

**Planning Applications Report**

**Planning Committee**

**06 April 2017**

**Bolton  
Council**

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

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

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

The following abbreviations are used within this report: -

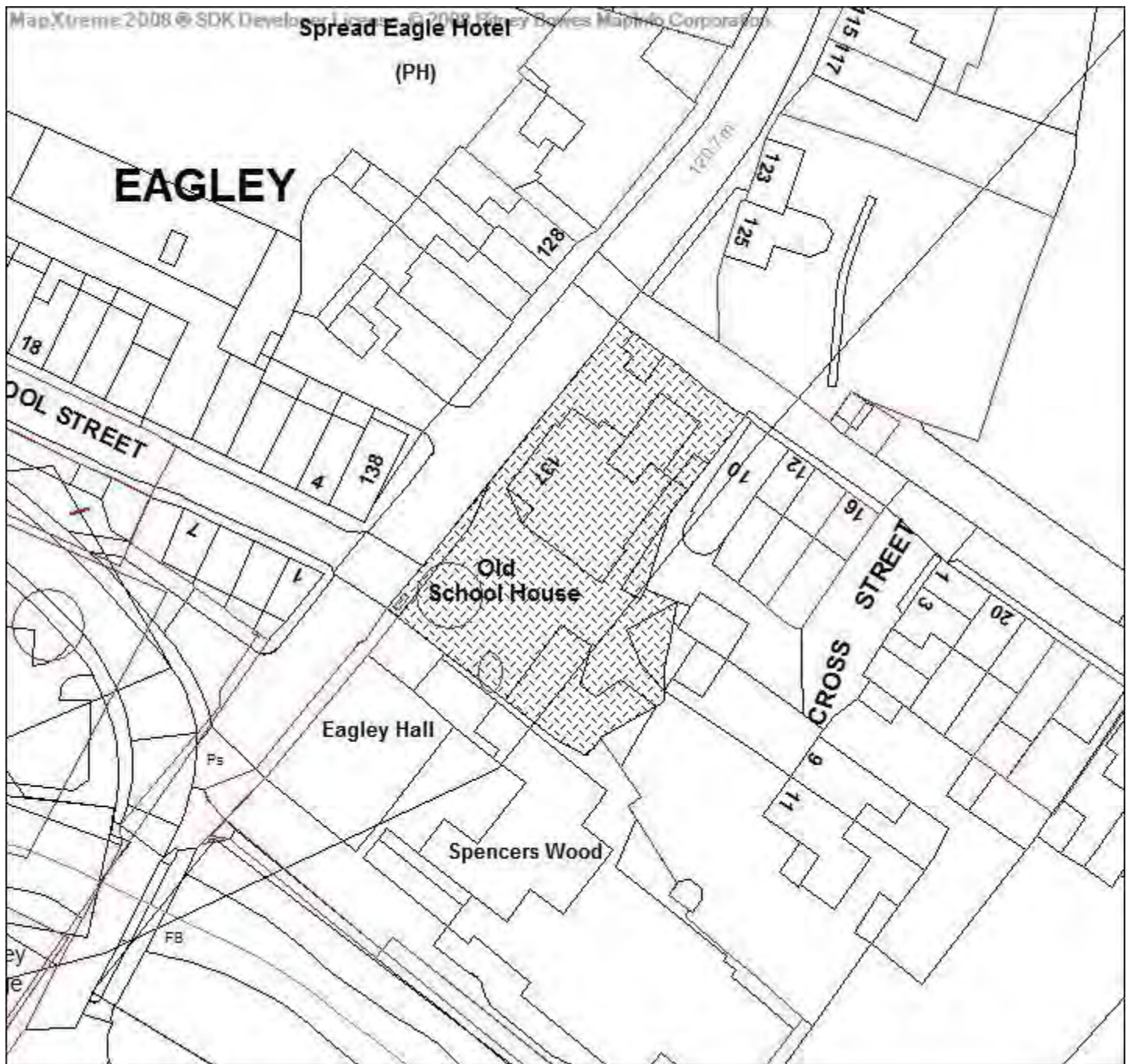
CS	The adopted Core Strategy 2011
AP	The adopted Allocations Plan 2014
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PCPN	A Bolton Council Planning Control Policy Note
PPG	Department of Communities and Local Government Planning Policy Guidance Note
MPG	Department of Communities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

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

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

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**Application number  
97998/16**



**Development & Regeneration Dept  
Development Management Section**

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

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**Date of Meeting: 06/04/2017**

**Application Reference: 97998/16**

**Type of Application: Full Planning Application**

**Registration Date: 29/11/2016**

**Decision Due By: 23/01/2017**

**Responsible Officer: Paul Bridge**

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

**Proposal: VARIATION OF CONDITION 05 ON APPLICATION 97436/16  
(MAXIMUM NUMBER OF CHILDREN LIMITED TO 60).**

**Ward: Bromley Cross**

**Applicant: Mrs J Robinson**

**Agent : Good & Tillotson**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

A conditional planning permission (97436/16) was granted by the Planning Committee for the change of use of the first floor of Eagley School at 137 Hough Lane. This current proposal seeks to vary to condition 5 of the approval. Condition 5 states "No more than 46 children shall be accommodated on the site/within the planning unit at any one time".

Planning permission is sought for the variation of condition 5 on application to increase the maximum number of children from 46 to 60.

The need to increase capacity at the nursery is due principally to an increase in Government funded hours for all three year old children. At present all three year olds have access to 15 hours free entitlement. From September 2017, this will increase to 30 hours. Therefore once the 30 hours funding commences in September 2017, the nursery have to allocate those 30 hours to existing parents. At present the nursery does not have the capacity to do this. This application will enable the nursery to have the capacity to accommodate the increase in funded hours.

### **Site Characteristics**

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

The application site is a stone-built detached historic property and sits sideways on to Hough Lane. The car park area is sited at the front (south) of the property and Papermill Road bounds the property at the rear (north). Apartments at Eagley Hall and Spencer's Wood bound the property to the south.

Landscaped gardens are sited to the rear and east side. The application property is located within Eagley Bank Conservation Area.

### **Policy**

National Planning Policy Framework

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

SPD General Design Principles; SPD Accessibility, Transport and Safety.

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* impact on character and appearance of the surrounding area
- \* impact on living conditions
- \* impact on highway safety

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

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

The building in terms of its design would remain the same and there are no proposed physical alterations to the building. The design of the building is therefore acceptable and in accordance with policy CG3 of the Core Strategy.

#### **Impact on Living Conditions**

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 proposal would increase the number of children at the nursery from 46 to 60. No additional staff are proposed.

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

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

The Council's Pollution Control Unit have been consulted and have raised no objections to the proposal.

Based on the limited opportunity for noise disturbance and the existing restricted daytime opening hours, it is not considered that the proposal to increase child place to 60 will generate any further detrimental impact on the character and appearance of the area or the amenity of neighbouring residents than the current scale of the nursery business.

It is considered therefore that the development does not cause any unacceptable impact on the residential amenity of adjacent residential dwellings in accordance with policy CG4 of the Council's Core Strategy.

#### Impact On Highway Safety

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements and parking, in accordance with the parking standards set out in appendix 3. Policy S1.2 states that the Council will promote road safety in the design of new development.

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

The application site has provision for car parking at the front. The site is located in a sustainable location and is within the community the nursery will serve (in compliance with Core Strategy Policy SC2) and within walking distance of bus stops on Darwen Road. In planning terms, this should reduce the need for users and staff of the nursery to arrive and leave by vehicle.

The Council's Highways Engineers have been consulted and comment as follows; *"There is a potential for this to increase traffic numbers associated with the nursery, however, the net impact based on the increase in spaces will potentially be negligible and should have a limited impact on the current operational capacity of the highways surrounding the site and pose limited road safety implications. The premises is also highly accessible to sustainable transport modes and the centre of Bromley Cross and its residential catchment"*.

In addition there is ample off road parking provision associated with the premises in line with the Council's parking standards.

Having regard to the above, it is considered that the retail use of the site would not cause any severe impact on the function of the surrounding highway network or cause any significant/severe harm to highway safety. The proposals are considered to accord with Policy P5 of the Core Strategy and the NPPF.

#### Other Issues

There is a public right of way adjacent to the site (Turton Eagley 011). The Public Rights of Way Officer has advised that the proposal may be affected by the proposal, due to the vehicles associated with the proposal potentially obstructing the free passage of people. An informative is to be attached to advise the applicant of the need to ensure the PROW is kept free from obstructions.

#### **Local finance considerations**

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

### **Conclusion**

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

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Two letters have been received in response to the planning application publicity and who have raised the following concerns:-

- Highway safety,
- Lack of parking provision,
- Increase in noise.

### **Consultations**

Advice was sought from the following consultees: Highways, Pollution Control, Public Rights of Way Officer

### **Planning History**

Application 97436/16 was granted by Planning Committee for change of use of the first floor of Eagley School to nursery on the 17th November 2016.

A rear conservatory and a single storey side extension were approved in April 2010 (83669/10).

The change of use from a private dwelling into a nursery and the erection of a single storey extension at the side was approved in December 2002 (62666/02).

**Recommendation:            Approve subject to conditions**

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

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

Reason

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

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

**07:30 - 18:30 Mondays – Fridays**

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

Reason

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

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

**07:30 - 18:30 Mondays – Fridays**

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

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard

to noise and/or disturbance and to comply with policy CG4 of Bolton's Core Strategy.

4. The external surfaces of the extension shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter.

Reason

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

5. No more than 60 children shall be accommodated on the site/within the planning unit at any one time.

Reason

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

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

**Proposed Floor Plans, Drwg No. 1648 03, 02/09/16 (scanned to application 97436/16 on 14/09/16)**

**Proposed Elevations Plans, Drwg No. 1648 04, 02/09/16 (scanned to application 97436/16 on 14/09/16)**

**Location Plan (scanned to application 97436/16 on 14/09/16)**

Reason

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

Application number  
00221/17







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**Date of Meeting: 06/04/2017**

**Application Reference: 00221/17**

**Type of Application: Full Planning Application**  
**Registration Date: 09/02/2017**  
**Decision Due By: 05/04/2017**  
**Responsible Officer: Melissa Pagan**

**Location: 12 WINTERBURN AVENUE, BOLTON, BL2 3FY**

**Proposal: ERECTION OF SINGLE STOREY EXTENSION.**

**Ward: Bromley Cross**

**Applicant: Mr Blake Lord**  
**Agent : Mr David Slater**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Planning permission is sought for the erection of a single storey rear extension. The existing conservatory will be removed and the proposed extension will project 4m from the rear elevation of the host dwelling measuring 6.5m in width. Bi-folding doors will be included on the rear elevation of the proposed extension that will serve the sitting/dining area. The proposed extension will host a lean to roof and will include two velux roof lights.

### **Site Characteristics**

The property is a large semi-detached dwelling located at the entrance to the private cul-de-sac at the end of Winterburn Avenue. The application dwelling has undergone several extensions including a two storey side extension, a first floor extension above the existing garage and a conservatory to the rear. Adjoining neighbour No.14 Winterburn Avenue has a conservatory close to the common boundary shared with the application dwelling and has also undergone a two storey side extension. The detached garage belonging to No.10 is built up to the shared boundary. The rear boundary of the application site backs onto Turton Road and the immediate surrounding area is predominantly residential in nature.

### **Policy**

National Planning Policy Framework (NPPF)  
Core Strategies Policies: CG3 The Built Environment; CG4 Compatible Uses; OA5 North Bolton  
SPD House Extensions  
SPD General Design Principles

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

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

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

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA5 of the Core Strategy relates specifically to developments in North Bolton and states that the council will conserve and enhance the character of the existing physical environment and ensure that new development does not harm the landscape setting and protects views from public areas to the surrounding landscape.

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

The proposed single storey rear extension will not be visible from the streetscene. The proposed development will appear subservient to the host dwelling and will not appear incongruous. It is considered that the proposed single storey rear extension will not result in a detrimental impact on the character or appearance of the surrounding area.

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

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

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

Supplementary Planning Document - House Extensions (2012) states that single storey rear extensions up to 3m in length on semi-detached houses will normally be acceptable. Longer extensions may well be acceptable where they do not cause significant overshadowing of main room windows in neighbouring properties.

Adjoining neighbour No.14 Winterburn Avenue has a conservatory projecting approximately 3m from the rear elevation along the common boundary. As the adjoining dwelling has an extension along the shared boundary, the impact of the proposed development is reduced. Given that the neighbouring extension is also a conservatory and is predominantly glazed, the proposed development will not result in a significant loss of light that would be detrimental to the amenity of the neighbouring occupier as the conservatory also has more than one outlook.

No.10 Winterburn Avenue has had planning permission approved under application 97429/16 for a single storey side extension that will be built along the shared boundary from the main house to the detached garage. There will be no new windows on the gable elevation that could potentially be affected by the proposed development under this application for 12 Winterburn Avenue, it is therefore considered that the proposed development will not have a detrimental impact on the amenity of neighbouring residents.

### **Conclusion**

The proposal is consistent with the guidelines contained in SPD - House Extensions (2012). Similarly the proposal is consistent with Bolton's Core Strategy (2011) by reason of its scale and massing and is reflective of the design and appearance of the host building.

For the reasons given above the proposal is recommended for approval.

### **Local finance considerations**

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

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One letter of objection has been received raising the following concerns:-

- The proposed and existing extensions will turn the application property in to a large house completely out of keeping with the number 14 and the original plan of the estate - *this is considered in the analysis section of the report.*
- The relationship of number 12 Winterburn Avenue with the original properties fails and is an over development of the site - *this is considered in the analysis section of the report.*
- The extension will appear excessive and overbearing - *considered in the analysis section of the report.*
- The trees to the east of the site will restrict light to Number 14, together with the proposed development - *the trees are*
- The impact construction works will have on the heath of the neighbouring resident. - *this is not a material planning consideration.*

**Petitions:-** None received

**Town Council:-** None

**Elected Members:-** Councillor Critchley has requested that this application be brought to committee.

### **Consultations**

Advice was sought from the following consultees: None

### **Planning History**

91915/14 - Erection of a two storey side extension with a first floor extension over existing garage.  
Approved 18.06.2014

**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:

DWG 1 of 5 - Site and Location Plan  
DWG 4 of 5 - Proposed Elevations  
DWG 5 of 5 - Proposed Ground Floor

Reason

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

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

Reason

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

00221/17

Workmanship and materials to be suitable for their purpose and should be in accordance with British Standards, Codes of Practice or equivalent European Standards.

Any dimension should be used in preference to scaling drawings and should be site checked before that part of the works commences or materials ordered.

Any alterations or deviations from the drawings should be agreed in advance with Client, planning Authority if applicable and any other supervising body.

Permission for development should also be sought off land owner before work commences if site is not freehold.

If the work is subject to The Construction Design and Safety Management (CDM) Regulations the Health and Safety Executive should be notified before work commences.

Where the development is within close proximity of a boundary, the Party Wall Act may apply and written intention should be given to the adjoining owners.

This drawing has been prepared for the purpose of obtaining Planning and/or Building Regulation approval and is not intended as a full working document.

All electrical, heating and plumbing requirements should be agreed with Client before work commences.

**General Comments**

All new electrical installations to be installed in accordance with Approved Document 'P' and to be carried out or inspected by an approved contractor. Commissioning certificate to the Building Control body within 30 days of completion of work.

Energy efficient light fittings and bulbs to be used whenever possible.

All new radiators to be fitted with thermostatic valves. If it is found that the existing heating system is not sufficient to service the new radiators, a replacement boiler installation should be carried out by a registered 'Gas safe' engineer.

**Foundations**

New concrete strip foundations 600mm wide x 200mm thick to cavity walls and 450mm wide x 200mm thick to loadbearing partition walls. Depth to be a minimum of 1.0M but to be taken below level of any adjacent drainage.

Any drainage passing beneath proposal to be bridged within brickwork with concrete lintels over. Foundation grade brickwork/blockwork to be built up to DPC level and cavity to be filled with lean mix concrete up to 75mm below external ground level.

**External Walls**

To be of cavity construction and consisting of facing brickwork, stone or rendered blockwork to match existing property or in accordance with planning conditions.

100mm cavity with full fill 'Drytherm' insulation and internal leaf of lightweight blockwork (denser blockwork may be required if supporting structural steelwork). Inner face of blockwork to receive plasterboard on dabs with skim finish.

Stainless steel cavity ties to be provided at 450mm vertical centres and 750mm horizontal centres. Additional ties to be provided at door and window reveals.

Proprietary cavity closures to be used at door and window reveals.

**Steelwork**

New steelwork to be sized as indicated, to be sat on concrete padstones and to be encased to give 30 minutes fire resistance.

When 2 no. beams are specified, these are to be bolted together at 900mm centres including spacers between beams.

**Lintels**

Generally to be 'Catic' or similar type galvanised steel lintels with plaster finish to give 30 minutes fire resistance.

Lintel specification to be suitable for span, loading etc. and to have a minimum end bearing of 150mm.

**Windows and Doors**

To be to clients requirements and to consist of either PVC'U' or timber and to have draft seals to all openings. 'u' value should achieve a maximum of 1.6.

All rooms to have opening vents equivalent to 5% of the floor area and to also have background trickle vents of 8000 sq. mm.

**Ground Floor**

Floated concrete 100mm thick on 1200 gauge 'visqueen' membrane on 100mm thick 'Kingspan' or similar polyurethane insulation on 'visqueen' on sand blinded compacted hardcore.

Include for 25mm insulation upstands around perimeter.

Also include for ducting any existing airbrick through new floor construction using rainwater pipes side by side.

**Roof (pitched)**

Concrete interlocking tiles, suitable for pitch and exposure to be fixed to tarred/slate battens over breathable roofing felt (Tyvek or similar)

Roof carcass to be of traditional construction consisting of 175 x 50mm timber rafters at 450mm cts.

12mm plaster board and skim to soffit of ceiling.

Where insulation is within slope of roof it should consist of 100mm polurathene positioned between joists with additional 50mm layer behind plaster board.

At roof/wall abutment include for code 4 lead flashing and cavity tray (if required)

Fascia Boards, soffits, barge boards and rainwater goods to be PVC'U' unless otherwise stated. Down pipes to discharge to gullies as indicated.

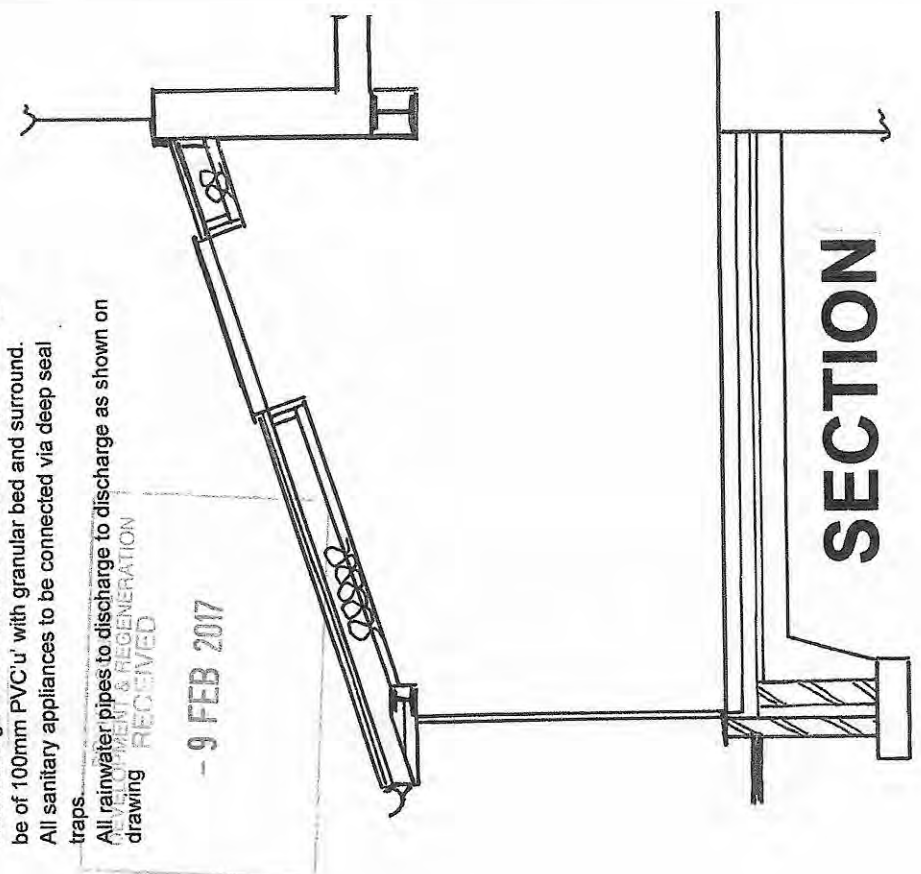
**Drainage/Plumbing**

New drainage to be installed as indicated on plans and to be of 100mm PVC'U' with granular bed and surround.

All sanitary appliances to be connected via deep seal traps.

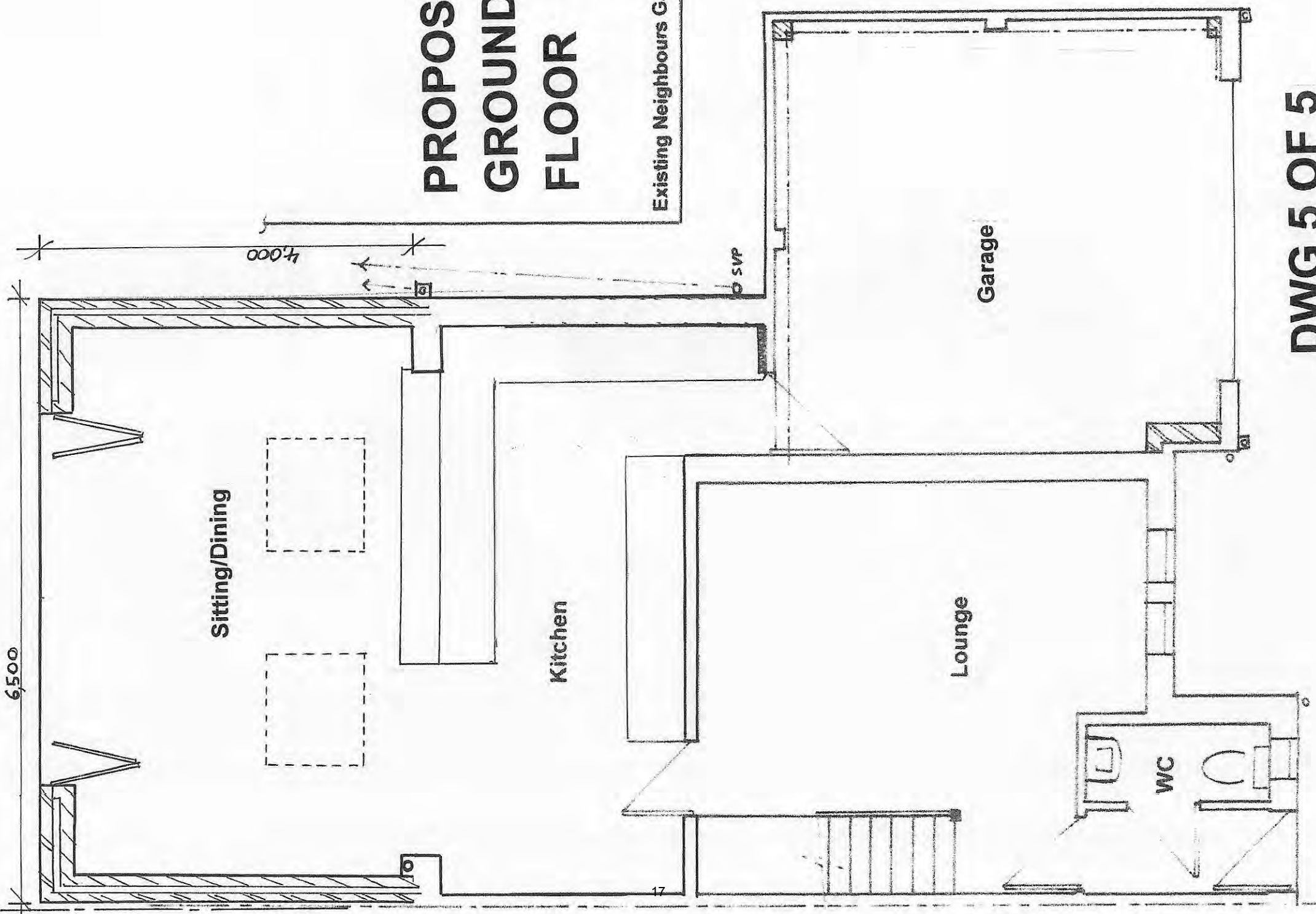
All rainwater pipes to discharge to discharge as shown on drawing

- 9 FEB 2017



# PROPOSED GROUND FLOOR

Existing Neighbours Garage



DWG 5 OF 5

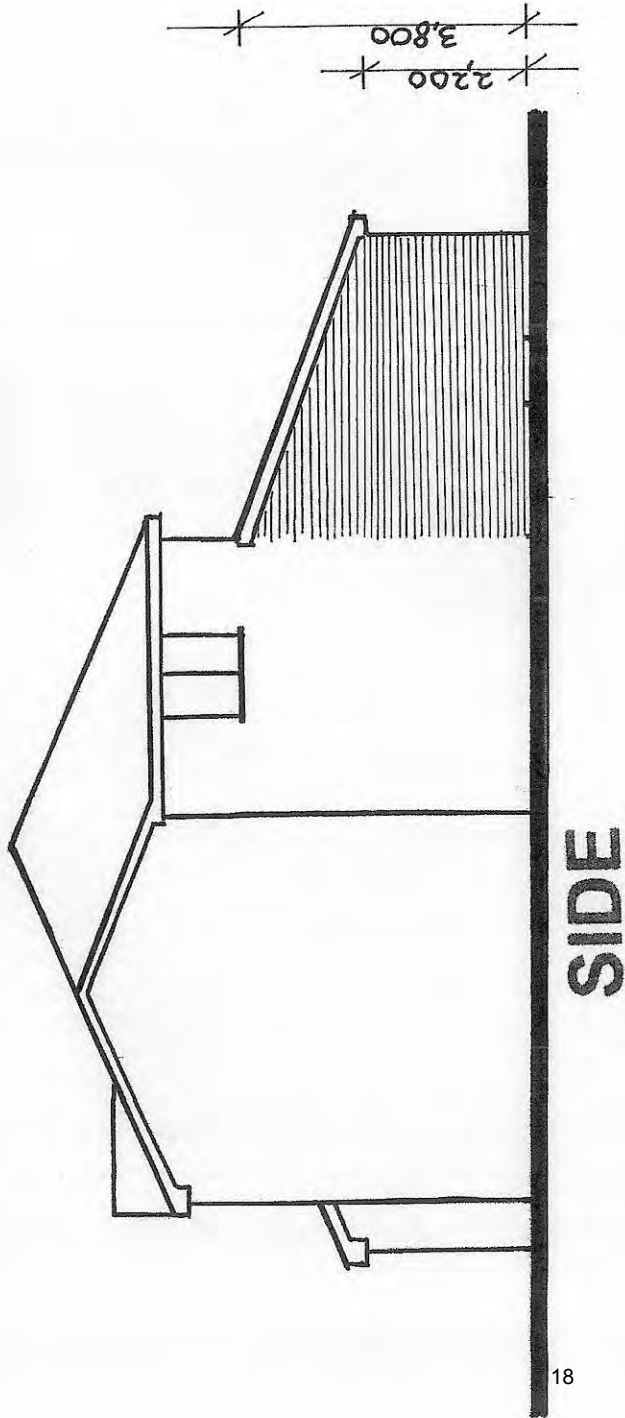
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**PROPOSED**

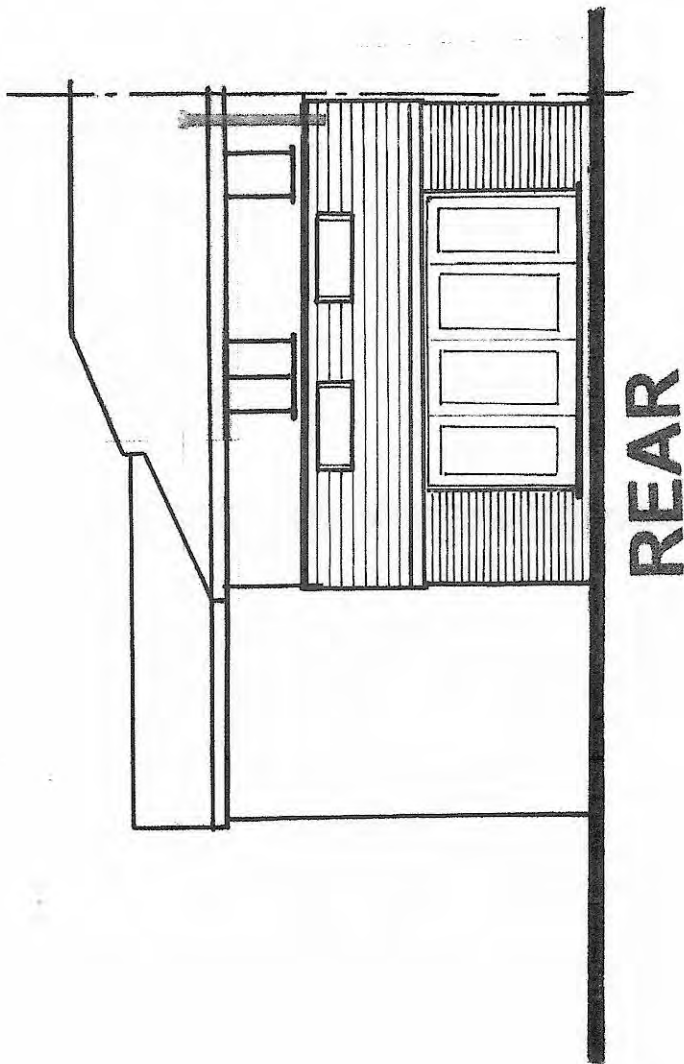
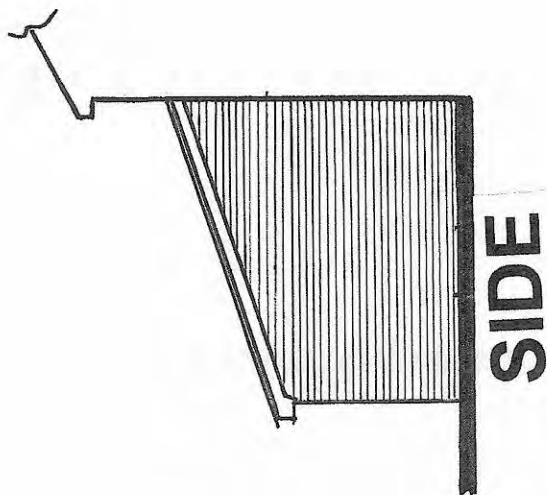
**ELEVATIONS**

**SCALE 1:100**

Existing Neighbours Garage not  
shown for clarity



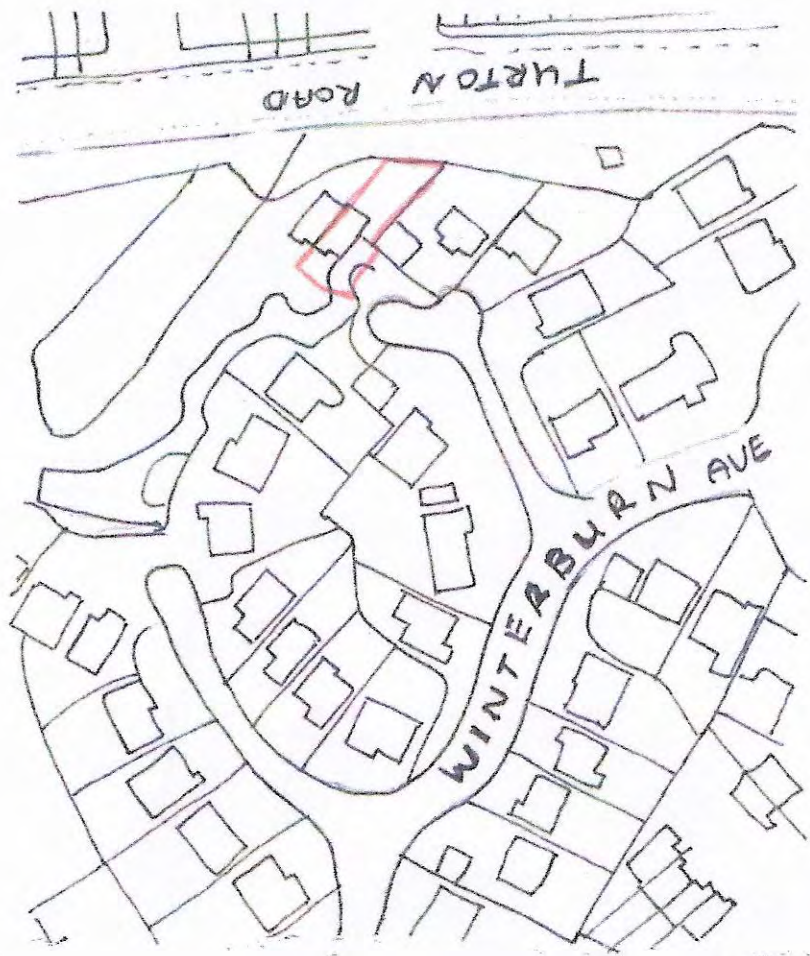
**DWG 4 OF 5**





60221/17

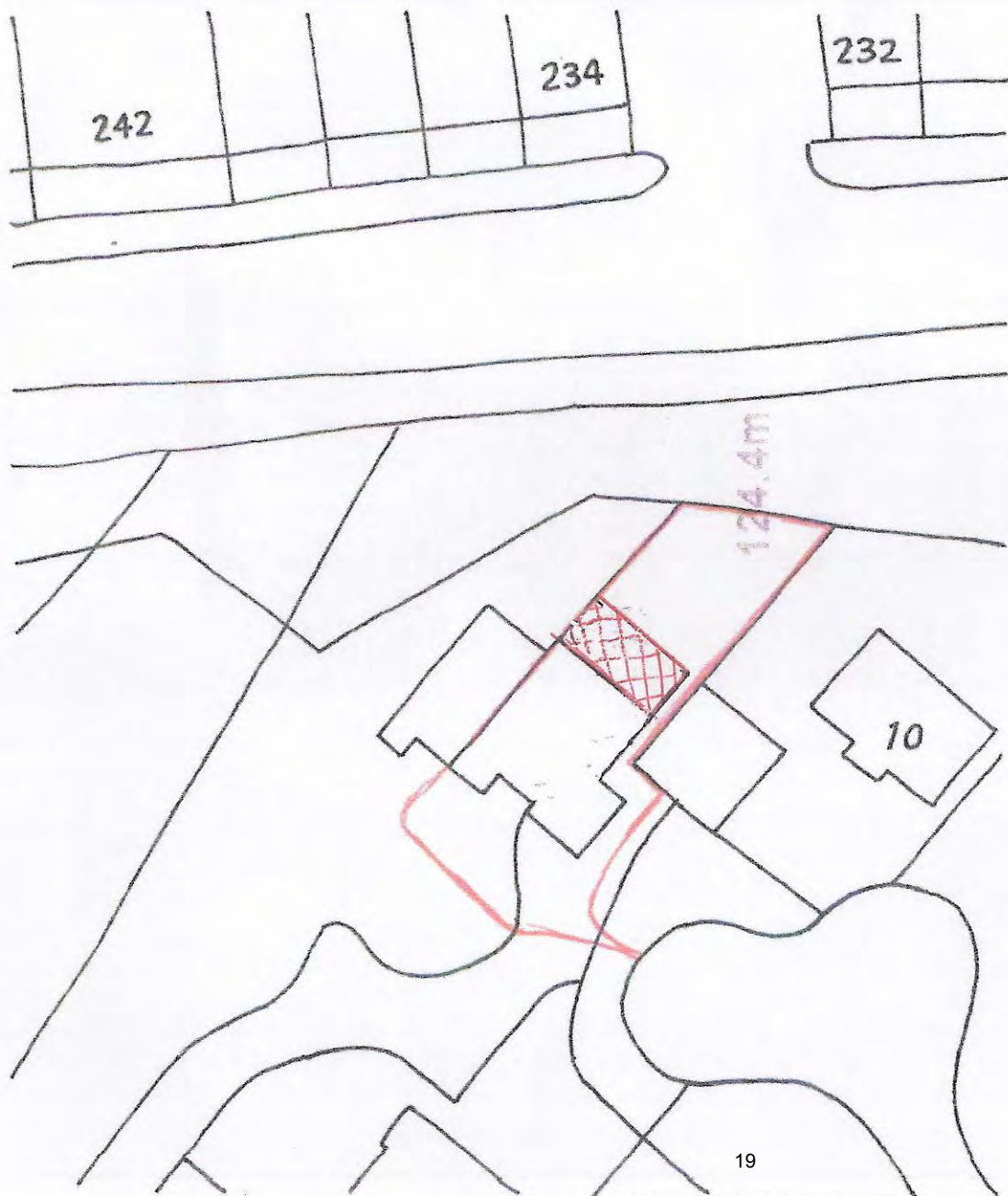
# LOCATION PLAN



SCALE 1:1250  
1:500

DWG 1 OF 5

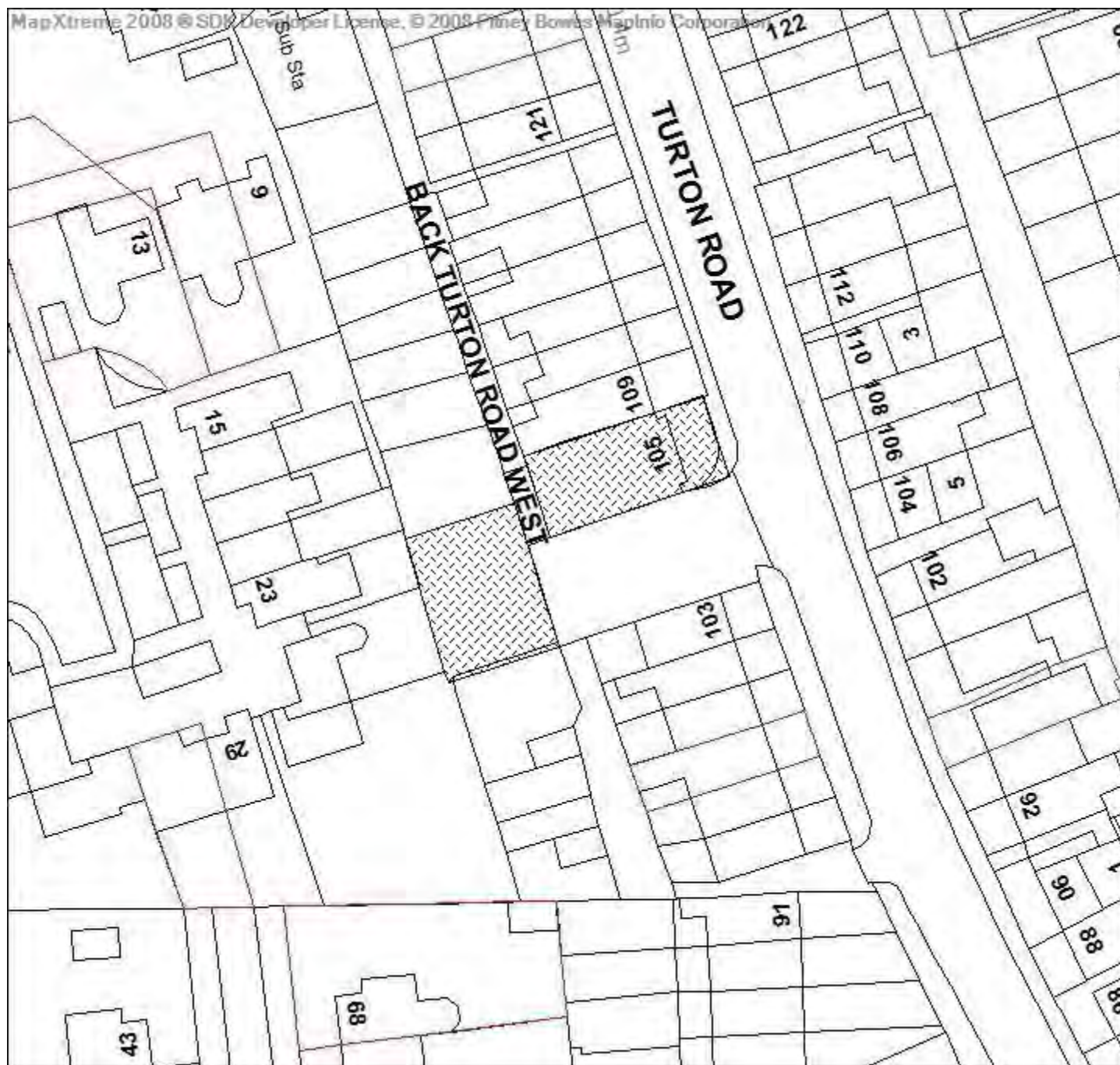
# SITE PLAN



PLANNING  
DEVELOPMENT & REGENERATION  
RECEIVED  
- 9 FEB 2017



# Application number 98005/16



Development & Regeneration Dept  
Development Management Section

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

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**Date of Meeting: 06/04/2017**

**Application Reference: 98005/16**

**Type of Application: Full Planning Application**

**Registration Date: 30/11/2016**

**Decision Due By: 24/01/2017**

**Responsible Officer: Paul Bridge**

**Location: 105-107 TURTON ROAD, BOLTON, BL2 3DX**

**Proposal:** ERECTION OF FIRST FLOOR EXTENSION AND PATIO AREA TO REAR TOGETHER WITH NEW ENTRANCE DOOR AND CANOPY TO SIDE ELEVATION.

**Ward: Bromley Cross**

**Applicant: The Kitchen Hotline Co Ltd**

**Agent : Westhall Design**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Planning permission is sought for the erection of a first floor extension and patio area to rear.

The proposed first floor extension would provide improved living accommodation for the residential flat located at first floor level. The proposal would extend over part of the existing outrigger and the flat roof. The patio area would be sited adjacent to the first floor and would be accessed by way of French doors.

The proposal would also enable part of the ground floor of the premises to be reconfigured which will extend the floor area of the existing showroom and the ancillary spaces rationalised.

A new entrance door and canopy would be sited in the on the southern side elevation. The internal staircase would also be re-located. As the staircase is located internally its relocation does not require planning permission and is therefore not being considered in the appraisal.

The extension would be constructed out of facing brickwork and render for the walls and slate for the roof.

### **Site Characteristics**

The application site comprises of a part single, part two storey building. The existing premises are a double fronted retail unit at ground floor level with a residential flat above. The applicants also own a plot of land to the rear which is used for customer parking. Access to the car park and the rear of the premises is by way of an unmade and unadopted road to the south of the site.

There are residential dwellings directly adjoining the site to the north and opposite to the east and

south. There are also residential dwelling to the west beyond the car park area which are set on a higher level than the car park and application site.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategies Policies: P5 Transport and Accessibility; CG3 The Built Environment; CG4 Compatible Uses; OA5 North Bolton.

SPD General Design Principles and SPD House Extensions (principles of).

### **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 dwelling and the surrounding area
- \* impact on the amenity of neighbouring residents
- \* impact on parking

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

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

SPD House Extensions provides general advice on house extensions and offers guidance relating to the effect of extensions on the appearance of the dwelling itself and the effect of extensions on the street scene and the character and appearance of the area. The proposal would provide additional storage space for the retail premises at ground floor level.

The main issue in this case is the effect of the proposed extension on the character and appearance of the host building and the surrounding area.

The application site comprises of a part single, part two storey building. The existing premises are a double fronted retail unit at ground floor level with a residential flat above.

Any proposed extension should respect the scale and proportion of the original building and should not dominate through excessive size and/or prominent siting. Extensions should also be in proportion in their own right and in relation to the size of the original building.

The proposal would be visible from Back Turton Road West and from a limited section of Turton Road. The proposal would result in a building which is increased in size in terms and volume. It is considered that the proposal would not be too excessively large in scale and massing in this context and would not stand out as an incongruous addition in the nearby area or to the detriment of the appearance of the existing building.

The canopy is small in scale and would be sited on the southern side elevation, its design is considered acceptable.

A condition would be attached to ensure the materials used for the first floor extension would complement the host building.

In conclusion, the proposal would not be harmful to the character and appearance of the host building and the surrounding area. This is in accordance with Core Strategy Policy CG3 which seeks to conserve and enhance local distinctiveness by ensuring development has regard to the overall built character and landscape quality of the area, and requires development to be compatible with the surrounding area in terms of scale, massing, grain and form (amongst other things).

#### 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.

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

#### *First Floor Extension:*

The adjacent dwelling has a single storey extension and conservatory located at ground floor level which are sited adjacent to the single storey outrigger. The proposed first floor extension would not project beyond the rear elevation of the conservatory. The extension would project beyond a 45 degree angle from the mid-point of the nearest principal habitable room window located at first floor level at 109 Turton Road. However, the outlook from this window is already restricted due to the siting of the existing two storey element of the host building. It is acknowledged that the proposed extension would have an impact, however, this would be limited and would not exaggerate the current situation to an unacceptable degree to warrant a refusal in this case.

#### *Patio*

The patio would not be visible from within 109 Turton Road as it would be screened by the proposed first floor extension. In respect of other neighbouring dwellings adequate interface distance would be maintained to prevent any unacceptable loss of privacy/overlooking.

It is not considered that the proposal would have an unacceptable impact on the amenity of any neighbouring dwellings in accordance with policy CG4 of the Core Strategy and the principles set out in the House Extensions SPD.

#### Impact on Parking

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

The proposal would be sited at first floor level and therefore would not have any impact on parking

provision or highway safety. In addition, the premises have an existing 6 space car park for the sole use of the business and resident(s) of the flat to the rear which is sufficient for the size of the existing premises.

Therefore, the proposal would not lead to a material increase in on street parking than already exists and would not be to the detriment of highway safety in accordance with Policy P5 of Bolton's Core Strategy.

#### **Local finance considerations**

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

#### **Conclusion**

For the reasons discussed above it is considered that the proposed development would not harm the character and appearance of the area, would not unduly harm the amenity of neighbouring residents and would not affect the existing on-site car parking provision. Members are therefore recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Six letters of objection have been received which raise the following concerns:-

- Car parking and highway safety (addressed within the report above);
- Lack of publicity. *Officer Response - Neighbouring residents were notified of the proposal by letters dated 05.12.2016. In addition, a site notice was displayed on the 12th December 2016; and*
- Lack of consultation from the applicants. *Officer Response - The Council does recommend that applicants consult with neighbours before the submission of a formal application, however this a recommendation and not a statutory requirement on the applicants.*

### **Consultations**

Advice was sought from the following consultees: Highways, Drainage and Design for Security GMP.

### **Planning History**

None Relevant.

**Recommendation:        Approve subject to conditions**

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

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

Reason

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

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

**1118-1e - Proposed Alterations to showroom and first floor rear extension to provide improved facilities to existing flat - Dated June 2016**

Reason

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

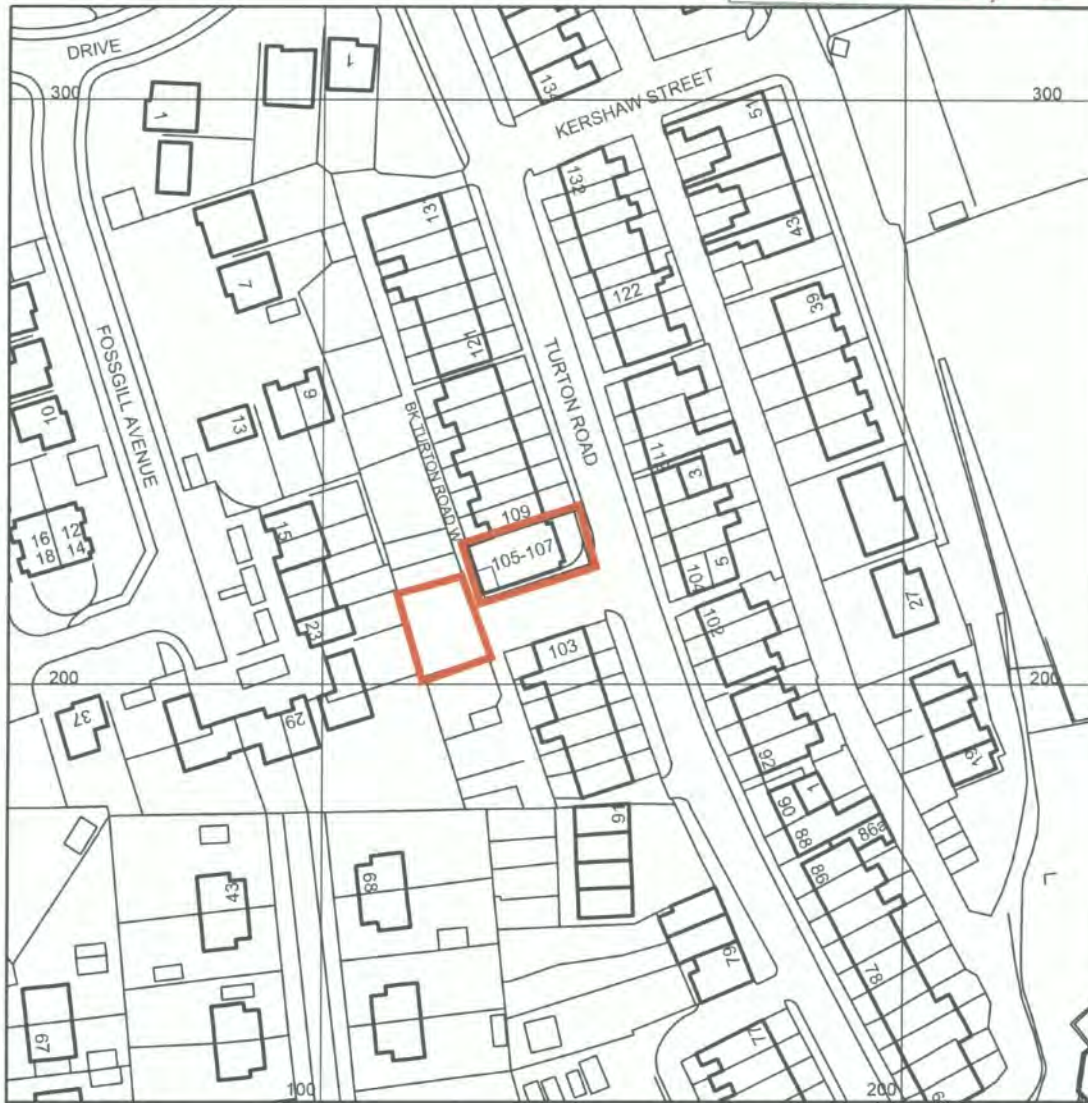
3. The external surfaces of the extension hereby permitted shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter.

