

Planning Applications Report

Planning Committee

15 January 2015

**Bolton
Council**

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

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

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

The following abbreviations are used within this report: -

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

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

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

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

The following abbreviations are used within this report: -

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:-

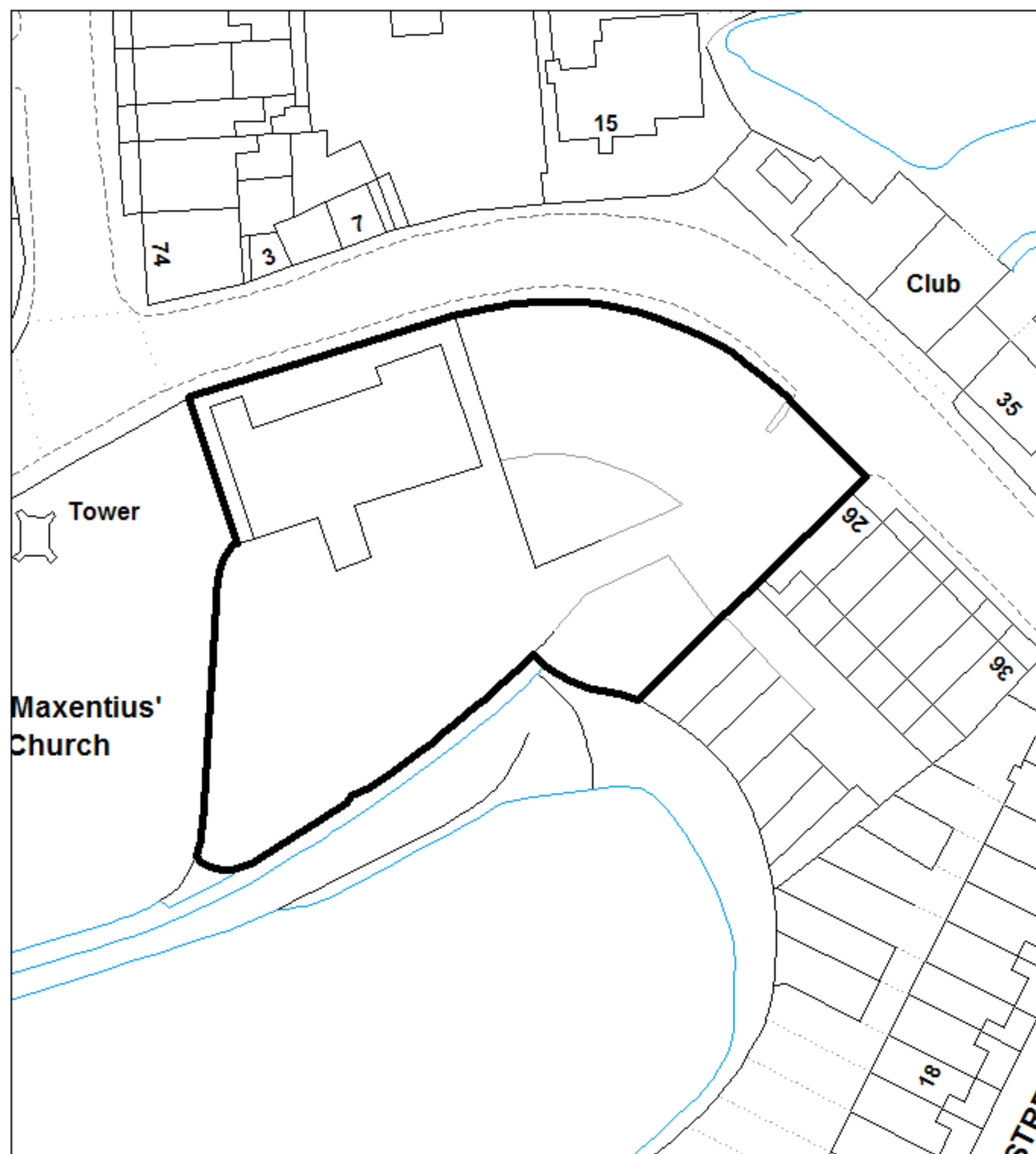
www.bolton.gov.uk/planapps

INDEX

Ref. No	Page No	Ward	Location
92756/14	<u>4-21</u>	BRAD	OLD SCHOOL HOUSE, LEA GATE, BOLTON, BL2 3ET
92765/14	<u>22-32</u>	WESO	FINE HOSKERS, LOWER LEIGH ROAD, WESTHOUGHTON, BOLTON, BL5 2EH
92795/14	<u>33-40</u>	CROM	315-319 HALLIWELL ROAD, BOLTON, BL1 3PF
92826/14	<u>41-53</u>	HOBL	DENTON FARM, 116 CHORLEY ROAD, BLACKROD, BOLTON, BL6 5JZ
92882/14	<u>54-73</u>	HONE	BURNTHWAITE OLD HALL, OLD HALL LANE, BOLTON, BL6 4LJ
92909/14	<u>74-81</u>	HOBL	CROWS NEST FARM, CHORLEY ROAD, BLACKROD, BOLTON, BL6 5LE
92949/14	<u>82-89</u>	WNCM	CORGES COTTAGE, DODD LANE, WESTHOUGHTON, BOLTON, BL5 3NT
93052/14	<u>90-95</u>	SMIT	877-879 MOSS BANK WAY, BOLTON, BL1 5SN
93053/14	<u>96-103</u>	SMIT	877-879 MOSS BANK WAY, BOLTON, BL1 5SN
93070/14	<u>104-119</u>	BRAD	RECREATION GROUND AT LONGSIGHT LANE, BOLTON, BL2 3JR
93108/14	<u>120-129</u>	HOBL	LAND OFF STATION ROAD, BLACKROD, BOLTON, BL6 5JE
93225/14	<u>130-136</u>	CROM	190 HALLIWELL ROAD, BOLTON, BL1 3QN
93293/14	<u>137-142</u>	CROM	190 HALLIWELL ROAD, BOLTON, BL1 3QN

Application No.

92756/14



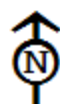
Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389



Date of Meeting: 15/01/2015

Application Reference: 92756/14

Type of Application: Full Planning Application
Registration Date: 12/09/2014
Decision Due By: 07/11/2014
Responsible Officer: Helen Williams

Location: OLD SCHOOL HOUSE, LEA GATE, BOLTON, BL2 3ET

Proposal: ERECTION OF 2NO TWO STOREY AND 1NO THREE STOREY DWELLING WITH GARAGES AND THE CONVERSION OF EXISTING BUILDING TO 4NO TOWN HOUSES INCLUDING ALTERATION TO CAR PARKING, LANDSCAPING AND ACCESS

Ward: Bradshaw

Applicant: Asprey St John & Co Ltd
Agent : Fish Associates Ltd.

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for the conversion of the Old School House into four town houses and for the erection of three new detached dwellings. One three storey dwelling is to be sited to the eastern side of the Old School House (facing Lea Gate) and 2 x two storey dwellings are proposed to the rear of the Old School House, in the former rear car park.

The town houses proposed within the Old School House conversion will each include four bedrooms and an integral garage for the parking of one vehicle. The three storey detached dwelling will comprise six bedrooms and will have a car port for the parking of two vehicles, and the 2 x two storey detached dwellings at the rear will have three bedrooms each and will have an integral garage for the parking of one vehicle. Eight visitor car parking spaces are proposed within the development. The detached dwellings will have their own garden areas.

Access into the development is proposed from Lea Gate, at the same point as the current access into the site.

Members will recall that planning permission was granted in 2012 for the conversion of the Old School House into seven town houses and for the erection of seven three storey town houses around the former public house/restaurant building (82774/10). The current proposal is therefore a much reduced scheme.

Site Characteristics

The application site is within Bradshaw Chapel Conservation Area.

The Old School House is the stone built former St. Maxentius School. The ground floor was last used as the Old School House public house and the first floor as the Beefeater restaurant. There is a former visitor car park to the rear of the building and another car park to the east of the building, adjacent to Lea Gate. The building is a prominent building close to the junction of Bradshaw Road, Bolton Road and Lea Gate.

The trees within the application site are afforded protection as they are within a conservation area.

The site is adjacent to the edge of the Green Belt, which starts to the west of the site at St. Maxentius Church. The tower within the church grounds is Grade II listed. To the north of the site are residential properties and a Conservative Club. To the east are further terraced properties and to the south is a reservoir, used as a fishing lodge, and Riding Gate Brook.

Riding Gate Brook runs across the site through a culvert, which also runs under Lea Gate. The site is within Flood Zone 2, which means there is a medium probability of flooding in the area. A 21 inch water main also crosses the site.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG1.5 Reduce the Risk of Flooding; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA5 North Bolton.

SPD Accessibility, Transport and Road Safety
PCPN2 Space Around Dwellings; PCPN10 Planning Out Crime

Bradshaw Chapel 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 urban regeneration
- * impact on the character and appearance of the conservation area
- * impact on the amenity of neighbouring residents
- * impact on the highway
- * impact on trees
- * impact on biodiversity

- * impact on flooding

Impact on Urban Regeneration

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

Policy SC1 of the Core Strategy states that the Council will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026 and ensure that at least 80% of housing development will be on previously developed land. Policy OA1.5 states that the Council will concentrate sites for new housing in North Bolton within the existing urban area.

The application site is located within an urban area and is defined as previously developed land, in that it contains an existing building and the curtilage of that building. The site is located on Lea Gate (B6196), which is frequently served by bus services into Bolton Town Centre. Local schools, shops and services are also within easy reach of the site. It is therefore considered that the proposal would adhere to the aims of the NPPF and would comply with Policies SC1 and OA1.5 of the Core Strategy.

Impact on the Character and Appearance of the Conservation Area

Section 12 of the NPPF concerns the conserving and enhancing of the historic environment. Paragraph 131 states that in determining planning applications, local planning authorities should take into account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.

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.

Core Strategy Policy OA5 refers specifically to development in North Bolton and 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 within Bradshaw Chapel Conservation Area. Bradshaw Chapel is an early nineteenth century settlement characterised by stone built terraced dwellings. The Old School house forms an important focus for the area centred at the junction of Bradshaw Road, Bolton Road and Lea Gate.

The Old School House previously had planning permission to be converted into seven town houses. Permission is now sought to only convert the building into four town houses. It is considered that the proposed external alterations to the building (to accommodate the conversion) are minimal, such as the inclusion of conservation style

roof lights, the lengthening of a number of existing windows on the rear elevation and the addition of garage doors mostly within existing openings at the rear. It is also considered that the proposed alterations will be in keeping with the building and will not alter the character of the building, an important heritage asset at the heart of the conservation area.

The entrance porch to the rear of the building is also proposed to be demolished to accommodate the proposed conversion. This addition was added to the building in the 1980s and has little architectural merit, therefore its demolition is supported.

The new houses proposed to be built within the site are required to make the proposed residential development viable (the value created by the new houses will enable the conversion and retention of the heritage asset).

Seven new houses have previously been approved on the site under application 83774/10, four three storey town houses in a crescent to the east of the Old School House following the bend of Lea Gate, and three three storey town houses on the rear car park. The three new detached dwellings now proposed therefore represents a further reduction in the scale of the proposed scheme. The three storey dwelling is proposed to be sited to the east of the Old School House (replacing four three storey town houses) and the two two storey dwellings are proposed at the rear (replacing the three three storey town houses).

The three storey dwelling at the front of the site has been designed to replicate the height, scale and design of the gabled element to the frontage of the Old School House, which is will be sited adjacent. It is considered that a three storey dwelling along Lea Gate would be compatible with the character of the area given there are three storey terraced properties on the opposite side of the road. The dwelling will also be set back from the road (as the previous houses were to be) to ensure that the trees and shrubs along the boundary are retained, as well as the existing boundary wall, maintaining the leafy character of the area.

The proposed two storey dwellings at the rear are smaller in scale than the previously approved houses. These dwellings are more contemporary in design than the proposed three storey dwelling, however they will only be viewed in context with the rear of the Old School House and will not form part of a street scene through the conservation area. Their siting at the rear of the development will also give them physical separation from the converted building and the three storey dwelling.

Views across the site to the reservoir at the rear will be retained from the bend on Lea Gate, as houses are now not proposed along the whole frontage of the site. It is also considered that there is sufficient existing landscape screening along the western boundary of the site to lessen any affect of the new two storey dwellings on the setting of, and views to, the listed church tower.

For these reasons it is considered that the proposed residential conversion of the Old School House and the erection of three detached dwellings within the site would be compatible with the character and appearance of the conservation area, compliant with Policies CG3 and OA5 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

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

safety and security. PCPN2 "Space Around Dwellings" sets out minimum distances required between dwellings to ensure privacy between neighbours.

The proposed new dwellings will not be sited directly to the front of any existing neighbouring properties.

Impact on Highways

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

Access into the development is proposed off Lea Gate from the same point of access that currently serves the car parks to the former public house and restaurant. The originally proposed detached garage for unit 5 has been replaced with an open car port, following comments from the Council's Highways Engineers. Engineers have commented that the car port lies within the recommended visibility envelope from the access, however a sufficient level of visibility of on-coming traffic can still be achieved in line with requirements. They advise that the current boundary treatment is not raised in height to over 1.05 metres; a condition is therefore suggested to ensure that the railings proposed on top of the existing front boundary wall does not exceed this height.

Engineers have confirmed that the proposed development will potentially generate less traffic onto the highway network than its lawful permitted use and previous planning consents (88341/12 for office development and 83774/10 for 14 dwellings).

The highway that runs adjacent the gable end of 26 Lea Gate and continues down the back street at the rears of 26 and 36 Lea Gate is unadopted. This is currently used by residents of these properties and by a refuse vehicle. The applicant is proposing minor improvements to the access, including footway provision and radii improvements. Engineers have recommended that the applicant improve the surfacing of the highway up to the access gates of plot 5 (the first proposed dwelling), which will be sufficient to support the level of development, but this will remain outside the Highways Authority's remit.

Pedestrian access to the fishing lodge at the rear of the site is to be retained within the proposed plans.

Each proposed dwelling will have its own integral garage (apart from plot 5, which will have a double car port) and there are seven surface parking spaces proposed within the development for visitors. Engineers consider that this level of parking is sufficient to support the development. Engineers also consider that there is sufficient area within the site for the manoeuvring for refuse vehicles.

For these reasons it is considered that the proposed development would not jeopardise highway safety, compliant with Policies P5 and S1.2 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 trees within the application site are afforded protection as they are sited within a

conservation area.

A number of trees within the site, including three trees along the Lea Gate frontage are proposed to be felled to accommodate the development, but will be replaced with new trees. The Council's Tree Officers have stated that the removal of the trees and their proposed replacement is, in general, acceptable and proportionate to the scale of the development. A landscape condition is therefore suggested to ensure that adequate replacement tree planting is secured.

Tree Officers have raised concern about the proximity of plots 6 and 7 to the trees outside the site, by the reservoir and the churchyard, as they feel there may be pressure in the future for these trees to be pruned. The proposed dwellings are however not within the root protection zones of these trees (therefore will not jeopardise the health of the trees), and any future application for pruning would need to be assessed at that time.

It is therefore considered, subject to the submission and approval of a landscaping scheme, that the proposal would not result in the unacceptable loss of trees, compliant with Core Strategy Policy CG1.2.

Impact on Biodiversity

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.

A bat survey has been submitted with the application (which has been revised following initial comments from the Ecology Unit). Dusk and dawn surveys have been carried out for the Old School House building. From those surveys it was discovered that the building is being used by a small number of Common Pipistrelle bats as a day roost. A European Protected Species Mitigation Licence (EPSML) will therefore be required to legally undertake the proposed conversion (which is separate from Planning legislation). As part of the licence application, provision for Pipistrelle bats will need to be implemented within the fabric of the building. Furthermore, no work on converting the building can be commenced until the EPSML has been granted.

The applicant is currently proposing alternative roost provision within each roof plane of the building (north, east, south and west). A condition requesting further details of this alternative provision is therefore suggested to further ensure that the mitigation measures are provided before development is commenced.

It is therefore considered, subject to the suggested condition, that the proposal would safeguard the Pipistrelle bats on site, compliant with Policy CG1.2 of the Core Strategy.

Impact on Flooding

Section 10 of the NPPF concerns meeting the challenge of climate change, flooding and coastal change. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. When determining planning application, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location, and development is appropriately flood resilient and resistant and it gives priority to the use of sustainable drainage system.

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.

Riding Gate Brook runs through the application site through an underground culvert. The brook flows from the north east in an open channel before entering a stone culvert behind the Conservative Club, which continues under Lea Gate and the application site before emerging to the south west. The brook forms the southern boundary of the development site and continues downstream in an open channel adjacent Church Gardens reservoir, eventually discharging into Bradshaw Brook downstream. The application site is within Flood Zone 2, which means that the area is assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% to 0.1%), a medium probability.

A flood risk assessment and a supplementary flood risk assessment have been submitted with the application. The assessments conclude that the development is suitable for the site and will place the proposed properties above the predicted flood levels. Furthermore, the proposal on site for attenuation will act to reduce the risk of flooding elsewhere by limiting surface water run-off and providing additional flood storage capacity.

With regard to the sequential test as advocated within the NPPF, it is acknowledged that there is likely to be other reasonable available sites within the borough in lower flood risk zones suitable for housing. However the proposed development will enable the conversion, reuse and retention of an important local heritage asset (the Old School House building) and the applicant has demonstrated that the development will be safe for its occupants and will not increase flood risk elsewhere.

It is therefore considered that the proposed development complies with the advice within the NPPF and Policy CG1.5 of the Core Strategy.

Conclusion

For the reasons discussed above it is considered that the proposed development preserves the character and appearance of the conservation area, will not harm residential amenity, will not jeopardise highway safety, will not result in the unacceptable loss of trees, will provide for alternative roosting for bats, will be safe for its future occupants and will not increase flood risk elsewhere.

The proposal complies with policy and Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- one letter of objection has been received from a resident of Bradshaw. This letter states that whilst they acknowledge the improvements regarding the proposed conversion of the Old School House, the rest of the proposal in their opinion is out of character and detrimental.

Consultations

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

Planning History

Permission was granted in August 2012 for the change of use of the former restaurant and public house into financial services offices at ground and first floors (Class A2) with the second floor remaining in residential use (88341/12).

Permission was granted in August 2010 for the conversion of the public house into seven town houses and the erection of seven additional town houses, together with associated car parking and landscaping (83774/10).

An application for the erection of seven town houses together with the conversion of the existing public house into four apartments and two town houses (79293/08) and an accompanying Conservation Area Consent application (79294/08) were withdrawn by the applicant in August 2008.

An application for the erection of eight townhouses together with the conversion of the existing public house into four apartments and two town houses (78496/07) and an application for Conservation Area Consent for the demolition of part of the building (78499/07) were withdrawn by the applicant on 7th January 2008.

Permission was granted in 1993 for alterations to form a fire exit in an external wall (43937/93).

Alterations to the elevations of the building and the laying out of car parks was granted permission in 1987 (28738/87).

Permission was granted in 1985 for the change of use of the building from wholesale and retail aquarium supplies to a public house and licensed restaurant with banqueting room (25584/85).

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 details of the alternative bat roosting provision at the Old School House building shall be submitted to and approved in writing by the Local Planning Authority. The alternative roosting provision shall be implemented in full as per the approved details prior to commencement of development within the Old School House building.

Reason

To safeguard the Common Pipistrelle bats found roosting within the building.

3. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter retained, managed and maintained in accordance with the approved details. Those details shall include:

- 1) A timetable for its implementation, and
- 2) A management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

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

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

Reason

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

5. Prior to the commencement of development samples of the materials to be used for the external walls and roofs of the detached dwellings 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.

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

Reason

To ensure the development reflects local distinctiveness.

7. The rooflights shall be fitted flush with the roof plane in accordance with details to be submitted to and approved in writing by the Local Planning Authority, before the commencement of the development, and retained thereafter.

Reason

To ensure that the development fits in visually with the existing building and safeguard the character and visual appearance of the locality.

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

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

Reason

To protect the health and appearance of the tree(s).

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

Reason

To ensure the development is safe for use.

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. Prior to the development hereby approved/permitted being first occupied the means of vehicular access to the site from Lea Gate shall be constructed in accordance with the drawing ref 803/PL/01 Rev. A.

Reason

In the interests of highway safety

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

Reason

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

13. The boundary treatments as shown on drawing ref: 803/PL/01 Rev. A shall be erected fully in accordance with the approved design details 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. All new window frames to the buildings shall be recessed a minimum of 0.07 metres behind the external face of the elevations of the development hereby approved.

Reason

In the interest of creating architectural depth and shading to the elevations.

15. All rainwater goods and balcony and stair railings to the buildings shall be coloured black within 28 days of their installation and kept so coloured.

Reason

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

Reason

To safeguard the character and appearance of the dwellings and the Old School House and as an extension may result in an unsatisfactory scheme in terms of its impact on neighbouring trees.

17. 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 windows or doors shall be formed in the Old School House building other than those shown on the approved drawings, nor shall those approved windows or doors be enlarged or altered, other than shown on the approved drawings.

Reason

To safeguard the character and appearance of the Old School House.

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

Reason

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

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

dwelling.

Reason

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

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

803/PL/01 Rev. A; "Proposed Site Layout/Plan"; dated 20.10.14

803.PL.02 Rev. A; "Proposed Plans & Elevations"; dated 20.10.14

803.PL.03 Rev. A; "Site Elevations"; dated 20.10.14

803.PL.04 Rev. A; "Site Elevations"; dated 20.10.14

803.PL.05 Rev. A; "Site Elevations"; dated 20.10.14

803.PL.06; "Existing and Proposed School House Plans"; dated 10.09.14

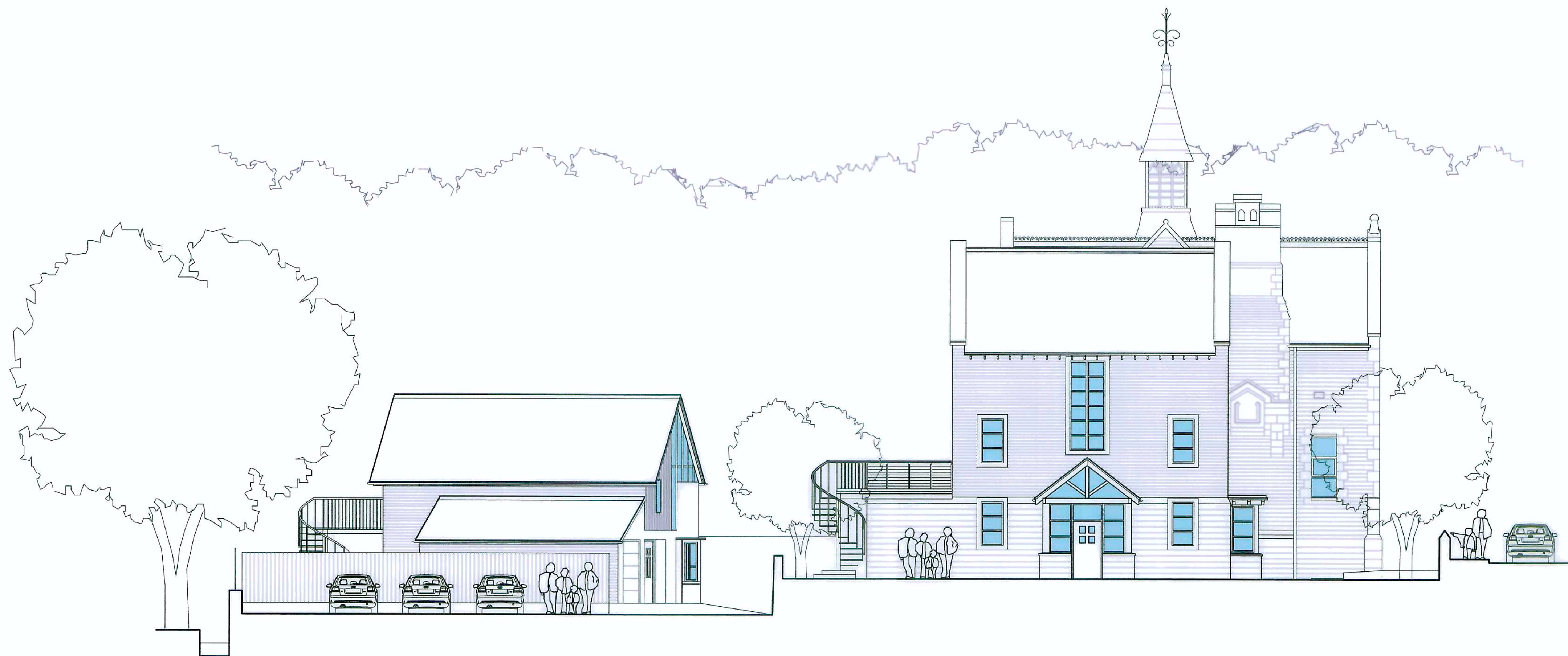
Reason

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





FRONT ELEVATION TO LEA GATE / BOLTON ROAD



SECTION LOOKING WEST ACROSS SITE TO FRONT ELEVATION OF UNIT 5

REVISION	DESCRIPTION	DATE	INITIALS
	CLIENT		
	ASPREY ST JOHN & CO LTD		
	PROJECT		
	OLD SCHOOL HOUSE, LEA GATE, BRADSHAW, BOLTON		
	TITLE		
	SITE ELEVATIONS		
DRAWING NO.	REVISION	SCALE	DRAWN BY
803 - PL 04		1 : 100	SAF
			DATE
			10.09.14

FISH ASSOCIATES

ARCHITECTS
TOWN PLANNERS
LANDSCAPE ARCHITECTS

FISH ASSOCIATES LTD
216 ST GEORGES ROAD
BOLTON BL7 2PH
TEL: 01204 532244
FAX: 01204 532288
EMAIL: info@fish-associates.co.uk
www.fish-associates.co.uk

DISCREPANCIES TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING. THIS DRAWING IS COPYRIGHT. CONTACTORS TO CAREFULLY CHECK ALL DIMENSIONS ON SITE. FIGURED DIMENSIONS TO BE USED.



