Strategic Objective 3 of Bolton's Core Strategy.

6. Prior to the commencement of a development full details of the proposed ecological mitigation for the site shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme should include details of the proposed mitigation contained within the approved Ecological Condition Compliance report dated September 2016. The measures should include the following features/elements:

- Prior to commencement of development / site clearance the site will be searched for amphibians. If any are found they will be translocated to suitable habitats off site, if GCNs are found work should be halted and an appropriate license applied for. This work will be overseen by an Ecological Clerk of Works;
- All building material to be stored so as not to attract amphibian species;
- Any ditches on site should be provided with a ramp to enable animals to escape;
- All ditches to be searched for the presence of animals prior to recommencement of work the following morning;
- Provision of mesh fencing along the boundary to ensure smaller terrestrial animals are excluded from the site;

- Design of a lighting scheme for the development which is low level, low intensity in accordance with the Bat Conservation Trust guidelines;
- Bat boxes to be provided within Lomax Brow;
- Hedgehog domes to be provided on the west and north boundaries of the site.

Reason

The enhance the nature conservation value of the site and provide a positive enhancement to the adjoining Lomax Brow Site of Biological Importance, and to comply with policy CG1 of Bolton's Core Strategy.

7. Before the approved/permitted development is first brought into use no less than 150 car parking spaces with minimum dimensions of 2.4 metres by 4.8 metres shall be marked out and provided within the curtilage of the site, in accordance with Drawing Ref: NK018523-0103. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

8. Prior to the development hereby approved/permitted being first occupied or brought into use a scheme shall be submitted to and approved in writing by the Local Planning Authority for the parking/turning/loading/unloading of vehicles within the curtilage of the site to enable vehicles to enter and leave the site in forward gear. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter and not to be used for any purpose except the parking/turning/loading/unloading of vehicles.

Reason

In the interests of highway safety and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

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

Reason

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

10. 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.

11. Within 3 months of the commencement of development, a scheme which assesses the proposed BREEAM rating of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall achieve a BREEAM (Industrial) Very Good standard (or such national measure of sustainability for industrial design that replaces that scheme). Within 6

months of the occupation of each building a Final BREEAM Certificate has been issued for it certifying that the approved scheme/standard has been achieved and such Certificate shall be submitted to and approved by the Local Planning Authority.

Reason:

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

12. Prior to first occupation of each phase/building plot of the development hereby approved full details of open storage within the confines of the application site, if proposed, shall be submitted to and approved in writing by the Local Planning Authority. Submitted details should include the area proposed, proposed types of materials and/or equipment to be stored, means of enclosure / screening and maximum heights of external storage. The approved details shall be implemented in full and retained thereafter.

Reason

To safeguard the visual appearance and character of the area.

13. The fences as shown on drawing numbers **NK018532\_0116, 126 and 136** shall be erected fully in accordance with the approved design details contained on drawing no's **NK018532\_0116, 126 and 136** 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.

14. No vegetation clearance or demolition of buildings should take place between the months of [\*\*] and [\*\*] inclusive.

Reason

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

15. Notwithstanding the provisions of Parts 24 and 25 of the Town and country Planning (General Permitted Development ) Order 1995 (as amended or re-enacted) no external telecommunications equipment or structures shall be placed on the roof or any other part of the building without the prior written consent of the Local Planning Authority.

Reason

In the interest of the appearance and design of the building and the visual amenity of the area.

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

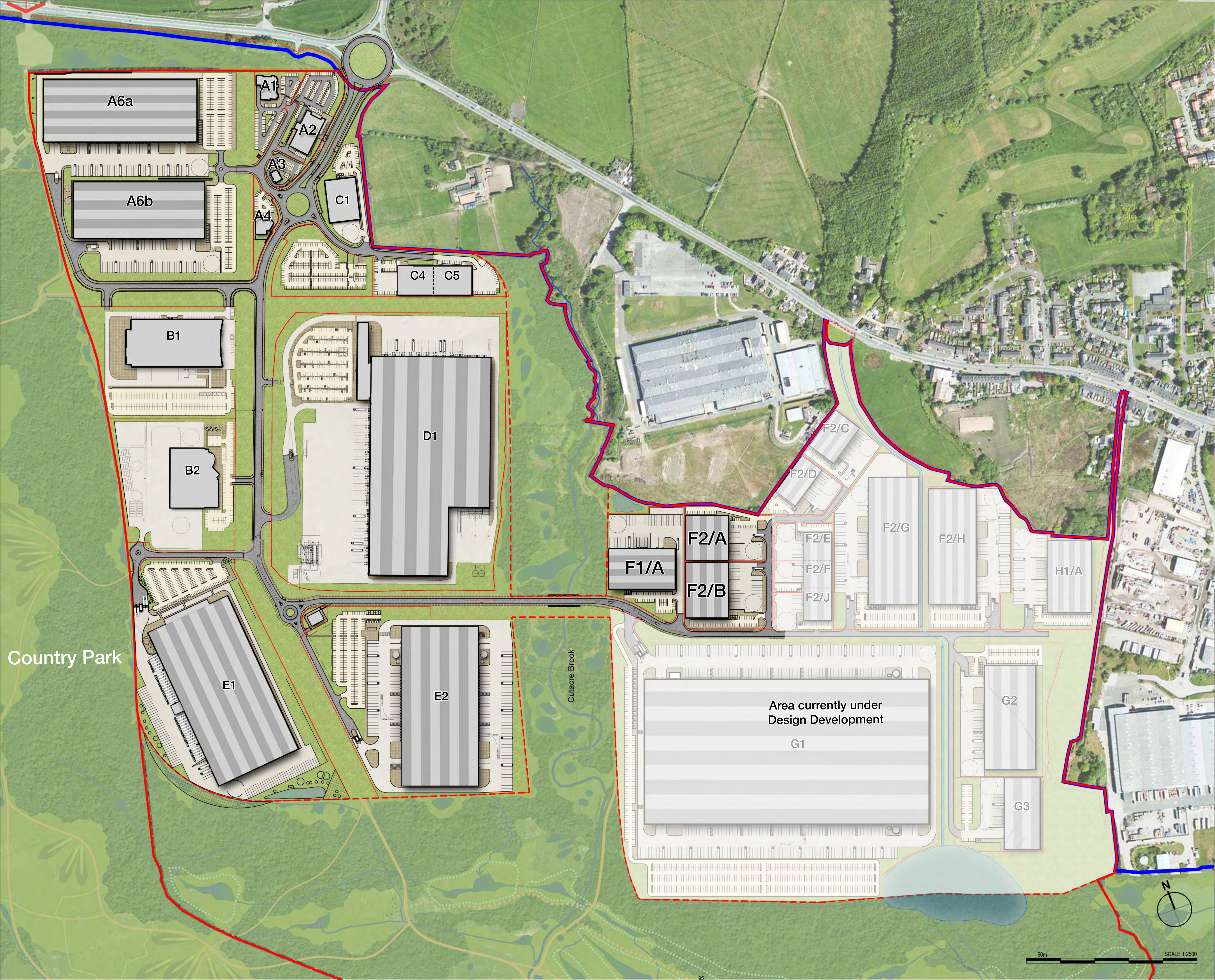
**NK018532\_0103 - Plot F - Proposed Site Plan, dated 13.09.16.**  
**NK018532\_0107 - Existing Site Levels, dated 22.09.16.**  
**NWK 160037/A1/11(00)-0405 - Site Levels, dated 05.10.16.**  
**NK018532\_0110 - Plot F1/A - Proposed GA Plan, dated 13.09.16.**  
**NK018532\_0111 - Plot F1/A - Proposed Building Plan, dated 13.09.16.**  
**NK018532\_0112 - Plot F1/A - Proposed Offices Plan, dated 15.09.16.**  
**NK018532\_0113 - Plot F1/A - Proposed Elevations, dated 13.09.16.**  
**NK018532\_0114 - Plot F1/A - Proposed Sections, dated 14.09.16.**  
**NK018532\_0115 - Plot F1/A - Proposed Roof Plan, dated 22.09.16.**

**NK018532\_0116 - Plot F1/A - Proposed Perimeter Fence Details, dated 23.09.16.**  
**NK018532\_0120 - Plot F2A - Proposed GA Plan, dated 13.09.16.**  
**NK018532\_0121 - Plot F2A - Proposed Building Plan, dated 13.09.16.**  
**NK018532\_0122 - Plot F2A - Proposed Offices Plan, dated 15.09.16.**  
**NK018532\_0123 - Plot F2A - Proposed Elevations, dated 13.09.16.**  
**NK018532\_0124 - Plot F2A - Proposed Sections, dated 14.09.16.**  
**NK018532\_0125 - Plot F2A - Proposed Roof Plan, dated 22.09.16.**  
**NK018532\_0126 - Plot F2A - Proposed Perimeter Fence Details, dated 23.09.16.**  
**NK018532\_0130 - Plot F2/B - Proposed GA Plan, dated 13.09.16.**  
**NK018532\_0131 - Plot F2/B - Proposed Building Plan, dated 13.09.16.**  
**NK018532\_0132 - Plot F2/B - Proposed Offices Plan, dated 15.09.16.**  
**NK018532\_0133 - Plot F2/B - Proposed Elevations, dated 13.09.16.**  
**NK018532\_0134 - Plot F2/B - Proposed Sections, dated 14.09.16.**  
**NK018532\_0135 - Plot F2/B - Proposed Roof Plan, dated 22.09.16.**  
**NK018532\_0136 - Plot F2/B - Proposed Perimeter Fence Details, dated 23.09.16.**

Reason

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







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Notes

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- KEY
- = Ownership Boundary
  - = Planning Application Boundary
  - - - = Development Boundary
  -  = Sustainable Urban Drainage System (SUDS)

Rev	Description	By	Ckd	Date



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Client



Project

Logistics North  
Cutacre, Bolton

Title

Site Context Plan

Status	Scale	Date Created
Preliminary	1:2500 @A1	22.09.2016
Project Leader	Drawn By	Checked by
KRP	AE	MJH

Drawing Number	Rev
NK018532_0102	-

rpsgroup.com

Country Park

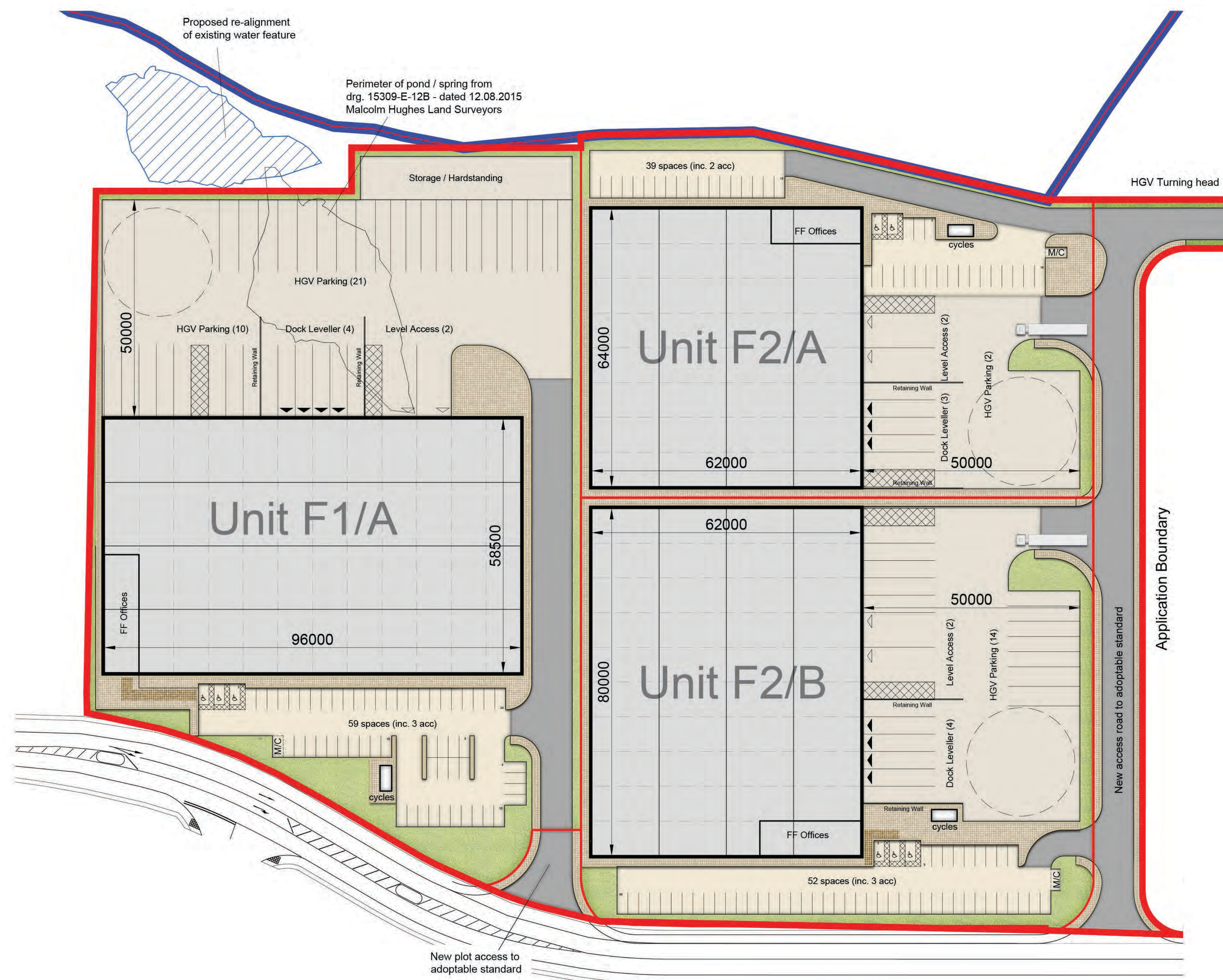
Cutacre Brook

Area currently under  
Design Development



50m SCALE 1:2500





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**SCHEDULE OF ACCOMMODATION**