Reason

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



30 NOV 2016  
98005/16



## 1:1250 LOCATION PLAN

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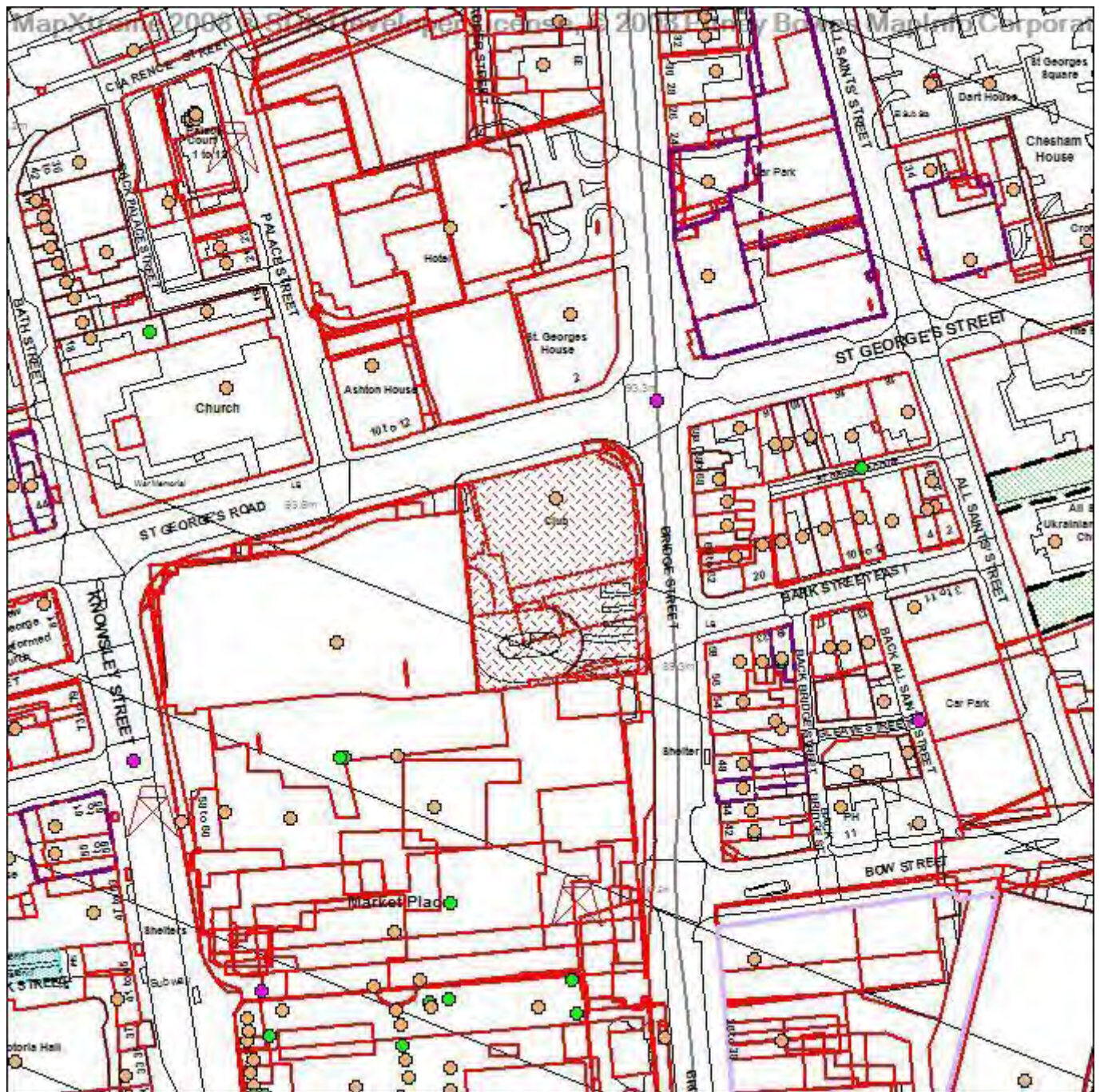


contract		QUEENLINE 105-107 TURTON ROAD, BRADSHAW BL2 3DX proposed extension and alterations	
drawn	P.S.	drawing no.	1118/LP1
date	May 2015		
scale	1:1250		
		"HONEYWOOD" 185 PARK ROAD ADLINGTON, LANCASHIRE, PR7 4JY Telephone: 01257 482619 E-mail: westhalldesign@btinternet.com	
			





Application number  
00457/17



Development & Regeneration Dept  
Development Management Section

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

**Bolton  
Council**

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**Date of Meeting: 06/04/2017**

**Application Reference: 00457/17**

**Type of Application: Full Planning Application**

**Registration Date: 13/03/2017**

**Decision Due By: 07/05/2017**

**Responsible Officer: Martin Mansell**

**Location: FORMER VACANT NIGHTCLUB (IKON AND JUMPING JAKS),  
BRIDGE STREET, BOLTON, BL1 2ED**

**Proposal:** VARIATION OF CONDITION 02 ON 97795/16 TO AMEND WORDING TO READ 'DETAILS OF THE ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE (HEREINAFTER CALLED "THE RESERVED MATTERS") SHALL BE SUBMITTED TO AND APPROVED IN WRITING BY THE LOCAL PLANNING AUTHORITY BEFORE ANY DEVELOPMENT BEGINS (OTHER THAN DEMOLITION) AND THE DEVELOPMENT SHALL BE CARRIED OUT AS APPROVED.'

**Ward: Halliwell**

**Applicant: Moorgarth Group Limited**

**Agent : Wren Architecture and Design**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Members will recall that consent was granted in December 2016 for the demolition of this vacant former nightclub together with outline consent for the subsequent redevelopment of the site for the erection of a 150 bed hotel and an extension to the existing car park forming 400 additional spaces (97795/16).

A condition on the approval prevents the commencement of demolition until the reserved matters have been approved - in other words, demolition cannot currently take place until matters such as appearance, layout and scale have been approved by the Local Planning Authority. The Applicant now seeks the approval of the Council that demolition can take place in advance of the reserved matters consent.

As the principle of demolition has already been established, the sole issues for Members to consider are whether or not the demolition is likely to lead to a "gap site" in the Conservation Area for an unreasonable period of time and whether any degree of harm caused by this would be greater than the harm caused by the building in its current state.

Whilst no objections have been received to date, the application appears on the agenda for Planning Committee due to Members' previous involvement in the decision at this site, together with the level

of public interest in the vacant building.

### **Site Characteristics**

The site is that of a former nightclub, most recently known and operated as Ikon / Jumping Jaks but originally the Astoria Palais de Danse, erected in 1928. It is located prominently at the junction of Bridge Street and St Georges Road with a curved corner facing the junction. It is two storeys in height and has a generally square footprint. The main elevation consists chiefly of a simple rendered ground floor with metal cladding at first floor level, covering up the original faience frontage. The building has been vacant since 2012. A recent application to have the building placed on the List of Buildings of Special Architectural Interest was rejected by Historic England in August of this year.

Uses in the area are mixed, typical of the northern edge of the town centre - immediately to the south and west are the Market Place shopping and leisure centre, itself an extension of the original Victorian market hall. The vehicular access and egress of the shopping centre's parking divides the application site from the shopping centre. To the north are two attractive buildings - the former Co-operative building (St Georges House) on the western side of Bridge Street and the Gentings Casino to the north east, a Grade II Listed Building and former Wesleyan Chapel.

The north-east corner of this building also forms the far north-east corner of the Deansgate Conservation Area i.e. the site lies within the Deansgate Conservation Area but beyond this to the north and east lies the St Georges Conservation Area.

### **Policy**

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

#### Core Strategy Objectives

SO3 Economic Opportunities of Bolton Town Centre and the M61, SO4 Transforming Bolton Town Centre, SO5 Bolton's Economy, SO11 Built Heritage

#### Core Strategy Policies

CG3 Design and the Built Environment

TC9 Little Bolton, TC11 Design in Bolton Town Centre

#### Supplementary Planning Documents

General Design Principles, Building Bolton, Sustainable Design and Construction, Deansgate Conservation Area Character Study, St Georges Conservation Area Character Study, Accessibility, Transport and Road Safety 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 sole impact of the proposal is:-

\* impact on the Deansgate and St Georges Conservation Areas

Impact on the Deansgate and St Georges Conservation Areas

The application site is located prominently at the junction of Bridge Street and St Georges Road and lies within the Deansgate Conservation Area, a designated heritage asset.

Policy CG3.4 of the Core Strategy states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas.

The Deansgate Area Conservation Area Appraisal was revised in July 2008 and adopted by the Council as a supplementary planning guidance to influence development within the boundaries of this Conservation Area. On the matter of the creation of gap sites, it contains the following guidance:-

"The demolition of buildings in Conservation Areas may lead to the creation of "gap sites" which can remain vacant for long periods before redevelopment takes place, damaging the appearance of the area. It is therefore important that consent should not be given for demolition unless it is clear that the site will be redeveloped in a way which will preserve or enhance the character of the area within a reasonable timescale."

Consistent with the previous report presented to Planning Committee, Planning Officers remain of the view that the building - in its present form and with its present appearance - is harmful to the appearance of the Deansgate Conservation Area. Despite only being vacant for four years the building is showing clear signs of neglect with much of the exterior discoloured. Whilst the building was assessed in 2008 as being "neutral" in terms of its impact on the Conservation Area, this was during the years of occupancy with their related activity and maintenance. It is now considered that the passage of time has tipped the building into the "harmful" category. Its main contribution to the Conservation Area at present is considered to be the sense of definition it brings to the junction and the enclosure to the street scene. The demolition of the building would of course remove even this relatively small contribution and it is accepted that were the site to be cleared and were it to remain undeveloped for many years, then this would have the potential to harm the character and appearance of the Conservation Area. It is therefore necessary to consider the likelihood of this outcome.

Officers note that the Applicant has an extremely good track record of delivery at their adjacent site, the Market Place. Recent years have seen the approval and delivery of a cinema above the complex together with the refurbishment of the Victorian vaults of the Grade II Listed Market Hall to a high heritage standard together with other significant improvements to the complex including new lifts and escalators, a new stage, a glazed feature at the Corporation Street entrance and a children's play facility in part of the former loading bay. Occupancy levels at this site are much improved as are footfall levels. It is not considered to be in the Applicant's interest whatsoever for the site of the former nightclub to remain undeveloped for any unnecessary period of time. The Applicant has provided the following comments to demonstrate their commitment to the redevelopment of this site:-

"Moorgarth acquired the site in January 2016 and are now seeking to invest in a prominent development on this gateway site into the town to add to the developments and investments it has made in the adjoining shopping centre. Moorgarth is not a company that "land banks" assets. Everything it owns must be developed to create income-producing assets for the group. It therefore

has every intention of commencing development on the site in as short a time frame as possible.”

It is considered that the likelihood of the creation of a gap site that would remain undeveloped in the medium or long term is very low.

### **Local finance considerations**

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

### **Conclusion**

For the avoidance of doubt, Members are not being asked to reconsider the principle of demolition at all – only its timing. The Applicant requests that demolition be permitted to take place prior to the approval of the reserved matters application and has provided evidence of their intentions to redevelop the site. Historic England have been consulted and raise no objections to the Applicant's approach to this site. Officers conclude that the likelihood of the creation of a medium or long term gap site is low and also note the harm caused to the street scene and adjacent Conservation Areas by the building in its present form. It is therefore recommended that Members approve the variation in the wording of the condition to allow demolition to take place as soon as possible.



## **Representation and Consultation Annex**

### **Representations**

**Letters:-** none

### **Consultations**

Advice was sought from the following consultees: Historic England

### **Planning History**

Outline consent was granted in December 2016 for the demolition of this vacant former nightclub and for the subsequent redevelopment of the site (97795/16)

Planning permission was granted for change of use from bingo hall to nightclub in 1986, together with the external alterations in the form of cladding (27693/86)

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

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

1. Application for the approval of 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from the date of this permission, or
- ii) The expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development other than demolition begins and the development shall be carried out as approved.

Reason

To application is for outline planning permission and these matters were reserved by the applicant for subsequent approval.

3. Prior to the commencement of development (other than demolition) hereby approved/permitted, all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality where necessary and to enable the Local Highway Authority to consult, advertise, promote and implement Traffic Regulation Orders to mitigate the likely impact of the development.

Reason

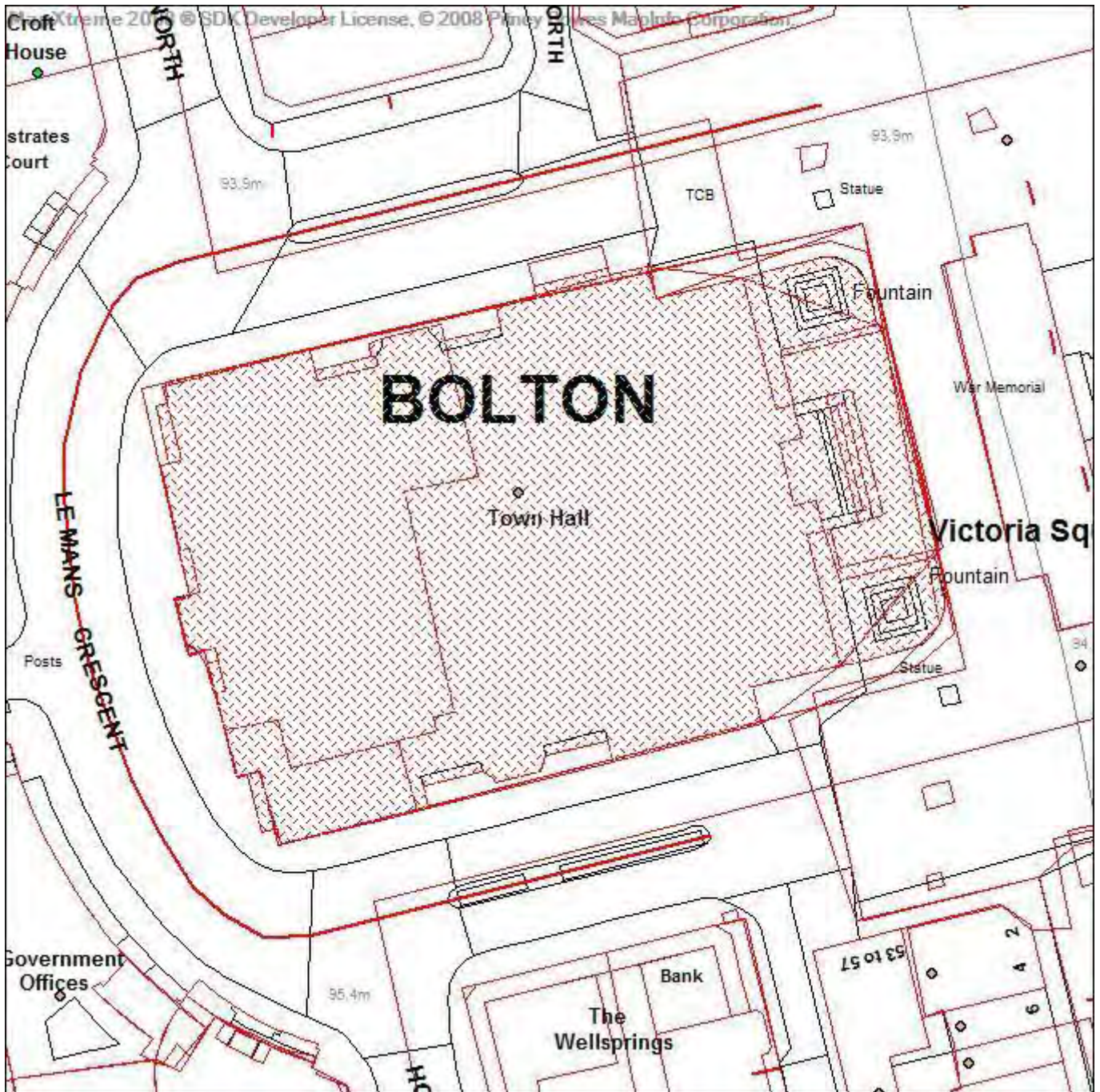
In the interests of highway safety.

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

Reason

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

**Application number**  
**00410/17**



**Development & Regeneration Dept  
Development Management Section**

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

# Bolton Council

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**Date of Meeting: 06/04/2017**

**Application Reference: 00410/17**

**Type of Application: Listed Building Consent**  
**Registration Date: 07/03/2017**  
**Decision Due By: 01/05/2017**  
**Responsible Officer: Martin Mansell**

**Location: TOWN HALL, VICTORIA SQUARE, BOLTON, BL1 1RU**

**Proposal: LISTED BUILDING CONSENT FOR THE INSTALLATION OF GLAZED SCREEN TO PUBLIC GALLERY IN COUNCIL CHAMBER**

**Ward: Halliwell**

**Applicant: Bolton M B Council**  
**Agent :**

### **Officers Report**

**Recommendation: Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.**

### **Proposal**

Listed Building Consent is sought for the installation of a glazed screen to the public gallery of the Council Chamber.

The design has evolved since first submission and as a result of consultation responses and it is now proposed that a glass screen be installed to a maximum height of 1800mm above floor level. It is intended that 11.5mm 3 ply laminated glass would be used, taking support from the floor and from the existing upstand at the front of the public gallery. Metal supports would hold the glass in place though the areas of glazing themselves would be essentially frameless with curved corners.

Officers confirm that the reference to the removal of seating has been removed from the description as these elements are considered to be furniture rather than part of the building itself.

### **Site Characteristics**

The Grade II\* listed Bolton Town Hall was built in 1866-1873 to the design of William Hill of Leeds and was later extended by Bradshaw, Gass and Hope in 1938.

The proposed works are limited to the Council Chamber which is located within the original Victorian element of the Town Hall. In 2012, prior to the commencement of the recently completed works to the Town Hall and the Albert Hall, an assessment was carried out by the Bernard Taylor Partnership and the Architectural History Practice of the significance and heritage features of the entire listed building, together with a "gazetteer" of each individual room. The assessment considers the Council Chamber to be of high significance, though not of highest significance - this rating is reserved for

areas such as the Victoria Square frontage and rooms such as the Blue Room and the Hall of Remembrance. The Gazetteer actually has very little to say on the Council Chamber - reference is made only to the pendant light fittings, though clearly the room has a number of features of heritage significance including the decorative ceiling, the Bolton Arms and the oak panels behind the Mayor's chair displaying the names of every Mayor of Bolton since 1838. It is also understood that the Council Chamber was originally used as a courtroom - the original Council Chamber was previously contained within the room now known as the Banqueting Suite - elements such as the Mayor's chair and the oak panels were moved from the original Council Chamber to its current home prior to the first full Council meeting in that new location in April 1937.

### **Policy**

National Planning Policy Framework:  
Conserving and Enhancing the Historic Environment

Core Strategy Policies:  
SO11 Built Heritage, CG3 Heritage Assets

### **Analysis**

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides the primary legislation that has to be used to assess the impact of proposals on listed buildings. Section 16 requires that, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The sole impact of the proposal is:

- its effect on the building or its setting or any features of special architectural or historic interest.

#### Impact on the Building or its Setting or any Features of Special Architectural or Historic Interest

Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage. Policy CG3 states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings.

The key conservation planning policy test to assess whether the proposals are acceptable is contained in paragraph 134 of the National Planning Policy Statement, which notes that "where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use".

Officers do not consider that the proposed works will cause any harm to the significance of this designated heritage asset whatsoever. The glazed partition is lightweight in appearance with structural and framing elements kept to an absolute minimum. No features of decorative or heritage value would be damaged or removed and the proposed works are entirely reversible. The supports will connect to the unremarkable floor of the public gallery and to the reverse of the gallery upstand - essentially an existing undecorated plywood box supporting the low handrail. Views of the decorative ceiling will still be available to and from the public gallery. The glass will of course be entirely visually permeable and would in any case only take up approximately half of the space visible between the ceiling and the gallery upstand.

As the proposed works would cause no harm to the significance of this designated heritage asset, it

is not necessary to weigh them against the public benefits of the proposal. The works are considered to be in accordance with the Council's Development Plan and with national policy as set out in the National Planning Policy Framework.

### **Conclusion**

Officers accept that this is a publicly and politically sensitive proposal which has quite rightly engaged the interests of people who take their participation in the democratic process seriously. However, that is not the issue before the Members of the Planning Committee - the decision to be made is whether or not the proposal would harm the heritage significance of the building or its setting or any features of special architectural or historic interest which it possesses. Officers take the view that the works would cause no harm as they are - relative to the scale of building as a whole - extremely small in terms of scale and impact, entirely reversible and limited to a single room. No features of architectural or historic significance would be removed, damaged, demolished or in any way altered.

The consultation period runs until 13th April - the recommendation is therefore delegate to the Director to allow this period to expire subject to any new considerations being reported to the next Committee.

This is of course a Listed Building in the ownership of the Council; however, Members are advised that such applications no longer require a referral to the Secretary of State unless an objection is received from a statutory consultee such as Historic England.

### **Representation and Consultation Annex**

#### **Representations**

**Letters:-** three objections have been received from residents of Bolton following the application publicity. However, Members are advised that none of the objections refer in any way to the sole consideration for this decision - the impact on the building or its setting or any features of special architectural or historic interest. The objections are summarised below but have not been addressed in the Officer's report as they do not form material considerations for an application for Listed Building Consent.

- in 150 years there has never been an incident or accident in the public gallery
- this application affects the constituents of Bolton and their right to engage in democracy
- the application has been submitted on the grounds of health and safety, but the solution is excessive
- the installation mimics that of a prisoner holding cell seen in court rooms would create an atmosphere of disconnect from Councillors and their voters, prevents the public from heckling the ruling Labour party and prevents the public from recording their own audio of the meeting
- the Openness of Local Government Bodies Regulations 2014 state that any area designated for the public should be appropriate for filming, audio-recording, and photographing and legal action will be pursued for this violation
- the negative effects would include significant distortion and echo created from the reverberation of the public being confined to a small sealed room resulting in unusable audio-recording
- the glass partition will prevent means of escape from the public gallery in the event of an emergency - Officer's note: the Council's Building Control Surveyors confirm that the existing evacuation strategy already treats this area as a "dead end" and this will not change as a result of the proposals. The existing means of escape is kept entirely clear and is devoid of flammable decoration and materials. Exit by jumping off the public gallery would not be an acceptable form of means of escape in a fire evacuation strategy in any case
- the reduction in seating is unacceptable - Officer's note: the seats do not form part of the building and are not subject to Listed Building Consent

## **Consultations**

Advice was sought on the proposal from the following consultees: Historic England, Bolton Civic Trust, the Council's conservation adviser (at Manchester Council).

## **Planning History**

Listed Building Consent was granted by the Secretary of State in September 2015 for a significant programme of improvements, layout alterations, general repairs, refurbishment and redecoration of the Albert Halls complex (93556/15). The works are now complete.

**Recommendation:**        **Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.**

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

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason

Required to be imposed pursuant to Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No work subject of this consent shall be commenced until details of the means and method of fixing the partition to its surroundings have been submitted to and approved by the Local Planning Authority. The works shall then be carried out entirely in accordance with the approved details.

Reason

To ensure the character and appearance of the listed building are not detrimentally affected and in order to comply with Core Strategy policy CG3.

3. No work subject of this consent shall be commenced unless and until details of the colour of the supports has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out entirely in accordance with the approved details and shall remain so coloured thereafter.

Reason

To ensure the character and appearance of the listed building are not detrimentally affected and in order to comply with Core Strategy policy CG3.

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

**Q51654.3**



Reason

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

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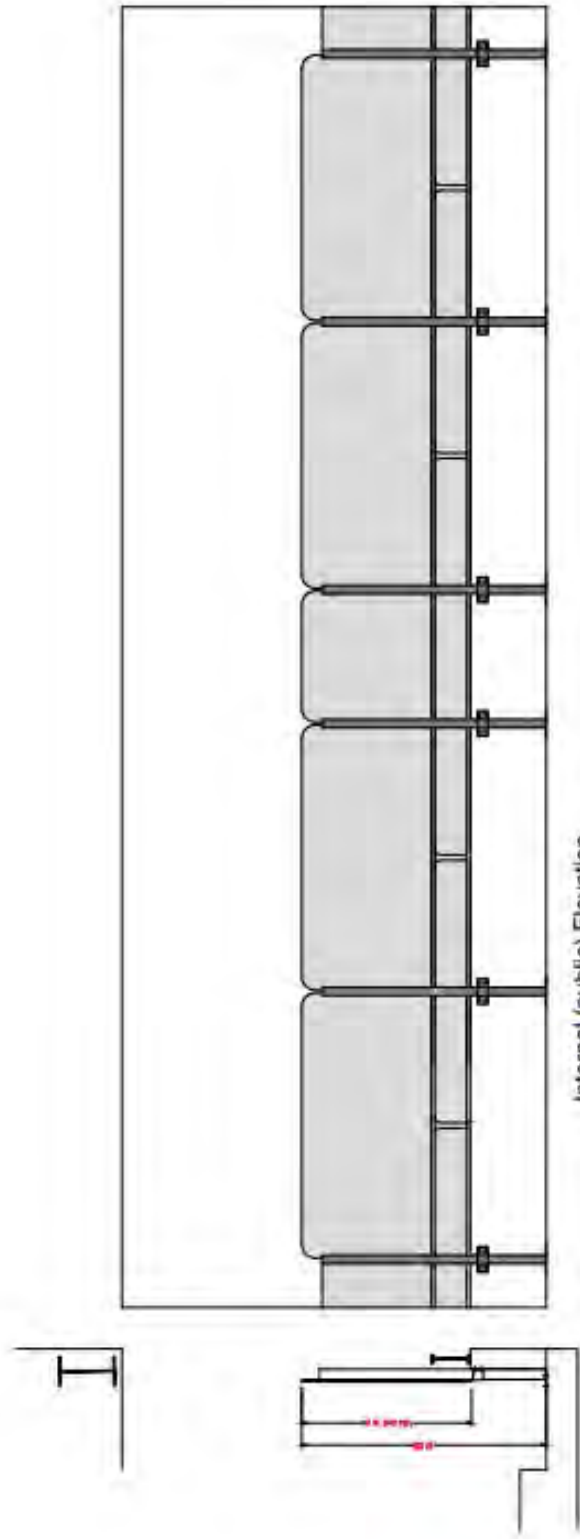
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Client	Bolton Metropolitan Council Corporate Property Services.
Drawing Title	1800mm high Proposal.

Dwg. No.	Q51654.3	Drawn By	MWB
Scale	NTS	Revision	



Internal (public) Elevation

This proposal shows the glass reaching 1800mm above floor level. The proposal is to use 11.5mm 3 ply laminated glass and to take support from the floor and from the existing upstand. The polished frameless top edge and radius corners help lessen the impact of the installation. Further inspection work would be required to ascertain the nature of the existing structure for suitability.

This is a detailed street map of the Gas Street area in Birmingham. The map shows a network of streets including Gas Street, Hanover Street, New Holder Street, and Moorlane. Key buildings and landmarks are labeled, such as the Warehouse, Little Theatre, Hanover House, Aldion Hotel (PH), Jubilee House, and Coleford Grove. A red line highlights a specific area on the map, likely indicating a site of interest. The map also shows various other buildings and structures, including a 'Post' and 'West Point View'.

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

# Bolton Council

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**Date of Meeting: 06/04/2017**

**Application Reference: 00138/17**

**Type of Application: Full Planning Application**  
**Registration Date: 25/01/2017**  
**Decision Due By: 21/03/2017**  
**Responsible Officer: Monika Dubacka**

**Location: 27 HANOVER STREET, BOLTON, BL1 4TG**

**Proposal: MIXED USE OF SITE FOR WAREHOUSE AND AUCTION ROOMS**

**Ward: Halliwell**

**Applicant: Mr Yates**  
**Agent : Joseph Jackson & Sons**

### **Officers Report**

**Recommendation: Approve subject to conditions**

#### **Proposal**

Retrospective planning consent is sought for the change of use for a warehousing building to an auction rooms and joint warehousing unit.

The application building measure approximately 375 m/sq. The application building consists of large storage/ display area and a small mezzanine office. A small informal car parking area is located to the west of the application building.

The unit employs 1 full-time and 2 part-time members of staff. The unit operates between the hours of 08:30 – 17:30 Monday to Friday, 9:00 – 12:00 on Saturday and 10:00 – 16:00 on Sundays and Bank Holidays.

No changes are proposed to the external appearance of the building.

#### **Site Characteristics**

The application building is located on the southern side of Hanover Street. The main vehicle entrance to the building is accessed via Gas Street.

The west of the application site is bound The Bolton Little Theatre and a number of small commercial units. The east of the site is bound by a commercial car repair business. The south of the site is bound by residential apartments set back behind an area of green space and vegetation.

The application site is located within Bolton town centre.

#### **Policy**

National Planning Policy Framework

Core Strategy Policies: CG4 - Compatible Uses; P5 – Accessibility; S1 – Safe; TC4 – Bolton Innovation Zone; Appendix 3 - Car Parking Standards.

Accessibility, Transport and Road Safety Supplementary Planning Documents

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* Principle of Development
- \* Impact on Residential Amenity
- \* Impact on Highways

#### **Principle of Development**

The application site is located within Bolton Town Centre in an area designated as the Innovation Zone. Through policy TC4 of the Core Strategy, this area of the town centre aims to emphasize growth towards knowledge-based employment with links to the University and colleges.

Although the development does not facilitate growth within knowledge based industries, the proposed use would serve to retain a building that was previously disused. Given this and the small scale of the development it is considered that the principle of the development is acceptable.

#### **Impact on Residential Amenity**

Policy CG4 of the Core Strategy has the objective of ensuring that proposals do not adversely affect the level of residential amenity neighbouring occupants can reasonably expect to enjoy.

It is considered that the proposed use would generate a similar level of noise and activity as the previous warehouse use.

The application property is located approximately 25 metres from the closest residential properties on the opposite side of Gas Street. However, given the intended use and the hours of operation it is not considered that the proposed development would result in an adverse effect on the amenity of neighbouring occupiers.

It is therefore considered that the proposed development would be in accordance with policy CG4 of the Core Strategy.

#### **Impact on Highways**

Policy S1 of the Core Strategy aims to promote road safety in the design of new proposals.

There is limited off-road parking provision associated with the change of use, however, there is a private paid car park within close proximity, the surrounding parking restrictions do not cover the Sunday period and allow loading/un-loading without contravention plus the site is highly accessible to sustainable transport modes and the car parking provision surrounding the town centre. The applicant will need to fund the implementation of a vehicle access crossing (VAC) to facilitate legal access to the area of land at the side of the premises for staff parking. Subject to a number of conditions, the council's Highways Engineer has raised no objection to this proposal.

### **Conclusion**

It is considered that the proposal would not have an unacceptable impact on highway safety or the amenity of neighbours in accordance with all relevant policies within NPPF and Core Strategy and that there are no other material considerations that outweigh those policies.



## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One letter of objection has been received from the occupiers of No. 81 Paderborn Court. The following summarised comments have been raised:

Already an issue with car parking within Bolton town centre – *This issue is discussed within the officer report above.*

### **Consultations**

Advice was sought from the following consultees:

Design for Security – No comments received

Highways – No objection subject to conditions

### **Planning History**

None applicable.

**Recommendation:            Approve subject to conditions**

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

1. Within 1 month of this permission no less than 3 car parking spaces with minimum dimensions of 2.7 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 and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

2. Within 1 month of this permission 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 within 1 month (from the date of the LPAs approval of the submitted scheme) and thereafter made available for the use of vehicles at all times the development is in use.

Reason

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

3. Within 1 month of the date of this permission full details of the highway works comprising the implementation of VAC to allow legal access to parking area shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented within 1 month of the details being approved.

Reason

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

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

approved plans:

Location Plan received by LPA on 25 Jan 2017

Block Plan received by LPA on 25 Jan 2017

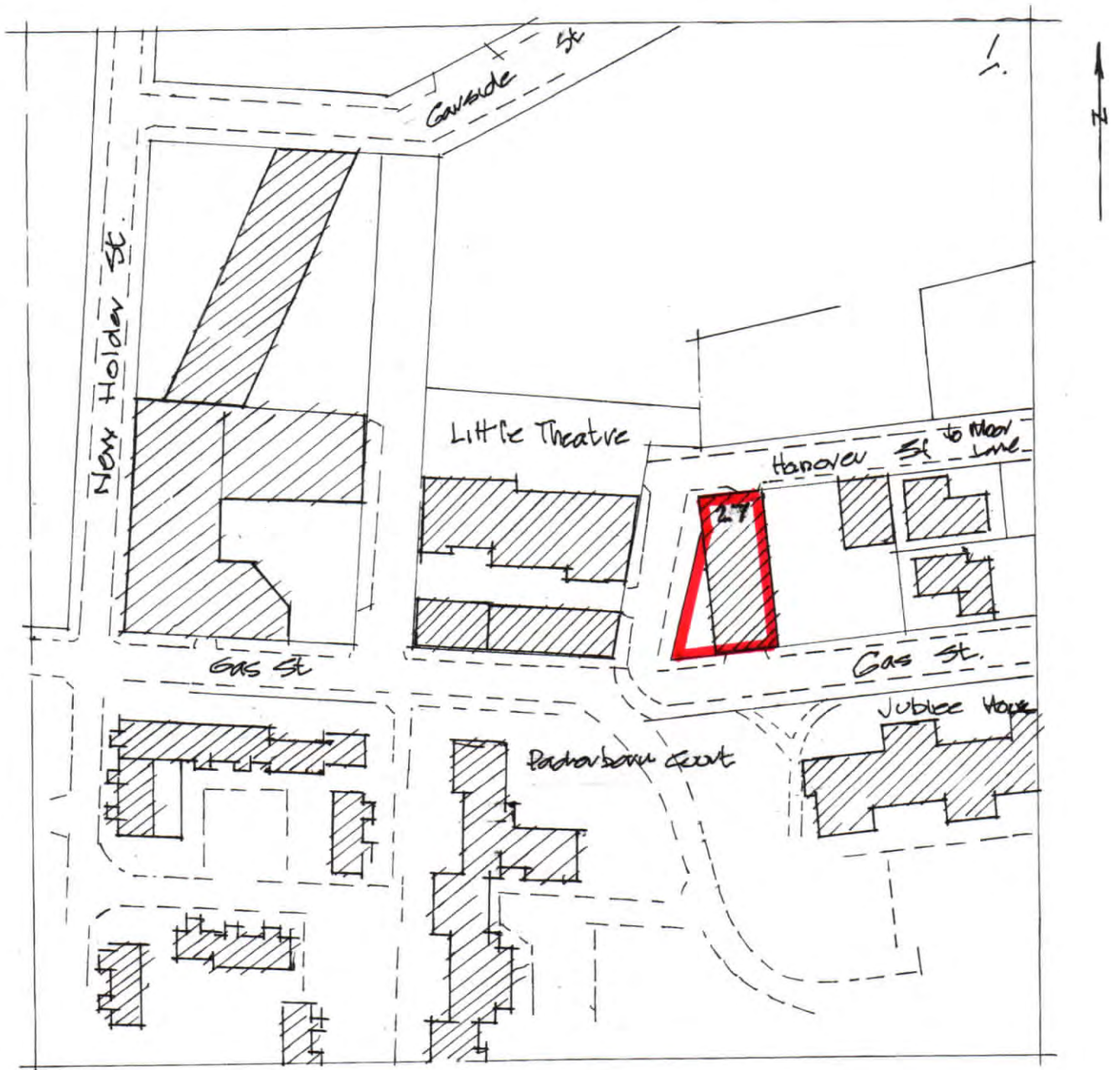
Reason

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

Site plan Scale 1/500

27 Hanover St. Bolton BL1 4TZ.





Location Plan : Scale 1/1250

27 Hanover Street : Bolton : B114TG.



**Application number**  
**00095/17**



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

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

**Bolton**  
**Council**

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**Date of Meeting: 06/04/2017**

**Application Reference: 00095/17**

**Type of Application: Full Planning Application**  
**Registration Date: 18/01/2017**  
**Decision Due By: 14/03/2017**  
**Responsible Officer: Kara Hamer**

**Location: HILLCROFT, DARK LANE, BLACKROD, BOLTON, BL6 5JL**

**Proposal: CHANGE OF USE AND CONVERSION OF STABLE TO DWELLING.**

**Ward: Horwich and Blackrod**

**Applicant: Mr P Byron**

**Agent :**

### **Officers Report**

**Recommendation: Approve subject to conditions**

#### **Proposal**

Permission is sought for the change of use and conversion of the stable to a single dwelling. The stable building was erected circa 2009/10.

The detached stable building is blockwork construction with Marley Modern roof tiles. The proposed external finish is random stone slips cladding. The building has several modest windows and functional door openings and roof lights in both roof planes which will all be utilised in the proposal. A limited number of new window openings will be formed.

The applicant has submitted that the sand paddock will remain. A hard surfaced parking area and bin store area separates the sand paddock from the proposed dwelling.

#### **Site Characteristics**

The 0.7 hectare site is located off Dark Lane within the Green Belt. Stables at 'Hillcroft' lie approx 95m to the east. Open agricultural land lies to the north and west. The nearest residential property (no. 18 Dark Lane) is approx. 190m in distance to the south east of the application site. Crowshaw Farm lies approx 200m to the south, Longworths Tenement Farm lies approx. 250m to the east and Little Scotland and the built up area of Blackrod starts 300m beyond to the east.

The application site comprises stables and a sand paddock. The stable building and sand paddock lie approx. 1.3m lower than, and to the west, of the main field. An existing embankment forms the proposed curtilage boundary. The stable is barely visible from Dark Lane.

The original and existing vehicular access is to the north of the site, off Dark Lane. A new vehicular access into the site off Dark Lane has planning consent (to the north of the layby), the new access crosses the field to the south of the stable development (93652/15).



## **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses; OA1 Blackrod and Horwich.

Allocations Plan Policies: CG7AP Green Belt.

SPD Accessibility, Transport and Safety.

## **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* impact on the purposes and openness of the Green Belt
- \* impact on the character and appearance of the area
- \* impact on highway safety
- \* impact on ground stability

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

Section 9 of the National Planning Policy Framework (NPPF) concerns protecting Green Belt land. 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 89 of the NPPF sets out those forms of development which are considered to be appropriate provided that they preserve the openness of the Green Belt. These include the limited infilling of previously developed sites whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. Inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. The NPPF also states that substantial weight should be given to any harm to the Green Belt.

Paragraph 90 of the National Planning Policy Framework (NPPF) states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These forms of development include [amongst other things] the re-use of buildings providing that the buildings are of a permanent and substantial construction.

Allocations Plan Policy CG7AP states that the council will not permit inappropriate development in the

Green Belt. Inappropriate development includes any development which does not maintain the openness of land or which conflicts with the purposes of including land within the Green Belt. It also states that the re-use of buildings is not inappropriate provided that the buildings are of permanent and substantial construction.

It is acknowledged that the site is a previously developed site within the Green Belt. The applicant has submitted details of work required to enable the residential conversion. The proposals do not comprise any extension to the existing footprint, scale or height of the stable building. The applicant has submitted a plan to show the defined domestic curtilage within the larger site and Officers consider this curtilage to be modest in size. Officers consider that the re-use of the building for residential conversion complies with NPPF guidance, specifically para 90; by virtue of the existing building being of 'permanent and substantial construction' though Officers note that the building is not of high architectural or historic value. Officers consider that the proposal does not represent unacceptable suburbanisation of this Green Belt site by virtue of several factors; the low siting of the stable means that it is barely visible from Dark Lane, boundary and landscape treatments will be rural in terms of materials, design and species, a substantial access has already been formed, clutter from domestic paraphernalia will be managed (through condition), whilst open agricultural land lies to the north and west, the nearest residential property (no. 18 Dark Lane) is approx. 190m in distance to the south east of the application site, Crowshaw Farm lies approx 200m to the south, Longworths Tenement Farm lies approx. 250m to the east and Little Scotland and the built up area of Blackrod starts 300m beyond to the east.

It is considered on balance, that the proposal is development in the protected Green Belt; however, given the site specific detail described above, the proximity of surrounding uses and urbanisation and in considering para 90 of the NPPF, the proposal would not conflict with the purposes and openness of the Green Belt in this particular situation, and is therefore considered compliant 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 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 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.

The site is located off the western side of Dark Lane within a Green Belt location. The nearest residential property (no. 18 Dark Lane) is approx. 190m in distance to the south east of the application site.

The proposals do not comprise any extension to the existing footprint or height of the stable. The stable building and sand paddock lie approx. 1.3 m lower than, and to the west, of the main field, the stable building is approx 110m from Dark Lane. The stable building is barely visible from Dark Lane.

The proposal involves the residential conversion of the stable building to provide a four bedroom, single storey dwelling. The stable building is blockwork construction with Marley Modern roof tiles. The proposed external finish is random stone slips cladding. The building has several window and door openings and roof lights in both roof planes which will all be utilised in the proposal. A limited number of new window openings will be formed, being: 2 small openings in the currently blank rear/west elevation and two additional glazed doors in the side/south elevation. The existing roller

shutter entrance (east elevation) will be glazed and minor alterations will be made to the existing pedestrian access door. The windows have stone cills and are recessed and window frames are dark grey UPVC.

Proposals also include survey work, works to increase structural load where required, works to widen the foundations and weather proofing and insulation works.

Proposed vehicle access and hardstanding are crushed stone planings. The existing embankment will be further planted with carefully selected local species and will further screen the site when viewed from the east.

The proposal is considered to be of a design and materials compatible with the rural character of the area. Officers recommend removing permitted development rights to ensure no further development of the application site and to limit clutter from domestic paraphernalia.

It is therefore considered, subject to condition, that the proposal would comply with Policies CG3 and OA1 of the Core Strategy.

#### Impact on Highway Safety

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

A new vehicular access into the site off Dark Lane has planning consent (to the north of the layby), the new access crosses the field to the south of the stable development (ref: 93652/15). The access will be constructed of stone and is to be 4.5 metres wide, with a steel field access gate being set back 6 metres from the new junction with Dark Lane. A post and rail fence will be erected on either side of the entrance to the access.

The Council's Highway Engineers have raised no objection to the proposal, providing that the same conditions are applied as with planning consent 93652/15, which stipulate that the entrance to the access has 6 metres radii and visibility splays of 2.4 metres by 45 metres. The proposed field gate will be set back 6 metres from Dark Lane, to allow for vehicles to pull in off Dark Lane before opening the gate.

It is considered, subject to condition, that the proposal would not jeopardise highway safety, compliant with Core Strategy Policies P5 and S1.2.

#### Impact on Ground Stability

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

The Coal Authority has raised no objection to the proposal and therefore it is considered that the proposal would comply with Policy CG4.3 of the Core Strategy.

#### Other Matters

Greater Manchester Ecology Unit have reviewed the submitted bat report and recommend that a pre-cautionary emergence bat survey be undertaken during the period May to August prior to commencement of development.

The Council's Greenspace Management Team have raised no objection to the proposal and recommend that a Bat Survey is conditioned to be undertaken prior to commencement of development.

The Council's Drainage and Technical Support Team have raised no objection to the proposal.

The Council's Landscape Design Team have commented that details of boundary treatments and hard and soft (trees and shrubs) landscape proposals are required before determination since this is a very sensitive site. Boundaries and gates should be in keeping with the rural nature of the site and there should be mixed native species hedges wherever possible. The hardstanding around the building should be kept to a minimum to reduce visual impact on the countryside. The gateway off Dark Lane should be treated in as low key way as possible, to look like a farm access, and to avoid suburbanising the appearance of this section of Green Belt land. Planning Officers recommend conditioning boundary treatments and landscaping for LPA approval prior to first occupation of the dwelling.

### **Local finance considerations**

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

New Homes Bonus for the 1 no. proposed dwelling – this is not a material planning consideration.

### **Conclusion**

For the reasons discussed above, it is considered that subject to conditions, the proposed residential conversion of the stable building would not prejudice the purposes and openness of the Green Belt in this particular location, would not harm the character and appearance of the area, would not jeopardise highway safety and would not affect a recorded mine entry. Members are therefore recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One letter has been received from a resident of Dark Lane objecting to the proposal on the grounds of:

- Green Belt site - *Officer comment - this point has been addressed in the main body of the report.*

**Town Council:-** Blackrod Town Council proposed no comment to this application at their meeting of 6th February 2017 and requested that health and safety aspects are sought as this is a development within the identified Hazard Zone that surrounds the pumping station.

### **Consultations**

Advice was sought from the following consultees: The Council's Highways Engineers, Drainage and Bridge Maintenance, Greenspace Management, Landscape Development and Design, The Coal Authority and Greater Manchester Ecology Unit.

### **Planning History**

Prior Approval was refused for the proposed change of use of agricultural building to dwelling house (Use Class C3) in June 2016 (96496/16).

Permission was granted in July 2015 for the formation of vehicular access to the stable block (93652/15).

Permission was granted in March 2009 for the erection of one stable block (81541/09).

An application for the erection of one stable block was refused in September 2008 (80599/08).

A sand paddock, rail fencing, hardstanding and floodlighting were approved in July 2006 (74428/06).

**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 applicant shall survey the site for evidence of bats. A report shall be submitted to and approved in writing by the Local Planning Authority containing appropriate mitigation measures (if required). The approved mitigation measures should be implemented in full and retained thereafter.

Reason

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



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

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

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

Reason

To reflect and soften the setting of the development within the landscape and in order to comply with Core Strategy policy CG1.

5. Before the approved development is first brought into use no less than 3 car parking spaces with minimum dimensions of 2.5 metres by 5.0 metres shall be provided within the curtilage of the site, in accordance with Drawing Ref: **Proposed Conversion of Barn into Dwelling House, Drwg No PB/11/16, dated Nov 2016, (scanned to BMBC file 19/01/17)** 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 and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

6. Prior to the development hereby approved/permitted being first brought into use the means of vehicular access to the site from Dark Lane shall be constructed to a width of 4.5 metres with 0.5 metre clearance on each side and with 6 metres radii in accordance with the drawing ref PB/01/14 (received 2nd June 2015).

Reason

In the interests of highway safety and in order to comply with Bolton's Core Strategy policies S1 and P5, as well as Supplementary Planning Document "Transport, Accessibility and Safety".

7. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 45 metres shall be provided at the junction of the access with Dark Lane, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level). The gate posts must be set back at least 0.5 metres from the edge of the 4.5 metre wide carriageway.

Reason

To ensure traffic leaving the site has adequate visibility onto the highway and in order to comply with Bolton's Core Strategy policies S1 and P5, as well as Supplementary Planning Document "Transport, Accessibility and Safety".

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

Reason

To encourage drivers to make use of the parking and circulation area(s) provided and in order to comply with Bolton's Core Strategy policies S1 and P5, as well as Supplementary Planning Document "Transport, Accessibility and Safety".

9. Prior to the approved new access being first brought into use the existing vehicular access onto Dark 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 Dark Lane, other than as shown on drawing ref: PB/01/14 (received 2nd June 2015).

Reason

In the interests of highway safety and in order to comply with Bolton's Core Strategy policies S1 and P5, as well as Supplementary Planning Document "Transport, Accessibility and Safety".

10. The dwelling shall not be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with the drawing ref:

**Proposed Conversion of Barn into Dwelling House, Drwg No. PB/11/16, dated Nov 2016, (scanned to BMBC file 19/01/17)**

**Proposed Access Details (scanned to file 19/01/17)**

**Hillcroft Barn: Parking and Turnaround areas for multiple cars and Emergency Services (scanned to BMBC file 19/01/17)**

Reason

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

11. The curtilage of the property is being treated for planning purposes as that defined on the approved drawing ref: **Hillcroft Barn: Location Plan, Site Boundary and Curtilage (scanned to BMBC file 19/01/17).**

Reason

For the avoidance of doubt as to what is permitted.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, raised platforms, fences, gates, walls, dormers or any other alterations to the roof other than those expressly authorised by this permission shall be constructed.

Reason

To safeguard the character and appearance of the dwelling and land and to comply with policy CG3 of Bolton's Core Strategy.

13. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref: **Proposed Conversion of Barn into Dwelling House, Drwg No. PB/10/16, dated Nov 2016 (scanned to BMBC file 19/01/17).**

Reason

For the avoidance of doubt as to what is permitted.