SITE SOUTH ELEVATION



FRONT ELEVATION OF SCHOOL HOUSE INCLUDING BASEMENT



SECTION LOOKING WEST ACROSS SITE TOWARDS SCHOOL HOUSE

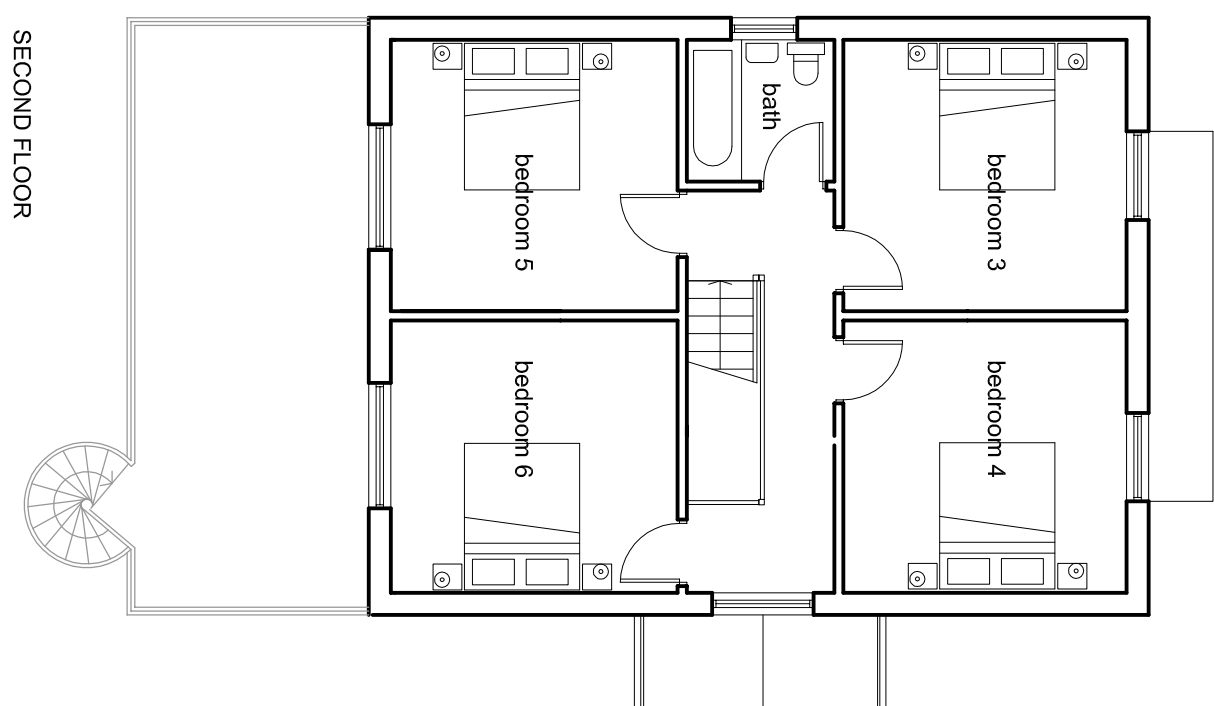
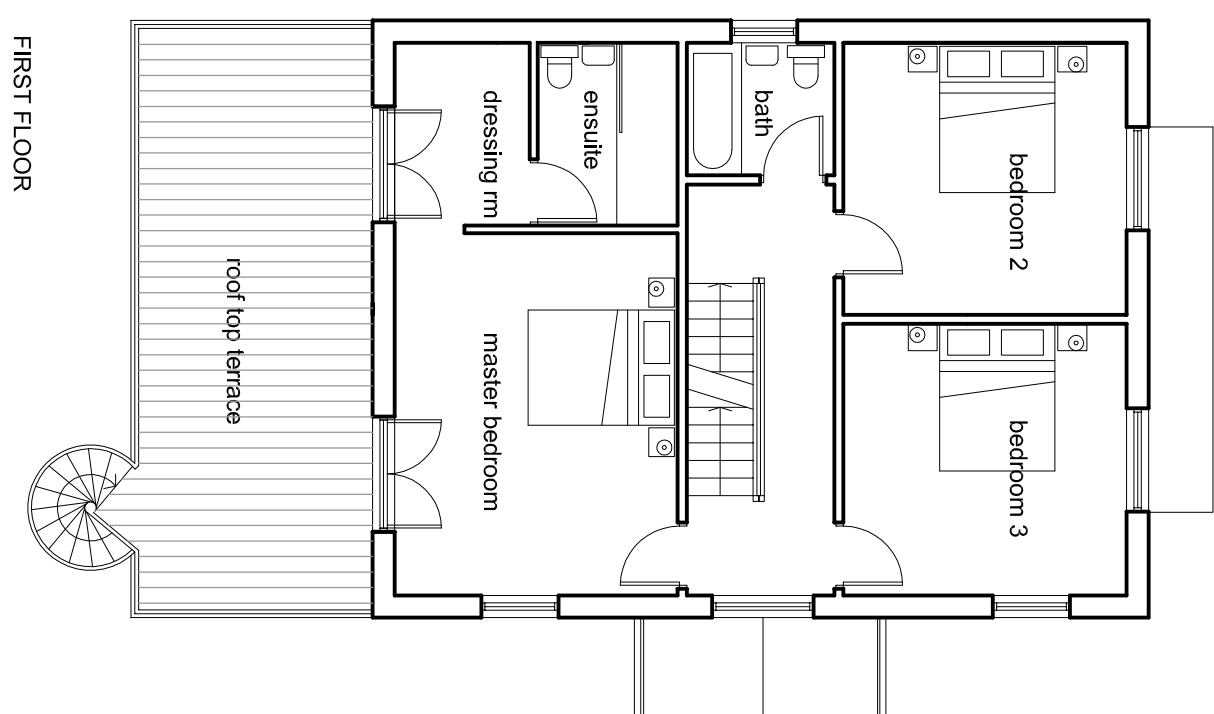
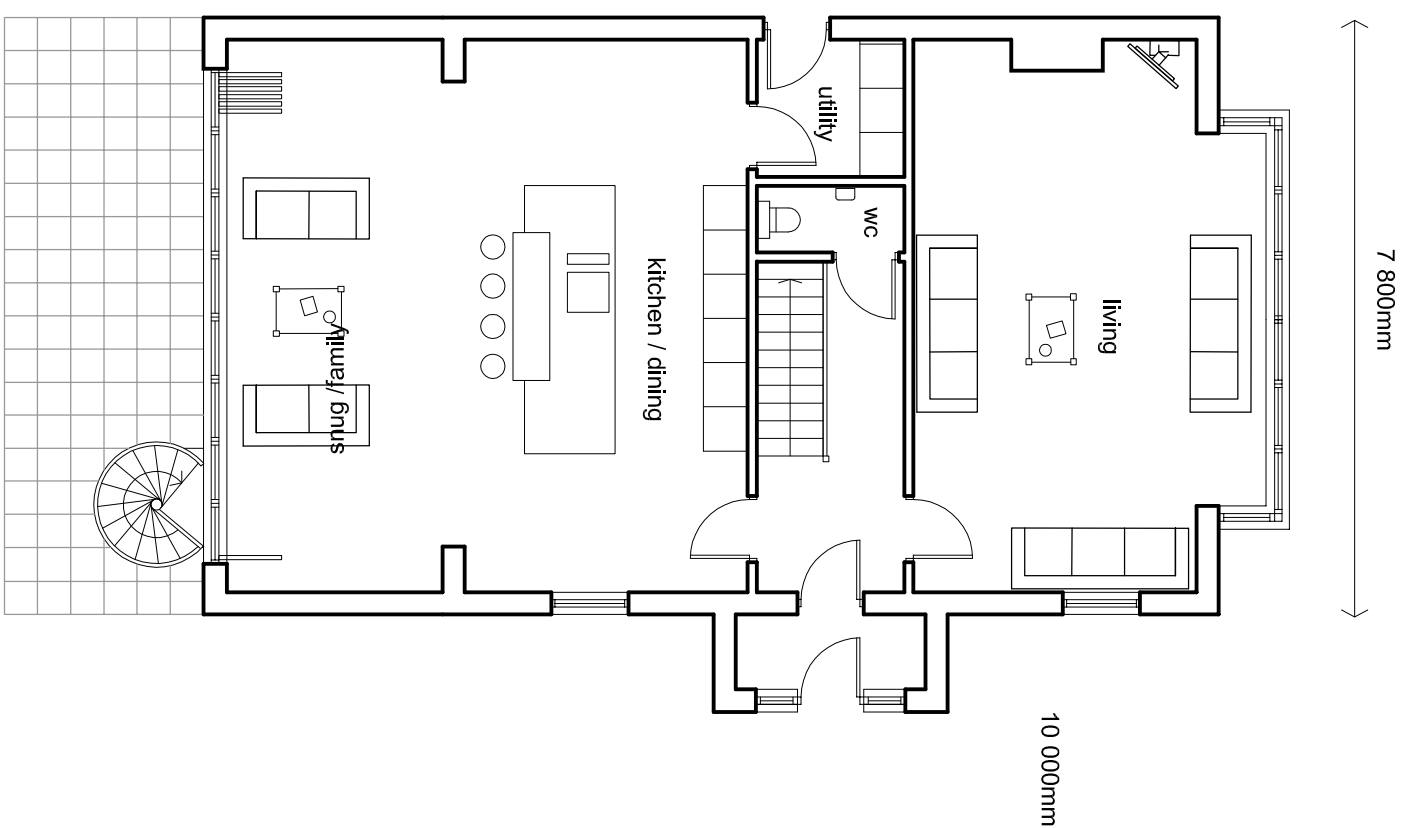
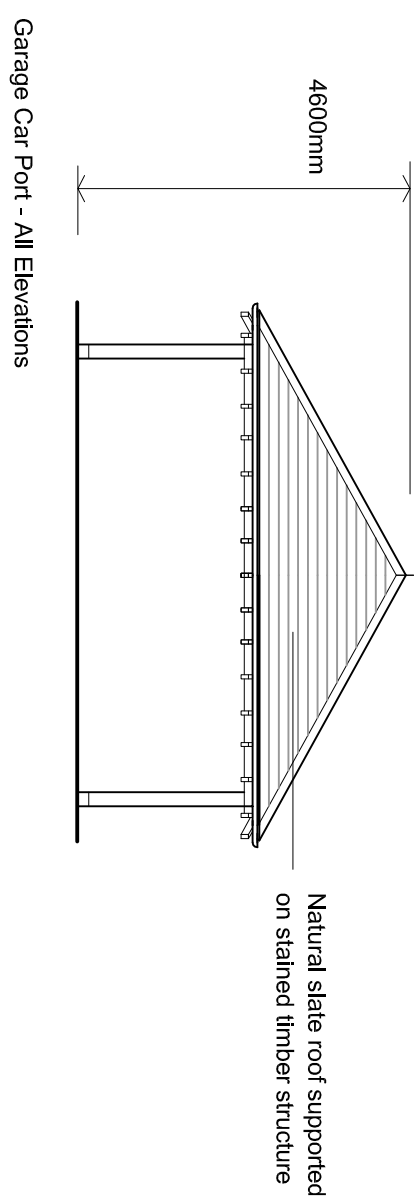
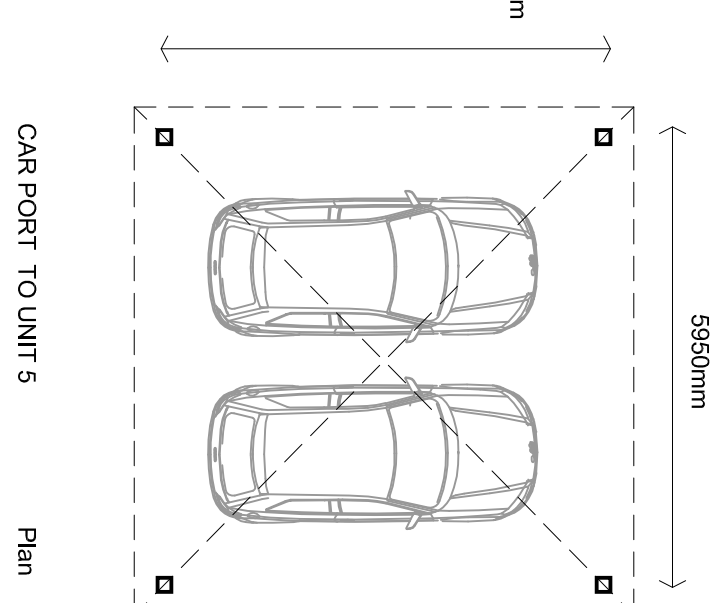
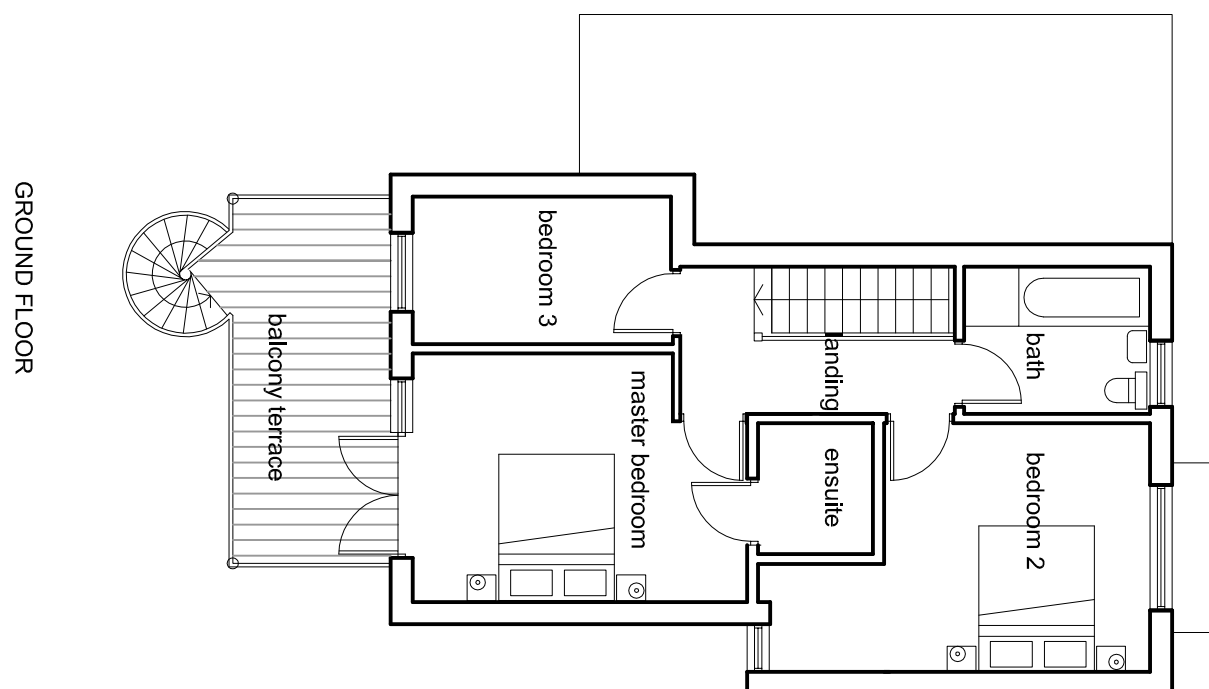
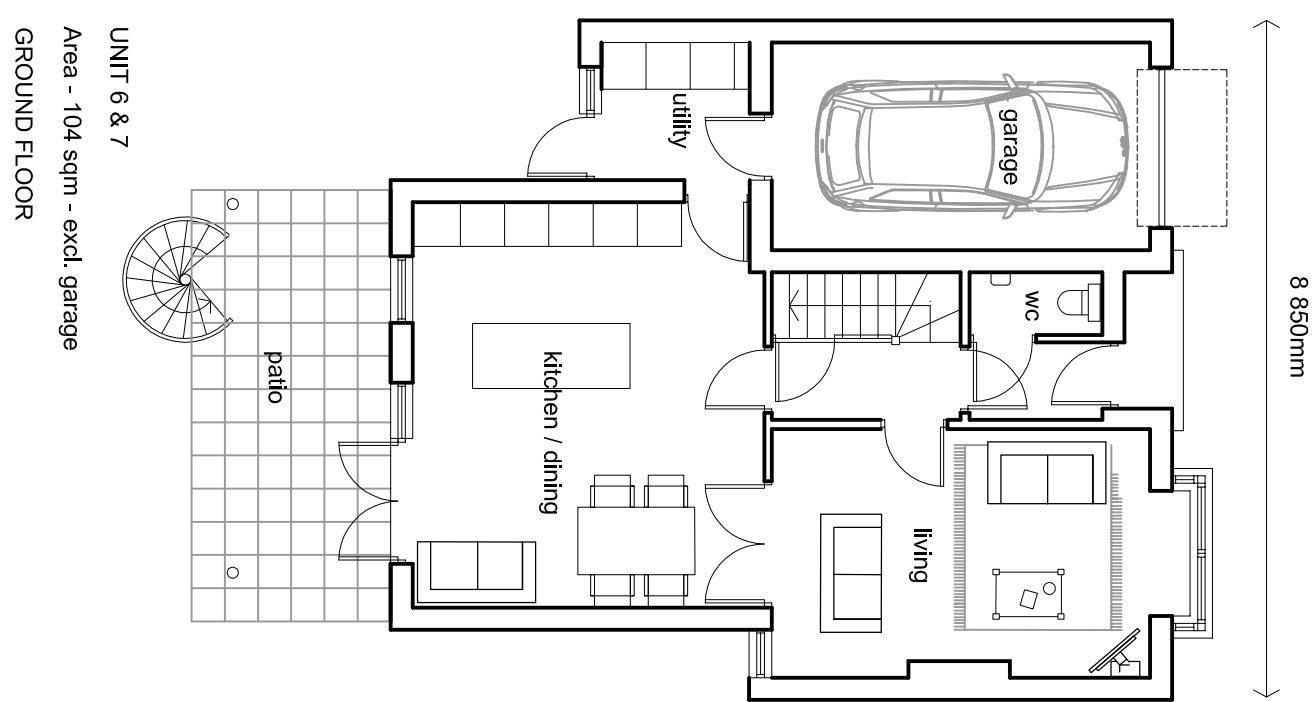
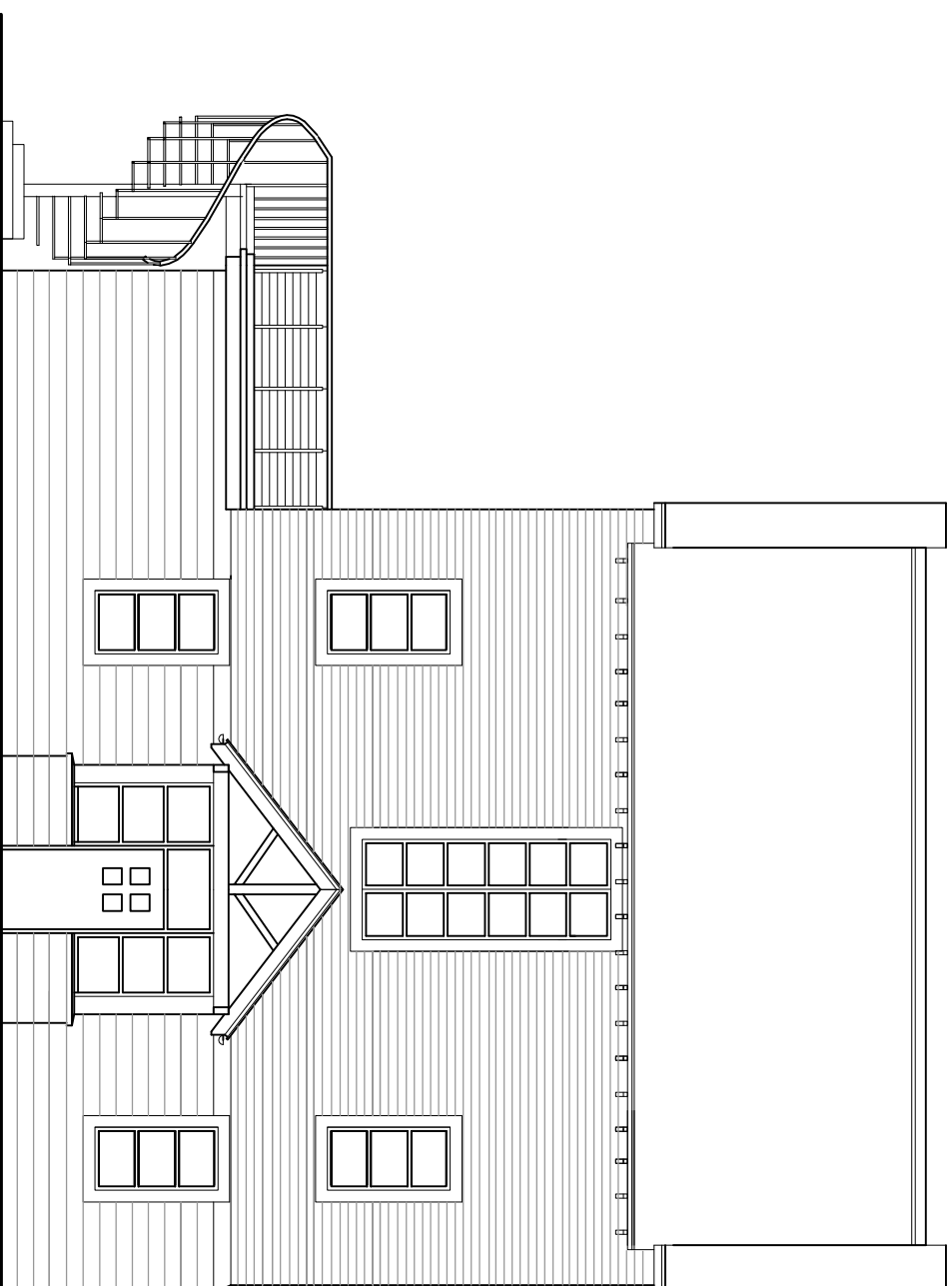
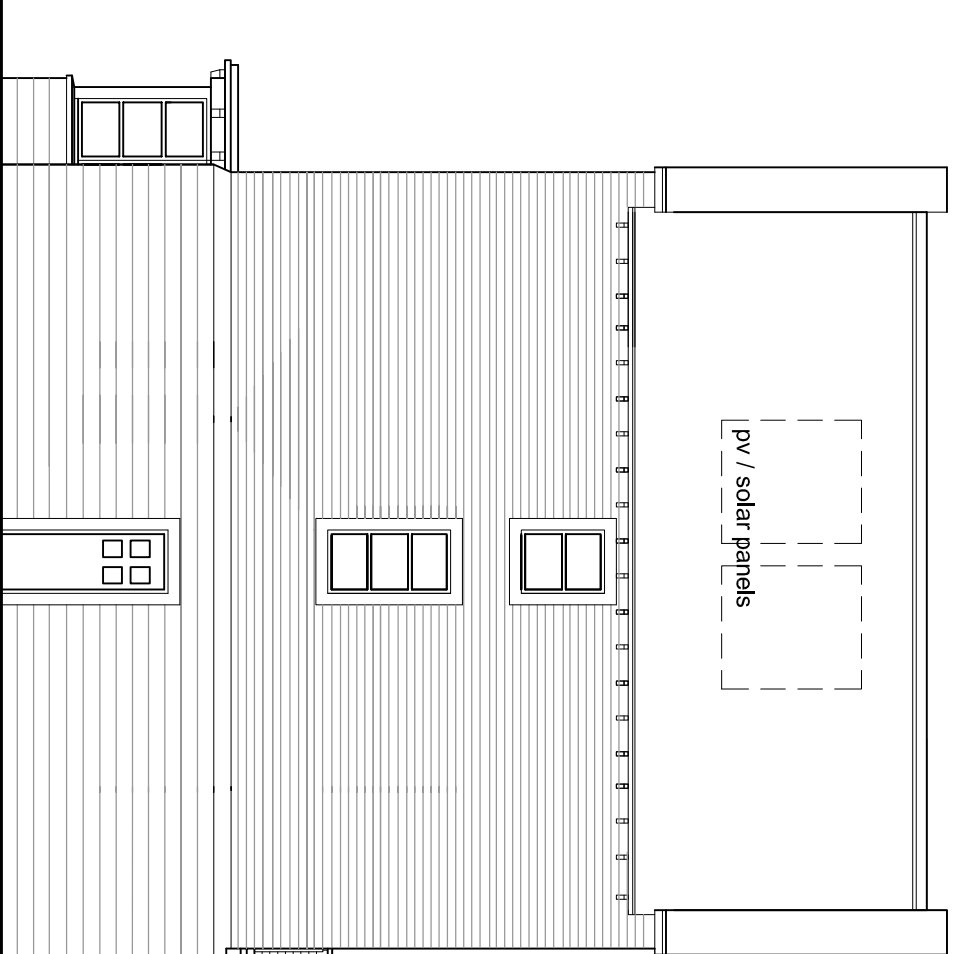
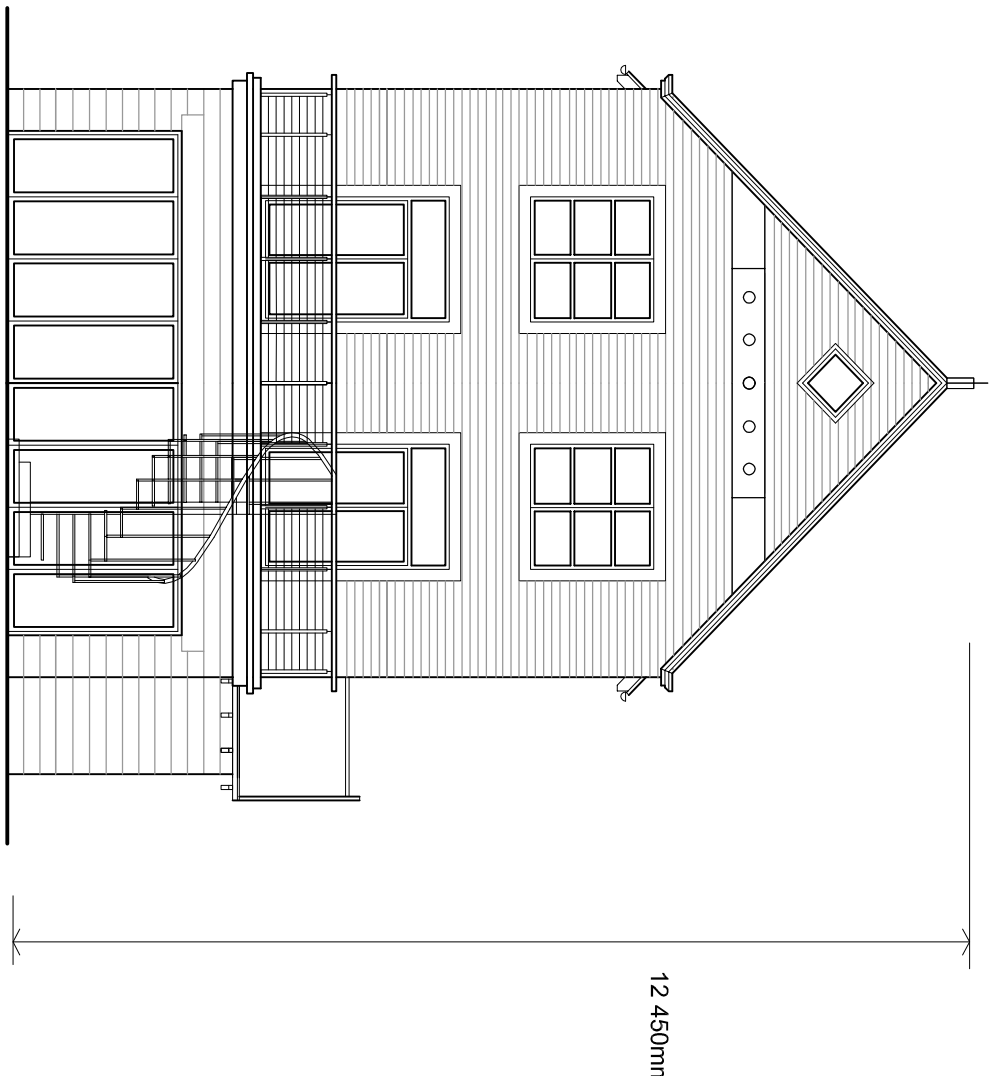
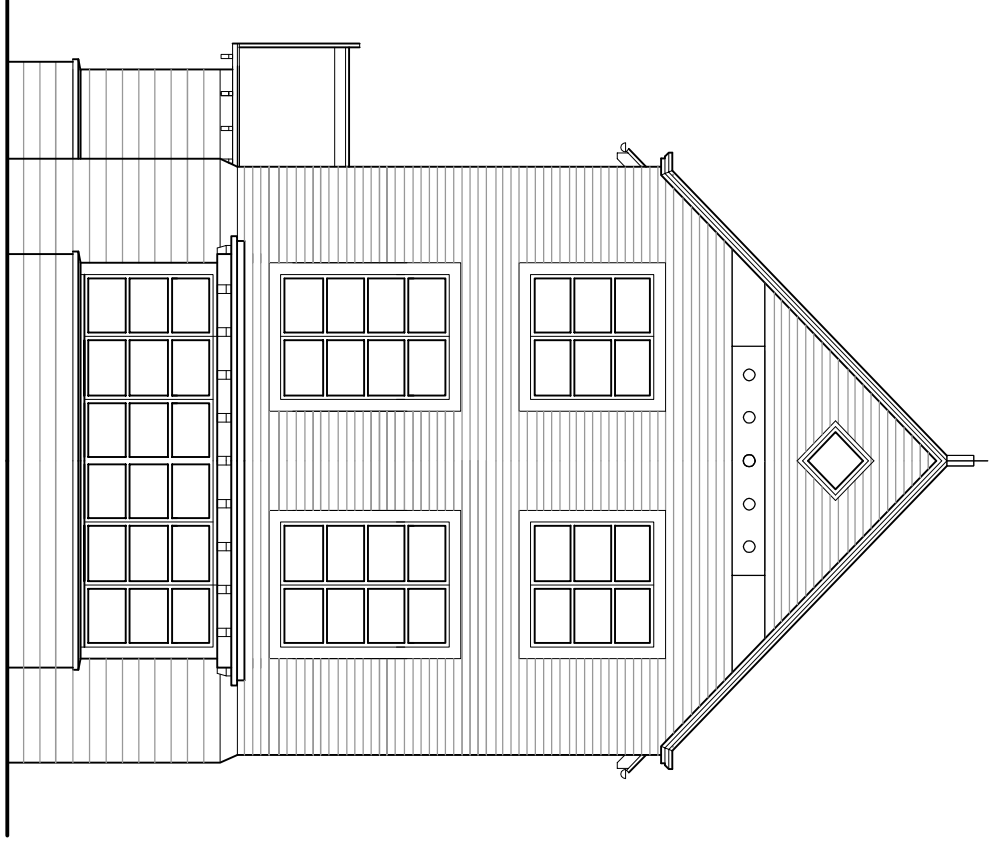
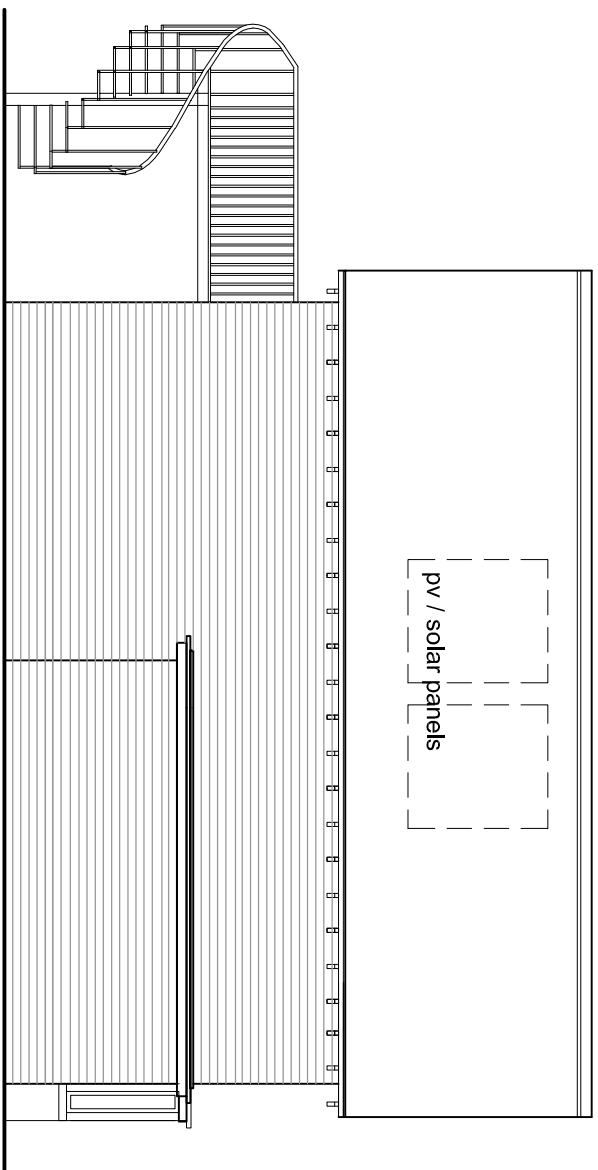
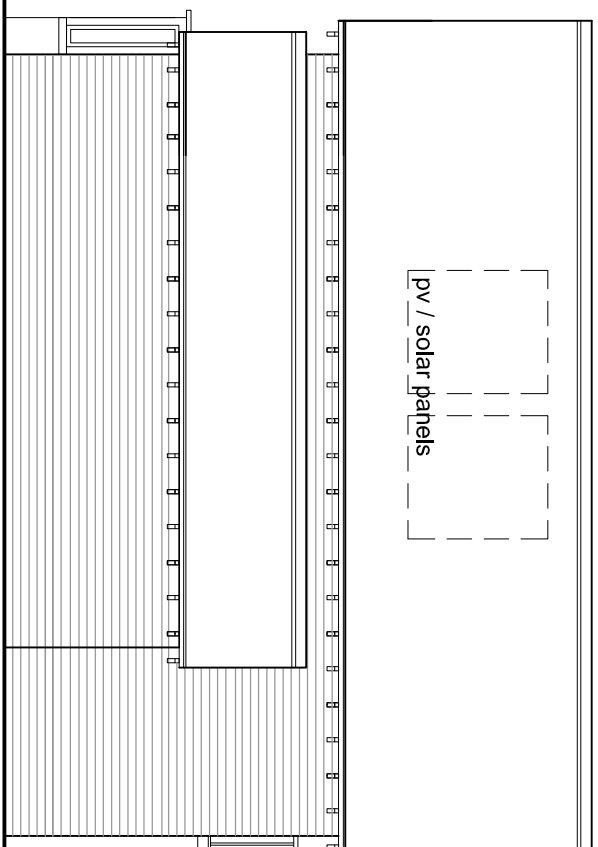
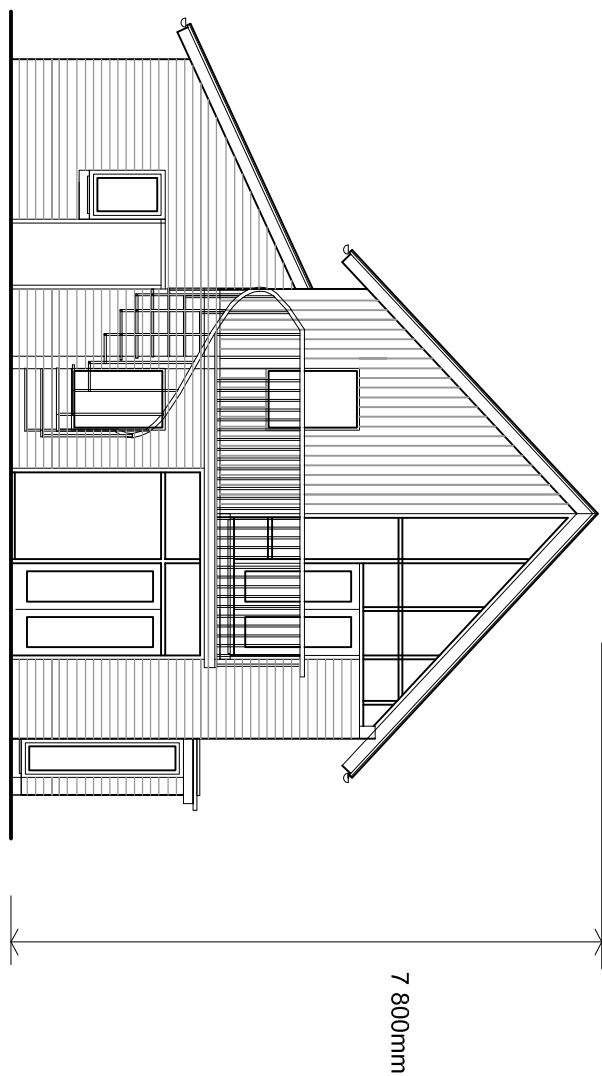
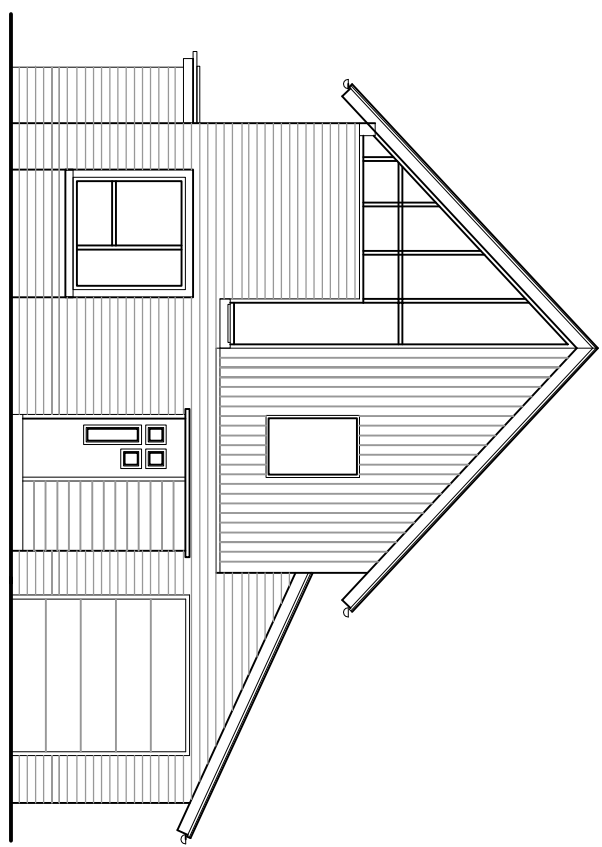
REVISION	DESCRIPTION	DATE	INITIALS
CLIENT	ASPREY ST JOHN & CO LTD		
PROJECT	OLD SCHOOL HOUSE , LEA GATE, BRADSHAW, BOLTON		
TITLE	SITE ELEVATIONS		
DRAWING NO	803_PL_03	REVISION	SCALE
			1 : 100
		DRAWN BY	DATE
		SAF	10.09.14

FISH ASSOCIATES

ARCHITECTS
TOWN PLANNERS
LANDSCAPE ARCHITECTS

FISH ASSOCIATES LTD
216 ST GEORGES ROAD
BOLTON BL 2PH
TEL 01204 532244
FAX 01204 532288
EMAIL info@fish-associates.co.uk
www.fish-associates.co.uk

DISCREPANCIES TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING. THIS DRAWING IS COPYRIGHT. CONTRACTORS TO CAREFULLY CHECK ALL DIMENSIONS ON SITE. FOUNDED DIMENSIONS TO BE USED.



OLD SCHOOL HOUSE

- Repair / replace existing Welsh grey slates
- Rainwater goods to be cast aluminium - Doff
- Stone work to be cleaned with Joss or Doff conservation methods
- Stone work to be re pointed with NHL lime mortar
- Windows and doors to be replaced with new stained / painted h/w sections

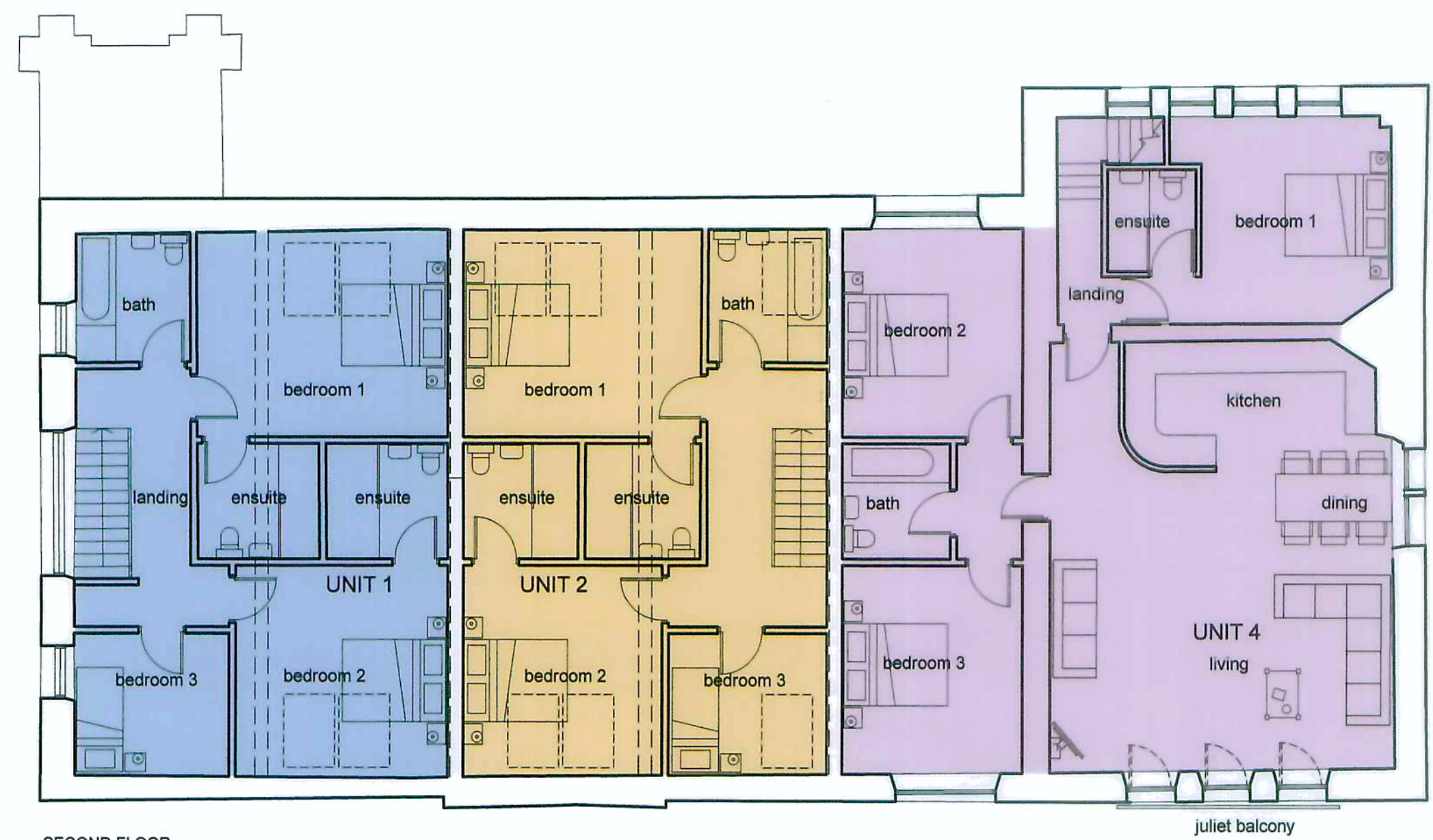
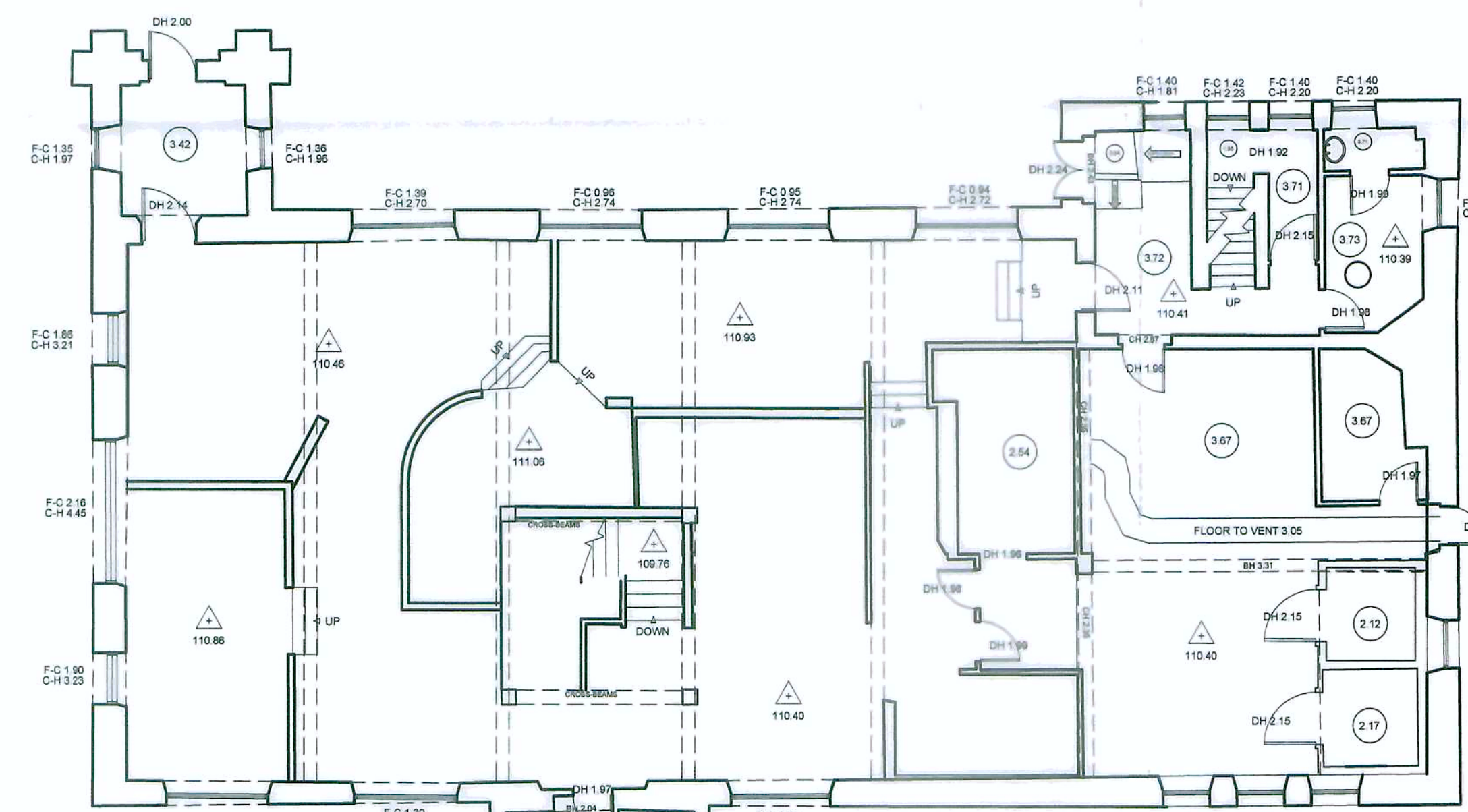
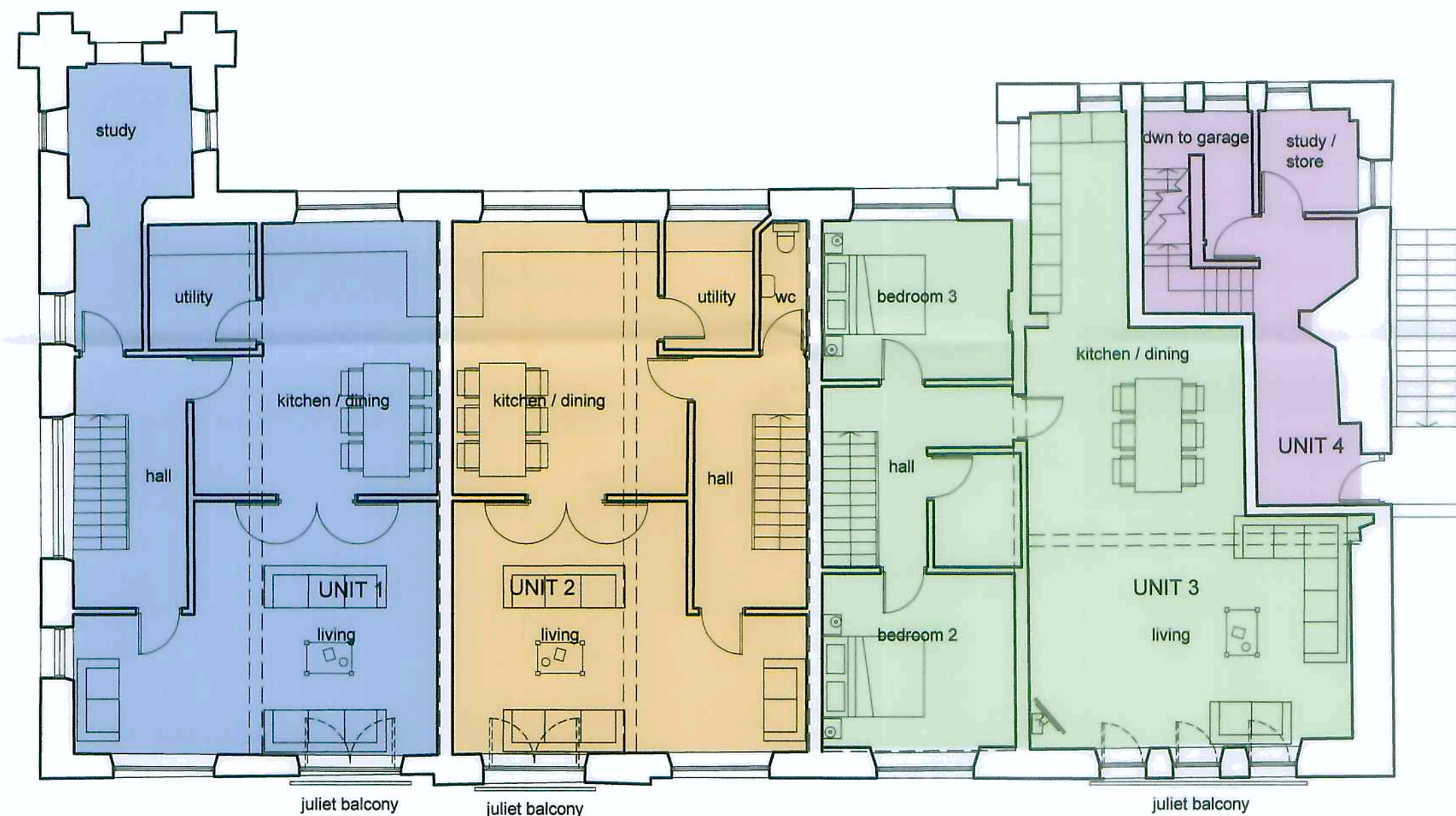
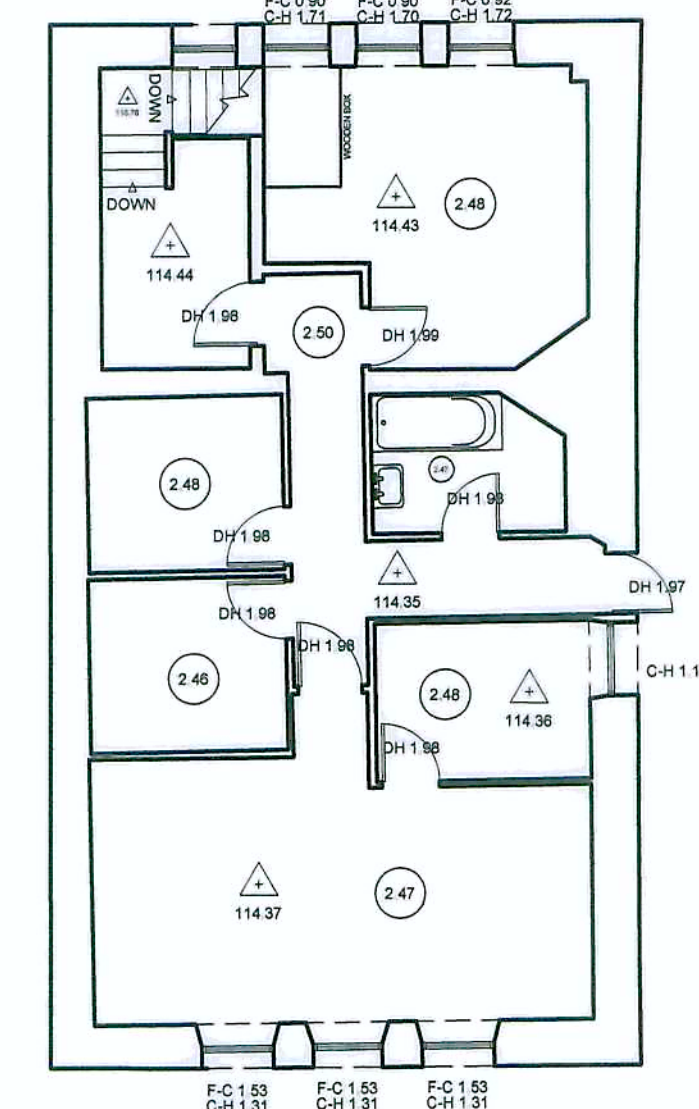
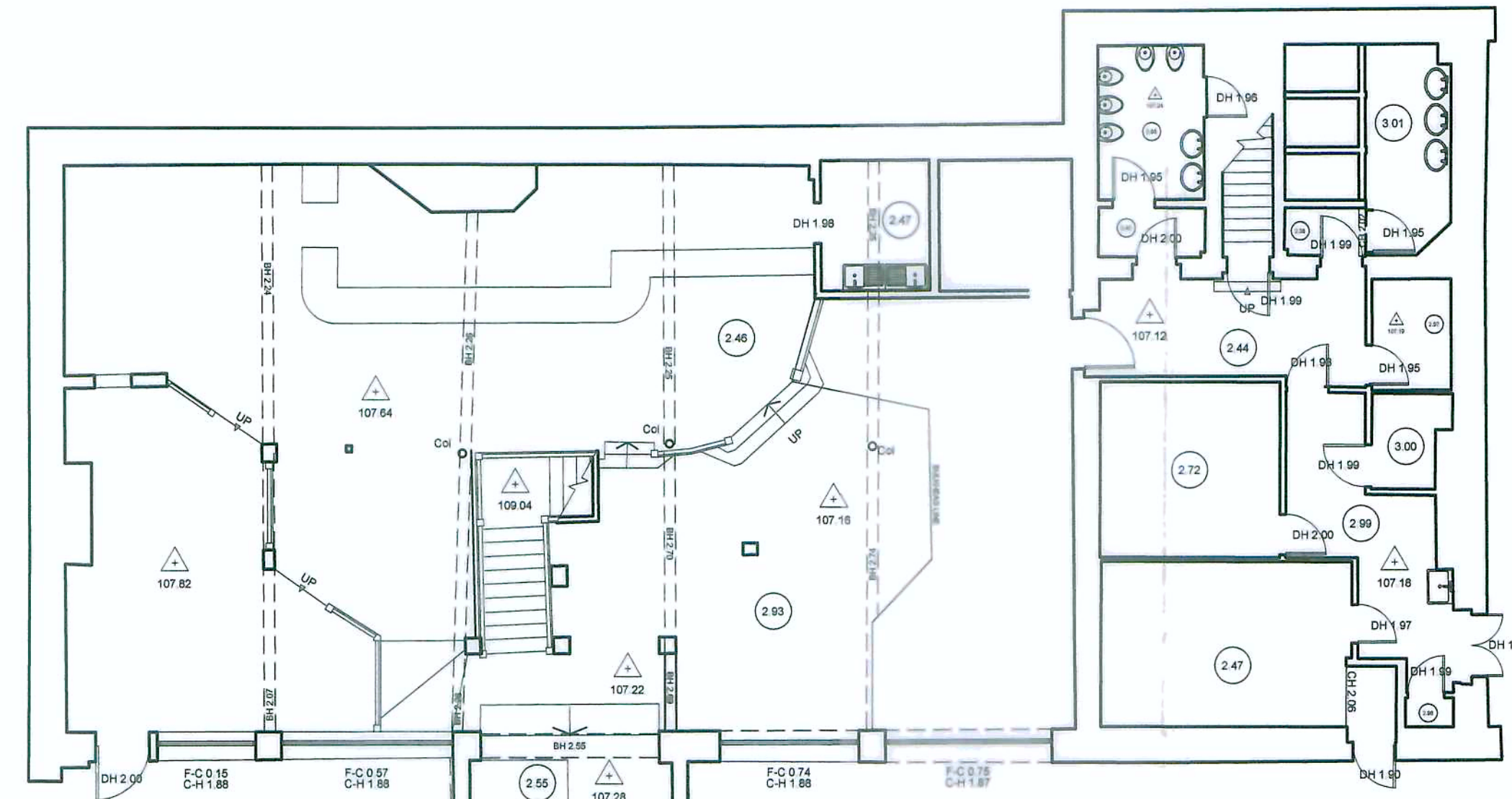
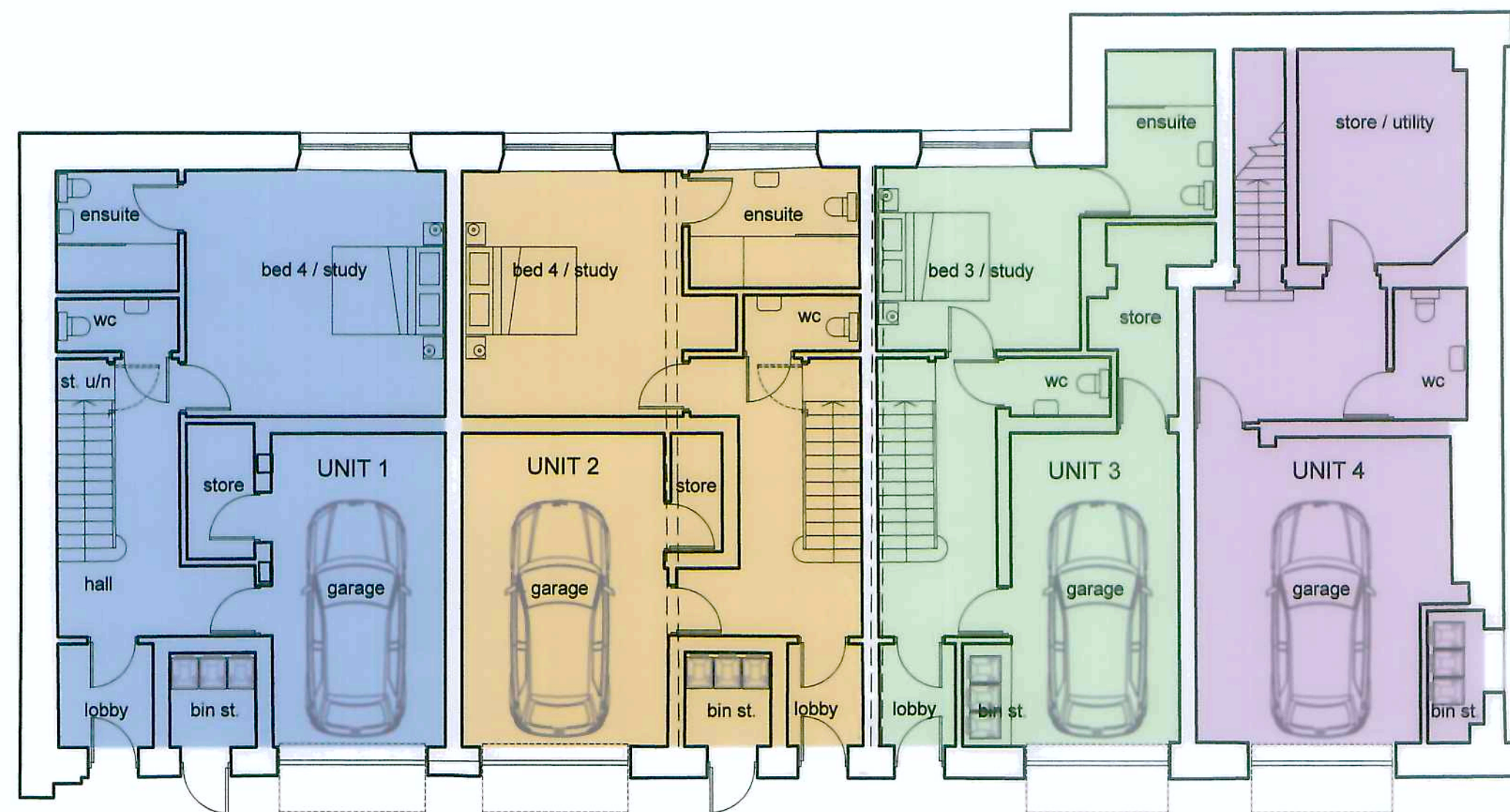
NEW BUILD TOWNHOUSES

Natural welsn grey / blue slate
 Upper floor walls - natural split face , random bed + widths stone to match existing
 Ground floor walls + window & door surrounds - ashlar / split face stone to match existing
 Windows and doors - painted / stained l/w
 Rainwater goods - cast aluminium
 All balcony rails + spiral staircases - galv mls painted grey

REVISION	A	DATE	20.10.14	SHEET	1
DESCRIPTION	C&D PORT AMENDED TO UNIT 5				
CLIENT	ASPREY ST JOHN & CO LTD				
PROJECT	OLD SCHOOL HOUSE, LEA GATE, BRADSHAW, BOLTON				
TITLE	PROPOSED PLANS & ELEVATIONS				
DRAWING NO.	1.100	SCALE	DRAWN BY		
003_Pt_02	A	REVISION	SNF	DATE	
				10.08.14	

FISH ASSOCIATES

FISH ASSOCIATES LTD
216 ST GEORGES ROAD
BOLTON BL1 2PH
TEL: 01204 532244
FAX: 01204 532288
EMAIL: arch@fish-associates.co.uk



- UNIT 1 Area - 207 sqm - excl. garage
- UNIT 2 Area - 207 sqm - excl. garage
- UNIT 3 Area - 134 sqm - excl. garage
- UNIT 4 Area - 176 sqm - excl. garage

REVISION	DESCRIPTION	DATE	INITIALS
CLIENT	ASPREY ST JOHN & CO LTD		
PROJECT	OLD SCHOOL HOUSE, LEA GATE, BRADSHAW, BOLTON		
TITLE	EXISTING AND PROPOSED SCHOOL HOUSE PLANS		
DRAWING NO.	803. PL. 06	SCALE	1:100
REVISION		DRAWN BY	SAF
		DATE	10.09.14

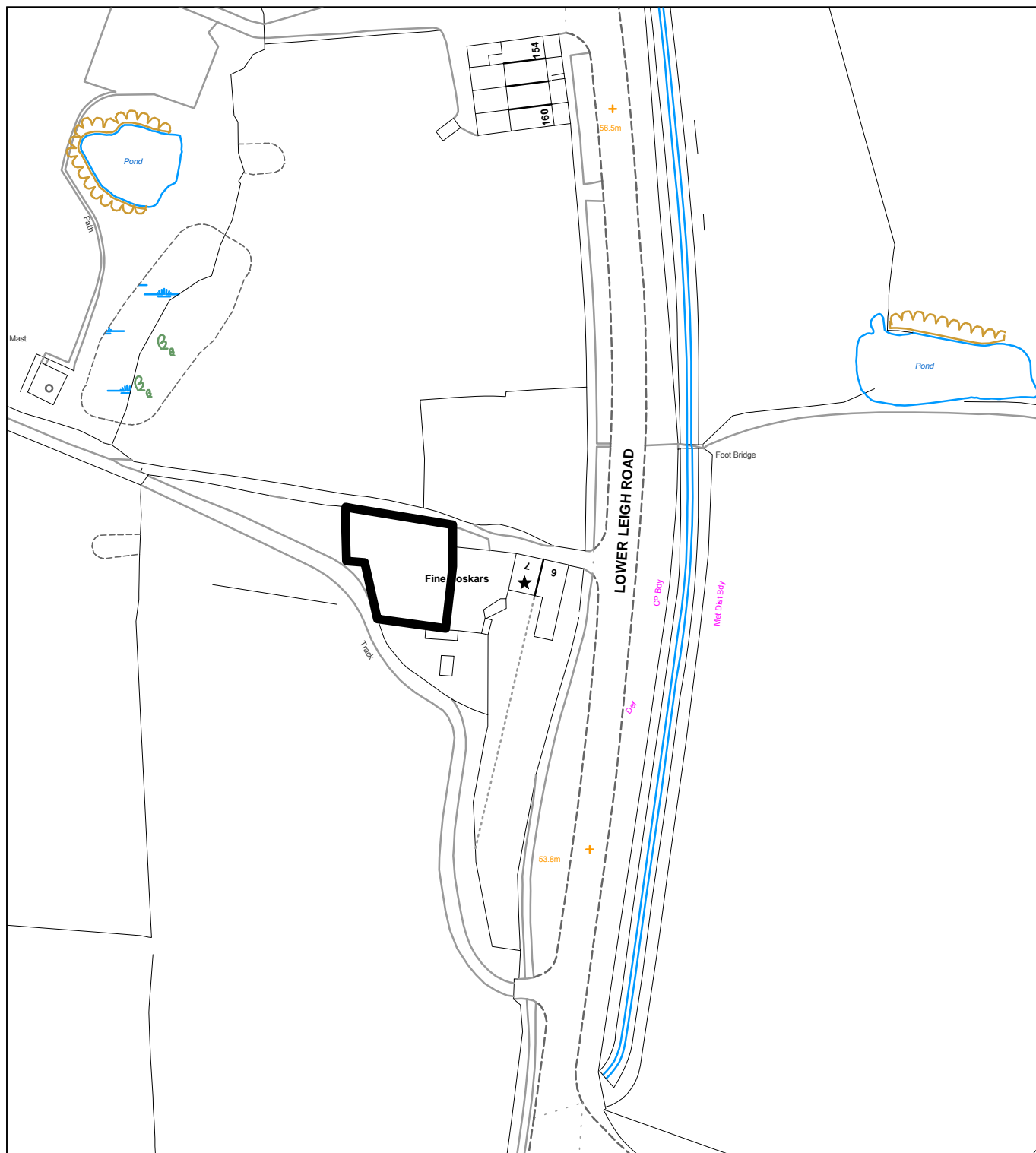
FISH ASSOCIATES

ARCHITECTS
TOWN PLANNERS
LANDSCAPE ARCHITECTS

FISH ASSOCIATES LTD
216 ST GEORGES ROAD
BOLTON BLT 2PH
TEL 01204 532244
FAX 01204 532289
EMAIL arch@fish-associates.co.uk
www.fish-associates.co.uk

Application No.