Unit F1/A	sq m	sq ft
Warehouse Total	5,560	59,843
Offices & circulation	296	3,186
<b>TOTAL (GIA)</b>	<b>5,856</b>	<b>63,029</b>
Car Parking	59 (inc 3 accessible)	
Dock Levellers	4	
Level Access	2	
HGV Parking	37 (inc 6 Loading)	
PLOT AREA	1.637 Ha	4.046 acres
PLOT DENSITY	35.77%	

Unit F2/A	sq m	sq ft
Warehouse Total	3,926	42,256
Offices & circulation	209	2,245
<b>TOTAL (GIA)</b>	<b>4,135</b>	<b>44,501</b>
Car Parking	39 (inc 2 accessible)	
Dock Levellers	3	
Level Access	2	
HGV Parking	7 (inc 5 Loading)	
PLOT AREA	0.924 Ha	2.284 acres
PLOT DENSITY	45.75%	

Unit F2/B	sq m	sq ft
Warehouse Total	4,904	52,782
Offices & circulation	261	2,806
<b>TOTAL (GIA)</b>	<b>5,165</b>	<b>55,588</b>
Car Parking	52 (inc 3 accessible)	
Dock Levellers	4	
Level Access	2	
HGV Parking	20 (inc 6 loading)	
PLOT AREA	1.161 Ha	2.870 Acres
PLOT DENSITY	44.48%	

Rev	Description	By	Ckd	Date

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Client

Project Logistics North

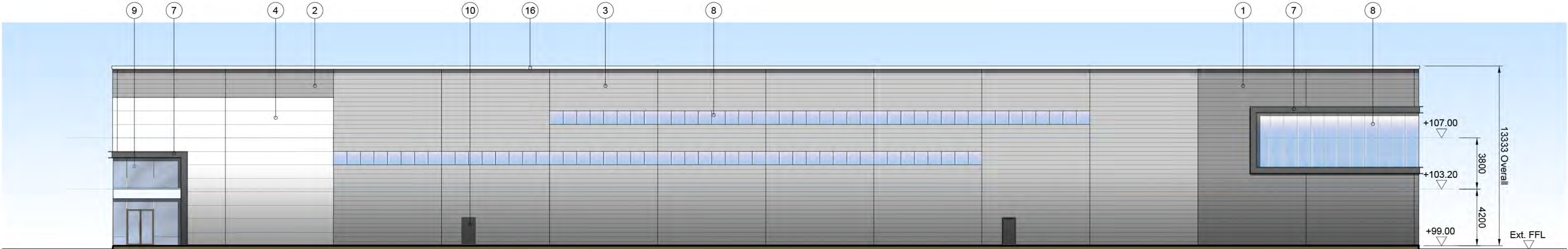
Title Plot F  
Proposed Site Plan

Status	Scale	Date Created
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Project Leader	Drawn By	Checked by
KRP	AE	MJH

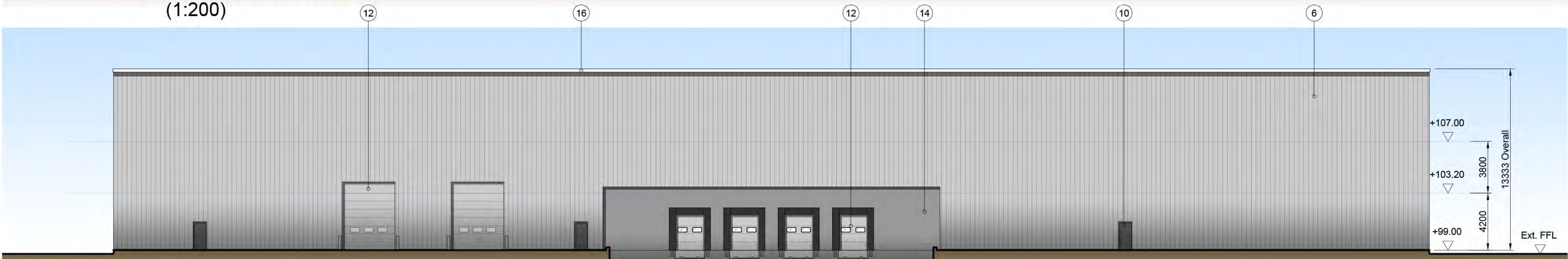
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NK018532_0103	-

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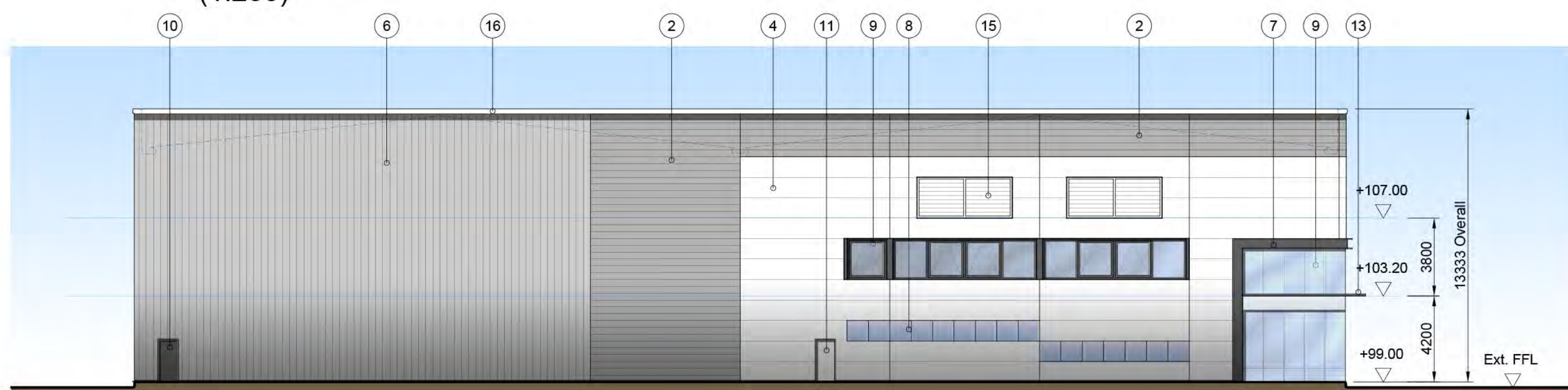




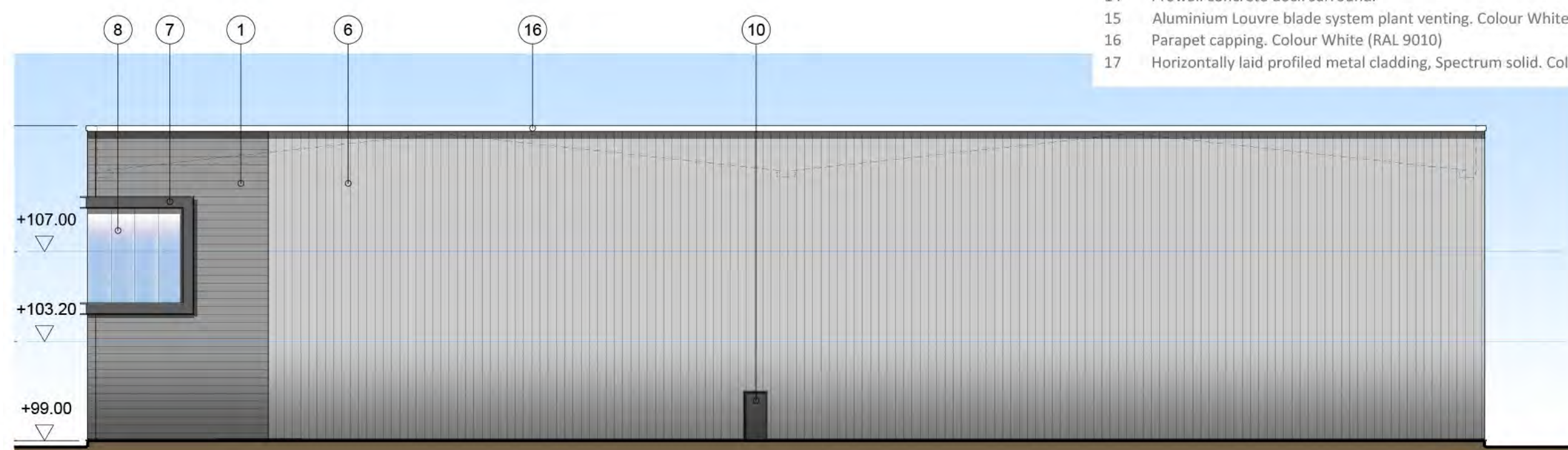
**SOUTH ELEVATION**  
(1:200)



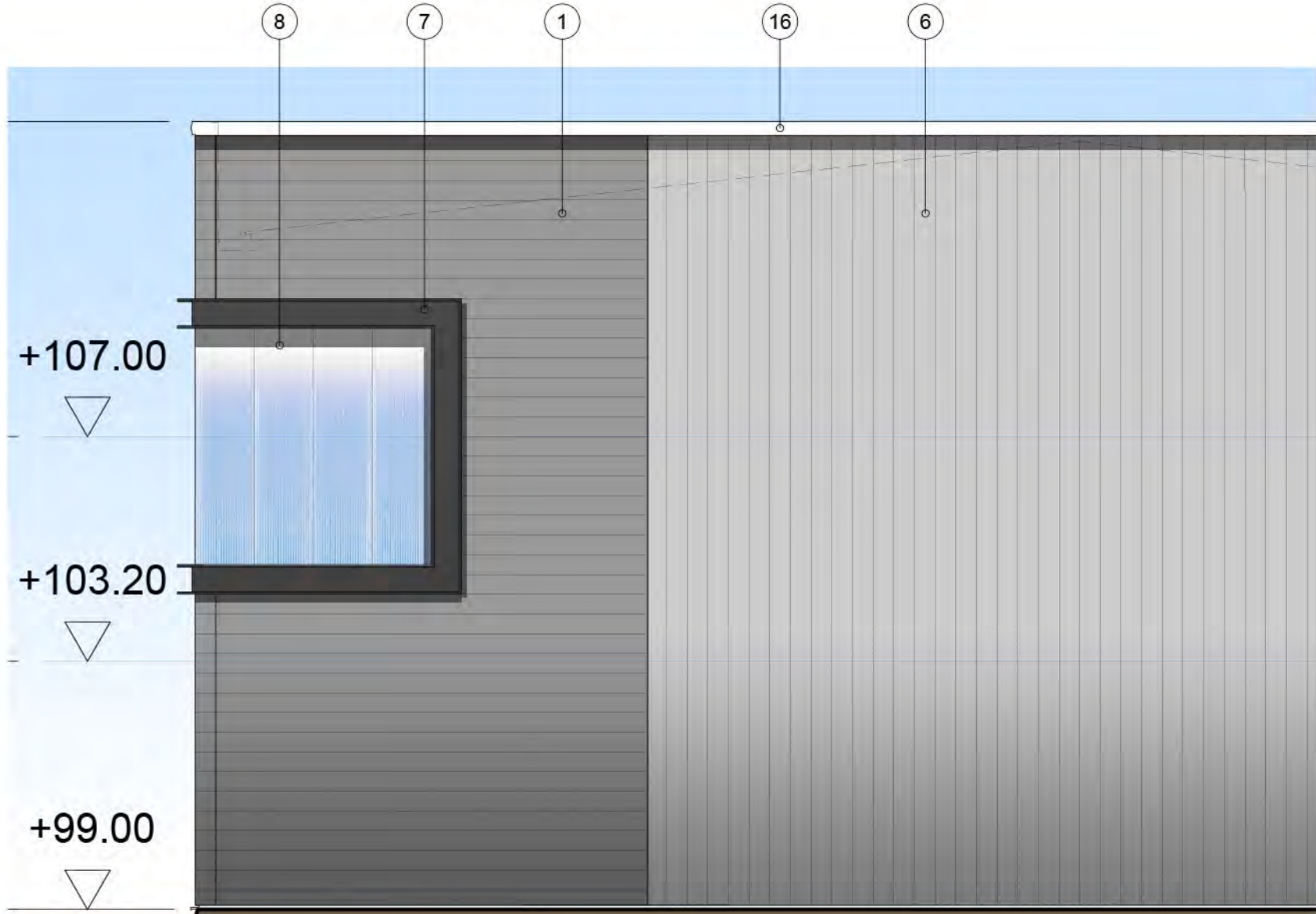
**NORTH ELEVATION**  
(1:200)