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

**Hillcroft Barn: Location Plan, Site Boundary and Curtilage (scanned to BMBC file 19/01/17)**

**Proposed Conversion of Barn into Dwelling House, Drwg No. PB/10/16, dated Nov 2016 (scanned to BMBC file 19/01/17)**

**Proposed Conversion of Barn into Dwelling House, Drwg No. PB/11/16, dated Nov 2016, (scanned to BMBC file 19/01/17)**

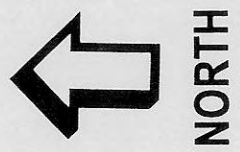
**Proposed Access Details (scanned to file 19/01/17)**

**Hillcroft Barn: Parking and Turnaround areas for multiple cars and Emergency Services (scanned to BMBC file 19/01/17)**

Reason

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





HILL CROFT

existing barn to be converted into dwelling

bin storage area

hard surfaced parking area

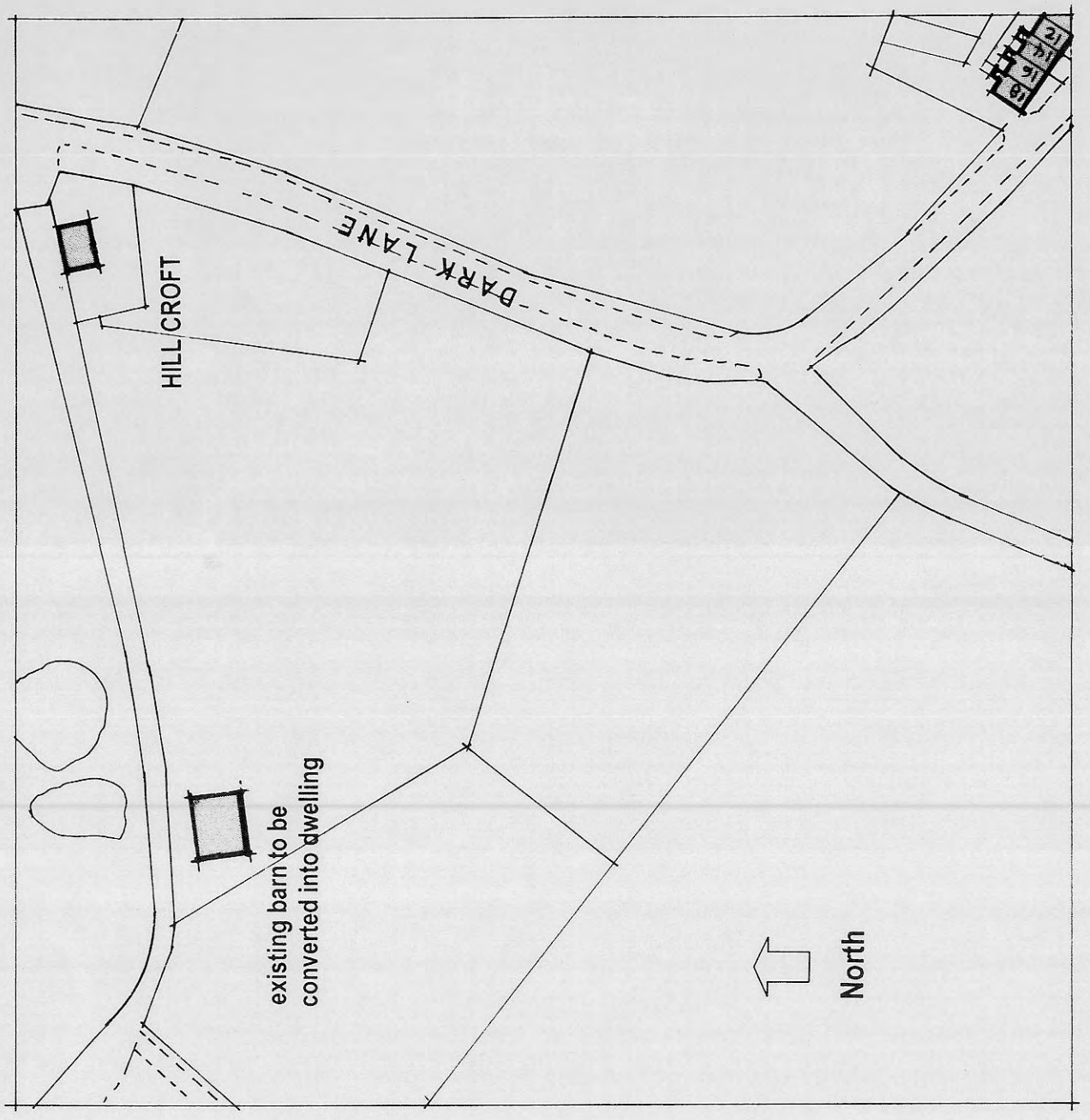
sand paddock

proposed site of soakaway

proposed package treatment plant

DARK LANE

SITE PLAN 1:500



LOCATION PLAN 1:1250

BOLTON COUNCIL  
DEVELOPMENT & REGISTRATION  
19 JAN 2017

scale: as indicated date: Nov. 2015

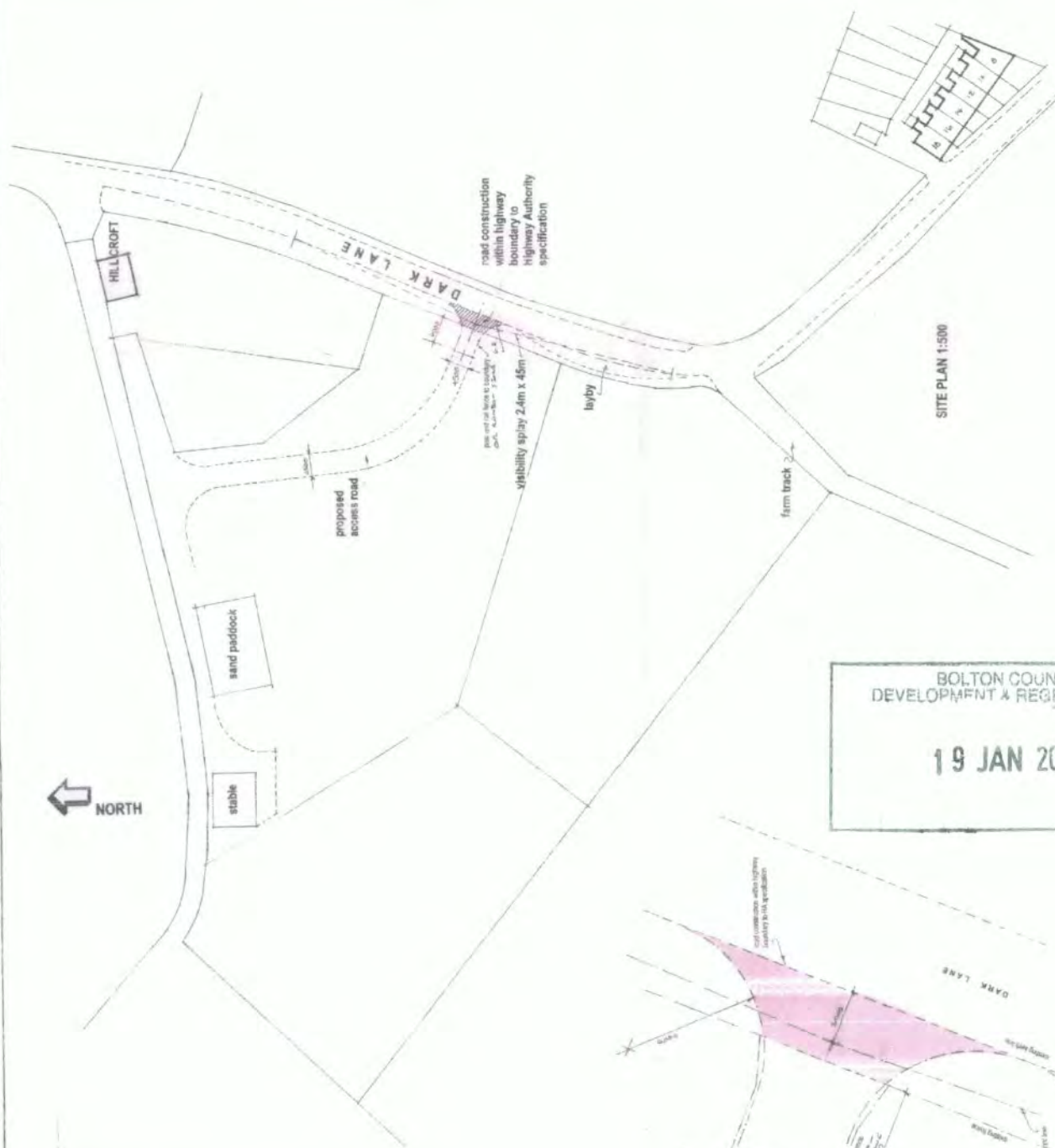
project address

PROPOSED CONVERSION OF  
BARN INTO DWELLING HOUSE,  
HILL CROFT,  
DARK LANE,  
BLACKROD.  
BL6 5JL.

drawing number

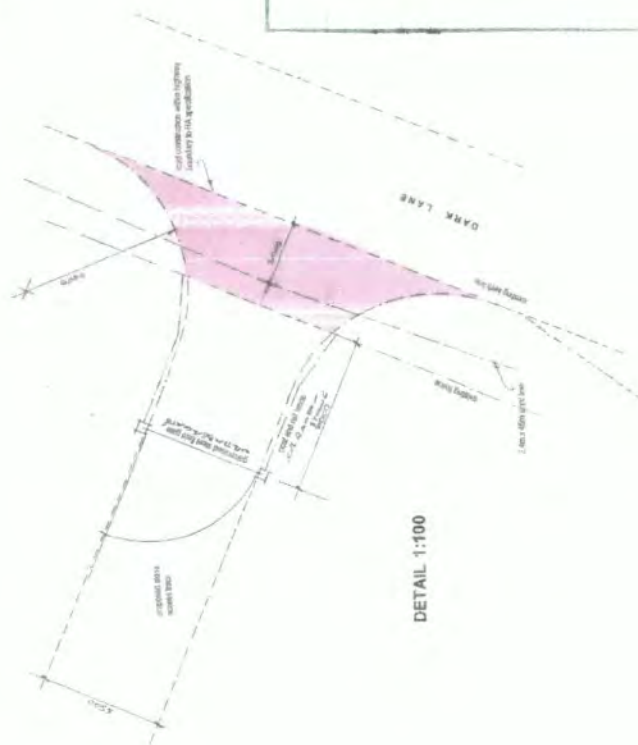
PB/11/16



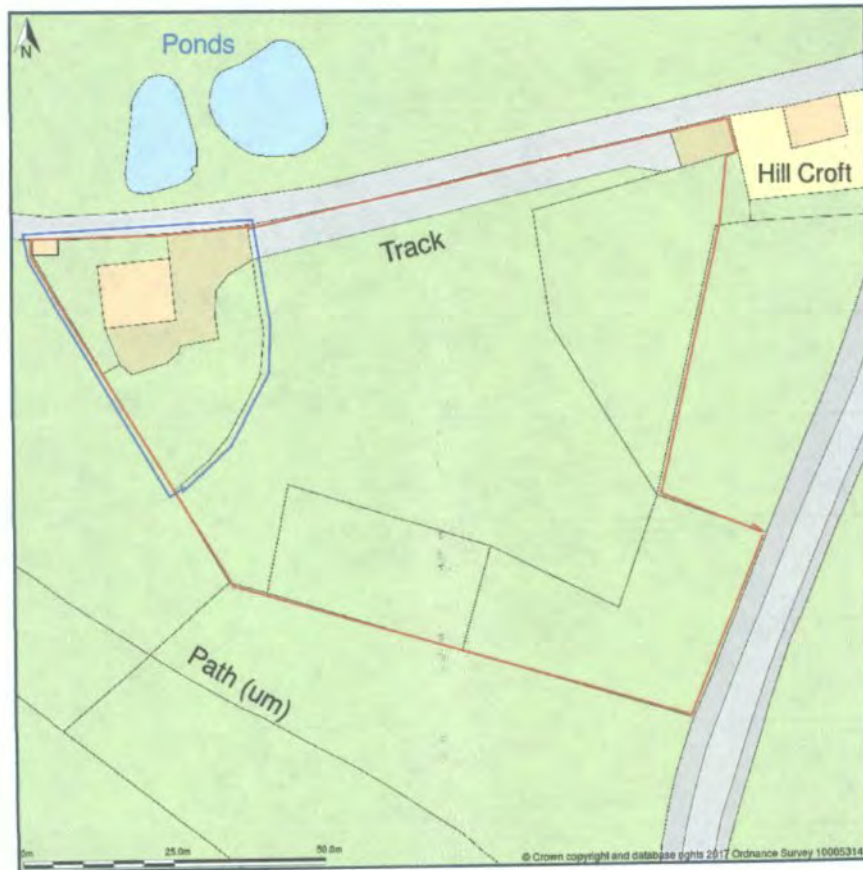


BOLTON COUNCIL  
DEVELOPMENT & REGENERATION

19 JAN 2017



Hillcroft barn. location plan and boundary in red, curtilage of proposed in blue



Site Plan shows area bounded by: 360607.81, 411211.59 360749.23, 411353.02 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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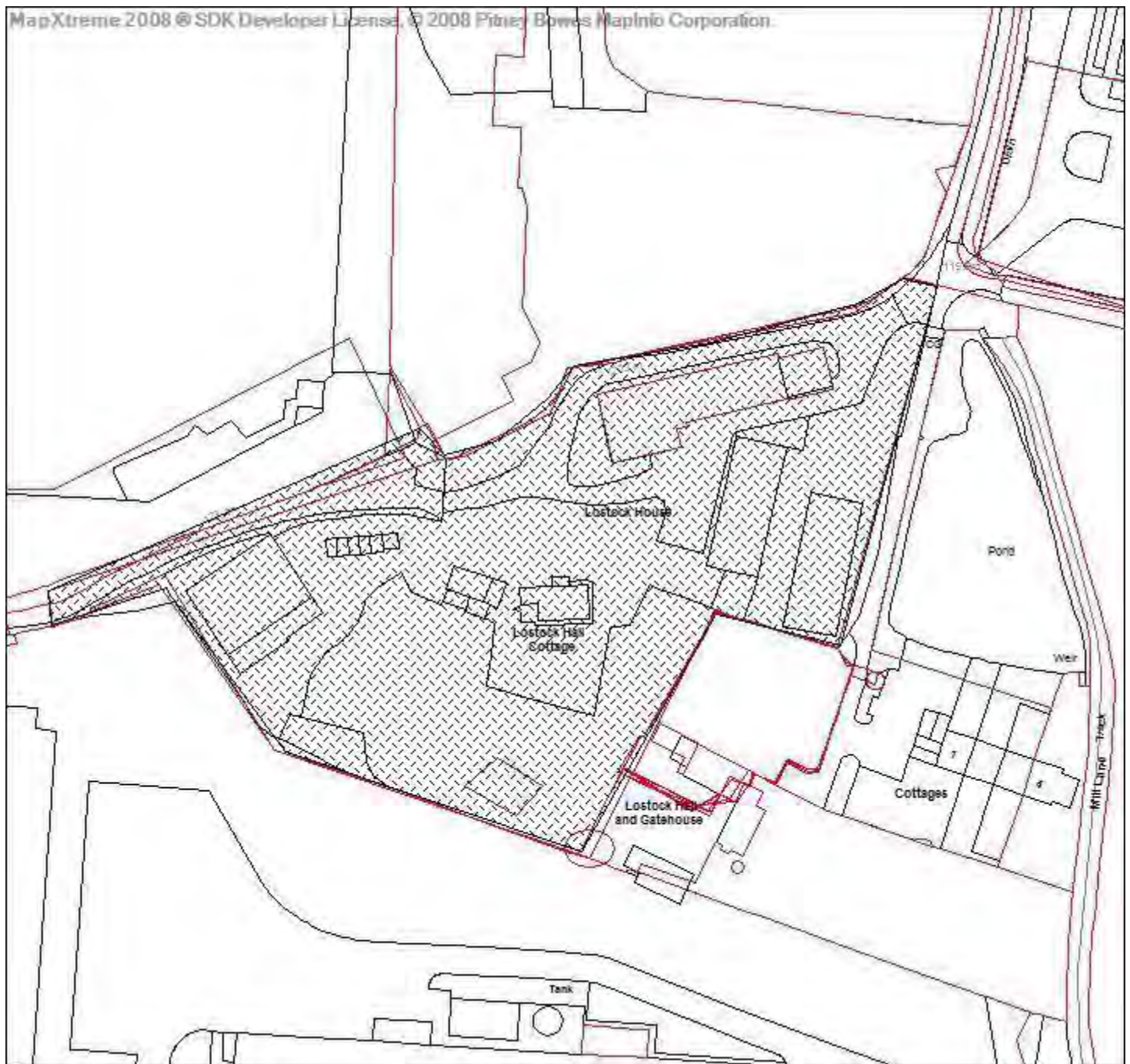








**Application number  
00121/17**



**Development & Regeneration Dept  
Development Management Section**

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

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**Date of Meeting: 06/04/2017**

**Application Reference: 00121/17**

**Type of Application: Full Planning Application**  
**Registration Date: 23/01/2017**  
**Decision Due By: 23/04/2017**  
**Responsible Officer: Helen Williams**

**Location: LOSTOCK HOUSE FARM, HALL LANE, LOSTOCK, BOLTON, BL6 4BS**

**Proposal: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 13No DETACHED RESIDENTIAL DWELLINGS TOGETHER WITH ASSOCIATED WORKS**

**Ward: Horwich and Blackrod**

**Applicant: Westchurch Homes Ltd**  
**Agent : Nathaniel Lichfield & Partners**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Planning permission has previously been approved in November 2015 for 9 dwellings which included retention/conversion/extension of the farmhouse and conversion of the barn (94316/15).

This current application is an amended resubmission of a subsequent planning application (97356/16), which sought to erect 13 houses including the demolition of the farmhouse on grounds that it was not viable to retain/convert. That application was refused in December 2016 for the following two reasons:

- 1. The proposed development, by virtue of its layout, appearance and landscaping, would harm the setting of the adjacent Grade II\* Listed Lostock Hall Gatehouse and the character and appearance of the area, and the public benefits associated with the proposal are not considered to outweigh this harm, contrary to section 12 of the National Planning Policy Framework and Policies CG3 and OA1 of Bolton's Core Strategy.*
- 2. The proposed development would result in the loss of a non-designated heritage asset (Lostock House Farm Farmhouse) and the public benefits associated with the proposal are not considered to outweigh this harm, contrary to paragraph 135 of the National Planning Policy Framework and Policy CG3.4 of Bolton's Core Strategy.*

Following this refusal of planning permission, the applicant demolished the former farmhouse (Lostock House Farm Farmhouse) and the two large Victorian barns on site (minus the southernmost stone barn) in December and January respectively. Neither of these demolitions required the benefit of planning permission, as the buildings are not listed or sited within a conservation area. Other

non-material procedural matters with regard to the circumstances of the demolition are covered below for information only.

The applicant has amended their proposed development, within this resubmission, in the following ways:

- \* The dwellings proposed at plots 4, 5 and 6 have been moved further away from the south eastern boundary of the site by approximately 5 metres, so that they are sited further away from the neighbouring listed buildings;
- \* The dwelling at plot 4 has been moved further north;
- \* The house type at plot 5 has been changed so that it has a separate garage (not integral);
- \* The rear elevations of plots 4, 5 and 6 have been changed from brick to render and stone heads and cills have been incorporated;
- \* The dwelling at plot 11 has been moved further west to accommodate the repositioning of the internal road, which in turns allow for the re-positioning of plots 4, 5 and 6;
- \* The house type at plot 13 has been changed and the dwelling and garage at plot 12 have been repositioned;
- \* Fewer trees are being proposed to be retained.

Four different house types are proposed within the development, with the dwelling at plot 5 varying from its 'standard' house type by having render on its rear elevation. All dwellings are proposed at two storeys and will be constructed from red brick with rendered elements. Six of the dwellings are proposed to contain five bedrooms and the remaining seven are proposed to contain four bedrooms. Each dwelling would either have a detached double garage or an integral double garage.

As with the previous application for the development (97356/16) it is proposed to retain the Victorian stone barn extension to the former (now demolished) eastern brick barn and utilise this as the garage for plot 3.

Vehicular access into the site is again proposed from Ox Hey Lane/Mill Lane to the north east, with the internal road being proposed along the northern boundary of the development.

A pumping station is proposed within the north western part of the site.

### **Site Characteristics**

The application site measures just over 1 hectare in area and is the partially cleared site of the former Lostock House Farm. The site is located within the urban area and is allocated as housing land (113SC) within the Council's Allocations Plan.

The former Lostock House Farm farmhouse (that stood centrally within the site) and the two larger Victorian barns (that were located within the north eastern corner of the site) have recently been demolished by the applicant. The farmhouse was a two storey, stone built dwelling dating back to the mid-1800s. Its front elevation had a castellated parapet roof with wave detail and castellated central stone pediment which gave it character, architectural merit and connection and reference to the neighbouring listed Lostock Hall Gatehouse to the south east of the application site. One of the barns was constructed from stone with a single storey lean-to red brick extension and the other was constructed from brick.

The only building now remaining on the site is a stone built barn, which was previously attached to the large brick barn. This is located to the east of the site and adjoins the boundary to the garden of Lostock Hall Cottage. The barn has ashlar quoins and slotted vents.

The application site is currently fenced off with security fencing.

The application site can be accessed either from Ox Hey Lane (an unadopted road) to the north east or from Hall Lane to the west. Ox Hey Lane also serves the residential properties at 1 to 4 Lostock Hall Fold, Lostock Hall Gatehouse and Lostock Hall Cottage.

To the immediate south east of the application site is the Grade II\* listed Lostock Hall Gatehouse and the attached Grade II listed Lostock Hall Cottage. To the south is the industrial estate at Lynstock Way and to the north west is Persimmon Homes' residential development (still under construction). To the north east of the site (on the other side of Ox Hey Lane) is Bolton Wanderers' Academy site.

## **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1 Green Bolton; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod.

Allocations Plan Policies: P8AP Public Rights of Way; Appendix 4 Allocated Housing Land.

SPD Accessibility, Transport and Safety  
SPD General Design Principles

Historic England: Historic Environment Good Practice Advice in Planning 3 - The Setting of Heritage Assets

## **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* principle of the development
- \* impact on the setting of the adjacent listed buildings
- \* impact on the character and appearance of the area
- \* impact on the highway
- \* impact on biodiversity
- \* impact on the amenity of neighbouring residents
- \* impact on archaeology
- \* impact on drainage

### Principle of the Development

Section 6 of the National Planning Policy Framework (NPPF) concerns delivering a wide choice of high quality homes. It states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The application site is previously developed, within the existing urban area and is allocated as housing land within the Council's Allocations Plan (site ref. 113SC).

The site has extant planning permission under approval 94316/15 for nine detached dwellings on the site (seven new build, the extension of the former residential farmhouse and the conversion of the barn to a dwelling). The principle of residential development on the site has therefore been previously established.

The principle of demolishing the two large Victorian barns at the north east of the site has also already been established under approval 94316/15, to allow for the redevelopment of the site for housing. The applicant has demolished these buildings although this was not done to implement the approval (94316/15).

The previous planning approval for the site did not include the demolition of the former farmhouse. It was considered that there was merit in its retention and planning application 97356/16 was refused in part owing to the loss of this building. In that application, the Applicant's proposal to demolish the farmhouse and increase the number of units was on viability grounds stating the original scheme was not viable. Officers felt that the merits of that scheme, including the urban design and siting did not outweigh the loss of the farmhouse which would undermine the significance of the group value of the heritage buildings in the area and would result in the loss of a non-designated heritage asset. It was considered that the farmhouse building was the most significant building on the application site, with it having associative value with the neighbouring Grade II\* listed Lostock Hall Gatehouse and having its own architectural interest.

Whilst the applicant has now demolished the farmhouse building, the circumstances surrounding that are not material considerations to the determination of the current application. The second reason for refusal for application 97356/16 is however clearly no longer applicable to this latest proposal.

The principle of the development of a previously-developed, allocated housing site is therefore in accordance with policy.

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

Section 12 of the NPPF concerns conserving and enhancing the historic environment. It states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

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

Neighbouring the south east of the application site are Lostock Hall Gatehouse (a Grade II\* listed



dwelling) and the attached Grade II listed Lostock Hall Cottage. The proposed development will therefore affect the setting of these listed buildings.

The applicant has amended their plans following their previous refusal (97356/16) by moving the dwellings at plots 4, 5 and 6 approximately 5 metres further away from the boundary with the listed buildings, moving plot 4 further to the north, by providing a wider gap between the dwellings at plots 4 and 5 and by amending the elevational treatments to the rear of the dwellings at plots 4, 5 and 6.

Historic England has been consulted and they confirm that the proposed development would affect the setting of a Grade II\* listed building, a building of high national interest. As within their comments for the previously refused application for the site (97356/16), Historic England state that, as a result of the loss of the former farmhouse, the density of the development, the proximity of the dwellings to the Grade II\* listed Gatehouse and the apparent thinning of the tree line on the south eastern boundary of the site, the proposed development would constitute a higher level of harm than the scheme approved under application 94316/15 (for the nine dwellings). They continue that while this is not substantial harm to the overall significance of the Gatehouse, the local planning authority should require clear and convincing justification for the additional harm proposed.

Commenting on the amended scheme, Historic England note the repositioning of plots 4, 5 and 6 and the continued proposed retention and conversion of the stone barn to provide a garage for one of the dwellings. They state that whilst the proposal does reduce the level of harm to the setting of the listed buildings to some degree, many of the harmful aspects of the proposal remain.

It appears from Historic England's comments that the author was unaware that the former farmhouse building has already been demolished (despite this being reported by the Council to Historic England after the building was demolished by the applicant). Officers consider that the loss of the farmhouse has had a significant impact on how any residential redevelopment of the site would now relate the neighbouring listed buildings. The previously approved development for the site (94316/15) included the retention (and extension) of the farmhouse, and the new dwellings (4 less than currently proposed) were proposed to be sensitively sited around the retained farmhouse so that a visual link between the farmhouse and the listed buildings was retained. No development was proposed between the front elevation of the farmhouse and the listed buildings. There is now no opportunity to retain the historic and visual link between the farmhouse and the neighbouring listed buildings as the farmhouse has been demolished.

The local planning authority can therefore now only look at the relationship of the proposed dwellings with the listed Gatehouse and cottage, and how this relationship affects the setting of these listed buildings.

The proposed amended siting of the dwellings at plots 4, 5 and 6 has reduced their impact on the setting of the neighbouring listed buildings as they have been moved further away by approximately 5 metres. The alterations to the rear elevations of the dwellings at plots 4, 5 and 6, to change them from brick to render and to introduce stone cills and heads, are also considered to be an improvement and more respectful to the listed stone buildings than the previous refused scheme (the applicant has stated that the rendered finish would provide a softer treatment facing the listed buildings). The positioning of the detached garages for plots 4 and 5 between the dwellings also breaks up the massing of the development at the south eastern corner of the site.

A number of trees have been removed from the south eastern corner of the site, meaning that the application site is currently more visible from the listed buildings than it previously was (five trees are shown for retention on the proposed plans). The applicant is now proposing to replant a number of trees along the boundary between the development and the listed buildings, which will help screen

the development from the listed buildings. Should the application be approved it is recommended that a landscaping scheme (for the whole site as well as this boundary) is worked up to ensure that sufficient screening is provided, without harming the amenity of future and neighbouring dwellings.

As it is considered that the proposed development will lead to less than substantial harm to the significance of the setting of the neighbouring listed buildings, paragraph 134 of the NPPF is relevant, which states that this harm should be weighed against the public benefits of the proposal.

The harm to the setting of the neighbouring listed buildings comprises having rear elevations of suburban style dwellings within 25 metres of them (therefore the existing spaciousness around the Gatehouse and cottage is compromised). The benefits of the proposal are that 13 dwellings will be provided on an allocated housing site within the Local Plan. On balance, it is considered that the benefits of the proposal outweigh the less than substantial harm caused to the setting of the neighbouring listed buildings.

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

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

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy CG3.4 states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings. Policy OA1 refers specifically to development in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that development respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

The proposed development is to be sited around the proposed internal road and will appear suburban in character. The dwellings are all proposed at two storeys in height and will be constructed mainly from brick with rendered features. It is noted that the dwellings neighbouring the site to the south (the listed buildings and 1 to 4 Lostock Hall Fold) are constructed of stone, however the Persimmon development to the north are constructed from brick. It is therefore considered that the proposed use of brick and render would not be uncharacteristic with the area.

The proposed amended sited of plots 4, 5 and 6 also help the development appear less cramped within the south eastern corner of the site improving the overall urban design of the scheme.

New tree planting is proposed within the site, which would help soften the appearance of the development.

#### Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements and parking, in accordance with the parking standards sets out in appendix 3 of the Core Strategy. Policy S1.2 states that the Council will promote road safety in the design of new development.

The application site would be accessed from Chorley New Road via Ox Hey Lane (to the north east of

the site). Ox Hey Lane is unadopted from the dwelling at 18 Ox Hey Lane to its junction with Hall Lane (at the north corner of the application site). Hall Lane, which runs along the northern boundary of the site and to its west is private.

The principle of residential development on the application site and access to the site via Ox Hey Lane has already been approved under application 94316/16.

This latest development proposes an increase in four dwellings from that previously approved on site (13 dwellings as opposed to 9). The applicant has submitted a transport statement to substantiate the development. The Council's Highways Engineers have commented that the transport assessment appears to demonstrate that there would be a negligible increase in traffic associated with the increase in dwellings in comparison with the existing consented number of dwellings.

Engineers confirm that Ox Hey Lane is part adopted, part unadopted and Mill Lane is unadopted. As with planning approval 94316/15, vehicular access to the development would be via Ox Hey Lane and Mill Lane and there would be a requirement for highways improvements along this access, to accommodate vehicles, pedestrians and other road users. The improvements include two passing places along the route. Engineers have confirmed that they consider the proposed highway alignment to be acceptable but require further information regarding how the road would be sufficiently drained and lit (to comply with Council standards and to allow consideration for this section of the highway to be adopted). This outstanding information is therefore to be suggested by condition, should the application be approved.

Hall Lane, that runs to the north of the site, is a private road and is gated near the boundary of the site. The lane however contains a restricted by-way (BOL284) and therefore needs to remain available for public use until the statutory procedures are in place to allow its diversion before the development can commence.

Engineers consider that adequate off-road parking provision has been proposed within the development, compliant with the Council's parking standards.

The Council's Highways Engineers raise no objection to the proposed development, subject to conditions. It is therefore considered that the proposed development would comply with Policies P5 and S1.2 of Bolton's 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.

#### *Trees*

A substantial amount of vegetation clearance works have been undertaken on the site and the site has been generally cleared of trees, with the exception of five trees on the south eastern boundary, two trees on the southern boundary, a group of trees on the south western boundary and four trees central to the site. These trees are the trees that the applicant is proposing to retain within the development, with the exception of one Sycamore central to the site which is also proposed to be removed.

The Council's Tree Officers have recommended that the trees proposed to be retained are sufficiently protected by security fencing prior to the commencement of development and that the proposed landscaping scheme for the development incorporates tree planting, to mitigate the loss of trees

from the site. These requirements are suggested by condition.

### *Ecology*

Greater Manchester Ecology Unit (GMEU) has commented that the clearance of the site has lowered the ecological value of the site.

Bat roosts and barn owl activity had been recorded on the site, however all buildings (apart from the retained stone barn) have now been demolished by the applicant. There has also been significant tree and vegetation loss, which had the potential to support bird nesting.

GMEU recommend that the proposed landscaping scheme include adequate tree planting and appropriate species type to mitigate for the loss of the mature trees on the site.

The Council's Greenspace Officers are recommending that, prior to the commencement of development, details for alternative on-site bat accommodation within the development are submitted to and approved by the local planning authority. Officers are also recommending a similar condition for barn owl accommodation within the scheme.

### Impact on the Amenity of Neighbouring Residents

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

The side of Lostock Hall Cottage would be approximately 22 metres away from the proposed dwellings: a recommended distance of 13.5 metres is required in this instance.

The rear of Lostock Hall Gatehouse would be approximately 38 metres away from the proposed dwellings: a recommended distance of 21 metres is required in this instance.

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

### Impact on Archaeology

Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.

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

Greater Manchester Archaeological Advisory Service (GMAAS) has confirmed that the applicant commissioned the undertaking of a historic building survey and the undertaking of an archaeological evaluation through trial trenching, in accordance with a Written Scheme of Investigation which had been agreed with GMAAS. This evaluation found interesting but only fragmentary remains of the earlier phases of the site's historic development. GMAAS therefore do not require any further detailed archaeological excavation, however they recommend that an archaeological watching brief during ground works is undertaken to ensure that any further archaeological evidence is identified and recorded. GMAAS therefore recommend a condition requiring this watching brief.

It is therefore considered that the proposed development complies with paragraph 128 of the NPPF.

#### **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 applicant has submitted a flood risk assessment and drainage strategy with their submission. The Council's Drainage Officers have confirmed that the proposed calculations and drawings are acceptable. United Utilities have confirmed that the proposal is acceptable in principle.

A standard drainage condition is therefore suggested should the application be approved.

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

#### **Local finance considerations**

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

New Homes Bonus for the 13 proposed dwellings – this is not a material planning consideration.

#### **Conclusion**

For the reasons discussed above it is considered that the previous two reasons for refusing the proposed development have now been addressed within this resubmitted application which now proposes a better form of development whose relationship with the listed building has improved. It is also considered that the proposed development would not jeopardise highway safety, would in some respect mitigate for the loss of trees and habitat, and would not unduly impact on the amenity of neighbouring residents. Members are therefore recommended to approve this application subject to the suggested conditions.

## **Representation and Consultation Annex**

### **Representations**

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

- \* The houses will be overbearing to the adjacent Grade II\* Listed Lostock Hall Gatehouse, due to the elevated nature of the site;
- \* The plots proposed adjacent the listed Gatehouse should be removed in their entirety, as per previous correspondence with Historic England;
- \* The increased harm caused by this development to the neighbouring heritage assets is not outweighed by the public benefit;
- \* The houses are to be constructed from modern materials and the render (adjacent the Gatehouse) will look even worse than previously proposed as the Gatehouse and surrounding buildings are constructed of stone/course rubble/reclaimed brick;
- \* The houses should be built in natural stone with slate roofs to be in keeping with the area;
- \* The development is of the same density as the refused application; The proposed density is too great/too many houses are being proposed;
- \* The access road is totally unsuitable;
- \* It is already difficult to get out of the top of Ox Hey Lane onto Chorley New Road as there is only space for one vehicle to come out or go in;
- \* Mill Lane is a single track which would serve 19 houses rather than the current 6;
- \* Why has no traffic survey been undertaken?;
- \* Using Hall Lane would increase the risk of injury for walkers, cyclists, horse riders and dog walkers;
- \* Has the applicant submitted wildlife surveys and building reports for the buildings that have already been demolished?;
- \* The arboricultural reports cannot be taken as accurate as the trees have already been felled;
- \* The Heritage Impact Assessment is misleading as the applicant has inserted their own observations to work in their favour (it is not the original document submitted with the refused application);
- \* Nothing much has changed from the previous refused scheme to lessen their objection;
- \* Appalled that the builder has knocked down the buildings without permission and at the expense of wildlife.

**Elected Members:-** Cllr. Stephen Pickup has objected to the proposal. He states that the proposed demolition of existing buildings and the erection of thirteen homes on the site would be completely out of character with the surrounding neighbourhood, with the Grade II\* listed Lostock Hall Gatehouse in close situ. He also believes that the proposal would be detrimental to the wider setting, overbearing in its nature and incompatible with the heritage of the area. He states that there are also serious safety concerns surrounding the increase in traffic assessing addition homes in any new development at this location due to the inadequate local road network.

### **Consultations**

Advice was sought from the following consultees: Highways Engineers, Tree Officers, Wildlife Liaison Officer, Landscape Officers, Conservation Advisor, Pollution Control Officers, Corporate Property Officers, Economic Strategy Officers, Strategic Development Officers, Housing Strategy Officers, Historic England, Greater Manchester Archaeological Advisory Service, Greater Manchester Ecology Unit and Greater Manchester Police.

### **Planning History**

Planning application 97356/16 for the demolition of existing buildings and the erection of 13



detached residential dwellings, together with associated works was refused in December 2016.

Permission was granted at Planning Committee in November 2015 for the partial demolition of existing buildings and the erection of 7 detached dwellings, refurbishment and extensions to existing farmhouse and conversion of barn to form additional dwelling (proposal for 9 detached dwellings in total), including landscape details (94316/15).

Permission was granted in November 1990 for a concrete store for agricultural manure (37727/90).

A five bay sheep-housing agricultural building was approved in August 1990 (37316/90).

### **Other Matters - Demolition**

The following information is included as relevant background but is not considered to form a material consideration in the determination of the current application.

Following the refusal of planning application 97356/16, the applicant demolished the former farmhouse (Lostock House Farm Farmhouse) in December and the two large Victorian barns on site (minus the southernmost stone barn) in January.

Neither of these demolitions required the benefit of planning permission, as the buildings are not listed or sited within a conservation area. Demolition of a building is generally not classed as 'development' and therefore planning permission is not usually needed. Although 'permitted development' an application for prior notification of proposed demolition should be used for proposals to demolish certain buildings. The local planning authority determines if prior approval is required for the method of demolition and any proposed restoration. The purpose is to give the authority opportunity to regulate details of demolition in order to minimise the impact on local amenity and therefore the local planning authority is not able to look at the planning merits of a proposed demolition.

It is the case that in certain circumstances (such as urgent health and safety work) that the prior notification procedure does not apply. However applicants are encouraged in all cases to discuss proposals in advance with the local planning authority. The developer demolished the farmhouse building on a Saturday morning and retrospectively advised the Council this was done as a matter of urgency for health and safety reasons including that children were accessing the building which was dangerous.

Other controls relevant to demolition exist under the Building Act and the Wildlife and Countryside Act. With regard to the demolition of the farmhouse building, a technical breach of the Building Act (demolition took place in advance of securing the relevant approvals) was dealt with formally.

The building was also identified as having high potential for supporting roosting bats within the previously submitted ecological report and this matter was dealt with by the Police and Natural England.

With regard to the demolition of the two barns, building regulations were secured and Natural England granted a bat mitigation licence for these buildings.

**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 full details of the drainage and street lighting design for the highway works at Mill Lane/Ox Hey Lane (as indicated on drawing no. SK21621-002) 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 and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

3. Prior to the commencement of any groundworks surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

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

Reason

To ensure the site provides satisfactory means of surface water drainage and to comply with policies CG1.5 and CG2.2 of Bolton's Core Strategy.

4. Prior to the commencement of the development:-

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

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

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

Reason

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

5. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority for alternative on-site bat accommodation within the development. The approved scheme shall be implemented in full and retained thereafter.

Reason

To ensure the favourable status of protected species and to comply with policy CG1 of Bolton's Core Strategy.

6. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority for alternative on-site barn owl accommodation within the development. The approved scheme shall be implemented in full and retained thereafter.

Reason

To ensure the favourable status of protected species and to comply with policy CG1 of Bolton's Core Strategy.

7. No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with an approved Written Scheme of Investigation (WSI) covering the following:

1. A phased programme and methodology of investigation and recording to include:
  - a targeted watching brief during development ground works
2. A programme for post investigation assessment to include:
  - analysis of the site investigation records and finds
  - production of a final report on the significance of the archaeological and historical interest represented.
3. Deposition of the final report with the Greater Manchester Historic Environment Record and dissemination of the results through an on-site interpretation panel and a booklet on Lostock Hall Fold in the Greater Manchester Past Revealed Series.
4. Provision for archive deposition of the report and records of the site investigation.
5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason

In accordance with NPPF Section 12, Paragraph 141 - To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible.

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

Reason

To safeguard the visual appearance, character of the area and the setting of the neighbouring listed buildings, and to comply with policy CG3 of Bolton's Core Strategy.

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

Reason

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

10. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The scheme shall provide for adequate tree planting along the south eastern boundary of the site (the boundary adjacent the neighbouring listed buildings) and shall incorporate appropriate tree species for bird nesting habitat. 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, to lessen the development's impact on the setting of the neighbouring listed buildings, to provide for replacement habitat and to comply with policies CG1.2, CG3 and OA1 of Bolton's Core Strategy.

11. Prior to the development being first occupied, details (including a brick or masonry specification and colour scheme) of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

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

Reason

To encourage drivers to make use of the parking and circulation area(s) provided and to comply with policies P5 and S.1 of Bolton's Core Strategy.

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

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

Reason

To ensure the site is safe for use and to comply with policy CG4 of Bolton's Core Strategy.

14. No dwelling shall be occupied until the internal road layout, footways and turning areas have been constructed to the Council's standards for adoption as indicated on drawing no. 16-062-010 Rev. B.

Reason

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

15. 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 and in order to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

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

**16-062-010 Rev B; "Proposed Site Layout"; dated July 2016**  
**16-062-A-01; "House Type A Plot 6"; dated 16/01/2017**  
**16-062-2005-1; "House Type B Plots 2, 3, 9 & 10"; dated 05/11/2015**  
**16-062-2005-3; "House Type B - Plot 5"; dated 15/01/2017**  
**16-062-CL-02; "House Type CL Plots 1, 4, 11 & 12"; dated 05/01/2016**  
**16-062-D-01; House Type D Plots 7, 8 & 13"; dated 30/08/2016**  
**16-062-G-100 Rev A; "Double Garage"; dated 11-3-16**  
**16-062-G-101 Rev B; "Quad Garage Block"; dated 11-3-16**  
**16-062-RB-02 Rev B; "Proposed Plans & Elevations Retained Barn"; dated Aug 2016**

Reason

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

Previously approved layout (94316/15)





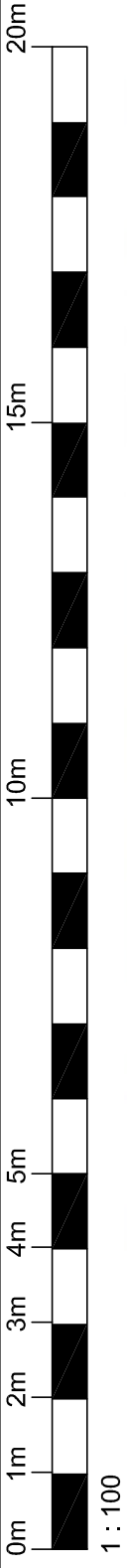
**Site layout plan for refused application 97356/16**







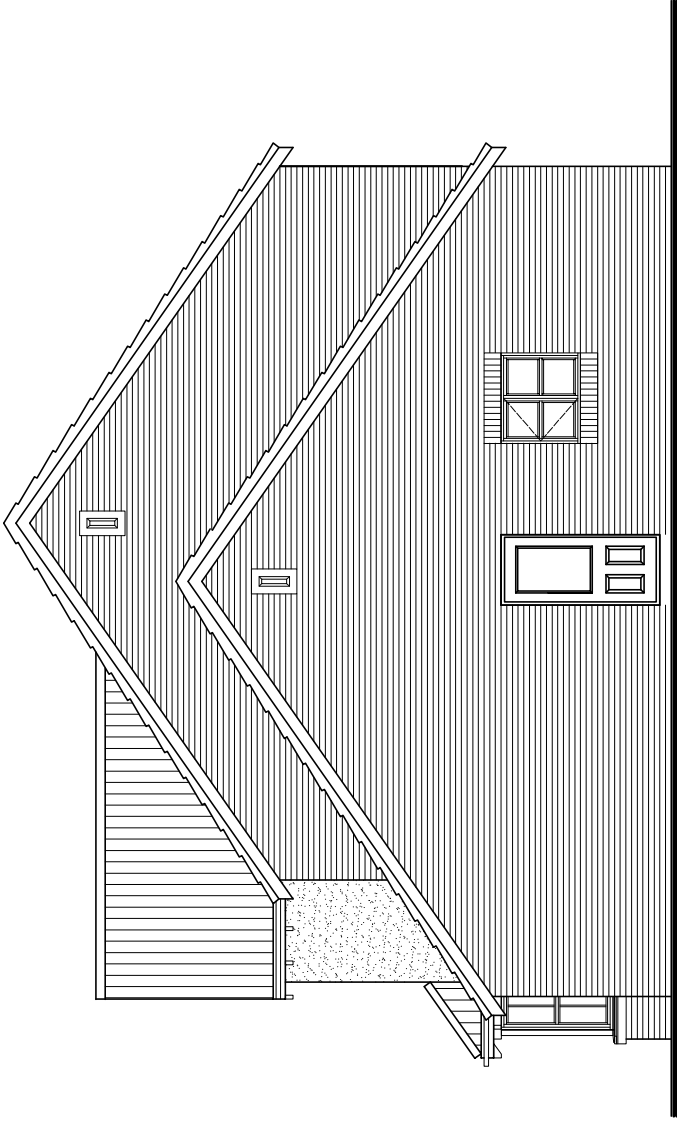




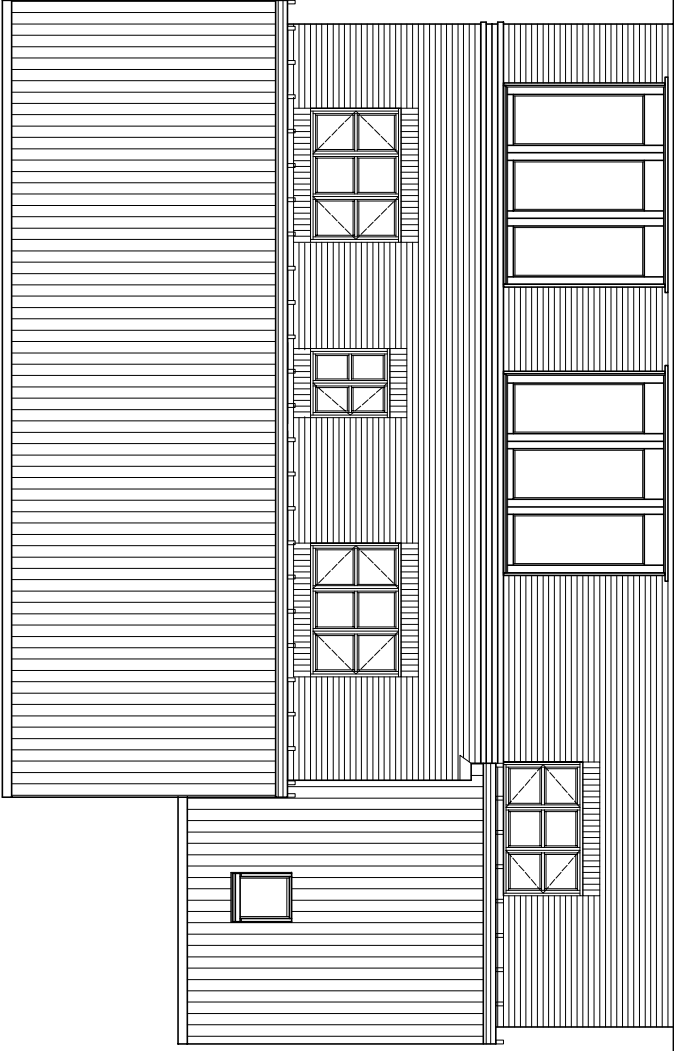
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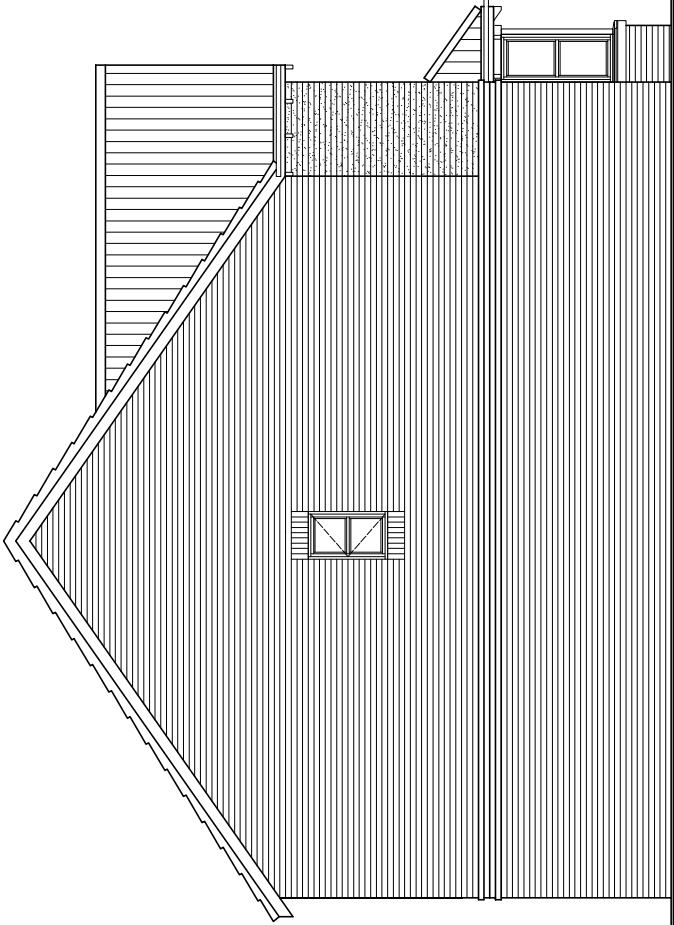
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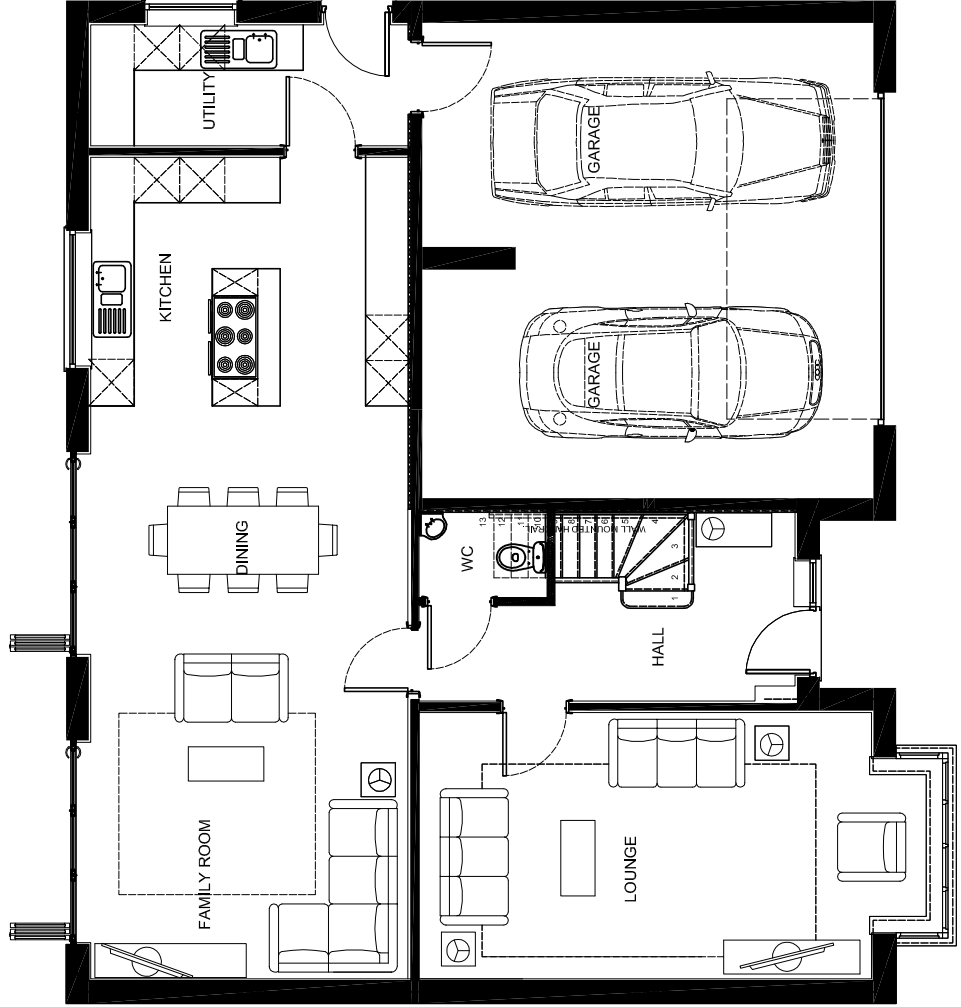
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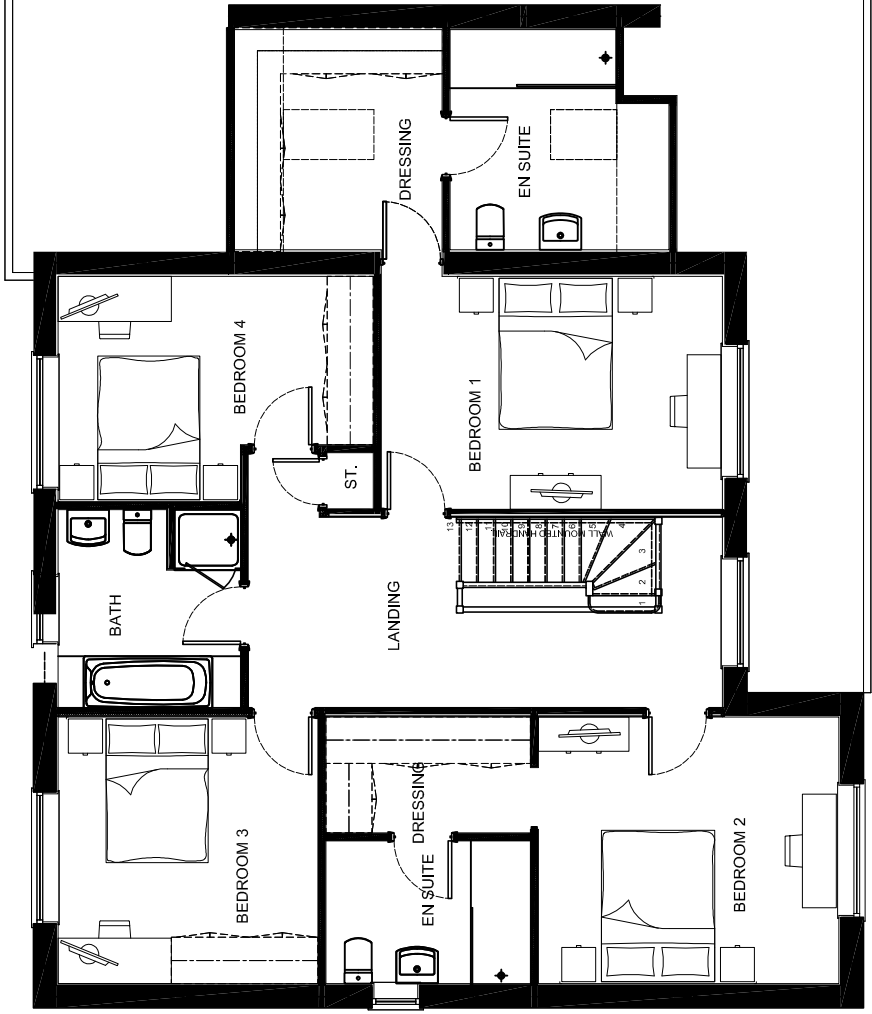
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

general notes:  
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Rev: Date By Description

Client:

Westchurch Homes



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Project:

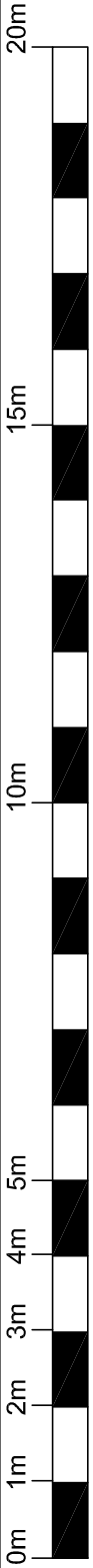
Proposed Residential Development  
at Oxhey Lane, Lostock, Bolton

Drawing Title:

Planning Elevations & Floor Plans  
HOUSE TYPE D PLOTS 7,8 & 13  
197.97m<sup>2</sup> / 2131sq.ft.