92765/14



Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of
the Controller of Her Majesty's Stationery Office© Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to
prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389

11

Date of Meeting: 15/01/2015

Application Reference: 92765/14

Type of Application: Full Planning Application
Registration Date: 10/10/2014
Decision Due By: 04/12/2014
Responsible Officer: Alex Allen

Location: FINE HOSKERS, LOWER LEIGH ROAD, WESTHOUGHTON, BOLTON, BL5 2EH

Proposal: CONVERSION OF EXISTING DETACHED DOUBLE GARAGE TO DWELLING TOGETHER WITH REAR EXTENSION

Ward: Westhoughton South

Applicant: Mr & Mrs McKenna
Agent : MCD Construction Consultancy

Officers Report

Recommendation: Approve subject to conditions

Proposal

The applicant proposes an extension to an existing garage into a 3 bedroomed dwellinghouse. It is noted that the applicants already have the benefit of planning permission for conversion of the existing garage into a separate two bedroomed dwelling (Ref:90963/13) in September 2011.

The proposal is a resubmission of a previous refusal of planning permission. As part of the original submission, the applicant proposed an extension which would have measured 6.2 metres in depth by 6.7 metres. Officers considered that bearing in mind the previous refusal for a similar sized extension, that the scale of the proposed extension was not acceptable.

As a result of discussions with Officers the applicant has resubmitted amended plans which make provision for an extension of 3.9 metres in depth by 6.1 metres to create a kitchen / diner and w/c on the ground floor and two bedrooms and bathroom within the existing roofspace of the retained building.

Site Characteristics

The application site forms part of an annex to Fine Hoskers. Vehicular access to the site is off Lower Leigh Road which is currently shared with Fine Hoskers. A public right of way/footpath splits the site in two from the car parking area and former stables. Open fields slope down to the south west of the application site with open views through the site.

Policy

National Planning Policy Framework

Core Strategy (2011) - P5 Accessibility, S1 Safe, CG1 Cleaner and Greener, CG3 The Built Environment, CG4 Compatible Uses and OA3 Westhoughton.

Allocations Plan (2013) - 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 Green Belt;
- * impact on highway safety;
- * impact on the character and appearance of the area;
- * impact on the living conditions of adjoining residential occupiers.

Impact on the Green Belt

The proposed new dwelling would use an existing building which in February 2010 was granted for use as an annex to the existing dwelling which provided for a lounge and kitchen diner on the ground floor with two bedrooms and a bathroom on the first floor. Permission was also granted in September 2011 for the use of the garage as a separate dwelling. The principle of residential conversion has already been established and complies with Green Belt policy.

Guidance contained within NPPF and the Allocations Plan policy (CG7AP) allows for extensions to a building which does not result in 'disproportionate additions over and above the size of the original building...'.

The proposed extension would provide an additional 24 sq metres of floorspace which represents a modest increase to the overall floor space of the original building. It is considered that the concerns raised by Westhoughton Town Council have been successfully addressed within the revised plans which have been submitted.

Due to the reduced, more modest scale of the proposed extension, it is considered that the proposal would not have a detrimental impact on the openness of the Green Belt and complies with policy.

Impact on highway safety

Core Strategy policy P5 and S1 seek to ensure that new development proposals promote road safety in new development and ensures access, car parking are designed into the scheme. The applicant has made provision for two car parking spaces for the proposed new use. It is considered that this is adequate to meet the needs of the proposed new dwelling.

The Council's Highways Engineers have raised no objections subject to the integrity of the public footpath remaining and two car parking spaces being provided for each dwelling.

The applicant has confirmed that the extension would not compromise the integrity of the existing public right of way. An amended plan has been provided which makes provision for two off road car parking spaces for both No. 7 Fine Hoskers and the proposed new dwelling. The proposal would comply with policy.

Impact on the character and appearance of the area

The proposed extensions to the existing garage would be broadly compatible with the overall design of the original building. Previously it was considered that the number of openings would not reflect the rural character of the surroundings. The applicant has provided an amended scheme which has reduced both the number and size of the proposed windows within the side elevation which now is considered to be in keeping with the surrounding properties and the wider area.

The proposal complies with Core Strategy policy CG3 and OA3.

Impact on the living conditions of adjoining residential occupiers

The relationship between Fine Hoskers and the proposed new dwelling would be below the Council's interface standards outlined in PCPN No. 2. However, in urban fringe locations, in particular farmland settings it is common for these standards to be relaxed. The existing upper floor window would overlook the balcony of Fine Hoskers bedroom at first floor level. This relationship is slightly offset which would assist in ensuring the proposal would not be detrimental to the living conditions of either property.

On balance it is considered that the overall character of the area and the relationship between the two properties would ensure the impact on privacy/living conditions would be limited. In addition, the relationship which would be achieved is no different from that previously approved in 2011.

Conclusion

The proposal has been successfully amended to meet the concerns raised in the earlier refusal of permission, resulting in a modest extension to the existing building which is in keeping with the surrounding area without compromising the openness of the Green Belt in this location or the character of the area. The applicant seeks to provide adequate off road car parking facilities whilst maintaining the integrity of the existing public right of way.

The proposal complies with policy and is recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters/petitions:- no representations received.

Town Council:- raise objection to the proposal as the site is located within the Green Belt and due to the proposed extension would have a detrimental increase in the footprint of the building (i.e. on the openness of the Green Belt).

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees: the Council's Pollution Control officers, Highways Engineers, Flood Risk team, Public Rights of Way officers and the Peak and Northern Footpath Group, Ramblers Association, and the Open Spaces Society.

Planning History

Planning permission was refused in December 2013 (Ref: 90963/13) for the erection of a single storey extension to the detached building/new dwelling due to the size and design of the proposed extension;

Planning permission was granted in September 2011 (Ref: 86634/11) for the conversion of detached annex to 1 dwelling;

Planning permission was granted in July 2004 for the erection of a conservatory, first floor balcony and the erection of a detached garage with hobby room over (Ref: 67707/04); and

Planning permission was granted in February 2010 for the change of use of the garage to ancillary accommodation in connection with the use of the residents of Fine Hoskers (83349/09).

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

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

Reason

To ensure the development reflects local distinctiveness.

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

Reason

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

4. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 1995 (or any order amending or replacing that order) no extensions, porches, garages, outbuildings, sheds, greenhouses, oil tanks, or hardstandings shall be erected within the curtilage of (any of) the approved dwellinghouse(s), other than those expressly authorised by this permission.

Reason

The site lies within the Green Belt as defined within the Council's Unitary Development Plan, and further extensions could prejudice the aims and purposes of the Green Belt.

5. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending or replacing that Order) no dormers shall be constructed or other alterations to the roof carried out on the approved dwelling(s) other than those expressly authorised by this permission.

Reason

To safeguard the architectural character and appearance of the dwelling.

6. Notwithstanding the provisions of Class A to Schedule 2 Part 2 of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending or replacing that Order) no fences, gates, walls shall be erected within the curtilage of the approved dwelling house other than those expressly authorised by this permission.

Reason

The development has been designed with specific regard to the design of boundaries and new fences and walls in these positions would spoil the appearance of the site.

7. The development hereby approved/permitted shall not be brought into use unless and until not less than 2 car parking spaces have been provided within the curtilage of the site for both No. 7 Fine Hoskers and the extended dwelling hereby approved, in accordance with the approved/submitted details (Drawing No. 572-05 Rev A). Such spaces shall be made available for the parking of cars at all times the dwelling is used.

Reason

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

8. The curtilage of the property is being treated for planning purposes as that defined on the approved plan received on 01/12/14 and referenced 572-05 Rev A.

Reason

For the avoidance of doubt as to what is permitted.

9. The roof light(s) 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

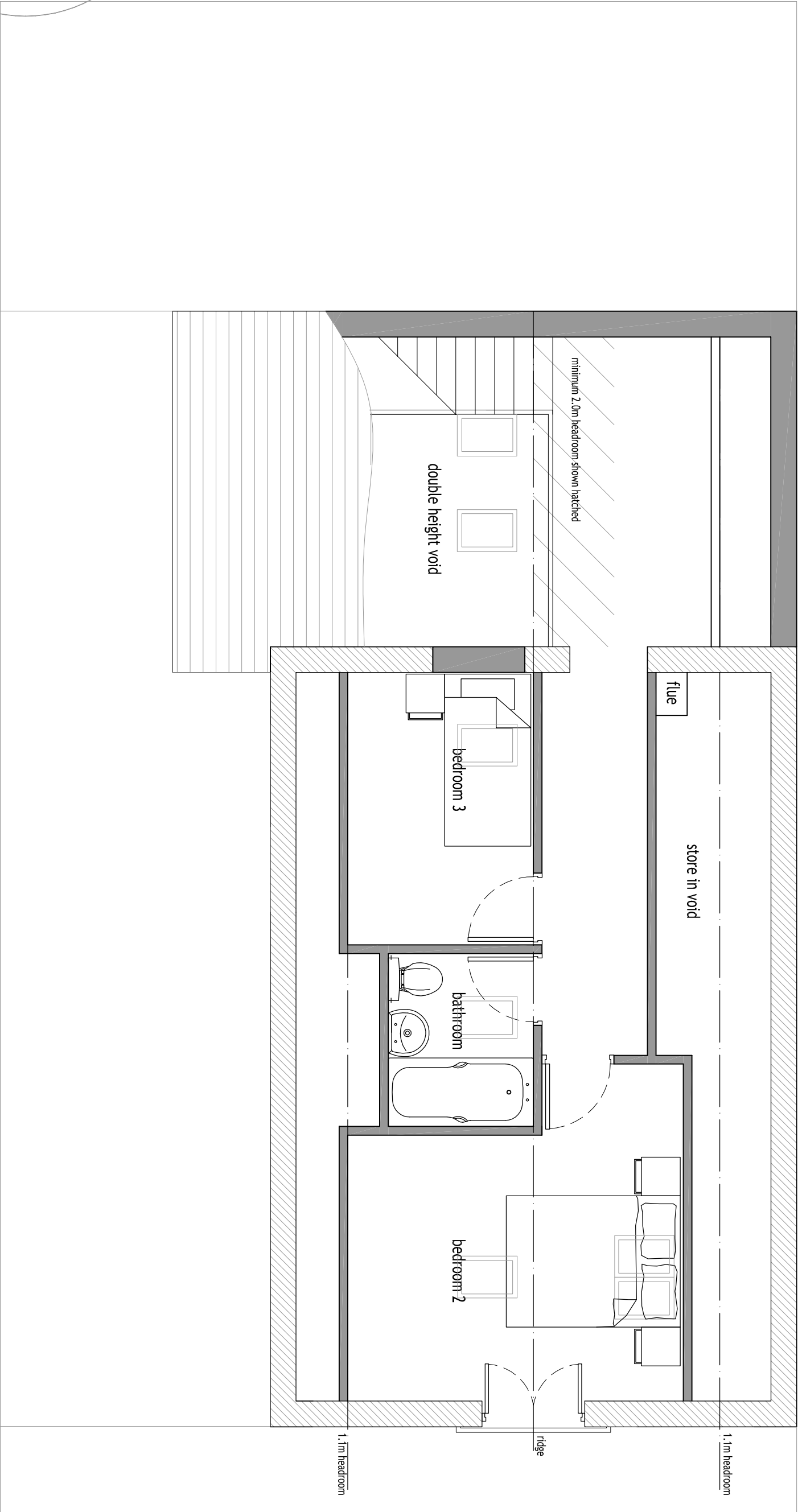
To ensure the development fits in visually with the existing building and safeguards the character and visual appearance of the locality.

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

Drawing No. 572-01 Rev A - Proposed Ground floor, received 01/12/14;
Drawing No. 572-02 Rev A - Proposed Upper floor, received 01/12/14;
Drawing No. 572-03 Rev A - Proposed Elevations, received 01/12/14;
Drawing No. 572-05 Rev A - Proposed Site Plan, received 01/12/14;

Reason

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



MATTHEW CUST DESIGN

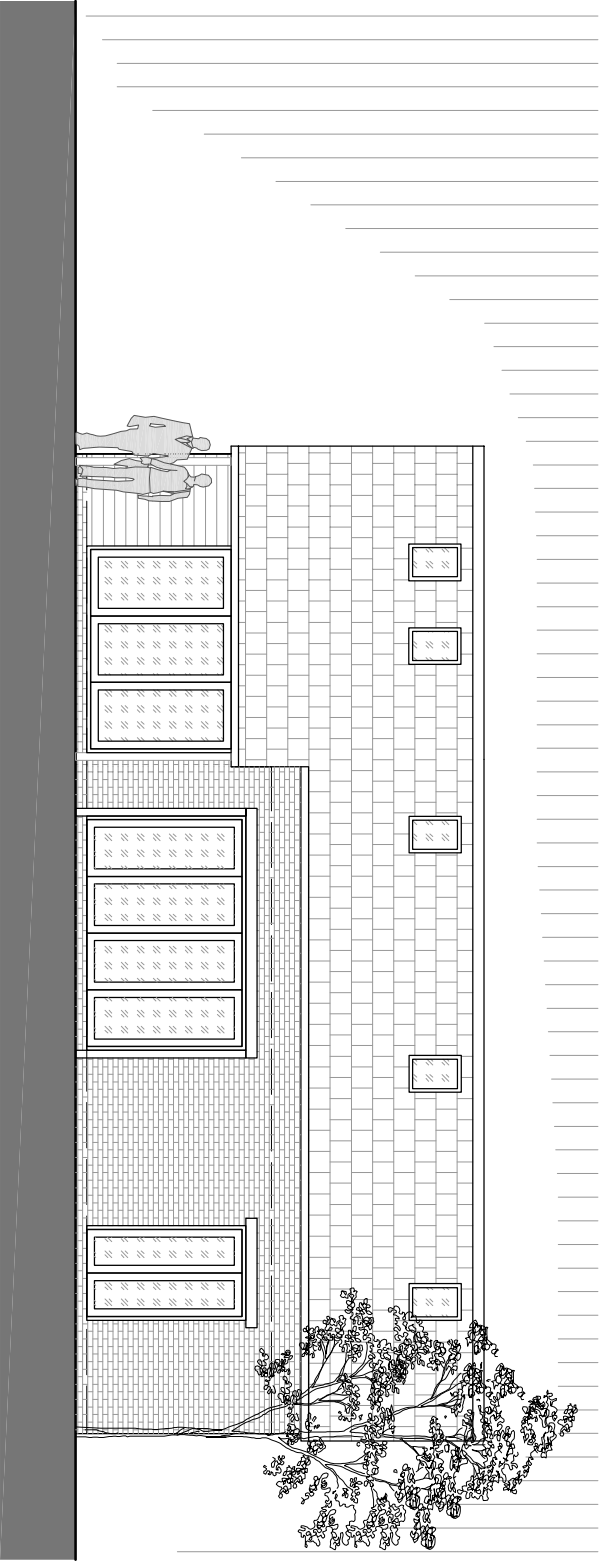
10 Churchbank Stalybridge, Cheshire. SK15³2QJ Tel 07983 347252 email: m.cust@sky.com

All levels and dimensions must be checked on site by contractor prior to commencement of works. Any variations must be reported to Matthew Cust Design.

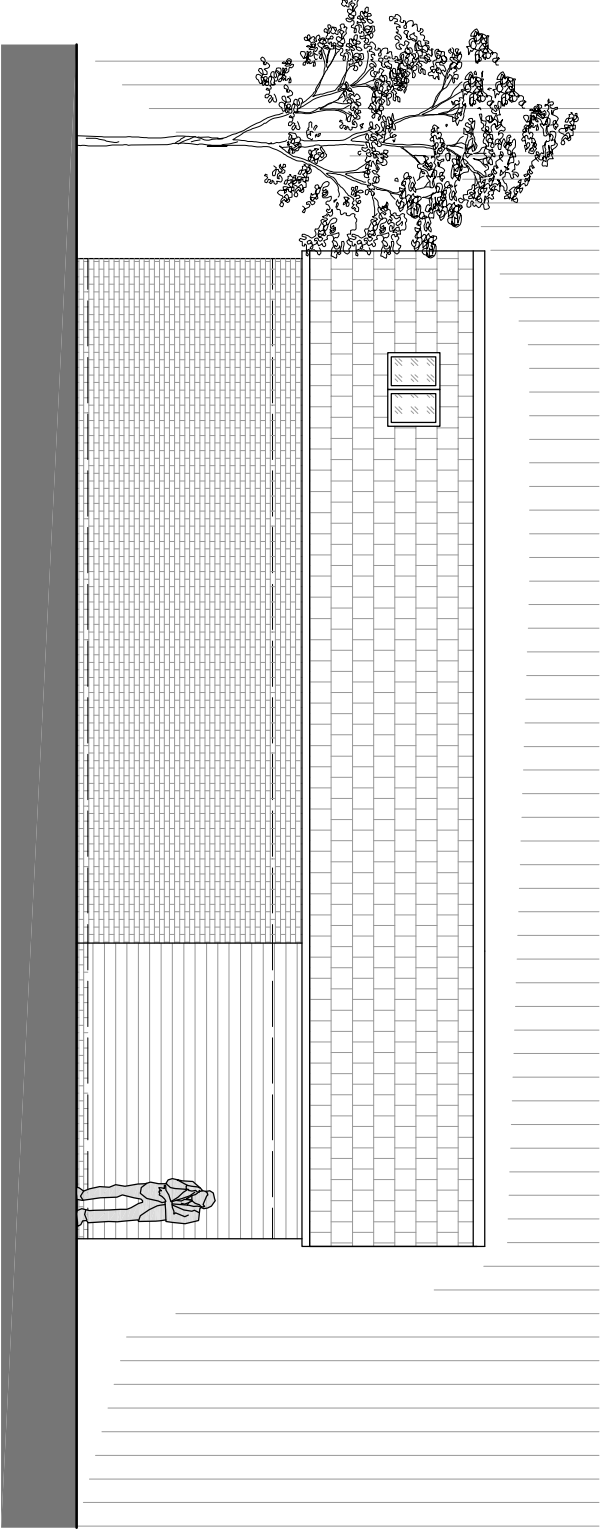
All information hereon is the copyright of Matthew Cust Design. Copying in full or in part is forbidden without the written permission from Matthew Cust Design.

Dwg Scale		Title		Project		Client	
1:50		PROPOSED UPPER		7 Fine Hoskers Cottage		Mr McKenna	
A3				Lower Leigh Rd, Westhoughton			
Drawing Number							
572-02							
Revision							
a							
PLANNING							

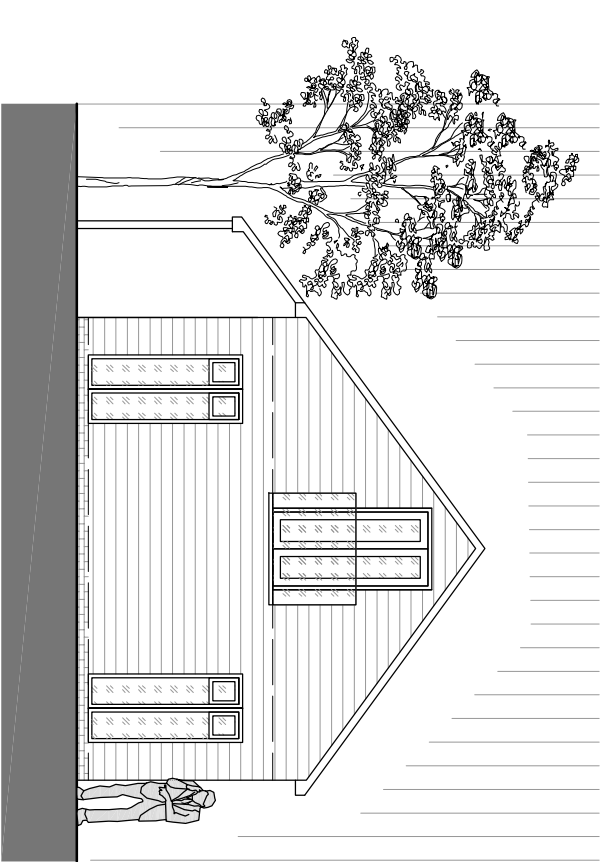
FRONT



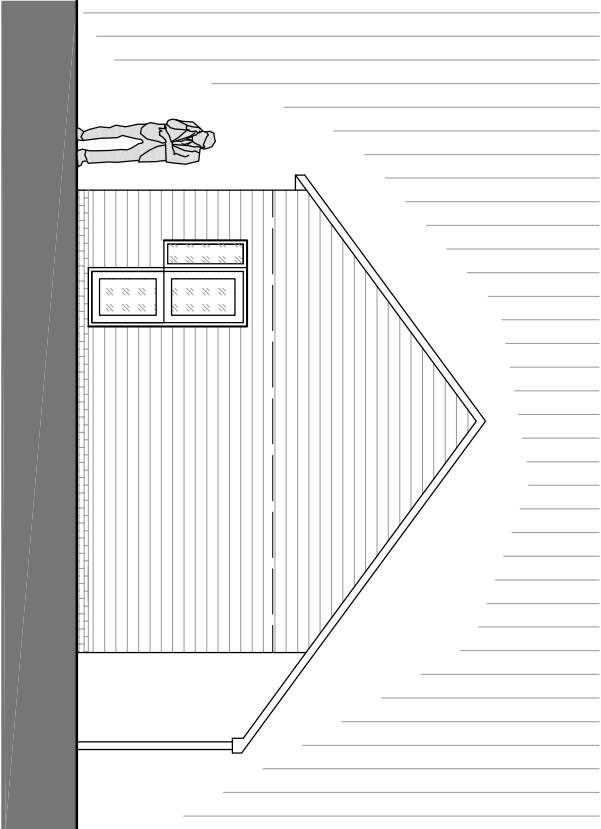
REAR



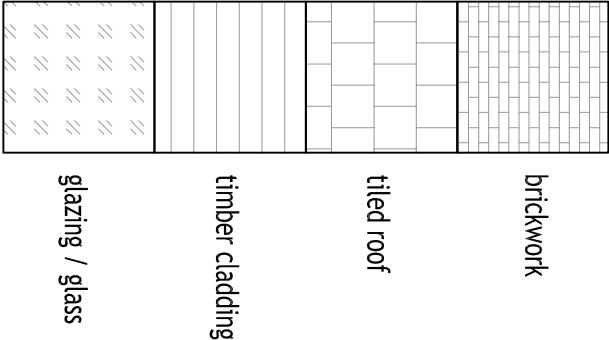
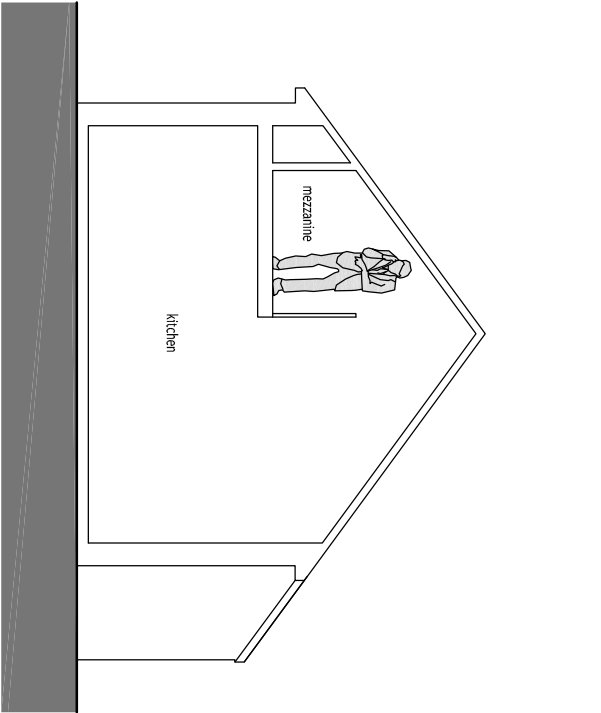
GABLE



GABLE



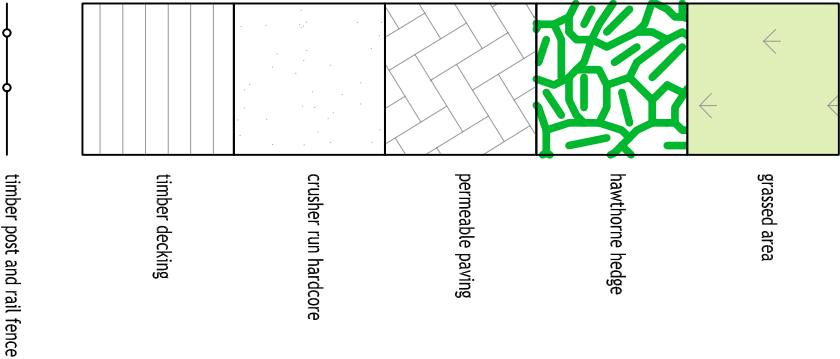
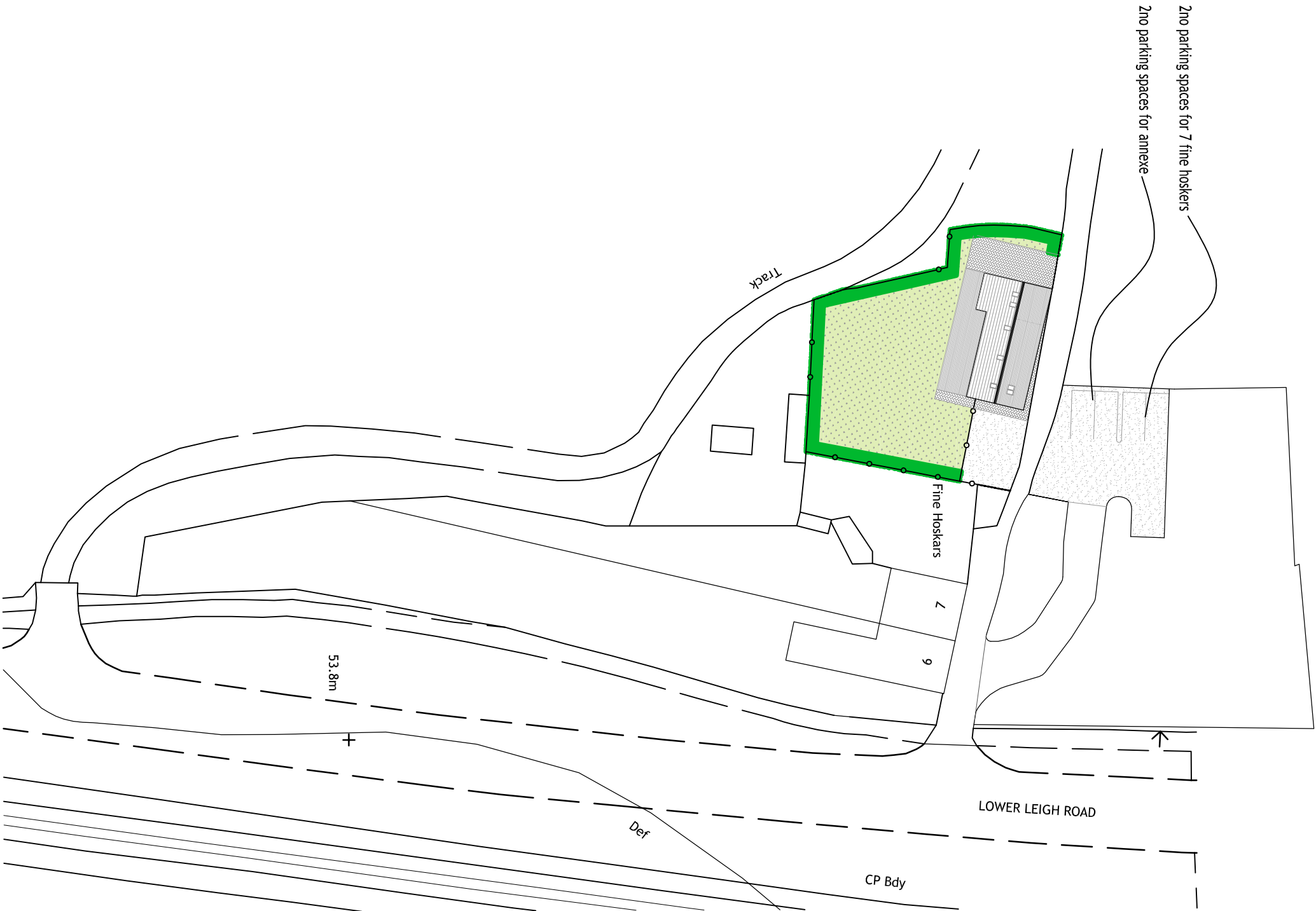
SECTION



Dwg Scale		Title		Project		Client	
1:100		Proposed Elevations		7 Fine Hoskers Cottage		Mr McKenna	
A3		Drawing Number		Lower Leigh Rd, Westhoughton			
572-03							
Revision							
a							
PLANNING							

MATTHEW CUST DESIGN

10 Churchbank Stalybridge, Cheshire. SK15³1QJ Tel 07983 347252 email: m.cust@sky.com



Ordnance Survey (c) Crown Copyright 2014. All rights reserved. Licence number 100022432

Dwg Scale		Title		Project		Client	
1:500		Proposed Site Plan		7 Fine Hoskers Cottage		Mr McKenna	
A3				Lower Leigh Rd, Westhoughton			
Drawing Number							
572-05							
Revision							
a							
PLANNING							

All levels and dimensions must be checked on site by contractor prior to commencement of works. Any variations must be reported to Matthew Cust Design.

All information hereon is the copyright of Matthew Cust Design. Copying in full or in part is forbidden without the written permission from Matthew Cust Design.

MATTHEW CUST DESIGN

10 Churchbank Stalybridge, Cheshire. SK15 2QJ Tel 07983 347252 email: m.cust@sky.com

Application No.

92795/14



Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of
the Controller of Her Majesty's Stationery Office© Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to
prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389

11

Date of Meeting: 15/01/2015

Application Reference: 92795/14

Type of Application: Full Planning Application
Registration Date: 18/09/2014
Decision Due By: 12/11/2014
Responsible Officer: Martin Mansell

Location: 315-319 HALLIWELL ROAD, BOLTON, BL1 3PF

Proposal: SUBDIVISION OF EXISTING RETAIL USE WITH FLATS OVER TO FORM ONE RETAIL UNIT (NO. 315) AND A HOT FOOD TAKEAWAY (NOS. 317 - 319) WITH ANCILLARY STORAGE USE ABOVE BOTH UNITS

Ward: Crompton

Applicant: Mr Ali

Agent : NA Design & Construction Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

Consent is sought to change the use of this vacant retail property to a hot food takeaway with ancillary storage over. The "red edge" of the site has been extended to include the occupied retail unit at 315 Halliwell Road (also in the Applicant's ownership) so that the Council can exercise control over this use. Hours of opening are proposed as from 1100 to 2300, closing at midnight at weekends and a flue would be installed at the rear. No other external alterations are proposed by the application.

Full-time employment for three people is anticipated together with two part-time staff. Bins would be stored in the enclosed rear yard.

Site Characteristics

The application site has a lawful A1 retail use though recent uses may have been sui generis involving beauty treatments. It is understood that the property has been vacant for 3 years.

The ground floor of the three units together has a floorspace of 162 sq m of which 110 sq m is proposed to be used as a takeaway.

The area is mixed in character - whilst it lies within the Halliwell Road Local Shopping Centre it is clear that residential properties outnumber commercial properties by a significant factor if the areas behind the road frontage are to be included. Opposite and to the rear are rows of terraced houses. No. 313 directly adjacent is in residential use.

Policy

National Planning Policy Framework - Building a strong and competitive economy, promoting healthy communities

Core Strategy Policies: P5 Transport, S1 Crime and Road Safety, CG4 Compatible Uses and RA1 Inner Bolton.

Supplementary Planning Document - "The Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas", September 2013 (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:-

- * impact on living conditions
- * impact on road safety
- * impact on economic development
- * impact on child obesity

Impact on Living Conditions

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 SPD states that "in predominately residential areas applications for restaurants, cafes, bars, public houses and hot food takeaways will not normally be permitted". As with all radial routes, due to the presence of residential properties to the rear of both sides of Halliwell Road, the area as a whole is considered to be predominantly residential - commercial properties are in the minority. The proposal is contrary to the SPD in this regard. However, if the "area" is taken as the Halliwell Road frontage only, then commercial uses are dominant. For this reason, Officers conclude that a refusal on these grounds alone could not be sustained.

The SPD states that "within groups of shops applications for restaurants, cafes, public houses, bars and hot food takeaways will normally be approved unless there is a residential property adjacent to the site concerned".

No. 313 Halliwell Road is a terraced house, as are the majority of properties opposite. However, the proposal seeks to retain 315 Halliwell Road in retail use which will act as a "buffer" between the residential property and the hot food takeaway. Conditions will be imposed limiting the use of the upper floors of all properties to ancillary storage only as

residential use above or adjacent to a takeaway would be contrary to policy.

The SPD states that "there is a presumption against hot food takeaways (A5 Uses) outside of defined centres (as shown on the proposals map)." The reason for this is stated as being that occupiers of properties in residential areas can reasonably expect not to be subject to the noise, disturbance and odours that these uses create, especially at times outside of normal retail hours. The site lies within allocated defined retail centre - the Halliwell Local Shopping Centre. The comments of the objector across the road are noted, but the use is considered to be acceptable given the commercial allocation, particularly if opening hours are limited to those recommended by the SPD.

The proposal is considered to be consistent with the Supplementary Planning Document on hot food takeaways and therefore the impact on living conditions is deemed to be acceptable.

Impact on Road Safety

Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritization, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety.

Notwithstanding the Council's Highway Engineers' comments that this proposal is likely to increase competition for the limited number of on-street parking spaces on Halliwell Road the proposed use is not considered to be likely to give rise to significant changes in the nature of vehicular movements over and above the existing activity locally - in terms of road safety.

The proposal is considered to comply with policies related to highway safety.

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 proactively drive and support sustainable economic development to deliver the infrastructure, business and industrial units and thriving local places that the country needs. In the section "Building a Strong, Competitive Economy" it states that significant weight should be placed on the need to support economic growth through the planning system.

The Council has adopted the Sustainable Community Strategy which identifies two main aims - to narrow the gap between the most and the least well off and to ensure economic prosperity. The Core Strategy is consistent with this, seeking a prosperous Bolton by making sure that jobs are provided in accessible locations in a range of different sectors.

The proposal will make a small but positive contribution to economic development.

Impact on Child Obesity

In September 2013, the Council amended its Supplementary Planning Document on hot food takeaways to take account of concerns relating to childhood obesity. Studies indicate an association between obesity and the location and density of hot food takeaways near schools. For this reason, a 400 metre "exclusion zone" was adopted around every secondary school in the Borough, within which the Council will seek to resist new hot food takeaways.

The site does not fall within the 400 metre exclusion of any secondary school listed within the SPD. However, it is approximately 250 metres from the site of the approved new secondary school at Wolfenden Street. The SPD states that "the schools shown in the mapping do not constitute a definitive list. School locations may change over time, and this policy will accommodate such changes. Where a school is opened or relocated, its new location will automatically have an exclusion zone as a consequence of this policy."

The new school benefits from a planning consent but has not yet opened. However, the Applicant has sought to discharge relevant conditions on the approval and it is understood that some preparatory works have commenced on site. It is reasonable for the Council to conclude that the school will be constructed and will open in the near future. That said, given that the wording of the policy relates to when a school is "opened", Officers are not confident of defending a refusal on these grounds alone - hence the recommendation of approval. However, if Members take a different view and feel strongly about the issue of childhood obesity, then Officers would of course seek to defend a refusal on these grounds.

The proposal has the potential to cause harm to childhood obesity due to its close proximity to the approved new school at Wolfenden Street.

Conclusion

The site lies within an allocated shopping centre, is not adjacent to any residential properties and would deliver some small benefits in terms of occupancy and economic activity. Despite the objection from the resident across the road, the SPD on hot food takeaways considers new such uses to be acceptable provided that hours of opening are limited to those proposed here. It does not lie within a school exclusion zone, though it has the potential to cause harm in terms of childhood obesity due to its close proximity to the approved new school at Wolfenden Street. However, on balance, and given that the school has yet to open, the recommendation is one of approval.

Representation and Consultation Annex

Representations

One letter of objection was received from a resident across the road. The objector states that they are elderly, live alone and can hardly walk. They are concerned that the takeaway will attract people who will cause trouble for themselves and their neighbours.

Consultations

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

Planning History

Planning permission was refused for change of use to a hot food takeaway in March 2014 on the grounds of impact on living conditions and residential character (91418/14).

However, that application differed from the one now proposed in that:-

- the proposal was larger as it related to all three "units" here. The hot food takeaway use is now only proposed for 317 & 319, with 315 remaining in retail use
- No. 313 is a dwellinghouse and as the March 2014 application proposed a hot food takeaway immediately adjacent (it included No 315), it was contrary to policy

No details or proposals were provided for the upper floors of the application site. There was evidence that the upper floors had been residential uses for some time (two flats) though the lawfulness of the residential use was not clear. The Applicant has since confirmed that the upper floors had been used as flats, but there was no intention for this to continue. The current proposal shows the upper floors in use for storage ancillary to the ground floor uses.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

2. Before the development hereby permitted is first brought into use, a litter bin of a design and position to be agreed in writing by the Local Planning Authority, shall be provided in a convenient position outside the premises. Such a litter bin shall be maintained thereafter in a tidy and usable condition.

Reason

To prevent harm to the character and appearance of the area by way of increased litter.

3. Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 14 days of the use commencing and retained thereafter.

Reason

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

4. 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.

5. The premises subject of this consent shall not be open for trade nor shall any deliveries be taken or despatched outside the following hours:-

[0900 – 2330] Sundays – Thursdays

[0900 – Midnight] Friday – Saturday

Reason

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

6. No operations shall be carried out on the premises outside the following hours:-

[0900 – midnight] Sundays – Thursdays

[0900 – 0030] Friday – Saturday

Reason

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

7. Any existing roller shutters shall be open, at all times, between the hours of 1100 and 1730 Monday to Saturday.

Reason

To prevent harm to the character and appearance of the area.

8. Notwithstanding the provisions of the General Permitted Development Order, the upper floors of Nos 315, 317 and 319 Halliwell Road shall be used for storage ancillary to the ground floor uses and for no other purpose including residential.

Reason

To prevent harm to living conditions.

9. No. 315 shall be used for Class A1 Retail purposes only and shall not be used as a Class A5 Hot Food Takeaway or any related purposes at any time.

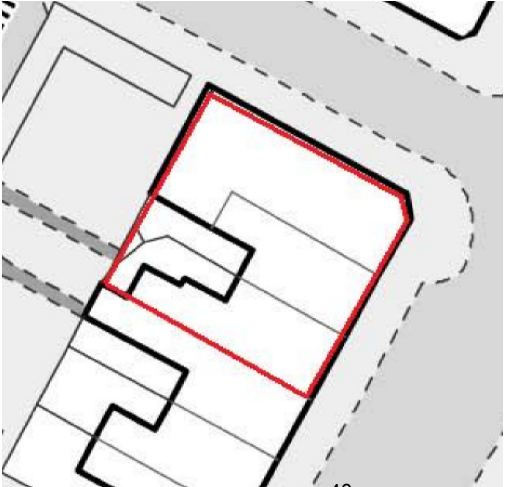
Reason

To prevent harm to living conditions.