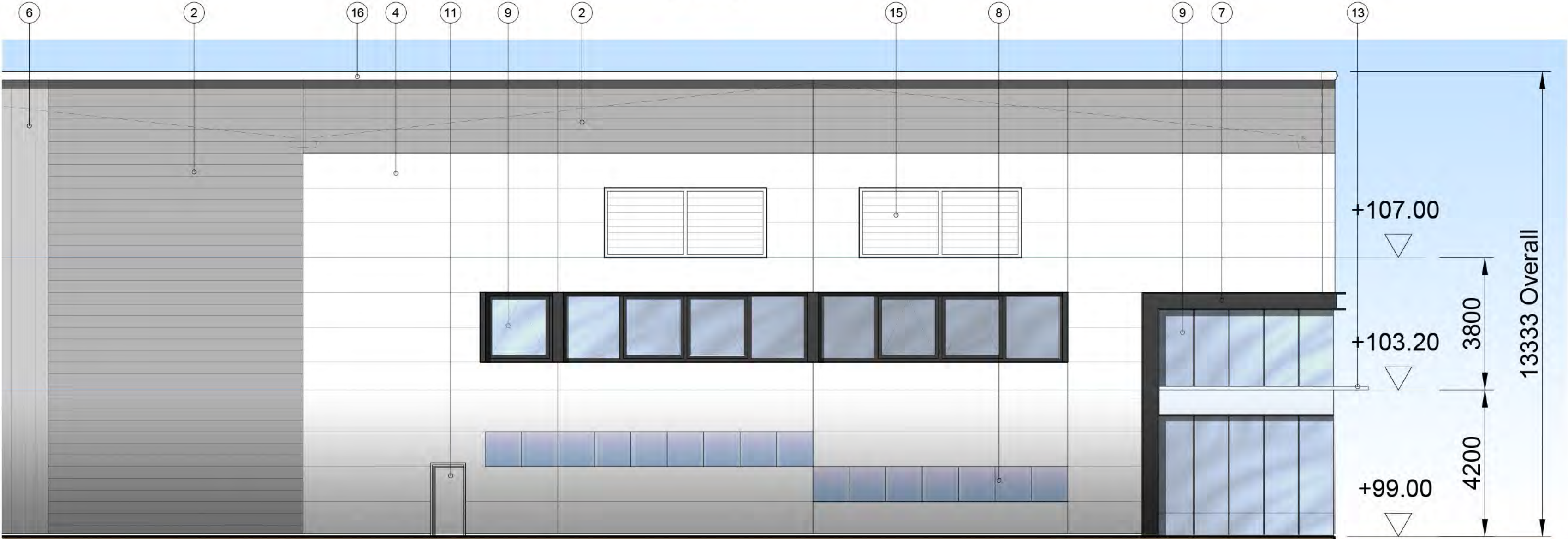
**WEST ELEVATION**  
(1:200)



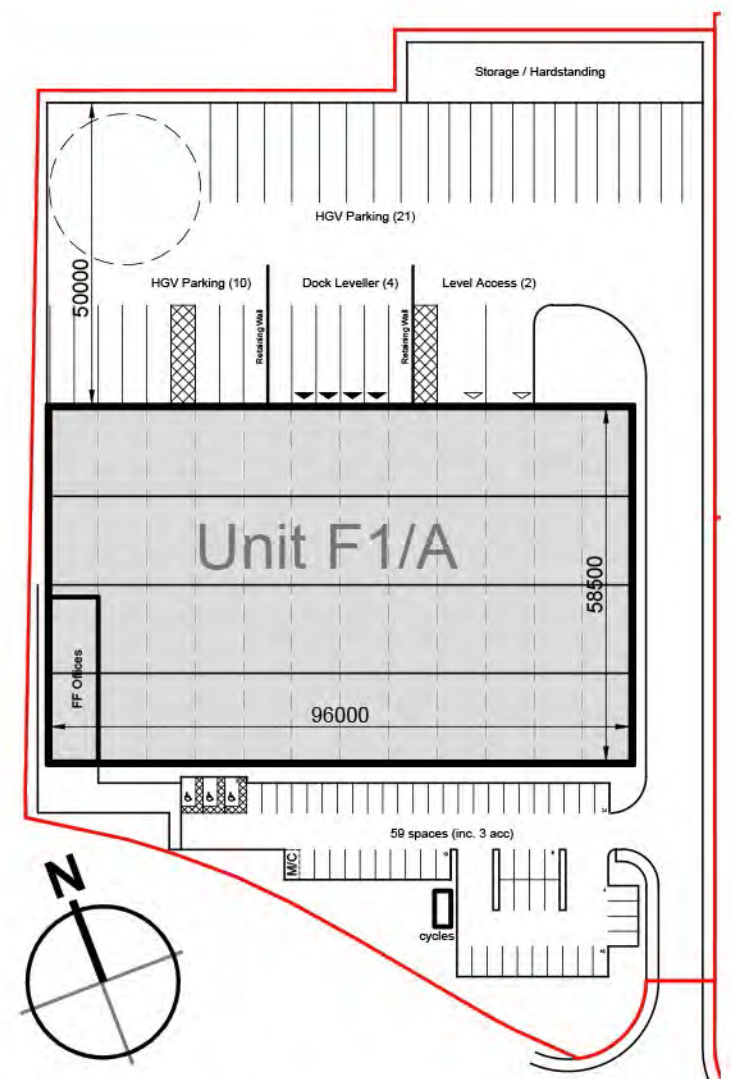
**EAST ELEVATION**  
(1:200)



**PART EAST ELEVATION - FEATURE CORNER**  
(1:100)



**PART WEST ELEVATION - OFFICE FACADE**  
(1:100)



**KEY PLAN**  
(1:2500)

**Key to Finishes**

- 1 Horizontally laid profiled metal cladding, Spectrum metallic. Colour Greyrock (KC 100)
- 2 Horizontally laid profiled metal cladding, Spectrum metallic. Colour Graphite (RAL 9023)
- 3 Horizontally laid profiled metal cladding, Spectrum metallic. Colour Silver (RAL 9006)
- 4 Horizontally laid microrib metal cladding, Spectrum solid. Colour Pearl (RAL 9010)
- 5 Horizontally laid profiled metal cladding, XL Forte. Colour Goosewing Grey (RAL 080 70 05)
- 6 Vertically laid profiled metal cladding, Spectrum metallic. Colour Silver (RAL 9006)
- 7 Feature steel I-section glazing surrounds. Colour Anthracite (RAL 7016)
- 8 Translucent polycarbonate wall cladding, vertically laid. Colour Light Blue
- 9 Metal glazing framework. Colour Dark Grey, Anthracite (RAL 7016) with clear glazing
- 10 Metal personnel doors. Colour Anthracite (RAL 7016)
- 11 Metal personnel doors. Colour White (RAL 9010)
- 12 Level Access and Dock level doors. Colour Silver (RAL 9006)
- 13 Glass entrance canopy
- 14 Prowall concrete dock surround.
- 15 Aluminium Louvre blade system plant venting. Colour White (RAL 9010)
- 16 Parapet capping. Colour White (RAL 9010)
- 17 Horizontally laid profiled metal cladding, Spectrum solid. Colour Blue (RAL 5007)

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Notes

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Client **Harworth Estates**

Project **Logistics North**

Title **Unit F1/A  
Proposed Elevations**

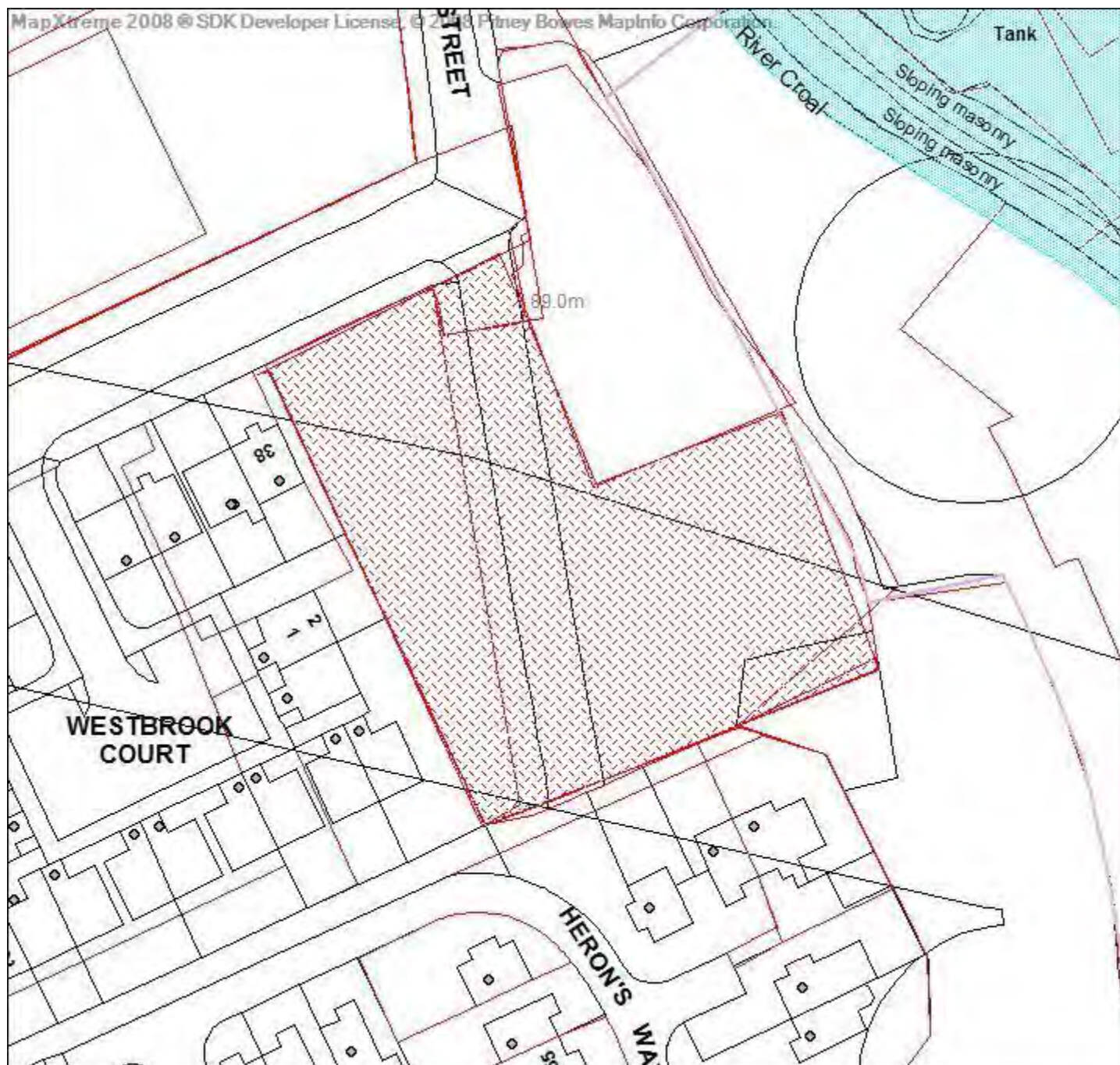
Status	Scale	Date Created
Preliminary	1:200 @A1	13.09.16
Project Leader	Drawn By	Checked by
KRP	AE	MJH

Drawing Number	Rev
NK018532_0113	-

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# Application number 97640/16



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 17/11/2016**

**Application Reference: 97640/16**

**Type of Application: Full Planning Application**  
**Registration Date: 10/10/2016**  
**Decision Due By: 04/12/2016**  
**Responsible Officer: Martin Mansell**

**Location: LAND AT MANCHESTER ROAD AND GROSVENOR STREET, BOLTON, BL2**

**Proposal:** CHANGE OF USE OF VACANT LAND TO SECURE PARKING SITE WITH VEHICULAR AND PEDESTRIAN ACCESS FOR THE DELIVERY AND STORAGE OF CARS, WITH ASSOCIATED LANDSCAPING, DRAINAGE, LIGHTING AND PERIMETER FENCING ADJOINING GROSVENOR STREET

**Ward: Great Lever**

**Applicant: Inchcape Estates Ltd & PSP Bolton LLP c/o Public Sector PLC**  
**Agent : Taylor Design Architects Limited**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Members may be aware that planning permission was recently granted under delegated powers for the development of part of the former site of Manchester Road College to be developed as an Audi dealership.

The development actually covers two sites, separated by Grosvenor Street, which have been treated as separate applications. This application seeks consent to use land for 115 car parking spaces for service/staff.

The site would be enclosed by 2.4 metre railings, painted black and placed against the existing 1.9m timber fence that forms the rear boundary of the site. Due to changes in ground levels, the proposed fence would therefore be 400mm higher than the existing. The new perimeter fence would be marginally set back from the existing timber fence line to allow fence maintenance / replacement on the boundary between the application site and adjoining residential properties. Lighting would be provided, in compliance with the Institute of Lighting Professionals (ILP) Guidance notes for the reduction of obtrusive light 2011. CCTV would cover the site but would only be directed within the site.

### **Site Characteristics**

The site was formerly used as a car park by the college. To the east is vacant land sloping down to the River Croal and Trinity Retail Park below. To the south and west are the residential properties of Heron's Way and Westbrook Court. To the north is the cleared site of Bolton Community College

which now benefits from a planning consent for an Audi dealership.

### **Policy**

National Planning Policy Framework - building a strong and competitive economy, ensuring the vitality of town centres, promoting sustainable transport, requiring good design, promoting healthy communities, conserving and enhancing the natural environment

Core Strategy Objectives: SO3 Economic Opportunities of Bolton Town Centre and the M61, SO4 Transforming Bolton Town Centre, SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO12 Biodiversity

Core Strategy policies: P5 Transport, S1 Crime and Road Safety, CG1 Biodiversity, Open Space, Flood Risk and Climate Change, CG2 Sustainable Development, CG3 Design and the Built Environment, CG4 Compatible Uses and TC4 Trinity Gateway.

Supplementary Planning Documents: General Design Principles, Building Bolton

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* impact on Living Conditions
- \* impact on the Character and Appearance of the Area
- \* impact on Crime Reduction
- \* impact on Economic Development

### **Impact on Living Conditions**

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and reduce pollution.

Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account.

The use is considered appropriate for this area, given the town centre context. The use will be little different from the previous and abandoned use of the site which was as parking for Bolton Community College. Provided that any lighting is designed and installed in accordance with the Institute of Lighting Professionals guidance notes then it is not considered to have an unacceptable

impact on living conditions.