Drawn: JW	Checked:	Scale: 1:100	Date: 30/08/2016
Job No: 16-062	Drawing No: D-01	Rev:	



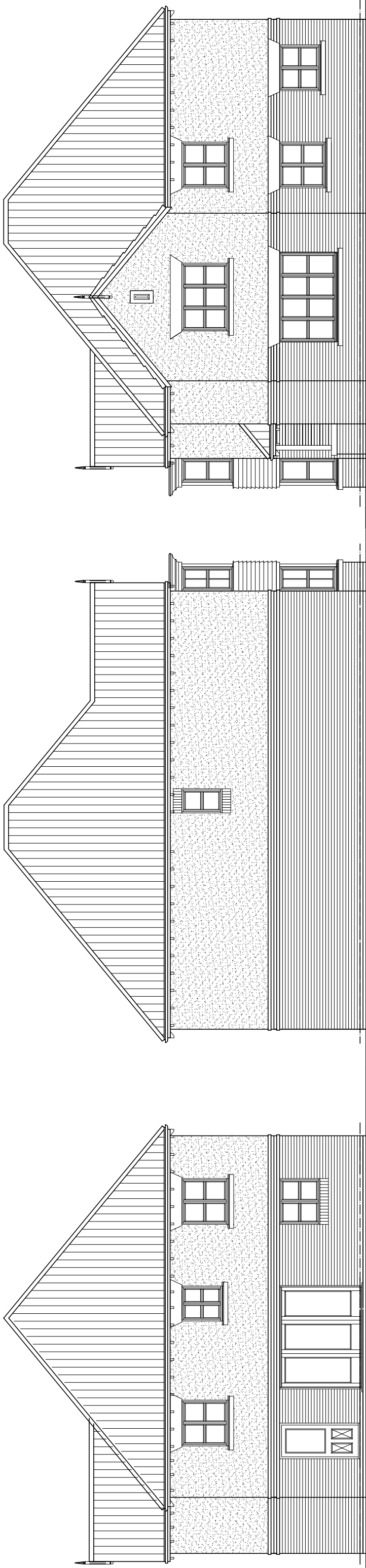


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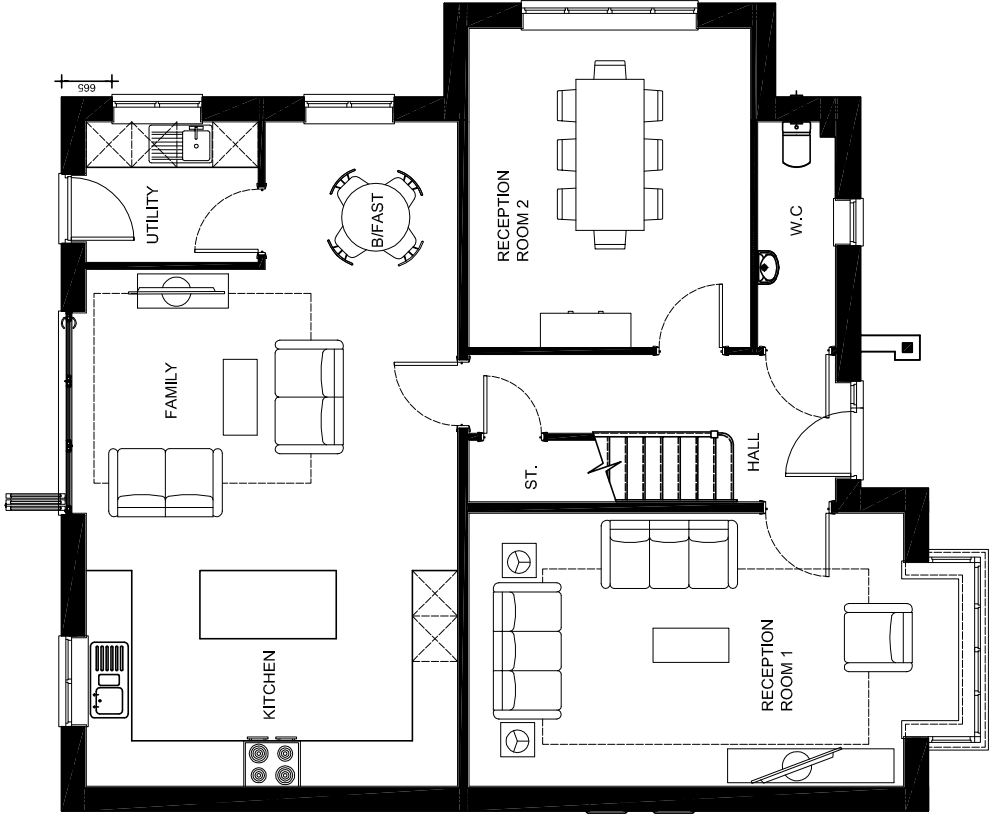
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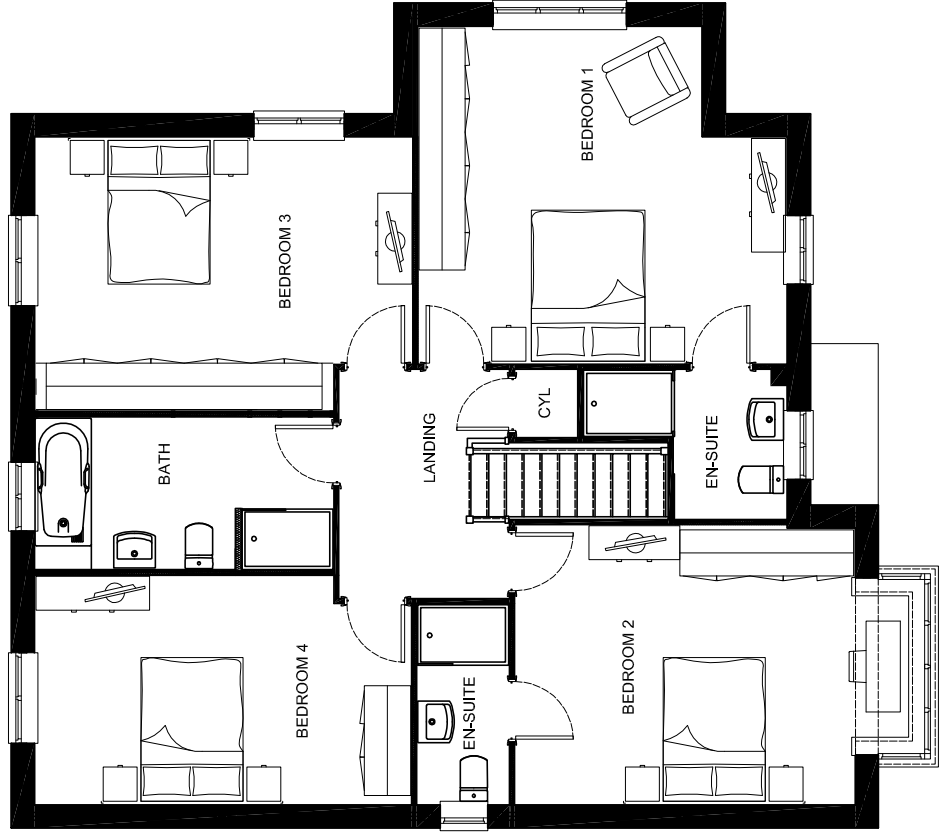
REAR ELEVATION

SIDE ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Rev.	Date	By	Description
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Client:

Westchurch Homes



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Project:

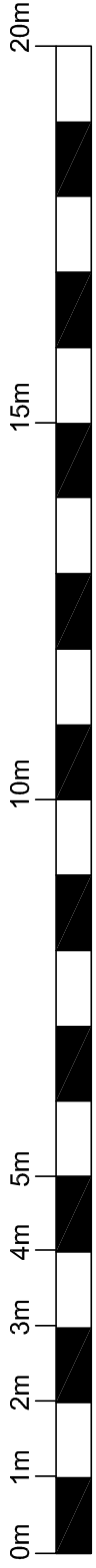
Proposed Residential Development  
at Oxhey Lane, Lostock, Bolton

Drawing Title:

Planning Elevations & Floor Plans  
HOUSE TYPE CL PLOTS 1,4,11 & 12  
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Job No: 16-062	Drawing No: CL-02	Rev:	



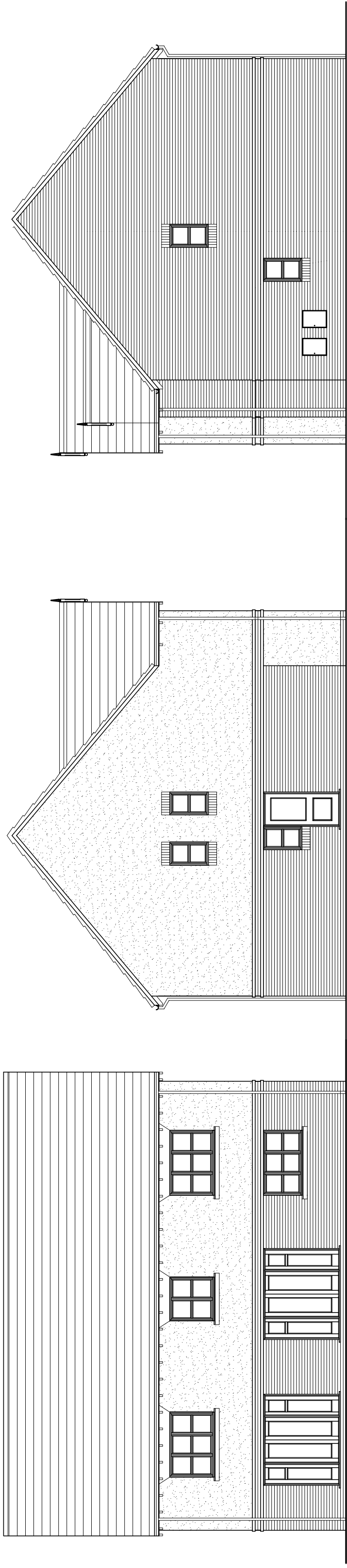


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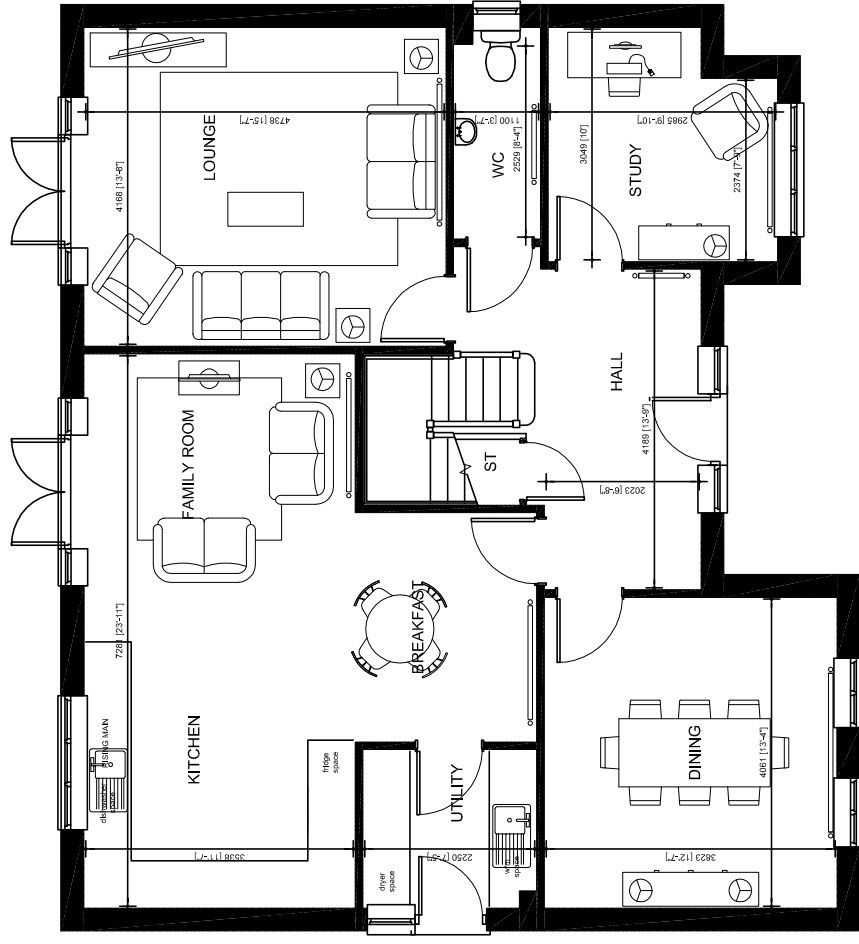


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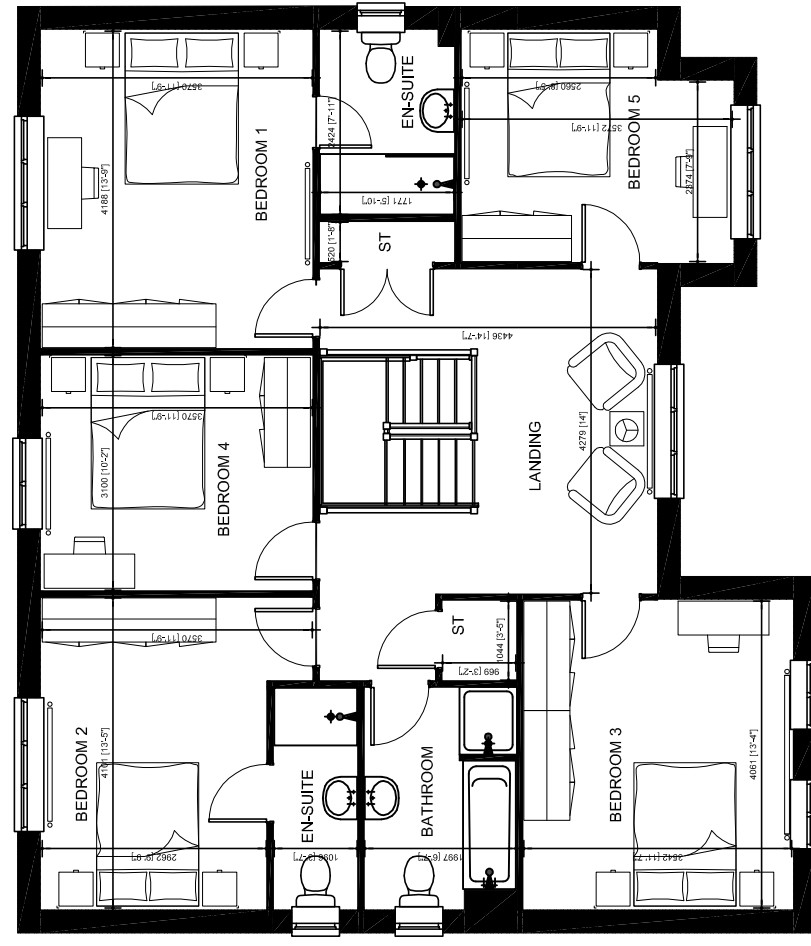


REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

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A2

PLANNING

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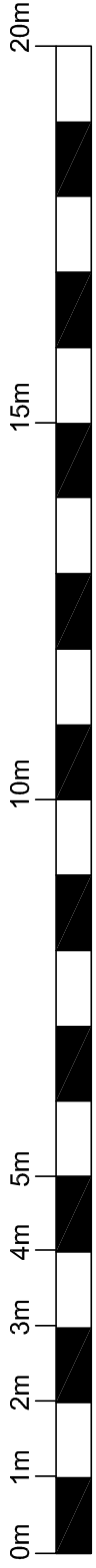
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tel: 01772 774510 fax: 01772 774511 email mck@mckassociates.co.uk

Project:  
Proposed Residential Development  
at Oxhey Lane, Lostock, Bolton

Drawing Title: Planning Elevations & Floor Plans HOUSE TYPE B - Plot 5 209.84m <sup>2</sup> / 2258sq.ft.			
Drawn: JW	Checked:	Scale: 1:100	Date: 15/01/2017
Job No: 16-062	Drawing No: 2005-3	Rev:	



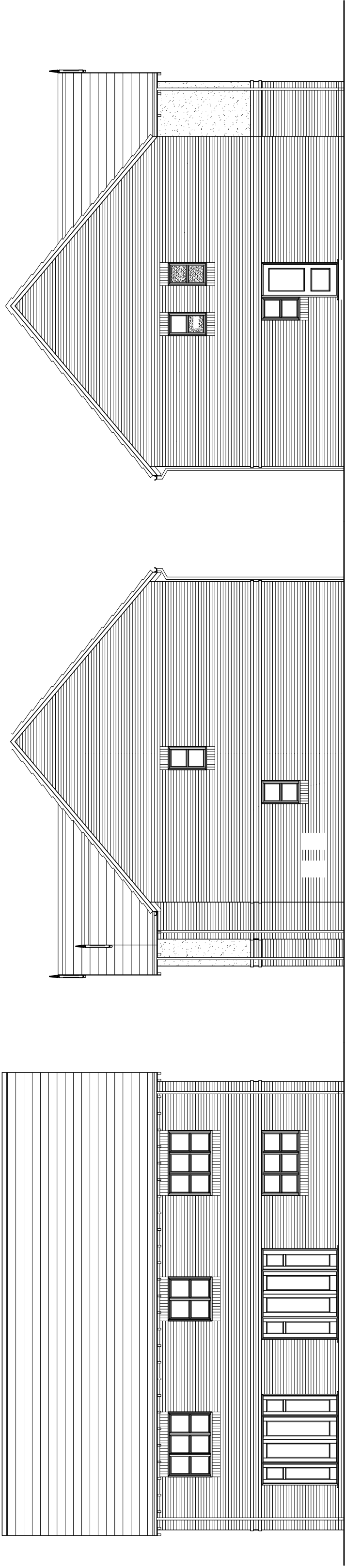


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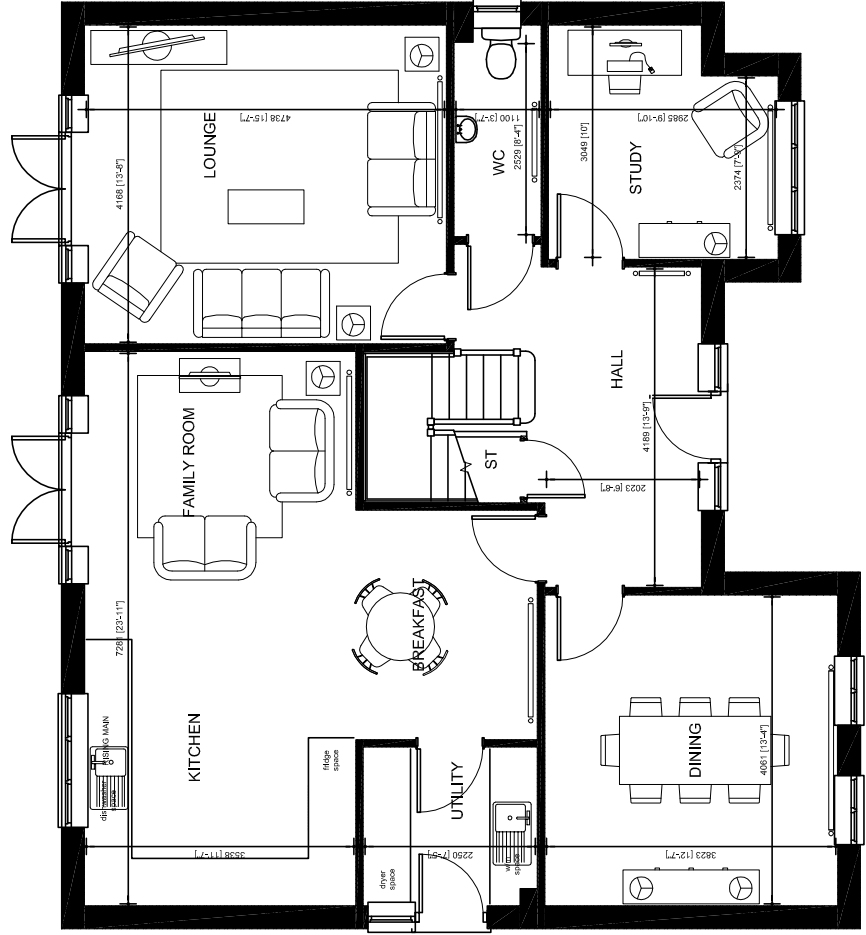


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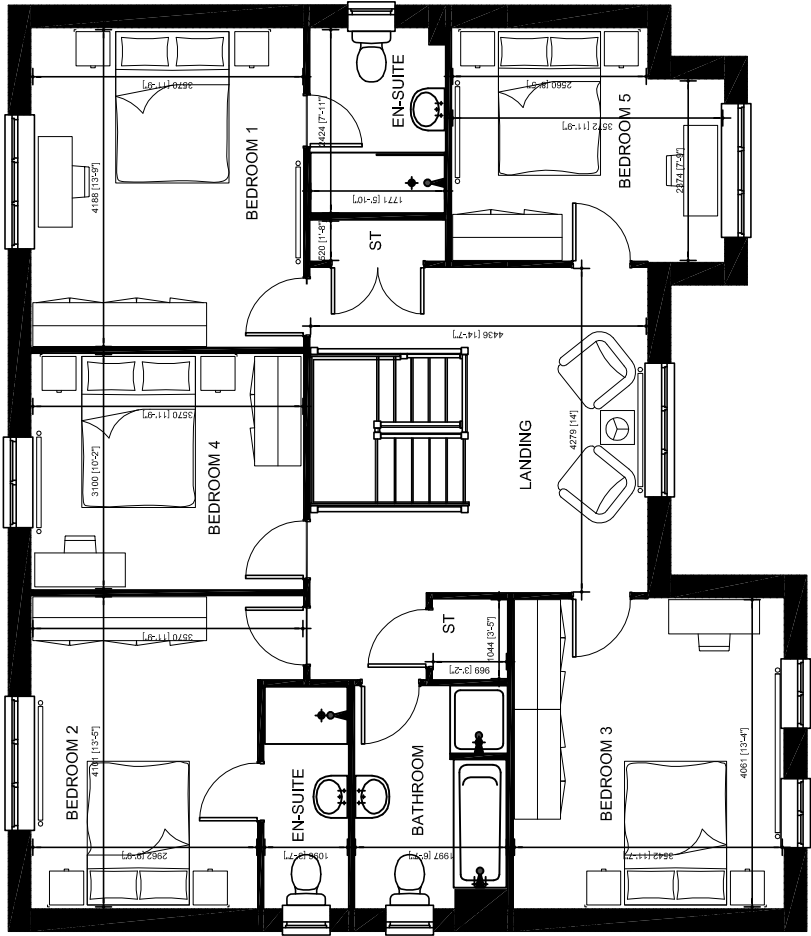


REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Rev. Date By Description

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Project:  
Proposed Residential Development  
at Oxhey Lane, Lostock, Bolton

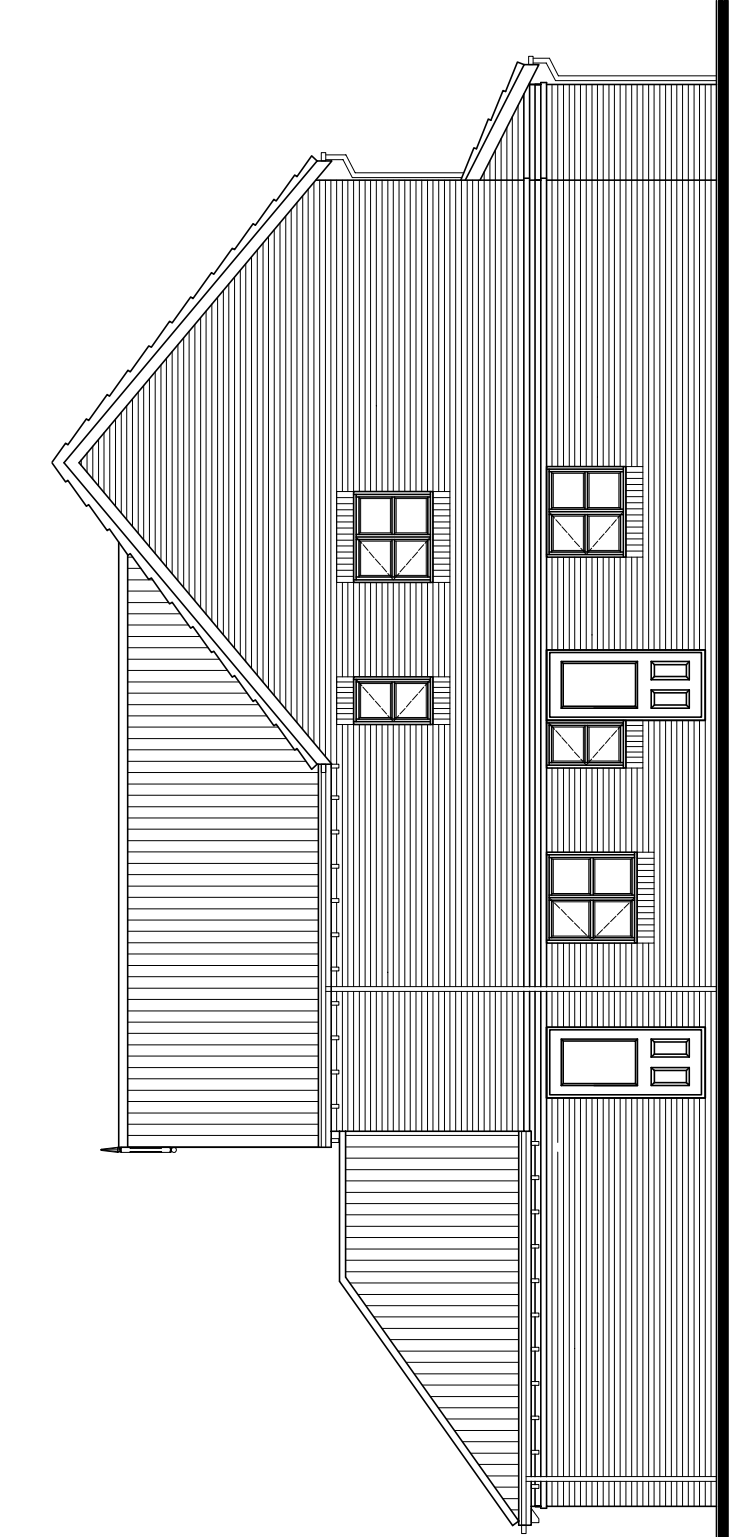
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HOUSE TYPE B PLOTS 2,3,9 & 10  
209.84m<sup>2</sup> / 2258sq.ft.

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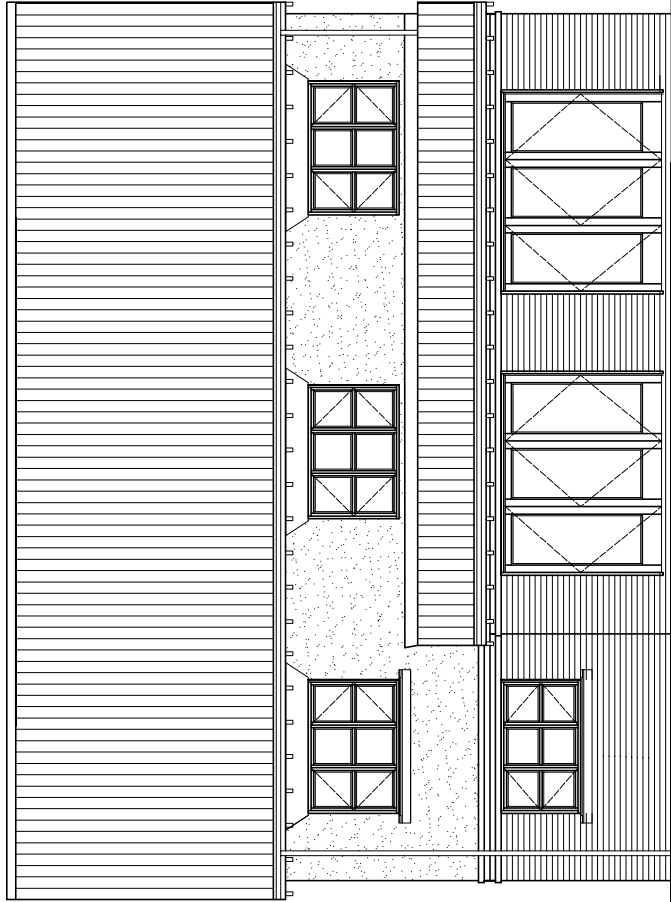




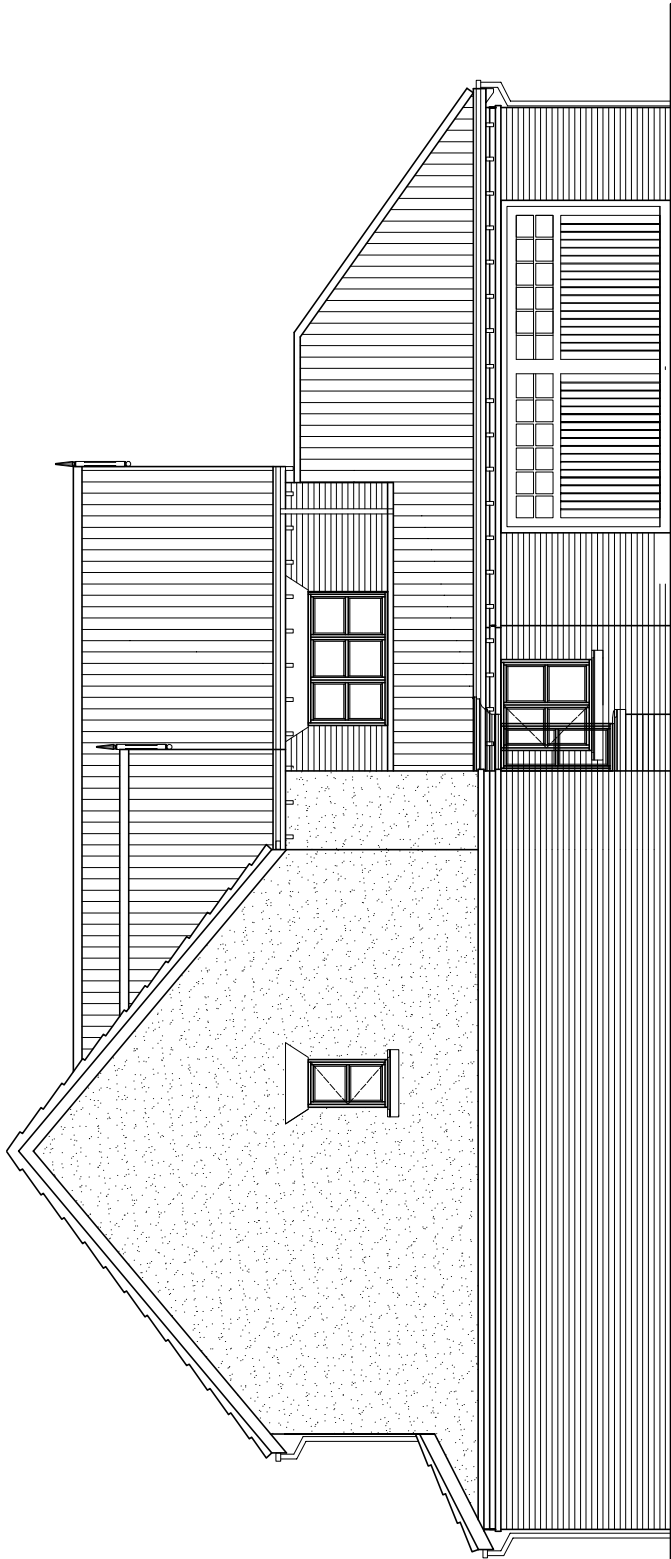
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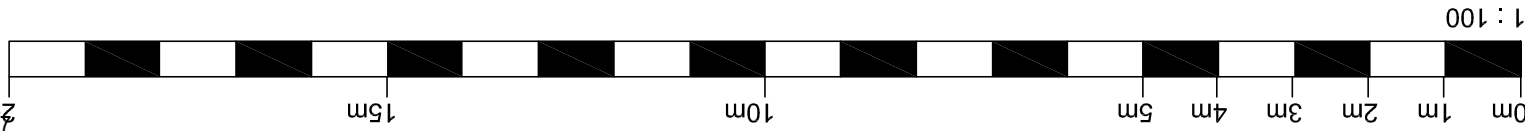
SIDE ELEVATION



REAR ELEVATION

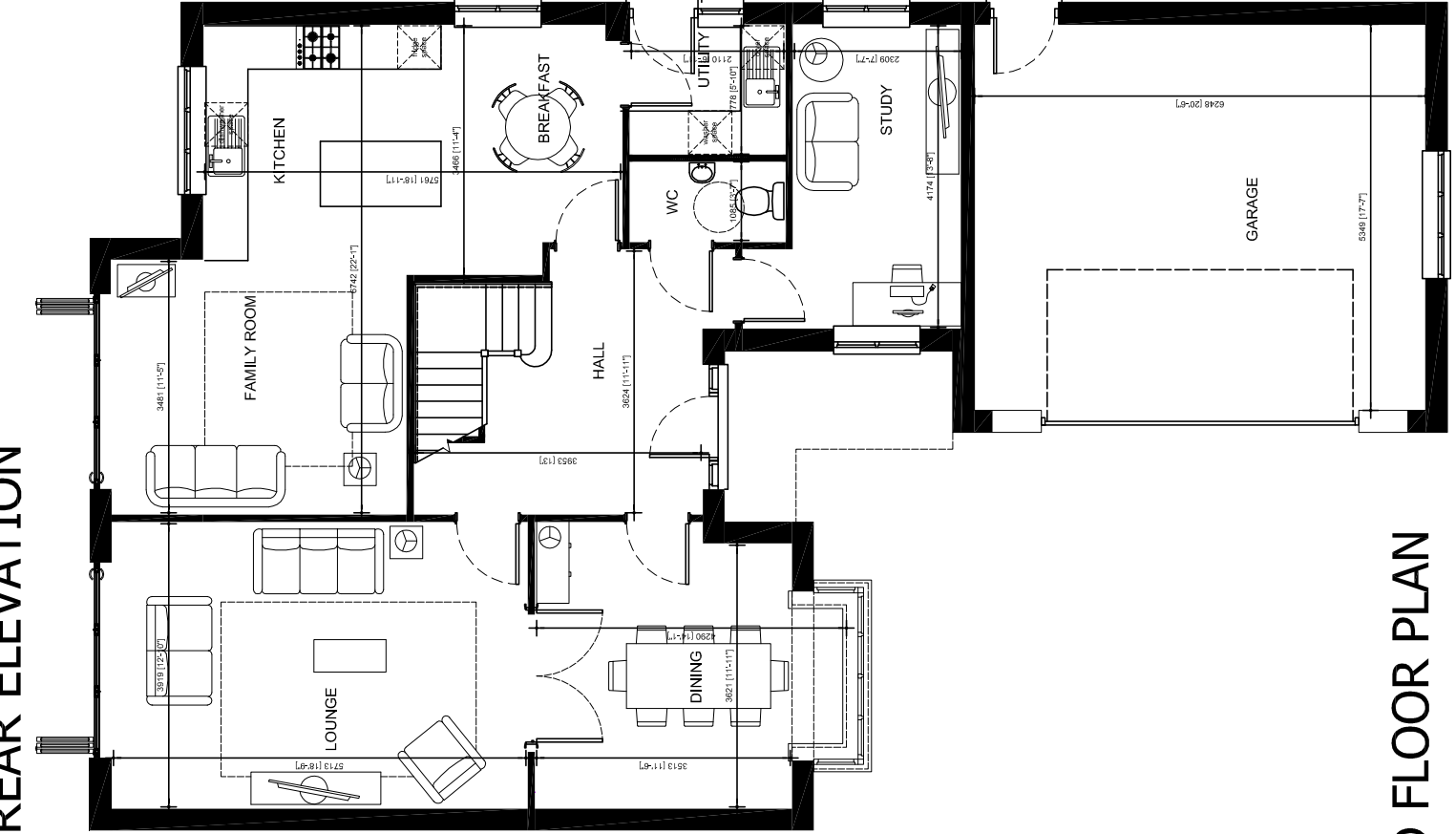


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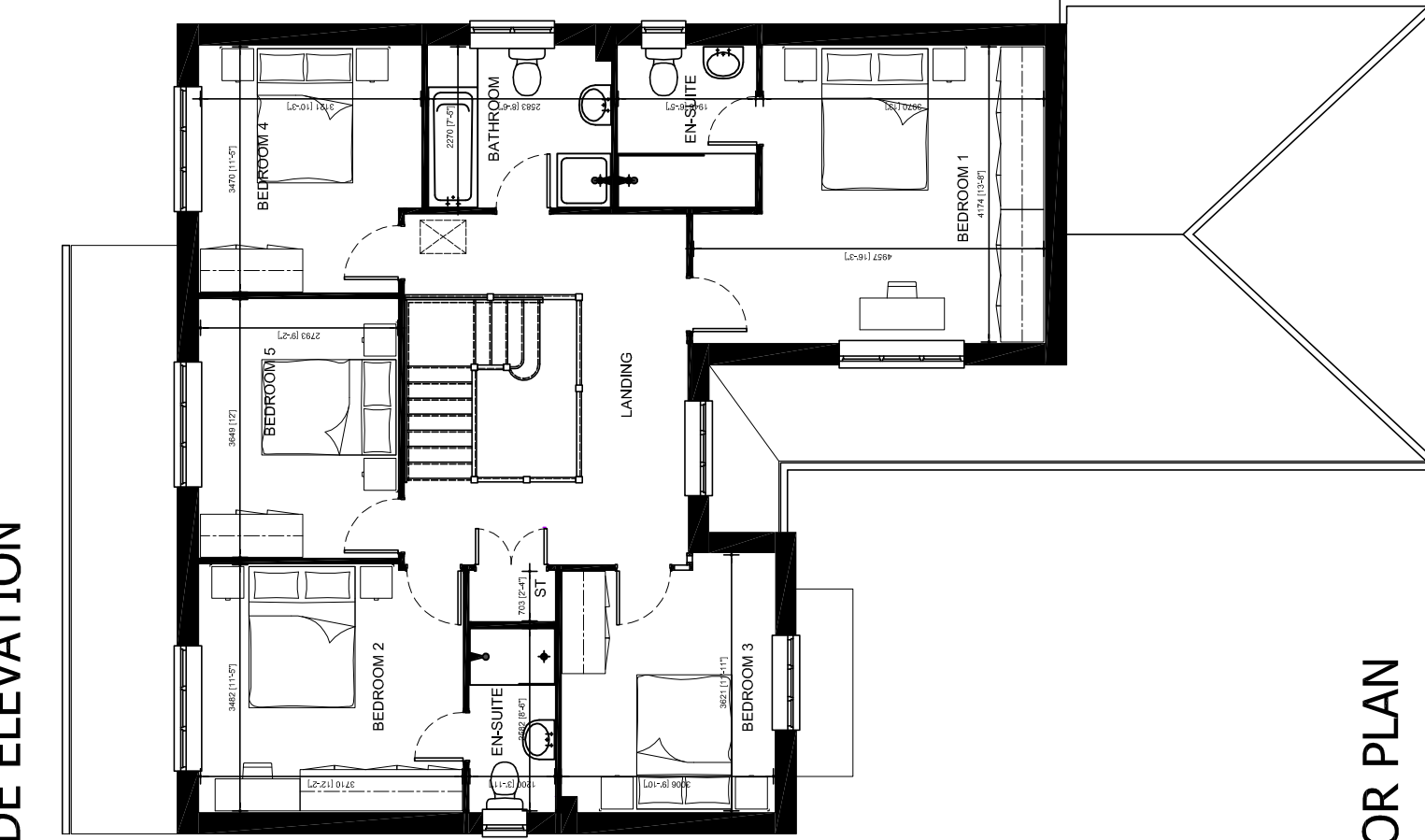


0m 1m 2m 3m 4m 5m 10m 15m 20m

1 : 100



GROUND FLOOR PLAN



FIRST FLOOR PLAN

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Project:  
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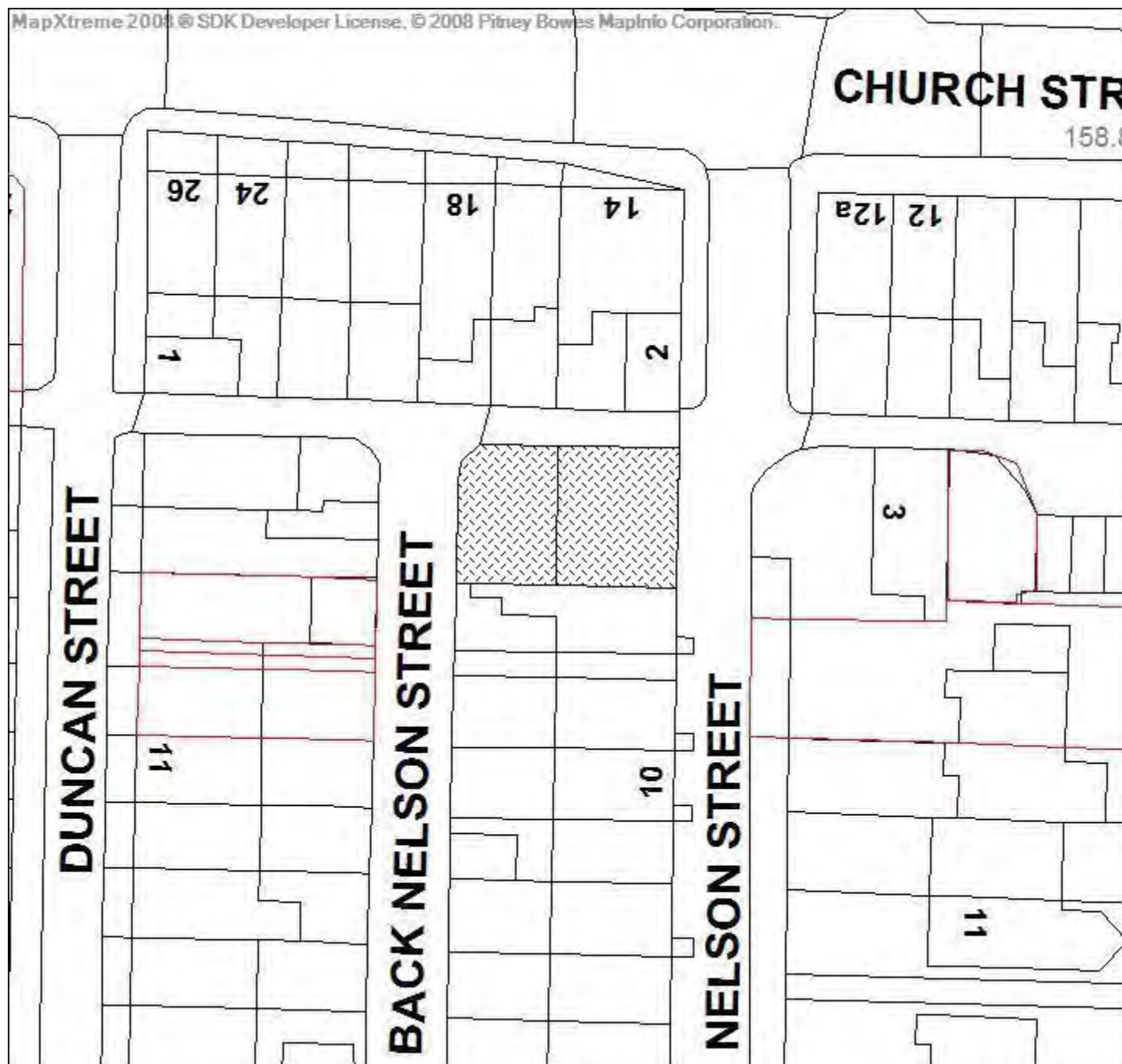
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Planning Elevations & Floor Plans  
HOUSE TYPE A PLOT 6  
194.01m<sup>2</sup> / 2088sq.ft.

Drawn: JW	Checked:	Scale: 1:100	Date: 16/01/2017
Job No: 16-062	Drawing No: A-01	Rev:	





Application number  
00174/17



Development & Regeneration Dept  
Development Management Section

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

**Bolton  
Council**

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**Date of Meeting: 06/04/2017**

**Application Reference: 00174/17**

**Type of Application: Full Planning Application**  
**Registration Date: 31/01/2017**  
**Decision Due By: 27/03/2017**  
**Responsible Officer: Helen Williams**

**Location: 4 NELSON STREET, HORWICH, BOLTON, BL6 6BJ**

**Proposal: CONVERSION OF PROPERTY TO CREATE ADDITIONAL DWELLING.**

**Ward: Horwich North East**

**Applicant: Mr & Mrs Martin Warren**  
**Agent : Mr Neil Butterworth**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Permission is sought for the conversion of the four bedroom dwelling at 4 Nelson Street into two dwellings (one three bedroom and one two bedroom).

Each dwelling would have a rear garden/patio area and space at the rear for the parking of one vehicle.

To accommodate the proposed conversion (to create an additional dwelling) the following alterations are proposed:

- \* a new front door with steps and a new ground floor window (reduced in width from the existing bay window) in the front elevation for the proposed 4A Nelson Street;
- \* a new back door with steps in the rear elevation for the newly proposed 4 Nelson Street;
- \* the replacement of the existing back door with a window and a new first floor window in the rear elevation for the proposed 4A Nelson Street;
- \* a new cellar door opening in the rear elevation for the proposed 4A Nelson Street (as the existing cellar is also proposed to be divided between the two dwellings);
- \* demolition of part of the existing rear boundary wall to enable access to the proposed parking space for no. 4A.

New replacement windows and doors are also proposed for all existing window and door openings (light oak UPVC).

### **Site Characteristics**

The application property is an end terrace dwelling in a row of nine two storey, stone built dwellings. The application dwelling is the width of two dwellings and contains a central front door with a bay

window on each side. There is a parking space for one vehicle within the rear curtilage (on stone flags) and access to the cellar at the rear.

All the houses in the terraced row are accessed by steps to their front doors. As Nelson Street slopes downhill to the south (down from Church Street) the number of steps to the front doors increases down the row (that is, the application property has fewer front steps than no. 20).

The dwellings on Nelson Street and the surrounding roads off Church Street mainly rely on on-street parking, with only a few properties having parking within their rear curtilages.

The application property is one of the "Club Houses" at the western end of Wallsuches Conservation Area. The "Club Houses" are the eighteenth and early nineteenth century cottages to the south of Church Street, which were originally associated with Wallsuches Bleachworks. The neighbouring property at 6 Nelson Street is dated 1801 above its front door.

### **Policy**

National Planning Policy Framework (NPPF)

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

SPD General Design Principles; SPD Accessibility, Transport and Safety.

Wallsuches Conservation Area Appraisal

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

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

### **Impact on the Character and Appearance of the Terraced Row and Wallsuches Conservation 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 CG3.4 states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological,

historic, cultural and architectural interest and their settings. Policy OA1 refers specifically to development in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment, especially the conservation areas at Horwich town centre, Horwich Loco Works and Wallsuches, and ensure that development respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

The application property is located within Wallsuches Conservation Area and is an end of terrace stone property. The building is one of the "Club Houses", located to the south of Church Street.

The applicant has stated within their submission that the property was previously two dwellings but later converted into one dwelling. A third party (neighbouring resident) has however queried this statement and believes that the application property has always been one dwelling, which is indicated by the street numbering of the dwellings on the street. The case officer considers that it is likely that the property was historically two dwellings as there is still what appears to be a stone lintel where the front door would have been for the second dwelling (behind the current ivy). The applicant has therefore stated that they are proposing to convert the application property back into two dwellings.

To accommodate the proposed development it is proposed to reinstate the front door where the stone lintel is retained within the wall, (between the left hand side bay window and the ground floor window of no. 6) to create the entrance for the newly created no. 4A Nelson Street. New steps are also proposed to the front door, which have been designed to match those of the row. The two existing bay windows at ground floor level on the front elevation of the property (which are not considered to respect the character and heritage of the row and conservation area) are to be replaced with new windows and the left hand side window opening is proposed to be reduced in width to mirror the width of the original ground floor windows in the terraced row.

In the rear elevation, a new back door opening is proposed to replace an existing window (the back entrance for no. 4) and the existing back door is to be replaced with a window (for no. 4A, with the gap at the bottom of the window being built up with matching stone and mortar). A new door and new steps leading down to the cellar for no. 4A are also proposed (which will mirror those at no. 4), as is a new first floor window for no. 4A.

The raised patio area to the rear of no. 4A is to be reduced to accommodate a new parking space for this dwelling and the existing stone boundary wall is proposed to be breached to allow access to this space.

The applicant also proposes to replace all the windows and doors in the property. On their application form they state that the windows would have light oak UPVC frames. Officers do not consider that light brown plastic frames would be in character with the area or fitting for a conservation area and therefore suggest that a condition is attached to any approval to request timber frames in a more fitting colour.

Conditions are also suggested for details of the doors, that the heads and cills for the new openings are constructed in stone to match those existing and that the stone and mortar for the stone "infills" (where windows and doors are to be removed) match those existing.

It is considered that the proposed alterations to the property to allow its conversion back into two dwellings are sympathetic to the character and appearance of the row and the conservation area, compliant with Policies CG3 and OA1 of Bolton's Core Strategy.



### Impact on the Highway

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

The existing dwelling has a parking space for one vehicle within its rear yard. The existing property is a four bedroom dwelling.

It is proposed that the dwelling at no. 4 would contain two bedrooms and that the dwelling at no. 4A would contain three bedrooms. The existing parking space to the rear of no. 4 is to be retained and one new parking space is proposed within the rear yard for no. 4A.

The Council's Highways Engineers acknowledge that this area of Horwich suffers from on-street parking issues owing to the historic nature of the residential development in the area (the houses were built in the eighteenth/early nineteenth century and therefore not designed for car ownership). Engineers also recognise that the proposed on-site parking for the dwellings (one space each) falls below the Council's maximum standards for two and three bedroom dwellings (which would be two spaces each), but state that given the property was previously two dwellings they do not object.

It is suggested, should the application be approved, that a condition be added to require the two parking spaces to be provided prior to first occupation and to retained for parking thereafter.

It is considered that the proposed development provides for sufficient on-site (off-street) parking and would not jeopardise highway safety in the area, compliant with Policies P5 and S1.2 of Bolton's Core Strategy.

### Impact on the Amenity of Neighbouring Residents

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

Only one new window is proposed, which is a third bedroom window (not classed as a main window) at first floor level on the rear elevation (for no. 4A). It is therefore considered that the proposed development would not have any greater impact on the amenity of neighbouring residents than the existing property, compliant with Policy CG4 of the Core Strategy.

### Local finance considerations

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

New Homes Bonus for the one new proposed dwelling – this is not a material planning consideration.

### Conclusion

For the reasons discussed above it is considered that the proposed conversion of the property into two dwellings would not harm the character and appearance of the terraced row or Wallsuches Conservation Area, would not jeopardise highway safety in the area, and would not harm the amenity of neighbouring residents. Members are therefore recommended to approve this application, subject to the suggested conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** three letters of objection and one letter of comment have been received from neighbouring residents. These letters raise the following concerns:

- \* Lack of off-street parking (officer comment: it is proposed that each dwelling would have one parking space within their rear curtilage);
- \* The streets in the area are already full with parked cars - the proposal will only exacerbate this situation;
- \* The narrow side streets make parking and manoeuvring difficult already;
- \* The proposed stonework and pointing needs to be in keeping with the original character;
- \* The property has never been two dwellings. It was built to be a public house, but was used as one house. The numbering of the street indicates it was always one property;
- \* How will the ivy that grows across the property and no. 6 be maintained/retained? (officer comment: whilst the ivy on the front elevation of the application property might be considered to be an attractive feature it may have the potential to cause structural damage and therefore it would be in the interest of the applicant to have it removed (as proposed));
- \* The shared rockery to the front of the property and no. 6 would need to be removed to accommodate the proposed new steps, which will impact on the appearance of the row;
- \* There is no time line for the works (officer comment: the applicant would have three years to commence the work, should permission be granted);
- \* Disruption to neighbours whilst the work is being undertaken (officer comment: as some disruption during construction is inevitable, only limited planning weight can be given to this);
- \* Has asbestos been considered? (officer comment: this would be a matter for Building Regulations).

**Horwich Town Council:-** raised an objection to the proposal at their meeting of 23rd February 2017 owing to concerns regarding parking provision and access.

### **Consultations**

Advice was sought from the following consultees: Highways Engineers and Horwich Heritage.

### **Planning History**

None.

**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.        Notwithstanding the submitted plans, prior to the commencement of development a detailed specification for all doors and windows (including colour) shall be submitted to and approved in writing by the Local Planning Authority. The window frames shall be constructed from timber. 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 and to comply with policies CG3 and OA1 of Bolton's Core Strategy.

3. Before the approved/permitted development is first brought into use no less than 2 car parking spaces (1 space per dwelling) shall be provided within the curtilage of the site, in accordance with drawing no. 1; "Plans and Elevations". Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

4. The stone to be used the infill elements on the front and rear elevations, hereby permitted, shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter.

Reason

To ensure the development visually reflects the existing building and to comply with policies CG3 and OA1 of Bolton's Core Strategy.

5. The cills and heads to the new window and external door openings of the development shall be in natural reclaimed stone of a colour and texture to match to the cills and heads of the existing building.

Reason

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

6. The mortar to be used for the new stonework in the front and rear elevations shall match the colour and mortar joints of the existing mortar on the building.

Reason

To ensure the development visually reflects the existing building and to comply with policies CG3 and OA1 of Bolton's Core Strategy.