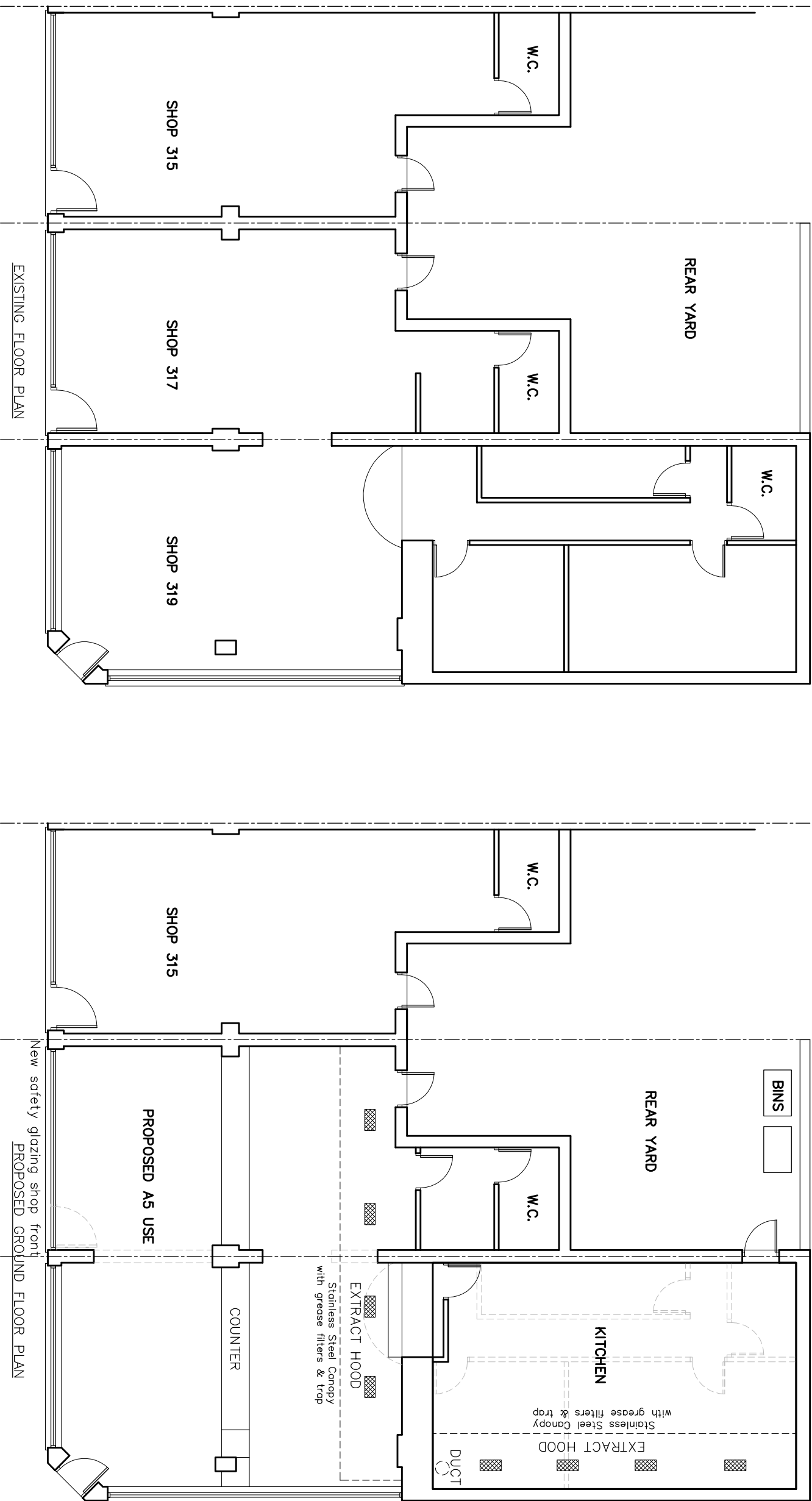
Do not scale from this drawing. All information should be checked by the contractor on site before commencing work. Any discrepancies should be reported to the architect immediately. All rights are reserved and are not transferable. Unauthorised reproductions of this drawing are not permitted.



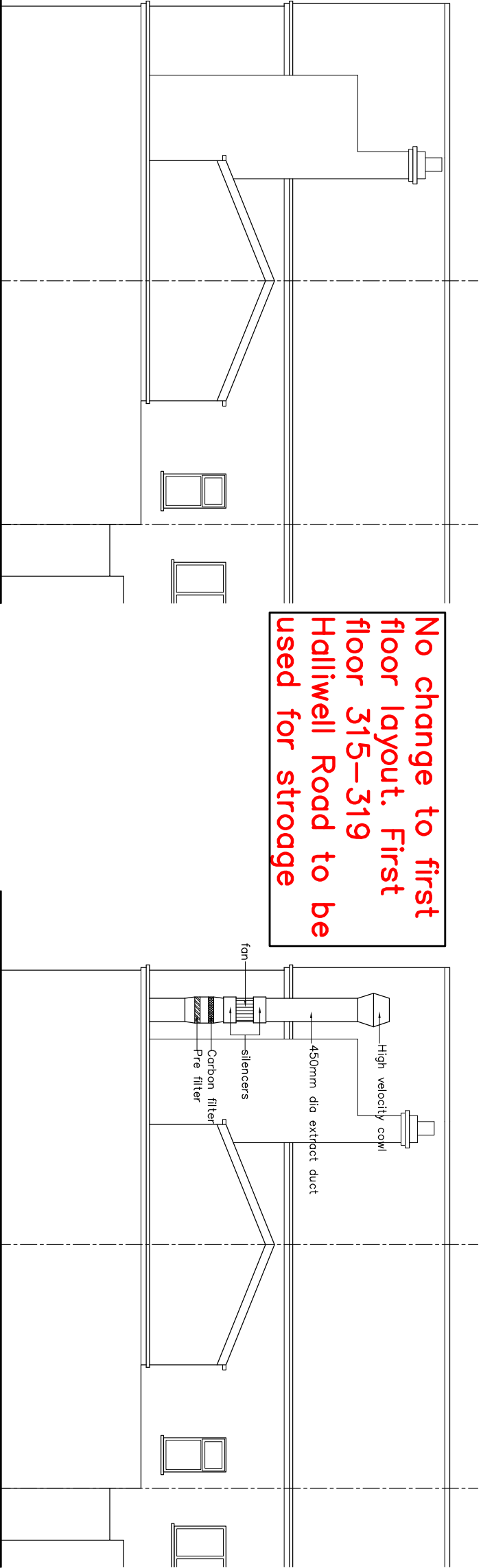
LOCATION PLAN
Scale 1:1250



BLOCK PLAN
Scale 1:500



No change to first floor layout. First floor 315-319 Halliwell Road to be used for strorage



EXISTING REAR ELEVATION

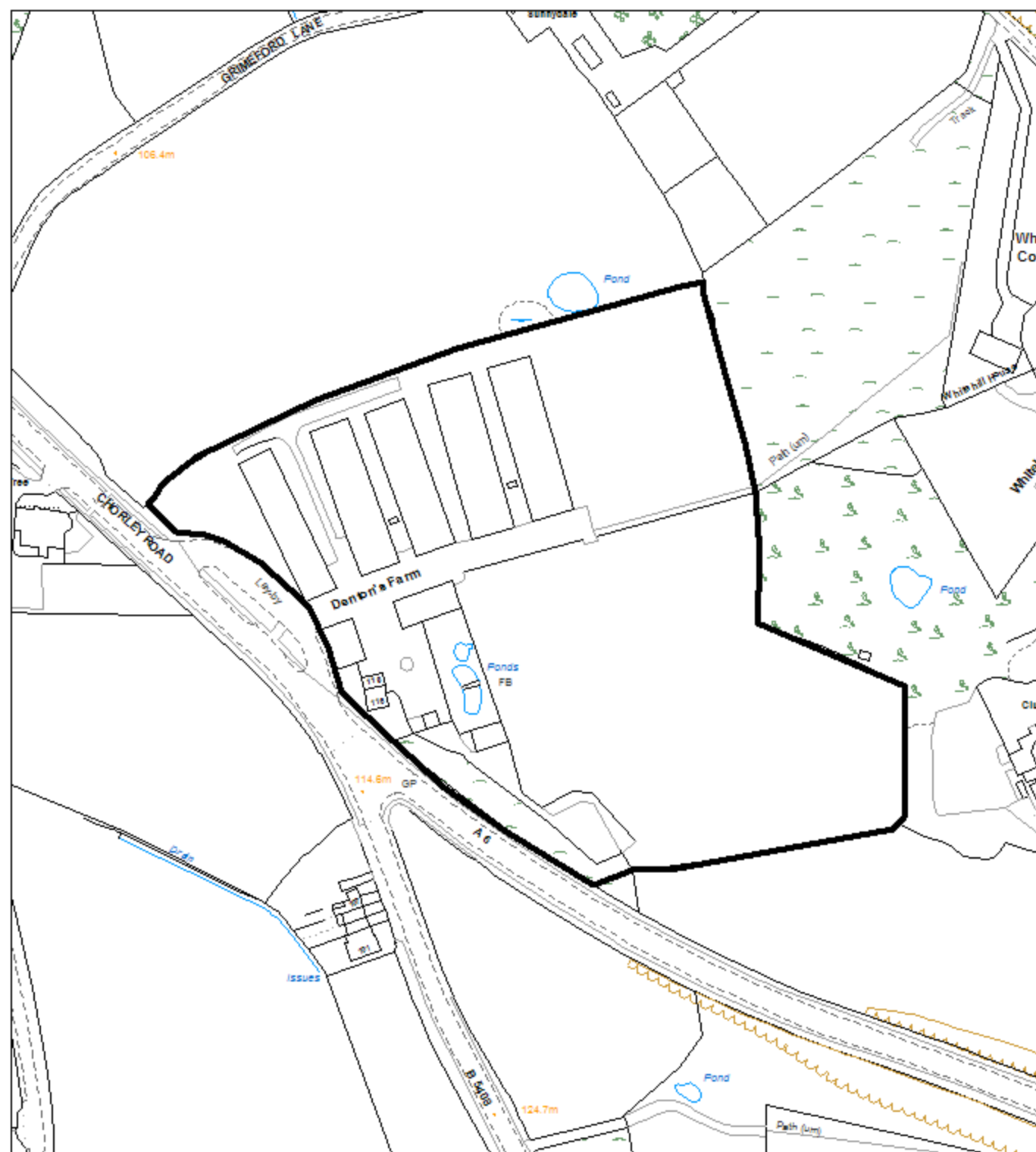
PROPOSED REAR ELEVATION

rev A 8.12.14 include 315 plus first floor
PROJECT
317,319 Halliwell Road,
Bolton
CLIENT
Mr. Musarat Ali
DRAWING TITLE
Floor Plan
JOB No
DRAWING No
NA-P01
SCALE DATE REVISION
1:100@A3 Sep. 2014
DRAWN CHECKED BY
NA
t: 0782 895 3405
e: niamat@hotmail.co.uk

na design

Application No.

92826/14



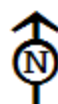
Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389



Date of Meeting: 15/01/2015

Application Reference: 92826/14

Type of Application: Full Planning Application
Registration Date: 22/10/2014
Decision Due By: 16/12/2014
Responsible Officer: Helen Williams

Location: DENTON FARM, 116 CHORLEY ROAD, BLACKROD, BOLTON, BL6 5JZ

Proposal: INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC PANELS (770 NO)

Ward: Horwich and Blackrod

Applicant: Mr Robinson
Agent : Bowler Energy LLP

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for the installation of a ground mounted photovoltaic array in a field immediately behind the poultry buildings at Denton Farm. The array will comprise of seven rows of photovoltaic panels, each 54.67 metres long and containing 110 individual panels (770 panels in total). The panels will be fixed at a 30 degree angle, 1 metres above the ground, and the row of panels will have a total height of 2.64 metres above the ground. The panels will face towards the south (run in a east-west direction).

The proposed photovoltaic array will convert daylight into electricity for the existing poultry farm business. The array will produce in the region of 200,000kW of electricity per annum; Denton Farm uses approximately 200,000kW of electricity per annum. Any electricity not used on the site will be exported to the National Grid.

The array will be connected to the electricity grid by underground cabling. A new GRP unit (2.2 metres wide by 2 metres high by 1.2 metres deep) is proposed adjacent an existing transformer on the road into the farm.

Site Characteristics

Denton Farm is an existing broiler rearing enterprise comprising five large poultry units and associated farm buildings and land within approximately 6 hectares. The poultry units house approximately 115,000 chickens, which are supplied to major supermarkets. There are already some roof mounted photovoltaic panels on the roofs of the units.

The part of the farm where the photovoltaic array are proposed is a field to the immediate east of the poultry units. The site is bounded to the north, east and south by trees and hedges and is relatively flat.

The application site is within Green Belt and the Middle Brook and Douglas Valley Landscape Character Area (Agricultural Floodplain Character Type).

Public right of way BLA72 runs through the farm, through the vehicular access/yard area of the farm and to the immediate south of the proposed array.

A gas pipe runs to the front of the site but does not appear to encroach into the application site/farm.

The farm has its vehicular access onto Chorley Road, via a lay by.

Policy

National Planning Policy Framework

National Planning Policy Guidance: Renewable and Low Carbon Energy

Core Strategy Policies: S1 Safe Bolton; CG1 Green Bolton; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

Allocations Plan Policies: P8AP Public Rights of Way; CG7AP Green Belt.

A Landscape Character Appraisal of Bolton (October 2001).

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 surrounding landscape
- * impact on the outlook and living conditions of neighbouring residential properties
- * impact on agricultural land
- * impact on the adjacent public right of way
- * impact on the highway
- * impact on biodiversity
- * impact on aircraft safety
- * impact on drainage
- * impact on renewable energy generation
- * whether the benefits of the proposed development will outweigh the recognised harm caused ("the balancing exercise")

Impact on the Purposes and Openness of the Green Belt

Section 9 of the NPPF relates specifically to the Green Belt. It explains that the Government attaches great importance to Green Belt. 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 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Allocations Plan Policy CG7AP is reflective of this national guidance and sets out exception criteria (like paragraph 89 and 90 of the NPPF) where new development is not inappropriate.

Paragraph 91 of the NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

It is considered that the proposed photovoltaic array is, by definition, inappropriate development in the Green Belt as ground mounted photovoltaic panels do not fall within any of the five exception criteria within Allocations Plan Policy CG7AP or any of the criteria within paragraph 89 and 90 of the NPPF.

In terms of the openness of the Green Belt, the proposed rows of panels will be low in height (a maximum of 2.64 metres in height) and will be screened from all but elevated views by the existing poultry buildings and by the landscape screening around the site. There will of course be close views of the array by users of the adjacent public footpath, but the panels will be viewed in conjunction with the existing large poultry units there are sited adjacent to.

It is considered that there would be some harm to the openness of the Green Belt by reason of the length of the rows and numbers of panels proposed, but this harm would be kept relatively limited given the existing screening around the field where they are proposed. The panels also only have a lifespan of approximately 20 years, therefore there will not be permanent structures.

The NPPF and Allocations Plan Policy CG7AP both state that inappropriate development will only be permitted in very special circumstances and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The potential for other harm is considered below and the matters considered by the applicant to be very special circumstances are addressed later within this analysis ("the balancing exercise").

Impact on the Character and Appearance of the Surrounding Landscape

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness ensuring development has regard to the overall built character and landscape quality of the area, will require development to be compatible with the surrounding area, and will maintain and respect the landscape character of the

surrounding countryside and its distinctiveness. Policy OA1 relates specifically to developments in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that new development does not harm the landscape setting and protects views from public areas to the surrounding landscape.

The application site lies within the Middle Brook and Douglas Valley Landscape Area (Agricultural Floodplain Character Type). The area is characterised by an undulating topography of wetlands and low grade farmland. There are numerous woodland clusters and the area is fragmented by built development.

The Council's Landscape Officers have commented on the proposed development. They note that the existing large poultry buildings at the farm (which the photovoltaic array will be sited next to) are only partially visible from the A6 owing to hedging and other farm buildings which provide screening along the road boundary. The area occupied by the array would cover an area approximately the same footprint as two of the poultry buildings (including the gap between the units), but they would be significantly lower in height than the existing buildings. Officers also comment that the field where the array is to be installed is bounded on three sides by hedgerows and mature hedge trees, along with a bund to the east, so there are limited and filtered views to the application site (where views are not blocked by the surrounding farm buildings).

Officers note that a public footpath is located adjacent the proposed site of the photovoltaic array but state, while the panels would be very visible while walking along the path immediately adjacent the site, the view is already heavily impacted by the sight of the five large poultry buildings. They therefore believe that the visual impact of the panels would only have a marginal additional impact since the existing buildings are so large. They consider that other views to the site would be filtered or blocked, particularly during summer months when vegetation is fully in leaf, and would be more distant. Officers therefore believe that the visual impact of the proposed array would be limited and low.

Officers also comment that, in landscape terms, the field where the panels are proposed is unremarkable. Whilst the field does form part of the wider landscape, Officers consider that this has already been significantly disrupted locally by other developments, particularly the M61 services, and that there would be no loss of landscape features as a result of the development. Officers consider that the array would be ephemeral features which would not have a permanent landscape impact.

It is therefore considered that the proposed photovoltaic array would not harm the character and appearance of the surrounding landscape, compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Outlook and Living Conditions of Neighbouring Residential Properties

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

The applicant has confirmed that the proposed photovoltaic panels are non-reflective; their aim is to absorb light rather than reflect it.

The nearest residential properties to the proposed photovoltaic array are at Grimeford

Lane and are approximately 130 metres away to the east. These properties are side on to the rows of panels (the panels do not face towards the properties) and are well screened by existing vegetation (the panels will not be visible from the houses). The dwellings at Grimeford Lane will therefore not be effected by glint or glare from the panels.

Houses on Blackrod Brow are approximately 200 metres away to the south west and houses on Nightingale Road are approximately 300 metres away to the south. These houses are more elevated than the application site (with the houses on Nightingale Road being more elevated than those on Blackrod Brow) and therefore will have a view of the panels.

The Council's Pollution Control Officers have assessed the information that has been supplied by the applicant with regard to any potential glint and glare from the panels and have confirmed that the houses on Blackrod Brow and Nightingale Road should not be affected.

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

Impact on Agricultural Land

National Planning Policy Guidance "Renewable and Low Carbon Energy" states that local planning authorities should encourage the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value, and where a proposal involves greenfield land (i) the proposed use of any agricultural land should be shown to be necessary and poorer quality land should be used in preference to higher quality land, and (ii) the proposal should allow for continued agricultural use where applicable and/or encourage biodiversity improvements around arrays.

The applicant has stated that they believe the field where the array is proposed to be grade 3b agricultural land, which is low quality. They have also confirmed that the site has never been used for arable crops, only grazing.

The panels will be elevated from the ground by 1 metre, which will allow for continued low-level grazing around the array.

It is therefore considered that the proposed development would not result in the loss of quality agricultural land.

Impact on the Adjacent Public Right of Way

Allocations Plan Policy P8AP states that the Council will permit development proposals affecting public rights of way provided that the integrity of the right of way is retained.

Public right of way Blackrod 072 runs through Denton Farm and will be to the immediate south of the proposed photovoltaic array. The development would not result in the integrity of the footpath being affected but the Council's Public Rights of Way Officer has requested that the applicant be made aware of their duty to safeguard the route. An informative note (to be attached to any decision) is therefore suggested.

It is therefore considered that the proposal complies with Allocations Plan Policy P8AP.

Impact on the Highway

Policy S1.2 of the Core Strategy states that the Council will promote road safety in the

design of new development.

The photovoltaic array will only be glimpsed from the A6 and Grimeford Lane during to the field where the panels are proposed being well screened by large farm buildings, hedgerows and mature trees. The array will be even less noticeable from the roads during summer months, when the trees are fully in leaf.

As explained above it is also not considered that there would be excessive glint or glare from the panels (as they are designed to absorb light, not reflect it).

The installation of the array would not require the creation of a new access; the existing access from the A6 would be used. The applicant estimates that the installation will take 5 to 10 days and there will be approximately two transit vans to and from the site per day.

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

Impact on Biodiversity

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

There are no Sites of Special Scientific Interest, Important Bird Areas or National Nature Reserves within 500 metres of the application site.

The Council's Wildlife Liaison Officer has stated that the proposed development is unlikely to any major implications to biodiversity. It is therefore considered that the proposal complies with Policy CG1.1 of the Core Strategy.

Impact on Aircraft Safety

As discussed above, it is not considered that there would be harmful glint or glare from the proposed photovoltaic panels. It is therefore considered that there would not be an effect from the development (which is not a large scale array or near an airport) on aircraft safety.

Impact on Drainage

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

The application site is not within a flood risk area and the Council's Drainage Officers have raised no concern.

The panels do not need a concrete base and no access track is required.

It is therefore considered that the proposal complies with Policy CG1.5 of the Core Strategy.

Impact on Renewable Energy Generation

At the heart of the NPPF is the presumption in favour of sustainable development and it is a core planning principle to encourage the use of renewable resources.

Core Strategy Policy CG1.6 states that the Council will work towards minimising energy requirements, improving energy efficiency, lessening the reliance on fossil fuel-based energy and reducing carbon dioxide (CO₂) emissions. Policy CG1.7 continues by stating that the Council will minimise the potential for renewable energy targets set out in the RSS.

The electricity generated from the proposed turbine would reduce the poultry farm's dependency on energy from the National Grid, providing the farm with enough electricity to supply its existing need. Any surplus energy will be exported back to the National Grid for public distribution via the District Network Operator.

The NPPF (in paragraph 89) makes it clear that local planning authorities should not require applicants for energy developments to demonstrate either the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.

National and local planning policies are therefore fully supportive of the principle of such developments and therefore it is considered that the proposal complies with Policies CG1.6 and CG1.7 of the Core Strategy and main objectives of the NPPF.

Whether the Benefits of the Proposed Development Will Outweigh the Recognised Harm Caused ("the Balancing Exercise")

Allocations Plan Policy CG7AP and paragraph 88 of the NPPF state that inappropriate development will only be permitted in very special circumstances and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF acknowledges that very special circumstances for renewable energy projects may include the wider environmental benefits associated with increased energy production from renewable sources.

The proposed photovoltaic array is considered (as discussed above) to be inappropriate development in the Green Belt as ground mounted photovoltaic panels do not fall within any of the five exception criteria within Allocations Plan Policy CG7AP or any of the criteria within paragraph 89 and 90 of the NPPF. The only harm identified within the above analysis however is a limited harm to the openness of the Green Belt. No other harm has been identified.

The applicant has put forward the following as very special circumstances for the proposed wind turbine:

- * The proposed array would produce in the region of 200,000kW of electricity by annum by way of renewable energy;
- * The generation of electricity using the panels does not produce any CO₂, consequently the panels would reduce CO₂ emissions by 80,000kg;
- * Any electricity not used on site would be exported to the National Grid, providing a wider community benefit and a positive benefit to the existing farm business.

As the harm identified to the Green Belt is only considered to be minor, it is considered that the very special circumstances in this instance outweigh the recognised harm.

Other Matters

A screening opinion has been undertaken by officers. Photovoltaic panels fall within Schedule 2, paragraph 3(a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposed site does not exceed the threshold in

Column 2 of this Schedule.

The National Grid have commented that there is a major accident hazard pipeline in the vicinity of the application site but the proposed development does not appear to directly affect it.

Conclusion

For the reasons discussed above it is considered that the very special circumstances associated with the proposed photovoltaic array outweigh the limited harm it would cause to the purposes and openness of the Green Belt in this location and therefore should be supported. The proposed development would also not harm the landscape character of the area, would not result in the loss of quality agricultural land, would not unduly harm the amenity of neighbouring residents, would not harm the integrity of the adjacent public right of way, would not harm highway safety, would not harm local biodiversity, would not impact on aircraft safety and would not result in flooding.

Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Blackrod Town Council:- raised an objection to the application at their meeting of 3rd November due to the impact on the openness of the Green Belt and the proximity to the footpath.

Consultations

Two site notices have been posted to advertise the application, one at the entrance to Denton Farm (30th October) and one on Nightingale Road (26th November).

Advice was sought from the following consultees: Pollution Control Officers, Landscape Officers, Drainage Officers, Wildlife Liaison Officer, Public Rights of Way Officers, Ramblers Association, Peak and Northern Footpaths Society, Open Spaces Society, Greater Manchester Ecology Unit and the National Grid.

Planning History

Permission was granted in July 2014 for the erection of an agricultural building for the storage of biomass heating system together with associated pellet silo (91900/14).

A replacement poultry unit was approved in June 2014 (91747/14).

Application 89882/13 for the erection of two biomass boiler buildings and associated structures including wood pellet silos was withdrawn in July 2013.

Prior notification was granted in May 2013 for the proposed erection of two buildings each housing two biomass boilers and associated structures (89865/13).

Permission was granted in February 2006 for the erection of two poultry houses and two feed bins (73030/05).

Permission was granted in January 2002 for the erection of an agricultural building (60516/01).

Two broiler houses were approved in July 1987 (29583/87).

A poultry house was approved in May 1986 (27005/86).

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

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

20/10/14/Block Plan/KC; received 24th November 2014

20/10/14/Site Plan/CH; received 22nd October 2014
20/10/14/GRP Units elevations/CH; received 22nd October 2014
20/10/14/Profile View/CH; received 22nd October 2014

Reason

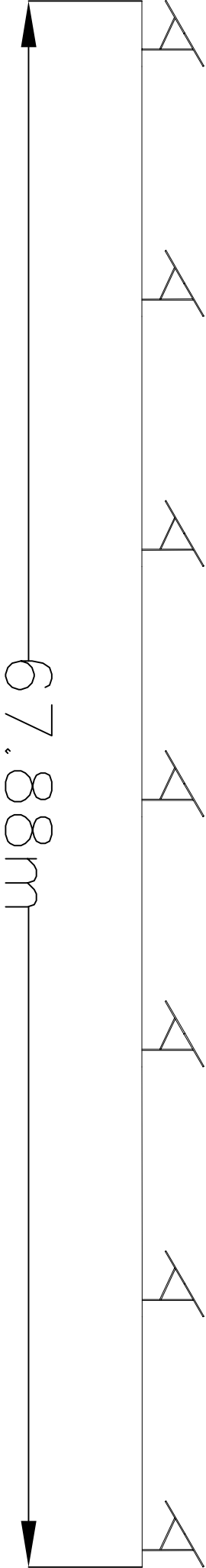
For the avoidance of doubt and in the interests of proper planning.

3. The permission hereby granted is for the proposed development to be retained on site until the photovoltaic panels are decommissioned. The Local Planning Authority shall be notified in writing of the decommissioning and the applicant or any subsequent land owner shall remove all above ground structures from site within 6 months of the date of decommissioning. Six months before decommissioning of the panels a scheme for the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with its provisions.

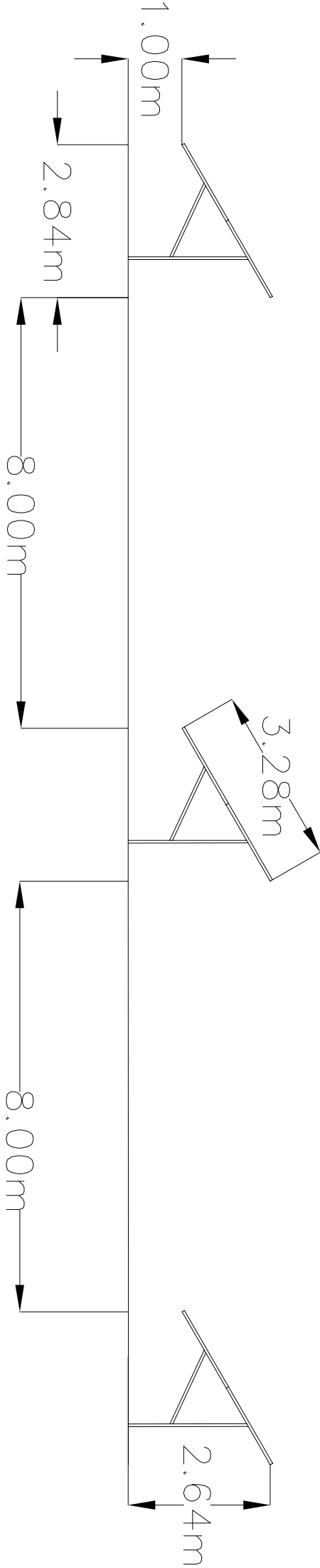
Reason

To restore the land back to its original state following the decommissioning of the panels.

Scale 1:250



Scale 1:100





BOWLER
ENERGY

Badger Farm, Willowpit Lane
Hilton, Derby DE65 5FN

t 01283 736615
f: 01283 733576
e: info@bowlerenergy.co.uk
w: www.bowlerenergy.co.uk

Applicant

Allan Robinson
Dentons Farm
116 Chorley Road
Blackrod
Bolton
BL6 5JZ

Site Address

Dentons Farm
116 Chorley Road
Blackrod
Bolton
BL6 5JZ

Drawing Reference

20/ 10 / 14 / Profile View/CH

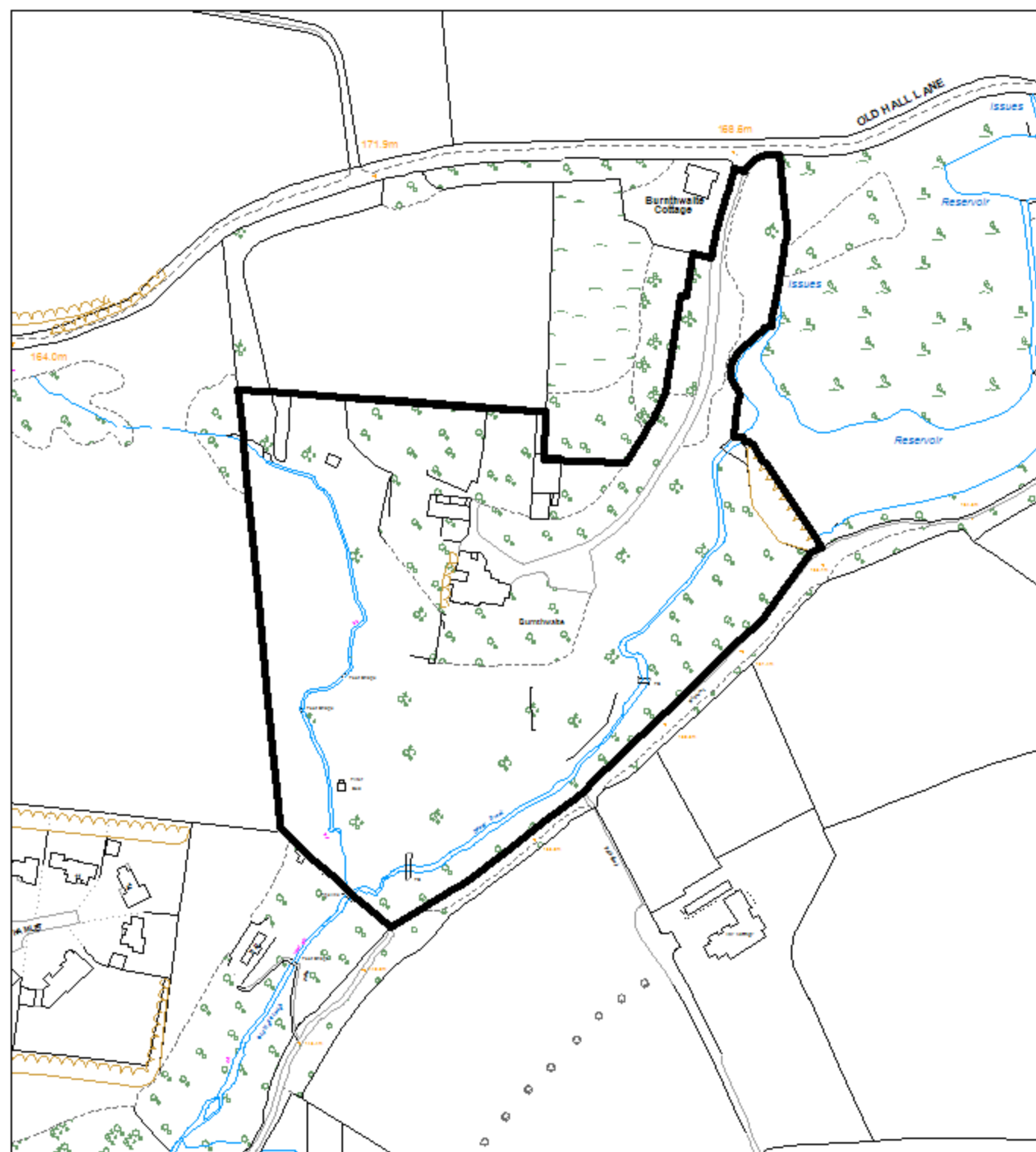
Project

Installation of a 200kW Ground
Mounted Photovoltaic Array



Application No.

92882/14



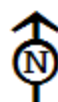
Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389



Date of Meeting: 15/01/2015

Application Reference: 92882/14

Type of Application: Reserved Matters
Registration Date: 08/10/2014
Decision Due By: 02/12/2014
Responsible Officer: Helen Williams

Location: BURNTHWAITE OLD HALL, OLD HALL LANE, BOLTON, BL6 4LJ

Proposal: RESERVED MATTERS APPLICATION FOR ERECTION OF 5NO. DWELLINGS. (APPEARANCE AND LANDSCAPING DETAILS)

Ward: Horwich North East

Applicant: FORSHAW LAND & PROPERTY GROUP
Agent : The Bunting Partnership Limited

Officers Report

Recommendation: Approve subject to conditions

Proposal

Outline permission was granted in January 2014 for the erection of 5 dwellings on the site, for the matters of access, layout and scale (application 90507/13). The reserved matters of appearance and landscaping are now being applied for.

Although layout has already been approved under 90507/13, the design and appearance of the dwellings had not been finalised at outline stage and therefore the proposed/finalised footprints of the dwellings are now shown on the proposed plans. The orientation and siting of the dwellings has also been slightly amended following the outline approval to better accommodate the existing trees within the site (following a further tree survey of the site).

The five proposed dwellings continue to be large, detached, two storey, family dwellings, though the roofspaces are now proposed to include living accommodation (though there is not an increase in overall height). The houses are uniquely designed but all share similar design features (two gabled fronted elements on the front and significant glazing). Each dwelling will have a raised decked area to the rear.

Access to the site is already approved and is proposed off Old Hall Lane, down the existing roadway/footway that led to Burnthwaite children's home. This access will be upgraded and the proposed internal road will be a continuation of the existing roadway (mainly following the route of the former road way). Each house will have its own private gated driveway leading to an attached double garage.

Site Characteristics

The application site was formerly occupied by a large Victorian house ("Burnthwaite"), used in its later years as a children's home. The buildings that comprised Burnthwaite

were fully demolished in 2001 (following a fire) and only the buildings' former cellars remain. The site identified within the application measures 6 hectares.

The site is located within Green Belt. Protected woodland is contained within the site and encompasses the former developed area (Tree Preservation Order Bolton (Burnthwaite) 1992). This woodland extends outside the application site to the north and south. 13 individually protected trees are also contained within the previously developed part of the site (around where the buildings were formerly sited). There are also a number of trees around the former buildings that are not afforded protection.

Bessy Brook runs along the south and east of the site (which originates from the reservoir to the east of the application site) and a further stream runs to the west and flows to the south. The two streams converge at the south western corner of the site. The application site slopes to the south and has very steep ravines along the courses of the streams.

A private road (the former driveway to Burnthwaite) serves the application site and runs down the eastern side of Burnthwaite Cottage. There are no public rights of way through the application site, though members of the public previously used the site for informal recreational purposes (accessing the site via the private driveway). The site has now been boarded off at the entrance by the applicant/developer. Designated public rights of way BOL218 and 220 run to the south of the application site and link New Hall Mews to Old Hall Clough.

To the north of the site is Old Hall Lane, which becomes Fall Birch Road at its western extremity. Old Hall Lane is a highway adopted to ancient highway standards and is a single unmade carriageway. The lane meets with the main road at its junctions with Old Kiln Lane (to the north) and Chorley New Road (to the south).

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.1 Urban Biodiversity; CG1.5 Flooding; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA4 West Bolton.

Allocations Plan Policies: CG7AP Green Belt; P8AP Public Rights of Way.

SPD Accessibility, Transport and Safety

PCPN2 Space Around Dwellings; PCPN10 Planning Out Crime.

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 trees
- * impact on public access through the woodland
- * impact on highways
- * impact on flooding
- * impact on biodiversity

Impact on the Purposes and Openness of the Green Belt

National Green Belt policy is contained within section 9 of the National Planning Policy Framework (NPPF). It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 89 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. However, exceptions to this are [amongst other things] limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, 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.

Allocations Plan Policy CG7AP echoes the purposes of Green Belt policy prescribed within the NPPF.

The principle of redeveloping the application site for five large detached dwellings has already been established by the approval of outline planning application 90506/13. This outline application was referred to the Secretary of State before the decision made. The Secretary of State chose not to intervene/call in the application.

The proposed dwellings are of a similar scale to those approved within the outline permission and they continue to be sensitively sited within the site, reflecting the positions of the former buildings and the existing clearings the woodland.

The garden curtilages to each of the dwellings are now applied for (details were not submitted with the outline application). The proposed curtilages are shown by the dashed lines on the plans attached to this report. The curtilages to the plots have been reduced following advice from the case officer and now all reflect the edge of the existing restrictive covenant on the site (which does not allow for any new building beyond the line). The curtilages to the plots are considered to be proportionate to the scale of the dwellings and are considered to be particularly restrictive for plots 4 and 5. Permitted development rights are proposed to be taken away from all dwellings so that any further development within the curtilages can be controlled by the Local Planning Authority (no extensions, outbuildings, new fences and so on).

The areas outside the proposed curtilages to the dwellings will be owned by the home owners but the fact that they are outside the curtilage means that they would need to seek approval from the Local Planning Authority if they were to proposed anything for this land. It should also be noted that the restrictive covenant on these parts of the site would also restrict any future development.

It is therefore considered that the proposed development would comply with Allocations Plan Policy CG7AP.

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 OA4 states that the Council will ensure that development in West Bolton has particular regard to the overall density, plot sizes, massing and materials of the surroundings and will ensure that development respects the large amounts of open space and lower density development in West Bolton.

The layout of the five dwellings has previously been approved under outline application 90507/13, albeit that the exact footprints and siting of the dwellings are now proposed within this reserved matters application. It was previously, and continues to be, considered that the siting of the dwellings allows for a clustered (cul-de-sac) and secluded development at the end of the proposed access road. The dwellings have been specifically sited so that they are located within the existing clearings of the woodland. The development will be low density, reflecting the low density residential development of the wider area.

The development will only be glimpsed from outside the site (from Old Hall Lane and the surrounding public rights of way) given the dense screen of trees around the development.

Each of the dwellings will be two storeys in height, with the roofspaces being used for additional living accommodation. Each dwelling will also be unique in its design, however the main design motif (front gables with contemporary glazing) will be replicated throughout the development. Samples of the proposed materials are to be requested via condition to ensure that they are of a high quality.

It is considered that the proposed development is of good urban design, compliant with Policies CG3 and OA4 of the Core Strategy.

Impact on Trees

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

The application site contains protected woodland (Tree Preservation Order Bolton (Burnthwaite) 1992). This woodland only encompasses the site of the former Burnthwaite buildings and does not encroach into it, though there are 13 individually protected trees within this part of the site (around where the buildings were formerly sited). There are also a number of trees around the former buildings that are not afforded protection.

The protected woodland also extends outside the application site, to the north and south.

As already stated, the proposed dwellings have been sited to reflect the existing clearings within the woodland.

The principle of losing a significant number of mature trees within the site has already been established by the granting of outline approval 90507/13. The applicant has however worked with the Council's Tree Officer through the application process of this reserved matters application and has made the following positive amendments:

- * The route of the internal access road has been revised (the road has become more arched in shape) to better prevent any disruption to the trees bordering the current path to the north. The access road has also been narrowed in width (as it is not going to be adopted – it is to be private) in order to preserve more trees within the site.
- * The front boundary stone walls to all dwellings have been removed from the proposed plans and replaced with 1800mm high metal railings with hedge planting, so that there will be less tree root disturbance.
- * The proposed landscape garden zones on plots 4 and 5 have been revised (as suggested by the Tree Officer) and fewer trees are now proposed to be removed.

It is considered that the proposed development would not adversely harm the character and integrity of the woodland nor the principles within Policy CG1.1 of the Core Strategy.

Impact on Public Access Through the Woodland

Allocations Plan Policy P8AP states that the Council will permit development proposal affecting public rights of way provided that the integrity of the right of way is retained.

As the application site was previously open (that is, not fenced or gated off until recently) and is in an accessible location it was regularly used by members of the public for recreational purposes. As however explained within the officer's report for the outline application for the development, there are no public rights of way through the site.

The proposed development will inevitably make the site less accessible for the general public as they will be unable to access the parts of the woodland owned by the new dwellings. Public rights of way BOL218 and BOL220 however run to the south of the woodland and will remain unaffected by the development.

It is therefore considered that the proposed development complies with Policy P8AP of the Allocations Plan.

Impact on Highways

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

The proposed access to the development has already been approved under outline permission 90507/13. The access is to remain private (not adopted) but Highways Engineers are satisfied that there is an adequate turning area at the bottom of the development to allow a refuse vehicle to turn and that there is ample car parking for each property.

Highways Engineers have requested that the highways conditions attached to the outline

consent are again attached to any reserved matters 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.

Impact on Flooding

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

The flood risk assessment submitted at outline stage reported that the application site lies within flood risk zone 1, but that a small part around Bessy Brook lies within flood zone 3 (therefore in the low probability that Bessy Brook floods during the 1 in 1000 year event the application site could be flooded to a level of 154.63 metres). The assessment concluded that the proposed dwellings would be unlikely to be affected by flooding as the ground contour levels of the land would mean that the dwellings would be on a ground level 160 metres or higher. The plans submitted for the reserved matters application detail that all of the proposed dwellings will have a ground level of over 162 metres.

The Environment Agency and the Council's Drainage Officers have raised no objection to the proposed development. A condition requiring drainage of the site by a Sustainable Urban Drainage System (SUDS) is suggested.

It is considered that the proposed residential development of the site would not increase the risk of flooding, compliant with Policy CG1.5 of the Core Strategy.

Impact on Biodiversity

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

A habitat survey was submitted with the outline application, which included an extended phase 1 habitat survey, a water vole and badger survey, and an assessment of other protected species potential. The survey covered the whole of the application site and not just the area that is to be developed. There was no evidence of badgers, great crested newts or water voles. The site however has high potential to support breeding birds and bat roosts, and therefore a further bat and breeding bird survey has been submitted with the reserved matters application (as requested by condition within 90507/13).

The survey found that of all the trees proposed to be felled within the site, one possesses the potential for roosting bats. This tree is to the south of the proposed dwelling at plot 2 (within plot 2) and is said to be a dead species that features a large split. The survey recommends that further investigation of the tree is carried out to establish whether or not it is being used as a roost before being felled. A condition is therefore suggested that if evidence of bats is found within the tree then a European Protected Species Mitigation License (EPSML) will need to be received before any felling of the tree, or the tree should be retained.

The survey also concluded that the semi-natural status of the site would provide high quality foraging and commuting habitat for bats. Conditions are therefore suggested to ensure that any external lighting with the development to be kept as low as possible and that it is shielded to provide light spillage, and that bat boxes (as well as nest boxes for birds) are erected prior to any commencement.

With regards to birds, the survey reports that a number of common woodland bird species have been recorded, however there is no clear behavioural evidence to suggest active breeding or nest constriction within the site. As the site however offers the opportunity for breeding, nesting boxes are to be secured via condition.

It is considered, subject to the recommended conditions, that the proposal would safeguard biodiversity, compliant with Policy CG1.1 of the Core Strategy.

Value Added to the Development

The applicant has worked with the Council's Tree Officer during the application process to find the optimum location for the dwellings within each plot to ensure as many trees as possible are retained within each plot and to re-route the internal road slightly to give the existing trees better clearance.

Conclusion

For the reasons discussed above that the reserved matters applied for would not unduly harm the purposes and openness of the Green Belt, would be of good urban design, would not result in the unacceptable loss of trees, would not jeopardise highway safety, would not increase the risk of flooding, and would safeguard the biodiversity of the site. Members are therefore recommended to approve this application, subject to the recommended conditions.

Representation and Consultation Annex

Representations

Letters:- Six objections to the proposal have been received, which raise the following concerns:

- * Loss of trees and saplings and potential damage to protected trees. The development puts at risk 6 hectares of woodland;
- * Gardens in close proximity to the site have woodland orders on their trees. Expect the new houses to be treated no differently (*officer comment: the trees within the site are protected by a Tree Preservation Order, therefore future residents would need to seek approval from the Local Planning Authority if they were to carry out any work on the trees*);
- * Public access into the site will be denied; no public access is shown on the plans;
- * The site is well used by local people;
- * Loss of a beautiful landscape;
- * It is not clear what the size of the gardens will be (*officer's comment: amended plans have been received which shows the proposed extent of the gardens; these amended plans also reduce the size of the gardens originally proposed*);
- * Though this site was within Green Belt;
- * It is a gross overdevelopment of the site. A previous tender exercise for the site cited no more than three dwellings, yet the proposal is for five;
- * Burnthwaite Cottage has recently had an application to extend their garden refused so the same precedent should apply to this application;
- * Increase in traffic. How and where are vehicles going to gain access? How will Old Hall Lane cope with more traffic?;
- * No footpaths or lights are proposed on Old Hall Lane - is this not dangerous for children?;
- * There are a number of footbridges shown on the plans, are these new, existing, to be repaired? (*officer's comment: these footbridges are existing and are outside the proposed curtilages to the dwellings*);
- * The site potentially supports protected species; deer are regularly seen;
- * A bat and bird survey should be carried out before a decision is made (*officer's comment: a bat and breeding birds survey has been submitted by the applicant*);
- * The applicant's argument about anti-social behaviour on the site is mis-quoted at the crime rate in the area is low;
- * Lack of detail regarding the proposed materials for the houses (*officer's comment: a condition will request the submission of samples prior to development*);
- * The houses should be of a sustainable nature;
- * Lack of consultation on the application (*officer's comment: 36 letters notifying neighbouring residents were sent out and a site notice was posted at the site on the 30th October 2014*).