The proposal is considered to comply with Policy CG4 of Bolton's Core Strategy

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

Section 39 of the Planning and Compulsory Purchase Act 2004 places a general duty on Local Planning Authorities that in the exercise of their powers they have regard to the desirability of achieving good design.

The National Planning Policy Framework recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including replacing poor design with better design. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings. Core Strategy Policy CG3 seeks to ensure that development proposals display innovative, sustainable design that contributes to good urban design, respects and enhances local distinctiveness, and has regard to the overall built character and landscape quality of the area. Proposals should also be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment including hard and soft landscaping and boundary treatment.

Core Strategy Policy TC11 relates specifically to development in Bolton Town Centre and states that the council and its partners will protect, strengthen and enhance the distinctive townscape qualities of Bolton town centre.

The impact of the use on the character and appearance of the area will be little different from the previous and abandoned use of the site as parking for Bolton Community College. The 2.4m black railings are considered to be visually acceptable. Any biodiversity value is considered to result from neglect rather than wildlife development. Japanese Knotweed would be disposed of in accordance with the relevant regulations.

The impact on the character and appearance of the area is considered to be acceptable.

#### Impact on Economic Development

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should promote the vitality of our main urban areas.

The Core Strategy notes that Bolton town centre is the principal location for employment in the whole borough with an emphasis on retailing, offices and leisure; it is subject to considerable development pressure, and its role within the borough is a vital one. It goes on to state as an aim that Bolton town centre will continue to be a vibrant mix of uses and will be the principal location for retailing, leisure, cultural and civic activities. It will make a significant contribution to the new jobs to be located in the borough over the plan period years. The Core Strategy proposes to increase the quantity of retail floor space in the borough, concentrated mostly in Bolton town centre. A transformed and vibrant Bolton town centre is essential to Bolton's prosperity.

Policies SO3, SO4 and SO5 of Bolton's Core Strategy are strategic objectives within the "Prosperous Bolton" theme and seek to take advantage of the economic opportunities presented by Bolton town centre and ensure that these opportunities benefit everybody in Bolton, including those people living in the most deprived areas, together with creating a transformed and vibrant Bolton town centre and ensuring that Bolton takes full economic advantage of its location in the Greater Manchester City Region.

This additional area is operationally necessary to deliver the Audi dealership development and is therefore considered to be of significant economic benefit.

#### **Local finance considerations**

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

#### **Conclusion**

This is a relatively minor development and the proposal has much in common with the previous abandoned use of the site as parking for Bolton Community College. The proposals for boundary treatment and lighting are considered to be acceptable. Notwithstanding the single objection from a nearby resident, the application is recommended for approval.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** one objection has been received from a nearby resident. The questions and grounds of objection are:

- what will be the extent of the fencing / boundary for the compound?
- what is the proposed boundary detail to the rear of 50 herons way?
- what light pollution will affect 50 herons way rear bedrooms?
- how will any CCTV be positioned for the compound and what constraints will be agreed so that 50 herons way is not being monitored?
- how is the east side to be monitored to deter thieves approaching from the east side woods?
- how are the council going to maintain the land at the east of 50 herons way? i.e. what vehicle access is there? this land is not maintained properly now, so how does this proposed compound restrict that access even further?
- we have not been consulted on planning application 97011 new racing club, can you demonstrate what effect this application has on the access to the east of the site?
- have boundary noise assessments & desk top studies been implemented for noise pollution from the proposed club and garage workshops?
- what reports or investigations have been implemented for protection of the wild life and bird species in the area
- how will the Japanese knotweed and other harmful plant species be managed if planning is approved
- how will parking activities, car & maintenance vehicle movements be managed in the compound to eliminate damage to the rear fence at 50 herons way, when it was a college car park the fence was repeatedly damaged by vehicles backing in, detail of crash barriers / restrictions required

### **Consultations**

Advice was sought from the following consultees: Highways Engineers, GM Police.

### **Planning History**

None relevant. The site was historically used as parking for Bolton Community College.

**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 development hereby approved being first occupied or brought into use the means of vehicular access to the site from Grosvenor Street shall be constructed in accordance with the approved site drawing.

Reason

In the interests of highway safety and in order to comply with policies S1 and P5 of Bolton's Core Strategy.

3. Before the approved/permitted development is first brought into use no less than 115 car parking spaces shall be marked out and provided within the curtilage of the site, in accordance with the approved site drawing. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

4. Prior to the development hereby approved/permitted being first occupied or brought into use a scheme shall be submitted to and approved in writing by the Local Planning Authority for the parking and turning of vehicles within the curtilage of the site to enable vehicles to enter and leave the site in forward gear. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter and not to be used for any purpose except the parking and turning of vehicles.

Reason

In the interests of highway safety.

5. 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.

6. Before the development 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 5 LUX at the nearest residential property. The beam angle of any lights directed towards any potential observer should be kept below 60 degrees. 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

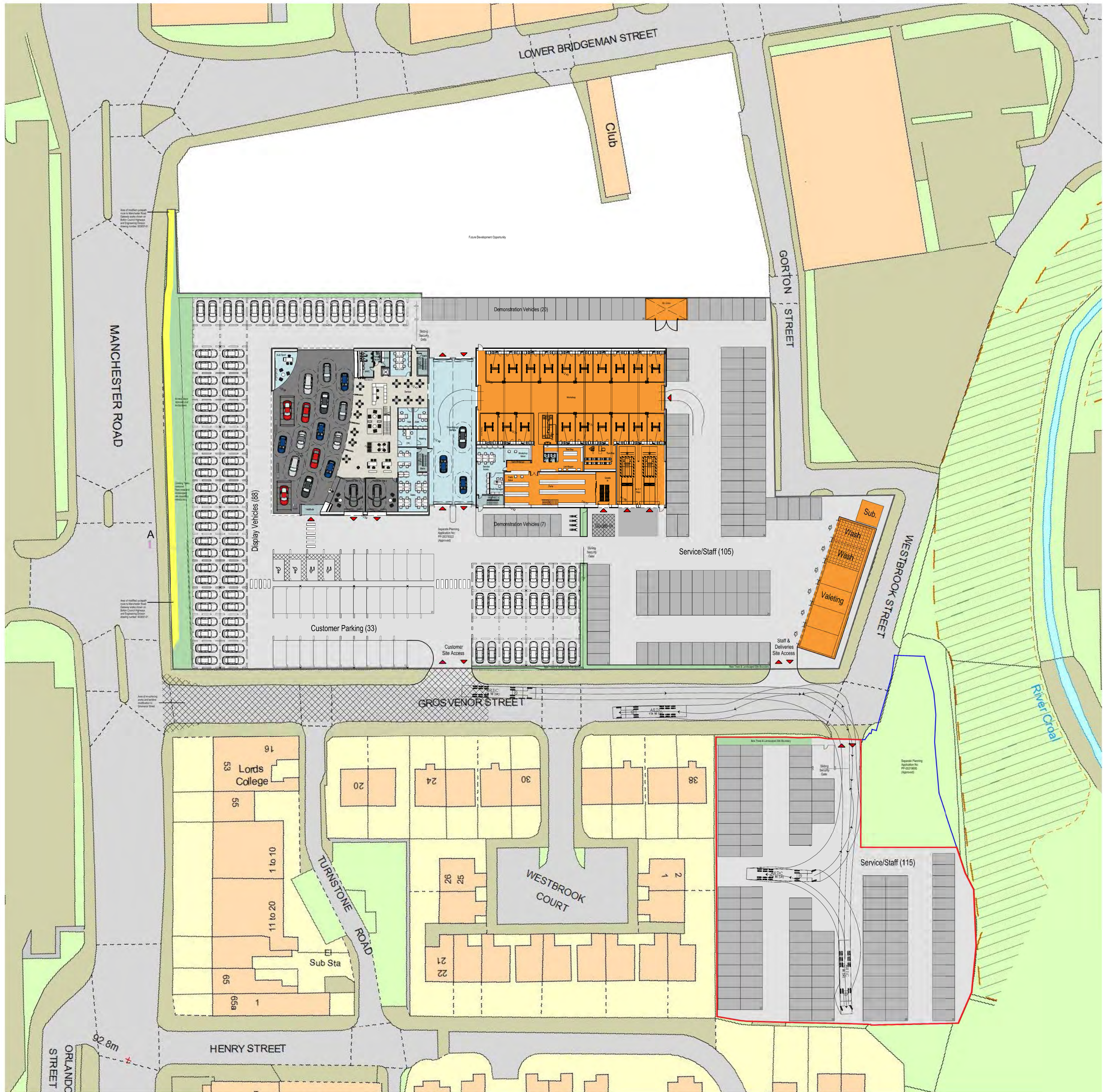
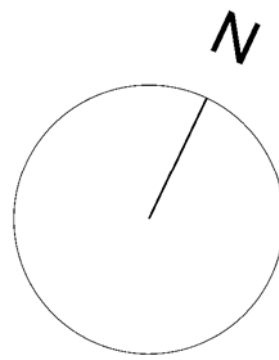
To safeguard the character and appearance of the locality and to prevent light pollution and in order to comply with policy CG4 of Bolton's Core Strategy.

7. Prior to the development being first occupied or brought into use, details (including a 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 and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

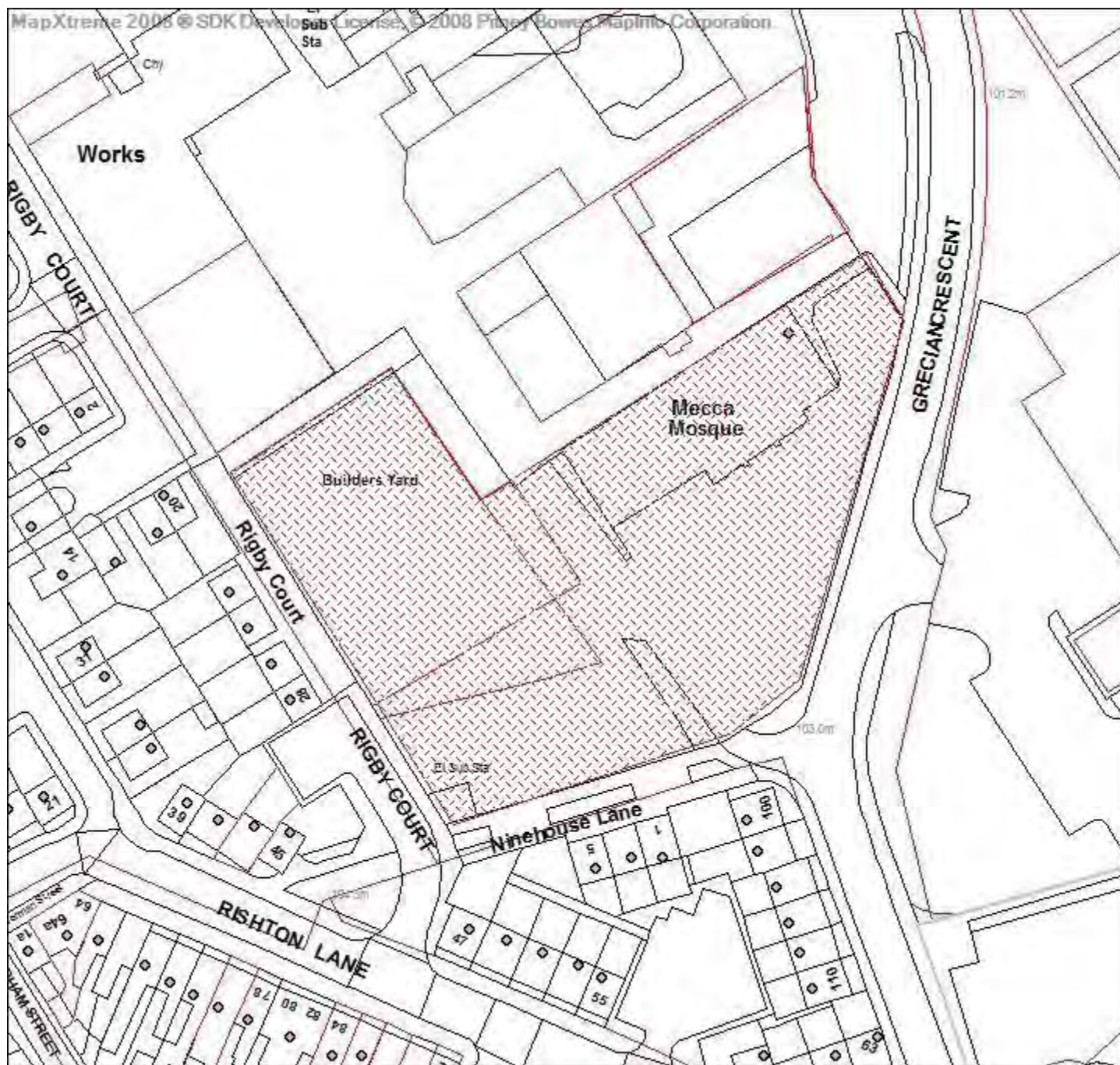




H	Planning Submission	OVS	10.10.16
No		Prep	Date
Amendments			
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Do not scale this drawing All given dimensions are in millimetres Architect to be notified of discrepancies in figured dimensions Contractors must check all dimensions from site			
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Project			
Inchcape Audi Bolton			
Title			
Proposed Site Plan			
Job No.		Drawing No.	
5638		SK11	
Amendment:		Scale @A1: 1:500	
H			
Status			
PLANNING			
Auth		Date	
		July 2016	
TAYLOR <b>DESIGN</b> architects ltd			
30 Manchester Road, Wilmislow, Cheshire SK9 1EG			
f 01625 528181 e office@taylor-design.co.uk w www.taylor-design.co.uk			



# Application number 97675/16



Development & Regeneration Dept  
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**Date of Meeting: 17/11/2016**

**Application Reference: 97675/16**

**Type of Application: Full Planning Application**

**Registration Date: 18/10/2016**

**Decision Due By: 16/01/2017**

**Responsible Officer: Martin Mansell**

**Location: MAKKAH MOSQUE, GRECIAN CRESCENT, BOLTON, BL3 6QU**

**Proposal: DEMOLITION OF MOSQUE AND ERECTION OF A REPLACEMENT MOSQUE AND COMMUNITY CENTRE.**

**Ward: Great Lever**

**Applicant: Makkah Mosque Cultural and Community Centre**

**Agent : Archi-Structure**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Consent is sought for the demolition of the existing Makkah mosque building and the erection of a replacement mosque and community centre on land fronting Grecian Crescent. The proposed building is broadly subdivided into two main uses - the mosque areas would be used for Islamic worship and the community centre would provide two community halls with undercroft parking below. The proposed building would operate on three levels:

Ground Floor: Mosque - main entrance, everyday prayer hall, associated rooms such as morgue and reception. Glazed link to existing building.