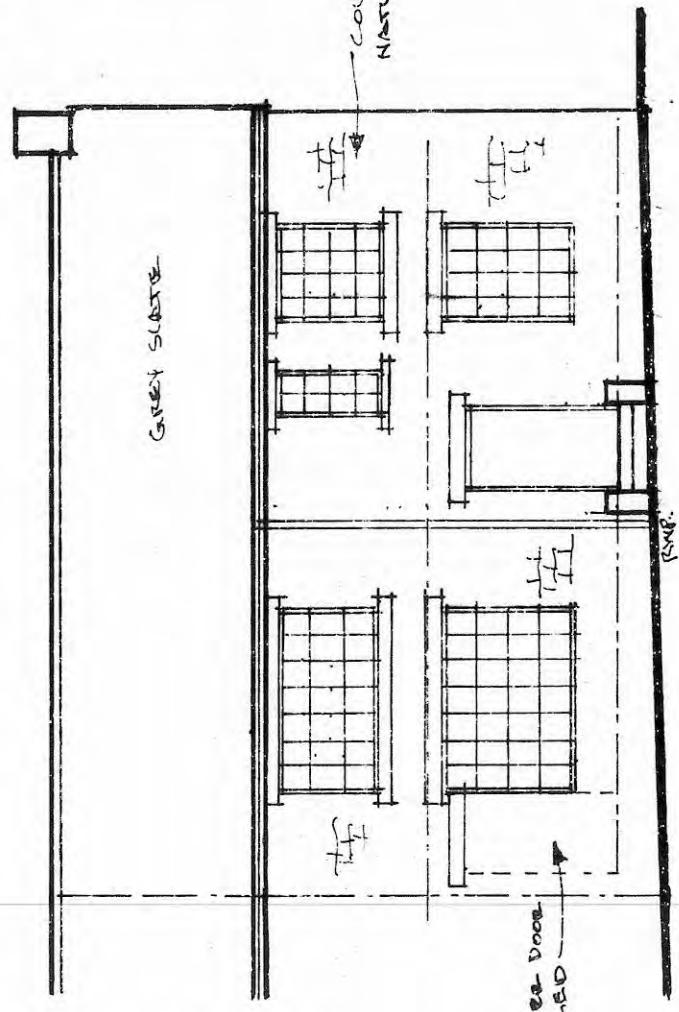
7. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

**Drawing no. 1; "Plans and Elevations"; dated Dec. 16**

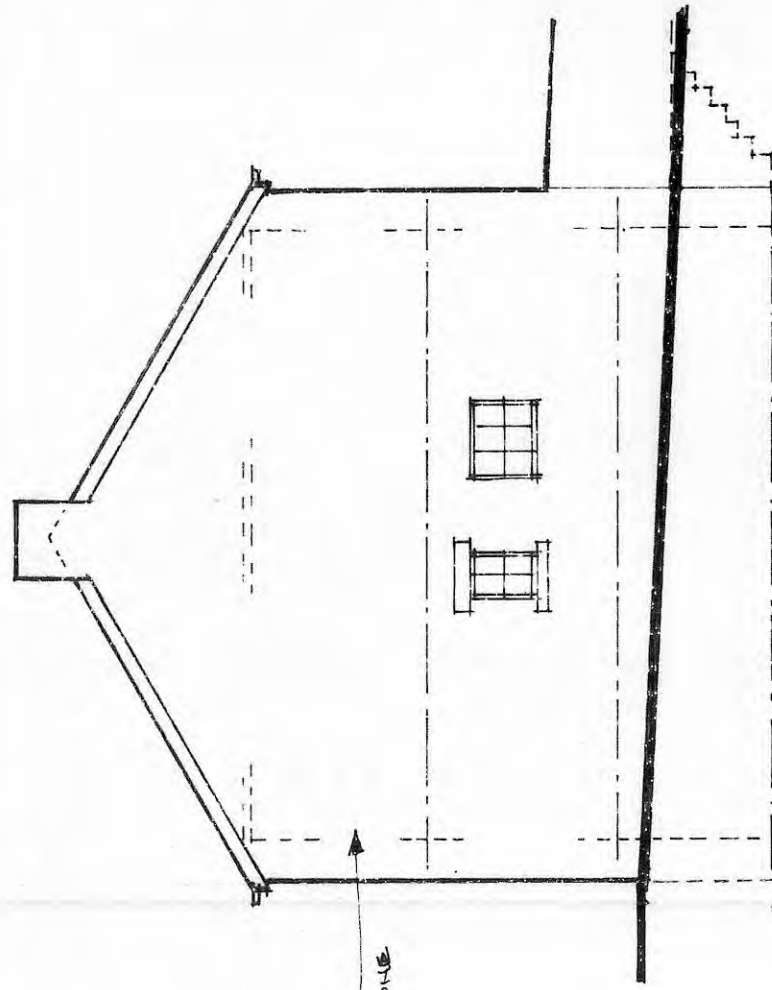
Reason

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

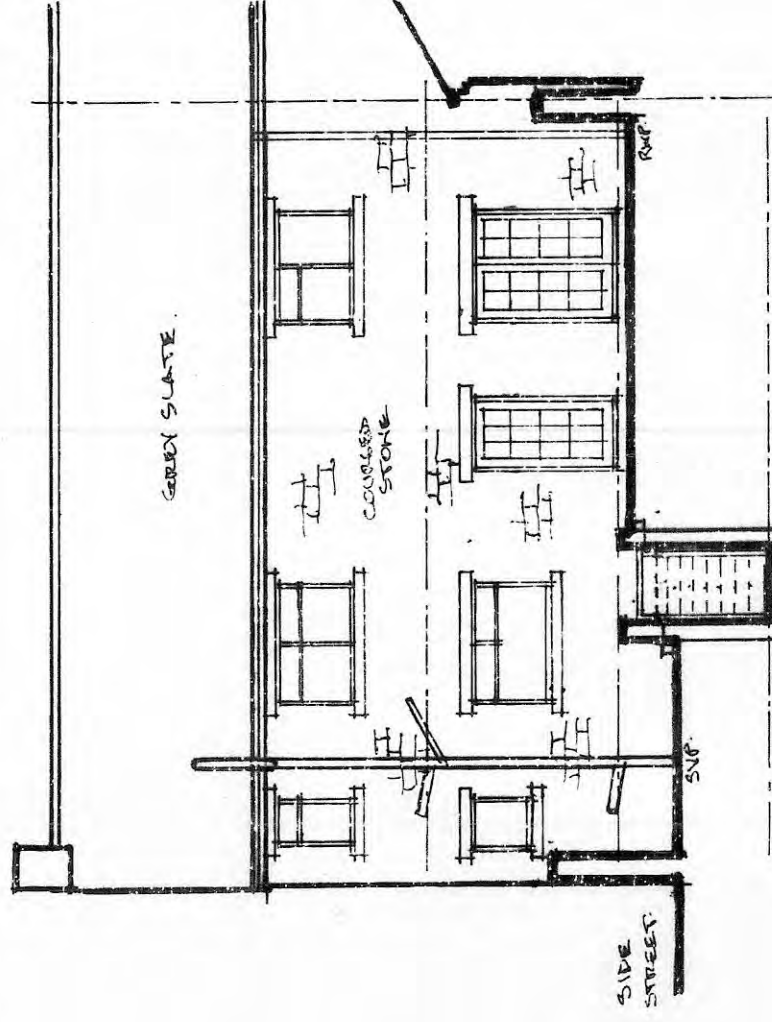




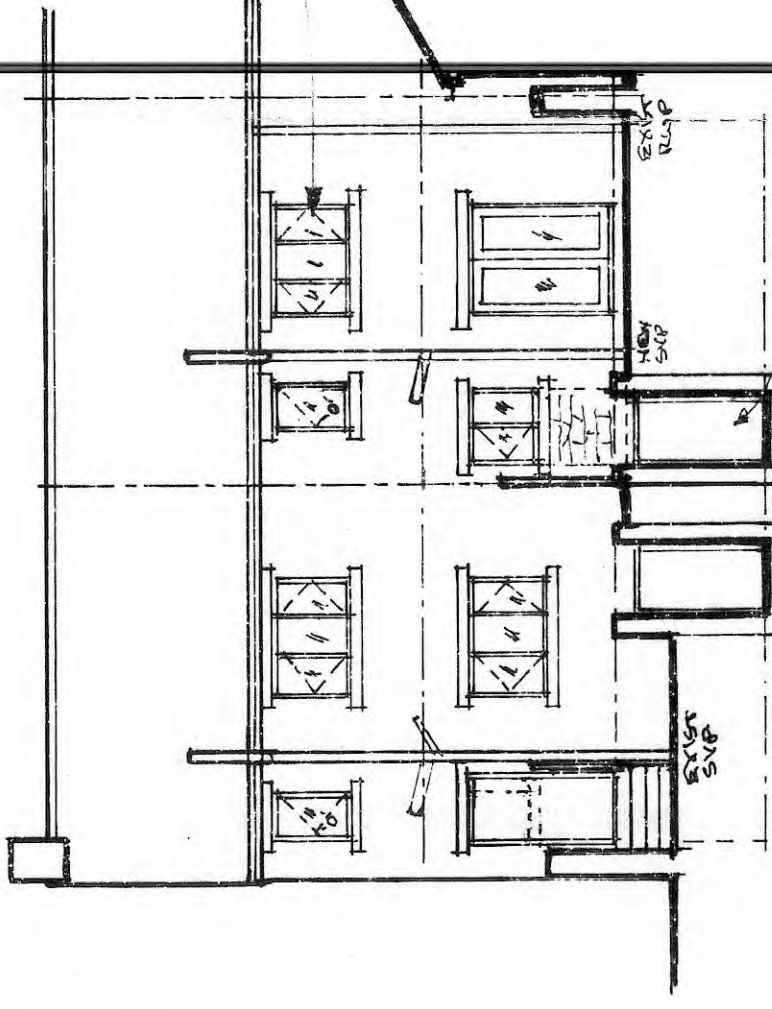
EXISTING FRONT ELEVATION 1:100



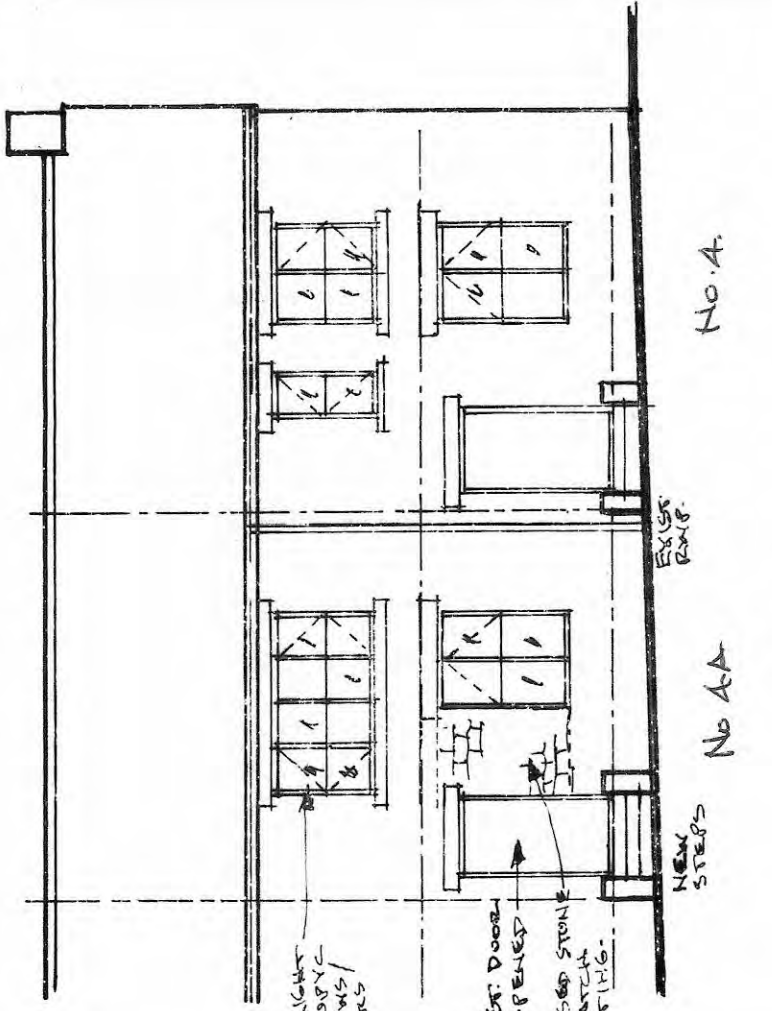
EXISTING SIDE ELEVATION  
(NO CHANGE)



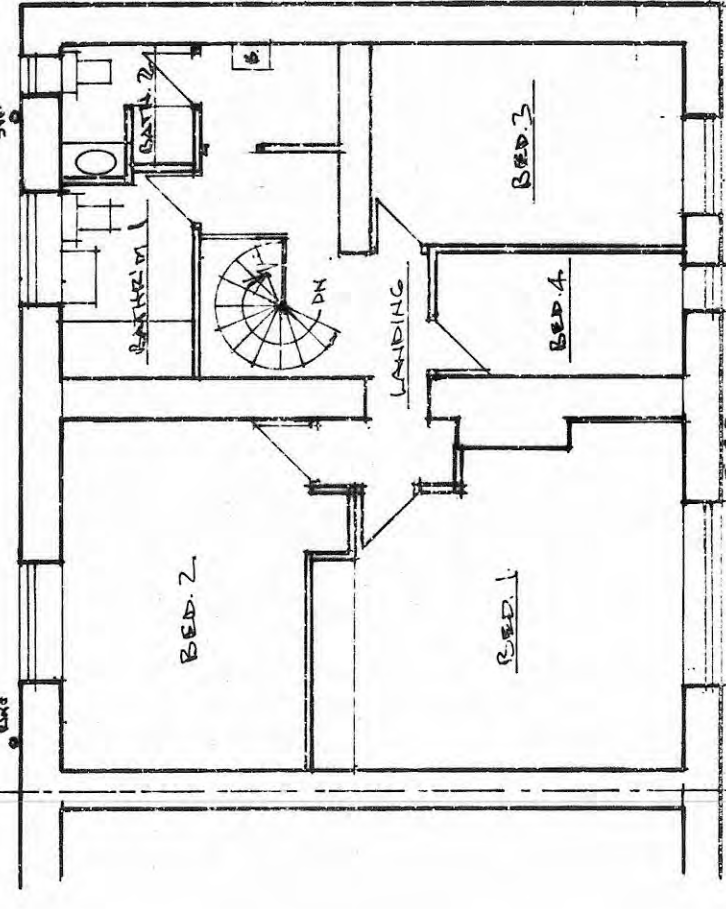
EXISTING REAR ELEVATION



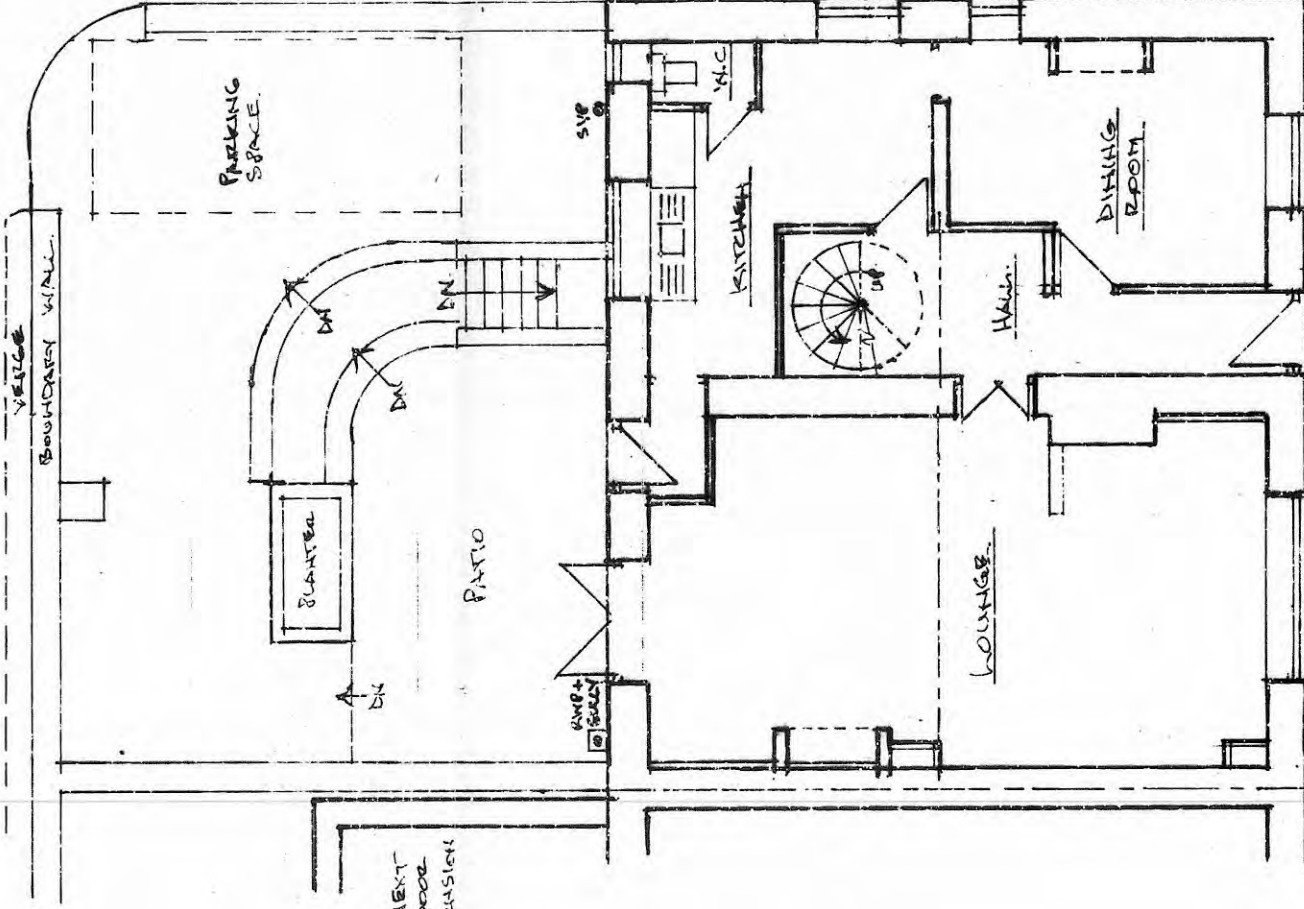
PROPOSED REAR ELEVATION



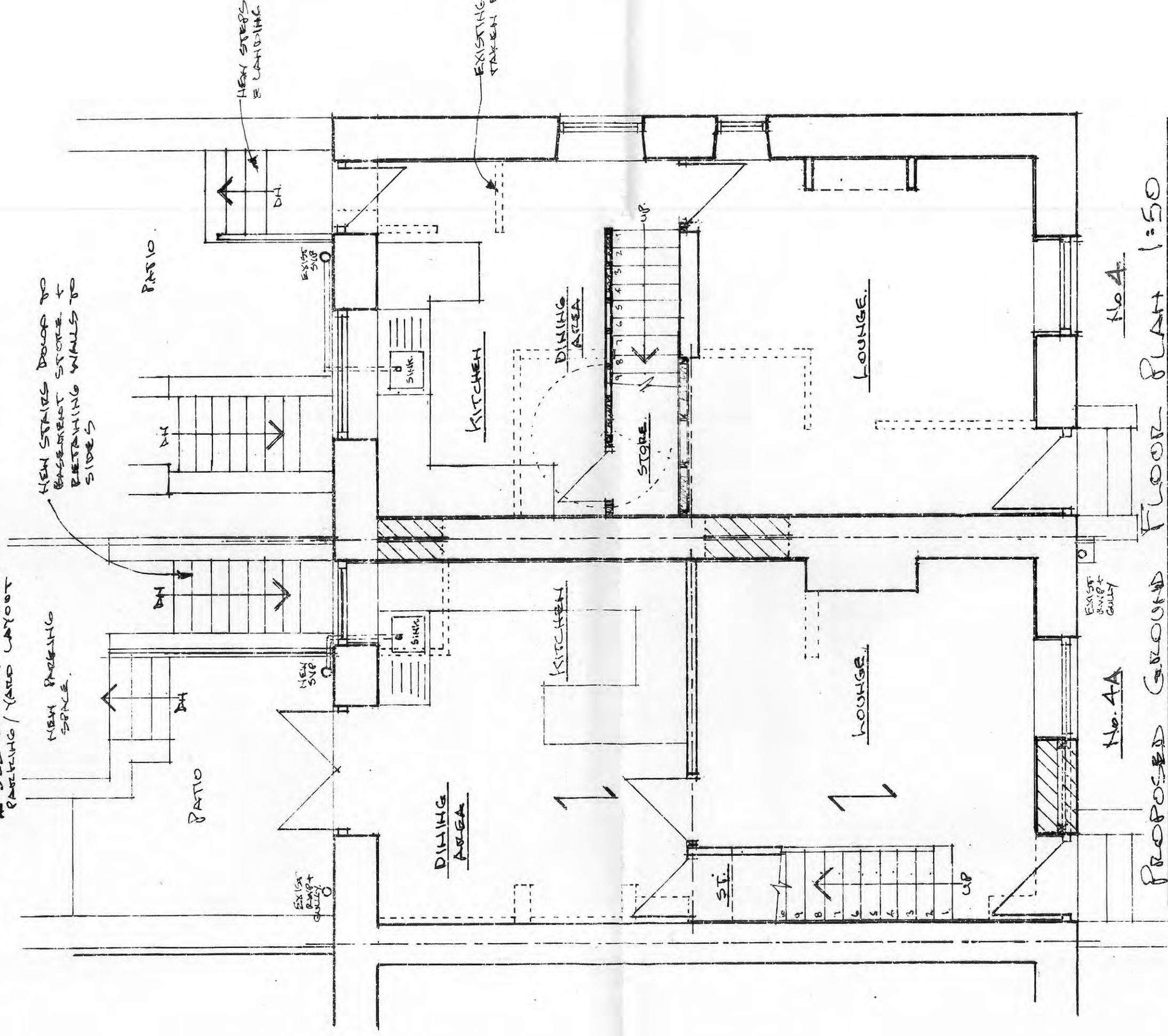
PROPOSED FRONT ELEVATION



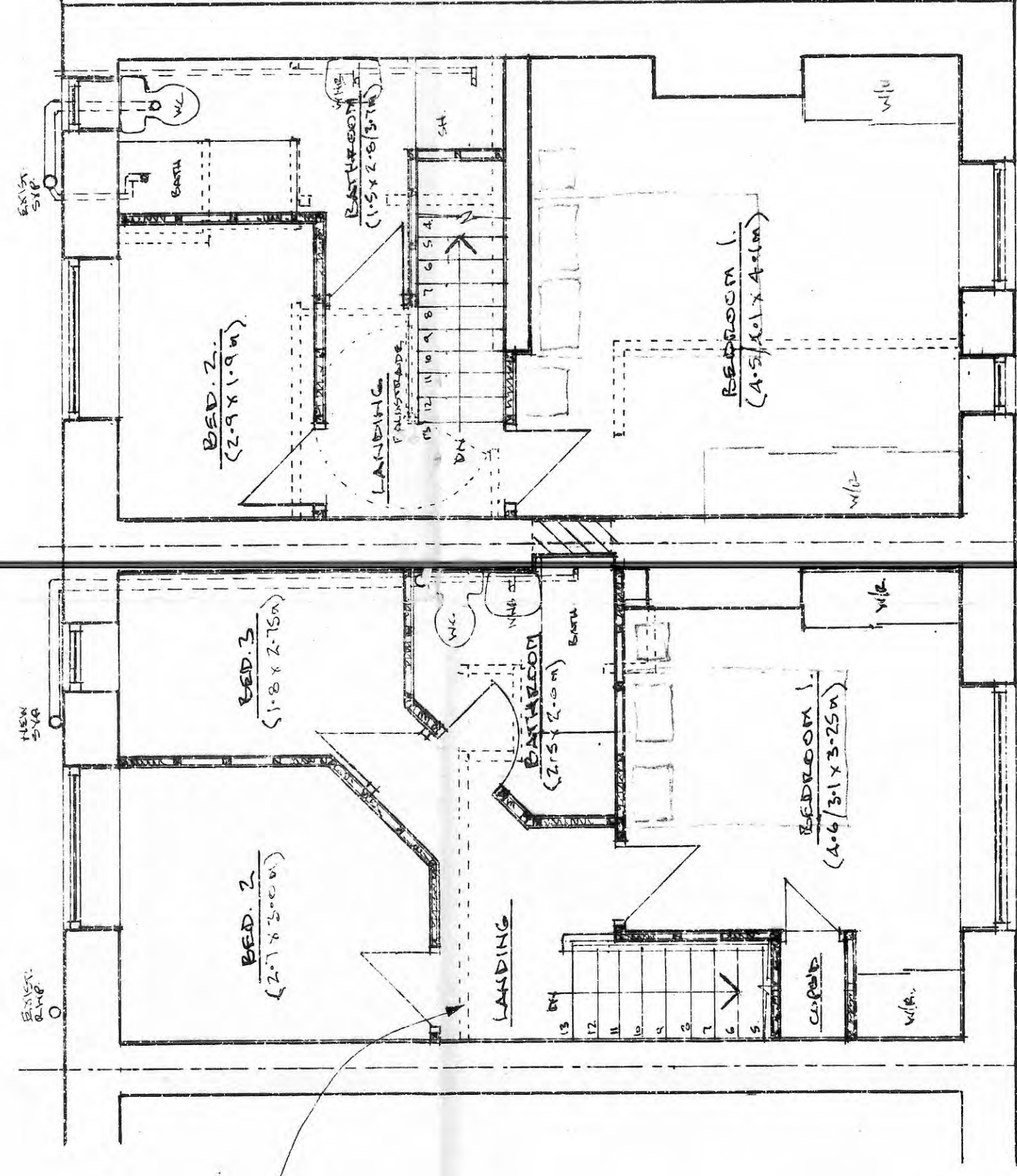
EXISTING FIRST FLOOR PLAN



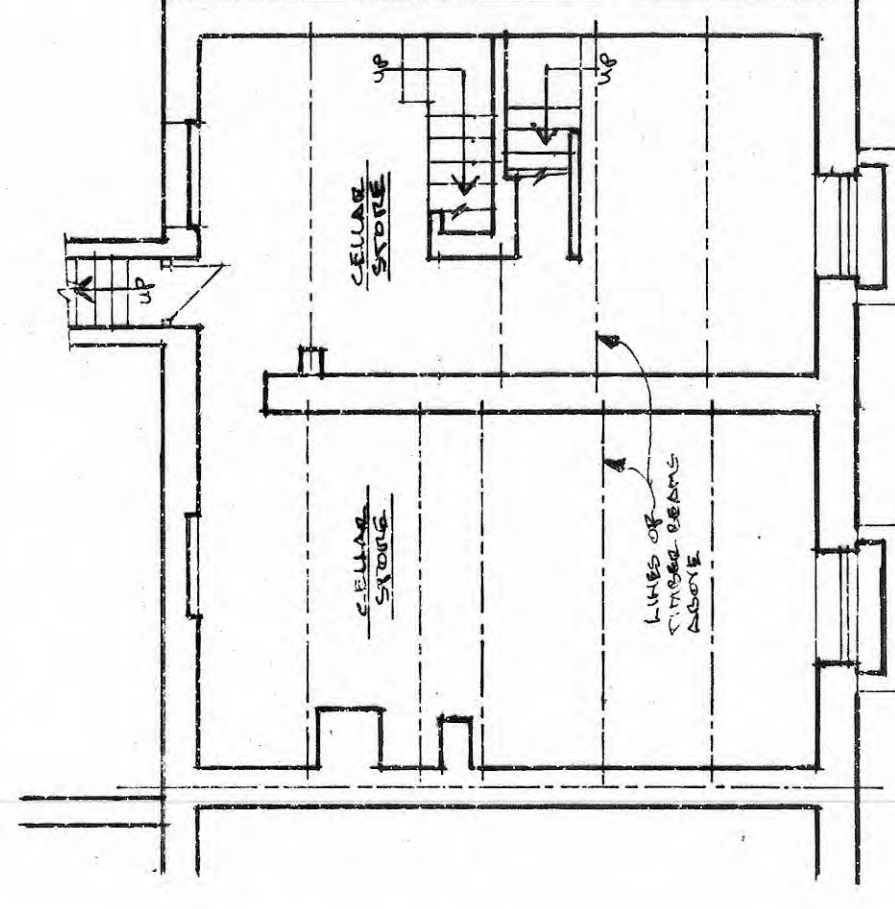
EXISTING, GROUND FLOOR PLAN 1:100



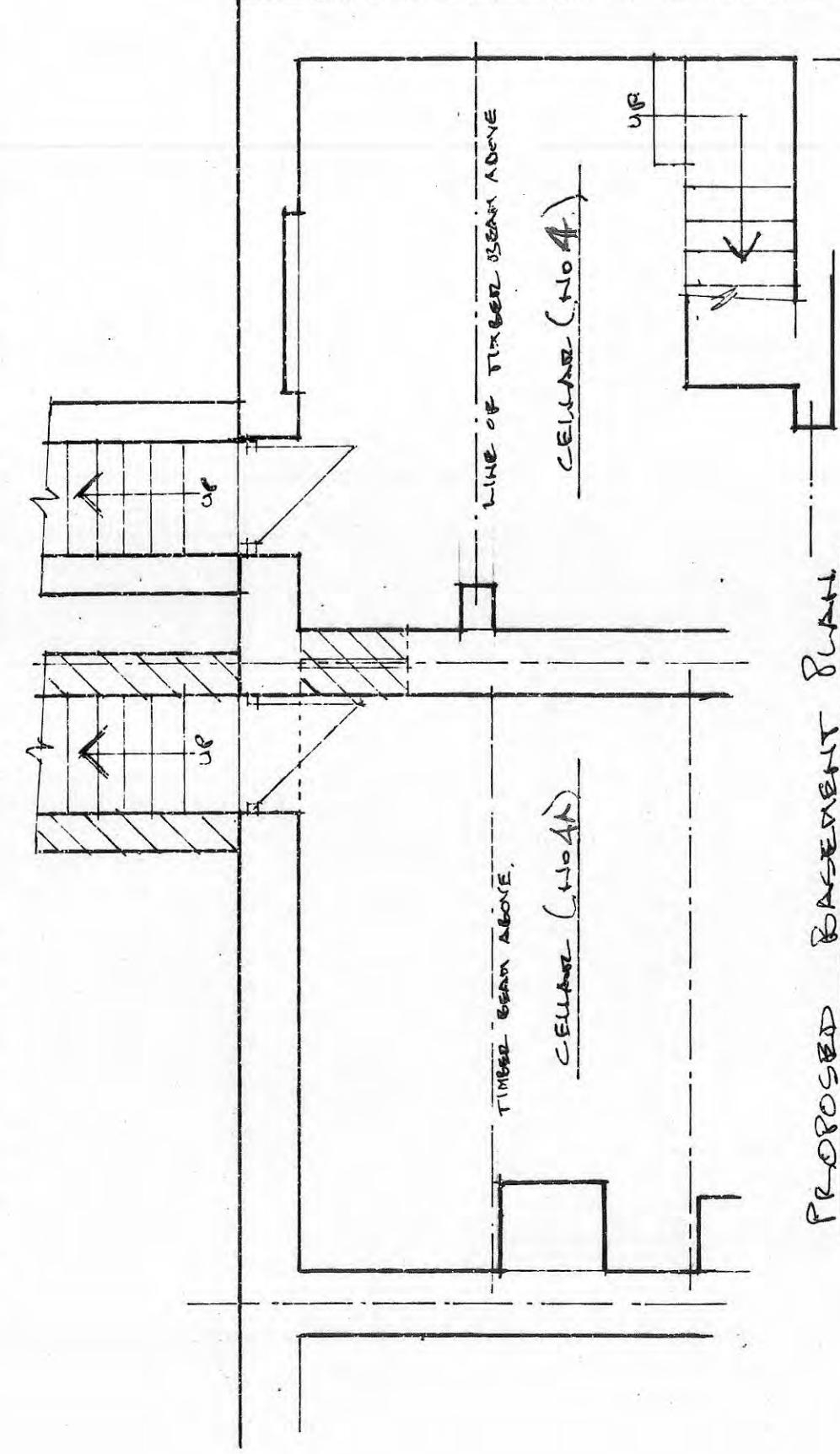
PROPOSED GROUND FLOOR PLAN 1:100



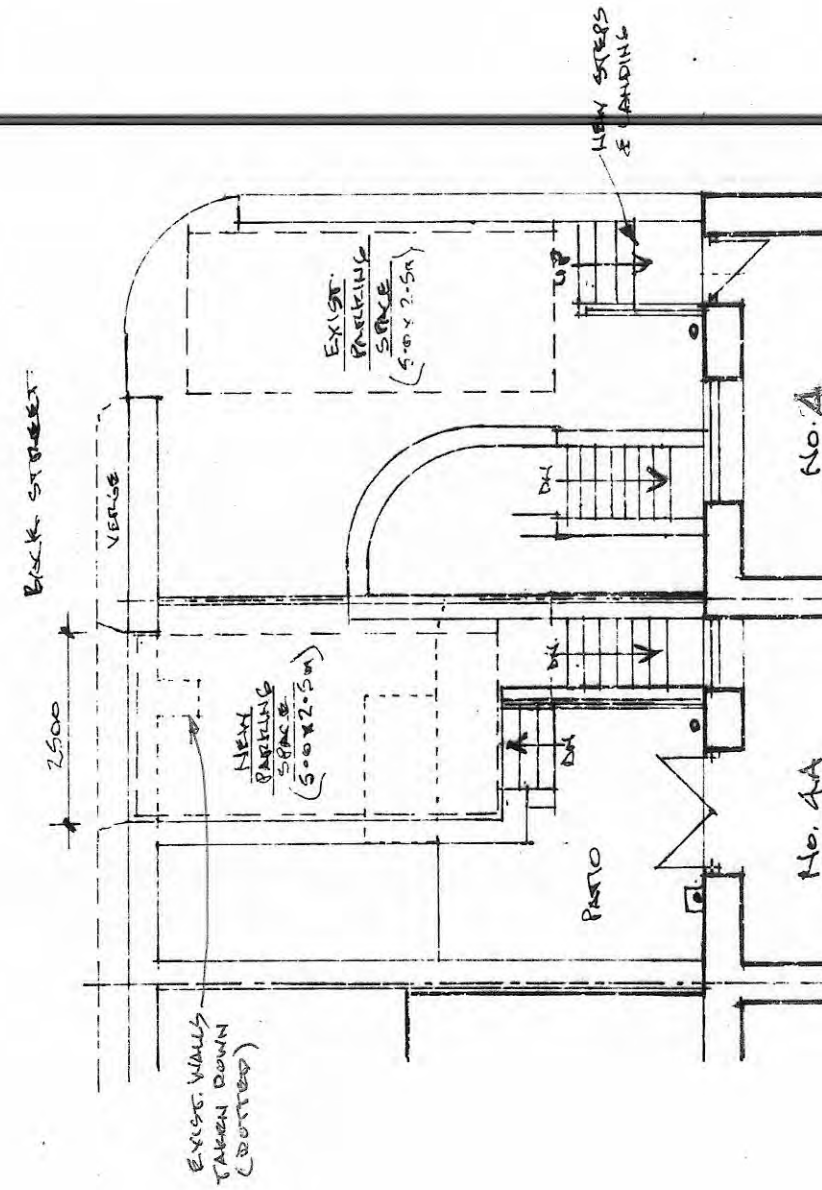
PROPOSED FIRST FLOOR PLAN



BASEMENT PLAN (EXISTING)



PROPOSED BASEMENT PLAN  
(PART)



PROPOSED REAR PARKING/PATIOS/STAIRS 1:100

31 JAN 2017

00/74/17

Architectural & Building Services

NEIL BUTTERWORTH

TR: 07788 275483

50 Higher Ancoats Road

Radcliffe, Manchester, M25 4JL

Job Title PROPOSED CONVERSION OF TERRACED HOUSE (FORMERLY 2NO), BACK INTO 2 NO. HOUSES, + INTERNAL /EXT. ALTERATIONS, AS 4 NELSON ST., HORMWICH, BOLTON.

Drawing Title PLANS AND ELEVATIONS.

Scale 1:50, 1:100 Date DEC. 16 Drawn by NB. Drawing No. 1



# Application number 96430/16



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

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

# Bolton Council

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**Date of Meeting: 06/04/2017**

**Application Reference: 96430/16**

**Type of Application: Full Planning Application**  
**Registration Date: 29/04/2016**  
**Decision Due By: 23/06/2016**  
**Responsible Officer: Helen Williams**

**Location: 888 PLODDER LANE, BOLTON, BL5 1AJ**

**Proposal: ERECTION OF DWELLING.**

**Ward: Hulton**

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

### **Officers Report**

**Recommendation: Refuse**

#### **Proposal**

Permission is sought for the erection of a two storey dwelling with an attached single storey double garage. The dwelling would have a two storey bay at the front and would contain four bedrooms.

The dwelling would be sited in the side garden of the dwelling at 888 Plodder Lane.

Access is proposed to the front of the site, off Plodder Lane.

This application is a resubmission of application 95700/16 which was refused in April 2016 under delegated powers. No amendments have been made to the proposal following this refusal.

#### **Site Characteristics**

The application site is the side garden of 888 Plodder Lane. The site is tree lined along its front (south) and eastern side boundaries. These trees are protected under Tree Protection Order Bolton (land adjacent 888 Plodder Lane) 2016, along with a lime tree in the south western corner of the site. There is fencing to the front of the site and along the western boundary. The site is relatively open along the rear boundary.

888 Plodder Lane is a large Edwardian detached property on the northern side of Plodder Lane. The dwelling sits in a large plot with substantial garden areas to both sides and with some garden area also to the front and rear.

894 Plodder Lane to the west of the application is an Edwardian bungalow.

The application site is located within the Green Belt.

To the rear of the site are open fields. There are also open fields on the other side of Plodder Lane,



with Cranberry Farm sited to the south west. This section of Plodder Lane is therefore characterised by housing separated by gardens and sections of field.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1 Green Bolton; CG3 The Built Character; CG4 Compatible Uses; SC1 Housing; OA4 West Bolton.

Allocations Plan Policies: CG7AP Green Belt

SPD General Design Principles; SPD Accessibility, Transport and Safety.

### **Analysis**

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

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

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

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

The main impact of the proposal is:-

- \* impact on the purposes and openness of the Green Belt

Other impacts of the proposal include:-

- \* impact on the character and appearance of the area
- \* impact on trees
- \* impact on the highway
- \* impact on the amenity of neighbouring residents

### **Main Impact of the Proposal**

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

Section 9 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 states that Green Belt serves five purposes, which include assisting in safeguarding the countryside from encroachment and assisting in urban regeneration by encouraging the recycling of derelict and other urban land.

Paragraph 87 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues that 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.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The paragraph sets out exceptions to this, which include [amongst other things] limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. However Annex 2 of the NPPF sets the definition of previously developed land and this explicitly excludes residential gardens.

Allocations Plan Policy CG7AP reflects the NPPF's guidance on Green Belt.

This section of the report deals with both the principle of the development in the Green Belt and related matters including 'infil' and housing demand.

*Harm to the purposes and openness of the Green Belt*

The application site is located within Green Belt and is the side garden to the dwelling at 888 Plodder Lane. The Applicant considers the site to be previously developed; however Annex 2 of the NPPF sets the definition of previously developed land and this explicitly excludes residential gardens. It is therefore considered that the development is inappropriate development in the Green Belt for which the exclusion in paragraph 89 of the NPPF cannot be applied in this case.

The proposal to erect a new dwelling is, by definition, inappropriate development in the Green Belt (paragraph 89). The purposes of the Green Belt (to safeguard the countryside from encroachment and to assist in urban regeneration) are therefore harmed by the proposed development. As stated above, none of the exception criteria within paragraph 89 can be applied in this instance.

As well as representing inappropriate development in the Green Belt by virtue of its proposed use, the proposed dwelling would have a recognised harm on the openness of the Green Belt. There are currently no buildings on the site (the site is not developed) and therefore the presence of a large two storey dwelling would significantly impact on the openness of the site (would have a greater impact on the openness of the Green Belt than existing).

The applicant has not submitted any supporting statements with the application to argue a case for very special circumstances. No very special circumstances therefore exist. Indeed, this application is a resubmission of application 95700/16 (no amendments have been made following this) which was refused last year under delegated powers on the grounds that it is inappropriate development in the Green Belt. An application for a dwelling on the same site was refused by the Council in 1995 and subsequently refused at appeal for the same Green Belt reason (46432/95). National Green Belt policy for the erection of dwellings on greenfield (not previously developed) Green Belt land has not changed since 1995.

The Inspector noted that "*The site is one of several, randomly located gaps between buildings in the line of properties stretching from the A579 at the western end of the Lane, to Water Gate further along the Lane to the east. Together with other gaps between buildings along the lane, the site is one of a series of open areas, albeit contained by fences and hedges, which link the fields behind and in front of the properties. In my opinion the gap which contains the site is material to the open character of the area and the purposes and visual amenities of the Green Belt.*"

And further concluded that: "*...the buildings along Plodder Lane do not accord with the description of a settlement...Neither do I accept that the Lane contains a line of ribbon development which presents*

*a significant and generally unbroken frontage. The space between No 888 and No 894 Plodder Lane is too great a distance to constitute a small gap. In my view the appeal proposal would prejudice Green Belt purposes."*

#### *Other issues*

The application proposal cannot be defined as "infill development" in the Green Belt. There is reference to "limited infilling" in the fifth exceptions criterion within paragraph 89 of the NPPF, however this only refers to the limited infilling in villages that are recognised under policies set out in the Local Plan. Bolton's Allocations Plan Policy CG7AP only refers to limited infilling in villages at Hart Common and Scot Lane End: the application site falls within neither of these villages. Furthermore, Plodder Lane cannot be classed as a "village".

Members will note on the site plan that accompanies this report that 888 Plodder Lane also has a substantial side garden on its eastern side and that many of the properties along Plodder Lane have side gardens that are large enough to accommodate a new dwelling. There are also sections of field between some houses. As well as impacting on the openness of the Green Belt on its own merits, officers are concerned that approval of this application would weaken the ability of the Council to resist further house building within the Green Belt in this location in the gaps between houses on Plodder Lane, further impacting on the purposes and openness of the Green Belt.

It is not considered that matters relating to housing supply in the borough could be treated as a very special circumstance (even if the applicant had submitted this as one, which they have not). Any presumption in favour of development is not at the expense of Green Belt – in fact the NPPF specifically lists the Green Belt as one of the designations where development should continue to be restricted even where policies are considered to be out-of-date. The Government continues to confirm the importance of protecting the Green Belt and Bolton's policies in the development plan continue to appropriately protect the Green Belt including from inappropriate development. It is considered that any benefits of erecting one dwelling would carry very little planning weight in these circumstances compared to the significant planning weight that is attached to the protection of the Green Belt.

For these reasons it is considered that the proposed erection of a dwelling on this greenfield site within the Green Belt would constitute inappropriate development in the Green Belt, harming both the purposes and openness of the Green Belt by virtue of the proposal's use, siting and scale. There are no very special circumstances and the proposed development is contrary to section 9 of the NPPF and Bolton's Allocations Plan Policy CG7AP.

### **Other Impacts of the Proposal**

#### 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. Historical associations should be retained where possible. Policy CG3.7 states that the Council will maintain and respect the landscape character of the surrounding countryside and its distinctiveness.

Core Strategy Policy OA4 specifically relates to new development in West Bolton and states that the Council will conserve and enhance the character of the existing physical environment, ensure that development has particular regard to the overall density, plot sizes, massing and materials of the surroundings, and ensure that development respects the large amounts of open space and lower density development in West Bolton.

Plodder Lane is characterised in this location by houses and gaps between as a result of gardens and sections of field. Filling those gaps with housing would change the character of this location however, on balance and notwithstanding that the proposed development is contrary to section 9 of the NPPF and Allocations Plan Policy CG7AP, it is considered that the proposed development would respect the existing urban grain and architecture in the area.

#### 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.

The trees along the front and eastern boundaries of the site are protected under Tree Protection Order Bolton (land adjacent 888 Plodder Lane) 2016, along with a lime tree in the south western corner of the site.

The Council's Tree Officers have commented, should the development be approved, that further information would be required in the form of a specification detailing the size of the proposed septic tank to the front of the proposed dwelling, a method statement for how it is to be built, and where the associated pipework would be in relation to the root protection zone of the protected lime tree.

#### Impact on the Highway

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

Access to the dwelling is proposed off Plodder Lane. A double garage is proposed, as is a large driveway, thereby providing for ample parking.

The Council's Highways Engineers raise no objection to the proposal.

#### Impact on the Amenity of Neighbouring Residents

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

The site is not directly overlooked to the front or rear.

The adjacent properties at 888 and 894 have no main windows in their side elevations and therefore it is not considered that these residents would be unduly affected by the proposal.

#### **Local finance considerations**

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

New Homes Bonus for the one proposed dwelling – this is not a material planning consideration.

#### **Conclusion**

For the reasons discussed above, it is considered that the proposed erection of a dwelling on this

undeveloped (greenfield) Green Belt site would represent inappropriate development in the Green Belt and would be harmful (by virtue of the proposal's use, scale and siting) to the openness and purposes of the Green Belt. There are no very special circumstances and the proposal does not constitute development of a previously developed site or infill development thus is contrary to national Green Belt guidance contained within section 9 of the NPPF and Policy CG7AP of Bolton's Allocations Plan. Members are therefore recommended to refuse this application.



## **Representation and Consultation Annex**

### **Representations**

None received.

### **Consultations**

Advice was sought from the following consultees: Highways Engineers, Tree Officers, the Coal Authority, the National Grid and United Utilities.

### **Planning History**

Planning application 95700/16 for the erection of a dwelling (identical proposal to this application) was refused under delegated powers in April 2016 on the grounds that the development constituted inappropriate development in the Green Belt and would harm the purposes and openness of the Green Belt, contrary to section 9 of the NPPF and Policy CG7AP of Bolton's Allocations Plan.

Planning application 46432/95 for the erection of a dwelling on the site was refused in March 1995 and subsequently dismissed at appeal in April 1996. The application was refused on both occasions as inappropriate development in the Green Belt.

Application 96420/16 for the felling of one chestnut tree and the pruning of 21 trees was approved in May 2016.

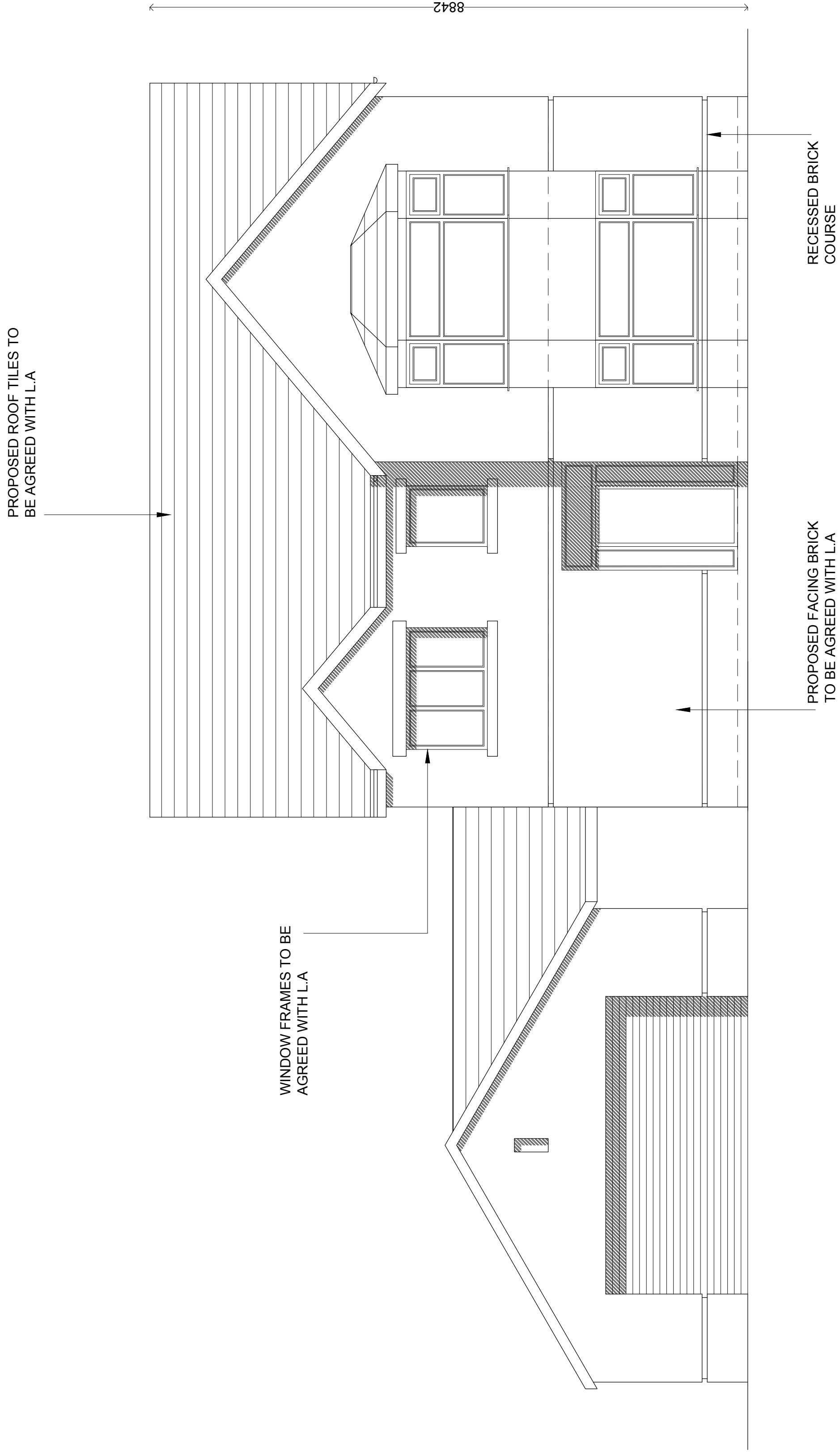
**Recommendation:**            **Refuse**

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

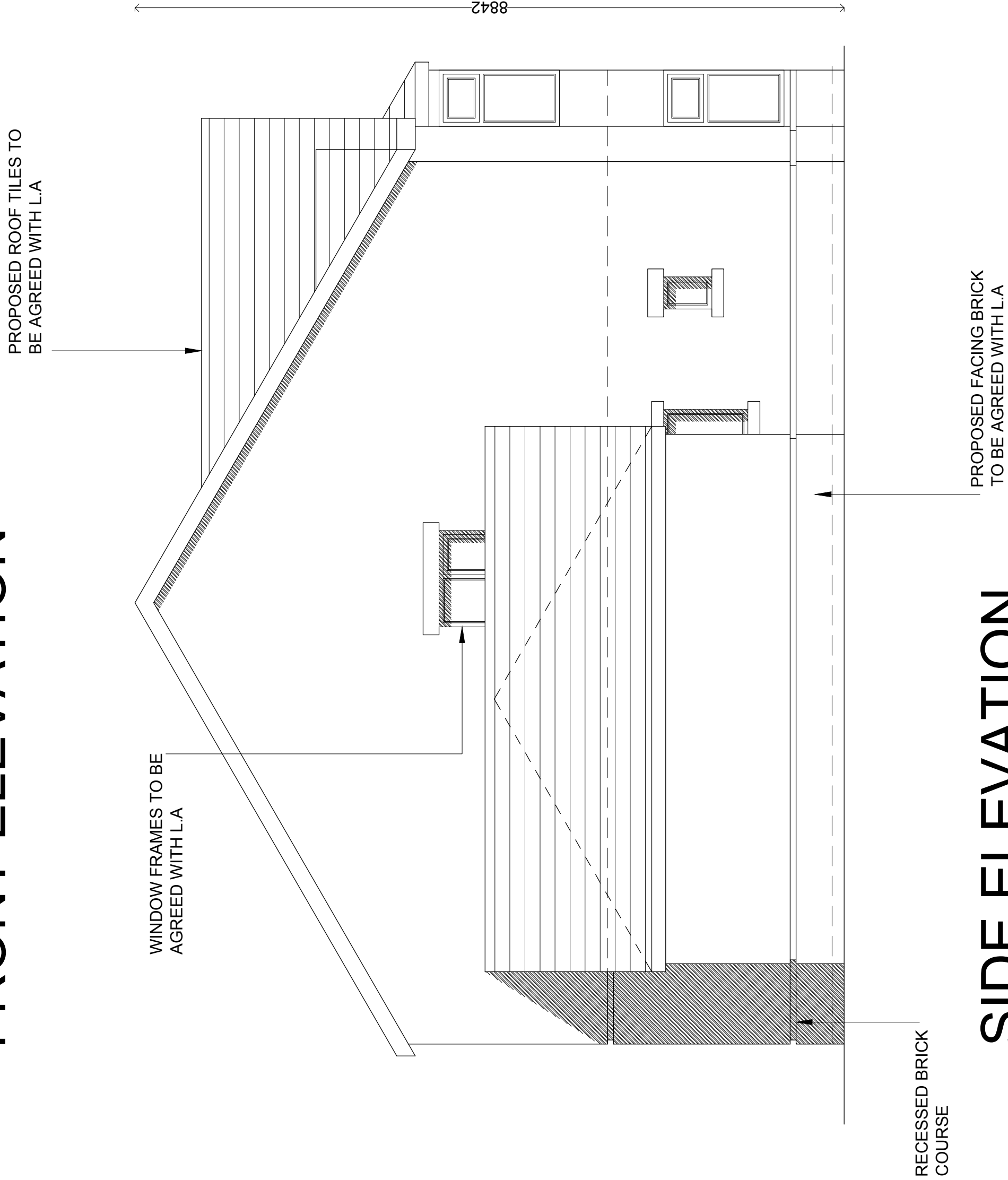
1. The proposed development, by virtue of its use, siting and size, represents inappropriate development within the Green Belt and the Applicant has provided no very special circumstances to outweigh the harm caused to the purposes and openness of the Green Belt in this location, contrary to national guidance contained within section 9 of the National Planning Policy Framework and Policy CG7AP of Bolton's Allocations Plan.