One letter of comment has been received which raises the following:

- * The proposed gardens appear to extend significantly beyond the curtilage shown on the outline plans;
- * Acceptance of the proposed curtilages should allow reconsideration of a revised garden extension proposal at Burnthwaite Cottage.

Consultations

Advice was sought from the following consultees: Tree Officers, Highways Engineers, Drainage Officers, Landscape Officers, Public Rights of Way Officer, Strategic

Development Unit, Economic Strategy Officers, Greater Manchester Police's Architectural Liaison Officers and the Environment Agency.

Planning History

Outline permission was granted at Committee in January 2014 for the erection of 5 dwellings (access, layout and scale only) (90507/13).

Permission was granted in March 2009 for the change of use of the land to a forest school (81474/08).

Outline application 78940/07 for a peace centre with landscaping and associated development of horticultural, pastoral and woodland zones (access details only) was refused in January 2009.

In August 2001 permission was granted for the pruning of 34 trees (59624/01).

An application for the demolition of the former children's' home, stable block and caretaker's cottage and the erection of five detached dwellings was withdrawn in May 1998 (47295/95).

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 tree identified within the Bats and Breeding Birds Survey (The Tyrer Partnership, dated 30th April 2014) as being a potential bat roost shall be further investigated by a licensed bat ecologist and the results of the further investigation shall be submitted to the Local Planning Authority. If the results of the additional survey provide a conclusive absence of bats or an absence of evidence of use by bats then holes, etc. can be immediately blocked to allow for the removal of the tree. If bats or evidence of use by bats is found or the cavity cannot be conclusively investigated then further survey work (dusk/dawn surveys) must be undertaken and submitted to the Local Planning Authority. If bats are found to be using the tree as a roost then a European Protected Species Mitigation License (EPSML) must be received before the tree is felled, or the tree must be retained.

Reason

The tree identified within the survey is a potential bat roost.

3. Prior to the commencement of development details of the bat boxes and nest boxes to be erected within the development site, and details of their proposed locations, shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be erected in full accordance with the approved details prior to the commencement of development and shall be retained thereafter.

Reason

To safeguard bats and nesting birds.

4. Prior to the commencement of development full details of the highway works at Old Hall Lane comprising maintenance work to facilitate the development 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.

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

Reason

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

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

Reason

To ensure the development is safe for use.

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

Reason

To protect the health and appearance of the tree(s).

8. 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.

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

Reason

To ensure the development reflects local distinctiveness.

10. Prior to the commencement of development a management plan shall be submitted to and approved in writing by the Local Planning Authority, which details how the woodland within the site edged red will be managed to ensure the long term retention/improvement of the woodland. The approved management plan will be implemented in full.

Reason

To safeguard the protected woodland within the development site.

11. Prior to the development hereby approved/permitted being first occupied the means of vehicular access to the site from Old Hall Lane shall be constructed in accordance with the drawing ref 2013-002 Rev. K.

Reason

In the interests of highway safety.

12. 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 the lowest light level possible and light spillage should be avoided. 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 which has the potential to harm the feeding behaviour of bats.

13. Prior to first occupation of the development hereby approved, further details (including elevational drawings) of the proposed cellular surface water storage tank and the sewerage treatment tank adjacent plot 1, as well as any proposed screening of the tanks, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

Full details were not provided at application stage.

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

2013-002 Rev. K; "Proposed Site Layout for 5 No. Detached Dwellings"; dated 20.12.14
2013-005 REv. D; "Proposed Floor Plans House Type 4 Plot 4"; dated 22.8.14
2013-007 Rev. F; "Proposed Floor Plans House Type 2 Plot 2"; dated 29.9.14
2013-008 Rev. D; "Proposed Floor Plans House Type 1 Plot 1"; dated 5.9.14
2013-009 Rev. B; "Front Elevation House Type 1 Plot 1"; dated 3.9.14
2013-010 Rev. B; "Proposed Rear Elevation House Type 1 Plot 1"; dated 3.9.14
2013-011 Rev. B; "Proposed West Side Elevation House Type 1 Plot 1"; dated 3.9.14
2013-012 Rev. B; "Front Elevation House Type 2 Plot 2"; dated 29.8.14
2013-013 Rev. C; "Proposed Rear Elevation House Type 2 Plot 2"; dated 29.9.14
2013-014 Rev. A; "Proposed Front Elevation House Type 3 Plot 3"; dated 31.7.14
2013-015 Rev. A; "Proposed Rear Elevation House Type 3 Plot 3"; dated 31.7.14
2013-016 Rev. A; "Proposed Floor Plans House Type 3 Plot 3"; dated 3.9.14
2013-017; "Front Elevation House Type 4 Plot 4"; dated Aug '14
2013-018; "Rear Elevation House Type 4 Plot 4"; dated Aug '14

2013-019; "Proposed East Side Elevation House Type 1 Plot 1"; dated Sept '14
 2013-020 Rev. A; "Side Elevations House Type 2 Plot 2"; dated 29.9.14
 2013-021; "Proposed Side Elevations House Type 3 Plot 3"; dated Sept '14
 2013-022; "Side Elevations House Type 4 Plot 4"; dated Sept '14
 2013-024 Rev. C; "Curtilage Plan as Proposed Plot 1"; dated 21.12.14
 2013-025 Rev. C; "Curtilage Plan as Proposed Plot 2"; dated 21.12.14
 2013-026 Rev. B; "Curtilage Plan as Proposed Plot 3"; scanned 29.12.14
 2013-027 Rev. C; "Curtilage Plan as Proposed Plot 4"; dated 21.12.14
 2013-028 Rev. C; "Curtilage Plan as Proposed Plot 5"; dated 21.12.14
 2013-031; "Front Elevation House Type 2 Plot 5"; dated Sept '14
 2013-032; "Proposed Rear Elevation House Type 2 Plot 5"; dated Sept '14
 2013-033; "Side Elevations House Type 2 Plot 5"; dated Sept '14
 2013-034; "Proposed Floor Plan House Type 2 Plot 5"; dated Sept '14

Reason

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

15. The curtilages of the approved properties are being treated for planning purposes as that defined on the approved drawings referenced:

2013-024 Rev. C; "Curtilage Plan as Proposed Plot 1"; dated 21.12.14
 2013-025 Rev. C; "Curtilage Plan as Proposed Plot 2"; dated 21.12.14
 2013-026 Rev. B; "Curtilage Plan as Proposed Plot 3"; scanned 29.12.14
 2013-027 Rev. C; "Curtilage Plan as Proposed Plot 4"; dated 21.12.14
 2013-028 Rev. C; "Curtilage Plan as Proposed Plot 5"; dated 21.12.14

Reason

For the avoidance of doubt as to what is permitted.

16. The boundary treatments as shown on drawing references 2013-024 Rev. C, 2013-025 Rev. C, 2013-026 Rev. B, 2013-027 Rev. C and 2013-028 Rev. C shall be erected fully in accordance with the approved design details contained on the drawings 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, fences, gates or walls shall be constructed.

Reason

To safeguard the surrounding protected trees and to safeguard the purposes and visual amenities of the Green Belt.

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

Reason

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

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

Reason

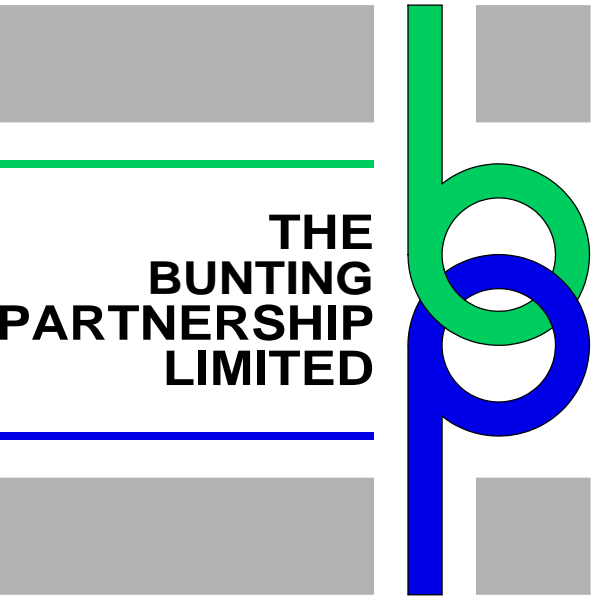
To reduce the impact on climate change and to improve the sustainability of the site.

DO NOT SCALE TO ASCERTAIN DIMENSIONS

REV	DATE
A	House plots revised. 29.4.14
B	House plots revised. 17.6.14
C	House plots revised. 29.6.14
D	Houses repositioned. Road revised. 30.7.14
E	Plot 4 house plan amended. 25.8.14
F	Restrictive building curtilledge annotated (orange). SSLs noted. 2.9.14
G	Restrictive building curtilledge altered on Plot 1. 18.9.14
H	TPO trees amended. 26.9.14
J	Trees reinstated plots 4 & 5. Trees removal along access road indicated. 9.12.14
K	Access road realigned and reduced in width. Plot 5 house repositioned. 2no. TPO trees on Plot 2 removed as agreed on site with Matthew Rainer. 20.12.14

KEY

- RESTRICTIVE BUILDING CURTLEDGE BOUNDARY
- 1994 RESTRICTIVE COVENANT ZONE: NO BUILDING PERMITTED
- TPO TREES REMOVED
- TPO TREES RETAINED
- TREES TO BE REMOVED
- EXISTING TREES RETAINED



CLIENT
FORSHAW LAND & PROPERTY LIMITED

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT
BURN THWAITE
BOLTON

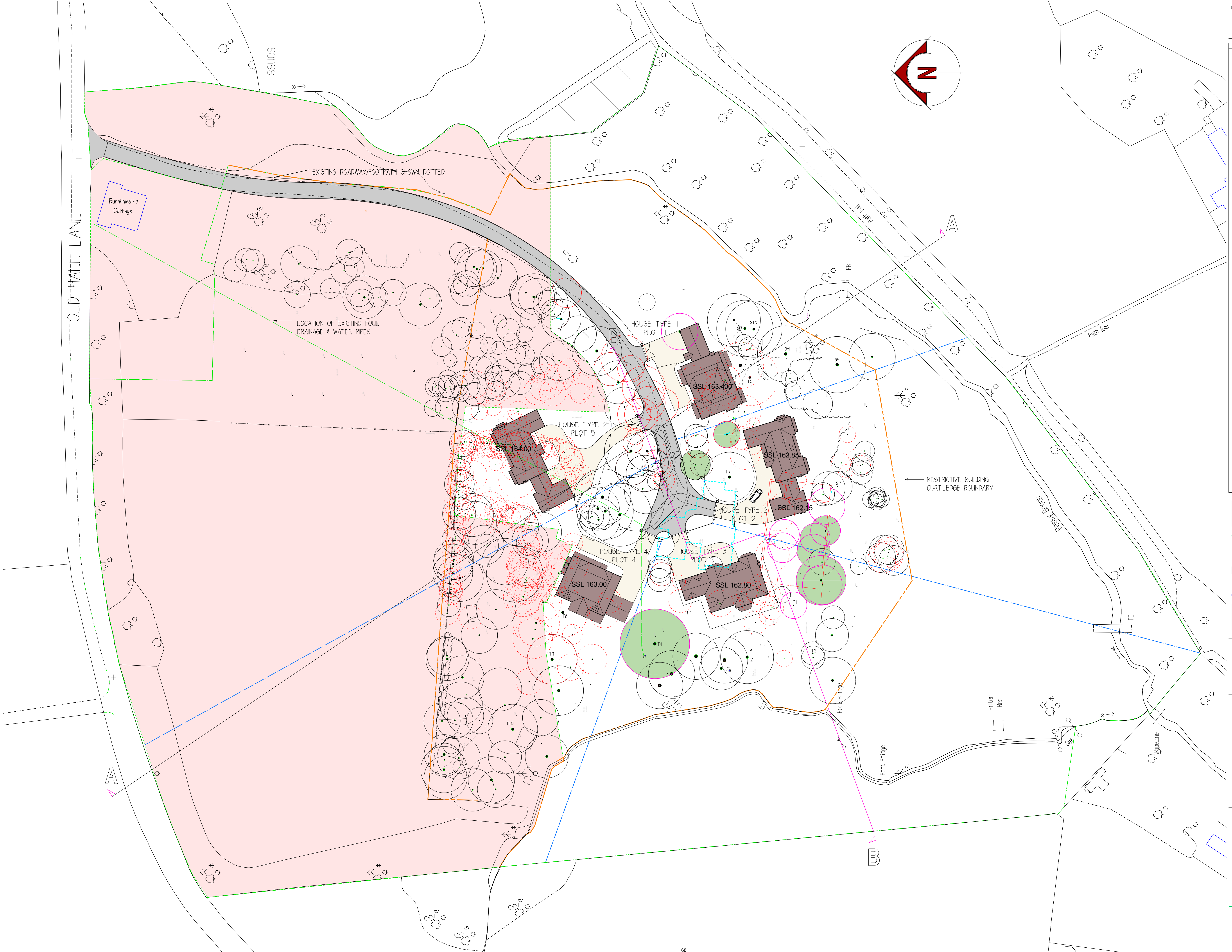
DRAWING
PROPOSED SITE LAYOUT
FOR
5 No. DETACHED DWELLINGS

DRAWING NUMBER	REV
2013-002	K
SCALE	DATE
1:500@A1	MARCH 2014
AUTHOR	STATUS
CSB	INFORMATION

CHARTERED ARCHITECTS
PROJECT MANAGERS
INTERIOR DESIGNERS

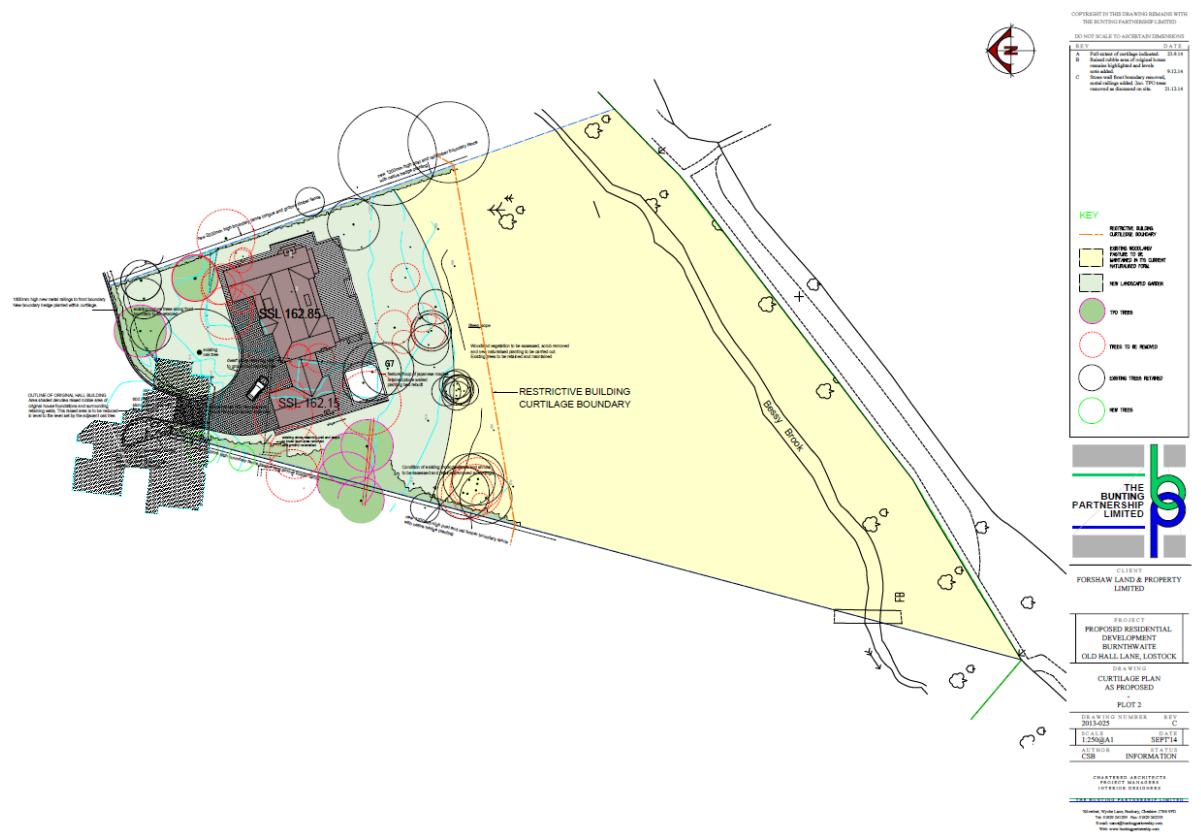
THE BUNTING PARTNERSHIP LIMITED

'Silverlea', Wyche Lane, Bunbury, Cheshire, CW6 9PD
Tel: 01829 261299 Fax: 01829 262533
E-mail: name@buntingpartnership.com
Web: www.buntingpartnership.com

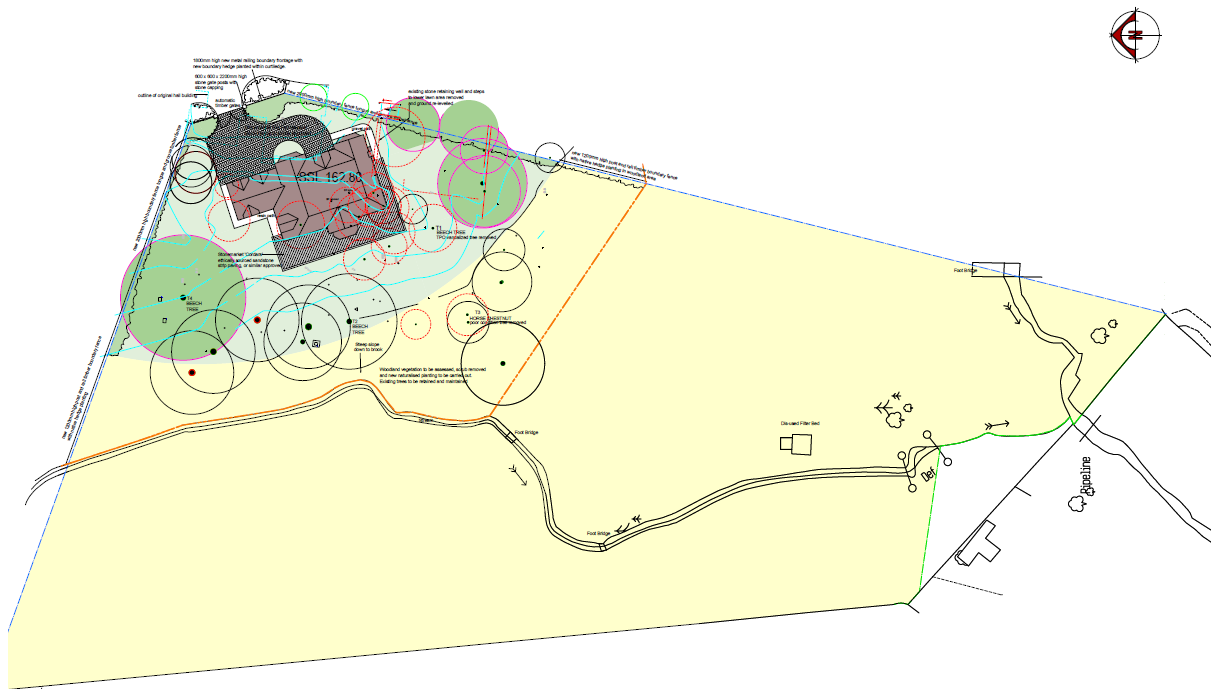


[illegible]

Plot 2



Plot 3





[illegible]

Application No.

92909/14



Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of
the Controller of Her Majesty's Stationery Office© Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to
prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389

11

Date of Meeting: 15/01/2015

Application Reference: 92909/14

Type of Application: Full Planning Application
Registration Date: 10/10/2014
Decision Due By: 04/12/2014
Responsible Officer: Jeanette Isherwood

Location: CROWS NEST FARM, CHORLEY ROAD, BLACKROD, BOLTON, BL6 5LE

Proposal: AMENDMENT TO PREVIOUSLY APPROVED APPLICATION 89895/13 TO CHANGE THE USE OF LAND TO RESIDENTIAL AND EXTEND THE CURTILAGE TOGETHER WITH ERECTION OF GARAGE AND AMENDED VEHICULAR ACCESS.

Ward: Horwich and Blackrod

Applicant: Mr J King
Agent : Mr A Chapman

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission was granted in 2013 for the conversion of the brick and stone built barn to a three bedroom residential dwelling. Vehicular access was proposed from the existing access onto Chorley Road (A6) and two parking spaces were to be provided to the front of the building. The proposed residential curtilage extended mainly to the front of the property, adjacent the A6 (ref: 89895/13).

The current application proposes the extension to the existing curtilage of the property, demolition of existing outbuilding and erection of a double garage with associated access.

The garage will be 7260mm long, 6066mm wide and 5143mm high. The original proposal has been amended to lower the dual pitched roof to a more acceptable height. The garage will be sited to the rear of the property on the north western corner of the site.

The access will be taken from the existing access road leading off Chorley Road (A6), sweeping around the front and side elevation.

The curtilage will extend to the rear to incorporate the outbuilding that is to be demolished.

Site Characteristics

The application site comprises the barn and outbuilding to Crows Nest Farm and an area of land around it. The barn has permission for conversion as detailed above.

Crows Nest Farm is sited to the south of the application site. There are tall trees along the northern boundary of the site. Access into the farm is off Chorley Road (A6), a main thoroughfare between Blackrod and Adlington.

The application site is located within Green Belt.

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

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 visual amenities of the Green Belt
- * impact on the character and appearance of the building and the surrounding area
- * impact on biodiversity
- * impact on the highway

Impact on the Purposes and Visual Amenities of the Green Belt

The NPPF sets out the national policy guidance on Green Belts. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Section 9 of the NPPF relates to protecting Green Belt land. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Developments that are not considered to be inappropriate are listed in paragraph 89. Paragraph 90 lists other forms of development that are also not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The list of development in paragraph 90 includes, "the re-use of buildings provided that the buildings are of permanent and substantial construction".

Allocations Plan policy CG7AP states that the Council will not permit inappropriate

development and the erection of new buildings within the designated Green Belt except for:-

- agriculture or forestry uses
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The existing building to be demolished is a large, disused outbuilding of approximately 138 square metres. The garage replacement will not be materially larger than the building it replaces (it will be significantly smaller).

The approved residential curtilage to the new dwelling is considered to be relatively limited (extending to the front of the building adjacent the main road and partly to the rear). This relatively small extension to the curtilage will provide private amenity space to the rear and would not have a detrimental harm on the openness of visual amenities of the Green Belt.

Conditions to restrict any further extensions to the building and curtilage are suggested to ensure the openness and amenity of the Green Belt is safeguarded from any future development.

It is considered for the reasons above that the proposals would comply with the guidance within the NPPF and Allocated Plan Policy CG7AP.

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

Policy CG3 of the Core Strategy states that the Council will expect development proposals to display innovative, sustainable designs that contribute to good urban design, conserve and enhance local distinctiveness (ensuring development has regard to the overall built character and landscape quality of the area) and require development to be compatible with the surrounding area in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA1.10 states that the Council 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 is considered that the existing outbuilding to be demolished is in a poor state of repair and therefore is considered not worthy of retention. The rebuilt garage will be of similar design to the approved main house enhancing the visual amenity of the area.

The new driveway to the front will result in an increase in hardstanding, however a condition is proposed to secure an appropriate material for the driveway to ensure the development will not detract from the amenity of the street scene.

It is considered that the proposed new garage is of good design and is compatible with the existing appearance and character of the approved main house and therefore is compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on Biodiversity

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

A bat and barn owl survey was submitted with the original planning application for the construction of the new house and a revised report has been submitted with regard to the demolition of the outbuilding.

The Tree and Asset Officer and Ecology Unit were consulted and have no objections subject to the addition of conditions.

It is therefore considered, subject to the suggested conditions, that the proposed development will safeguard biodiversity, compliant with Policy CG1.1 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] servicing arrangements and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.

Vehicular access into the application site is proposed from the existing vehicular access into the farm off Chorley Road (A6). It is not considered that the proposal would materially increase the number of traffic movements into the site or would jeopardise highway safety.

The proposal will result in four parking spaces being available at the property which is considered to be acceptable for a dwelling containing three bedrooms.

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

Conclusion

It is considered for the reasons discussed above that the proposed garage and extension of the curtilage to the dwelling would not harm the purposes or visual amenities of the Green Belt, would not harm the character and appearance of the existing building or the surrounding area, would not harm rural biodiversity and would not jeopardise highway safety. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Blackrod Town Council:- raised objection to the proposal as the site is within the green belt.

Consultations

Advice was sought from the following consultees: Highways Engineers, Wildlife Liaison Officers, Landscape Officers, Building Control, National Grid and Greater Manchester Ecology Unit.

Planning History

Permission was granted for the conversion of the main barn as detailed above.

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 any development works on the site, the developer shall undertake a barn dusk emergence/dusk surveys to establish whether or not any protected bats are present. Where species or their habitat are found to be present, a mitigation report shall be prepared and submitted to the Local Planning Authority. No development or site clearance shall take place until the Local Planning Authority has agreed the mitigation measures in writing, and these measures shall then be implemented in accordance with the approved details.

Reason

To protect the interests of any protected bats, which may be present on the site.

3. Prior to the commencement of development samples of the materials to be used for the construction of the driveway 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.

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

Amended plans received 17/12/14 and referenced 02A

Reason

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

5. The external surfaces of the garage hereby permitted shall be of a similar colour, texture and size of

those of the main house, and shall be retained thereafter.

Reason

To ensure the development visually reflects the existing building.

6. The garage(s) hereby approved/permitted shall be made available at all times for the parking of motor vehicles.

Reason

The loss of garage spaces would be likely to lead to an increase in on-street parking to the general detriment of highway safety.

7. 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 or any other alterations to the roof of the garage (other than those expressly authorised by this permission) shall be constructed

Reason

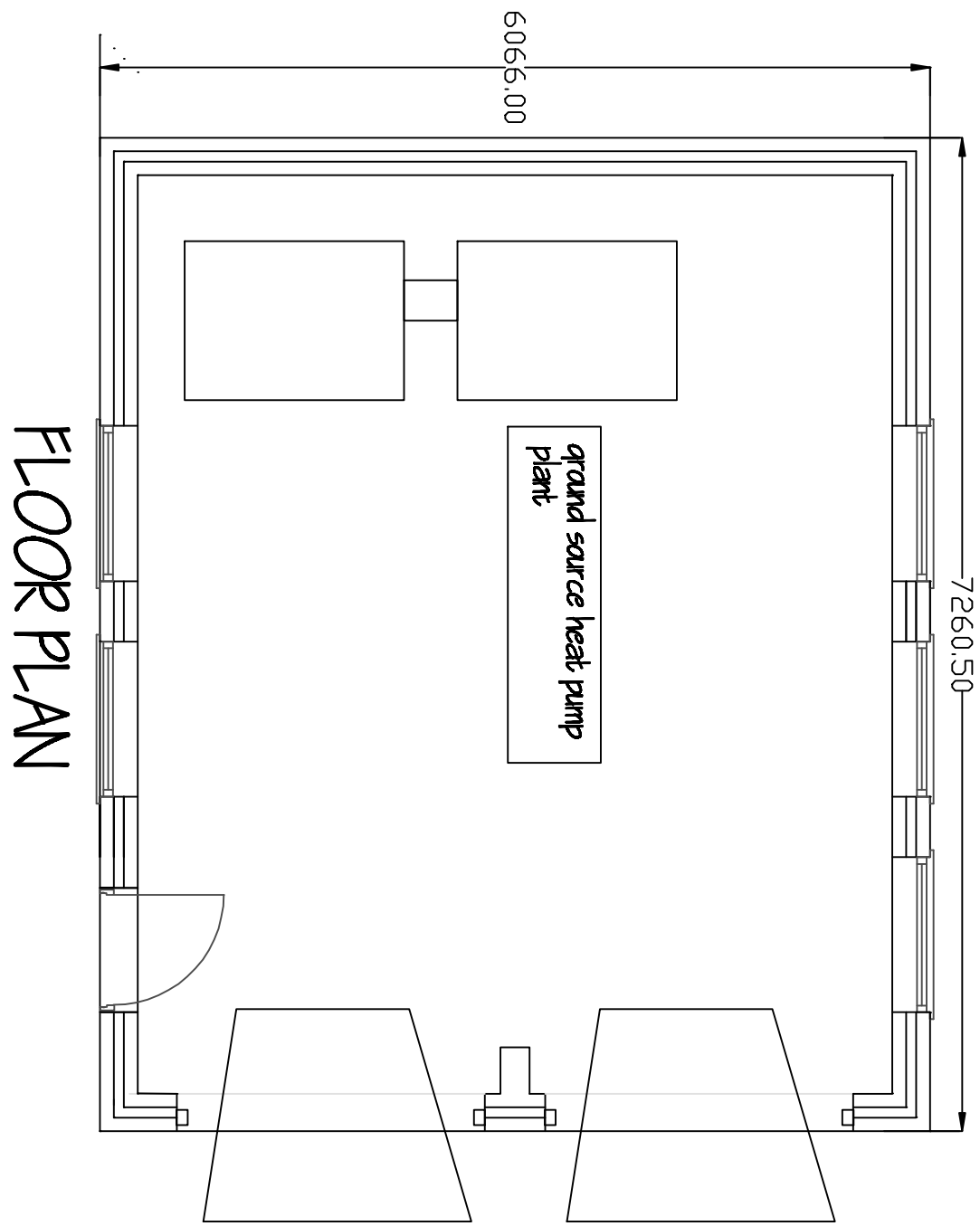
To safeguard the character and appearance of the dwelling/land

8. The curtilage of the property is being treated for planning purposes as that defined on the approved drawing ref: 02A.

Reason

For the avoidance of doubt as to what is permitted.

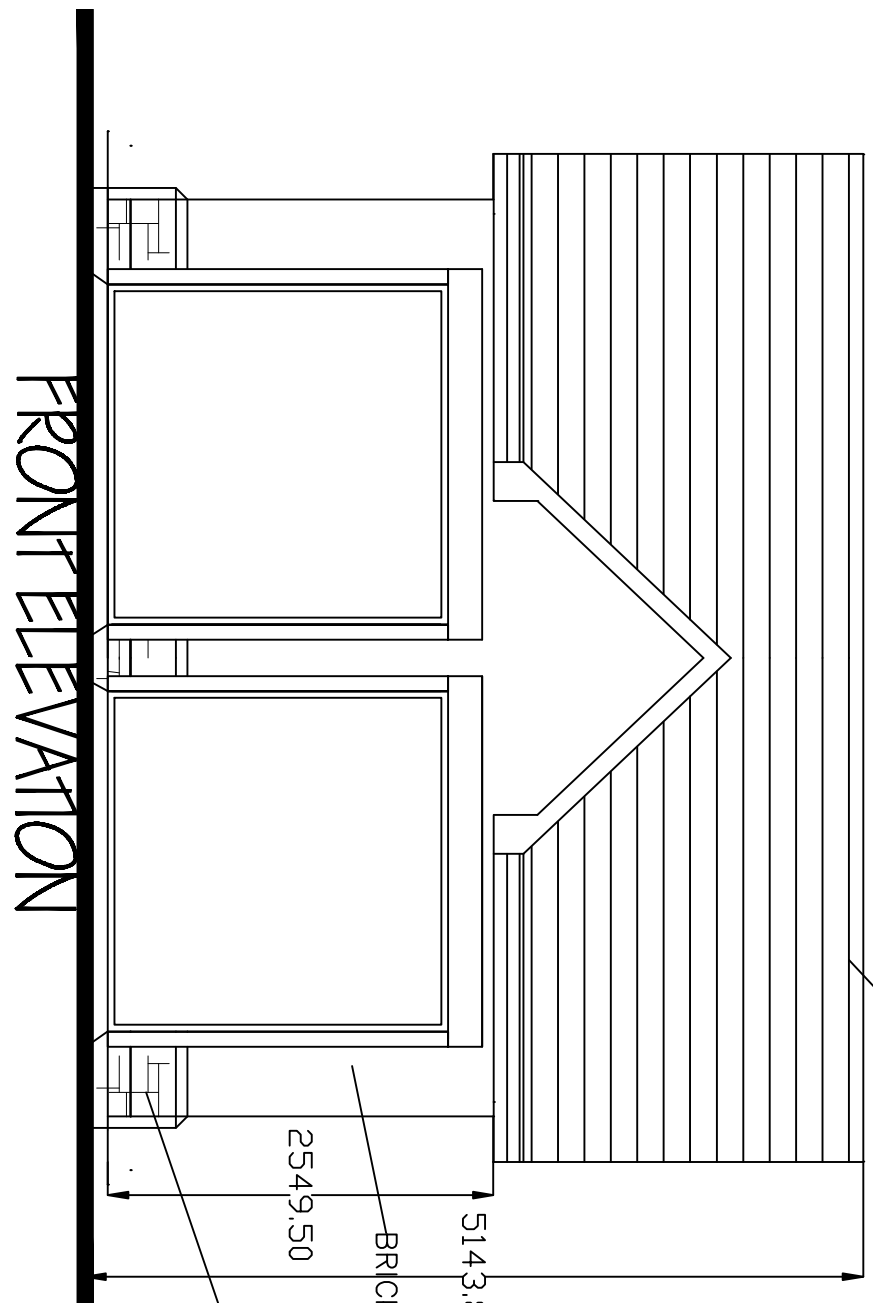
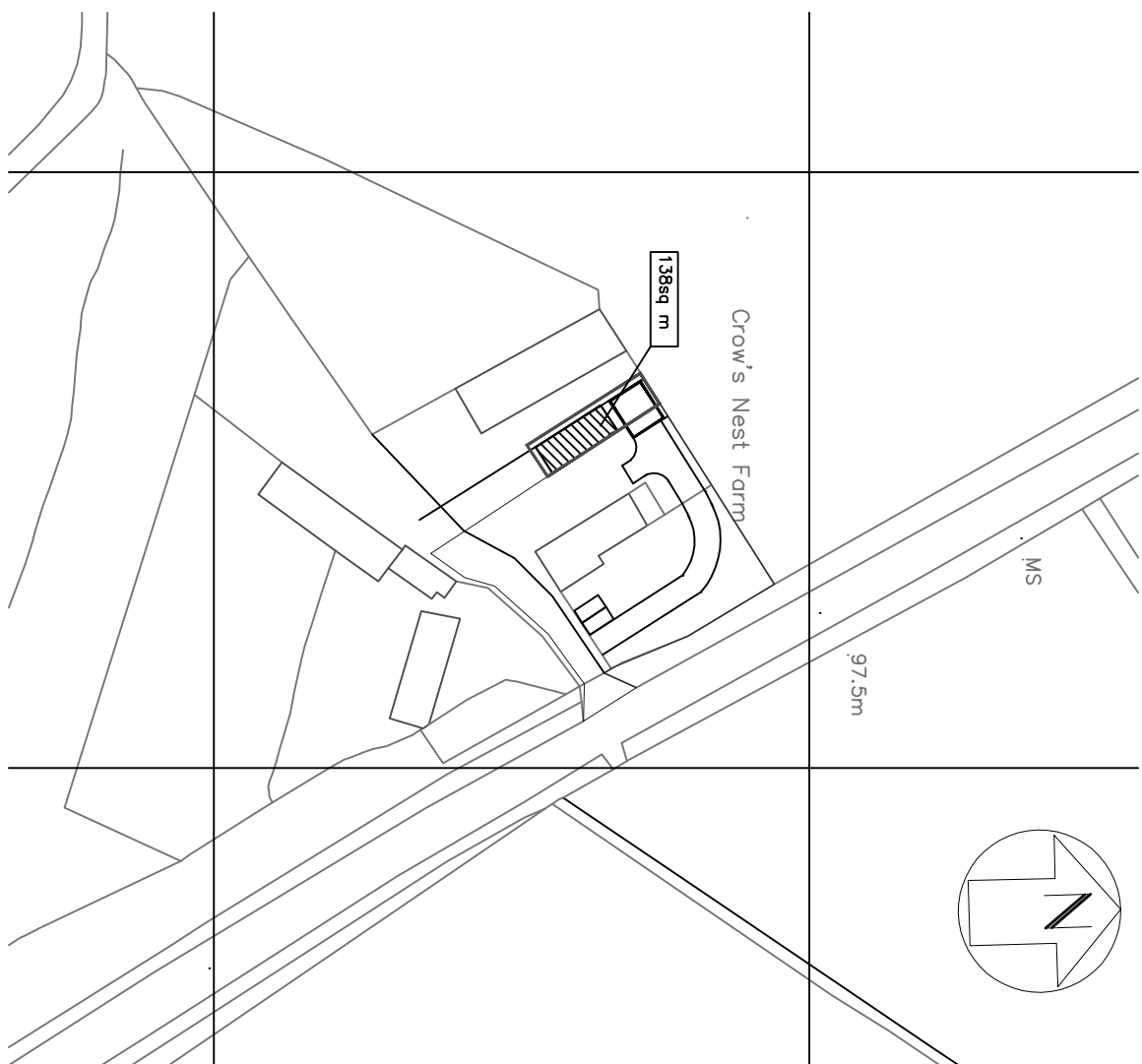
CROWS NEST FARM



FLOOR PLAN

SLATE TO MATCH EXISTING

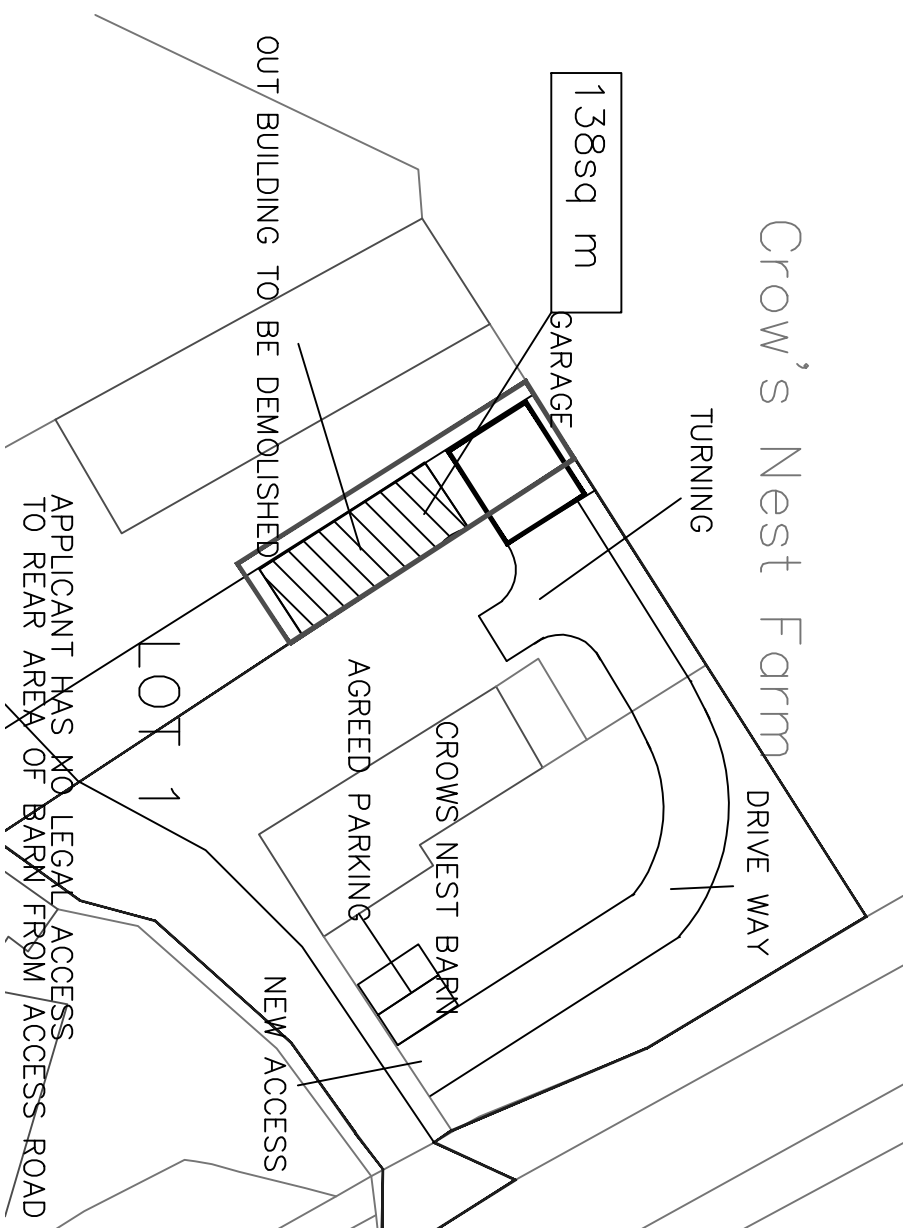
LOCATION PLAN 1/1250



FRONT ELEVATION



SIDE ELEVATION



SITE PLAN 1/500

Garage specification

Foundations to be piled foundations by specialist as indicated, top of ring beam min 750mm below ground level or to suit site conditions and to L.A. Inspector's approval. Foundations to Engineers design, 275mm brick block cavity masonry walling with piers to be walls

cavity walling below d.p.c to consist below ground quality conc commons, inner leaf from footings up to d.p.c, outer leaf reverting to Facing material 150mm below finished ground level.

d.p.c. to walling

horizontal dpc to walling to be pitch polymer, set min 150mm above finished ground level & fixed in accordance with the manufacturers recommendations. fix dpc to head, sill and jambs of all windows and Ext. door openings.

garage floor

150mm thick concrete slab 1:2:4 mix average 150 mm thick laid to 25mm falls, include for A142 mesh reinforcement in slab bottom, slab trowel finished smooth. Include for 50mm rigid extruded insulation below include for anti dust additive, paint epoxy floorpaint, on 100 gauge visqueen dpm on 150mm layers well consolidated, clean hardcore blinded with sand, slab thickened and stepped at entrance.

alternative floor

prestressed reinforced concrete beam and block floor system, requiring 75mm screed topping with A88 and cracking mesh, blocks to afford 3.5kn transverse load capability, a 100mm sleeper wall may be required at beam centre span.

walls above dpc

100mm facing brick 75 cavity 100 mm blockwork inner leaf (face material to match house), .

roof

duo pitched, covered conc tiles / slates to match existing on 38x25mm s.w battens on reinforced sarking felt to BS 747 type 1F on gungnall trussed rafters to specialist design to BS5268 part 3, at 600mm cnts, bearing on 100x75mm s.w wallplate, held down with 30x5x 1200mm wallplate straps at 1800 cnts. 30x5x1200 lateral restraint straps to be fitted to rafters and ceiling joists at max 2000mm c/c's across 3 No. members, insert full depth noggins between.

drainage

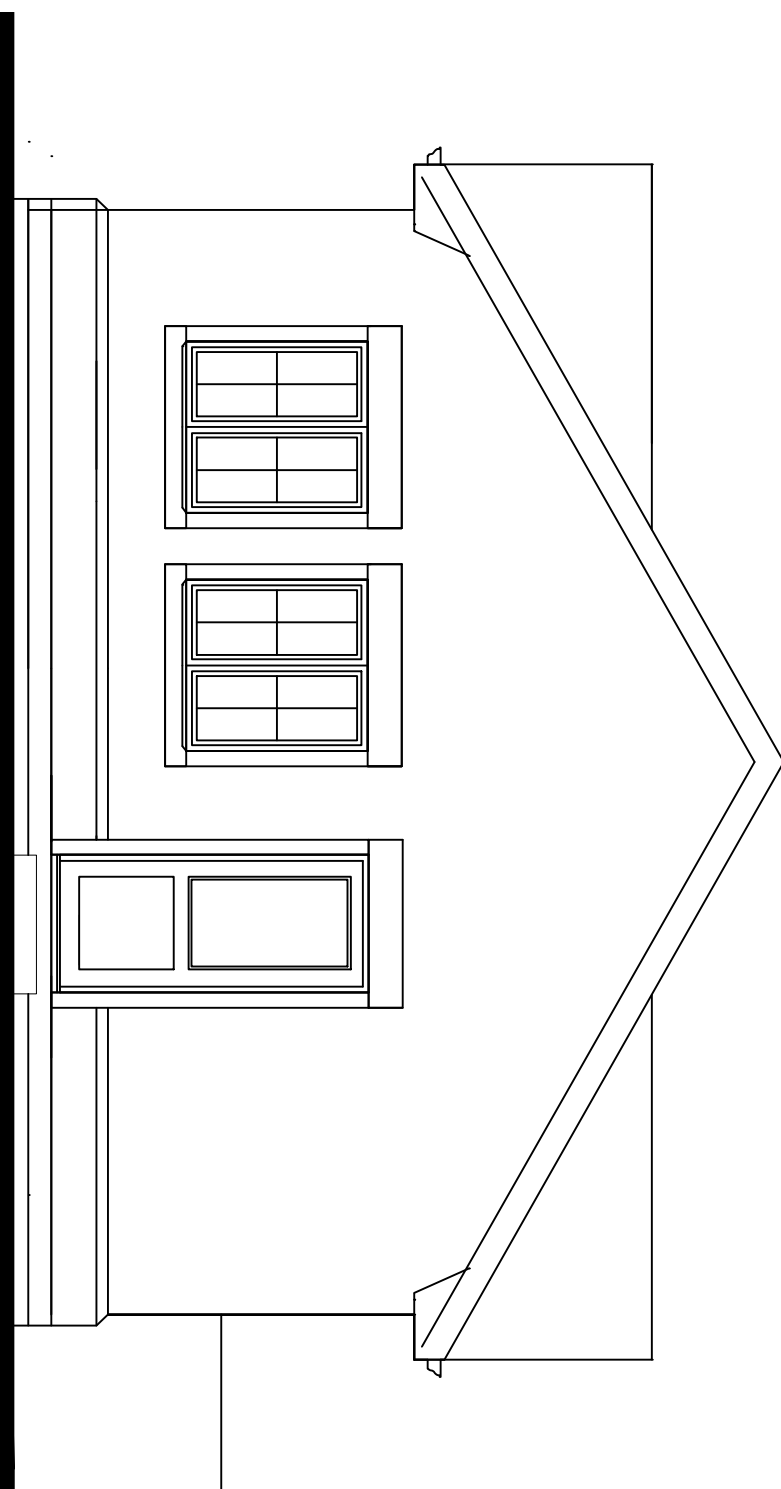
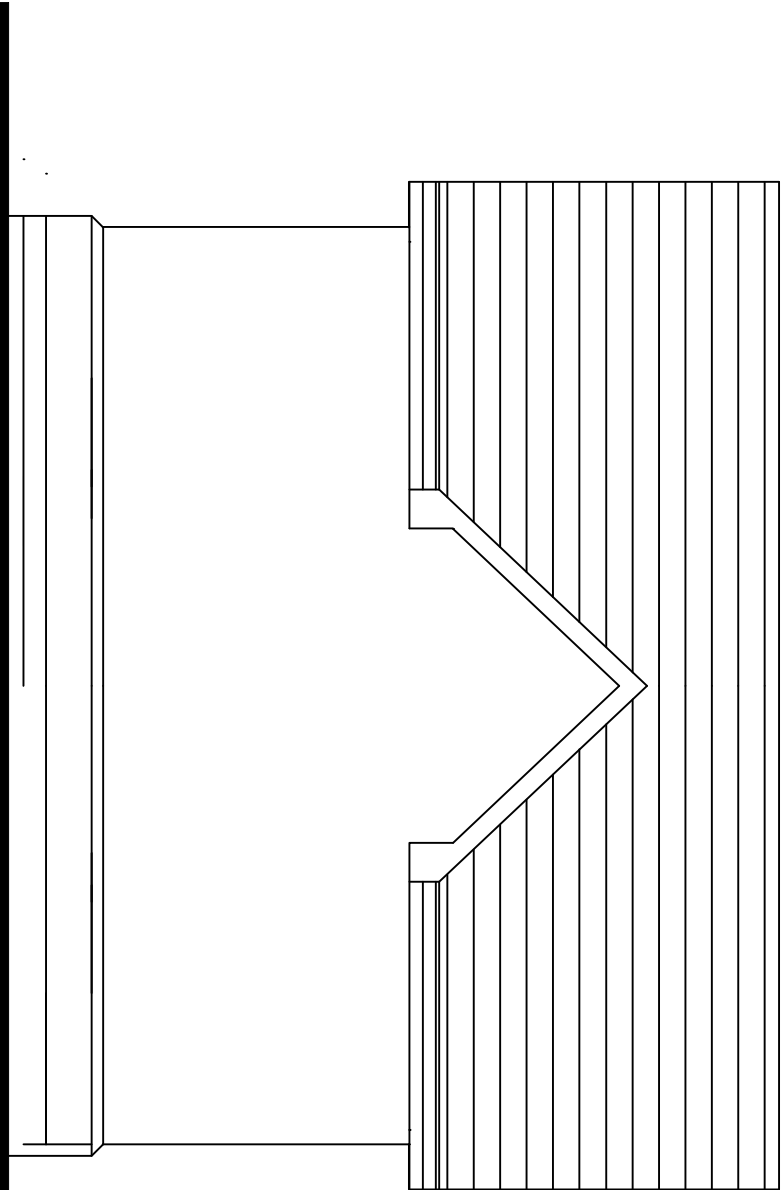
existing mode of drainage is separate / combined system, allow for connecting into existing respective mains drainage with 100mm dia flexible coupling type drainage system, Hepworth Superstave or equal

rainwater goods

100mm U.P.V.C gutter discharging into 68mm dia rainwater pipe and into new B.I.G connected to existing drainage system.