Community Centre - undercroft parking

First Floor: Mosque - main Friday and special occasions prayer, ladies ablutions, meeting room

Community Centre - multi-purpose community hall, kitchen, plant

Second Floor: Mosque - balcony providing for ladies prayer and offices

Community Centre - multi-purpose community hall

The two separate "halves" of the building are linked by an internal lobby. The design is one of traditional Islamic architecture, featuring strongly arched windows, two minarets and a dome. The community centre element is clearly distinguishable from the worship element - whilst it still has arched windows these are less prominent and the elevations have more of a horizontal emphasis rather than the vertical emphasis of the section used for worship. Materials are proposed to be chiefly brick and artstone with aluminium windows.

The application points out that the two elements of the site are unlikely to be used at the same time as whilst they are both physically linked they have different functions. If the community centre was being used at a time when prayer was called, occupants would vacate the community centre and

move to the mosque for prayer. The reverse is likely to be true as well - the worship area would not be occupied at times outside of prayer, in accordance with the Islamic calendar. The total amount of floorspace proposed for worship is 1,520 square metres and the community centre would be 1,015 square metres. The floorspace of the existing building covers 753 square metres.

The combined vehicular and pedestrian access to the site would remain situated as existing from Grecian Crescent but would be improved. There would be no other vehicular or pedestrian access to the site. The existing parking area at the front of the existing Makkah mosque would be reconfigured with additional parking provided around the proposed building - in total, 139 spaces are shown at the site, including the undercroft area below the community centre and the area vacated as a result of the demolition of the existing Makkah mosque. The application points out that a nearby site at Weston Street is in the ownership of the mosque committee and can provide a further 45 spaces at peak times.

A boundary treatment is proposed that reflects the design of the main building. Parts of the site are allocated for new planting and a landscape scheme would be required by condition.

The Applicant aims to incorporate the following elements into the design, in the interests of sustainable development:-

- provision of a green roof
- water harvesting & recycling
- use of a sustainable urban drainage system, including permeable paving within the paving area to reduce rainwater run-off
- construction from materials designed to absorb, store and release heat, thereby providing passive ventilation and avoiding the need for air conditioning
- effective use of windows for natural light and ventilation
- use of energy efficient boilers, light fittings and low or zero carbon equipment

The application is accompanied by a contaminated land report, a SUDS report, 3D visualisations, a statement of community consultation, a crime impact statement, a design and access statement, a transport statement, a waste management strategy and a proposed travel plan.

### **Site Characteristics**

The site is located south of Bolton town centre fronting Grecian Crescent and is also bounded by Ninehouse Lane and Rigby Court. Parts of the Grecian Mill complex (a Grade II Listed Building) are located immediately to the north of the site.

The site as a whole consists of a largely vacant parcel of land approximately 0.32 hectares together with the site of the existing Makkah mosque which measures 0.26 hectares. The entire site is therefore 0.58 hectares, or 5,895 square metres.

Much of the site is currently informally used as an overspill car park to the existing Makkah mosque. Prior to this, it contained a business known as Ross Roofing, now demolished.

Grecian Crescent is a fairly busy road linking much of Great Lever with Bolton town centre. Whilst it is not a classified road it is a bus route and also carries buses to and from the Firstbus depot at Weston Street nearby. It forms part of a route that provides links to Bridgeman Street, Fletcher Street, Lever Street, Rishton Lane, Lever Edge Lane and Green Lane. Nearby uses are mixed and strongly distinguished - the majority of land to the north and east is in industrial use (part of a large industrial allocation that stretches from the edge of Bolton town centre to Weston Street) whilst the majority of the land to the south and west is in residential use, much of which is traditional terraced

housing together with more modern social housing.

### **Policy**

National Planning Policy Framework - promoting sustainable transport, requiring good design, promoting healthy communities, meeting the challenge of climate change, conserving and enhancing the natural environment, conserving and enhancing the historic environment

#### Core Strategy Objectives

SO2 Access to Education, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO10 Climate Change, SO11 Built Heritage, SO12 Biodiversity, SO16 Community Cohesion and Access

#### Core Strategy Policies

A1 Education, P5 Transport, S1 Crime and Road Safety, CG1 Biodiversity, Open Space, Flood Risk and Climate Change, CG2 Sustainable Development, CG3 Design and the Built Environment, CG4 Compatible Uses, SC2 Cultural and Community Facilities, RA1 Inner Bolton

#### Supplementary Planning Documents

General Design Principles, Building Bolton, Sustainable Design and Construction

### **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 area
- \* impact on the setting of the adjacent Grade II listed building (Grecian Mill)
- \* impact on the provision of community facilities
- \* impact on residential amenity
- \* impact on the highway and parking arrangements
- \* impact on drainage

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

Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning should aim to 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; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments; are visually attractive as a result of good architecture and appropriate landscaping. Planning should not

attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. The NPPF does however recognise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Core Strategy policy CG3 seeks to ensure that development proposals display innovative, sustainable designs that 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 Local Planning Authority must conserve and enhance the heritage significance of heritage assets, recognising the importance of sites, areas and buildings of historic, cultural and architectural interest and their settings.

The proposed building has been designed to form a landmark structure within the local area, which contains a wide range of land uses including terraced housing and Grecian Mill. This would be a bespoke development and the architecture has been well informed by the feedback and experiences gained around the operation of the existing facilities. It is considered that the locality is sufficiently diverse in terms of the existing built form to be able to accommodate a project based on the design details being proposed without there being an adverse impact on character. The Grecian Mill complex is listed but this also stands out in terms of scale.

The orientation of the building and ornamental architectural features shown on the plans very much follow the same principles of other mosques that have previously been approved by the Local Planning Authority. The principles have been established in response to the religious needs of the local community. The design is judged to be one of high quality and the new landscaping would provide an appropriate setting.

The existing Makkah mosque building has a degree of local distinctiveness and features of interest, typical of the architecture of Victorian schools and other community buildings. However, it accepted that such buildings can lack the necessary features for access and sustainability required by modern community use buildings. Neither does it benefit from any statutory or non-statutory designation, nor does it fall within a Conservation Area. It is not considered to contribute to the understanding of Grecian Mill adjacent. The loss of this small element of local distinctiveness is considered to be outweighed by the benefits of providing adequate car parking for the proposed replacement mosque and community centre.

The proposal is considered to conform to with Core Strategy policy CG3.

#### Impact on the Setting of the Adjacent Grade II Listed Building (Grecian Mill)

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 129 of the National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 132 notes that significance can be harmed or lost through development within the setting of a heritage asset. Paragraph 137

states that Local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The advice contained within the Planning Practice Guidance "Conserving and Enhancing the Historic Environment" reminds Local Planning Authorities of their statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 together with the need to satisfy the relevant policies within the National Planning Policy Framework and the Local Plan.

Policy CG3 of Bolton's Core Strategy states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings.

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Grecian Mills is listed as Grade II for its special architectural or historic interest and its entry on the National Heritage List for England states:-

"Cotton spinning and doubling works, comprising spinning mill with separate warehouse, office blocks, doubling sheds in enclosed site. Multi-phase site, with main spinning mill dated 1845, and extended circa 1860 and circa 1920; other buildings variously dated 1850s-60s. EXTERIOR AND PLAN: spinning mill of 5 storeys and basement, L-plan, comprising 2 main phases forming separate working areas. Rear range (the original mill, dated 1845) to south is 5 storey, 12x5 bays. Original entrance in north-west corner, giving access to staircase. Datestone over door, and inscribed pediment ('Grecian Mill') to eaves cornice. Eastern range (probably a second phase), 11x5 bays. Angles marked by full-height pilasters, and privy tower to north-east corner. Loading bay towards left, with partial cast-iron fire escape. Both phases have tall rectangular windows with flat-arched stone lintels. North wing c1920, on site of former reservoir. 5 storeys, 6x2 bays, with wide windows divided by a central cast-iron mullion between pilasters. Cornice above 4th floor, and heavy pilasters stressing projecting towers at outer corners. Art Nouveau detailing. Engine house projects from rear of southern (first phase) spinning mill: late C19 (and so replacing an earlier engine house), divided



into 5-bays by pilasters, each bay with round arched window. Alongside the engine house to the north, a 3 storey, 4 bay wing probably originally scutching house (see West and RW Best), with taking-in doors in gable wall. This range now linked to main mill building by a C20 block. Internal construction is of cast-iron columns with plastered timber beams in the C19 parts of the mill, and thicker cast-iron columns with steel beams in the C20 extension. Opposite the engine house, is the boiler house, and alongside it a 2-storey warehouse and workshop building with loading doors braced with stone architraves. Rear of site has long 2-storey range, interrupted by octagonal chimney (aligned with boiler house and engine house). Part of this range dated 1868. Internal engine house facing Rigby Street to west. Later C19 extension of this range, also 2-storey but deeper plan, to north. Buildings to north of internal engine house formerly stores, to south, a doubling mill. To south of site, a further 2-storey range (incomplete) dated over doorway 1859, and possibly originally offices and workshops. Doubling shed to rear of this range; further doubling sheds were located between this building and the main spinning mill; 5 surviving bays with traces of a further 6 still visible against boundary wall of site. Two office buildings adjacent to Lever Street entrance. At right angles to the street, a single storey building with 3-window range to yard, with heavy Italianate detailing. Dated 1869, and formerly the board room and general office. Parallel to street, a 2-storey 21-window range incorporating arched former site entrance, and formerly housing stores, warehouse, packing rooms and office. INTERIOR: not inspected. The No.1 spinning mill represents an early example of large-scale mill building in Bolton, and the development of the site for integrated work is also of considerable interest. It survives almost intact. "

The defined boundary of this Listed Building runs along the northern boundary of the application site. The building contains a number of uses including retail and industrial. It is considered that the surroundings in which Grecian Mill is experienced consist of the surrounding streets and buildings within immediate visual range. These are strongly mixed and consist of the Makkah mosque application site, the 1980s housing of Rigby Court and beyond to the west, the 1960s social housing of Lever Drive and Carrington Drive to the north across Lever Street together with the modern generally industrial buildings to the east which include the brick and cladding buildings of Bolton Plastic Components, the Destitute Animal Shelter, Burdens Drain Center and the First Bus Depot to the south east. Further on to the east can be seen the large structure of Robin Hood Mill and the large Edbros industrial site. In fact, the majority of the land to the east forms the Great Lever Protected Employment Area, allocated for predominantly industrial uses.

Given this mixed context, it is considered that the current impact of the existing setting on the significance of Grecian Mill is neutral. The existing setting is not considered to play any significant role in the understanding of this heritage asset, on the other hand, it is not considered to detract from it or harm it either. It is noted that the listing refers to Grecian Mills as being an early example of large-scale mill building in Bolton. The large scale elements of the complex are located adjacent to Lever Street, as are other key features of interest such as the entrance and office buildings. The buildings located at the southern end of the mill complex are considered to be more functional - listed due to the significance in terms of "the development of the site for integrated work" rather than their architectural value. By way of its location on the opposite side of the site to the main features of scale and architectural interest it is not considered that the proposed mosque will have a harmful impact on the setting of this Grade II listed building. Neither will the development compete with the main larger buildings of Grecian Mill by way of scale or dominance. It is also noted that the proposed construction materials for the mosque are those most typical of the Inner Bolton area, including those of Grecian Mills - brick and stone.

The impact on the setting of the adjacent Grade II listed building is considered to be acceptable.

#### Impact on the Provision of Community Facilities

Section 8 of the NPPF recognises the important role of the planning system in facilitating social interaction and creating healthy, inclusive communities. Planning decisions should aim to achieve

places which promote opportunities for meetings between members of the community; safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments. Decisions should plan positively for the provision and use of shared space, community facilities, including places of worship, and ensure an integrated approach to considering the location of community facilities and services.

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

The proposed mosque would provide replacement facilities and the demand to date demonstrates a local need for the development. It would meet the needs of the current users as well as providing improved and additional facilities for females to meet the requirements of the growing Muslim population in the area. It is located within the neighbourhood that it serves and would deliver substantial benefits in terms of improved community facilities.

#### Impact on Residential Amenity

Core Strategy policy CG4 seeks to ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Development should not generate unacceptable nuisances, odours, noise or pollution. PCPN2 provides guidance on space around dwellings to ensure that adequate levels of privacy, light and residential amenity are achieved.