Aerial view of site and surrounding area





FRONT ELEVATION



SIDE ELEVATION

REV	DESCRIPTION
A	ELEVATIONS AMENDED IN ACCORDANCE WITH TREE OFFICERS COMMENTS 23.03.16 R.P.
PROPOSED FRONT & SIDE ELEVATION	
PROPOSED DWELLINGS ON LAND ADJ 888 PLODDER LANE, BOLTON BL5 1AJ	
CLIENT:	ANITA AHUJA
DWG NO:	PL K705/03
SCALE:	1/50 @ A1
DRAWN BY:	R.P.
DATE:	10/09/15
REV:	A
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	
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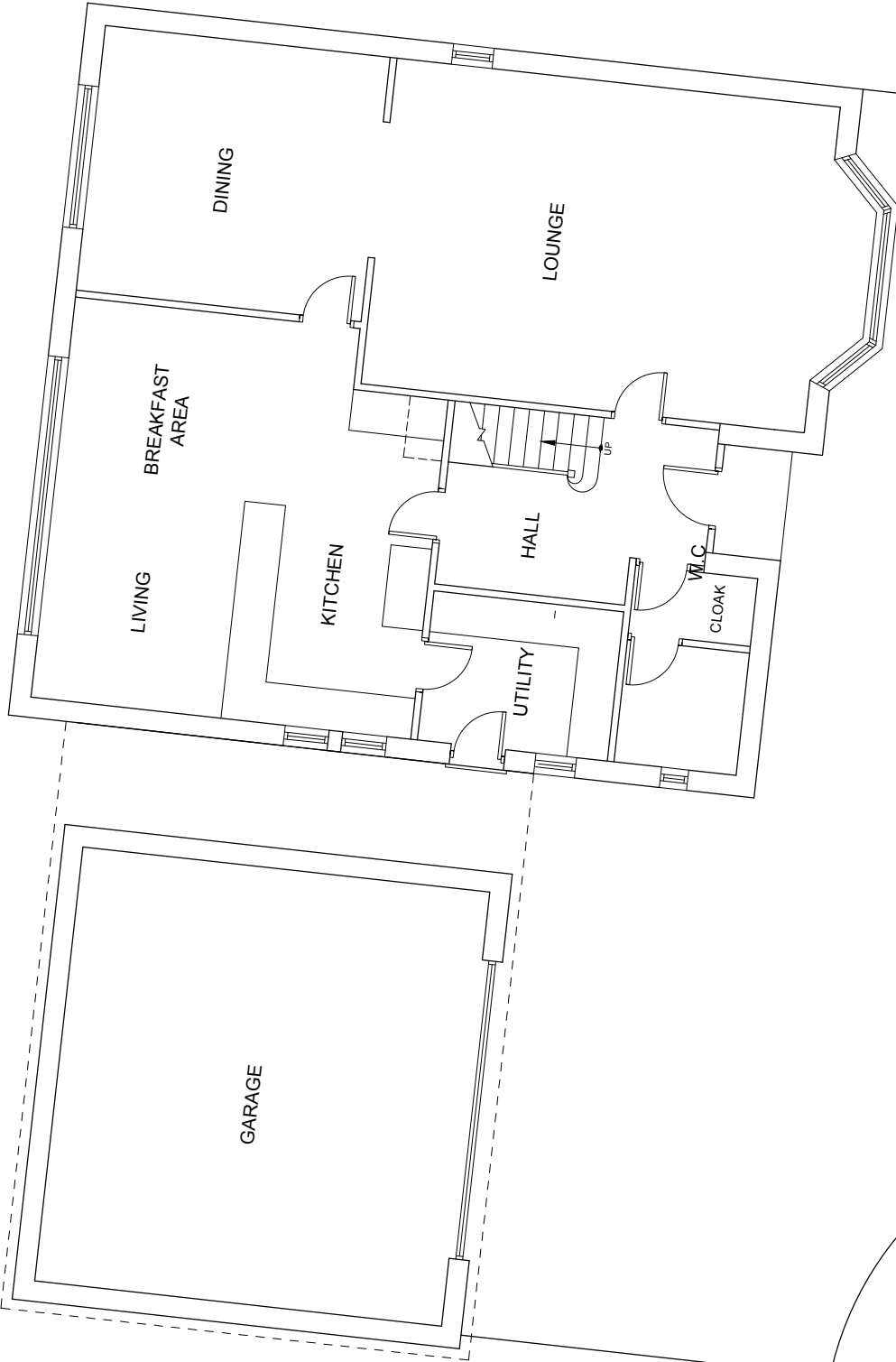


EXISTING BOUNDARY  
FENCE

BROKEN LINES INDICATES  
PROPOSED NEW BOUNDARY  
LINE

EXISTING  
GARAGE TO 888  
PLODDER LANE

894



888

PROPOSED  
SEPTIC TANK

HATCHED AREAS SHOW  
EXISTING TREES TO REMAIN

REV	DESCRIPTION
A	PROPOSED BOUNDARY FENCE REPOSITIONED TO CLIENT'S SPECIFICATION 20.01.16 D.D.
B	HOUSE BROUGHT FORWARD AS SHOWN 10.0.16 R.S.P.
C	POSITION OF DWELLING AMENDED IN ACCORDANCE WITH TREE OFFICERS COMMENTS AS SHOWN 23.03.16 R.P.
C	POSITION OF DRIVEWAY AND SEPTIC TANK AMENDED IN ACCORDANCE WITH TREE OFFICERS COMMENTS AS SHOWN 18.04.16 R.P.

BROKEN LINES INDICATES EXISTING  
PAVEMENT TO BE REMOVED TO  
FORM NEW DRIVEWAY

PLODDER LANE

PROPOSED SITE PLAN

PROPOSED DWELLINGS ON  
LAND ADJ 888 PLODDER LANE,  
BOLTON BL5 1AJ

CLIENT:	ANITA AHUJA
DWG NO:	PL K705/01
SCALE:	1/100 @ A1
DRAWN BY:	R.P.
DATE:	10/09/15
REV:	D



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Application number  
00214/17





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**Date of Meeting: 06/04/2017**

**Application Reference: 00214/17**

**Type of Application: Full Planning Application**  
**Registration Date: 06/02/2017**  
**Decision Due By: 02/04/2017**  
**Responsible Officer: Paul Bridge**

**Location: 147 DEANE PLAZA, DEANE ROAD, BOLTON, BL3 5AH**

**Proposal:** CHANGE OF USE FROM APPROVED A2 TO A3 AND RETENTION OF SINGLE STORY EXTENSION TO FRONT OF BUILDING AND RELOCATION OF FIRE EXIT DOORS AT REAR AND SIDE OF PROPERTY

**Ward: Rumworth**

**Applicant: I.S.Properties**  
**Agent : AZH Consultancy**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Planning permission is sought for change of use from A2 to A3 together with the retention of a single storey extension to front of building and the relocation of the fire exit doors at rear and side of property.

Planning permission was granted in July 2015 for the change of use of the former Labour club to seven units for a mixture of Class A1, A2 and Class A3 units (94065/15). The seven units comprise two A3 units, four A1 units and one A2 unit.

The proposed change of use relates to Unit 7 of the development. The single storey extension has brought the recessed front element to run flush with units 1 to 6. This has resulted in a floor area of approx. 110sq2.

It has been constructed out of cement rendered blockwork (to match the existing building) with an appropriate material finish to the flat roof. The existing fire exit door have been removed from the

side elevation and replaced with a single exit door in a relocated position on the rear elevation.

The proposed opening hours of the premises would be 11:00am - 23.00pm 7 days a week including bank holidays.

No employment details were submitted and no additional car parking provision is proposed. The bin storage/waste arrangements would be as approved under the original scheme.

### **Site Characteristics**

The application site comprises a recently converted former Labour club which houses seven units. The site is located on the southern side of Deane Road, and opposite Deane Road Local Shopping Centre. This section of Deane Road is predominantly commercial in nature. To the west of the site is a medical centre whilst to the south are a number of residential dwellings. Access to the previously approved car park is via Back Stanway Street. Directly opposite the premises are a number of time limited parking bays.

### **Policy**

National Planning Policy Framework

Core Strategy Policies S1 Safe, P2 Retail and Leisure, P5 Accessibility, CG3 The Built Environment, CG4 Compatible Uses and RA1 Inner Bolton

Supplementary Planning Documents - Accessibility, Transport and Safety, and Location of Restaurants, Cafés, Public Houses, Bars.

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* principle of development and impact on town and local centres
- \* impact on the character and appearance of the surrounding area
- \* impact on the amenity of existing residents and future occupiers
- \* impact on highway safety/parking provision

### **Principle of Development and Impact on Town and Local Centres**

The use of the site for café/restaurant purposes (Use Class A3) is capable of being a main town centre use as defined in the NPPF, depending on its intensity. It is noted that the site sits opposite Deane Road Local Shopping Centre, which is one of the type of areas where local and national planning policy seek to direct such uses. The application site is located on Deane Road, which is a key arterial route into Bolton Town Centre within the built up area of Rumworth within which there

are a large number of existing commercial uses including shops, commercial and other uses spread along Deane Road. Due to its siting, the application site is separated from the primarily residential areas to the rear.

As such it is considered that the proposed use could help support the existing commercial uses and improve the vitality of this prominent route. Furthermore, given the small scale of the premises, it is considered that it would not be of scale to draw trips and demand from surrounding designated centres.

The change in use of the unit to café/restaurant purposes is considered to accord with general principles set out in the NPPF which encourages the reuse of brownfield sites within urban areas and provide for a mix of uses. Having regard to the above the use of the site for a small café/restaurant premises is considered to accord with policies CG4 of the Core Strategy and the policies within the NPPF.

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

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy RA1 of the Core Strategy relates specifically to development in inner Bolton and states that the Council will conserve and enhance the character of the existing physical environment and focus both local shopping and specialist retailing within the existing local centre and wider area.

Units 1-6 form a continuous front elevation, whilst the front elevation of unit 7 was originally set back. The single storey extension has now brought unit 7 front elevation in line with units 1-6. It has been constructed out of cement rendered blockwork (to match the existing building) with an appropriate material finish to the flat roof.

The existing fire exit doors have been removed from the side elevation and replaced with a single exit door in a relocated position on the rear elevation. Despite the changes, the external appearance of the building would be considered acceptable and wholly appropriate in this context and with the host building.

For these reasons, it is considered the front extension and alterations would not unacceptably affect the character and appearance of the existing building and area, in accordance with policy CG3 of the adopted Core Strategy.

#### Impact on the Amenity of Existing Residents and Future Occupiers

Policy CG4 of the Core Strategy has the objective of ensuring that proposals do not adversely affect the level of residential amenity neighbouring occupants can reasonably expect to enjoy.

All new development, alterations and extensions to existing buildings should provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development should not usually be permitted where it would have an unacceptable impact on the amenity of occupiers and users of other development.

The proposal would provide an additional A3 use within the building. There are two other approved A3 units within the same building. In the vicinity of the application site, there is an existing hot food takeaway/café (opposite) and a takeaway at No.129 Deane Road. A number are open until late in the evening.



The application site is located on a section of Deane Road, opposite Deane Local Centre where there is a limited night time economy, hot food takeaways, cafes and late night convenience stores within close proximity. The likely noise and disturbance would be that associated with customers' voices when arriving or leaving and getting into and out of cars. Whilst this can give rise to nuisance if it occurs later in the evening or at night, it would generally be likely to be at a low level, intermittent and infrequent.

There appears to be opportunities for parking in the time limited bays opposite, which would allow parking after 6:00pm and late in the evening and also within the car park for the building. The site is on a busy road and nearby other evening and night time food uses and there is no substantive evidence to suggest that, within this context, any additional disturbance which may be caused would be materially more harmful than that which is already likely to exist.

Core Strategy Policy CG4 seeks to ensure that new development is compatible with surrounding land uses and occupiers and should not generate unacceptable nuisance or noise. This is supported by the "Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas" Supplementary Planning Document which considers restaurants along with other food uses including pubs and hot food take-aways and advises that such uses are not acceptable where there are adjacent residential properties, including those above other commercial units.

However, Officers consider that the activity which can reasonably be likely to be associated with customers using a restaurant would be materially different from that likely to be associated with hot-food take-aways or pubs. In particular, the modest size of the proposed use and its location within an area with other commercial and late night uses would not result in noise or disturbance which would be materially more harmful than that which may already exist and not give rise to demonstrably harmful effects on the living conditions of adjacent nearby occupiers of residential properties.

The proposal would comply with the National Planning Policy Framework core planning principle of seeking good standard of amenity (paragraph 17) and, through the use of conditions, avoid noise giving rise to significant adverse impacts on quality of life (paragraph 123).

No details or elevational plans have been submitted. As the installation of an externally mounted system would require planning permission, a condition has not been attached requesting any technical details as this could be provided, if any such application for a system is submitted.

Whilst the proposal would not comply with the SPD guidance with regards to the proximity to residential properties in this respect, the proposal would be compatible with its surroundings and not give rise to unacceptable noise and disturbance and would therefore comply with Core Strategy policy CG4. Furthermore, taking these considerations into account, any limited harm which might be caused would be outweighed by the economic benefits of the proposal.

A bin store is provided for all of the units within the site which would provide sufficient bin storage for proposed use.

In respect of loss of light or being overbearing, the single storey extension would be located to the front and is not sited adjacent to any residential dwellings. In addition the premises adjoining and adjacent to the extension are commercial in nature.

As such it is not considered that the proposal would result in an unacceptable impact upon the residential amenity of neighbouring occupiers in accordance with Policy CG4 of the Council's Core

Strategy.

#### Impact on Highway Safety/Parking Provision

Policy P5 of the Core Strategy seeks to ensure that developments are accessible by a number of modes of transport including public transport, by cyclists and pedestrians and prioritise these modes over the motor vehicle.

The site is on Deane Road and is located within Deane Local Centre. Deane Road is a main arterial route into and out of Bolton Town Centre and links the urban areas of Wigan and Bolton. The Council's parking standards for A3 use require more off-road provision than A2 use (1 per 7 sqm per public floor space in comparison to 1 per 35 sqm). More A3 use in comparison to what was approved under 94065/15 would potentially put more demand on the limited off-road parking associated with the premises (26 spaces previously approved). Using the Council Parking Standard, the proposal would require a maximum of 8 additional spaces.

The proposal includes the provision of parking within the site (26 spaces) and it is noted that there are parking restrictions in the form of double yellow lines directly to the front of the premises.

Notwithstanding this, there appears to be opportunities for parking in the time limited bays opposite which would allow parking after 6:00pm and late into the evening and would be available for visiting members of the public to use. It is also noted that the site is located opposite a local shopping centre and therefore customers would be able to access the site via public transport and also on foot which are considered to be more sustainable modes of travel.

The National Planning Policy Framework (Paragraph 32) states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The Council Highway Engineers have concerns that the proposal could exacerbate on street parking demands, given the previously approved scheme and that the current proposal would require a maximum of an additional 8 spaces. However, the Local Planning Authority for the reasons given above, are not of the opinion that the potential impacts of the proposal would be 'severe' and therefore a refusal on highway safety grounds would not be justified in this case.

Given the above it is considered that the proposal would not result in an unacceptable impact on highway safety in accordance with policy S1 and P5 of the adopted Core Strategy and the NPPF.

#### **Conclusion**

The proposed alterations to the site would complement the host building and the surrounding area without compromising existing/future occupiers and adjoining uses or highway safety. The proposal complies with policy and is recommended for approval subject to conditions.

## **Representation and Consultation Annex**

### **Representations**

#### **Petition**

One petition has been received with 19 signatures and one letter has been received in response to the planning application publicity which have raised the following issues:-

Traffic Congestion/Parking Provision,

Extension would be an eyesore,

Proliferation of food outlets and there is no need for anymore.

The above issues have been addressed in the appraisal.

### **Elected Members**

No comments received

### **Consultations**

Advice was sought from the following consultees: Highway Engineers, Design for Security and Pollution Control.

### **Planning History**

94065/15 - Conversion and subdivision of the former (and now vacant) Derby Ward Labour Club on Deane Road into Class A1, A2 and A3 units. New shopfronts and shutters would be created in the Deane Road elevation and flues are also proposed – Approved 24.07.2015.

**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 use hereby permitted commences, full details (including siting) of the air extraction equipment, including measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencers and anti-vibration mountings as necessary), shall be submitted to and approved in writing by the local planning authority. All equipment shall be installed in accordance with these approved details prior to the first use of the premises hereby permitted and shall thereafter be operated, maintained and serviced in accordance with those approved details and the manufacturers specifications, and permanently retained thereafter.

Reason: In the interests of residential and visual amenity.

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

**01/PL Rev P1 - Site location and layout dated 06.02.2017**

**02/PL Rev P1 - Existing Elevations dated 06.02.2017**

**03/PL Rev P1 - Existing floor layout(s)**  
**04/PL Rev P1 - Proposed Elevations dated 06.02.2017**  
**05/PL Rev P1 - Proposed floor layout(s) dated 06.02.2017**

Reason

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

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

11:00am - 23.00pm Mondays – Sundays (Including Bank Holidays).

Reason

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



# SITE LOCATION PLAN

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(2017) Ordnance Survey 0100031673

0 12.5m 25.0m 37.5m  
Scale 1:1250



# SITE LAYOUT PLAN (EXISTING)

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(2017) Ordnance Survey 0100031673

0 5m 10m 15m  
Scale 1:500



PLANNING, HIGHWAYS AND

**azh**  
consultancy

CONSTRUCTION SERVICES

YUNUS JIVA  
07552 715009

Client:  
I.S.Properties Ltd  
171 Armadale Road  
Bolton, BL3 4TP

Project:  
147 Deane Road, Bolton

Drawing Title:  
**SITE LOCATION AND  
LAYOUT PLANS**

Date:  
06/02/2017

Project No: 170201  
Drawing No: Rev: 01/PL/ P1

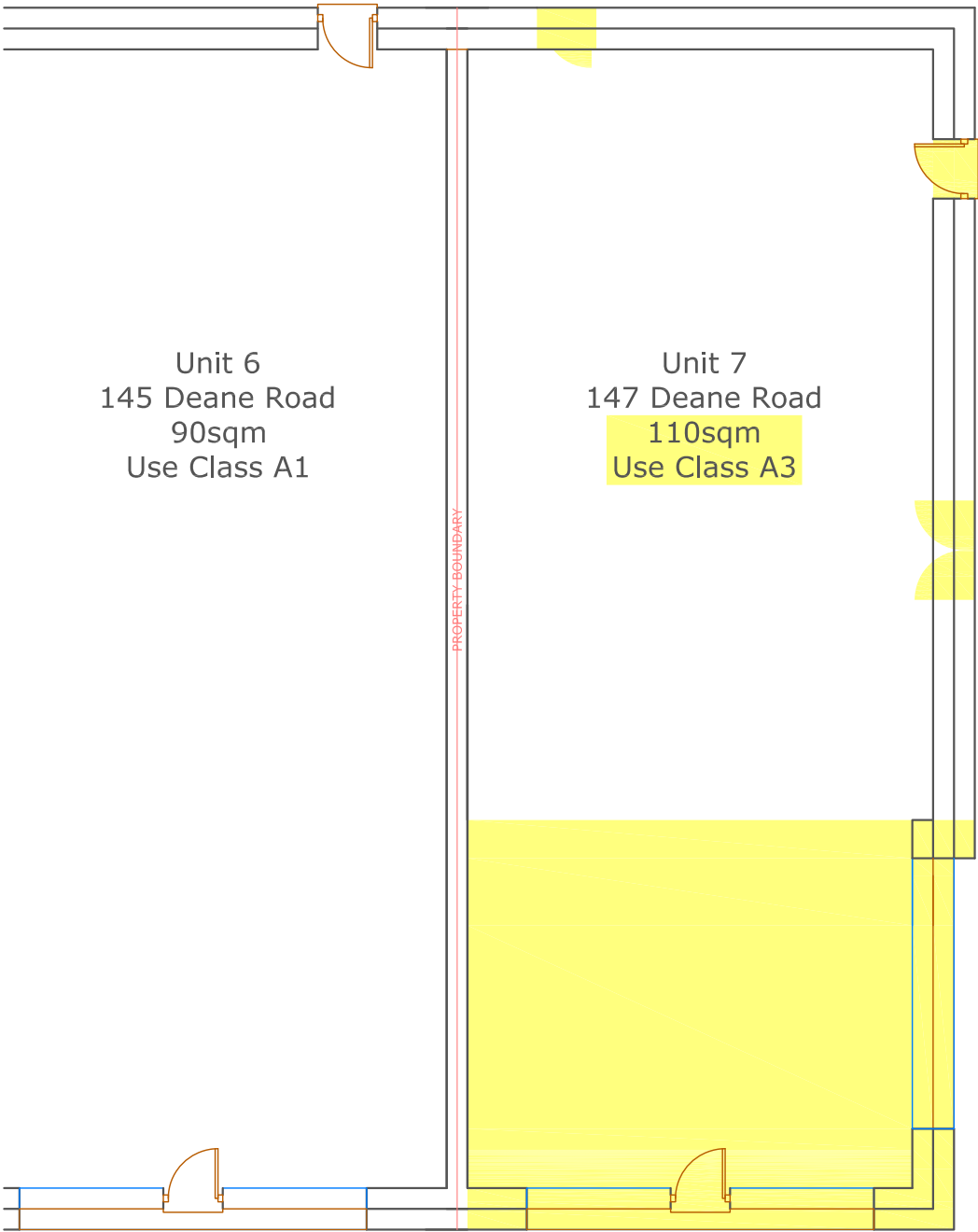
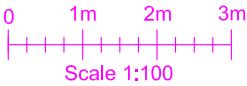
Scales shown:  
at A4 plot

Drawing Status:  
**PLANNING**

- Drawing and all contents subject to copyright laws.  
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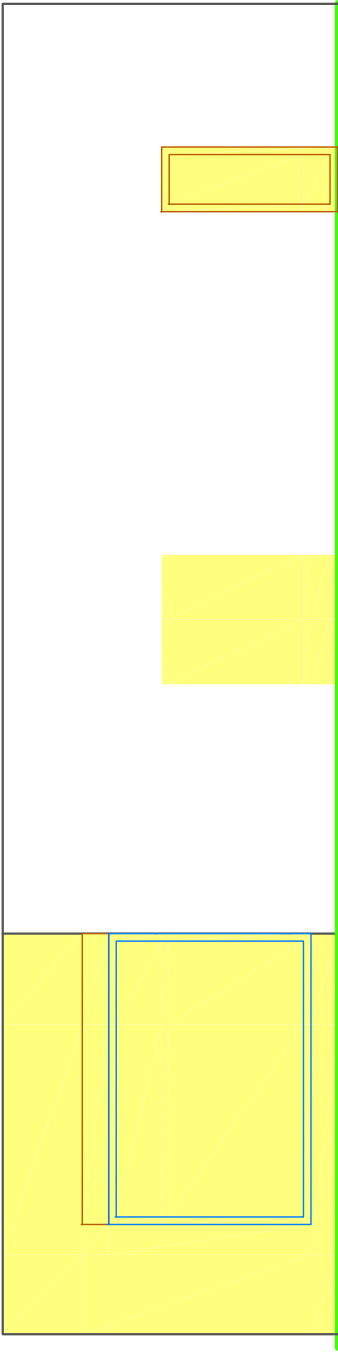
Page 1 of 5

# PROPOSED GROUND FLOOR



<div><div>PLANNING, HIGHWAYS AND</div><div><div>azh</div><div>consultancy</div></div><div>CONSTRUCTION SERVICES</div></div> <div><div>YUNUS JIVA</div><div>07552 715009</div></div>	Client: I.S.Properties Ltd 171 Armadale Road Bolton, BL3 4TP		Project: 147 Deane Road, Bolton		Page 5 of 5
			Drawing Title: PROPOSED FLOOR LAYOUT(S)		
<div><div><div>- Drawing and all contents subject to copyright laws.</div><div>- Drawing to be reviewed as a part of the complete set.</div><div>- All building work subject to Planning Conditions and Building Regulations Approvals.</div><div>- Existing and proposed dimensions and specifications are shown for Planning and Building Regulations approval only. Contractor to check for any errors in the plans prior to appointment and commencement of works and clarify the position with client.</div></div><div>117</div></div>		Date: 06/02/2017	Project No: 170201	Drawing No: Rev: 05/PL/ P1	
		Scales shown: at A3 plot	Drawing Status: PLANNING		

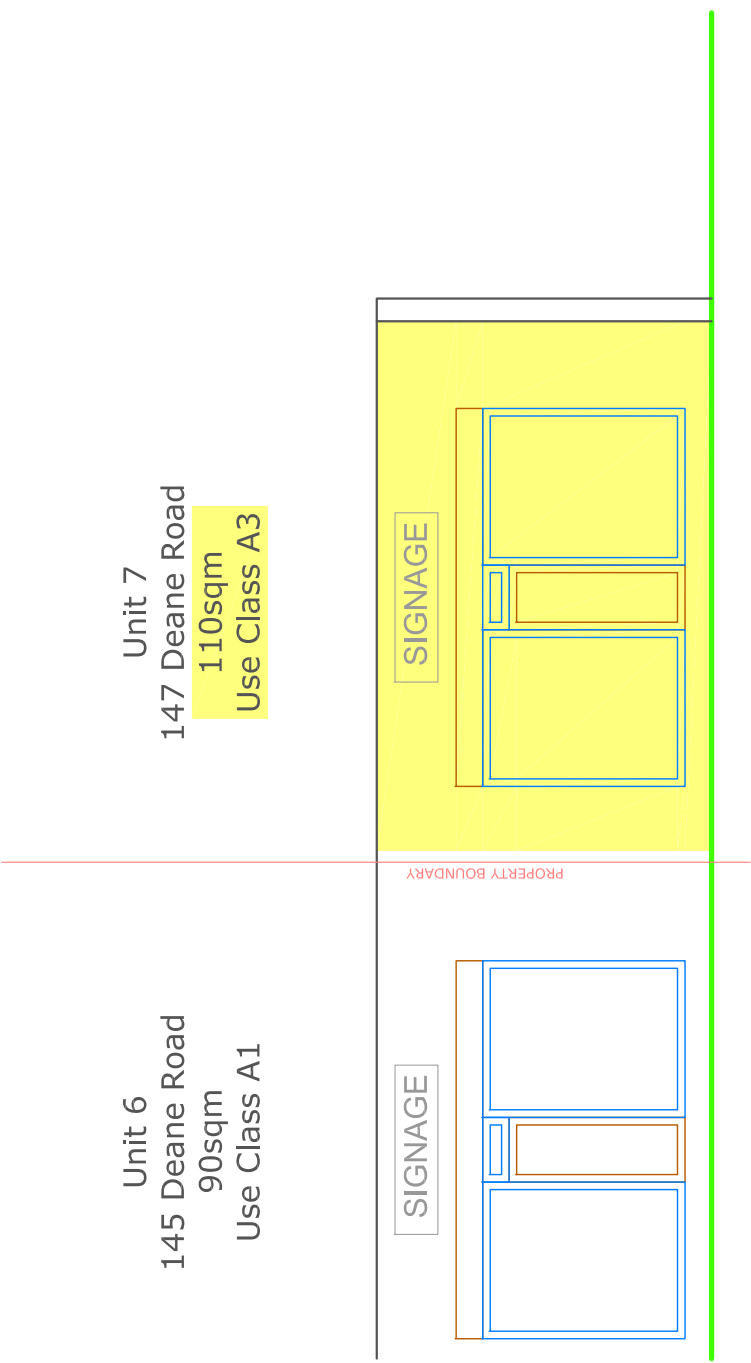
PROPOSED SIDE ELEVATION



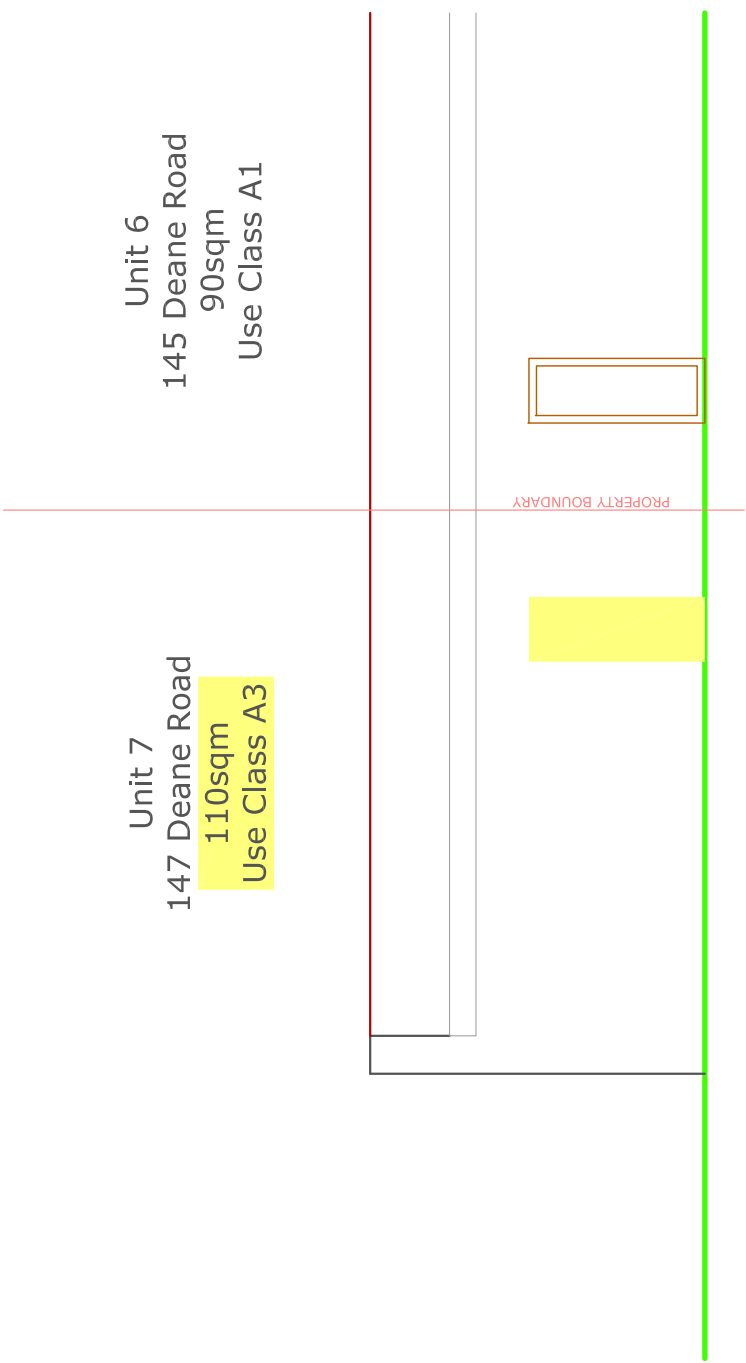
PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION



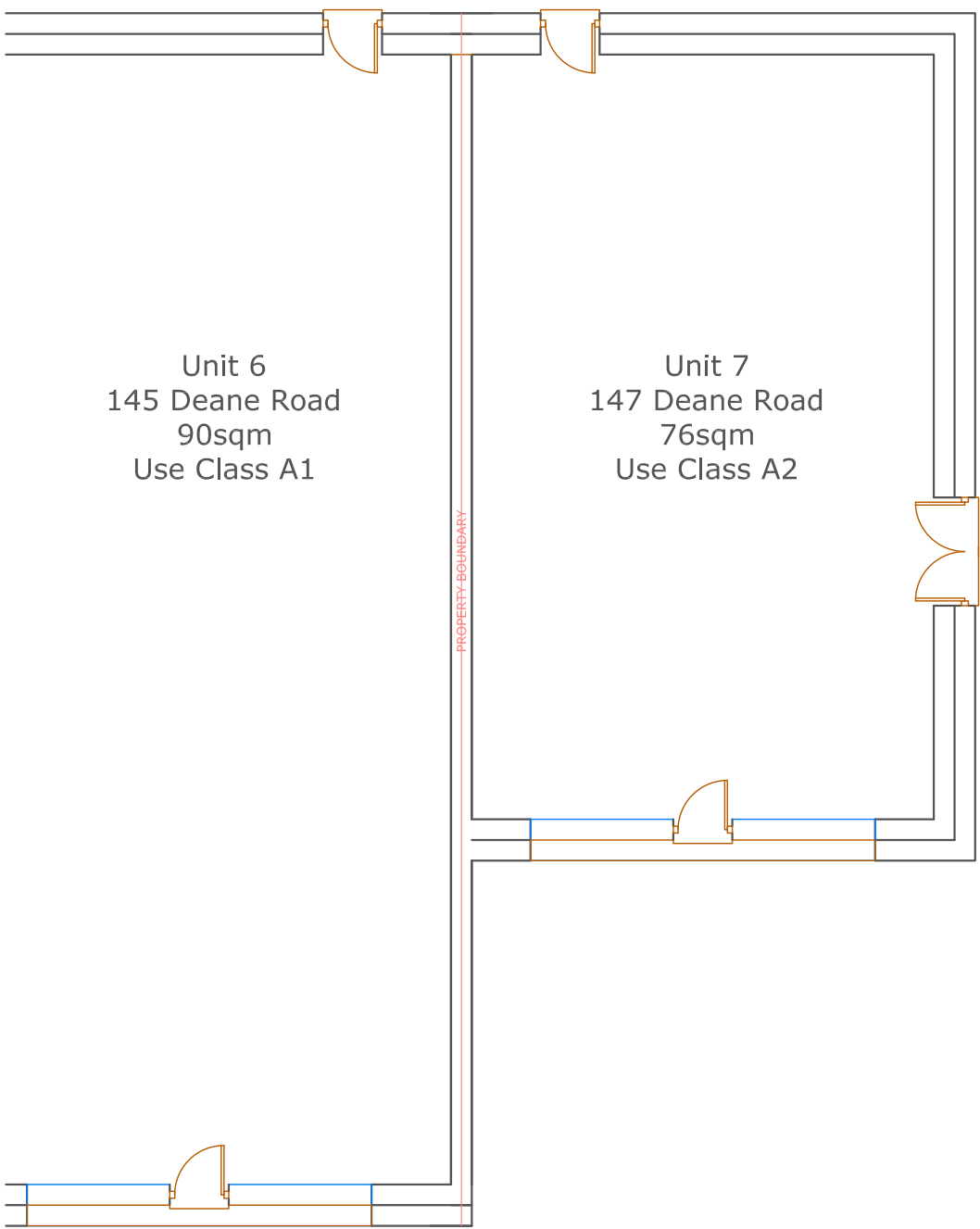
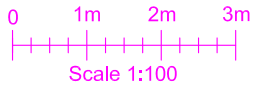
PROPOSED REAR ELEVATION



Notes:	<div>KEY:</div> <div><div><div></div><div>- Proposed Development</div></div><div><div></div><div>- Relevant Landscaping</div></div><div><div></div><div>- High Boundary Treatment</div></div><div><div></div><div>- Low Boundary Treatment</div></div><div><div></div><div>- Property Boundary</div></div><div><div></div><div>- Parking area/drive way</div></div></div>	170201
		04/PL/ P1

<div><div>PLANNING, HIGHWAYS AND</div><div><div>azh</div><div>consultancy</div></div><div>CONSTRUCTION SERVICES</div></div> <div><div>YUNUS JIVA</div><div>07552 715009</div></div>	Client: I.S.Properties Ltd 171 Armadale Road Bolton, BL3 4TP	Project: 147 Deane Road, Bolton	Page 4 of 5
	Drawing Title: PROPOSED ELEVATIONS		
<div><div>- Drawing and all contents subject to copyright laws.</div><div>- Drawing to be reviewed as a part of the complete set.</div><div>- All building work subject to Planning Conditions and Building Regulations Approvals.</div><div>- Existing and proposed dimensions and specifications are shown for Planning and Building Regulations approval only. Contractor to check for any errors in the plans prior to appointment and commencement of works and clarify the position with client.</div></div>	Date: 06/02/2017	Project No: 170201	Drawing No: Rev: 04/PL/ P1
	Scales shown: at A3 plot		Drawing Status: PLANNING

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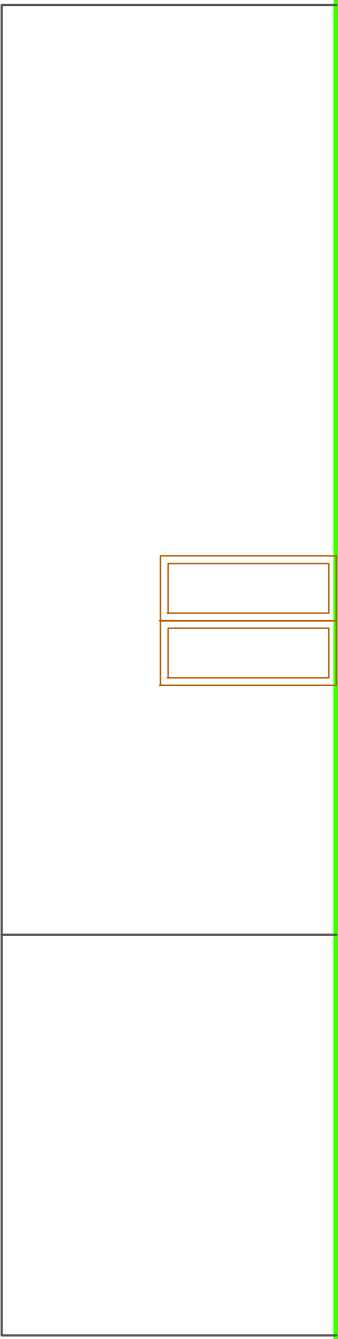


<div><div>PLANNING, HIGHWAYS AND</div><div><div>azh</div><div>consultancy</div></div><div>CONSTRUCTION SERVICES</div></div> <div><div>YUNUS JIVA</div><div>07552 715009</div></div>	Client: I.S.Properties Ltd 171 Armadale Road Bolton, BL3 4TP		Project: 147 Deane Road, Bolton		
			Drawing Title: EXISTING FLOOR LAYOUT(S)		
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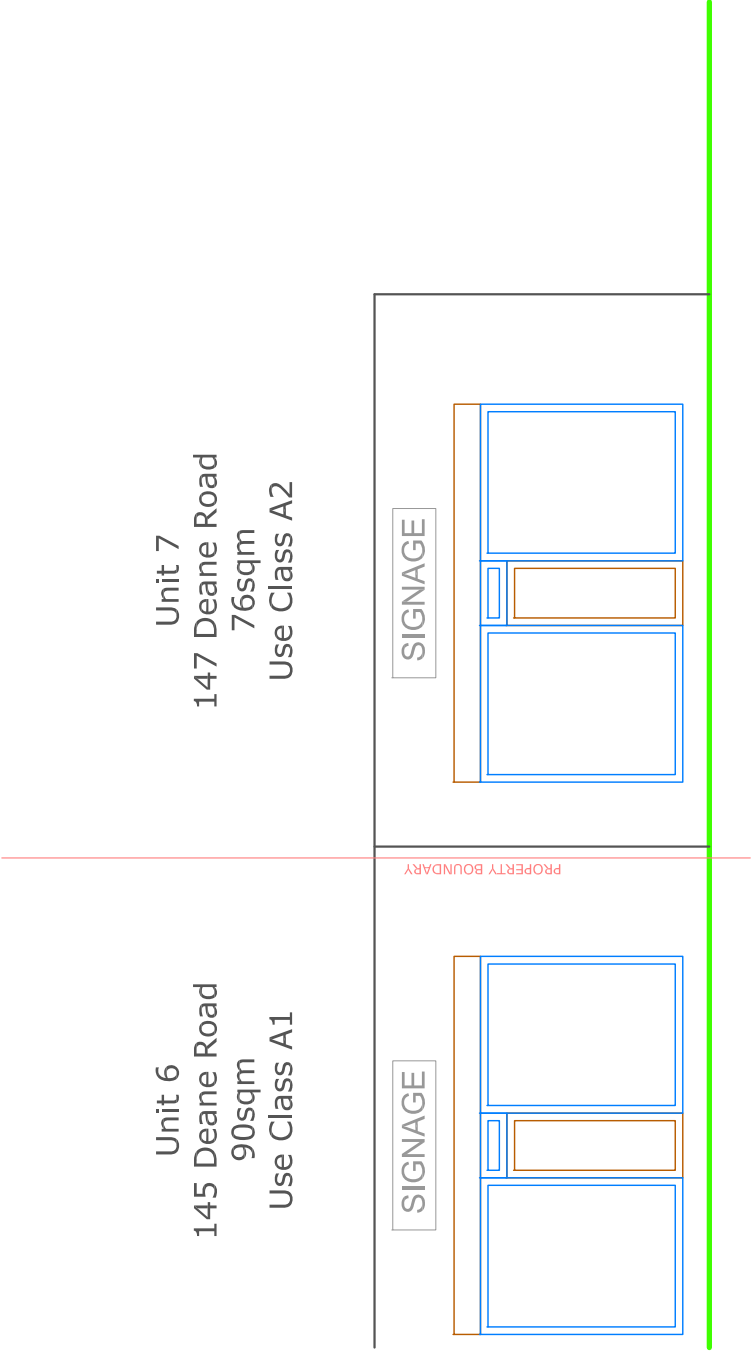
Page 3 of 5



EXISTING SIDE ELEVATION



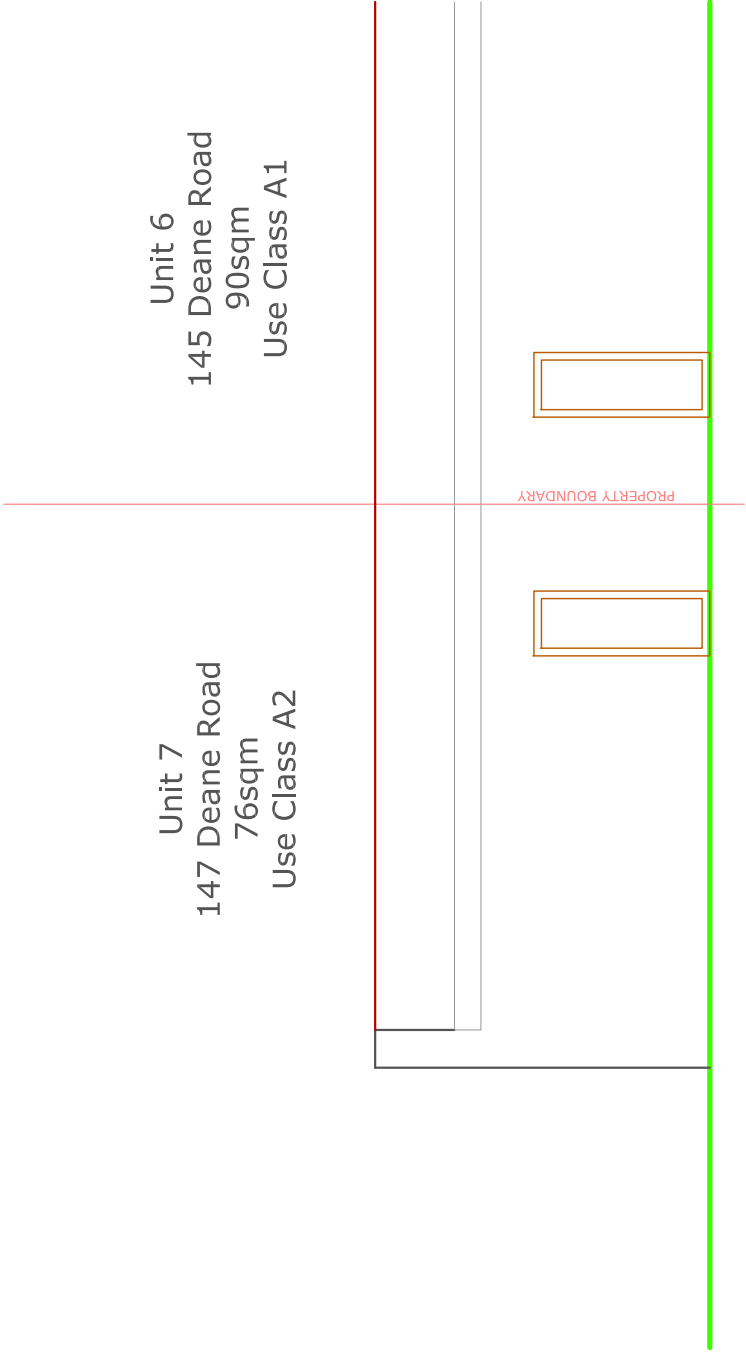
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION

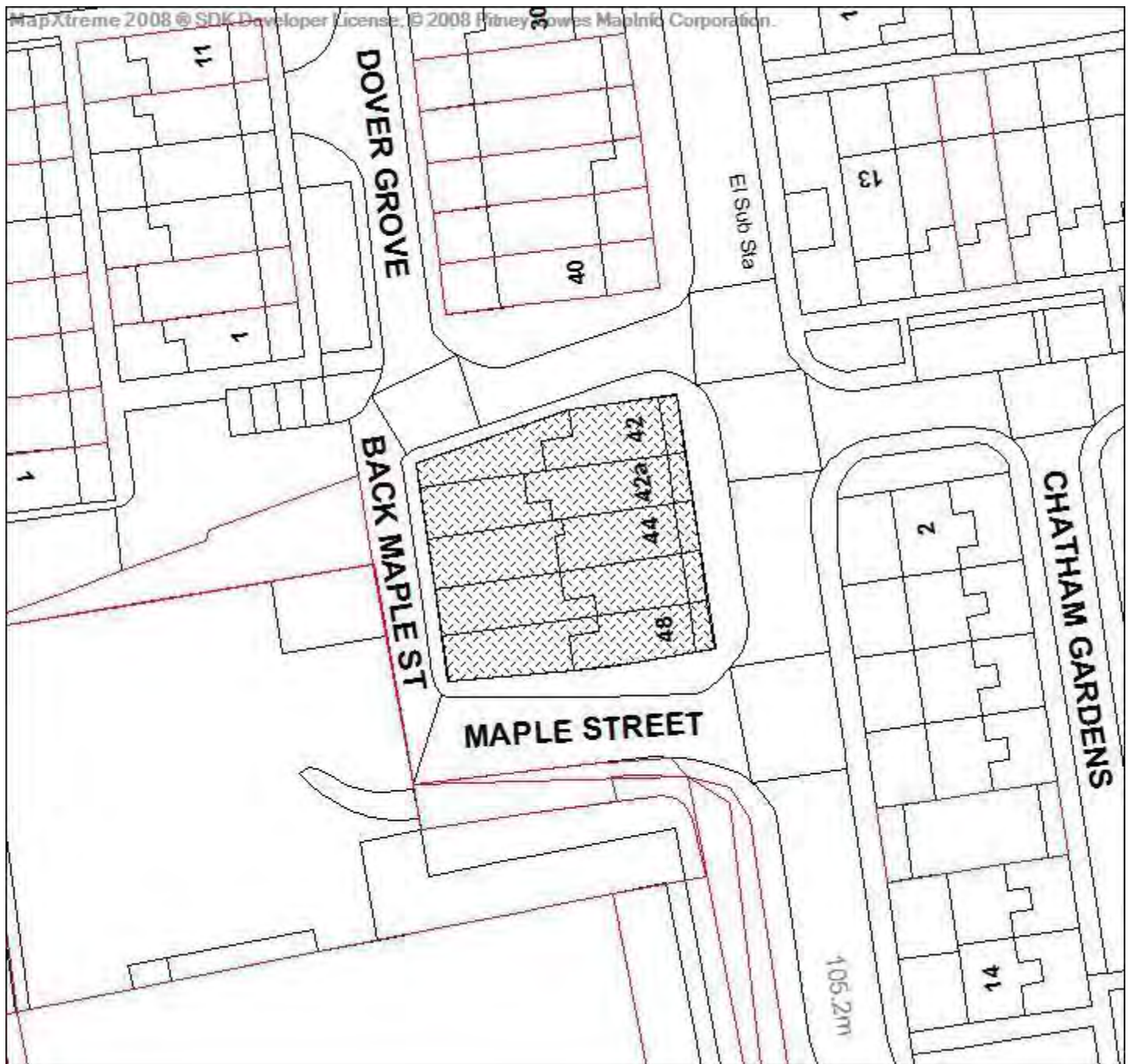


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<div>PLANNING, HIGHWAYS AND</div> <div><div>azh</div><div>consultancy</div></div> <div>YUNUS JIVA 07562 715009</div> <div>CONSTRUCTION SERVICES</div>		Client: I.S.Properties Ltd 171 Armadale Road Bolton, BL3 4TP	
<div>- Drawing and all contents subject to copyright laws. - Drawing to be reviewed as a part of the complete set. - All building work subject to Planning Conditions and Building Regulations Approvals. - Existing and proposed dimensions and specifications are shown for Planning and Building Regulations approval only. Contractor to check for any errors in the plans prior to appointment and commencement of works and clarify the position with client.</div>		Project: 147 Deane Road, Bolton	
		Drawing Title: EXISTING ELEVATIONS	
		Date: 06/02/2017	Project No: 170201
		Scales shown: at A3 plot	Drawing Status: PLANNING

Page 2 of 5

Application number  
00165/17



Development & Regeneration Dept  
Development Management Section

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

**Bolton  
Council**

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**Date of Meeting: 06/04/2017**

**Application Reference: 00165/17**

**Type of Application: Full Planning Application**

**Registration Date: 02/02/2017**

**Decision Due By: 29/03/2017**

**Responsible Officer: Paul Bridge**

**Location: 42-48 CANNON STREET, BOLTON, BL3 5AP**

**Proposal:** CHANGE OF USE AND CONVERSION FROM RESIDENTIAL TO COMMUNITY, EDUCATIONAL AND OFFICE USE WITH NEW ENTRANCE GATE AND CAR PARK

**Ward: Rumworth**

**Applicant: Mr MIRZA**

**Agent : RA Design & Project Management Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

Planning application (96895/16) for the change of use and conversion of residential dwellings to community, educational and office uses with new entrance gate and car park was refused under delegated powers on the 25th November 2016 for the following reasons:-

1. The proposal makes insufficient provision for car parking in connection with the proposed development which is likely to result in cumulative on-street parking to the detriment of highway safety and is therefore considered to be contrary to Policies P5 and S1 of the adopted core strategy.
2. The proposal development due to its lack of on site car parking provision would result in cumulative on street parking early in the morning and late into the evening which would result in an increase noise and activity in and around the premises and adjacent residential dwellings to the detriment of the living conditions of nearby residents and is contrary to Policy CG4 of Bolton's Core Strategy.

This current proposal seeks to address the previous reasons for refusal.

Planning permission is sought for the change of use and conversion from five residential dwellings to community, educational and office uses with new vehicular entrance and exit and a car park.

There would be no extensions to the existing dwellings in order to accommodate the proposal, however a small canopy is proposed over the main entrance to the building. The internal floor layout would be altered in order to accommodate the proposal.

The development will accommodate:

- \* central administrative offices for the administrative staff and be a base for charity workers (9am–5pm, Monday to Friday).
- \* study rooms facilitating one-to-one and small (2–3 students) group sessions (8.30am–11pm, Monday to Sunday). 12 sessions operating at any one time.
- \* women's (up to 10 students) activity and study classes (Sunday 11am–1pm).
- \* 4 children's study classes (10 students per class) (2 classes weekday 5–6.25pm and two classes weekday 6.35–8pm).
- \* two group prayer rooms of 30sqm, one for men and the other for ladies/children. These rooms are not expected to be facilities that will generate trips and are intended to allow the existing occupants in the building to come together for the 5 times a day prayers.

An existing gated entrance along the southern rear/side common boundary of 48 Cannon Street (fronting on to Maple Street) would be removed and relocated further along the boundary and closer to the existing building. The proposed gate would be approximately 2 metres in height. A new vehicular exit would also be created giving access onto Dover Grove.

The vehicular entrance access would be from Maple Street and would lead to a new car park area which would be created in the rear yard areas of the existing dwellings. Car parking would be provided for vehicles.

Pedestrian access would be by way of the existing front entrances.

The proposed opening hours (as stated in the application) are 08:30am to 23:00pm Monday to Sunday (including Bank Holidays).

The proposed use would potentially employ the equivalent of 5 full time staff.

A bin store would be provided within the rear yard area.

### **Site Characteristics**

The site occupies an area of approximately 655 sq. metres with the proposed gross internal floor space of the proposal being approximately 533 sq. metres. The application site itself currently accommodates a row of 5 two storey terraced dwellings with associated front and rear amenity space. The site sits within a mixed use area with Derby Local Shopping Centre located immediately to the south of the site. To the north, north west, and east are residential dwellings, whilst to the rear is Back Maple Street, beyond which is the service yard for Derby Local Shopping Centre.

Parking for Derby Local Shopping Centre is located in dedicated parking areas along Maple Street and Cannon Street.

### **Policy**

National Planning Policy Framework (NPPF)

Core Strategy Policies, CG1 Green Bolton, CG2 Sustainable Development, CG3 The Built Environment, CG4 Compatible Uses, SO9 & S1 Road Safety, P5 Accessibility, SC2 Cultural and Community Provision, RA1 Inner Bolton.

General Design Principles SPD and Accessibility Transport and Safety SPD.

### **Analysis**



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

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

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

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

The main impacts of the proposal are:-

- \* principle of development
- \* impact on character and appearance of the area
- \* impact on amenity of neighbouring occupiers
- \* impact on contaminated land
- \* impact on parking and highway safety
- \* impact on drainage and flood risk

#### Principle of Development

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

The site is unallocated within Bolton's Allocations Plan and is occupied by 5 residential terraced dwellings. The proposed development would alter the principal use of the site and would seek to provide facilities required for educational, community and office use. The proposed development would be sited on an existing area of land which is occupied by the existing dwellings and associated front and rear yard areas. In summary, whilst the loss of 5 dwellings is not entirely desirable, a community use of this nature could provide public benefit to the local community and is supported in principle.

The principle of the proposed development is therefore considered to be acceptable and is in accordance with policy SC2 of the Core Strategy and the aims and objectives of the NPPF.

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

The NPPF address the need for good design in section 7. It states that great weight should be given to outstanding or innovative design which helps raise the standards of design more generally in the area.

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.

The application site is located in a prominent location along Cannon Street. There would be no extensions to the existing buildings in order to accommodate the proposal, however, a small canopy would be erected over the main front entrance. The properties would retain their residential character and appearance and therefore is considered acceptable.

An existing gated entrance along the southern rear/side common boundary of 48 Cannon Street (fronting on to Maple Street) would be removed and relocated further along the boundary and closer to the existing dwelling. A new vehicular exit point would be created in the side/rear boundary. The proposed gates would be approximately 2 metres in height. In addition to the above, the existing rear/side boundary walls would be removed within the site to create the proposed car park area. The rear yard area would be surfaced with a mixture of pre-cast concrete paving and tarmac.

When one considers the relocation of the vehicular entrance and exit access gates and small canopy it is considered that the proposal would not have an unacceptable impact on the character and appearance of the immediate and wider surrounding area in accordance with policy CG3 of the Core Strategy.