REAR ELEVATION

SIDE ELEVATION



REDUCTION OF RIDGE LEVEL FROM 37 TO 30 DEGREES
DEC 14

REVISIONS

SCALE	DATE	DRAWN	CHECKED
1/50	SEPT 14		

CLIENT

JOHN KING

TITLE

ref applc 89895/13

PROPOSED GARAGE, PROPOSAL AND CHANGE OF USE OF ADJACENT LAND TO EXTEND APPROVED BARN LAND CURTLAGE TOGETHER WITH DEMOLITION OF EXISTING OUT BUILDING

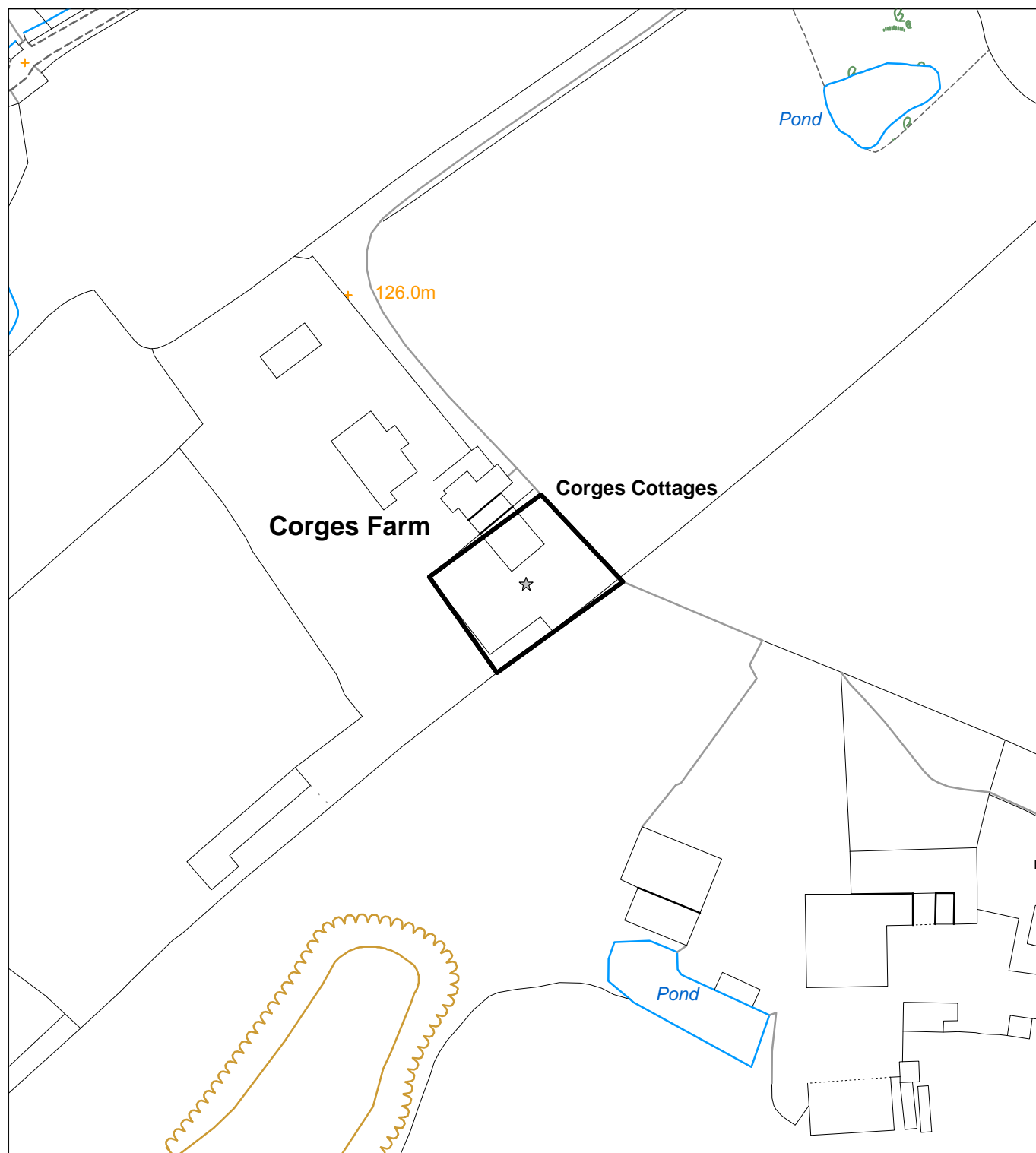
CROWS NEST FARM
CHORLEY ROAD BLACKROD BL65LE

DRAWING No.

02A

Application No.

92949/14



Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of
the Controller of Her Majesty's Stationery Office© Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to
prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389

11

Date of Meeting: 15/01/2015

Application Reference: 92949/14

Type of Application: Full Planning Application
Registration Date: 16/10/2014
Decision Due By: 10/12/2014
Responsible Officer: Jeanette Isherwood

Location: CORGES COTTAGE, DODD LANE, WESTHOUGHTON, BOLTON, BL5 3NT

Proposal: RETENTION OF DETACHED DWELLING AND GARAGE

Ward: Westhoughton North

Applicant: Mr F Harrison
Agent :

Officers Report

Recommendation: Approve subject to conditions

History of the site

Permission was granted in March 2012 under reference 87327/12 to demolish the existing farmhouse, erecting a replacement dwelling together with a three berth garage to the rear, which replaced the vacant stable block, constructed from breeze block.

The new build measured 11.92m by 9.89m by 7.6m and has been constructed. However the footprint of the completed build is larger than that detailed on the approved plans.

Proposal

The application proposes the retention of the larger four bedroomed dwelling.

The completed build measures 12.99m by 9.87m by 7.6m, with the increase in width being 1.07m.

The garage has been completed and is as per the original plans.

Site Characteristics

This property lies within the Green Belt. The site is accessed off Dodd Lane, which joins Dicconson Lane to the north. Adjoining the site is a modern dwelling built on the site of Corges Farm. To the south is Reeves House Farm, a working farm accessed from Chorley Road. Land to the west is agricultural and or generally open.

Several public rights of way are in the area, Wes31 crosses the vehicular access. Trees and hedgerow offering the site screening to the north, east and west. A watercourse runs east-west adjacent to the land on which the dwelling would sit. Levels are reasonably flat.

Policy

National Planning Policy Framework

Core Strategy Policies: CG3.1 Innovative Sustainable Design; CG3.2 Respect and Enhance Local Distinctiveness; CG3.3 Scale, Massing, Grain and Form; CG4.1 Compatible Uses; CG4.3 Contaminated Land; S1.2 Road Safety; P5 Accessibility; CG1.1 Rural Biodiversity; S1.1 Crime and Reduce Fear of Crime; OA3.3 Concentrate New Housing in Urban Area; OA3.5 Maintain Green Belt Boundaries; OA3.7 Physical Environment of Westhoughton

Allocation Plan Policies: CG7AP Green Belt and P8AP Public Rights of Way

PCPN10 Crime

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 impact of the proposal is:-

* impact of the additional width on the Openness and Character of the Green Belt and Residential Amenity

Impact of the additional width on the Openness and Character of the Green Belt and Residential Amenity

The NPPF sets out the national policy guidance on Green Belts. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF in paragraph 89 states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are for buildings for agriculture and forestry and 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.

Allocations Plan Policy CG7AP states that the Council will not permit inappropriate development and the erection of new buildings within the designated Green Belt except for:-

- agriculture or forestry uses
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling

CS policies CG3.2 and CG3.3 require proposals to respect and enhance local distinctiveness, by compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape treatment, including hard/soft landscaping and boundary treatment. Policy CG4.1 requires new development to be compatible with surrounding land uses and ensure neighbouring occupiers have sufficient privacy and amenity.

This proposal represents an extension of a building and is not considered to result in disproportionate additions over and above the size of the original building. Officers consider that this increase will not have a significant effect on the openness or visual appearance of the green belt. The overall design is as previously approved re-establishing the farmhouse feel by virtue of the simple architecture, pitched roof, porch and consistency of openings. Good quality materials have been used.

The proposal occupies the same siting as previously approved and does not result in any additional impact on the main farmhouse.

Officers conclude that the proposal would represent appropriate development, as it meets the criteria contained within the NPPF and Allocations Plan Policy CG7AP. The proposal is also considered to comply with Core Strategy policies CG3.2, CG3.3, OA3.7 and CG4.1.

Conclusion

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

Representation and Consultation Annex

Representations

Letters:- None.

Town Council:- The Town Council raised objection because the site is in the Green Belt.

Consultations

Advice was sought from the following consultees: Highway Engineers, Tree and Woodland Officer, Public Right of Way Officer, United Utilities, Westhoughton Town Council, GM Fire and Rescue.

Planning History

Approval granted for the demolition and erection of a new dwelling. Ref 87327/12

Planning permission was refused to demolish two cottages, barn and outbuildings and erect a detached house and garage. Ref: 72258/05

Approval granted to demolish two cottages, barn and outbuildings and erect a detached house and garage. Ref: 72961/05. This permission included a condition (no. 10) requiring the 2 no. dwellings to be demolished. (These fall outside of the applicants control and are owned by a separate individual)

Approval granted to vary condition no. 10 on application ref: 72961/05 so that the former 2 no. dwellings (adjacent to the development subject of this application) are reduced to one storey and not demolished to provide storage. Ref: 79880/08.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, fences, gates, walls, soil stacks, waste pipes (other than rainwater pipes), meter boxes, central heating or biomass heating flues, solar PV, solar thermal, wind turbines, satellite dish(s), TV or radio antenna, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed on the property.

Reason

To safeguard the character and appearance of the dwelling/land.

2. The curtilage of the property is being treated for planning purposes as that defined on the approved drawing ref: FH/PR2/14.

Reason

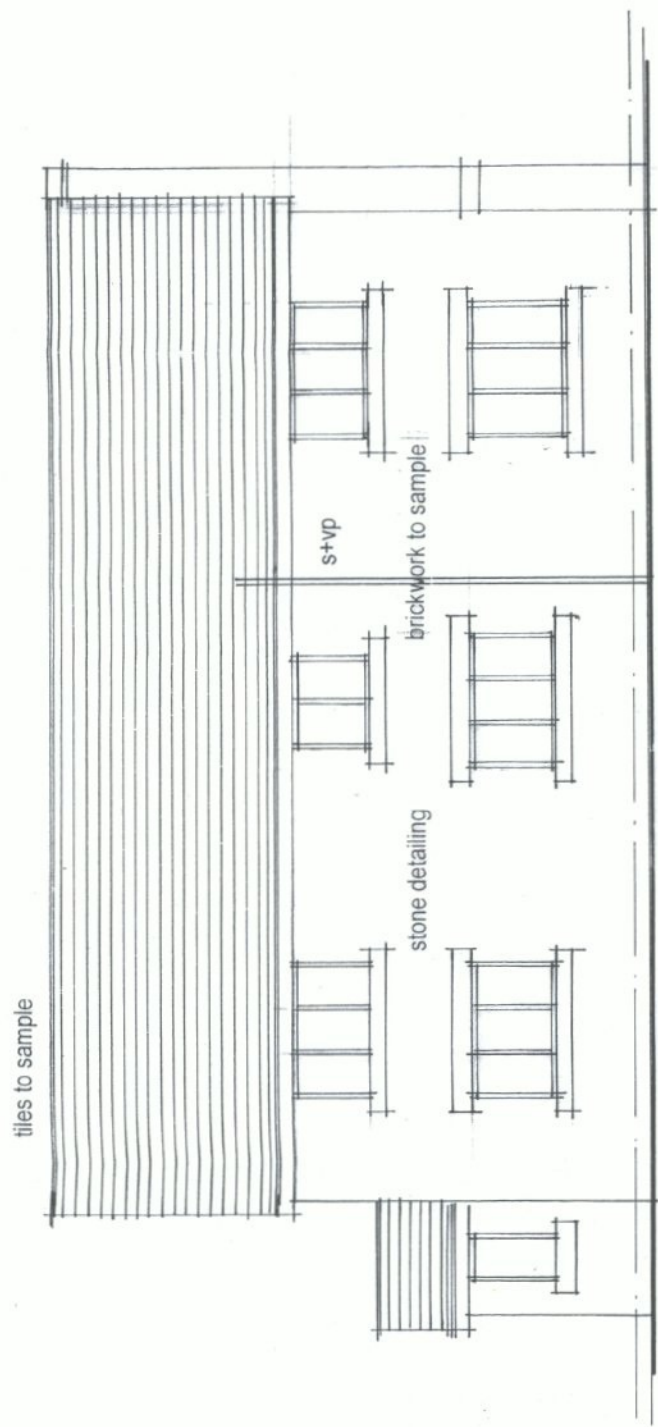
For the avoidance of doubt as to what is permitted.

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

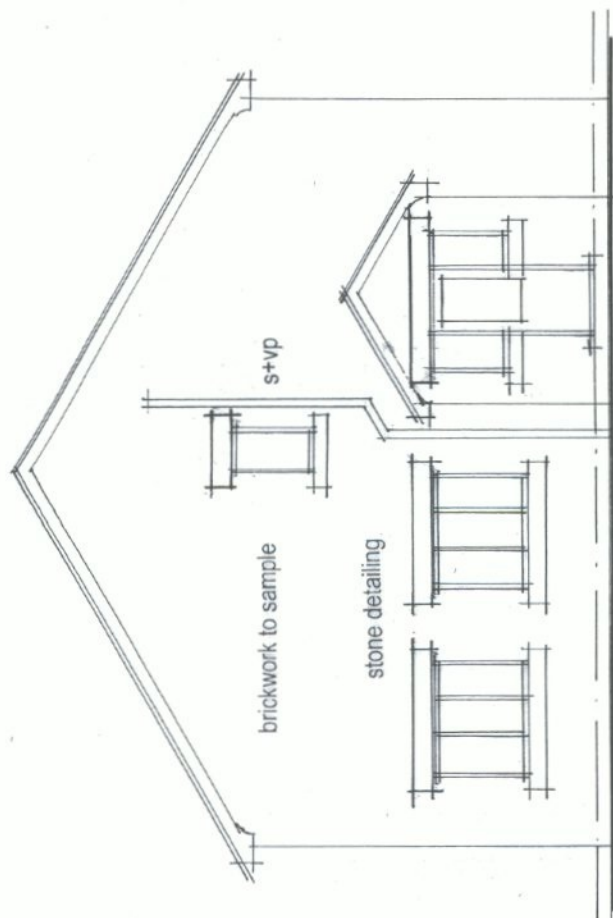
FH/PR1/14 - Elevations
FH/PR2/14 - Floor Plans

Reason

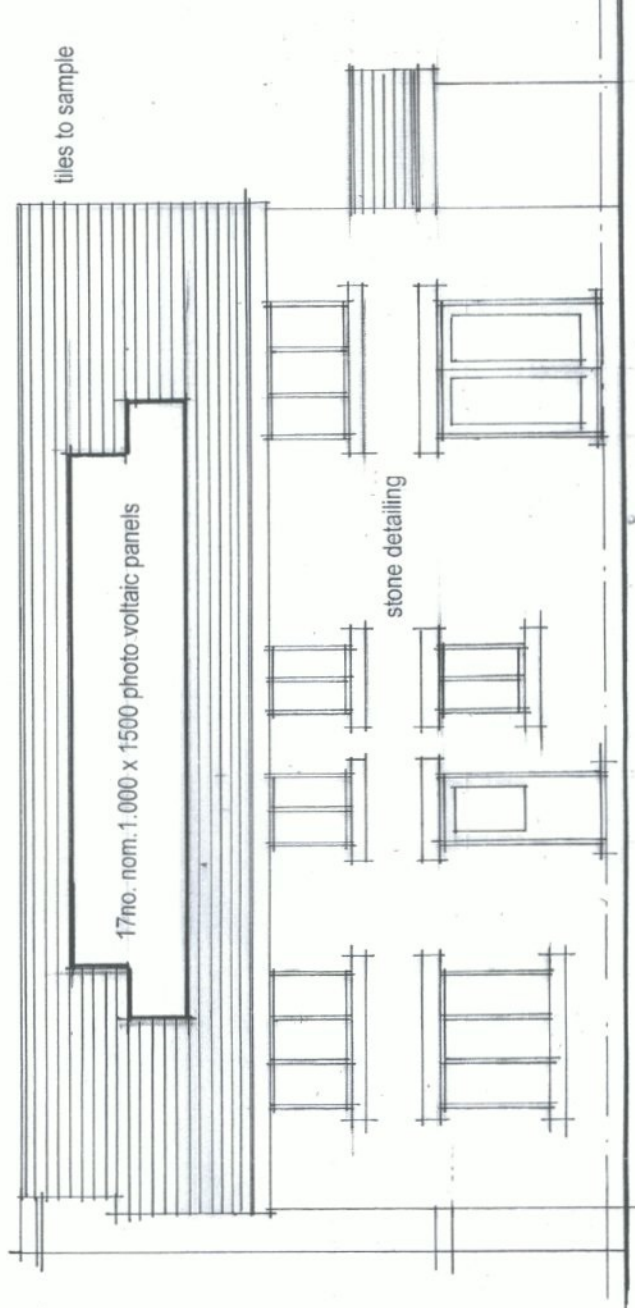
For the avoidance of doubt and in the interests of proper planning.



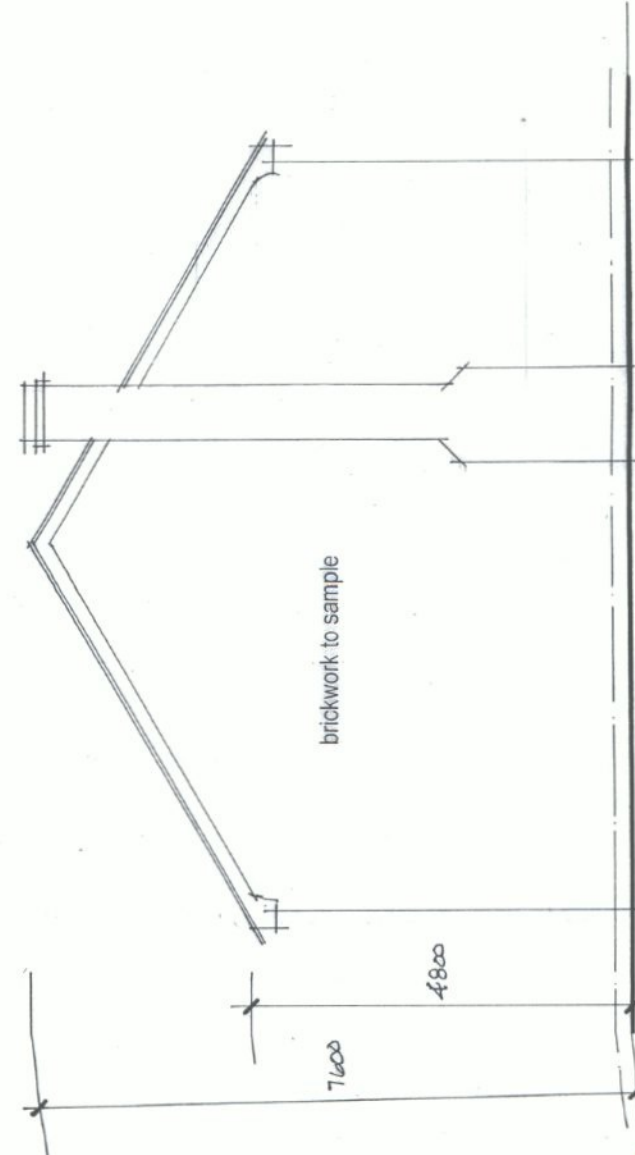
BOLTON COTTAGE
DEVELOPMENT & REGENERATION
FRONT ELEVATION
15 OCT 2014



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

PROJECT & TITLE

PROPOSED DETACHED DWELLING TO
REPLACE EXISTING ATTACHED
COTTAGE AT CORGES COTTAGES,
DODD LANE, WESTHOUGHTON,
BOLTON. BL5 3NT.

SCALE
1:100

DATE
October 2014

DRAWING NO.

INITIAL
AMEND

DATE

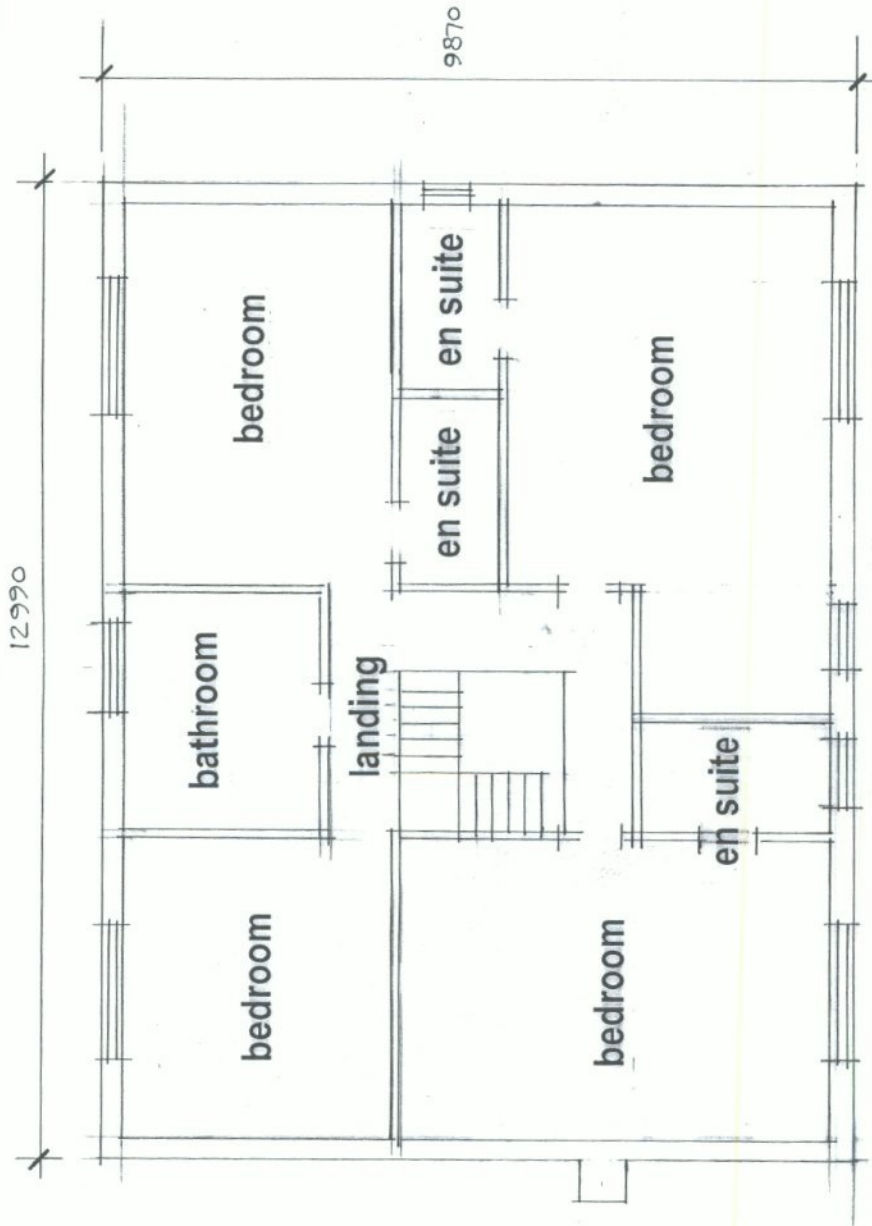
CHECKED

AMEND
DRAWN

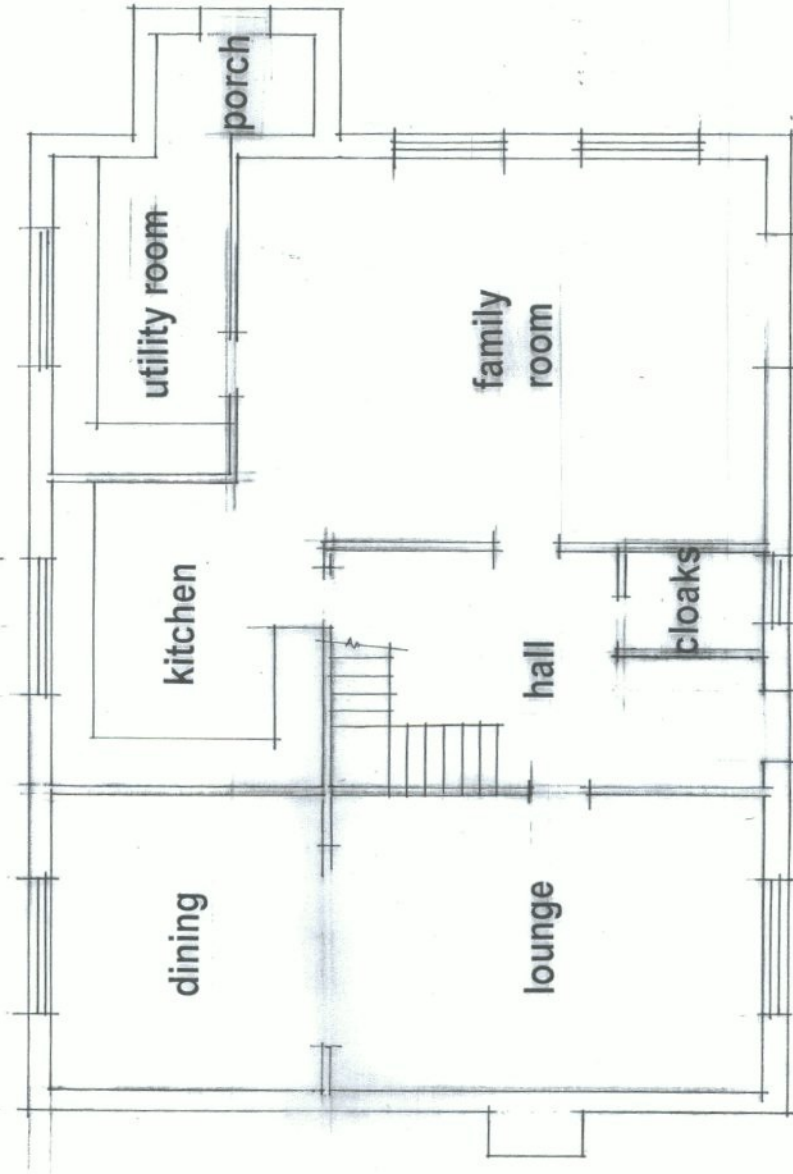
APPROVED

PROJECT REF

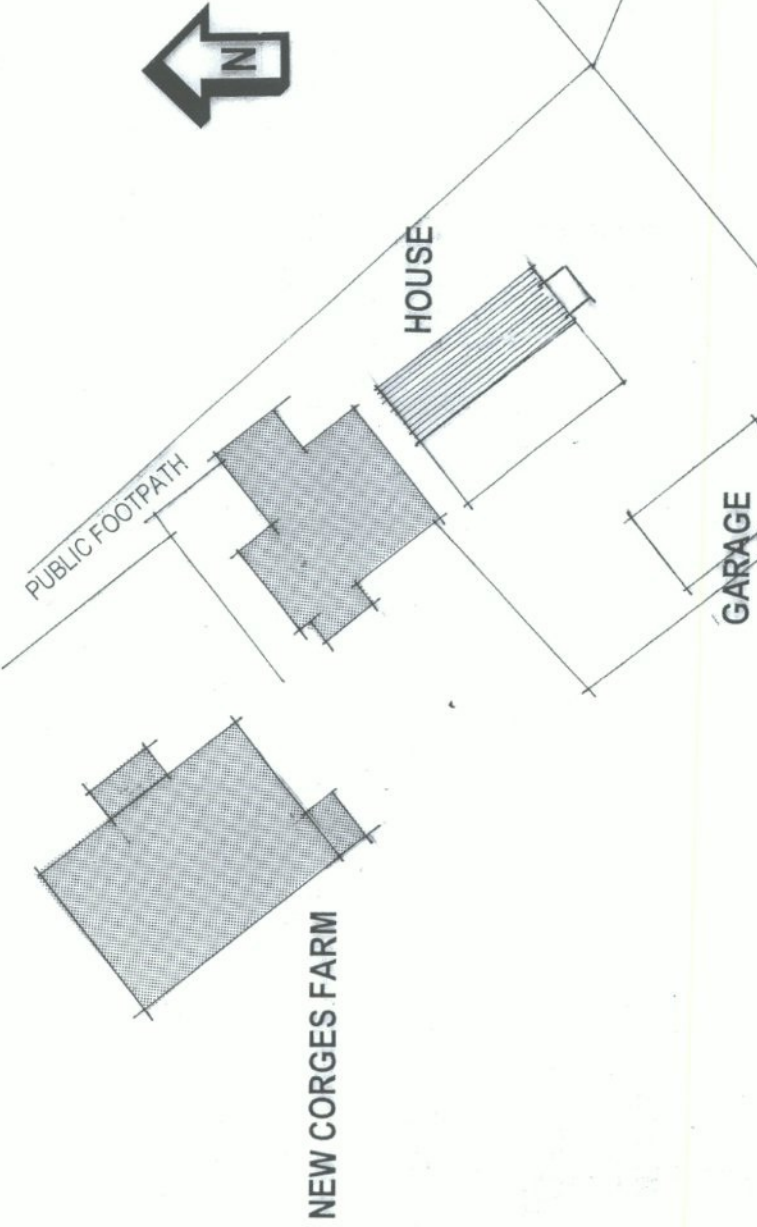
FH/PR1/14



FIRST FLOOR PLAN



GROUND FLOOR PLAN



PROJECT & TITLE

PROPOSED DETACHED DWELLING TO
REPLACE EXISTING ATTACHED
COTTAGE AT CORGES COTTAGES,
DODD LANE, WESTHOUGHTON,
BOLTON. BL5 3NT.

AS BUILT PLANS

INITIAL

DATE

AMEND

SCALE
1:100

DATE
October 2014

DRAWING NO.

FH/PR2/14

AMEND

DRAWN

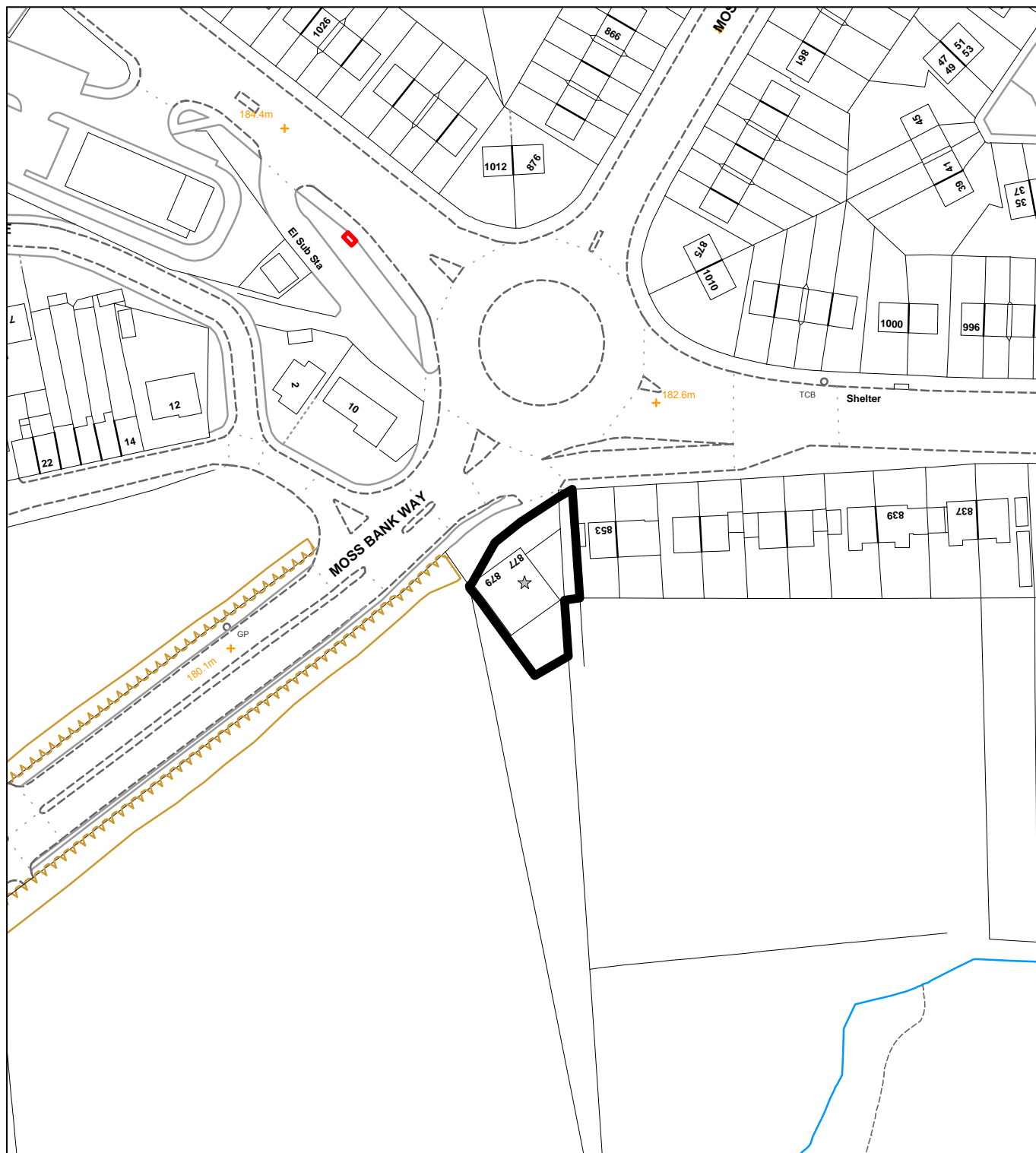
CHECKED

APPROVED

PROJECT REF

Application No.

93052/14



Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of
the Controller of Her Majesty's Stationery Office© Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to
prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389

11

Date of Meeting: 15/01/2015

Application Reference: 93052/14

Type of Application: Full Planning Application
Registration Date: 05/11/2014
Decision Due By: 30/12/2014
Responsible Officer: Jodie Turton

Location: 877-879 MOSS BANK WAY, BOLTON, BL1 5SN

Proposal: APPLICATION TO VARY CONDITION 2 ON APPLICATION 85807/11 TO CHANGE OPENING HOURS TO 08:30 TO 22:00 MONDAYS TO THURSDAYS (REDUCTION BY ONE HOUR) 08:30 TO 23:30 FRIDAYS AND SATURDAYS (NO CHANGE) AND 10:00 TO 21:30 ON SUNDAYS.

Ward: Smithills

Applicant: SM Restaurants NW Ltd
Agent : PLANiTWRIGHT

Officers Report

Recommendation: Approve subject to conditions

Proposal

The application proposes the variation of condition 2 of planning permission 85807/14 to vary the opening hours.

Existing opening hours:

08:30 to 23:00 Monday to Thursday
08:30 to 23:30 Friday and Saturday
10:00 to 16:00 Sundays and Bank Holidays

Proposed opening hours:

08:30 to 22:00 Monday to Thursday (reduction by 1 hour)
08:30 to 23:30 Friday and Saturday (no change)
10:00 to 21:30 Sundays (increase of 5.5 hours)
10:00 to 16:00 Bank Holidays (no change)

A second application for this site is also being considered by Members, for the change of use of the first floor of the premises to a function room/private dining in conjunction with the ground floor restaurant use (93053/14).

Site Characteristics

The premises are within a white rendered, detached, two storey building with customer car parking to the front and rear.

The building is located on the south side of Doffcocker roundabout, at the junction of Moss Bank Way and Chorley Old Road. The area is predominantly residential in character, though there is a McDonalds Restaurant/Drive-Thru about 100 metres away from the application site on Chorley Old Road.

Immediately next door to the application site, to the east, is the residential property of 853 Moss Bank Way. To the south of the site is Green Belt and Doffcocker Lodge.

Policy

National Planning Policy Framework (2012)

Core Strategy policies: CG4 Compatible Uses; P5 Accessibility; S1 Highway Safety; OA5 North Bolton.

SPD: The Location of Restaurants, Cafes, Bars and Hot Food Takeaways in Urban Areas

Analysis

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

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

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

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

The main impacts of the proposal are:-

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

Impact on the Amenity of Neighbouring Residents

Core Strategy policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution. The SPD on the location of restaurants and cafes provides specific guidance on operating hours to limit impact of operations on residential amenity.

The application proposes two alterations to the opening hours of the ground floor A3 use (cafe/restaurant), firstly, the reduction in the evening opening hours Monday to Thursday from 23:00 to 22:00. This will have a positive impact on neighbouring residential amenity given the reduced activity in and around the restaurant during the week. The application also seeks to vary the Sunday opening hours, by extending these from 10:00 - 16:00 to 10:00 - 21:30.

The Council's Pollution Control Officers have confirmed that their service have not received any complaints with regard to noise or odours whilst the restaurant has been operating during their permitted opening hours for both the ground floor and first floor uses. Officers are aware, however, of local concern regarding the potential for loss of residential

amenity should the premises extend their opening hours. However, since the application proposes the reduction of the opening hours during the week, this is considered to be beneficial to neighbouring residents in terms of amenity. The proposal to extend the opening hours on a Sunday to 21:30 is not considered to present a detrimental impact to neighbouring residential amenity. Opening the restaurant to 21:30 on a Sunday will allow the restaurant to capture the Sunday market, without seeking to open the restaurant to a time which would have an unreasonable impact on neighbouring residential amenity.

The permitted opening hours of the restaurant on Friday and Saturday will remain as previously approved (08:30 to 23:30).

Pollution Control Officers recommend that the application for extended hours be approved only for a temporary period of 18 months, so that any loss of amenity felt by neighbouring residents can be assessed before any permanent permission is granted. However, given that the operating hours during the week are to be reduced and only the Sunday opening hours are to be extended, Officers do not consider this to be necessary in this instance.

No alterations are proposed to the opening hours of the outdoor seating area.

Impact on the Highway

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

It is understood from the two letters of objection received that residents have concerns about the parking situation at the restaurant, and specific concerns about overspill parking on the nearby roads. The current application however seeks only to increase the opening hours of the restaurant on a Sunday, this will not result in any increase in the capacity of the restaurant and is not therefore considered to have any greater impact upon the highway or parking than the current situation. Highway Engineers have confirmed that they have no objection on highway grounds.

The applicant has confirmed that a parking attendant has been employed to ensure that customers are making the best possible use of the car park and not parking to inconvenience neighbouring residents.

Conclusion

The proposed alterations to the opening hours are not considered to have any detrimental impact on neighbouring residential amenity and thus complies with Core Strategy policy CG4 and the application is thereby recommended for approval.

Representation and Consultation Annex

Representations

Letters:- two letters of objection have been received from nearby residents, raising the following concerns (*planning officer comments shown in italics*):

- Shortage of car parking.
- Dangerous highway manoeuvres with cars ignoring the 'no right turn' sign.
- Parking congestion - visitors to the restaurant parking inconsiderately and blocking driveways.
- Cars entering the car park backing up onto the road.
- Noise from the extractor fan (*although this has been addressed by the resident liaising directly with the restaurant*).
- Noise from people using the balcony (*the application proposes no changes to the hours of use of the balcony/external area*).
- Noise from the balcony/bottle recycling disturbing local wildlife (*this application deals only with the extension of opening hours on a Sunday, which is not considered to impact upon use of the balcony as this is controlled via a separate condition*).
- As Sunday is a family day there are likely to be more visitors to the restaurant and more visitors coming by car, which will have a greater impact on visitors parking on the road.