It is considered that the development has been laid out in a way so that there would be an acceptable relationship with the surrounding properties. This is not a residential property therefore the windows cannot be considered to be principal windows. The building maintains an interface of approximately 21 metres to the surrounding properties, which is considered to be acceptable. The proposal is judged to comply with Core Strategy Policy CG4 and PCPN2.

It is accepted that a number of Class D1 uses such as schools, community centres and places of worship create significant activity at peak times. However, it is not considered that the proposed development has the potential to affect living conditions at unusual hours and in any case a balance must be struck with the benefits to community provision.

#### Impact on the Highway and Parking Arrangements

Section 4 of the NPPF recognises the important role of transport policies in facilitating sustainable development. The transport system should be balanced in favour of sustainable transport modes, giving people real choice about how they travel. Developments that generate significant amounts of movement should be supported by a Transport Assessment. Planning decisions should take into consideration the opportunities for sustainable transport modes; safe and suitable access to the site for all people; and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Development that generates significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised.

Core Strategy policy P5 seeks to ensure that development takes into account accessibility by different types of transport, prioritising pedestrians, cyclists, public transport users over other motorised vehicle users. The design of developments should enable accessibility by public transport. Core Strategy policy S1 states that the Council will promote road safety in the design of new developments. Maximum parking standards are detailed in Appendix 3 of the Core Strategy.

The development is being undertaken mainly to replace an existing well established mosque and

community facility in the same location and the new building would cater for improved worshipping, educational and community facilities for the existing congregation. In terms of access it is to be served from Grecian Crescent/Fletcher Street which is an unclassified road. These sections of the highway provide vehicular access to the town centre from the southern side of Bolton. According to available traffic count data the capacity here is for approximately 9000 two-way vehicle movements over a 24 hour period.

The application is supported by a Transport Statement which indicates that there has been no appreciable accident record across the Grecian Crescent frontage of the site over the last 5 year time period. The Local Highway Authority has substantiated this information as correct from the injury and accident data available. Analysis of the surrounding highway network has revealed an appreciable accident record at the junction of Lever Street and Fletcher Street. The main contributory factor was vehicles protruding over the give way markings into the junction area.

The likelihood is that the new development will generate a lot more traffic onto the highway network in comparison to the existing situation. The access would be improved and the visibility at this point would comply with the requirements indicated in national guidance. The Local Highway Authority does not object to the principle of what is proposed.

The application proposal includes 139 on site spaces and it has been confirmed that an additional 45 spaces are available at the nearby Bolton Islamic Girls' School (former Weston House) at Weston Street - this is located 0.3 miles away, approximately a five minute walk. These are currently owned and operated by the Applicant and they are available at times of peak worship giving a total provision of 184 spaces. It is considered to be unlikely that the two sites would be in peak operation at the same times, given that students at the school would be likely to attend worship at the mosque at important time and therefore the cumulative impact on the highway from these two uses is considered to be acceptable. The Council's Highway Engineers estimate that up to 400 spaces would be required under the parking standards appended to the Core Strategy. However, it is acknowledged that would be an absolute maximum number which would be unachievable owing to the site constraints.

The Transport Consultant for the Applicant has provided information within the Transport Statement documentation and Travel Plan in order to justify the lower number of spaces that would be created. The site is highly accessible by sustainable transport modes. Studies have found that 53% of the congregation walk to the existing facility and a high percentage of new visitors would live in close proximity. The location is highly accessible on foot from the surrounding residential catchment and Grecian Crescent has frequent bus services with high patronage.

The Transport Consultant has carried out parking surveys around Friday prayers and the Council's Highways Engineers have also made a site inspection on a Friday afternoon during the application process. There are similar findings. As expected parking demand is increased and some overspill around the site was observed. However, it is also the case that a high number of people travel by foot and a number of cars had more than one occupant.

The Applicant has offered various traffic management and parking procedures. At busy times, which are expected to be at Friday prayer times and when special event times such as Eid prayers are happening, there will be dedicated parking supervision. This would involve at least four supervisors being present at different parts of the development. One would be positioned at the main car park entrance to ensure that visitors are guided to available spaces; the second would stand at the main car park facing Rigby Court; the third would be based at the everyday car park facing Grecian Crescent; and the fourth would be placed just outside the main entrance to discourage worshippers from parking on Grecian Crescent and the adjoining streets.

Having entered the car park drivers will be given clear instructions and they will be directed to the parking areas in an organised manner. This would ensure effective arrangements for ingress and egress. Should all parking spaces be filled then double parking could be managed under the instruction of the supervisors.

The management committee already produces and distributes leaflets on a regular basis to advise of these arrangements and the same message is issued verbally at every Friday prayer. Should visitors not follow instructions then the management committee places stickers on the wind screens of their vehicles and persistent offenders are penalised.

Furthermore the Applicant has introduced two prayer sessions on a Friday to split attendance and ease any potential congestion. In terms of Eid prayers there would also be 3 sessions, again to address peak demand for parking.

A Travel Plan has been submitted to support the application and the strategy within that would be a condition of approval.

The Council's Highways Engineers have concluded that there is likely to be an increase in vehicular movements on the highway network as a result of the development. There could also be exacerbated parking problems in the surrounding area at peak times which would have road safety and residential amenity implications. However, the proposed management measures put forward by the Applicant are reasonable and should reduce reliance on the car as a means of travel to the site (though there is always likely to be opportunistic drivers who would park inappropriately so Travel Plan mitigation measures alone can be weak). The Engineers therefore recommend conditions to achieve improved access; 90 on site car parking spaces; betterment of Grecian Crescent; and a review of traffic regulation orders in the locality including the introduction of additional waiting/loading restrictions on Grecian Crescent to be funded at the expense of the developer.

Subject to all of this the Highways Engineers consider that concerns about traffic and parking issues and the potential impact on road safety and residential amenity are insufficient to warrant a refusal of planning permission. Planning Officers accept this technical view.

#### Impact on Drainage

The Applicant has submitted a Flood Risk Statement, Drainage Strategy and a Sustainable Urban Drainage System maintenance proposal as requested by the Council's Drainage Management team. Further information will be reported at the meeting.

#### **Conclusion**

The design of the proposed development is high quality. It would be an outstanding feature in terms of scale but landmark religious buildings often do. It would be a structure of distinctive appearance. The principles behind the concept are supported and the accompanying landscaping and boundary treatment would add an appropriate setting. The proposal conforms to Policy CG3 of the Core Strategy.

There would be additional visitors using their cars to travel to the development and there would be more pressure placed on the road network in terms of accessibility and off-site parking. The potential implications for safety and residential amenity have been assessed by the Highways Engineers. Providing that the Travel Plan and the measures put forward by the Engineers are conditioned then it is not considered that planning permission can be reasonably be refused on these grounds or against Policy SC2 of the Core Strategy.

The development is a replacement scheme, albeit larger, that would meet the needs of the local community including current users and new visitors from the nearby female Muslim population.

The loss of the existing building is considered to be outweighed by the benefits of providing adequate car parking for the proposed replacement mosque and community centre. It is not considered that the proposal will have a harmful impact on the setting of the adjacent Listed Building.

For these reasons Officers recommend that the Planning Committee agrees to grant planning permission subject to the conditions attached to this report.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** representations of objection on the original application were received from 14 properties. Four of these were from outside the area; however, the majority are from the immediate vicinity of the site, including businesses located within Grecian Mill.

The material planning considerations contained within the representations of objection can be summarised as:-

- the proposed development will cause additional noise and disturbance to the residential amenity
- the new building will dominate nearby residential properties, affecting outlook, privacy and causing a loss of light
- the proposed development will double the foot traffic and congestion around the surrounding area during Friday lunchtime, a time when non-worshippers will be working and travelling
- the development will impact highway safety through the generation of extra traffic using quiet residential street
- the proposed development lacks adequate on site parking to accommodate the 500 car users based on a 1200 capacity and 47% modal share. Although the applicants have spaces for ninety cars at present, the new development is twice the size of the original footprint and would require twice as many car parking spaces, the parking is insufficient for the number of worshippers that may attend this mosque. This will force worshippers to park in nearby residential streets affecting highway safety and traffic flow
- the overspill car park is already used to capacity on busy days
- six new businesses have opened up at Grecian Mill and more work is being done on different parts of the mill. This will bring an increase of traffic that has not been taken into account
- the additional parking proposed at Weston Street will be insufficient
- the mosque is situated on a very tight bend on a busy main road which already causes traffic problems when in use. Cars park on the main road and outside nearby residents' homes
- the road is small and narrow and is also the main bus route to and from the depot resulting in all buses travelling down the road to commence their shift
- the mosque will be situated in between two junctions, one of which is the 21st worst in the borough
- pedestrians have difficulty in crossing the entrance to the mosque when members are leaving
- the Driving Test Centre is close to the mosque and people trying to pass their test will be inconvenienced if there is congestion
- visitors to the existing mosque do not use public transport
- cars already park on Grecian Crescent, Rishton Lane, Fletcher St, Parkfield Rd, Settle St, the curtilage of Grecian Mill and the surrounding areas
- visitors already come from surrounding towns and cities
- the applicants plan to attract worshippers from outside the area. It is not solely for local

worshippers

- our suppliers and customers are unable to deliver and collect goods to and from us due to inappropriate parking by visitors to the Mosque parking around the site, blocking entrances, side streets, parking on double yellow lines and causing inconvenience to local businesses
- the proposed development is far too large in terms of mass and scale, and does not match locally used building styles and materials with two minarets added onto a Victorian building. It is an eyesore, not a landmark
- the proposed development does not promote or enhance local character and distinctiveness
- the site is next to Grecian Mill, a Grade II listed site of historical value
- the mosque would be in the middle of a an industrial building that has approx 20 different businesses and would look odd and out of character - a new build with grand design next to a 171 year old building that is listed for its architecture and historic value
- the Council must protect the mill and its businesses

The following issues have also been raised by objectors, but are not material planning considerations:-

- the proposed development promotes the segregation of females with its specific prayer hall for women only
- the existing site has broken drains emitting toilet waste from them, windows with grills used as a litter bin, obviously no one cares about health and safety on the site
- the need for the proposed development is not proven (Officer's note: it is not necessary for need to be proven for this type of development. The submission of the application is itself considered to be evidence of need)
- the site of the new building is on an old reservoir and would require extensive ground works to allow such a massive weight to be placed on it (Officer's note: this would be a matter for the Building Regulations)
- it has been said that the owner of the mill originally applied for permission to build houses on the same plot of land and this was refused on the grounds that the surface was uneven, there were drainage problems and that it was listed (Officer's note: no evidence has been found to support this)

One additional objection has been received from a resident of Wythenshawe in Manchester during the consultation period for the current application. The grounds are listed below but are considered to be addressed in full in the main body of this report.

- the proposed development is far too large and overbearing in terms of mass and scale.
- the proposed development does not match local architecture and construction materials.
- the proposed development does not promote or enhance local character and distinctiveness. In particular the proposed development will have a serious impact on the Grecian Mill complex, which has a Grade II listing. "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse permission (NPPF)"
- the proposed development has insufficient onsite parking to accommodate the 500 car users (based on a 1200 capacity and a 47% modal share). This will force worshippers to park in nearby residential streets (mainly Rigby Court and Ninehouse Lane) affecting highway safety and traffic flow. The demolition of the existing building will create extra parking. This will generate at least an extra 400 trips daily, bringing the local road network to a standstill.
- the proposed development has insufficient onsite parking to accommodate the recommended 500 car spaces (based on a 1200 capacity and a 47% modal share). This will force worshippers to park in nearby residential streets (mainly Rigby Court and Ninehouse Lane), and cause noise and disturbance to the residential amenity. Based on the applicants latest figures the capacity could

be as high as 2,500...requiring nearly 1200 spaces.

### **Consultations**

Advice was sought from the following consultees: Highway Engineers, Pollution Control, Greater Manchester Police; North West Counter Terrorism Unit, Drainage.

Consultation letters were sent to commercial and industrial premises at Grecian Mill, Mikar Business Park and on Weston Street together with residential properties at Rigby Court, Ninehouse Lane, Grecian Crescent, Walton Court, Fletcher Street, Kingthorpe Gardens, Bishopbridge Close and Binbrook Walk. Four site notices, including notices advertising a potential impact on the setting of a Listed Building, were displayed around the site from 24th October.

### **Planning History**

Planning permission was granted in 1984 for the erection of a single storey building for the storage of roofing supplies and a trade counter (23504/84).

**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 commencement of development, other than demolition and remediation, a scheme for the phasing of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason

To facilitate the phased development and to safeguard the character and appearance of the area.

3. Prior to the commencement of development hereby approved, all developer obligations shall be fulfilled and funded at the applicants expense to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality where necessary and to enable the Local Highway Authority to consult, advertise, promote and implement Traffic Regulation Orders around the site including the introduction of additional waiting/loading restrictions on Grecian Crescent to mitigate the likely impact of the development.

Reason

In the interests of highway safety.

4. Prior to the development being first brought into use surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with 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 the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system 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

Reason

To ensure the site provides satisfactory means of surface water drainage.

5. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of tackling climate change.

6. Prior to commencement of development a package of measures shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the recommendations of the submitted Crime Impact Statement have been taken into account. The scheme shall include measures to achieve Secure By Design accreditation. Such measures as are approved shall be implemented in full before the approved development is first brought into use and shall be retained in full thereafter.

Reason

To reduce crime and the fear of crime.

7. Before development commences details of on-site cycle parking to be provided within the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved cycle parking shall be implemented in full before the development hereby approved is first occupied or brought into use and retained thereafter.

Reason

To encourage cycle use and provide adequate facilities for cyclists.

8. Prior to the commencement of development full details of the highway works associated with the access proposals onto Grecian Crescent as indicated on the approved site plan ref 215-125 03 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.