#### Impact on Amenity of Neighbouring Occupiers

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.

There are a number of residential dwellings located within close proximity to the site to the north, north west and east.

The primary use of the building would be for community, educational and office uses. The proposal would therefore create a larger amount of comings and goings than the existing residential dwellings. The proposed hours of opening as proposed in the application form are 08:30am to 23:00pm Monday to Sunday (including Bank Holidays). However, the supporting information submitted by AZH Consultancy breaks this down into the following:-

- \* central administrative offices for the administrative staff and be a base for charity workers (9am-5pm, Monday to Friday).
- \* study rooms facilitating one-to-one and small (2-3 students) group sessions (8.30am-11pm, Monday to Sunday). 1-2 sessions operating at any one time.
- \* women's (up to 10 students) activity and study classes (Sunday 11am-1pm).
- \* 4 children's study classes (10 students per class) (2 classes weekday 5-6.25pm and two classes weekday 6.35-8pm).
- \* two group prayer rooms of 30sqm, one for men and the other for ladies/children. These rooms are not expected to be facilities that will generate trips and are intended to allow the existing occupants in the building to come together for the 5-times a day prayers.

The Local Planning Authority is satisfied that the office and activity classes, carried out at the above times, can be satisfactorily controlled by way of condition. This would ensure that the residential amenity of neighbouring dwellings would not be adversely affected. The main issue for the Local Planning Authority in this case is the prayer times, which would be undertaken 5 times a day. No prayer times have been given. It is assumed that the prayers will be undertaken early morning, three throughout the day and one later in the evening.

There are residential dwellings within 10 to 15 metres of the front of the site along Cannon Street. The Local Planning Authority acknowledges that the comings and goings of visitors and the noise

associated with them at close proximity to neighbouring residential properties can inevitably lead to increased noise levels to the neighbouring residents, who should expect a certain degree of peace and quiet.

The proposal would have a limited amount of space allocated for prayers within the building (approximately 60 sqm), which would ultimately restrict the amount of visitors the premises could accommodate during prayer times, especially later into the evening.

As the times of the other uses of the premises would be conditioned, it would result in the premises only being used for prayers later into the evening when all the office staff and visitors using the library and activity rooms (with the exception of the small one to one and group sessions) will have dispersed. This will leave the parking area available to be used by visitors to the centre using the prayer rooms.

The plan submitted within the Highway Statement indicates parking provision for 15 vehicles at the rear of the premises (this provision is reliant on the utilisation of the associated drop-off provision during the peak operational times of the facility). The parking area is located to the rear with no residential dwellings directly to the rear or south. The Local Planning Authority considers that the available car parking provision within the site, which would be available later into the evening for last prayer, would reduce the amount of on street parking to a level that would not result in any unacceptable impact on the nearest neighbouring residential dwellings in terms noise and disturbance from the comings and goings of visitors. In addition pedestrian access can be gained to the building via the rear entrance doors.

Subject to appropriate conditions, it is considered that the demand for on street parking at the later into the evening when people should expect a certain amount of peace and quiet would be reduced to a level that would not result in any unacceptable impact on the amenity currently enjoyed by the occupiers of surrounding residential properties in accordance with policy CG4 of Core Strategy.

#### Impact on Contaminated Land

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

Given the proposal would not result in any new built development (with the exception of the gate and canopy) and is currently in residential use, it not considered that the proposal would give rise to any issues in respect of land contamination.

The proposal is therefore considered to be in accordance with policy CG4.3 of the Core Strategy.

#### Impact on Parking and Highway Safety

The NPPF identifies the need to ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It goes on to ensure that parking standards take into account the accessibility of a development and the availability of public transport. Therefore development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy P5 of the Core Strategy (in conjunction with Appendix 3) sets out the parking standards for types of development.

The previously refused planning application only proposed 4 car parking spaces which were deemed unacceptable.

The applicants have submitted a green travel plan and a letter from AZH Consultancy in support of the highway implications of the current proposal.

The main period in terms of parking demand would be between 9am and 8pm Monday to Friday. Occupation of the development after 8pm Monday to Friday and during the weekends is expected to be low.

The applicant has supplied a Green Travel Plan in support of the application. This outlines how the applicant would encourage users of the facility to make trips by public transport, bicycle, walking or car pooling rather than individual trips by car. It also proposes the use of marshals to control parking at times of pick-ups and drop offs.

The case officer visited the site in the early afternoon and it was apparent that the shopping centre was extremely busy and well used by the local community. The parking provision provided by the existing shopping centre and on street parking was limited at these times.

The five existing dwellings (to be converted) do not have any off-street parking available and therefore are reliant on on-street parking within the immediate surrounding area. The Core Strategy has a maximum parking provision of 2 spaces for two bed dwellings. Whilst these are existing dwellings, the Local Planning Authority consider that these dwellings could reasonably use up to 10 on street parking spaces.

A Class D1 use (public hall or place of worship) requires a maximum car parking provision (excluding disabled bays) of 1 per square metre of public floor area. Based on this figure the proposed prayer room part of the development would require a maximum of 12 spaces (based on the available public floor space for the prayer function). The overall development, based on the proposed floor layouts, would require approximately 16 parking spaces (4 for the activity space, etc. and 12 for the prayer space). The plan submitted within the Highway Statement indicates parking provision for 15 vehicles at the rear of the premises. This provision is made up of 8 spaces on site, with the drop-off and pick-up areas providing a further 7 spaces which could be used during the short prayer times (D1 use) when the prayer rooms are being used.

With a total of 8 marked spaces on-site and a further 10 spaces off-set against the current residential demand for on-street parking, it is reasonable to say the development could accommodate 18 cars in regularised parking bays and a further 7 in the drop-off/pick-up area during prayer times; a total of 25 before there would be any additional demand for on-street parking.

In addition with the development primarily occupied only up to 8pm, the removal of parking demand from the residents of the existing residential properties that will be lost to the development could potentially increase the kerb-side provision available to other residents in the evening.

As the times of the other uses of the premises will be conditioned, it would result in the premises only being used for prayers later into the evening when all the office staff and visitors using the library and activity rooms (with the exception of the small one to one and group sessions) will have dispersed. This will leave the parking area available to be used by visitors to the centre using the prayer rooms later in the evening.

The LPA has noted that the parking standards are a 'maximum' and other material considerations such as the accessibility of a development and the availability of public transport should be taken into



consideration when considering a proposal impact on parking provision and highway safety. The site would serve the local community and therefore there would be a number of visitors who would potentially visit the site on foot. In addition the site is in a sustainable location, with a bus stops in close proximity to the site.

The National Planning Policy Framework (Paragraph 32) states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The Council Highway Engineers have concerns that the proposal could exacerbate on street parking demands. However, the Local Planning Authority, for the reasons given above, are not of the opinion that the potential impacts of the proposal would be 'severe' and therefore a refusal on highway safety grounds would not be justified in this case.

Given the above it is considered that the proposal would not result in an unacceptable impact on highway safety in accordance with policy S1 and P5 of the adopted Core Strategy and the NPPF.

#### **Impact on Drainage and Flood Risk**

The application site is not located within a critical drainage area or Flood Risk 2 or 3 areas. The NPPF requires that development should ensure that flood risk is not increased elsewhere, and seeks to steer development towards areas with the lowest probability of flooding and Policy CG1 of the Core Strategy seeks to reduce the risk of flooding in Bolton.

The proposal would result in the relaying of the rear yard areas to provide the car park area for the proposal, however, the existing rear yard areas of the existing dwellings are also currently covered by hardstandings.

Having regard to the above, the proposed development is considered to be in accordance with policy CG1 of the Core Strategy and the NPPF.

#### **Other Matters**

##### *Waste/Refuse*

The application includes within the site plan a bin storage area located with the car park area. The size of the bin store would meet the capacity needs of the site and are accessible to waste collection wagons and its position is considered acceptable. The proposal is therefore considered to be in accordance with Bolton Council document Waste and Recycling Storage, Planning, and Collection Guidance for Houses, Flats, Houses of Multiple Occupancy, New Builds, and Conversions.

#### **Local finance considerations**

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

#### **Conclusion**

The proposed alterations to the site would complement the host building and the surrounding area without compromising the amenity of neighbouring residents or highway safety. Members are therefore recommended to approve this application subject to conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One letter has been received in response to the planning application publicity and who have raised the following concerns:-

- \* Lack of car parking provision.
- \* Potential blocking of access to garage. *Officer Response – The potential blocking of access to a garage or residential dwelling would be a matter for the police.*

### **Consultations**

Advice was sought from the following consultees: Highways, Pollution Control, Design for Security, Asset Management Unit and Counter Terrorism Unit

### **Planning History**

96895/16 for the change of use and conversion from residential dwellings to a community, educational and office uses with new entrance gate and car park. Refused on the 25th November 2016.

**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 full details of the highway works at Maple Street and Back Maple Street comprising of the installation of vehicular access crossings to facilitate access to the rear parking provision 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 and to comply with policies P5 and S1.2 of Bolton's Core Strategy.

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

Reason

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

4. Before development commences details of the signing scheme within the site to inform drivers of the proposed vehicle circulation through the site shall be submitted to and approved by the Local

Planning Authority. The approved signing scheme shall be implemented in full before the development hereby approved is first brought into use and retained thereafter.

Reason

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

5. Before the approved development is first brought into use no less than 8 car parking spaces with minimum dimensions of 2.4 metres by 4.8 metres shall be marked out and provided within the curtilage of the site, in accordance with drawing Ref: 01/01/ Rev A dated 16.01.2017 and prepared by AZH Consultancy. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

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

**RAD/1419/16/2/RevC - Proposed Plans & Elevations June 2016**  
**01/01/ Rev A - Proposed Car Park Layout dated 16.01.2017**

Reason

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

7. There shall be no externally audible or amplified calls to prayer at any time by way of loudspeakers, amplifiers, bells, tannoy, or other similar public address systems sounded, broadcast or otherwise transmitted from the building or the site or in any other way in association with the approved use.

Reason

To safeguard the living conditions of nearby residents from noise pollution and to comply with policy CG4 of Bolton's Core Strategy.

8. The prayer rooms subject to this consent shall not be open/available for use outside the following hours:-

08:30 am - 11:00pm Mondays – Sunday (including Bank Holidays)

Reason

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

9. The study/activity classes subject to this consent shall not be open or available for use outside the following hours:-

05:00pm - 11:00pm Mondays – Saturday  
11:00am - 13:00pm 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, and to comply with policy CG4 of Bolton's Core Strategy.

10. The offices subject of this consent shall not be open or available for use outside the following hours:-

09:00am - 05:00pm Mondays – Fridays

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

Reason

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

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

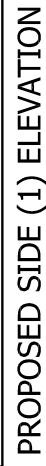
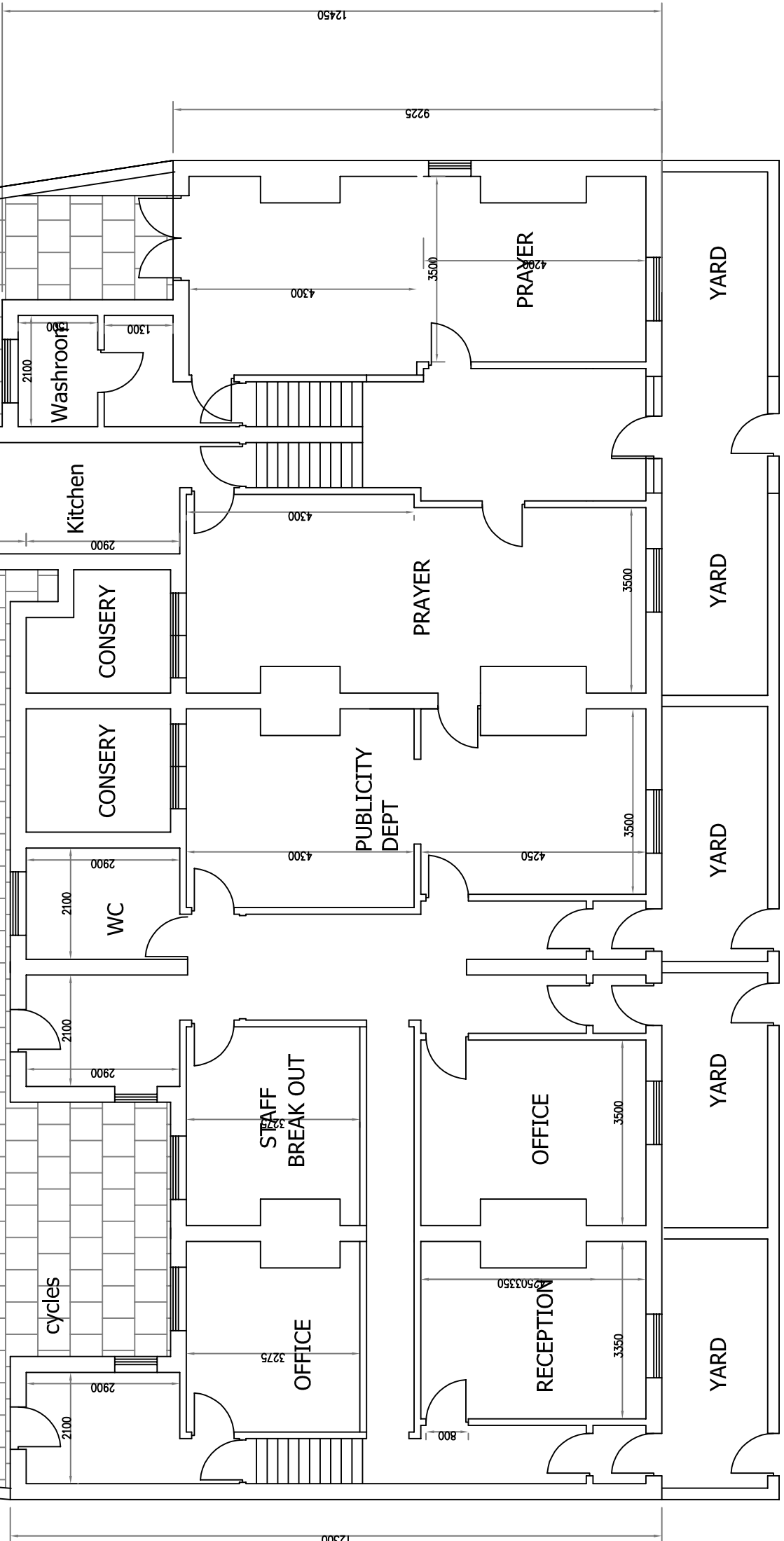
08:00am - 06.00pm Mondays – Fridays

08:00am - 01.00pm Saturdays

No deliveries shall take place on Sundays or Bank Holidays.

Reason

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



**RAD**

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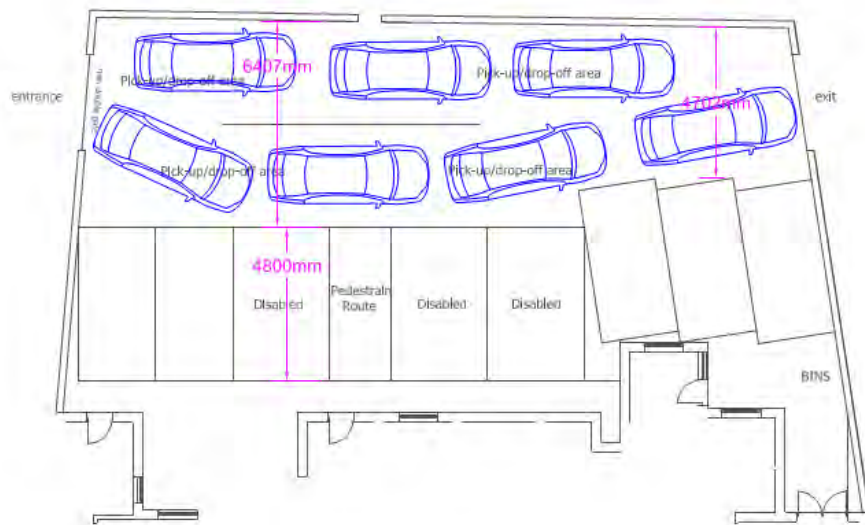
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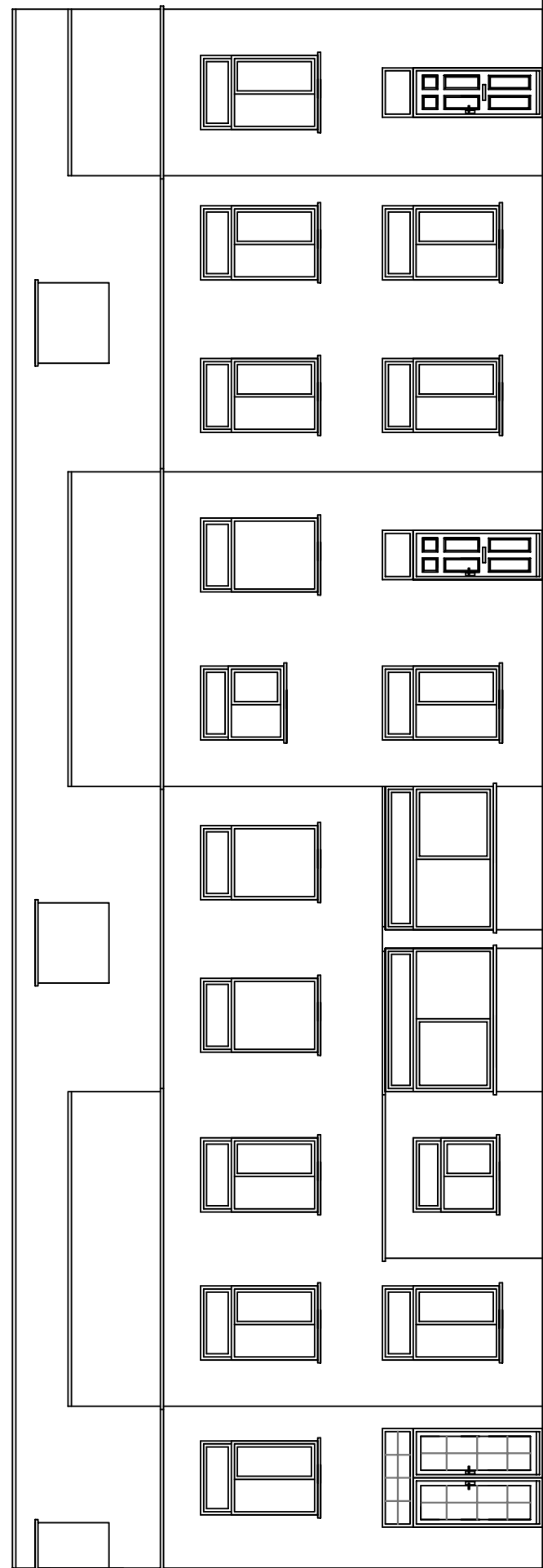
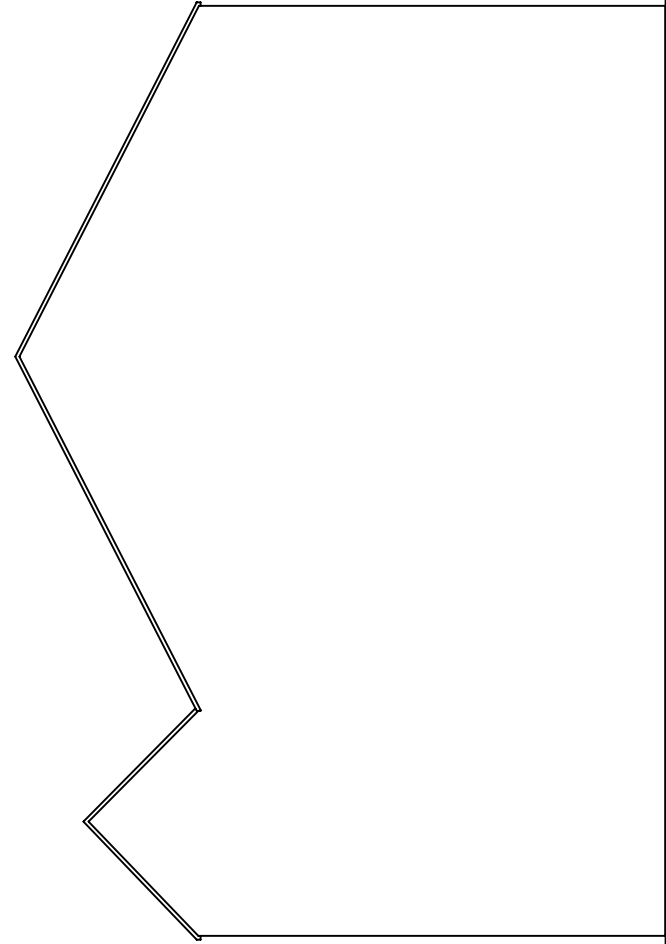
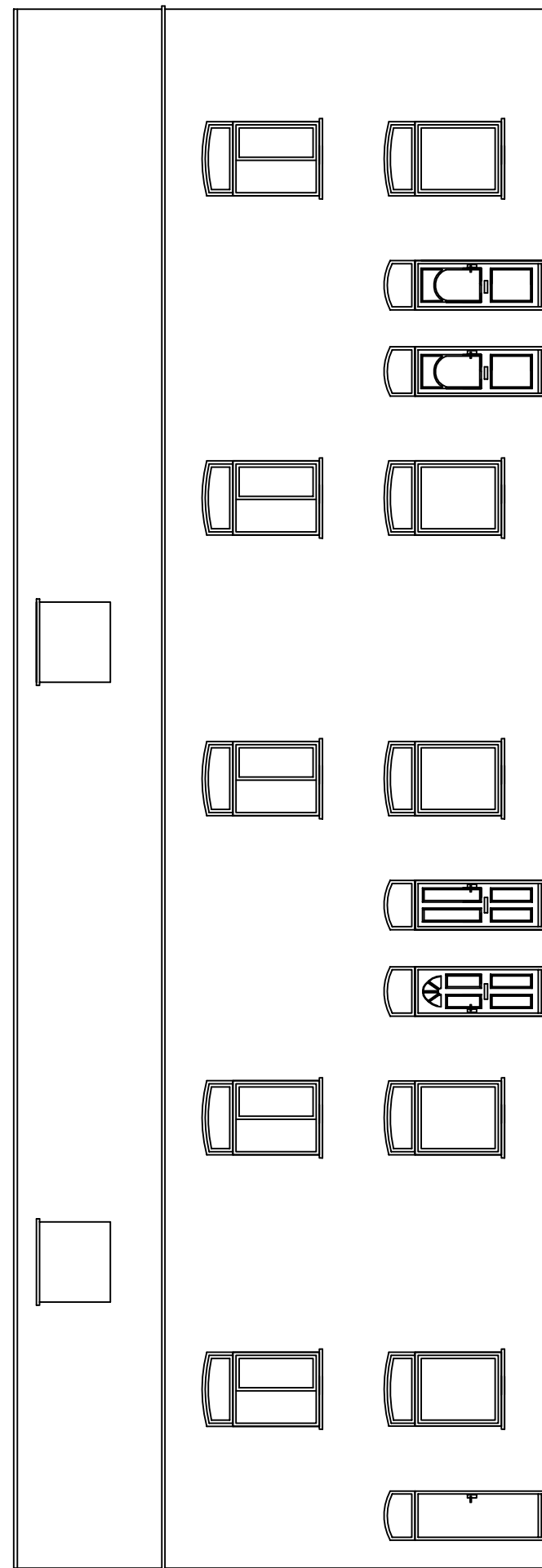
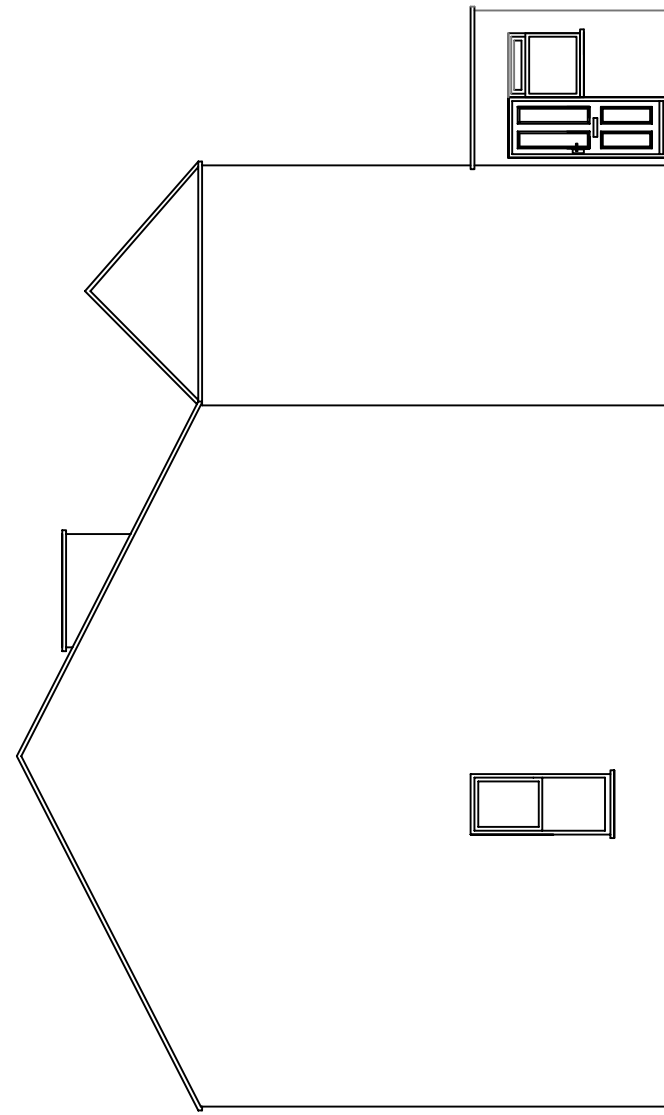
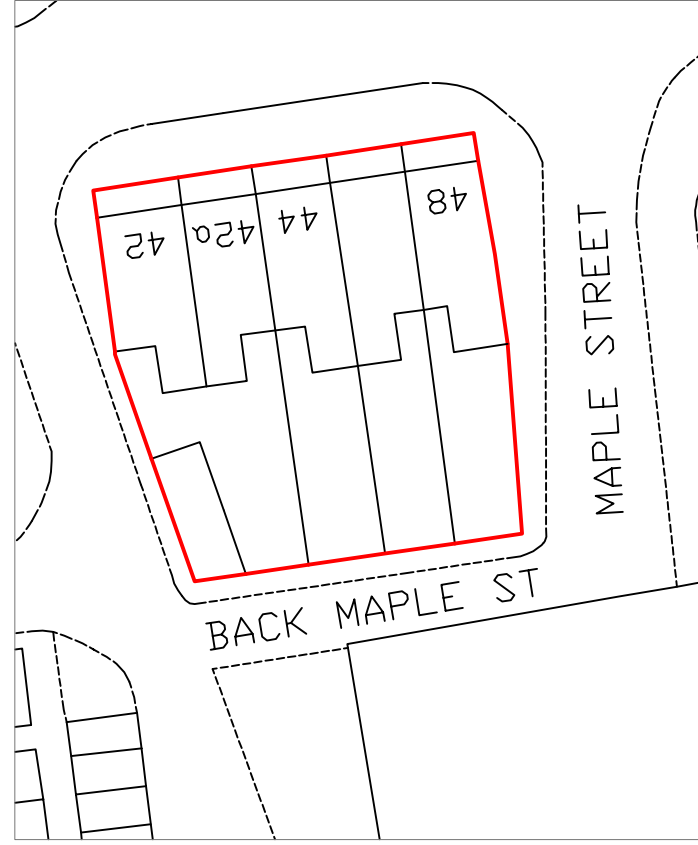
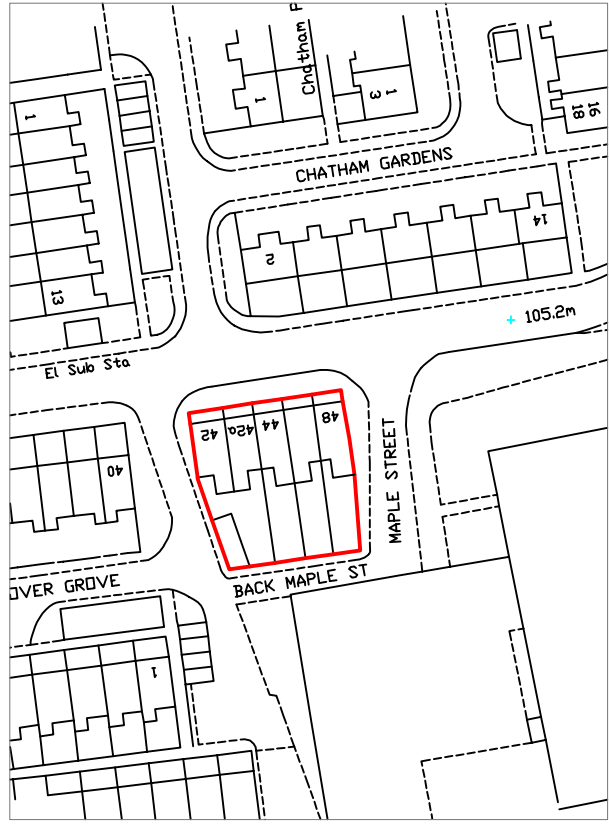
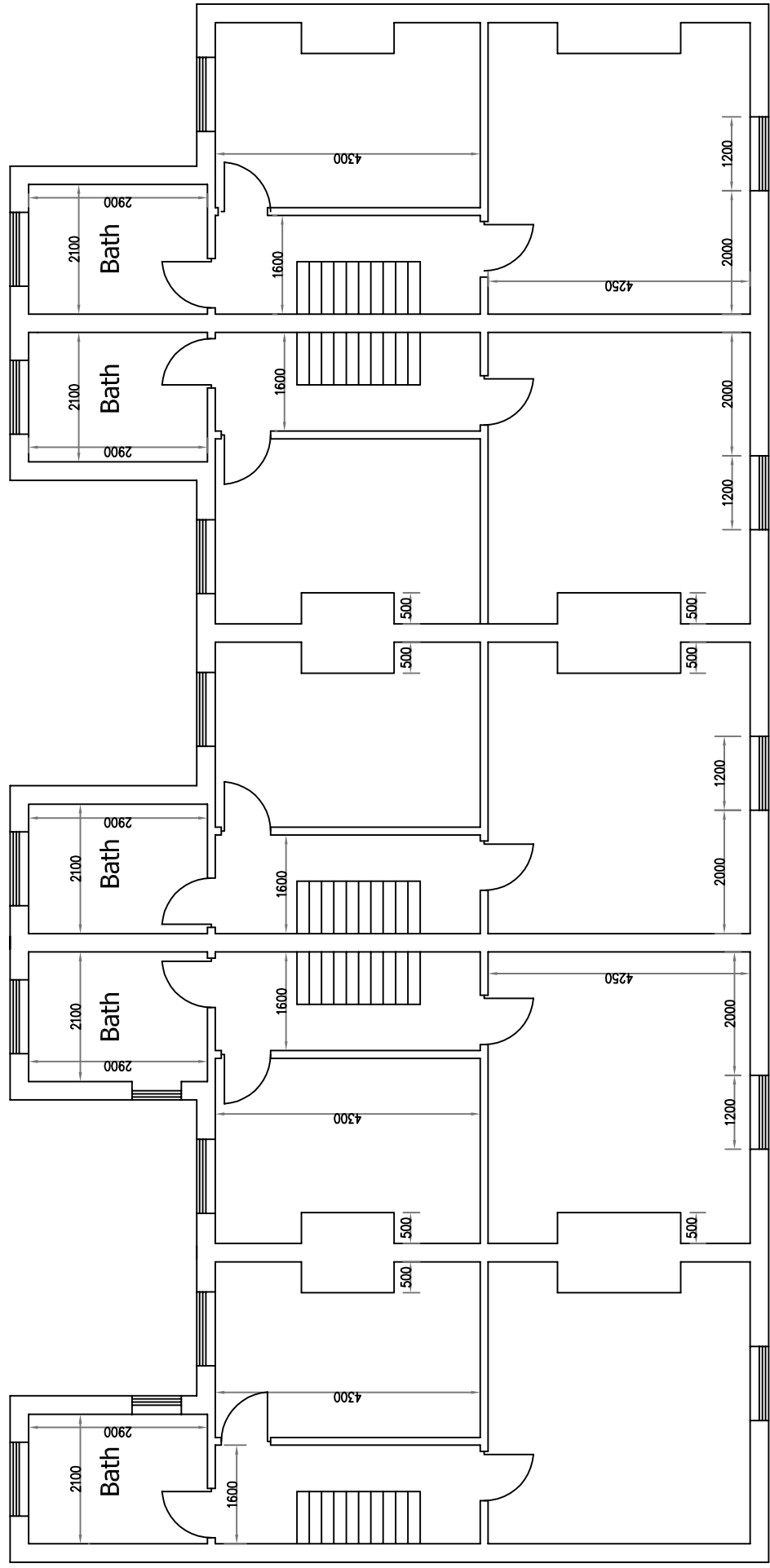
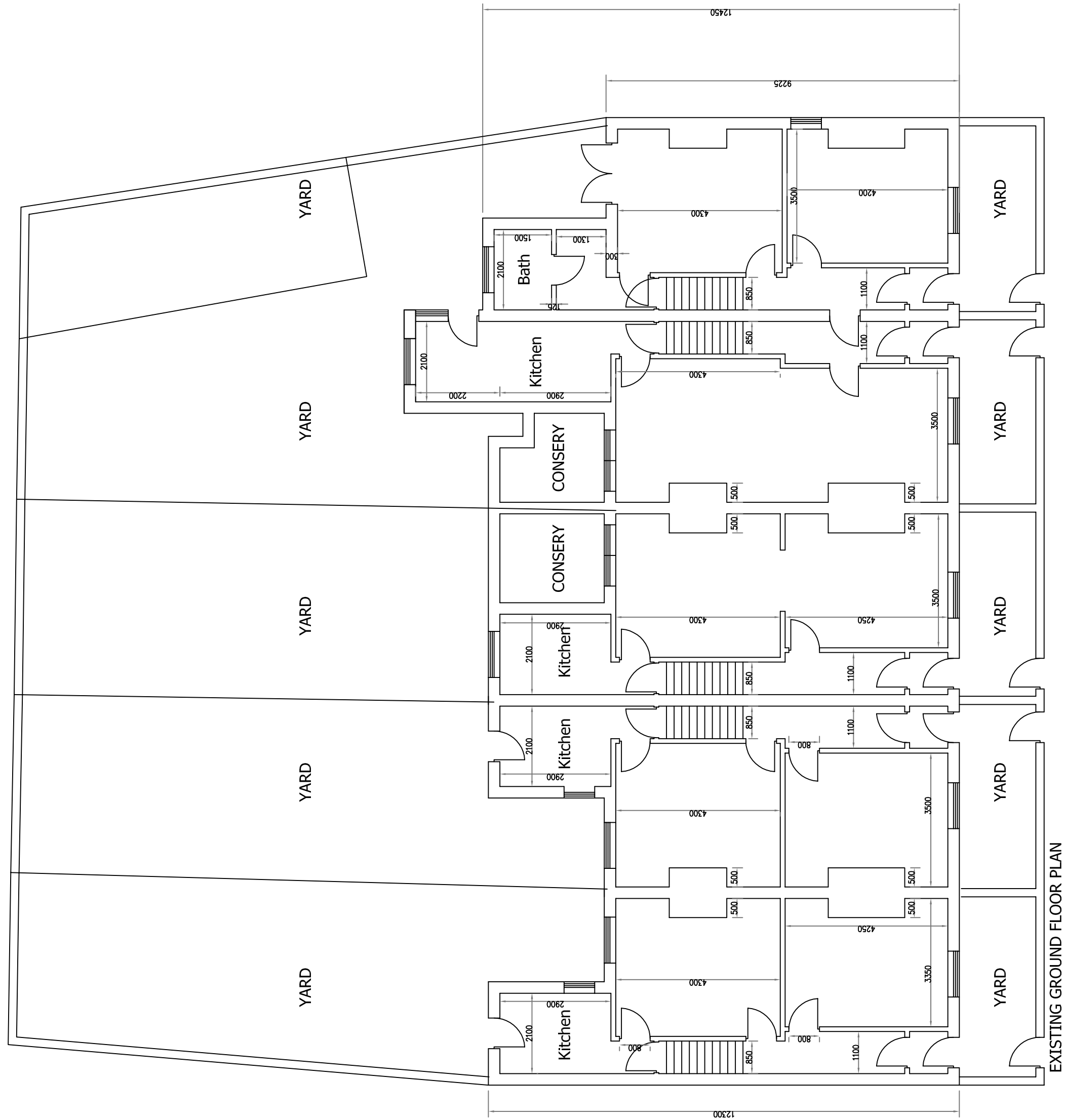
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	<div> <div> <div>• Drawing and all contents subject to approval.</div> <div>• Drawing is for information only and not for construction.</div> <div>• All building work subject to Planning Consent and Building Regulations Approval.</div> <div>• Existing and proposed ground levels shown in this drawing are for Planning and Building Regulations purposes only. Construction must be in accordance with the latest data for the ground and construction levels of the site and the proposed building.</div> </div> </div>	<div>Date:</div> <div>18/01/2017</div> <div>Scale shown:</div> <div>at A3 plot</div>	<div>Project No:</div> <div>2016/117/</div> <div>Drawing No:</div> <div>01/01/</div> <div>Rev:</div> <div>A</div> <div>Drawing Status:</div> <div>PLANNING</div>	



<div> <div>RAD</div> <div> The White House,  42-44 Clerkenwell New Road,  Bolton  BL1 4AP </div> <div> Tel: 01204 322196  Fax: 01204 214110  Mob: 07790 361104  Email: info@radesignprojects.co.uk </div> </div>	Project	42-48 CANNON STREET, BOLTON BL3 5AP	Client
	Title	EXISTING PLANS & ELEVATIONS	Drawn RA
			Date JUNE 2016
			Scale 1:100
			Drawing Number RAD/1419/16/1

**Application number  
93948/15**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 06/04/2017**

**Application Reference: 93948/15**

**Type of Application: Outline Planning Permission**  
**Registration Date: 03/04/2015**  
**Decision Due By: 02/07/2015**  
**Responsible Officer: Alex Allen**

**Location: 160-164 TONGE MOOR ROAD, BOLTON, BL2 2HN**

**Proposal:** OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING PREMISES AND ERECTION OF A THREE STOREY DEVELOPMENT COMPRISING RETAIL ON GROUND FLOOR AND 12No APARTMENTS ON FIRST AND SECOND FLOORS.

**Ward: Tonge with the Haulgh**

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

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Background**

The application was deferred from the May 2016 Planning Committee meeting pending clarification over a number of issues/aspects:

- Clarification over how the 12 residential units would fit into the building;
- Resolution of the Coal Authority holding objections;
- Provision of a bat / bird survey for the site.

The applicant has provided a bat survey of the site together with an updated Coal Mining Risk Assessment. The Coal Authority have confirmed that they have no objections to the proposal subject to conditions regarding the remediation of the site. In addition, the Council's Greenspace Management officers have confirmed that the bat survey confirms that due to the particular construction and nature of the existing building there is an absence of evidence or potential for roosting bats within the application site. They confirm that they concur with the findings of the report. They also comment that they would not expect any enhancements to provide for bat roosts within the new build. This is due to the distance of the site from suitable foraging habitats.

The applicant has also provided amended plans which show the proposed side elevations. The applicant has agreed to submit a proposed roof plan which would further detail how the proposal would relate to the adjoining properties.

### **Proposal**

The applicant proposes the demolition of the existing building and its replacement with a large

two/two and a half storey building with retail (A1 use) at ground floor with two storeys of residential accommodation comprising 10 units (10 x 1 bed and 2 x 2bed). The proposal also provides for a layby at the front of Tonge Moor Road which would provide a loading facility.

The proposal would require the relocation of the existing bus stop to enable implementation of the proposed layby with diversion to services underneath the pavement required to facilitate the development.

### **Site Characteristics**

The application relates to an existing two storey building which provides for 3 small retail units and one garage for MOT/Service. Adjacent to the site are other commercial premises including the Tonge Moor Conservative Club to the south. Residential properties are also located at the rear of the property and also on the opposite side of Tonge Moor Road.

Properties generally slope down in height from the north to the south with eaves and apex heights running down the slope. A bus stop on the southbound side of Tonge Moor Road is located adjacent to the application site with double yellow lines (TROs) placed on either side of the road. The application site is located in close proximity to the traffic controlled junction at Tonge Moor Road with Thicketford Road. Tonge Moor Road is a busy road and forms part of the Strategic Highway Network.

### **Policy**

National Planning Policy Framework

Core Strategy policies: CG1 Cleaner Greener, CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses, P5 Accessibility, S1 Safe, SC1 Housing, RA1 Inner Bolton.

Supplementary Planning Documents: General Design Principles SPD, Sustainable Design and Construction SPD, and the Accessibility, Transport and Safety SPD.

### **Analysis**

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

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

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

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

The main impacts of the proposal are:-

- \* principle of retail and residential development
- \* impact on the character and appearance of the area
- \* impact on adjoining uses and users
- \* impact on highway safety
- \* impact on protected species, ecology and biodiversity
- \* impact on effective waste management



\* impact on sustainability and surface water run - off

#### Principle of retail and residential development

The proposed redevelopment of the site has previously been accepted in 2009, albeit for new office accommodation rather than a mixed use scheme. The property occupies a prominent location close to the junction of Tonge Moor Road with Thicketford Road. The proposal therefore has the potential to regenerate the site and provide a more efficient use of the site.

The site is well related in terms of sustainability, being located adjacent to the Strategic Highway Network with excellent access to local bus services, close to local amenities (shops) and recreational areas such as Seven Acres Country Park and in relatively close proximity to Bolton Town Centre. Core Strategy SC1 also seeks to provide additional new residential accommodation on previously developed land.

The proposal is considered to be acceptable in principle.

#### Impact on the character and appearance of the area

The principle of redevelopment of the building has been previously been approved in 2009. However, the design of that particular scheme was acceptable. The previously approved scheme had a gable to the properties to the north and a hipped roof to the south (adj to the Conservative Club). An earlier, almost identical scheme to the current application was withdrawn by the applicant in 2012 due to concerns over the proposed scheme.

Core Strategy policies CG3 and RA1 seek to ensure that new development proposals are compatible with the surrounding area, in terms of scale, massing, architecture.

The proposal is considered to be an improvement (in some respects) on the previously approved scheme, in that it represents a simpler design which mirrors the design of the surrounding properties. Detail has been taken from the existing and adjoining properties including the provision of gable / pike features within the front elevation.

Whilst the proposal would be taller than the adjoining Conservative Club building, this part of Tonge Moor Road is characterised by a street scene which has a varied heights. Therefore, Officers consider that the proposal would complement the character of the area and would comply with Core Strategy policies CG3 and RA1.

#### Impact on adjoining uses / users

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

The overall character of the area is mixed, with commercial properties located side by side with residential properties. It is considered that the proposal would be compatible with the surrounding area.

The building would have no greater impact than the existing building on either the two adjoining properties. No. 166 already has a large two storey building set within the application site which runs along the entire shared boundary with the northern boundary of No. 166.

The relationship with the adjoining Conservative Club is a close one, however, the existing building which is to be demolished as part of the proposal is relatively large and dominates views from the rear of No. 9 Thicketford Road (steward's accommodation). It is considered that the proposal would

have no real additional greater impact than the existing building on site.

The impact on properties on Thicketford Road and Moorfield Grove would be limited due to the indirect nature of any potential overlooking.

It is considered that potential noise issues from the adjoining Conservative Club could be mitigated against. Issues of potential noise between the proposed ground and first / second floor uses would be provided through the building regulations system as would any required attenuation between the party wall between the Conservative Club and the new build.

It is considered that the proposal is compatible with the broad mix of uses located in the immediately adjoining area and complies with Core Strategy policy CG4.

#### Impact on highway safety

Core Strategy policies P5 and S1 seek to ensure that new development proposals provide adequate parking, servicing, are designed for the needs of people with disabilities and promote road safety in the design of new development.

The Council's Highways Engineers have had extensive discussions with the applicant and Transport for Greater Manchester to attempt to reduce the highway impact of the proposed development. The initial proposal has been amended as follows:

- The proposed servicing layby has been redesigned to current highway design standards as shown on the attached plan. The layby would be subject to a Loading Bay Traffic Regulation Order to restrict its use to delivery vehicles. A build out has been added to help pedestrians to see past any parked vehicles in the layby.
- A delivery management plan and routing agreement would be conditioned to ensure that delivery vehicles would only arrive from the north and would not deliver during the morning and evening peak periods.
- A central reservation in Tonge Moor Road would be constructed to provide physical enforcement of the routing agreement.
- Sheriff Street would be made one way away from Tonge Moor Road to minimise potential conflict and to prevent left turns out by large vehicles that would be constrained by the proposed central refuge;
- The proposed ATM has been deleted from the proposals to reduce the likelihood of short stay contraventions of the existing and proposed traffic regulation orders.

Highways Engineers have commented that the amended plan is acceptable in terms of highways design. However, concerns remain that as the loading bay would require the relocation of the existing bus stop, shelter and bus clearway traffic order that if this was not progressed with there would be a conflict between the development and the provision of a bus stop. Highways Engineers are also concerned about the cost of providing the proposed layby would be cost prohibitive, this is not a consideration in the planning assessment. The provision of the layby is integral to the scheme and would be conditioned to be provided prior to first use of the development.

It is considered appropriate that a condition be placed on the decision that prior to commencement of development a scheme must be approved for the relocation of the existing bus stop. It is also considered reasonable that the approved scheme is implemented in full prior to the commencement of development.

Highway Officers concerns remain about the potential level of car borne customers to the proposed retail development and this would be likely to lead to the contravention of the existing and proposed waiting and loading prohibitions and restrictions.

Officers consider that as there are currently Traffic Regulation Orders on the adjoining street this would deter customers parking outside the application site frontage. These TROs are capable of being enforced if cars were to be parked in these locations.

Furthermore, in terms of the retail development it is noted that the existing authorised use of the ground floor of the current building is predominantly retail uses, the majority of which have been vacant for some time. The uses include a repair garage (Victory garage) whose access is directly off Tonge Moor Road. Therefore, it is considered that if the existing units were fully occupied there would be minimal difference between the impact of the existing units and the proposed use. The redevelopment of the property would remove the existing garages direct access onto Tonge Moor Road which is considered to be an improvement on the existing situation.

In terms of the residential aspect of the proposal, a relatively small amount of new residential development would be provided with 10 one bedroomed apartments and 2 two bedroomed apartments. Given that the majority of the new apartments would be one bedroomed and also given the good site location in terms of other transport options it is considered that car ownership is likely to be low. Furthermore, when prospective tenants/purchasers look to occupy the properties there will do so with full knowledge that parking in the local area is extremely limited.

The Council's Highways Engineer recommends conditions in relation to (a) review of Traffic Regulation Orders in the area, provision of replacement bus layby, funding by the developer for the relocation of the services under the pavement (not a planning requirement), provision of a Delivery Management Plan / Routing Agreement.

It is considered that the proposal, subject to conditions would on balance be acceptable in highway terms.

#### Impact on protected species, ecology and biodiversity

Core Strategy policy CG1 seeks to ensure that new development proposals safeguard and enhance urban biodiversity.

The proposal would require the demolition of the existing building. This building has the potential to be used by protected species such as bats and nesting birds. The applicant has provided a satisfactory survey as detailed in the background section of this report. The Council's Greenspace Management section has also confirmed that in this instance he would not expect a bird survey to be conducted for the property.

It is considered that the proposal complies with policy.

#### Impact on sustainability and surface water run - off

Core Strategy policy CG2 seeks to ensure that new development proposals contribute to the delivery of sustainable development being located and designed to mitigate any adverse effects of the development and to adapt to climate change by incorporating high standards of sustainable design

and construction. The proposal would be under the threshold for both the provision of a sustainable urban drainage system and the integration of sustainable building methods within the construction of the building.

### **Conclusion**

The proposal satisfies the Council's Highways Engineers in terms of technical design. Whilst concerns remain regarding the deliverability of the relocation of the bus stop and provision of the delivery layby it is considered that subject to condition these elements could be implemented. The highways concerns regarding unauthorised parking are mitigated against by the lawful use of the existing ground floor, the modest nature of the proposed residential above, existing parking restrictions in the local area and the sustainable location of the proposal. The scheme would result in the regeneration of any otherwise dilapidated and underused site in a prominent location.

It is considered that on balance the proposal is acceptable and is recommended for approval.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** one representation of objection (No. 166) and one general comment of concern (Tonge Moor Conservative Club) have been received from two properties fronting (Tonge Moor Road. The grounds are:-

- the proposal would cause potential safety hazards and conflicts between pedestrians, cyclists and vehicular movements due to the busy main road, bus stop, school and the alleyway which adds to the volume of pedestrians around the area
- there is a lack of amenity space and the proposal would impact car parking and footpath with public with loading, turning and parking traffic increased
- Tonge Moor Road is an exceptionally busy road and would cause further chaos for drivers impacting free traffic flow, congestion, emissions, pollution, noise, accidents and community severance
- there is not a single property on this busy main road with an entry/exit point and it is very obvious why
- parking would remain a problem and be made even worse with this proposal, it is very sought after and will cause more conflict
- there are on street parking controls and limited parking spaces and no provisions have been made to parking facilities to potential building occupiers, employees and customers
- Planning Policy Guidance states that the scale of parking must be in keeping with the size/number for a development
- visual amenities would be impacted and the proposal is not deemed to fit in with its surroundings, it would be out of character and overdeveloped
- due to the size/height of the development, the proposal would have an adverse impact on the amenities of nearby properties through overlooking, loss of light, loss of privacy, over dominance and a visually overbearing impact
- there is no direct rear access for each of the properties, the back street is narrow and this would produce substantial maintenance difficulties such as waste management resulting to larger industrial bins and more domestic bins.

### **Consultations**

Advice was sought from the following consultees: Highway Engineers, Strategic Development, GM Police, Coal Authority

### **Planning History**

Planning permission was refused for the demolition of the existing building and its replacement with a large two/two and a half storey building with retail (A1 use) at ground floor with two storeys of residential accommodation comprising of 10 residents units (10 x 1 bed and 2 x 2bed). The proposal also provides for a layby at the front of Tonge Moor Road which would provide a loading facility (Ref: 91845/15) for the following reasons:

- The proposed development will give rise to increased traffic and result in on-street parking to the detriment of the visual appearance of the locality and highway safety and is contrary to Policy S1 and P5 of Bolton's Core Strategy and guidance.
1. The proposed extension would, by virtue of its design, height and siting be detrimental to the character and appearance of the area and is contrary to Policies CG3 and RA1 of Bolton's Core Strategy.

Insufficient information has been provided by the applicant with regard to proposed crime safety



measures, the sustainable design and construction of the development and a bat survey of the building which is to be demolished to enable the proposal to be properly judged against Policies S1.1, CG1 and CG2 of Bolton's Core Strategy.

A planning application for an identical description was withdrawn by the applicant in August 2012 (Ref: 87955/12).

Planning permission was approved in May 2009 (Ref: 81950/09) for the erection of 3 office units. Planning permission was refused for the erection of 4 office units (Ref: 81412/08).

**Recommendation:            Approve subject to conditions**

**Recommended Conditions and/or Reasons**

1. Application for the approval of 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from the date of this permission, or
- ii) The expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason

To application is for outline planning permission and these matters were reserved by the applicant for subsequent approval.

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

Reason

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

4. Prior to the commencement of the development:-

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

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

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

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core

Strategy policy CG4.

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

Reason

In the interests of tackling climate change.

6. 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.

7. The building envelope (floor, ceilings and walls) of [plot number/address] shall be constructed so as to provide sound attenuation against external noise, not less than [ ]dB(A), with windows shut and other means of ventilation provided. Details of the acoustic insulation shall be submitted to and approved in writing by the Local Planning Authority prior to development first commencing.

Reason

To safeguard the living conditions of occupiers from noise pollution.

8. The roller shutters shall be of an open grille design, details of which, including its colour shall be submitted to and approved by the Local Planning Authority before the shutters are first installed. The shutters shall be installed and coloured in accordance with the approved details prior to the premise being first brought into use and or coloured within 14 days of installation.

Reason

In the interests of reducing crime and the fear of crime and to ensure the development safeguards the visual appearance of the building.

9. The rating level, as defined in BS4142:2014, shall not exceed the measured daytime and/or night time background sound level at the closest residential properties at any time.

A noise assessment shall be carried out and a report submitted to, and approved in writing by, the Local Planning Authority prior to the construction phase of the development. The report shall include all the information specified in Clause 12 of BS4142:2014 and details of any mitigation proposed to achieve the rating level. The approved details shall be carried out in full and retained thereafter.

Reason

To minimise the impact of noise on the general and residential amenity from the increase and

alteration of commercial and/or industrial uses in the area.

10. 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.