Consultations

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

Planning History

Permission was granted at Committee for the variation of condition 3 of planning permission 81903/09 to allow the cafe/restaurant to open 08:30 to 23:00 Monday to Thursday, 08:30 to 23:30 on Friday and Saturday and from 10:00 to 16:00 Sundays and Bank Holidays.

Permission was granted at Committee in September 2008 for the change of use of the premises to a delicatessen (Class A1) (80319/08). This application conditioned opening hours and delivery times from 08:30 to 19:00 hours Monday to Saturday and 10:00 to 16:00 hours Sundays and Bank Holidays.

Amendments to the access and car park was approved in December 2008 (81026/08). The current access arrangements for the premises were conditioned as part of this approval.

Permission was granted for the additional use of the delicatessen to include a coffee shop in March 2009 (81528/09).

Permission was granted by Members for the additional use of the premises as a cafe/restaurant in May 2009 (81903/09).

Permission was granted at Planning Committee in November 2009 for the retention of the first floor of the premises as a conference facility, training room and cookery school (82175/09) however this was only for a temporary period until 13th November 2010, so that the impact of the development on amenity and road safety could be reviewed. Condition 2 restricted the hours of opening of the first floor from 09:00 to 22:30 hours on Thursdays, Fridays and Saturdays only. Condition 6 required a left turn arrow to be painted on the egress and the kerb to the central reservation on Moss Bank Way to be extended.

Under application 83371/09 permission was sought for the retention of the premises without complying with condition 6 (highways works) and condition 2 (hours of operation of cookery school) of planning consent 82175/09. The first part of the proposal was approved by Committee in April 2010 for the temporary period until 13th November 2010. The second part of the application (to allow the cookery school to be open 7 days a week between 09:00 and 22:30 hours) was refused by Members for the following reason:

"The proposed increase in the opening hours for the cookery school pursuant to condition 2 will result in an increase in noise and general activity in and around the site at a time and to levels that would be to the detriment of the living conditions of nearby residents and is contrary to Policy S7 of Bolton's Unitary Development Plan and Planning Control Policy Note 9 - "The Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Take Aways in Urban Areas"."

The hours of the first floor activities (the cookery school, conference facility and training room) therefore remained between 09:00 and 22:30 hours on Thursdays, Fridays and Saturdays only.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

 08:30 to 22:00 Mondays – Thursdays

 08:30 to 23:30 Fridays and Saturdays

 10:00 to 21:30 Sundays

 10:00 to 16:00 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.

Application No.

93053/14



Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of
the Controller of Her Majesty's Stationery Office© Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to
prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389

11

Date of Meeting: 15/01/2015

Application Reference: 93053/14

Type of Application: Full Planning Application
Registration Date: 05/11/2014
Decision Due By: 30/12/2014
Responsible Officer: Jodie Turton

Location: 877-879 MOSS BANK WAY, BOLTON, BL1 5SN

Proposal: CHANGE OF USE OF FIRST FLOOR FROM CONFERENCE FACILITY, TRAINING ROOM AND COOKERY SCHOOL TO FUNCTION ROOM/PRIVATE DINING ROOM. HOURS OF OPERATION 09:00 TO 23:30 MONDAY TO SUNDAY EXCEPT BANK HOLIDAYS.

Ward: Smithills

Applicant: SM Restaurants NW Ltd
Agent : PLANiTWRIGHT

Officers Report

Recommendation: Approve subject to conditions

Proposal

The application proposes the change of use of the first floor of the premises to a function room / private dining room. The facility will operate in conjunction with the ground floor restaurant use.

The proposed hours of operation are 09:00 to 23:30 Monday to Sunday with no opening on Bank Holidays.

This application is being considered in conjunction with an application for alterations to the opening hours of the ground floor restaurant use (93052/14).

Site Characteristics

The premises are within a white rendered, detached, two storey building with customer car parking to the front and rear.

The building is located on the south side of Doffcocker roundabout, at the junction of Moss Bank Way and Chorley Old Road. The area is predominantly residential in character, though there is a McDonalds Restaurant/Drive-Thru about 100 metres away from the application site on Chorley Old Road.

Immediately next door to the application site, to the east, is the residential property of 853 Moss Bank Way. To the south of the site is Green Belt and Doffcocker Lodge.

Policy

National Planning Policy Framework (2012)

Core Strategy policies: CG4 Compatible Uses; P5 Accessibility; S1 Highway Safety; OA5 North Bolton; Appendix 3 - maximum parking standards.

SPD: The Location of Restaurants, Cafes, Bars and Hot Food Takeaways in Urban Areas

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on neighbouring residential amenity
- * impact on parking and the highway

Impact on Neighbouring Residential Amenity

Core Strategy policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution. The SPD on the location of restaurants and cafes provides specific guidance on operating hours to limit impact of operations on residential amenity.

The first floor of the premises has been in use as a conference facility/training room/cookery school since 2009, gaining temporary permission in 2009 (82175/09) and later full permission (83371/09), however operations were limited to three days a week, 09:00 to 22:30. The application being considered by Members today is for the change of use of the first floor to a private dining/function room, which will operate in conjunction with the ground floor restaurant. The proposal is to open the first floor seven days a week from 09:00 to 23:30. Two factors are therefore being considered in terms of the impact on neighbouring residents, these being firstly, the proposed use and secondly, the hours of operation.

The proposed function/private dining room is an extension of the ground floor use and will provide additional facilities to the restaurant, allowing them to cater for functions and larger groups. The restaurant/cafe use of the site is well established and the additional first floor use is not considered to have any greater impact than the existing ground floor use. However, there is some uncertainty over the intensification of the use of the premises and whether this would result in increased noise and disturbance, especially when taking into consideration the proposed days and hours of operation, which are beyond the existing and proposed (93052/14) ground floor restaurant opening hours. On this basis, it is therefore considered that a temporary permission should be issued for a period of 12 months in order to establish whether the intensification of use and increased

opening hours has any detrimental impact on neighbouring residential amenity in terms of noise and disturbance. Furthermore Pollution Control Officers have recommended a condition for a scheme to be submitted for the control of noise emanating from the site, which will be required as part of the planning permission.

With regard to the proposed hours of operation it is considered that given the residential nature of the area and the likelihood that a function room/private dining room will cater for larger groups, which may involve more noise and disturbance from music and activity, it is recommended that the hours of operation are limited to that more akin to the ground floor restaurant use, particularly on Sundays, as follows:

09:00 to 23:00 Monday to Thursday
09:00 to 23:30 Fridays and Saturdays
10:00 to 21:30 Sundays
No opening on Bank Holidays

Impact on Parking and the Highway

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

The Council's Highway Engineers acknowledge that the proposed change of use is likely to lead to an increase in vehicular activity in and around the site. The restaurant has a dedicated car park at the front of the building and further car parking to the rear, providing a total of ten parking spaces. The two letters of objection received raise the issue of car parking on the surrounding streets and the problems caused by this as the main objection to the change of use. The guidance contained in Appendix 3 of the Core Strategy requires a maximum of 15 spaces for the existing ground floor of the premises.

The principal issue is whether the proposed change of use will create an unacceptable parking situation, or whether this is an existing problem. A temporary permission would allow further understanding of the parking situation and whether the proposed use of the first floor of the premises will lead to an unacceptable increase in on-street parking in the surrounding area.

If temporary permission is approved, the application for full planning permission would have to take this into consideration and to address this issue, a full parking survey may be required at the expense of the applicant, in addition to a review of waiting restrictions.

However, it would be unreasonable to require this on a temporary permission (which is being recommended in this instance).

The applicant has confirmed that a parking attendant has been employed to ensure that customers are making the best possible use of the car park and not parking to inconvenience neighbouring residents.

Conclusion

The proposed change of use of the first floor of the premises is recommended for approval for a temporary period of 12 months in order to establish the impact, if any, on neighbouring residential amenity and parking.

Representation and Consultation Annex

Representations

Letters:- two letters of objection have been received from nearby residents, raising the following concerns:

- More customers will mean more cars and more traffic and parking problems.
- Is it possible to limit the number of customers to the number of parking spaces available?
- Shortage of car parking.
- Dangerous highway manoeuvres with cars ignoring the 'no right turn' sign.
- Parking congestion - visitors to the restaurant parking inconsiderately and blocking driveways.
- Cars entering the car park backing up onto the road.
- Noise from the extractor fan (*although this has been addressed by the resident liaising directly with the restaurant*).
- Noise from people using the balcony (*the application proposes no changes to the hours of use of the balcony/external area*).
- Noise from the balcony/bottle recycling disturbing local wildlife (*this application deals only with the change of use to the first floor, which is not considered to impact upon use of the balcony as this is controlled via a separate condition*).

Consultations

Advice was sought from the following consultees: Highway Engineers.

Planning History

Permission was granted at Committee for the variation of condition 3 of planning permission 81903/09 to allow the cafe/restaurant to open 08:30 to 23:00 Monday to Thursday, 08:30 to 23:30 on Friday and Saturday and from 10:00 to 16:00 Sundays and Bank Holidays.

Permission was granted at Committee in September 2008 for the change of use of the premises to a delicatessen (Class A1) (80319/08). This application conditioned opening hours and delivery times from 08:30 to 19:00 hours Monday to Saturday and 10:00 to 16:00 hours Sundays and Bank Holidays.

Amendments to the access and car park was approved in December 2008 (81026/08). The current access arrangements for the premises were conditioned as part of this approval.

Permission was granted for the additional use of the delicatessen to include a coffee shop in March 2009 (81528/09).

Permission was granted by Members for the additional use of the premises as a cafe/restaurant in May 2009 (81903/09).

Permission was granted at Planning Committee in November 2009 for the retention of the first floor of the premises as a conference facility, training room and cookery school (82175/09) however this was only for a temporary period until 13th November 2010, so that the impact of the development on amenity and road safety could be reviewed. Condition 2 restricted the hours of opening of the first floor from 09:00 to 22:30 hours on Thursdays, Fridays and Saturdays only. Condition 6 required a left turn arrow to be painted on the egress and the kerb to the central reservation on Moss Bank Way to be extended.

Under application 83371/09 permission was sought for the retention of the premises without complying with condition 6 (highways works) and condition 2 (hours of operation of cookery school) of planning consent 82175/09. The first part of the proposal was approved by Committee in April 2010 for the temporary period until 13th November 2010. The second part of the application (to allow the cookery school to be open 7 days a week between 09:00 and 22:30 hours) was refused by Members for the following reason:

"The proposed increase in the opening hours for the cookery school pursuant to condition 2 will result in an increase in noise and general activity in and around the site at a time and to levels that would be to the detriment of the living conditions of nearby residents and is contrary to Policy S7 of Bolton's Unitary Development Plan and Planning Control Policy Note 9 - "The Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Take Aways in Urban Areas"."

The hours of the first floor activities (the cookery school, conference facility and training room) therefore remained between 09:00 and 22:30 hours on Thursdays, Fridays and Saturdays only.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. This permission shall be for a temporary period expiring on 20th January 2016 when the function room/private dining room use hereby approved shall cease and the building shall be returned to its former use.

Reason

The assessment of the developments effects is difficult and a temporary permission will enable the Local Planning Authority to review the matter, in the interests of amenity over a period of time.

2. Within 2 months of the date of this decision 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 within 28 days of approval 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.

3. Before the approved/permitted development is first brought into use no less than 10 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, details to be submitted to and approved by the Local Planning Authority. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

4. Within 42 days of the date of this permission, a scheme shall be submitted to and approved in writing by the Local Planning Authority specifying the provision to be made to control noise emanating from the site. The approved scheme shall be implemented in full within 28 days of the scheme being

approved and retained thereafter.

Reason

To safeguard the living conditions of residents, particularly from the effects of noise.

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

09:00 to 23:00 Mondays – Thursday
09:00 to 23:30 Fridays and Saturdays
10:00 to 21:30 Sundays

No opening shall take place on Bank Holidays.

Reason

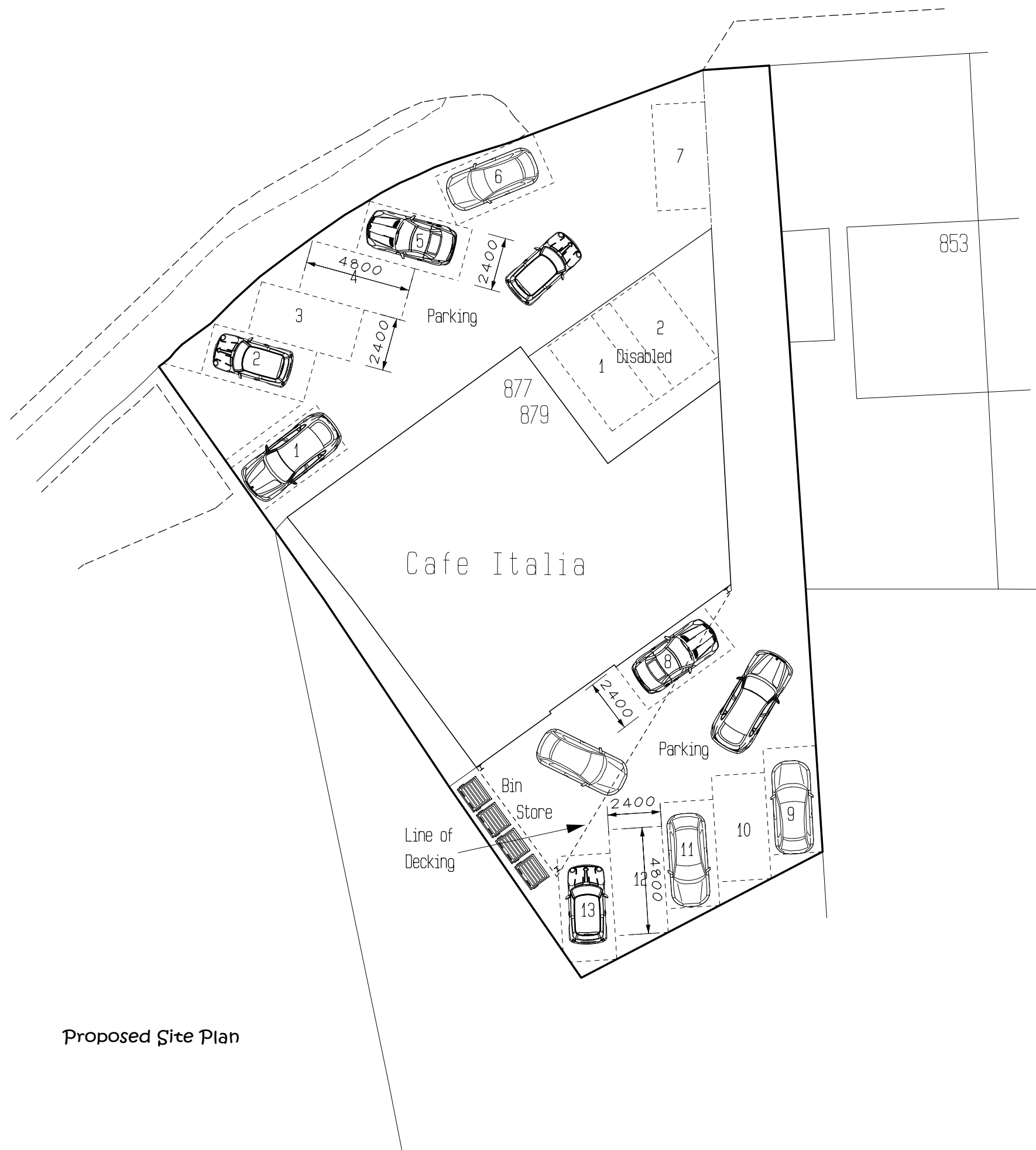
To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

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

- **Site Location Plan; 03;REV A; dated 26/11/2014.**
- **Proposed Ground Floor Plan; K394/10; dated 16/03/09.**
- **Proposed Floor Plans; K394/03; dated 19/03/08.**

Reason

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



Proposed Site Plan

General Notes :

Copyright in all documents and drawings prepared by the Architect / Technologist and any works executed from these documents and drawings shall, unless otherwise agreed, remain the property of the Architect / Technologist and must not be reproduced by, Lent or disclosed to a third party without the written consent of Building Design Services.

Do not scale off this drawing, all dimensions to be checked on site by the Contractor and any discrepancies to be referred back to the Architect / Technologist before proceeding with any work.

ALL Levels to be checked on site by the Contractor and any discrepancies to be referred back to the Architect / Technologist before proceeding with any work.

ALL component sizes and references to be checked with the manufacturer prior to ordering any materials.

The positions and designation of any Manholes for Foul, Surface Water or Combined Drainage runs on site to be checked and traced by the Contractor, and confirmed prior to commencement of any new Drainage Works. Any existing drainage runs to which additional connections are to be made, to be checked as necessary to ensure they are suitable to accommodate any additional capacity and the type of effluent being connected.

ALL relevant Boundary positions to be checked prior to proceeding with any Building Works, and all necessary Party Wall agreements entered into prior to the commencement of any Construction.

Rev	Comment	Date	Initials
-----	---------	------	----------

BUILDING DESIGN SERVICES

Chartered Architectural Technologist

10 Harpford Close, Brightonmet,
Bolton. BL2 6TN.
Tel : 01204 : 383793. Mob : 07966 : 211995.
jeff.bds93@hotmail.co.uk



Client : *SM Restaurants NW Ltd, Lord Nelson Hotel, Stoneclough.*

Project : *Cafe Italia, 877 - 879 Moss Bank Way, Bolton.*

Drawing :
Site Plan

Drawn : *J. C.*

Date : *17.12.2014.*

Scale : *1:200 @ A3*

Job Number : **20414**

Drawing Number : **04** Rev :

Application No.

93070/14



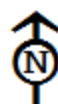
Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389



Date of Meeting: 15/01/2015

Application Reference: 93070/14

Type of Application: Full Planning Application
Registration Date: 04/11/2014
Decision Due By: 02/02/2015
Responsible Officer: Helen Williams

Location: RECREATION GROUND AT LONGSIGHT LANE, BOLTON, BL2 3JR

Proposal: ERECTION OF 28 RETIREMENT LIVING/SHELTERED APARTMENTS INCLUDING THE PROVISION OF COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING.

Ward: Bradshaw

Applicant: McCarthy & Stone Retirement Lifestyles Ltd
Agent : The Planning Bureau Ltd

Officers Report

Recommendation: Delegate the decision to the Director

Proposal

Permission is sought for the erection of a part three storey, part two storey building comprising 28 retirement living/sheltered apartments (Category II retirement housing), communal facilities and a manager's office. The three storey element of the building will be at the front (although the part of the building adjacent 33 Longsight Lane will only be two storey) and the front half of the northern side elevation. The remainder of the building will be two storeys in height.

The vehicular entrance to the development is proposed to the north of the site, off Longsight Lane. 22 car parking spaces are proposed within the car park at the north western corner of the site.

The building will have a T-shaped footprint, with the top of the "T" facing onto Longsight Lane. The areas around the building to the front, rear and southern side will be utilised as communal garden areas. A scooter store and substation are proposed at the entrance of the proposed car park.

The development will comprise 15 one bedroom apartments and 13 two bed apartment for sale to older people.

Site Characteristics

The application site is rectangular in shape and is sited to the south/rear of Harwood Methodist Hall. The site contains two tennis courts and a single storey, timber, pavilion building surrounded by concrete post and mesh fencing. Vehicular access into the site is off Longsight Lane, at the southern corner of the site. A tarmac route runs from this

access around the courts and pavilion. There are rough grassed areas along the boundaries of the site and around the tennis courts, which contain Japanese knotweed.

The tennis courts are at a lower ground level than Longsight Lane (are "sunken") and are screened from view by existing vegetation along the Longsight Lane frontage of the site. The tarmac route into the site along the southern boundary slopes down to the west.

The area where the application site is located is primarily residential in character. Immediately to the south of the site is a large dormer bungalow at 33 Longsight Lane, whose rear garden extends the length of the application site. The houses to the south of this property (35 and onwards (odd numbers) Longsight Lane) are also bungalows. Opposite the site are two storey, semi-detached, bay windowed dwellings (2 to 8 Longsight Lane). Ashworth Terrace, a row of stone terraced cottages, side onto Longsight Lane and the northern part of the application site. Behind these properties is the stone built Longsight Methodist Church. Immediately to the north of the application site is the red brick Methodist Hall, which is on higher ground than the application site and has informal parking along the boundary with the site. The pebble dashed and white painted scout hut is sited to the north of the north west corner of the site. To the rear of the site are the rears of the bungalows at 14 to 18 Oakdale and their rear gardens (number 18 has been extended significantly at the rear).

The part of the application site where the tennis courts are sited is allocated as Recreational Open Space. The rest of the site is unallocated.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA5 North Bolton; IPC1 Infrastructure and Planning Contributions.

SPD Affordable Housing

SPD Accessibility, Transport and Highway Safety

PCPN1 Health, Well Being and Quality of Life, PCPN2 Space Around Dwellings; PCPN8 The Provision for Children's Play within New Residential Developments; PCPN10 Planning Out Crime; PCPN12 Residential and Nursing Homes for the Elderly; PCPN30 Provision for Education.

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 housing provision in the borough
- * impact of the loss of the tennis courts
- * impact on the character and appearance of the area
- * impact on the amenity of neighbouring residents
- * impact on the highway
- * impact on biodiversity
- * impact on local infrastructure

Impact on Housing Provision in the Borough

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

Policy SC1 of the Core Strategy states that the Council will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026 and ensure that at least 80% of housing development will be on previously developed land. Policy OA5.1 states that the Council will concentrate sites for new housing development in North Bolton within the existing urban area.

The application site is located within the existing urban area, in an area which is predominantly residential in character. It is considered that the site is in a highly sustainable location, being within walking distance of local shops and amenities, including Morrison's supermarket, Harwood Health Centre and Longsight Park. Longsight is also on a bus route into Bolton Town Centre.

Paragraph 50 of the NPPF seeks to deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Strategic Objective 14 of the Core Strategy is to provide housing that meets the needs of everybody, reflecting the needs of an ageing population and a growth in the number of households. The proposed development will offer one and bedroom apartments specifically for older people in an area of mixed housing types. The applicant also states within their submission that the proposed development will help to free up under occupied family homes in the local area.

It is considered that the proposed development would contribute to additional housing for older people in the borough, compliant with Policies SC1 and OA5.1 of the Core Strategy.

Impact of the Loss of the Tennis Courts

Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- * an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- * the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- * the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The part of the application site where the two tennis courts are located is allocated as Recreational Open Space within the Allocations Plan. The courts are used by Harwood Methodist Tennis Club.

Harwood Methodist Church (who currently own the application site/owned the application site when the application was submitted) and a representative of the tennis club have both been in contact with the planning case officer prior to the submission of the application to discuss the proposed relocation of the tennis club to St. Catherine's Academy, Stitch-Mi-Lane. An existing multi-games area is to be relaid as four tennis courts, which will be open to use for the tennis club. The tennis club and the Methodist Church/applicant are also currently in talks regarding a possible club house/pavilion at the school.

It is considered that the proposed relocation of the tennis club to the proposed new facility meets the requirements of the second criteria of paragraph 50 of the NPPF. A condition is however suggested to ensure that the new courts have been laid out and are ready to be used by the tennis club before the proposed development is commenced.

It is considered, subject to the suggested condition, that the proposed development would not result in the unacceptable loss of recreational open space.

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 OA5 refers specifically to new development in North Bolton and states that the Council will conserve and enhance the character of the existing physical environment and will require special attention to be given to the massing and materials used in new development.

The area surrounding the application site comprises a mix of bungalows and two storey dwellings (bungalows on the same side of Longsight Lane as the application site and to the rear on Oakdale and two storey dwellings on the opposite side of Longsight Lane). Longsight Methodist Church at the junction of Longsight Lane and Longsight is a taller building and the Methodist Church Hall to the north of the application site is single storey but at a higher ground level than the application site. The application site is at a lower level than Longsight Lane, particularly where the tennis courts are sited.

The proposed apartment building will be T-shaped in footprint, with the top of the "T" fronting onto Longsight Lane. The front elevation will be mainly three storeys in height, with the part of the building nearest the bungalow at 33 Longsight Lane being only two storeys in height. As the building will be sited at a lower level than the road, it is not considered that the development would be overbearing in its height or out of character with the varied street scene. The building would not be dissimilar in height to the nearby Methodist Church. It is considered that the scale of the building is respectful to the neighbouring bungalow at number 33, with the two storey element being sited adjacent this property and with the main body of the building being set in from the boundary with this property. It is also considered that the massing of the front of the building will be successfully broken up with the introduction of gabled frontages and varied roof heights.

The proposed building will occupy the majority of the application site, however it is considered that the scale of the footprint of the building is not dissimilar to the nearby Longsight Lodge. Again, the overall scale and massing of the development will be lessened by the varied roof designs and heights and elevational treatments.

The external materials will be a mix of brick and render.

The submitted plans show that the majority of the privet hedge to the front of the site will be retained (though better managed) and that the hawthorn trees along the boundary with 33 Longsight Lane will be retained. Additional tree planting is proposed around all of the boundaries of the site, which will help soften the appearance of the development within its setting. Ornamental planting is also proposed within the communal garden areas.

It is considered that the proposed development, whilst large in scale, would not harm the character and appearance of the area, compliant with Policies CG3 and OA5 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

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

33 Longsight Lane

The main aspect for this dormer bungalow is to the front and rear. The proposed apartment building will be sited to the northern side of the dwelling. There is a dining room window within the side elevation of the bungalow facing the development site, but this is at the rear half of the dwelling and would not directly overlook the building (it is just past the corner of the two storey front element). Some outlook will be lost, but it is not considered that this would be detrimental to the living conditions of the residents at number 33 given the siting of the proposed building and as this window is northern facing.

It is also considered that the proposed apartment building is set in sufficiently from the boundary with 33 Longsight Lane not to cause any undue overlooking or shadowing of the rear garden (again it is sited to the north).

2 to 8 Longsight Lane

These dwellings are sited on the opposite side of Longsight Lane to the application site and will be approximately 25 metres away from the front of the proposed building. PCPN2 advises that where three storey buildings face two storey buildings (main windows overlooking main windows) a minimum interface distance of 24 metres should be achieved. This interface distance is achieved and therefore it is not considered that the proposed building would unduly harm the amenity of the neighbours at these dwellings.

14 to 18 Oakdale

These three bungalows are sited to the rear of the application site and their rear elevations will face the development. Their rear gardens also adjoin the western boundary of the site.

14 Oakdale will not directly overlook the proposed building, only the south western corner of the site where part of the communal garden is proposed.

The rears of 16 and 18 Oakdale will directly face the rear elevation of the proposed apartment building. This part of the proposed building will be two storeys in height. The windows in the rear elevation of the apartment building are secondary lounge windows and kitchen windows (not main windows), with the exception of ground floor apartment

behind number 18 which has a glazed door to the lounge. PCPN2 advises that where main windows face a wall of a two storey building that contains no main windows a minimum interface distance of 13.5 metres is required. 16 Oakdale will be approximately 17 metres away from the rear of the proposed building and number 18 will be approximately 14.5 metres away. The minimum interface distances prescribed within PCPN2 are therefore met. Although there is a glazed door to a lounge in the rear elevation (ground floor) opposite number 18, it is considered that this would be obscured by fencing and landscaping along the boundary.

It is considered, for the reasons discussed above, that the siting, scale and height of the proposed apartment building would not unduly impact on the amenity of any neighbouring resident, compliant with Policy CG4 of the Core Strategy.

Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that development takes into account [amongst other things] accessibility by different types of transport, servicing arrangements and parking.

A new vehicular access is proposed into the site at the north eastern corner of the site, off Longsight Lane. The Council's Highways Engineers have requested that the visibility splays at the access be amended so that they are set at the back of the footway, to increase pedestrian safety. A condition requiring this is therefore suggested.

The applicant has demonstrated within their submission that larger vehicles (including ambulances) can manoeuvre and turn within the site.

A transport statement has also been submitted with the application which concludes that the proposal will only generate low traffic movements. It is therefore considered that the proposed development will not have a harmful impact on the local highway, and the Council's Highways Engineers have raised no objection.

A car park comprising 22 spaces is proposed within the development site (two of these being disabled spaces and two being dedicated for visitors). Within the transport statement the applicant has stated that the proposed number of spaces is based upon their extensive knowledge of the parking demands of residents at their other developments (McCarthy and Stone have over 900 similar schemes in the UK). It is expected that the proposed sheltered accommodation will be an extremely low traffic generator and that residents will tend not to own a car. The level of car parking proposed within this development is similar to other such developments in the borough.

It should also be noted that the application site is within a highly sustainable location, being only walking distance from shops and other local services. The applicant is also proposing a scooter store within the car park.

A number of local residents have raised concern about existing parking within the area and how the proposed development will impact on this. The existing parking to the rear of the Methodist Church Hall is to be retained (it is not included within the application site) and there should not be an additional demand for on-street parking given the sufficient on-site parking provision proposed. There are also existing double yellow lines in front of the site.

It is considered that the proposed parking provision is sufficient for the type of development proposed and that the proposed development will not jeopardise highway

safety, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on Biodiversity

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, and improving the quality and interconnectivity of wildlife corridors and habitats.

An ecology report has been submitted with the application. This concludes that the habitats present on the application site are unsuitable for most protected species. There is some potential for nesting birds in the trees and bushes and for common reptiles in habitat corridors, therefore the applicant would have to be mindful of relevant legislation when the development is being constructed.

The report has noted that Japanese knotweed is present on the site. The Council's Wildlife Liaison Officer has therefore recommended that a condition be attached to any approval for its removal prior to the commencement of development.

It is considered that the proposal complies with Policy CG1.2 of the Core Strategy.

Impact on Local Infrastructure

Policy IPC1 of the Core Strategy states that the Council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. In doing so the Council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development. Policy IPC1 concludes with stating that the policy is applicable unless it can be demonstrated by the applicant that the scheme would not be viable if contributions were sought or offered.

PCPN1 Health, Well Being and Quality of Life states that elderly persons' accommodation where occupancy is restricted will not be subject to any contribution. No contribution towards health is therefore required.

The proposed apartments will be specifically for older people, not families, and therefore it is not considered that there should be a requirement for public open space/children's play space or education contributions.

Bolton Community Homes Officers have confirmed that they are not seeking any on-site affordable housing provision given the nature of the proposed scheme; the service charge contribution would result in the apartments being unaffordable for their residents. The applicant has submitted a viability statement regarding affordable housing provision with their application, which states that they can only afford £24,007 towards an off-site contribution. Bolton Community Homes Officers agree that the scheme would not be viable with a full contribution, therefore it is proposed that the £24,007 towards off-site affordable housing provision is secured by a Section 106 Agreement.

Conclusion

It is considered that the proposed development would contribute positively to the provision of older people's housing in the borough, would be compatible in its design and scale with the surrounding area, would not unduly harm the amenity of any neighbours, and would not jeopardise highway safety. Members are therefore recommended to delegate the decision to the Director to secure a contribution towards off-site affordable

housing provision.

Representation and Consultation Annex

Representations

Letters:- Six letters of objection, seven letters of support and two letters commenting on the proposal have been received.

Six letters of objection (mainly nearby residents)

- * Concerns about the proximity of the building and the rear of the houses on Oakdale behind (which are bungalows);
- * Concerns about privacy/overlooking into gardens and rooms. Planting of trees will not resolve this;
- * Reduction of light to rear gardens of Oakdale;
- * Concerns about an increase in on-street parking as a result of the development;
- * Lack of parking within the development. Where are visitors going to park?;
- * Visitors to the church will have less places to park, which will increase tension in the area;
- * There is insufficient parking for the residents of Ashworth Terrace. The Council needs to address where existing residents will park before approving this application;
- * Longsight Lane is already a busy road - there will be another 29 homes and possibly 29 cars;
- * Concerns about traffic generation at the junction of Longsight Lane with Longsight;
- * The road surface is extremely poor and in need of repair;
- * The present tennis court is well used and is the only court available in the Harwood area;
- * Concerns about the proposed height of the building given that the neighbouring properties are predominantly bungalows; the building is too high and not in keeping with the area;
- * The proposed fence should be lower and set back from neighbours' fences;
- * Do not need any more old peoples homes in Harwood, there are already two. Affordable housing for first time buyers would be more appropriate;
- * The old Longsight School site would be more suitable for the development;
- * Concerns about noise and dust during construction and site security;
- * How will cats be prevented from going on the construction site?;
- * Resident has a legal document between them and the church to use the car park (*covenants and legal agreements are not planning matters*);
- * Devaluation of neighbouring properties (*this is not a material planning consideration*).

Seven letters of support

- * Longsight Lane is an ideal location for retirement apartments;
- * It is a much needed development. There is a shortage of this type of development in Bolton;
- * The development will be close to local amenities, the health centre and public transport;
- * The development would be high quality accommodation;
- * Good use of the site;
- * More custom for local businesses;
- * Would like to move there.

Two letters of comment

- * Are the apartments for rent or sale and will there be a service charge? (these are questions for the applicant, not for planning);
- * The apartments are much needed but 28 seems a lot for the site and I envisage the rooms being small;

- * A retirement village should be considered.

Consultations

Advice was sought from the following consultees: Highways Engineers, Pollution Control Officers, Drainage Officers, Wildlife Liaison Officers, Bolton Community Homes, Strategic Development Unit, Economic Strategy Officers, Education Officers, Bolton Primary Care Trust and Greater Manchester Police's Architectural Liaison Officers.

Planning History

None.

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. Prior to the commencement of development the four replacement tennis courts at St. Catherine's Academy shall be fully laid out and available for use by Harwood Methodist Tennis Club, unless otherwise agreed in writing by the local planning authority.

Reason

The two tennis courts on the application site are allocated as Recreational Open Space within the Council's Allocations Plan and it is a policy requirement to provide equivalent or better quality provision in a suitable location.
3. No development shall commence unless and until a method statement for the eradication and subsequent monitoring and control with warranties of the Japanese knotweed present on site has been submitted to and approved by the Local Planning Authority. Work shall then be carried out in accordance with the approved method statement.

Reason

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

Reason

To ensure the development is safe for use.
5. 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.

6. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Longsight Lane shall be constructed to a minimum width of 4.2 metres with 1 no. 1.8 metre wide footway.

Reason

In the interests of highway safety

7. Prior to the development hereby approved/permitted being first occupied or brought into use the existing vehicular access onto Longsight Lane shall be closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards. There shall thereafter be no means of vehicular access to or from Longsight Lane, other than as shown on the approved plans.

Reason

In the interests of highway safety.

8. Before the approved/permitted development is first brought into use no less than 22 car parking spaces shall be provided within the curtilage of the site, in accordance with the approved plans. 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

9. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 34 metres shall be provided at the junction of the site access with Longsight Lane.

Reason

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

10. Trees and shrubs shall be planted on the site in accordance with the approved landscape scheme (drawing reference: 2107 01; Landscape Layout) 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. Before the development is first brought into use details shall be submitted to and approved by the Local Planning Authority showing the external appearance of scooter store and substation. The approved details shall be implemented in full and retained thereafter.

Reason

As elevational details were not submitted with the application.

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

1994-1 05; "Building Elevations - Sheet 1 of 2"; dated 06/08/14

1994-1 06; "Building Elevations - Sheet 2 of 2"; dated 04/08/14

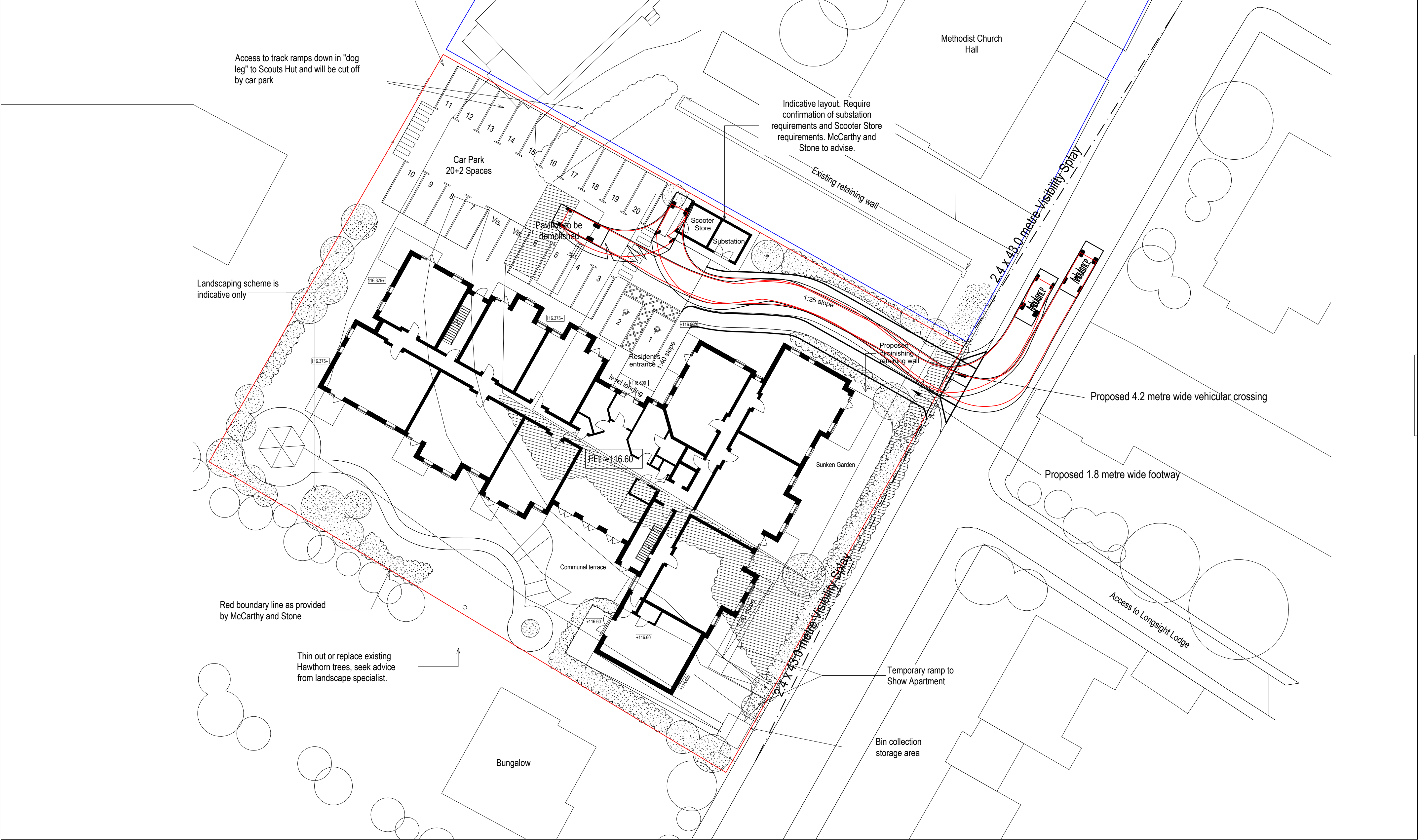
1994-1 07 Rev. A; "Floor Plans and Roof Plan"; dated 10/08/14

2107 01; "Landscape Layout"; dated Oct 14

14/370/TR/001; "Proposed Access Arrangements with Visibility Splays"; dated 19/09/2014

Reason

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



This drawing is copyright and shall not be reproduced nor used for any other purpose without the written permission of the Bryan G Hall Ltd. This drawing must be read in conjunction with all other related drawings and documentation.

It is the contractors responsibility to ensure full compliance with the Building Regulations. Do not scale from this drawing, use figured dimensions only. It is the contractors responsibility to check and verify all dimensions on site. Any discrepancies to be reported immediately. IF IN DOUBT ASK.

Materials not in conformity with relevant British or European Standards/Codes of practice or materials known to be deleterious to health & safety must not be used or specified on this project.

Client: MCCARTHY & STONE RETIREMENT LIFESTYLES LIMITED

Project: LONGSIGHT LANE HARWOOD

Status: PRELIMINARY

Scale: 1:200
A2 - 594 x 420

Drawn: AM

Checked:

Drawing No: 14/370/TR/001

Job No: 14-370

Revision: 19/09/2014

BRYAN G HALL
CONSULTING CIVIL & TRANSPORTATION PLANNING ENGINEERS
Copyright Reserved Bryan G Hall Ltd.

highways@bryanghall.co.uk
Suite E8 | Josephs Well
Hanover Walk
LEEDS | LS3 1AB
T 0113 246 1555
F 0113 234 2201

www.bryanghall.co.uk
Suites 17 & 18
Lighterman House
26/36 Wharfedale Road
LONDON | N1 9RY
T 0203 077 2103

Title: PROPOSED ACCESS ARRANGEMENTS WITH VISIBILITY SPLAYS

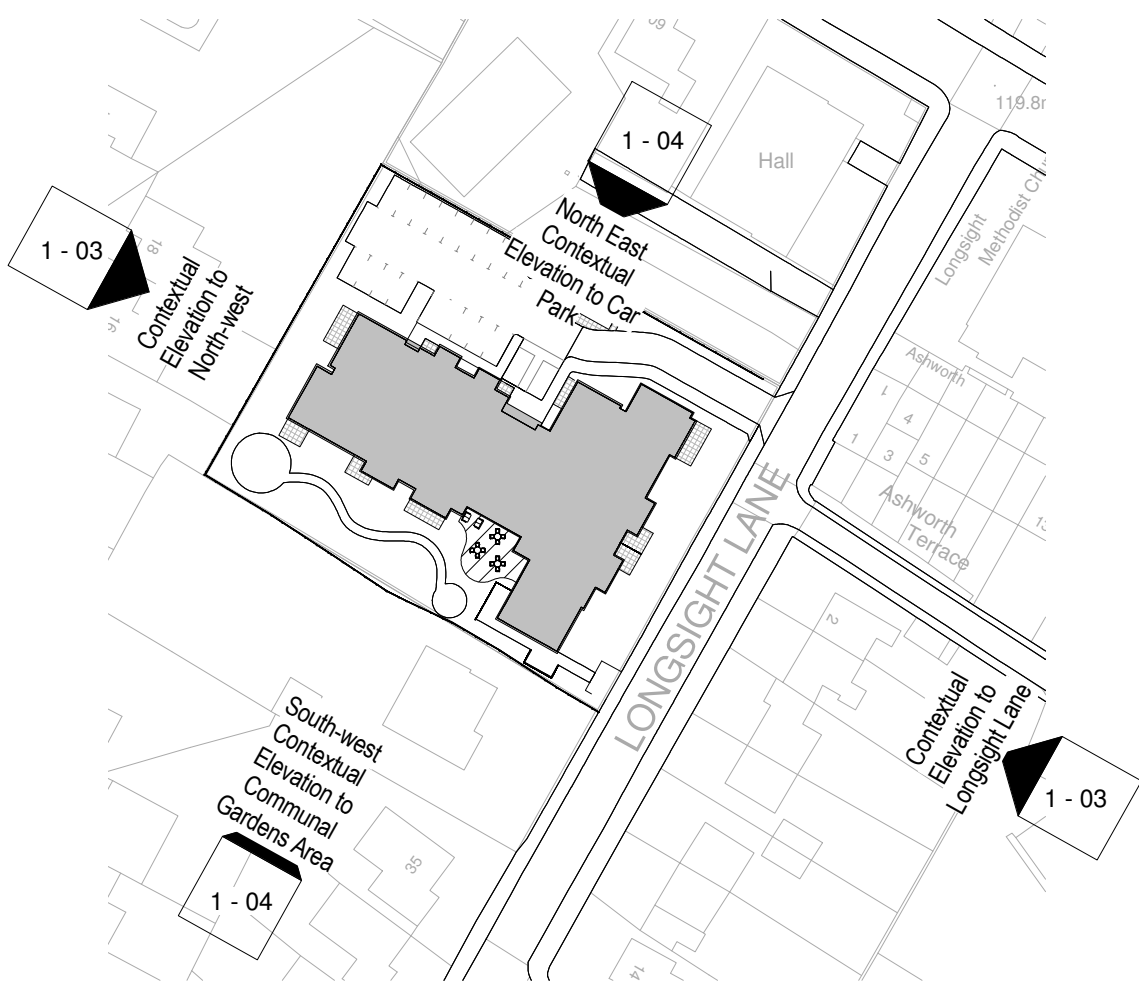
Rev:	Date:	Amendment:	DRN	CHK



Contextual Elevation to Longsight Lane
1 : 200



Contextual Elevation to North-west
1 : 200



Key Plan - Contextual Elevations
1 : 1000

Materials Palette

Walls:
Facing brick - colour to be red/brown
Through-colour render - colour TBC
Infill panels/box features - colour TBC
Juliette balcony guarding - grey tinted glass

Roof:
Thin edge concrete slate - Sandtoft Cassius - colour to be Antique Slate (or similar)

Rainwater goods:
Fascias/soffits - uPVC - black
Downspouts etc - uPVC - black

ALL DIMENSIONS TO BE CHECKED ON SITE
WORK TO FIGURED DIMENSIONS ONLY
REPORT DISCREPANCIES TO THE
ARCHITECT AT ONCE BEFORE PROCEEDING

POZZONI

architects@pozzoni.co.uk

Woodville House
2 Woodville Road
Altrincham
WA14 2FH

+44 161 928 7848
www.pozzoni.co.uk

THE PLANNING BUREAU LIMITED

Town Planners • Architects

G. L. Day B.Sc., B.Arch., R.I.B.A.
Design Director

York Altrincham
Tel: 01904 528822 Tel: 0161 927 7801

Client

McCarthy & Stone

Later Life. Greater Life

© McCarthy & Stone Retirement Lifestyles Limited

All rights reserved. The reproduction of all or any part of this drawing/document and/or construction of any building or part of a building or structure to which this drawing/document relates without the written permission of the copyright owner is prohibited.