9. Prior to commencement of development, a scheme for the obscure glazing and non-opening of windows to the western elevation of the community centre building hereby approved, of those windows overlooking Rigby Court, shall be submitted to, and approved in writing by, the Local Planning Authority. Before the first occupation of the building hereby permitted the window(s) identified in the approved scheme shall be fitted with obscure glazing whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely obscure) and shall be permanently retained in that condition thereafter.

Reason

To protect the privacy, outlook and living conditions of neighbouring occupiers.

10. 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.

11. 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.

12. 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.

13. Prior to the development hereby approved being first occupied or brought into use, all Traffic Regulation Orders required by the Local Highway Authority to mitigate the impact of the development shall be implemented in full.

Reason

In the interests of highway safety and in order to comply with Core Strategy policies S1 and P5.

14. 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.

15. Development shall not commence until any remediation scheme required as a result of the investigation carried out in accordance with the submitted Phase 1 Desktop Study has been prepared, approved in writing by the Local Planning Authority, and implemented as approved. The scheme shall include provision for verifying that the remediation objectives (verification report) have been met and for any subsequent monitoring and maintenance in accordance with Model Procedures for the Management of Land Contamination (CLR 11), details of which should be submitted to, and approved in writing by, the Local Planning Authority before the development is first brought into use or first occupied.

Reason

To ensure the development is safe for use.

16. 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.

17. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to, 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.

18. Before the approved/permitted development is first brought into use no less than 139 car parking spaces shall be marked out and provided within the curtilage of the site, in accordance with approved site plan ref 215-125 03. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

19. Notwithstanding the submitted plans, prior to the development hereby approved/permitted being first occupied or brought into use a traffic management plan showing how the entrance/access from Grecian Crescent shall be managed, shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan shall be implemented in full and retained thereafter.

Reason

In the interests of highway safety.

20. Prior to the development hereby approved/permitted being first occupied or brought into use the means of pedestrian and vehicular access to the site from Grecian Crescent shall be constructed entirely in accordance with the approved site plan ref 215-125 03. There shall be no other means of pedestrian or vehicular access to the site except as shown on the approved site plan ref 215-125 03.

Reason

In the interests of highway safety.

21. Before the development 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. The lighting shall be designed to an illumination value of no greater than 5 lux at the nearest residential property. The lighting in the scheme should be erected, directed and shielded so as to avoid nuisance to residential

accommodation in close proximity. The approved scheme shall be implemented in full and retained as approved thereafter.

Reason

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

22. 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.

23. The development hereby approved shall be carried out in accordance with the submitted Travel Plan, to include the appointment of a Travel Plan Co-ordinator, the use of parking stewards during Friday prayers and key dates in the Islamic calendar and the submission of an annual monitoring report to the Local Planning Authority for the first three years following completion of the development.

Reason

In the interests of highway safety and promotion of sustainable transport use.

24. There shall be no externally audible or amplified calls to prayer at any time by way of loudspeakers, amplifiers, bells, tannoys, or other similar public address systems sounded, broadcast or otherwise transmitted from the building or the site or in any other way in association with the approved mosque use.

Reason

To safeguard the living conditions of nearby residents from noise pollution.

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

**215-125 03 proposed site plan**  
**215-125 04 proposed floor plans**  
**215-125 05 proposed ground floor plan**  
**215-125 06 proposed first floor plan**  
**215-125 07 proposed second floor plan**  
**215-125 08 proposed roof plan**  
**215-125 09 proposed elevations**

Reason

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





CLIENT  
MAKKAH MOSQUE

PROJECT NAME  
REPLACEMENT MOSQUE & CENTRE  
100 GRECIAN CRESCENT  
BOLTON BL3 6QU

DRAWING TITLE  
SITE PLAN, ACCESS & PARKING  
AS PROPOSED

DRAWN / CHECKED  
AS/GWC

PROJECT  
215-125

SCALE  
1:200 @ A1

DATE  
OCT 2016

DRAWING No.  
**03**

○ REV.





**FRONT ELEVATION TO NINEHOUSE LANE**  
SCALE 1:200



**RIGHT ELEVATION TO GRECIAN CRESCENT**  
SCALE 1:200



**REAR ELEVATION**  
SCALE 1:200



**LEFT ELEVATION TO RIGBY COURT**  
SCALE 1:200

REV	A M E N D M E N T S	DATE




Summerset, Woodlands, Roundwood Road, Baldon, W.Yorks BD17 6SP  
Tel : 01274-599747 E-mail : info@archi-structure.co.uk