Project Title

Retirement Living Housing
Longsight Lane
Harwood

Drawing Title

Contextual Elevations -
Sheet 1 of 2

Scale As indicated1 Date 08/08/14

Drawn: SRW Checked: Rev:

1994-1 - 03

CAD plot date: 29/10/2014 09:58:59



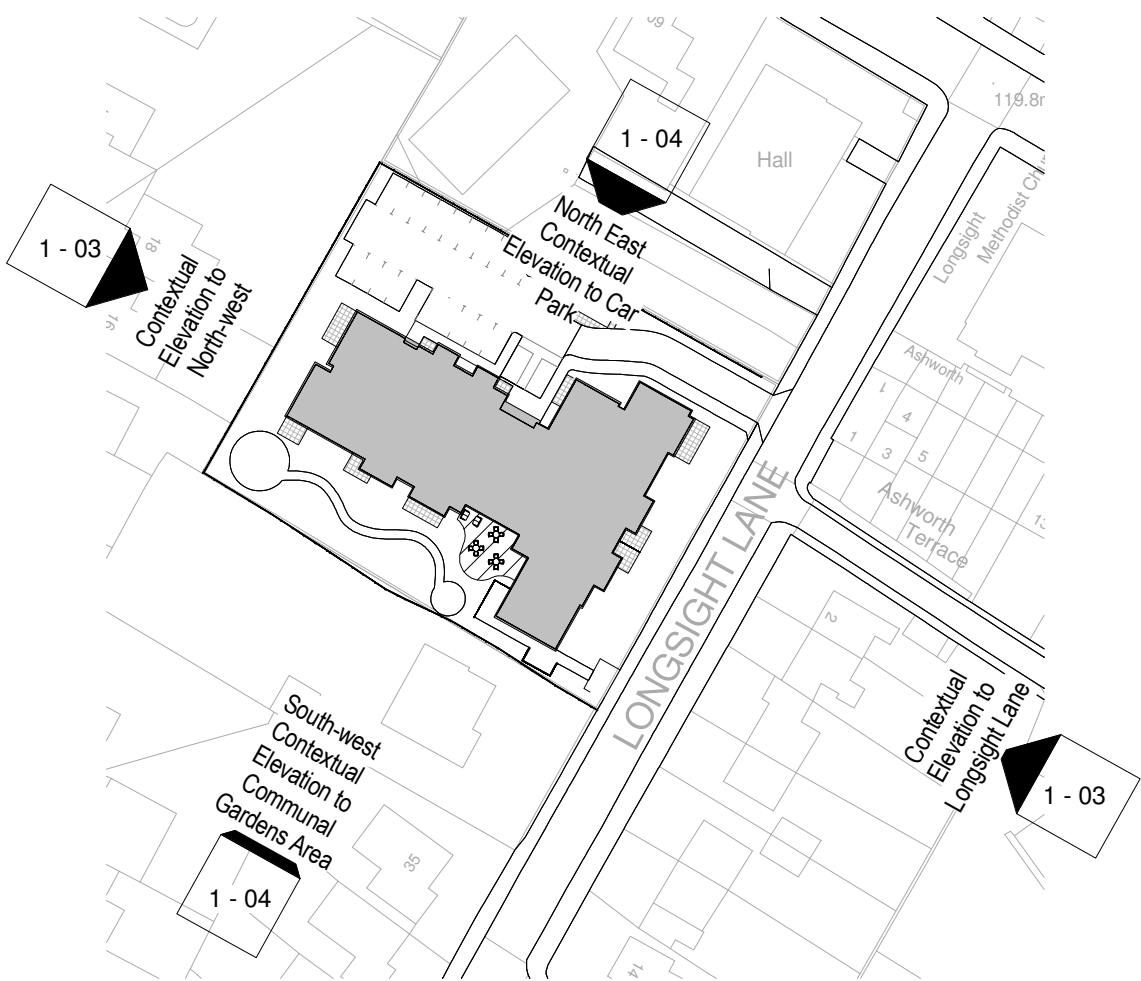
North East Contextual Elevation to Car Park

1 : 200



South-west Contextual Elevation to Communal Gardens Area

1 : 200



Materials Palette

Walls:
Facing brick - colour to be red/brown
Through-colour render - colour TBC
Infill panels/box features - colour TBC
Juliette balcony guarding - grey tinted glass

Roof:
Thin edge concrete slate - Sandtoft Cassius - colour to be Antique Slate (or similar)

Rainwater goods:
Fascias/soffits - uPVC - black
Downspouts etc - uPVC - black

Key Plan - Contextual Elevations

ALL DIMENSIONS TO BE CHECKED ON SITE
WORK TO FIGURED DIMENSIONS ONLY
REPORT DISCREPANCIES TO THE
ARCHITECT AT ONCE BEFORE PROCEEDING

POZZONI

architects@pozzoni.co.uk

Woodville House
2 Woodville Road
Altrincham
WA14 2FH

+44 161 928 7848
www.pozzoni.co.uk

THE PLANNING BUREAU LIMITED

Town Planners • Architects

G. L. Day B.Sc., B.Arch., R.I.B.A.
Design Director

York
Tel: 01904 528822

Altrincham
Tel: 0161 927 7801

Client

McCarthy & Stone

Later Life. Greater Life

© McCarthy & Stone Retirement Lifestyles Limited
All rights reserved. The reproduction of all or any part of this drawing/document and/or construction of any building or part of a building or structure to which this drawing/document relates without the written permission of the copyright owner is prohibited.

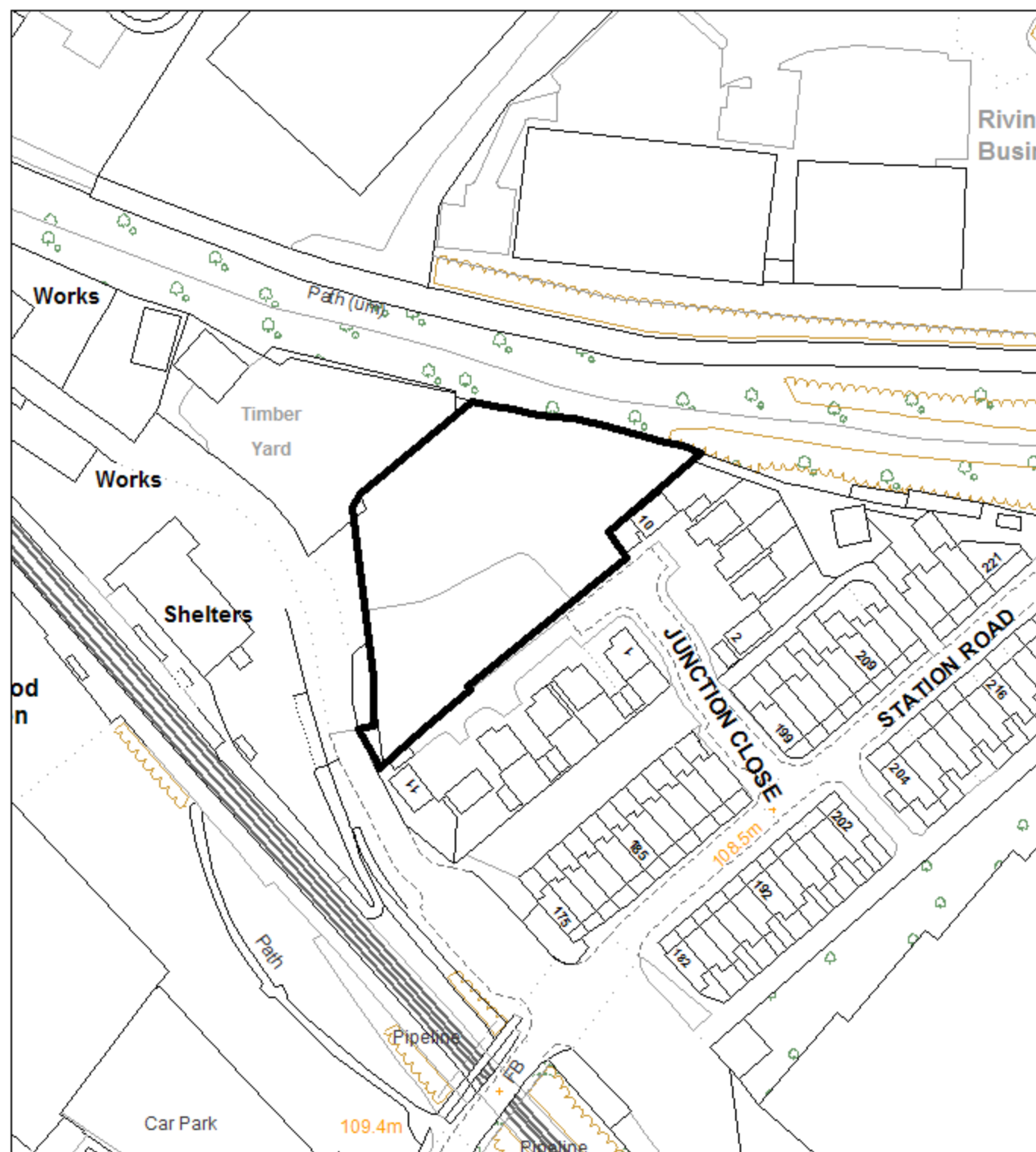
Project Title
Retirement Living Housing
Longsight Lane
Harwood

Drawing Title
Contextual Elevations -
Sheet 2 of 2

Scale	As indicated	Date	13/10/14
Drawn	SFW	Checked	
Drawing No.	1994-1 - 04	Rev.	

Application No.

93108/14



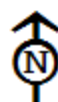
Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389



Date of Meeting: 15/01/2015

Application Reference: 93108/14

Type of Application: Outline Planning Permission
Registration Date: 14/11/2014
Decision Due By: 12/02/2015
Responsible Officer: Helen Williams

Location: LAND OFF STATION ROAD, BLACKROD, BOLTON, BL6 5JE

Proposal: OUTLINE APPLICATION FOR THE ERECTION OF 11 DETACHED DWELLINGS (ACCESS AND LAYOUT DETAILS ONLY).

Ward: Horwich and Blackrod

Applicant: Mr Green
Agent : Neil Pike Architects

Officers Report

Recommendation: Refuse

Proposal

This application is a resubmission of planning application 90454/13, which was refused under delegated powers in November 2013 for the following reason:

"The proposed development would be incompatible with the existing neighbouring industrial uses and would fail to protect the amenity of future residents of the development, particularly with regard to odours and general disturbance created by the neighbouring industrial operations, contrary to Policy CG4 of Bolton's Core Strategy."

The applicant has amended their plans by proposing a 2 metre high tree planted mound along the northern boundary of the site and a 1.8 metres high timber fence at the top of the mound in an attempt to deflect any odours from J. Dickinson & Sons (a waste recycling business) and to improve air quality for the residents of the proposed development.

The proposed layout of the dwellings has also been amended so that they are now less spread out within the site (now two rows of dwellings) and so that only one dwelling now adjoins the boundary with the pallet yard to the north.

Site Characteristics

The application site is a piece of land between the houses on Junction Close and the industrial units at Station Yard. The site is currently being used for the storage of equipment in association with preparation works for the electrification of the adjacent railway line. The site was previously used in conjunction with an existing industrial unit. A portable building is sited to the north west of the site and there is a gated access to the west. The site is bounded by grey palisade fencing, with timber fencing to the south. The land slopes slightly to the north.

The houses at 1 to 9 (odd) Junction Close front the application site and 10 and 11 Junction Close side onto it. There are industrial/commercial units to the west of the site (at Station Yard) and there is a timber yard with stacked pallets immediately to the north west (Gilly's Yard). To the north of the site and across the disused railway line is J. Dickinson & Sons, a large waste transfer business. The buildings at Dickinson's are partly screened by trees along the railway embankment.

Station Yard is accessed via an access road off Station Road (B5238). This access road becomes cobbled past 11 Junction Close.

Blackrod Station is to the south west of the site.

Policy

National Planning Policy Framework (NPPF)

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

PCPN2 Space Around Dwellings
SPD Accessibility, Transport and Safety

Analysis

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

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

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

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

The main impacts of the proposal are:-

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

Impact on Urban Regeneration

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

Policy SC1 of the Core Strategy states that the Council will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026 and at least 80% of housing development will be on previously developed land. Policy OA1.4 states that the Council will concentrate sites for new housing in Horwich town centre, at

Horwich Loco Works and on other sites within the existing urban area.

The application site is considered to be previously developed land (as it is gravelled and was used for storage in conjunction with an industrial business) and it is within the urban area. It is considered that the site is within a highly sustainable location, being close to Blackrod railway station, on a main thoroughfare between Blackrod and Horwich, and being close to shops, schools and local services.

It is therefore considered that the proposal would represent an effective re-use of land within the urban area and would provide new housing in a highly sustainable location, compliant with Policies SC1 and OA1.4 of the Core Strategy.

Impact on the Amenity of Future 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 that development does not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.

The application site is located within an existing industrial estate, Station Yard, which contains a number of industrial and commercial units. The site is only approximately 30 metres away from J. Dickinson & Sons (a large waste transfer and treatment facility) and Gilly's Yard (a pallet business) immediately adjoins the application site to the north west.

The previous planning application for the proposed residential development of the site was refused in November 2013 for the following reason:

"The proposed development would be incompatible with the existing neighbouring industrial uses and would fail to protect the amenity of future residents of the development, particularly with regard to odours and general disturbance created by the neighbouring industrial operations, contrary to Policy CG4 of Bolton's Core Strategy."

The Environment Agency had previously raised serious concerns about the proposed residential development being situated immediately adjacent Dickinson's. The EA confirmed that they had received a significant number of complaints from residents of the adjacent Junction Close about odours and other amenity issues related to Dickinson's and the Council's Pollution Control Officers also confirmed they had received complaints about flies. The application site is closer to Dickinson's than Junction Close (which was approved at appeal in March 2009), meaning that the proposed dwellings will be closer to Dickinson's than the existing neighbouring residents and therefore will be more prone to these problems. Pollution Control Officers also raised concern regarding the proximity of other industrial and commercial uses located in Station Yard, adjacent the application site, especially the existing pallet yard at the adjoining Gilly's Yard.

The applicant has sought to address the previous reason for refusal by proposing a 2 metre high tree planted mound along the northern boundary of the site and by reducing the number of dwellings along the north western boundary (adjacent Gilly's Yard). The mound between the development and the Dickinson's site is proposed to deflect odours from the waste treatment facility and to improve air quality for the residents of the proposed development.

The Environment Agency has not commented on this latest proposal but the Council's Pollution Control Officers still raise an objection. Officers still consider that future

residents of the site would be likely to complain about odours and disturbance from Dickinson's due to the proximity of the proposed dwellings to the waste treatment facility (though they acknowledge that Dickinson's have been working with the Environment Agency recently to improve the issue of odours).

Furthermore, the application site immediately adjoins Gilly's Yard, where the business stores and repairs pallets. The industrial estate at Station Yard is long established and there are no restrictions to the businesses' hours of working. The pallet business has confirmed that they start work early in the morning and continue until the evening, and that they use noisy equipment to carry out their work.

Pollution Control Officers therefore do not consider that the application site is an appropriate location for residential development given the proximity of the neighbouring industrial and commercial uses. Officer comment that there will always be odour and sporadic noise in the immediate area.

It is therefore considered that the proposed residential development of the application site would not be compatible with the existing neighbouring industrial and commercial uses surrounding the application site and would unduly harm the residential amenity of future residents of the proposed development by reason of odours, noise and general disturbance. It is therefore considered that the proposal still fails to comply with Policy CG4 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

Policy CG4.1 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. PCPN2 "Space Around Dwellings" sets out the Council's minimum interface distances between dwellings.

There are residential properties to the immediate south of the application site on Junction Close, a residential cul-de-sac off Station Road. 1 to 9 Junction Close (odd numbers) face the application site and 10 and 11 Junction Close side onto the site.

A distance of 21 metres (the Council's minimum interface distance between two storey dwellings) is maintained between plots 1 and 5 and 3 and 9 Junction Close. 10 and 11 Junction Close are side onto the development and therefore it is considered that their relationships with the new development is adequate.

It is considered that the proposed development would not unduly harm the amenity of existing neighbouring residents.

Impact on the Character and Appearance of the Area

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

Only details of the proposed layout and the means of access are applied for within this

outline application.

It is considered that the layout of the development is acceptable, and each dwelling will have front and rear gardens. The density of the development is reflective of the recently built residential development at Junction Close.

The side elevation of plot 1 could be made active by the use of windows, to create a more attractive entrance to the development.

It is therefore considered that the proposal complies with Policies CG3 and OA1 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 and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.

Access into the proposed development is from the existing access road into Station Yard, which is proposed to be improved up to the northern boundary of the application site. An internal road is proposed off the existing access road into the development. No access is proposed from Junction Close.

The Council's Highways Engineers have requested a number of amendments to the proposed internal road layout, including the repositioning of the driveways to plots 1 and 2 so that they are moved away from the radius of the entrance road and amendments to layout of the proposed turning head. The applicant has not amended their plans in accordance with this request, however it is considered that these amendments could be conditioned if necessary.

Each dwelling has its own driveway and there would be potential at the reserved matters stage for the houses to include integral garages.

It is not considered that the proposal would jeopardise highway safety in the area.

It is considered, subject to the conditions, that the proposal would comply with Policies P5 and S1.2 of the Core Strategy.

Conclusion

It is considered, for the reasons discussed above, that the proposed residential development of the site would be incompatible with the neighbouring industrial and commercial land uses and the amenity of the future residents of the dwellings could not be sufficiently protected by the measures suggested by the applicant, contrary to Policy CG4 of the Core Strategy.

Members are therefore recommended to refuse this application for the reason suggested.

Representation and Consultation Annex

Representations

Letters:- one letter of support and two letters of objection have been received.

The letter of support has been received from a neighbouring resident at Junction Close and supports the proposed development for the following reasons:

- * The yard has been turned into a building site with heavy plant hire dumped there morning, noon and night. Builders shout and swear and making our life hell. It has caused much stress and upset (*officer's comment: the application site has currently been used by contractors for Network Rail while they have been working on preparations for the electrification of the railway line. This use is only temporary whilst works are undertaken*);
- * The new development would improve our standard of living massively;
- * If the development does not go ahead we will be putting our home up for sale and will have to take whatever we get for it, no doubt losing thousands (*Officer's comment: this is not a material planning consideration*).

The letters of objection have been received from Gilly's Yard and J. Dickinson's & Sons (neighbouring businesses) which raise the following concerns:

Gilly's Yard

- * We are a pallet company that buy, sell and repair pallets. We always have pallets stored on our (adjacent) site and work long hours. Our normal working day is anything from 5am through to 8-9pm depending on how busy we are;
- * We repair pallets on a daily basis, which causes some noise due to the generator and air pressure guns. We also have a stripping machine which can be quite loud;
- * At the moment we are able to work like this and have done for the whole time the business has been set up. We don't want new houses to be built and them to impact on our business by complaining about noise, hours of working and the storage of the pallets;
- * We have always worked in this industrial estate.

Dickinson's

- * There are currently on going issues with the new houses on Junction Road with regard to odours;
- * Any further development may result in further issues for all parties involved.

Blackrod Town Council:- raised an objection to the application at their meeting of 1st December 2014 as councillors were concerned about the development's proximity to the waste recycling site and air quality in the vicinity. They felt that the proposal was incompatible with the existing land use.

Consultations

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

Planning History

Outline planning application 90454/13 for erection of 11 detached dwelling (layout and means of access only) was refused under delegated powers in November 2013 for the following reason:

"The proposed development would be incompatible with the existing neighbouring industrial uses and would fail to protect the amenity of future residents of the

development, particularly with regard to odours and general disturbance created by the neighbouring industrial operations, contrary to Policy CG4 of Bolton's Core Strategy."

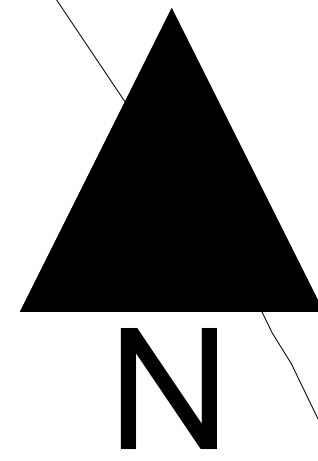
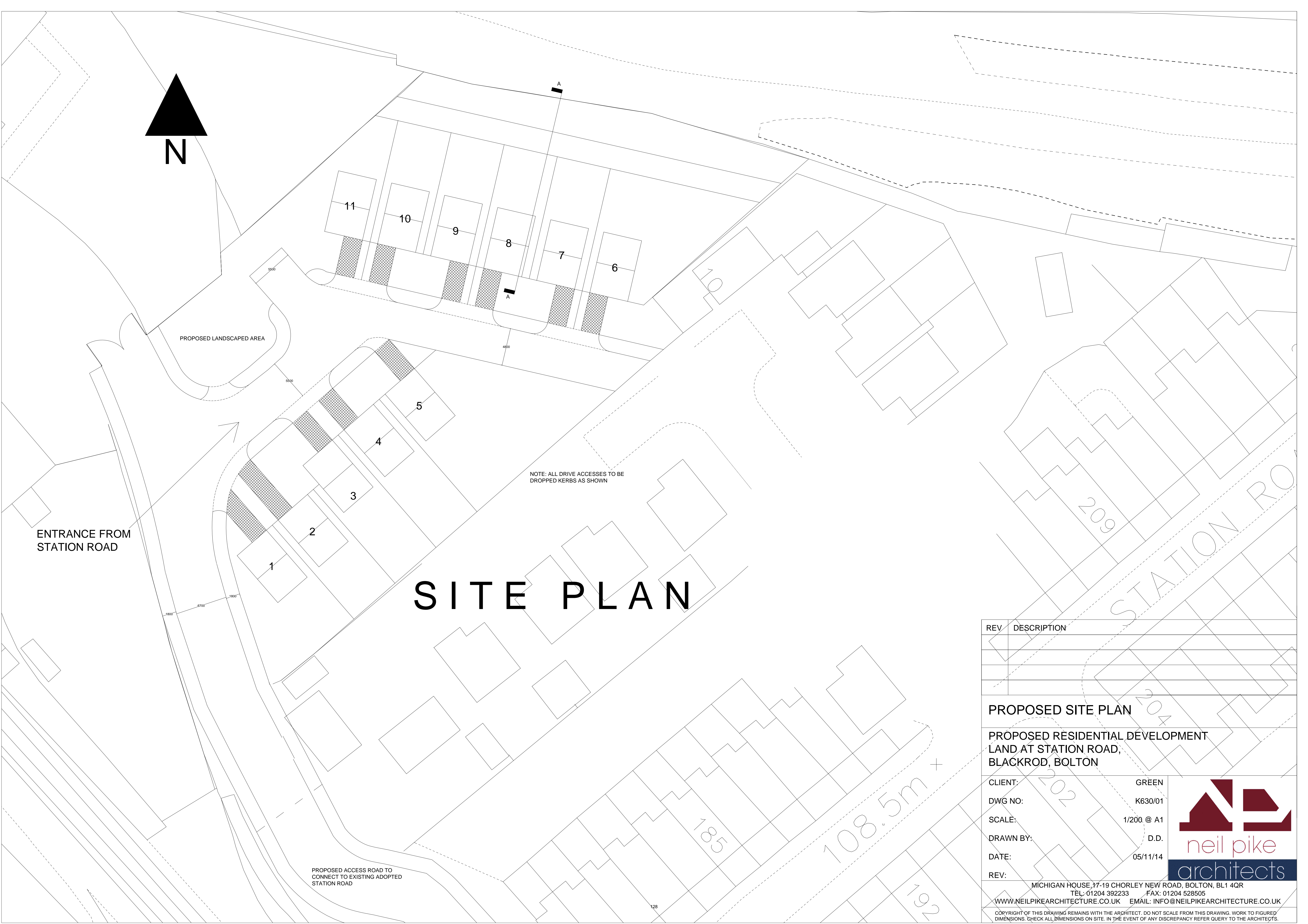
Planning application 53582/98 for the demolition of 197 Station Road and the erection of 19 houses (siting and means of access details only) was refused by the Council in January 1999 and was subsequently dismissed at appeal in November 1999. The application site subject to this latest application was part of the wider application site in this 1998 application. Application 53582/98 was refused on access grounds.

Permission was granted in January 1981 for the development of the site (and surrounding land) for industrial purposes (15853/80).

Recommendation: Refuse

Recommended Conditions and/or Reasons

1. The proposed residential development of the site would be incompatible with the existing neighbouring industrial and commercial land uses and would fail to protect the amenity of future residents of the development, particularly with regard to odours, noise and general disturbance created by the neighbouring industrial and commercial operations, contrary to Policy CG4 of Bolton's Core Strategy.



PROPOSED LANDSCAPED AREA

ENTRANCE FROM
STATION ROAD

NOTE: ALL DRIVE ACCESSES TO BE
DROPPED KERBS AS SHOWN

SITE PLAN

PROPOSED ACCESS ROAD TO
CONNECT TO EXISTING ADOPTED
STATION ROAD

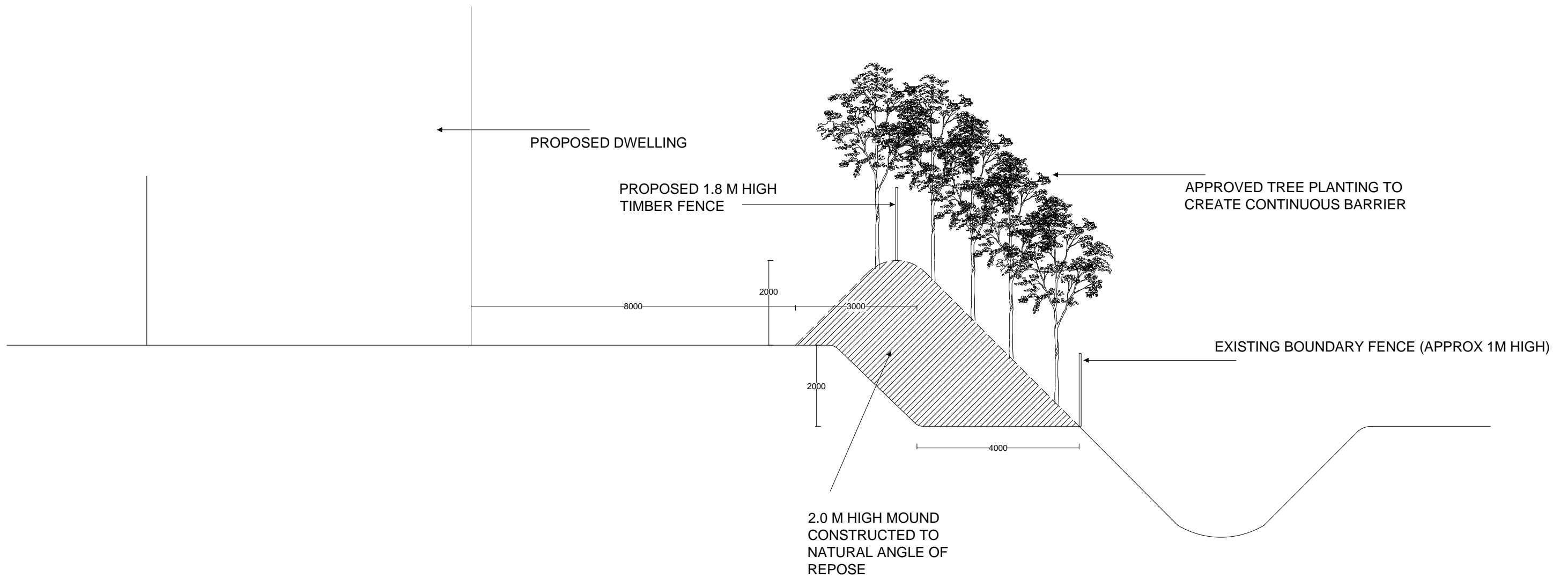
REV	DESCRIPTION

PROPOSED SITE PLAN

PROPOSED RESIDENTIAL DEVELOPMENT
LAND AT STATION ROAD,
BLACKROD, BOLTON

CLIENT:	GREEN
DWG NO:	K630/01
SCALE:	1/200 @ A1
DRAWN BY:	D.D.
DATE:	05/11/14
REV:	





SECTION A-A

REV	DESCRIPTION
PROPOSED SECTION A-A	
PROPOSED RESIDENTIAL DEVELOPMENT LAND AT STATION ROAD, BLACKROD, BOLTON	
CLIENT:	GREEN
DWG NO:	K630/02
SCALE:	1/100 @ A3
DRAWN BY:	D.D.
DATE:	05/11/14
REV:	
MICHIGAN HOUSE, 17-19 CHORLEY NEW ROAD, BOLTON, BL1 4QR TEL: 01204 392233 FAX: 01204 528505 WWW.NEILPIKEARCHITECTURE.CO.UK EMAIL: INFO@NEILPIKEARCHITECTURE.CO.UK	
COPYRIGHT OF THIS DRAWING REMAINS WITH THE ARCHITECT. DO NOT SCALE FROM THIS DRAWING. WORK TO FIGURED DIMENSIONS. CHECK ALL DIMENSIONS ON SITE. IN THE EVENT OF ANY DISCREPANCY REFER QUERY TO THE ARCHITECTS.	



Date of Meeting: 15/01/2015

Application Reference: 93225/14

Type of Application: Full Planning Application
Registration Date: 01/12/2014
Decision Due By: 25/01/2015
Responsible Officer: Martin Mansell

Location: 190 HALLIWELL ROAD, BOLTON, BL1 3QN

Proposal: RETENTION OF TIMBER CLADDING TO FRONT AND SIDE ELEVATIONS

Ward: Crompton

Applicant: Mr Raufbhai Fatakia
Agent : Mr Zahir Sufi

Officers Report

Recommendation: Refuse

Proposal

Consent is sought to retain black timber cladding to the corner of the front and side elevations of this property.

The cladding was installed without the benefit of planning approximately six months ago. Officers received three separate complaints about this breach of planning control and investigated the matter which resulted in application being submitted in August for the retention of both the cladding and the illuminated sign. These applications were refused under delegated powers in September on the grounds of harmful visual impact. Rather than appeal the refusals, the Applicant has sought to reduce the amount of cladding and submit a new application for consideration.

An application to retain an internally illuminated sign has also been submitted and appears elsewhere on the agenda.

Members are also advised that the premises are being used as Class A3 Cafe (desserts and soft drinks), also without the benefit of planning permission as the site only has a consent for retail use, granted in 2011. This is contrary to the Council's policy which seeks to avoid locating such uses next to residential properties. On the other hand, the Government introduced a temporary permitted development right for shops to be used as cafes for a period of two years, subject to them notifying the Council of their intention - though the use does not currently benefit from this right because no notification has been given, nor is it clear whether the Class A1 use was ever implemented. The Applicant will be informed of this breach of planning control and advised to submit a change of use application for consideration, should they wish to continue to operate as a cafe. However, this issue will not be taken into account in the determination of the two applications on

the agenda.

Site Characteristics

The site is a typical two storey end terrace property of a domestic scale. Planning permission was granted in 2011 to change the use from residential to retail - though as described above, the premises are in use as a cafe without the benefit of planning permission.

The character of the area is typical of most radial routes - a predominantly a mix of two storey residential and commercial properties fronting Halliwell Road with some exceptions such as the nearby mosque and Farmfoods premises. Brick is the predominant buildings material though there are also examples of painted brick and render nearby.

Policy

National Planning Policy Framework - requiring good design

Core Strategy Objectives

SO11 Built Heritage

Core Strategy Policies

CG3 Design and the Built Environment

RA1 Inner Bolton

Supplementary Planning Documents

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 the character and appearance of the area

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. Planning decisions should aim to (amongst other things) ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and are visually attractive as a result of good architecture and appropriate landscaping. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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. Historical associations should be retained where possible.

Policy RA1 relates specifically to the Inner Bolton area and contains reference to design guidance, stating that the Council will conserve and enhance the distinctive character of the existing physical environment, and ensure that development has particular regard to massing and materials used, due to the predominance of red brick, slate-roofed, two-storied terraced housing.

Both national and local planning policy place great emphasis on ensuring that new development is compatible with its surroundings, reinforces local distinctiveness and has regard to the existing appearance and materials of an area. In this instance, the surroundings typically consist of brick and painted brick/render buildings. It is considered that the unauthorised timber cladding - even at the proposed reduced scale - is incompatible with this existing context and results in an unacceptably strident feature in the street scene. Whilst planning policy does permit departures from context where the proposed design and materials are of exceptional quality, this is not considered to be the case in this instance.

The timber cladding is contrary to policies CG3 and RA1 of Bolton Core Strategy.

Conclusion

In this instance, whilst the Applicant is seeking to reduce the impact of the breach of control, it is considered to still be unacceptable. The whole corner of the building would still be clad in black timber and when viewed in conjunction with unauthorised sign the two elements together have the appearance of an unacceptably large sign covering a

large proportion of the building. The timber cladding is harmful to the character and appearance of the site and the surrounding area and therefore the recommendation is one of refusal with enforcement action to follow, seeking the complete and permanent removal of the cladding.

Representation and Consultation Annex

Representations

Letters:- A letter of objection has been received from a local resident, who considers that the cladding appears cheap and badly finished and they object to the extent of the cladding. They feel that the cladding is incompatible with the building and would harm the character and appearance of the surrounding area.

Members:- Councillor Bashir-Ismail (Crompton Ward) has requested a referral to Planning Committee.

Consultations

Advice was sought from the following consultees: none.

Planning History

Planning permission was refused under delegated powers for the retention of the timber cladding in September 2014 (92517/14)

Planning permission was refused for the continued display of an internally illuminated sign in September 2014 (92516/14)

Planning permission was granted for change of use from residential to retail in January 2011 (85486/10)

Recommendation: Refuse

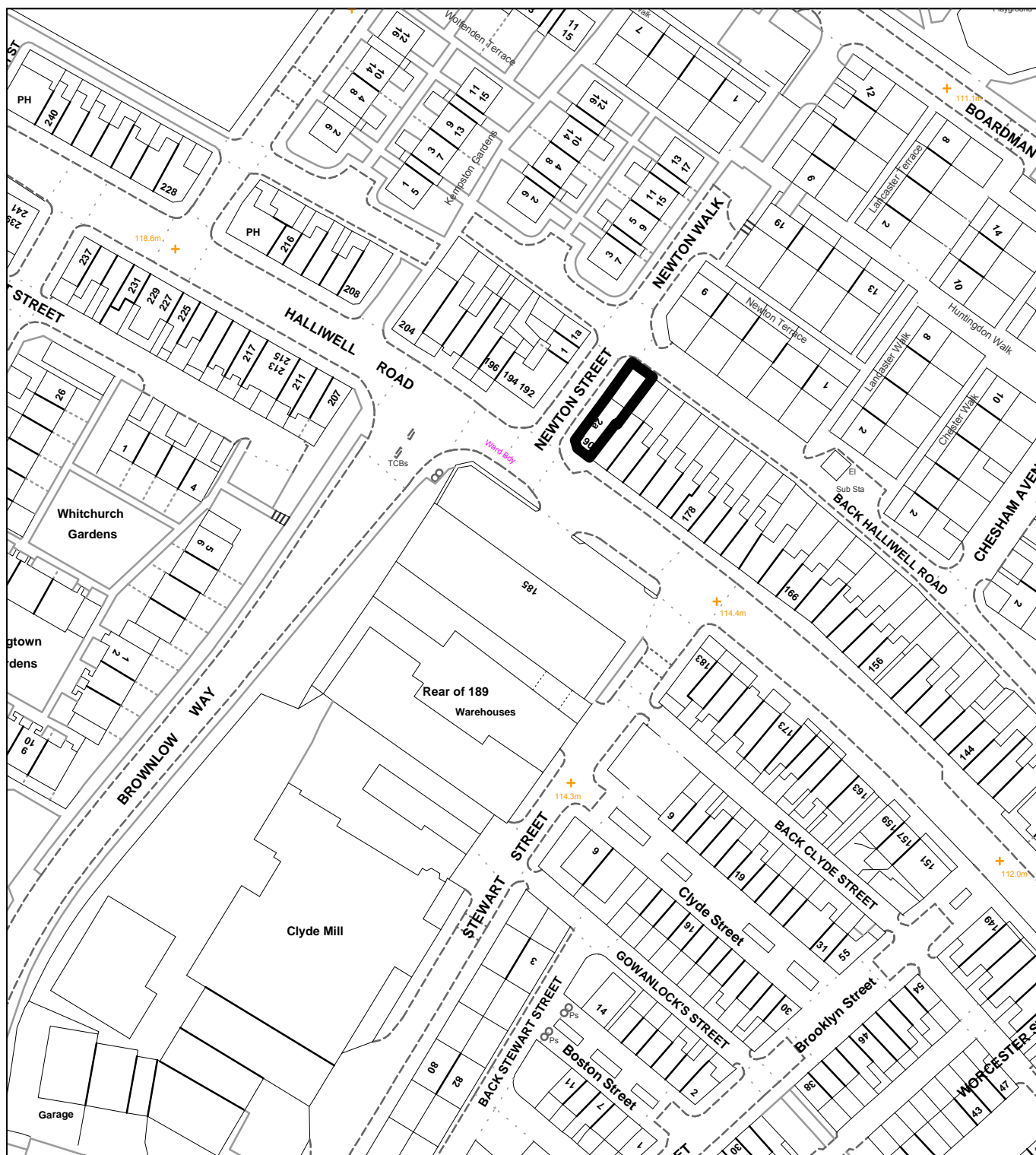
Recommended Conditions and/or Reasons

1. The timber cladding is incompatible with the existing context and harmful to the character and appearance of the site and the surrounding area by way of its size, location, colour, texture and materials and is therefore contrary to Policies CG3 and RA1 of Bolton's Core Strategy.



Application No.

93293/14



Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Bolton © Crown Copyright and database rights 2011. 010019389

11

Date of Meeting: 15/01/2015

Application Reference: 93293/14

Type of Application: Advertisement Consent
Registration Date: 01/12/2014
Decision Due By: 25/01/2015
Responsible Officer: Martin Mansell

Location: 190 HALLIWELL ROAD, BOLTON, BL1 3QN

Proposal: CONTINUED DISPLAY OF INTERNALLY ILLUMINATED SIGN (4 LETTERS)

Ward: Crompton

Applicant: Mr Raufbhai Fatakia
Agent : Mr Zahir Sufi

Officers Report

Recommendation: Refuse

Proposal

Consent is sought for the continued display of an internally illuminated sign at these premises. The sign was installed approximately four months ago after the timber cladding was completed. The sign is, in effect, four signs, consisting of four individual letters spelling the word "C U B E" spanning the corner of the building. The bottom of the letters are level with the bottom of the first floor windows.

Cladding was installed at this site without the benefit of planning approximately six months ago. Officers received three separate complaints about this breach of planning control and investigated the matter which resulted in an application being submitted in August for the retention of both the cladding and the illuminated sign. These applications were refused under delegated powers in September on the grounds of harmful visual impact. Rather than appeal the refusals, the Applicant has sought to reduce the amount of cladding and submit new applications for the retention of the cladding and continued display of the sign. The application for retention of the cladding appears elsewhere on the agenda.

Site Characteristics

The site is a typical two storey end terrace property of a domestic scale. Planning permission was granted in 2011 to change the use from residential to retail - though the premises are currently in use as a cafe without the benefit of planning permission.

The character of the area is typical of most radial routes - predominantly a mix of two storey residential and commercial properties fronting Halliwell Road with some exceptions such as the nearby mosque and Farmfoods premises. Brick is the predominant buildings material though there are also examples of painted brick and render nearby. Signs to the

majority of properties consist of the typical and traditional arrangement of a fascia panel above the shop front window together with a projecting sign. Signs above fascia level are in the minority and those that do exist are generally unauthorised.

Policy

National Planning Policy Framework - requiring good design

Core Strategy Objectives

SO11 Built Heritage

Core Strategy Policies

CG3 Design and the Built Environment

RA1 Inner Bolton

PCPN6 The Display of Signs and Advertisements

Supplementary Planning Documents

Building Bolton

Analysis

The Town and Country Planning (Control of Advertisements) Regulations 2007 permit Local Planning Authorities to exercise control over advertisements in the interests of visual amenity and highway safety.

The National Planning Policy Framework recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The main impact of the proposal is:-

* impact on visual amenity

Impact on Visual Amenity

The Council has adopted PCPN6 The Display of Signs and Advertisements in order to regulate the use of signs in the Borough. Relevant quotes are noted below:-

Para 1: advertisements by their nature are meant to 'catch the eye' and a proliferation of large or garish advertisements may easily detract from an otherwise pleasant environment. The Council aims therefore to ensure that advertisements are located in such positions as to serve their function, but not detract from the surrounding area.

This is considered to be an overly large and strident advertisement, detracting from the surrounding area.

Para 5: In determining any application for consent the Council will have regard to the appearance of the locality in which the advertisement is to be displayed

The character of the area is a mix of residential and commercial. However, signage is generally restrained and the majority of signs respect the domestic scale of the area.

Para 8: All advertisements should respect the character of their surroundings and any display should not be obtrusive when viewed by passers-by. In particular when advertisements are displayed alongside highways, they should be related to the scale of surrounding buildings and when displayed on buildings they should have regard to the symmetry and architectural features of the building upon which they are sited and be designed and positioned so as to be seen as an integral feature of the building.

The sign is obtrusive by way of its size and elevated location and does not relate well to the site within which it is displayed.

Para 12: In mixed commercial/residential or commercial/industrial areas much greater care should be taken in the use of advertising than in a wholly commercial area. If a locality has mixed uses commercial with residential development, some small scale advertising may be acceptable when it is carefully related to the scale of surrounding buildings and does not have an overpowering effect on views from the nearby dwellings.

This is a mixed commercial/residential area - in fact, the majority of properties in this row are residential. The sign is not considered to be carefully related to the scale of surrounding buildings and does have an overpowering effect on views nearby properties and public vantage points.

Para 17: Consent will generally not be granted for fascia or name boards to be sited above first floor window sill level.

This is a high-level sign located above first floor window sill level.

Conclusion

The advertisement is considered to be contrary to the Council's adopted policy in a number of ways and to be harmful to the visual amenity of the area. When viewed in conjunction with unauthorised black timber cladding - even if reduced as proposed - the two elements together would have the appearance of an unacceptably large sign covering a large proportion of the building. The Applicant has instead been encouraged to consider replacing the unauthorised structure and sign with the typical combination of fascia and projecting sign. No special circumstances have been put forward to demonstrate why the Applicant should be entitled to a greater level of advertising than other similarly sized properties on Halliwell Road, or indeed the Borough in general.

The display of the advertisements proposed would adversely affect the amenity of the building, the site and the local area by reason of their design, size, materials, illumination, colour, height and location on the host building and they therefore conflict with Core Strategy Policy CG3 The Built Environment and PCPN6.

Representation and Consultation Annex

Representations

Letters:- A letter of objection has been received from a local resident. They object as they believe the signage is incompatible with the existing building and would harm the character and appearance of the area.

Members:- Councillor Bashir-Ismail (Crompton Ward) has requested a referral to Planning Committee.

Consultations

Advice was sought from the following consultees: none

Planning History

Planning permission was refused under delegated powers for the retention of the timber cladding in September 2014 (92517/14)

Planning permission was refused for the continued display of an internally illuminated sign in September 2014 (92516/14)

Planning permission was granted for change of use from residential to retail in January 2011 (85486/10)

Recommendation: Refuse

Recommended Conditions and/or Reasons

1. The display of the advertisements proposed would adversely affect the amenity of the building, the site and the local area by reason of their design, size, materials, illumination, colour, height and location on the host building and they therefore conflict with Policy CG3 of Bolton's Core Strategy and PCPN6 "The Display of Signs and Advertisements".