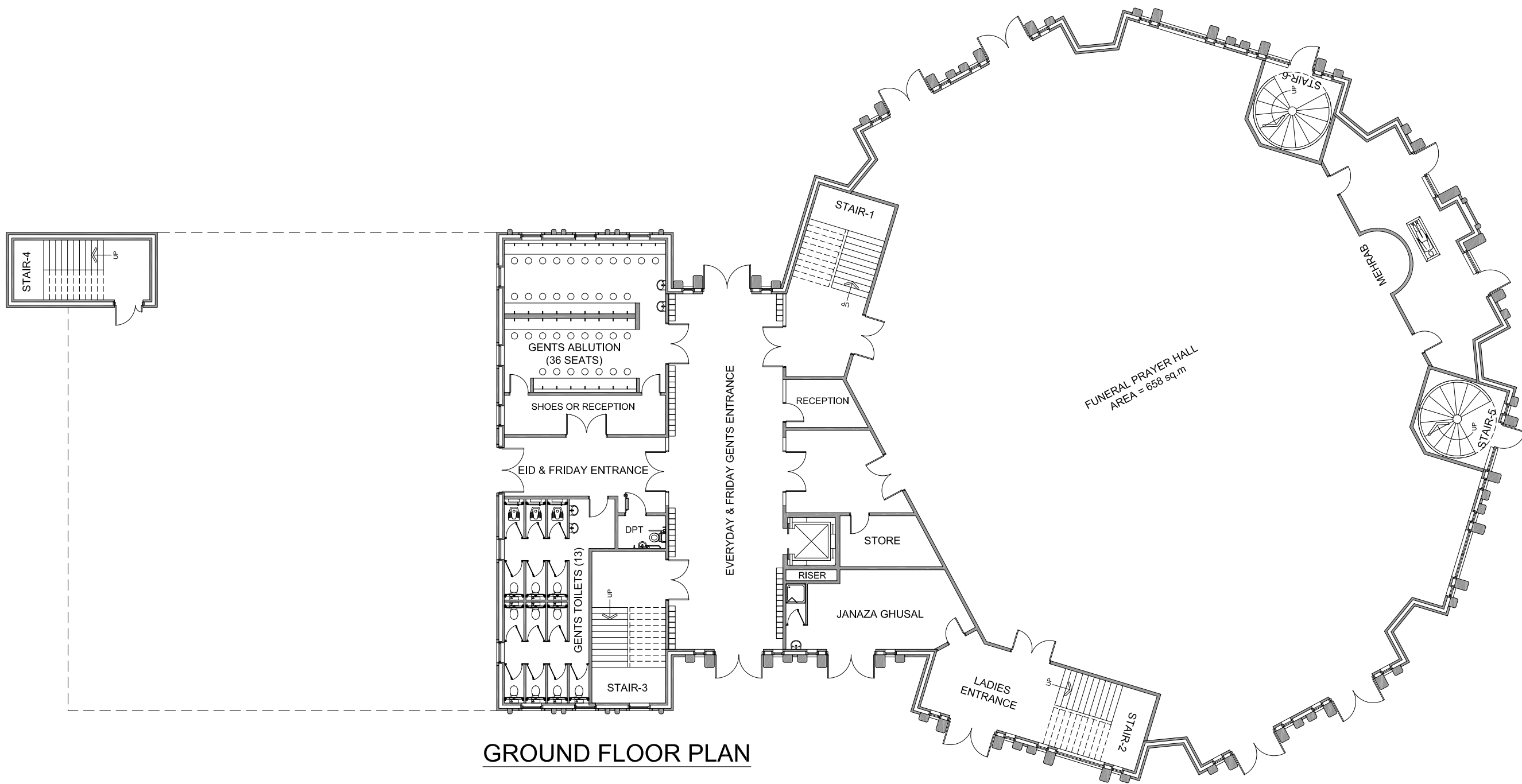
**CLIENT**  
MAKKAH MOSQUE

**PROJECT**  
REPLACEMENT MOSQUE & CENTRE  
100 GRECIAN CRESCENT  
BOLTON BL3 6QU

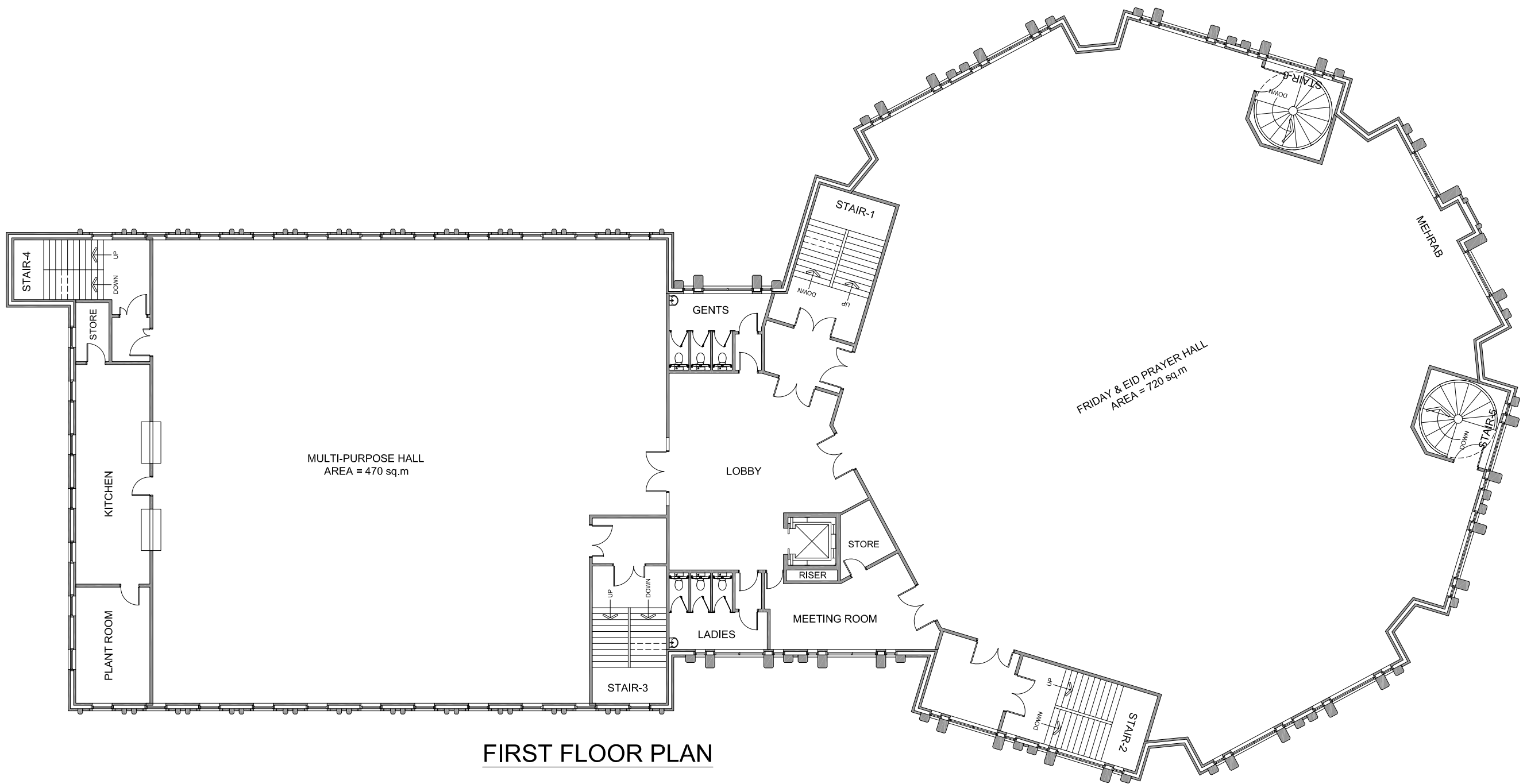
**TITLE**  
PROPOSED ELEVATIONS

DRAWN BY: GWC/AS	CHECKED BY: AS	
DATE: MAY 2015	SCALE: 1:200@A1	
PROJECT REF. 215-125	DRAWING NO. 09 REV. -	
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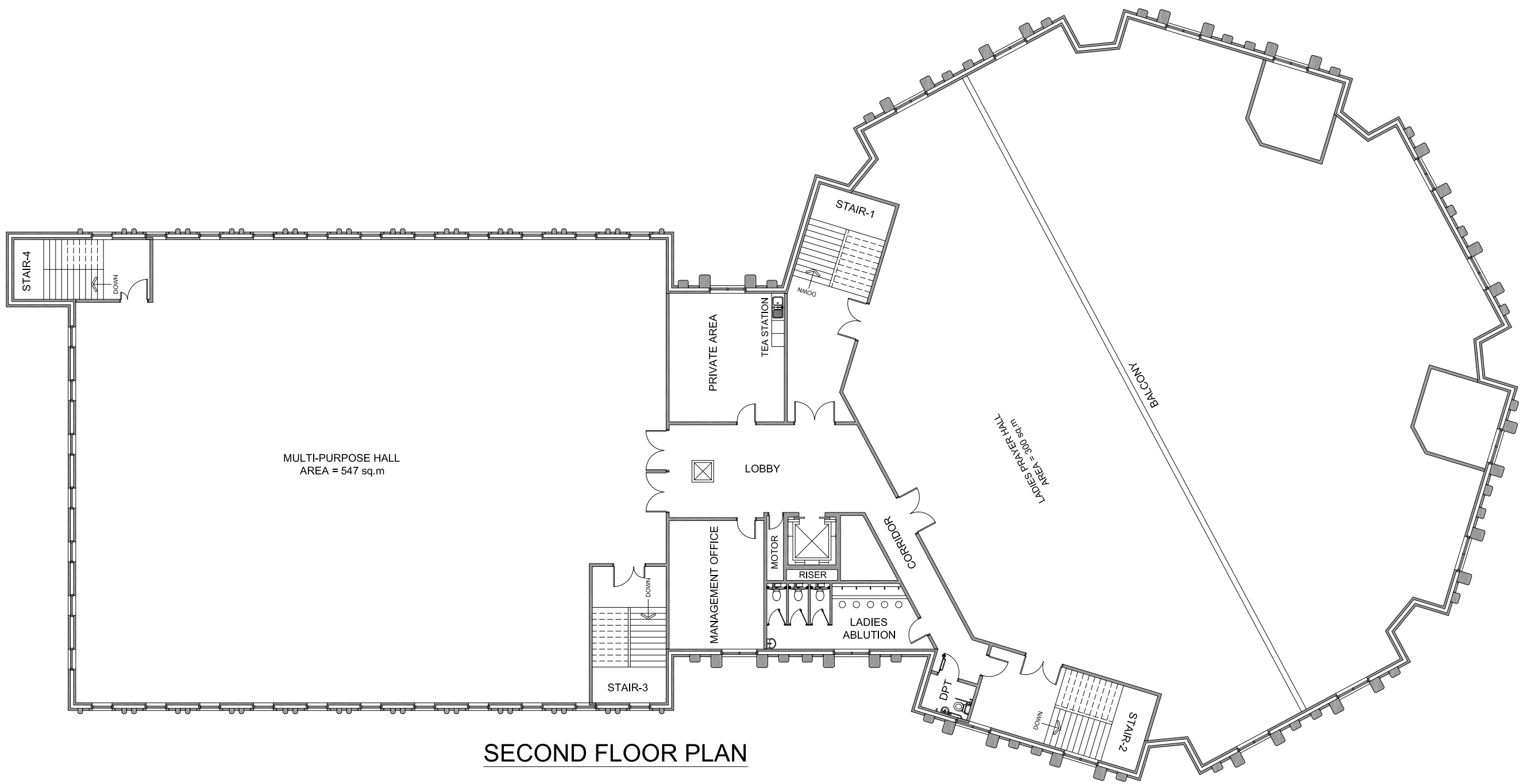




GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

1:2000 2 4 6 8 10 12 14 16m

REVISIONS



CLIENT  
MAKKAH MOSQUE

PROJECT NAME  
REPLACEMENT MOSQUE & CENTRE  
100 GRECIAN CRESCENT  
BOLTON BL3 6QU

DRAWING TITLE  
PROPOSED FLOORS PLANS

DRAWN / CHECK  
AS/GWC

PROJECT  
215-125

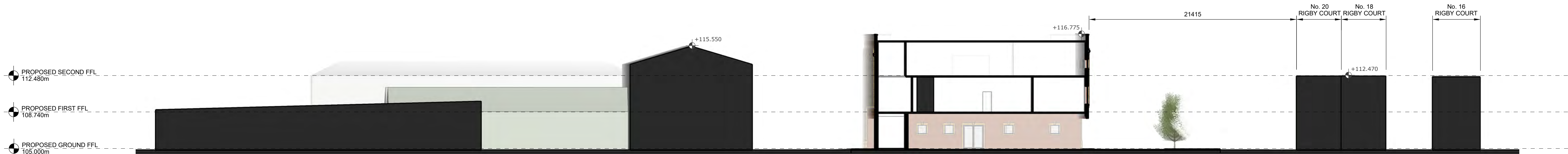
SCALE  
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DATE  
OCT 2016

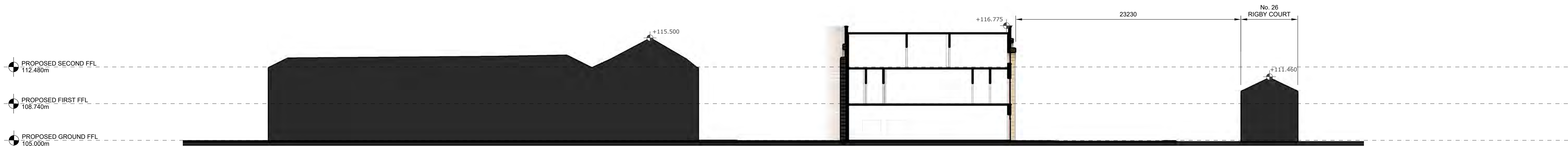
DRAWING No.  
04

REV.

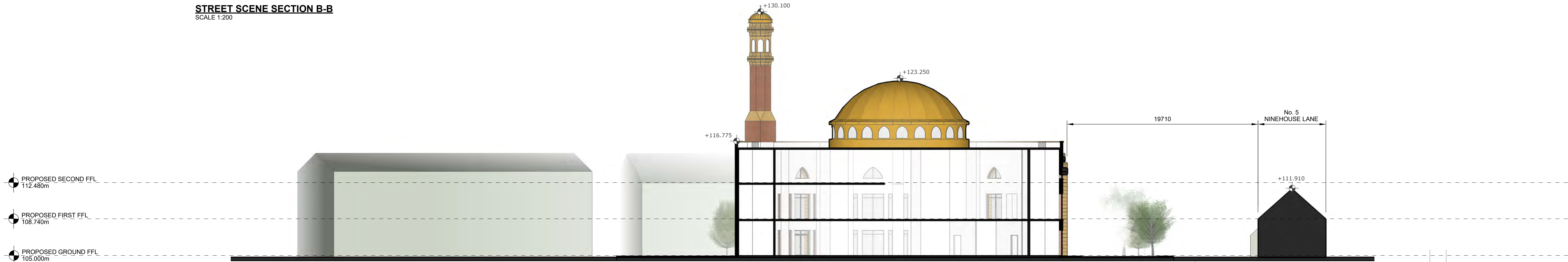




STREET SCENE SECTION A-A  
SCALE 1:200



STREET SCENE SECTION B-B  
SCALE 1:200



STREET SCENE SECTION C-C  
SCALE 1:200



REV	A M E N D M E N T S	DATE



Summerset, Woodlands, Roundwood Road, Baildon, W.Yorks BD17 6SP  
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CLIENT  
MAKKAH MOSQUE

PROJECT  
REPLACEMENT MOSQUE & CENTRE  
100 GRECIAN CRESCENT  
BOLTON BL3 6QU

TITLE  
STREETSCENE SECTIONS

DRAWN BY: GWC/AS	CHECKED BY: AS	
DATE: NOV 2015	SCALE: 1:200@A1	
PROJECT REF. 215-125	DRAWING NO. 10	
REV. -	REV. -	

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## **Bolton (Land off Osmund Avenue) Tree Preservation Order 2016**

The Bolton (Land off Osmund Avenue) Tree Preservation Order 2016 was made on 17<sup>th</sup> May 2016. The Order consists of Group 1 (18 Cypress trees in a linear group on the southern boundary with Osmund Avenue) and Group 2 (16 Cypress trees in a linear group south of the boundary with 26 Oakenbottom Road). The Order was made in an emergency as there were concerns that the owner of the land was in the process of felling the trees.

A number of representations have been made in response to the making of the Order and therefore the decision must be made whether or not to confirm the TPO.

A Tree Preservation Order is an order made by a local planning authority to protect specific trees, groups of trees or woodlands in the interests of amenity.

The Town and Country Planning Act 1990 states that a local planning authority can make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.

Planning Policy Guidance states:

*An Order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands.*

*Authorities may only use an Order to protect anything that may ordinarily be termed a tree. This would not normally include shrubs but could include trees in a hedge or an old hedge which has become a line of trees of a reasonable height.*

The Act and Regulations contain no definition of “tree”. However, the dictionary defines a tree as a perennial plant with a self-supporting woody stem, usually developing woody branches at some distance from the ground and growing to a considerable height and size.

The Council's Tree and Woodland Manager reports that “as the trees are of a single species type, planted at close centres and in a line that we should consider this to be a hedge”. He goes on to state that the line of trees would certainly fulfil the criteria as a hedge in the Anti-Social Behaviour Act 2003. In addition he does not consider that any of the trees would mature to form an individual specimen of high visual amenity due to the canopy suppression created by the trees growing in a row.

On the basis that the trees in question form a hedge, it would not be appropriate to confirm the Tree Preservation Order. If the Order is confirmed, its validity could be challenged by anyone aggrieved by the Order by application to the High Court. One of the grounds upon which this can be done is “that the Order is not within the powers of the Act”.

If the Order is confirmed, anyone wishing to carry out works to any of the trees needs to obtain consent from the local planning authority. Where consent is refused, an appeal may be made to the Secretary of State. If any loss is suffered in

consequence of a decision relating to an application for consent, compensation may be payable by the Council. Costs could also be awarded against the Council if it was considered that the Council had acted unreasonably.

Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998 confers a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. These are qualified rights and can only be interfered with in accordance with the law and if necessary to control the use of property in accordance with the general interest.

At Committee on 28<sup>th</sup> July 2016, Members queried whether the hedge was capable of being protected by the Hedgerow Regulations.

The Hedgerow Regulations 1997 introduced arrangements for local planning authorities to protect important hedgerows in the countryside by controlling their removal through a system of notification.

The Regulations affect hedgerows which are 20 metres or more long, or which meet another hedgerow at each end. All these hedgerows must be on or adjoining land used for agriculture or forestry; the breeding or keeping of horses ponies or donkeys; common land or village greens; Sites of Special Scientific Interest or Local Nature Reserves. Garden hedges are not affected.

The hedge would therefore not be protected by the Regulations.

The legal advice remains that it would be inappropriate to confirm the Bolton (Land off Osmund Avenue) Tree Preservation Order 2016



# BURY ROAD

86.9m

466 476 488

490 500

## BACK BURY ROAD SOUTH

2

16

## OSMUND AVENUE

26

4

20

22

32

27

The Common Seal of the Borough Council of Bolton was used in Affixing on the Making of the Bolton (Land Off Osmund Avenue) Tree Preservation Order 2016 on the 17th May 2016 in the Presence of:-



Authorised Sealing Officer

SEALING NO.  
19269

## Bolton (Land Off Osmund Avenue) Tree Preservation Order 2016

DC23.961  
drawn: SC  
May 2016  
Scale : 500

G1  Group of Trees



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**Bolton  
Council**

## **Bolton (Osmund Avenue) Tree Preservation Order 2016**

The order consists of: =

- G1 Consisting of 18x Cypress trees in a linear group on southern boundary with Osmund Avenue, Bolton
- G2 Consisting of 16x Cypress trees in a linear group south of the boundary with 26 Oakenbottom Road, Bolton.

Interest has been shown recently in installing an access gate to a strip of land adjacent to Osmund Avenue and a Tree Preservation Order was placed on the trees in response as it was considered that they had a significant amenity value to the locality.

An objection has been received to the order from the landowner on the following grounds: -

### **First part**

- Dispute how significant the trees are given that they make up a hedge of Cypress trees, specifically *Cupressus x leylandii*;
- Cypress trees have very little value to wildlife (Woodland Trust);
- **'Amenity value' has been defined as a 'useful or desirable feature'. Given that these trees do not make up part of the local woodland and are not a native species which would enhance the woodland or residential area, I see the value as minimal;**
- The order makes no reference to the methodology used to determine value of the trees, amenity or otherwise;
- **'Amenity' is not defined in law so authorities need to make judgements when dealing whether it is in its power to make an order';**
- 'Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an order they should be able to show that protection will bring a reasonable degree of public benefit in the present or future (NPPF)'

### **Second part**

- As the landowner affected by these trees, I am unable to access my property as there is no gated entrance. To enable a gate to be installed it would mean the removal of (approx.) six trees adjacent to Osmund Avenue, leaving the majority of trees intact.
- This would have little impact on the hedge line and the local environment and would not detract from the enjoyment of the adjoining native woodland.
- I have previously received an email from the Tree and Woodland Officer, confirming that the row of Cypress trees in question are not protected by virtue of the TPO.
- **I would argue why these trees are suddenly 'an important feature of the landscape and contribute significantly to the amenities of the area' despite not being covered by any TPO order in the past.**

Further to the above, seven letters of support have been received from residents on Osmund Avenue. The points they raise are as follows: -

- The street is at present a kind of nature tunnel as it feeds into Leverhulme Country Park. We have a number of regular wildlife in the area, from deer, owls and bats, along with a variety of birds and squirrels. Any interference to this could have a negative impact;

## **Bolton (Osmund Avenue) Tree Preservation Order 2016**

- The trees in question screen a piece of land that is nothing more than a scrap yard and dumping ground;
- The street would become a less desirable place to live and if we wanted to move the impact of such an eyesore would have a serious and detrimental effect on the value and make the properties practically unsaleable;
- There are other trees opposite our home that have had a TPO on them for many years, this has led to wildlife to come/nest in this area;
- The trees subject to this order should be made permanent to encourage the wildlife to remain;
- There is a covenant of the land that states that the land should remain unbuilt upon.
- The trees provide a positive impact within the area, providing the residents with a pleasant view.
- There are birds nesting within these trees;
- There is no gain in these trees being felled and this would have a knock on effect to the appearance of the street as these trees start the wildlife corridor.