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

**PLK413/01 Rev. C - Proposed Site Plan, dated 02.10.15;**  
**PLK413/02 - Proposed Floor Plan, dated 09.02.12;**  
**PLK413/03 Rev A - Proposed Elevations dated 12.05.16; and**  
**PLK413/04 - Proposed Side Elevation, dated 09.02.12**  
**AMC/01 - Tonge Moor Road - Proposed Layby, dated October 2015.**

Reason

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

DESIGNED AND PRODUCED BY THE HIGHWAYS AND  
ENGINEERING SECTION OF THE ENVIRONMENTAL  
SERVICES DEPARTMENT OF BOLTON COUNCIL

ISSUED , OCTOBER 2015

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Rev.	Amendments	By	Date	Chkd.

Bolton

Council

HIGHWAYS AND  
ENGINEERING  
DIVISION

'KEEPING PEOPLE MOVING SAFELY'

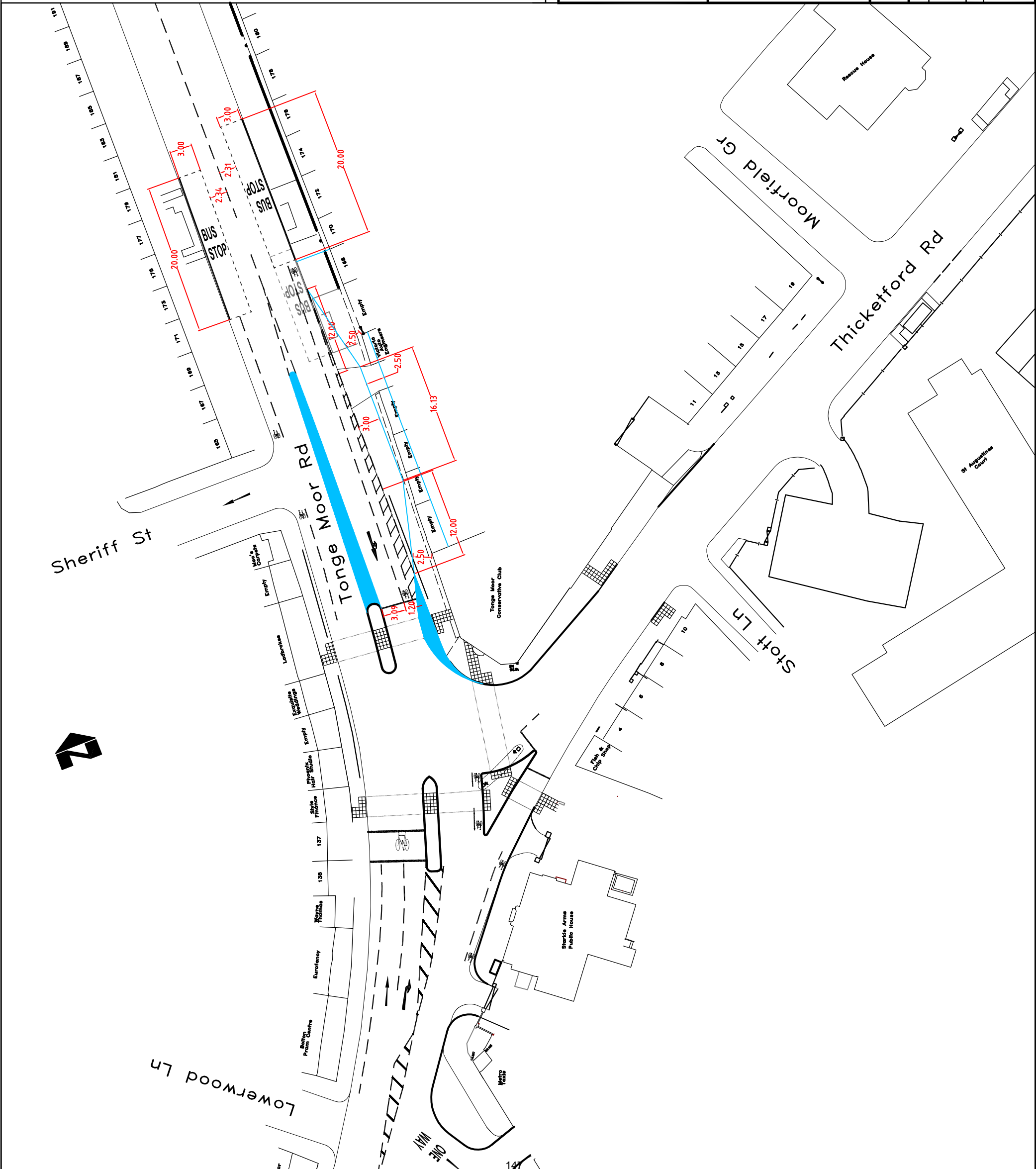
ENVIRONMENTAL SERVICES DEPARTMENT

Director: Malcolm J. Cox MBA, BSc, C.Eng, MICE

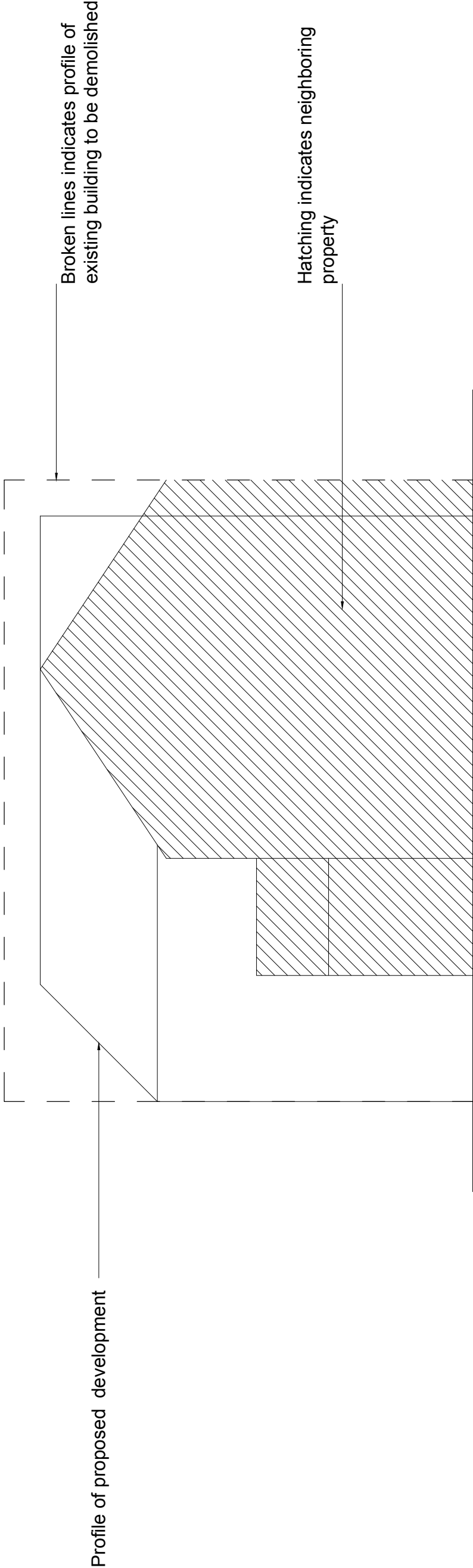
TONGE MOOR ROAD

PROPOSED LAY-BY

Status	FOR INFORMATION		
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Scale	1:500	Checked by	MAF
Drawing Size	A3		
Drawing No.	AMC/01		Revision

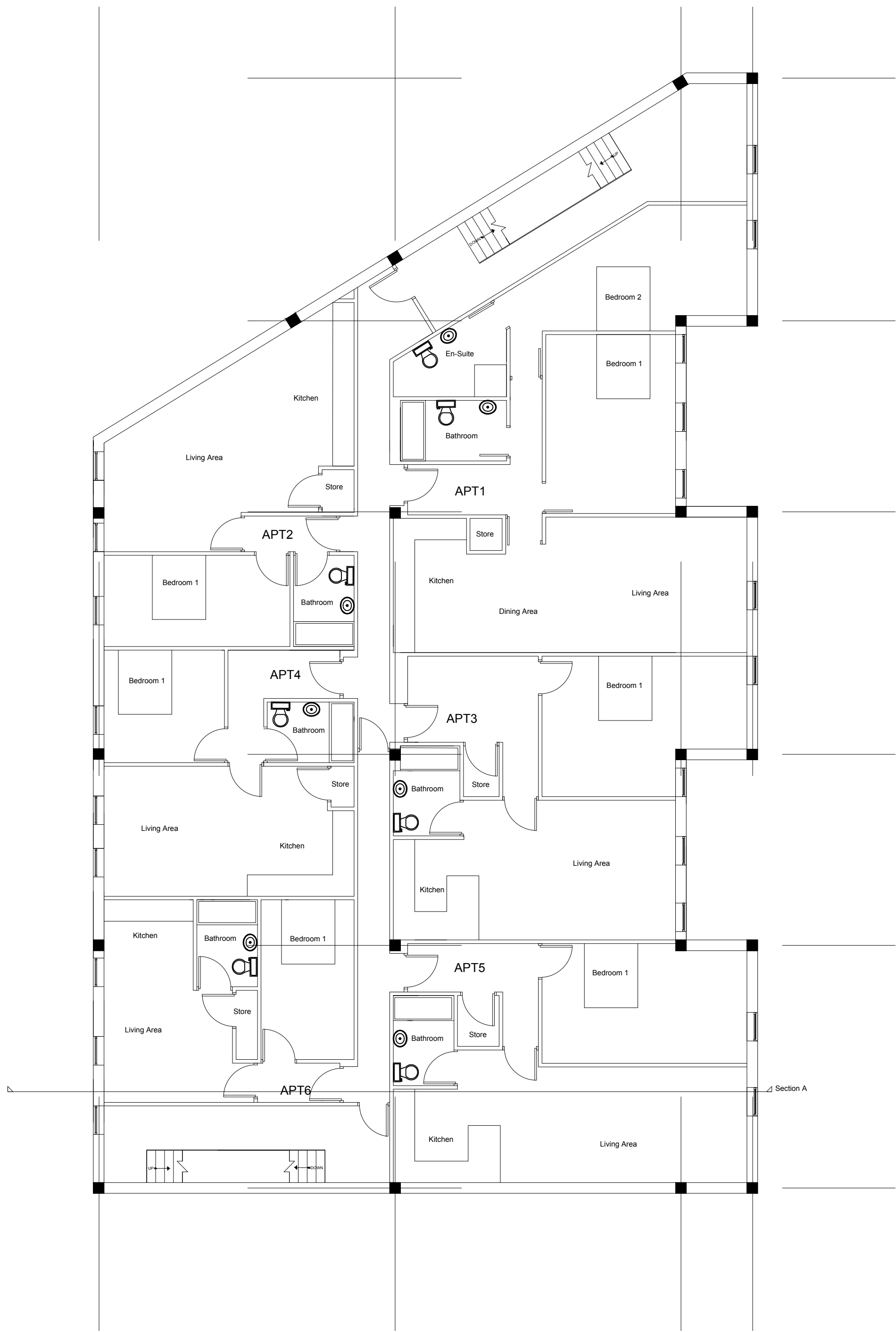




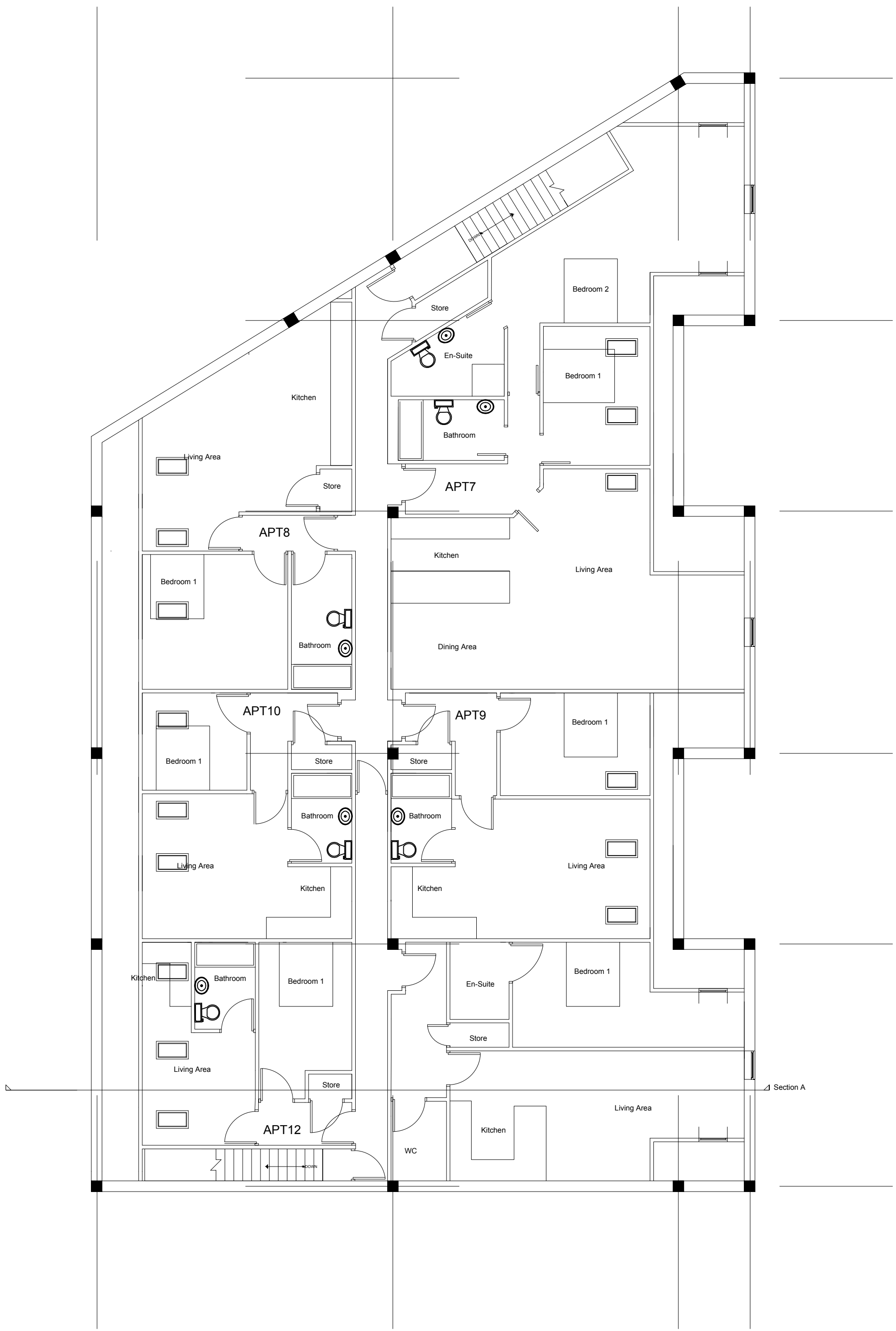


SIDE ELEVATION

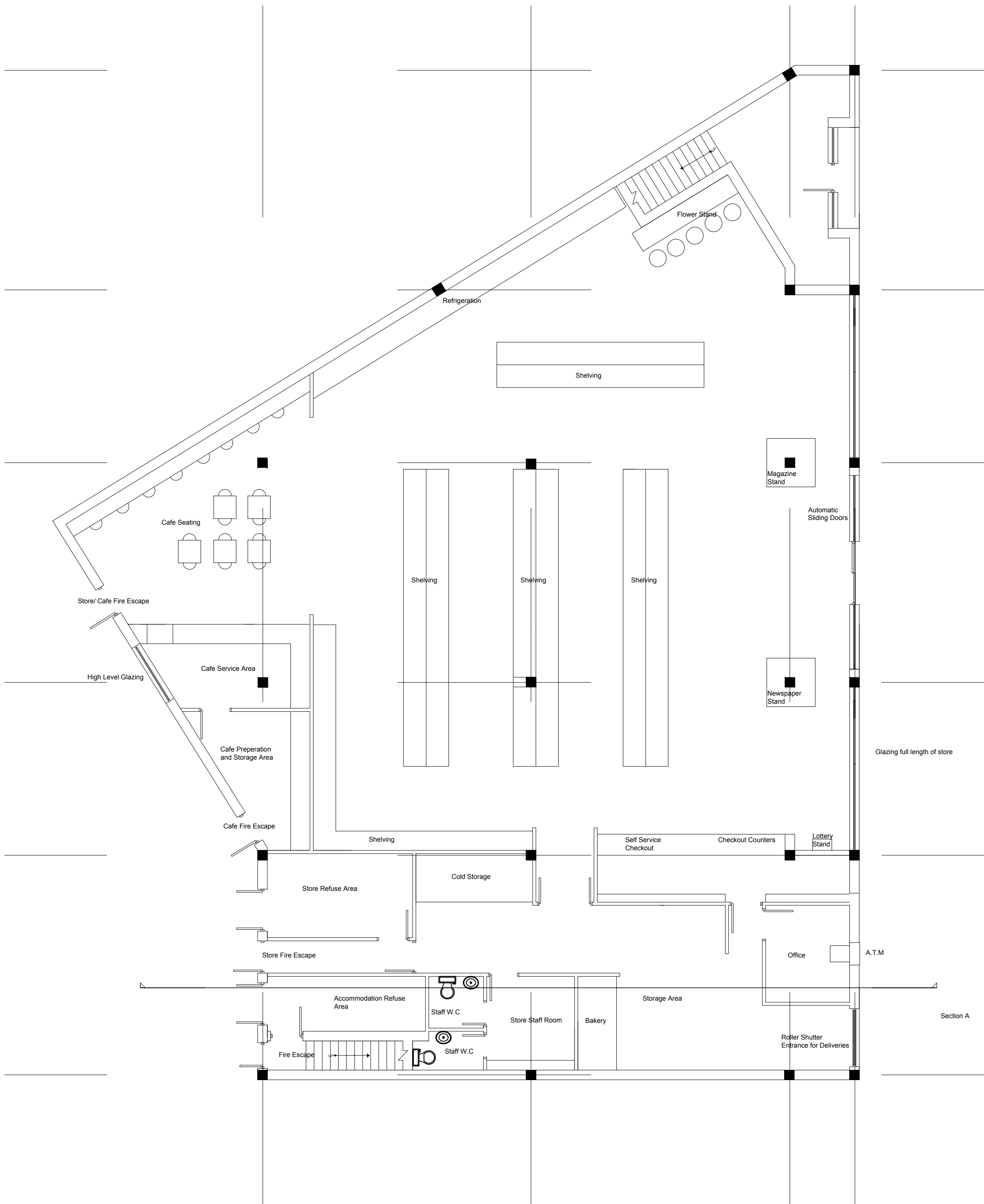
NOTE: NOTES ON DRAWINGS OVERRIDE THE ABOVE SUPPLEMENTARY BUILDING REGULATION NOTES	REV	DESCRIPTION
PROPOSED SIDE ELEVATION		
PROPOSED RETAIL UNIT WITH APTS ABOVE TONGE MOOR ROAD, BOLTON		
CLIENT:	HARDIMAN	
DWG NO:	PL K413/04	
SCALE:	1/100 @ A3	
DRAWN BY:	DD	
DATE:	09/02/12	
REV:		
<div><div></div><div>MICHIGAN HOUSE, 17-19 CHORLEY NEW ROAD, BOLTON, BL1 4QR TEL: 01204 392233 FAX: 01204 528505 WWW.NEILPIKEARCHITECTURE.CO.UK EMAIL: INFO@NEILPIKEARCHITECTURE.CO.UK</div></div> <p><small>COPYRIGHT OF THIS DRAWING REMAINS WITH THE ARCHITECT. DO NOT SCALE FROM THIS DRAWING. WORK TO FOURIED DIMENSIONS. CHECK ALL DIMENSIONS ON SITE. IN THE EVENT OF ANY DISCREPANCY REFER QUERY TO THE ARCHITECTS.</small></p>		



FIRST FLOOR PLAN



SECOND FLOOR PLAN




GROUND FLOOR PLAN

NOTE: NOTES ON DRAWINGS OVERRIDE THE ABOVE SUPPLEMENTARY BUILDING REGULATION NOTES	REV	DESCRIPTION

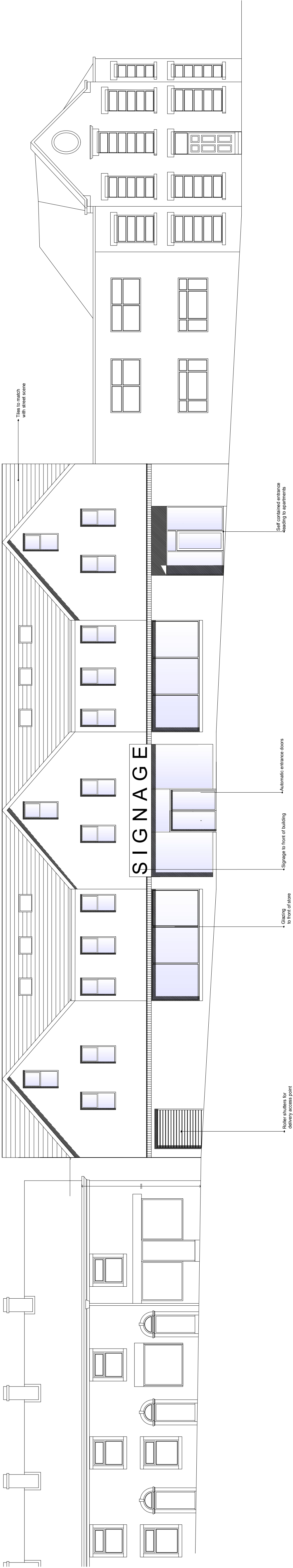
PROPOSED FLOOR PLANS

PROPOSED RETAIL UNIT WITH APTS ABOVE  
TONGE MOOR ROAD, BOLTON

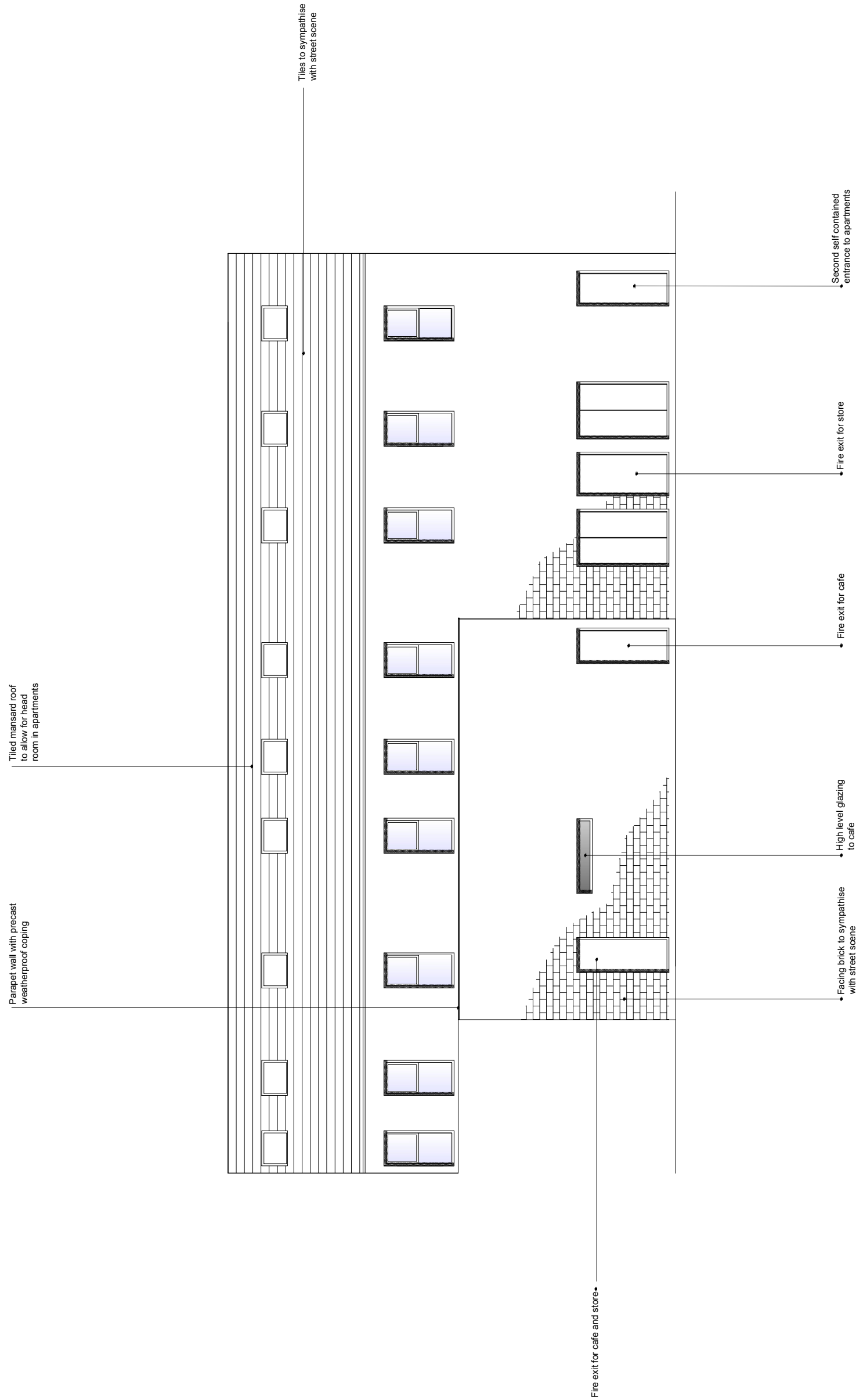
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SCALE:	1/100 @ A1	
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DATE:	09/02/12	
REV:		

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PROPOSED STREET SCENE




PROPOSED REAR ELEVATION

NOTE: NOTES ON DRAWINGS OVERRIDE THE ABOVE SUPPLEMENTARY BUILDING REGULATION NOTES	REV	DESCRIPTION
	A	ATM MACHINE REMOVED 12.05.16 R.S.P.

PROPOSED ELEVATIONS

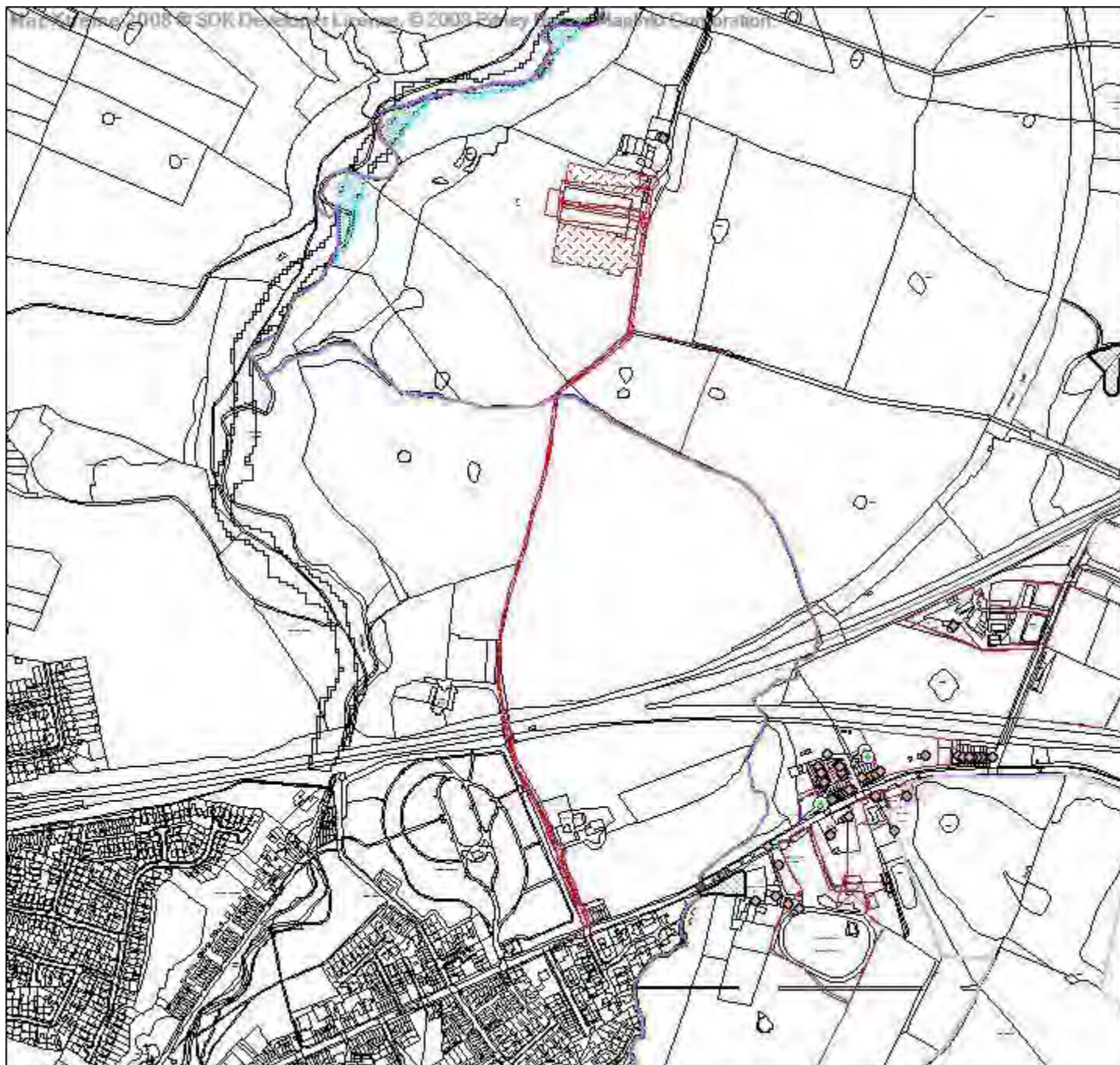
PROPOSED RETAIL UNIT WITH APTS ABOVE  
TONGE MOOR ROAD, BOLTON

CLIENT:	HARDIMAN	 neil pike architects
DWG NO:	PL K413/03	
SCALE:	1/100 @ A1	
DRAWN BY:	DD	
DATE:	09/02/12	
REV:	A	

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# Application number 98151/16



**Development & Regeneration Dept  
Development Management Section**

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

# Bolton Council

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**Date of Meeting: 06/04/2017**

**Application Reference: 98151/16**

**Type of Application: Full Planning Application**  
**Registration Date: 28/12/2016**  
**Decision Due By: 28/03/2017**  
**Responsible Officer: Alex Allen**

**Location: BORSDANE FARM, JACKS LANE, WESTHOUGHTON, BOLTON, BL5 2DL**

**Proposal: ERECTION OF THREE POULTRY SHEDS WITH ASSOCIATED PLANT AND EQUIPMENT.**

**Ward: Westhoughton North**

**Applicant: Mr Entwistle**  
**Agent : Gary Hoerty Associates**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

The applicant proposes the erection of three buildings to be used for the production of broilers (chickens). One of the new buildings would be sited to the north of the two existing broiler units, whilst the other two buildings would be located to the south of the existing broiler buildings. Each broiler unit building would measure 91.44 metres in length by 21.22 metres in width. A connecting control room would link buildings two and three. The applicant also proposes the provision of four feed hoppers to serve the buildings together with a heat exchanger for each unit. Each building would have a shallow pitch and be a height of 2.58 metres to the eaves of the building and 4.52 metres to the apex of the roof (excluding chimney). The chimneys would project an additional 76.2 centimetres from the apex of the roof.

The three new buildings would house approximately 120,000 chickens. The site as a whole would accommodate up to 200,000 birds.

Each building would be constructed of timber and clad in light grey cladding and timber built on dwarf concrete block walls. Drainage for the site has been approved by the Environment Agency under their regulations.

The proposed expansion of the existing enterprise would provide one full time job with one part time employee at certain times.

### **Site Characteristics**

The site lies south of the established farm complex and is part of the open fields which extend in each direction away from the farm. Vehicular access is from Jacks Lane (within Bolton) or an existing un-named access track from the A58 abutting Hindley Cemetery (within Wigan). A small number of



houses rely upon this access. There is an existing broiler production enterprise currently operating from site which consists of two broiler unit buildings together with a detached welfare unit.

WES 078, 079 and 080 extend along the accesses and provide excellent footpath connections across the rural landscape to the north and east.

To the west is Borsdane Wood a SBI. To the south is the main railway line connecting Wigan to Bolton and Manchester. The site lies within the Green Belt.

### **Policy**

National Planning Policy Framework 2012

Core Strategy Objectives - SO10 Climate Change and Adapt to Changes; SO12 Biodiversity; SO13 Minimise Impact of Flooding

Core Strategy Policies CG1.1 Safeguard and Enhance Rural Areas; CG1.5 Reduce Flood Risk; CG1.6 Minimise Energy Requirements; CG1.7 Maximise Renewable Energy Development; CG2.2 Renewable or Low Carbon Energy; CG3.2 Respect and Enhance Local Distinctiveness; CG3.3 Scale, Massing, Grain and Form; CG3.7 Landscape Character; CG4.1 Compatible Uses; CG4.2 Pollution; OA3.6 Protect Open Land in Westhoughton; CG3.8 Farm Complexes, Folds, Vernacular Cottages and Wider Open Landscape

Allocation Plans policies CG7AP Green Belt and P8AP Public Rights of Way

Supplementary Planning Documents: General Design Principles SPD, Sustainable Design and Construction SPD and Accessibility, Transport and Safety 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:-

The main impacts of the proposal are:-

- \* impact on the openness and character of the green belt;
- \* impact on sustainable development, energy production and ecology;
- \* impact on accessibility, highway safety and public rights of way;
- \* impact on pollution.

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

The NPPF emphasises the great importance to Green Belts and the principal objectives to check

urban sprawl and maintain the openness of the land. Inappropriate development is defined in para. 89. It is considered the development is agricultural and is thus an acceptable exception.

Allocations Plan CG7AP states that the Council will not permit inappropriate development in the Green Belt. This includes any development which does not maintain the openness of the land or which conflicts with the purposes of including land in the designation. There are exceptions, such as agricultural development, which is applicable here. Policy OA3.6 strives to protect open land in Westhoughton.

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (NPPF, para. 56). CS policies CG3.1, CG3.2 and CG3.3 require proposals to respect and enhance local distinctiveness, and be compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape treatment, including hard/soft landscaping and boundary treatment.

The buildings sought are designed for the purpose of producing broilers. Due to their size they would be visible within the landscape; however they will be set in front and behind the two existing broiler units. The design and scale of the proposed new buildings would complement the existing units. The buildings have a low eaves and ridge, which does limit the impact of their massing. The buildings will not have a substantial effect on the openness of the Green Belt, as they will be screened by the existing units and the neighbouring farm buildings. A new hawthorn hedge was planned to be planted along the access track as conditioned with the earlier 2012 permissions. However, it is noted that this was never planted. The Council's Landscape Architects have commented that a suitable landscaping plan / strategy for the site be conditional upon any approval on the site. It is considered that this element is both conditioned and enforced.

Officers conclude that the buildings are compatible within the Green Belt and that the agricultural building is an acceptable form of development when judged against the NPPF, Core Strategy policies CG3.1, CG3.2, CG3.3, OA3.6 and Saved UDP policy G2.

#### Impact on Sustainable Development, Energy Production and Ecology

The NPPF seeks for the planning system to contribute to the achievement of sustainable development. In this case the applicant presents an environmental role, through the use of natural resources, minimisation of waste and pollution, together with mitigating and adapting to climate change. The NPPF states there is a presumption in favour of sustainable development and supports energy generation contributions.

Bolton Core Strategy policy CG2 states that all development proposals contribute to the delivery of sustainable development, being located and designed so as to mitigate any adverse effects of the development and adapt to climate change by incorporating high standards of sustainable design and construction policies. For developments over 500sqm a 10% reduction in CO2 emissions is expected.

The applicant has stated that the proposal would provide the following sustainable measures which would assist in reducing CO2 emissions from the site and enhance the sustainability of the development: biomass boiler, heat exchange units and solar panels (on the south facing roof planes). It is considered appropriate to condition this element to ensure the development complies with Core Strategy CG2.

Core Strategy policy CG1.5 wishes for development proposals to reduce the risk of flooding by minimising water run-off. Policy CG1.1 safeguards and enhances the rural areas of Bolton from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value, or its contribution to green

infrastructure, reducing flood risk and combating climate change.

Open agricultural land surrounds the site. Surface waters attributed from each building will be directed and attenuated into the pond which was created under the 2012 permissions. The level of surface water drainage would be equal to the green field run off rate in compliance with Core Strategy CG2. The surface and foul drainage from the site would be regulated by the Environment Agency under an Environmental Permit and therefore it is not considered appropriate for the Council to attach conditions with regard to drainage in this instance.

The Council's Wildlife Officer and the Greater Manchester Ecology Unit do not raise concern, subject to mitigation in relation to a pre commencement search for amphibians and the provision of and retention of three amphibian hibernacula with details of the location and design to be agreed.

Officers consider the proposal addresses the NPPF as well as Bolton Core Strategy policies CG1 and CG2.

#### Impact on Accessibility, Highway Safety and Public Rights of Way

Policy S1.2 promotes road safety in the design of new development. Policy P5 requires developments to be accessible by different transport means, prioritising pedestrians, cyclists, public transport users over other motorised vehicle users.

Half the birds would be taken out of the buildings after 30 days and the remainder taken out of the building after between 47 and 49 days.

The applicants statement confirms that normal operation of the development would create 2 vehicular movements per day. Peak movements would be generated on the following days of the flock cycle:

Stage in flock cycle	Activity proposed	Vehicular movements
Day 1	3 chick deliveries	6
Day 30	12 bird collections	24 over a 12 hour period (2 per hour)
Day 48	10 bird collections	20 over a 12 hour period (2 per hour)
Day 49	10 bird collections	20 over a 12 hour period (2 per hour)
Day 51	5 manure removals	10
Day 52	5 manure removals	10

Highway Engineers conclude the anticipated number of vehicle movements per week is comparatively low and the majority of the access road and the junction with Wigan Road / Castle Hill Road are within Wigan's area. They do not raise any highway objections. Wigan's Highway Engineers have concluded no highway issues will be generated.

Allocations Plan policy P8AP states development proposals will be permitted, provided the integrity of the public right of way is retained. The Council's PROW Officer comments that the proposed development is contained within the existing property boundary and does not extend over the adjacent vehicle access road or public footpaths WES 078 and 079. The applicant is advised to maintain an unobstructed right of way during works and during operation of the business.

Due to the increase vehicle movements along the access track the Council's PROW officer recommends the following:

- that passing places be provided along the route of the access road to reduce potential conflict between HGVs and pedestrians;
- the proposed buildings are screened by planting with shrubs/trees a minimum of 2 metres away from the public rights of way;
- informative regarding works to the existing access track / public right of way.

It is considered that these elements could either be conditional upon any approval or added as informatives to any decision.

#### Pollution

Policy CG4.1 requires new development to be compatible with surrounding land uses and ensure neighbouring occupiers have sufficient privacy and amenity. Policy CG4.2 states that development should not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.

The Council's EHO does not raise objection. Matters of odour would be regulated via the environmental permit which is enforced / monitored by the Environment Agency.

#### **Conclusion**

Officers conclude the proposal complies with the policies set out above and subject to the conditions attached Members are recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** four objection letters have been received from residents on Castle Hill Road (A58) and from a resident adjacent to the existing access track (Lower Barn Farm) raising the following concerns:

- Transport and traffic - the proposed intensification will result in increased vehicular movements which cause disturbance, vibration of properties and that HGVs find it difficult to access the track together with HGVs queuing to enter the track;
- Smells from the site;
- Inappropriate development in the Green Belt;
- Scale of the development would be out of keeping with the area.

**Petitions:-**no petitions received.

**Town Council:-** Westhoughton Town Council raise no objections.

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

### **Consultations**

Advice was sought from the following consultees: Highway Engineer, Greater Manchester Ecology Unit, Greenspace, Wigan Council, Public Right of Way team, Environmental Health, Ramblers Association, Environment Agency, Open Spaces Society, Peak/Northern Footpaths, Westhoughton Town Council, Drainage/Flood Risk team and the Council's Landscape Architects.

### **Planning History**

Prior notification for the erection of a farm office, services and welfare building. Officers concluded the development was in accordance with Part 6 of the GDPO. Ref: 87831/12;

Application for the erection of a poultry building with solar panels was granted planning permission in October 2012 (Ref: 87839/12).

An application for the erection of a poultry building together with solar panels and the formation of new hardstanding, landscaping and a pond was granted permission by Planning Committee in October 2012 (Ref: 87838/12).

Prior notification for the erection of an agricultural building (Ref: 98153/16) was submitted to the Council in late 2016. The building would be used to house a bio mass boiler. Officers concluded that the development was in accordance with Part 6 of the GPDO on 24/01/17.

**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. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to and approved by the Local Planning Authority before development is started. Such scheme shall be carried out within 6 months of the occupation of any of the buildings or the completion of the new development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority; any trees and shrubs that die or are removed within five years of planting shall be replaced in the next planting season with others of similar size and species.

Reason

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

3. No development approved by this permission shall be commenced until, a scheme for the containment and disposal of manure, has been approved by the Local Planning Authority. Such a scheme shall be constructed and implemented in accordance with approved plans before the buildings are first used and the approved scheme shall be retained thereafter.

Reason

To prevent pollution.

4. Before development commences details of all external lighting equipment shall be submitted to and approved by the Local Planning Authority. The lighting in the scheme should be erected and directed so as to avoid nuisance. No other lighting equipment may then be used within the development other than as approved by the Local Planning Authority.

Reason

To minimise light intrusion to the amenity of the Green Belt.

5. Prior to the commencement of development, including site clearance and soil stripping a suitably qualified and experienced ecologist (on behalf of the applicant) shall survey the site for evidence of amphibians. A report shall be submitted to and approved in writing by the Local Planning Authority containing appropriate mitigation measures (if required). The approved mitigation measures should be implemented in full and retained thereafter.

Reason

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

6. Prior to the commencement of all work, including demolition, details shall be submitted to and approved in writing by the Local Planning Authority which provides for the creation of three amphibian hibernacula including the proposed design and location. The approved scheme shall be implemented in full prior to first use / occupation of the approved buildings or in accordance with an alternative timetable as agreed with the Local Planning Authority and retained thereafter.

Reason

To ensure the favourable status of protected species and to comply with policy CG1 of Bolton's Core Strategy.

7. Prior to the commencement of development full details of the proposed passing places along the site access road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety.

8. Before the approved development is commenced details of the existing and proposed ground levels within the **\*\*site and on adjoining land\*\* (delete as appropriate)** including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason

To safeguard the visual appearance and or character of the area.

9. All fixed plant and equipment requires to be designed to prevent noise disturbance and should be designed to give a rating level, as defined in BS4142:1997, 5dB below the night time LAF90(5 min) or the daytime LAF90(1 hour) which ever is the most appropriate. The monitoring information and the acoustic calculations together with the proposed specifications of the fixed plant and equipment and any sound attenuation proposed should be submitted to the Local Planning Authority for approval prior to the commencement of installation.

Reason

To minimise the impact of noise on the general and residential amenity from the increase and alteration of commercial and/or industrial uses in the area

10. The development hereby approved/permitted shall not be brought into use unless and until a colour scheme for all external walls of the development to be coloured have been submitted to and approved by the Local Planning Authority and the walls have been coloured in accordance with the approved scheme. The approved colour scheme shall thereafter be retained.

Reason

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

11. No vegetation clearance or demolition of buildings should take place between the months of March to the end of September inclusive. If clearance is planned within this period a pre clearance inspection should be completed by a suitably experienced ornithologist to identify whether any nests are present and ensure appropriate action is taken.

Reason

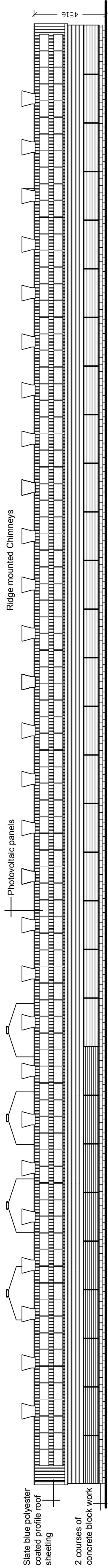
The site has the potential to support breeding birds. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds whilst they are breeding.

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

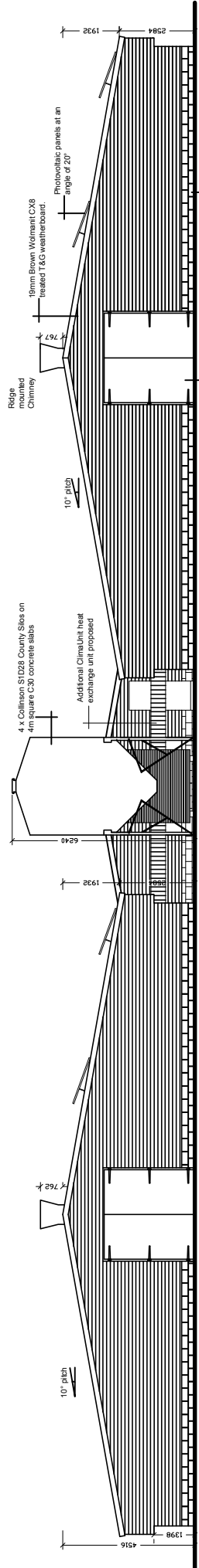
**ENT/508/1789/01 - Proposed Building 1 - Plans and Elevations, dated 22.05.15;**  
**ENT/508/1789/02 - Proposed Buildings 2 & 3 - Plans and Elevations, dated 22.05.15;**  
**ENT/508/1789/04 - Proposed Site Plan, dated 22.05.15;**

Reason

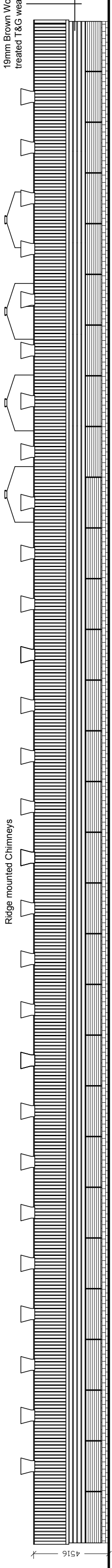
For the avoidance of doubt and in the interests of proper planning.



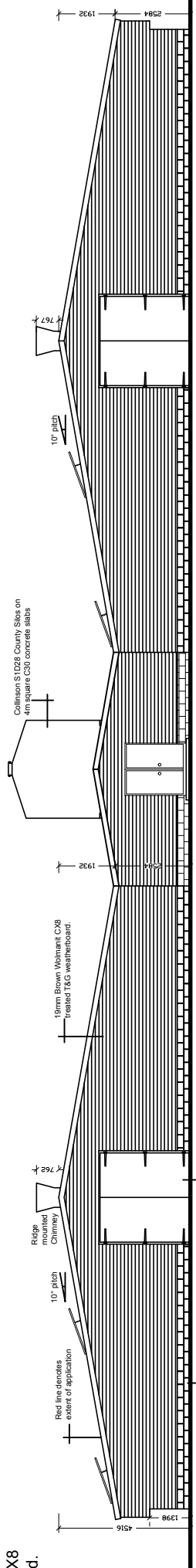
Proposed Building 2 & 3 - South Facing Elevation - 1:200



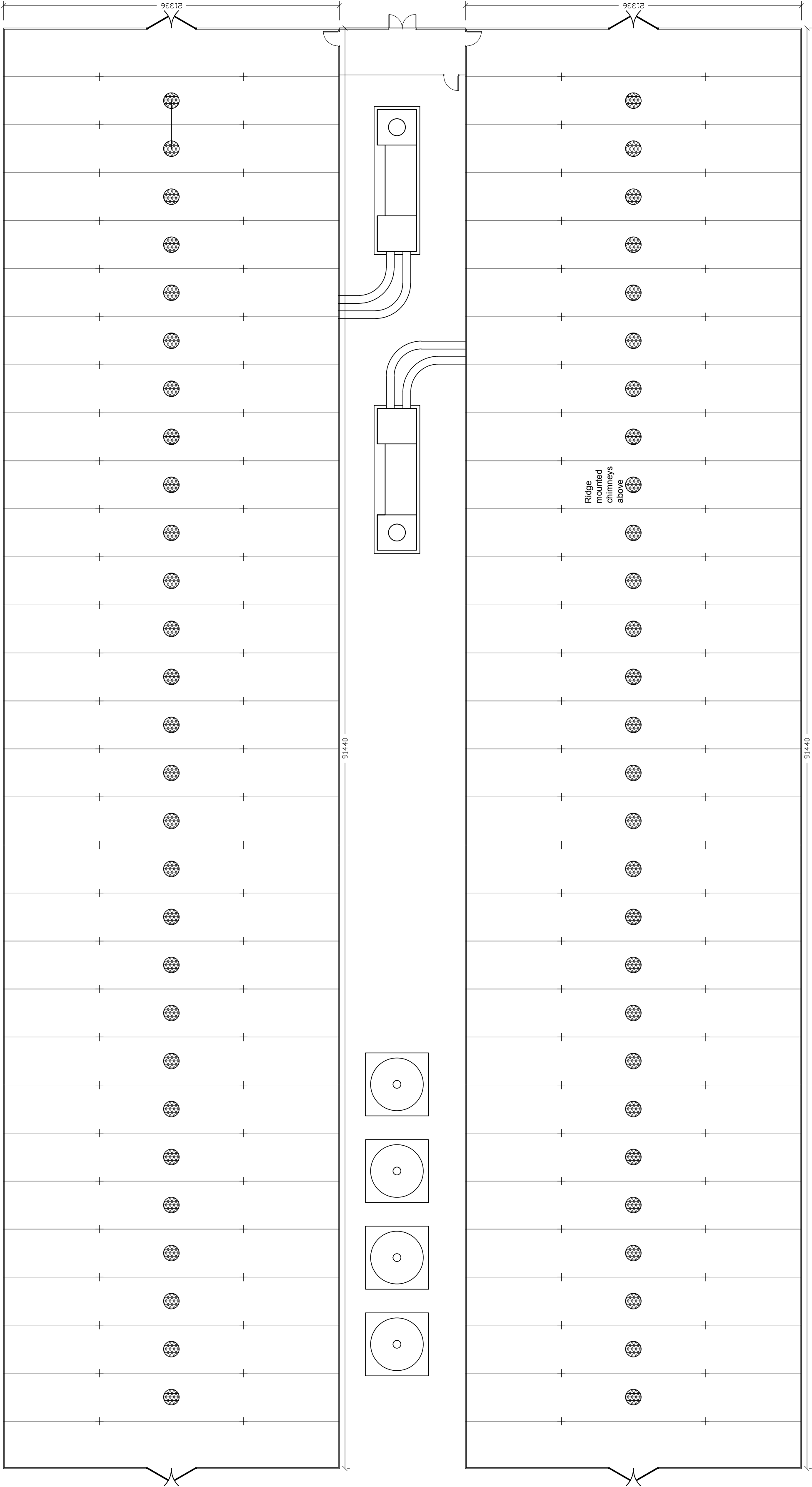
Proposed Building 2 & 3 - West Facing Elevation - 1:100



Proposed Building 2 & 3 - North Facing Elevation - 1:200



Proposed Building 2 & 3 - East Facing Elevation - 1:100



Proposed Building 2 & 3 - Floor Plans - 1:200

**Notes:**

All work is to be carried out to the latest current British standards Codes of Practice and recognised working practices.

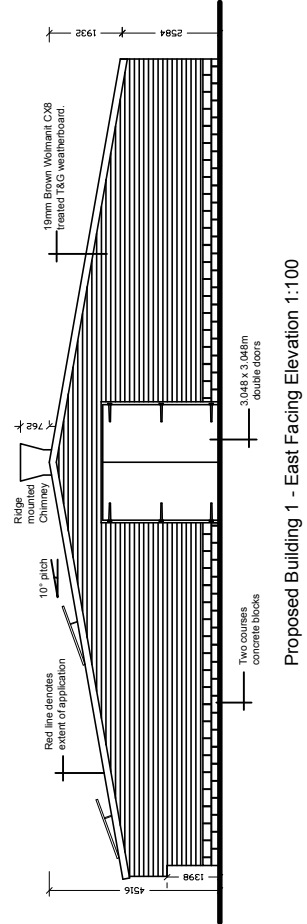
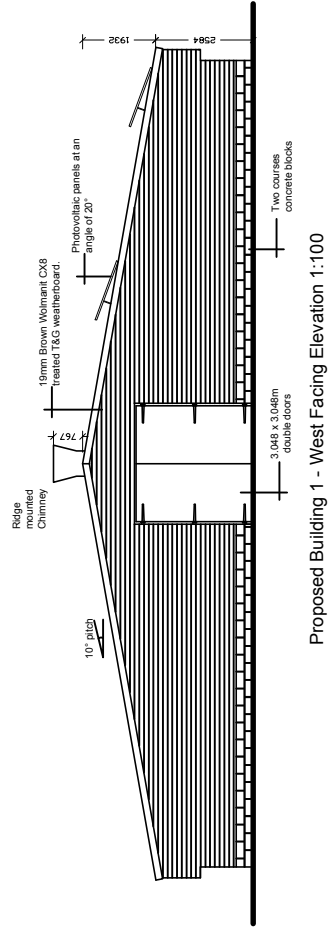
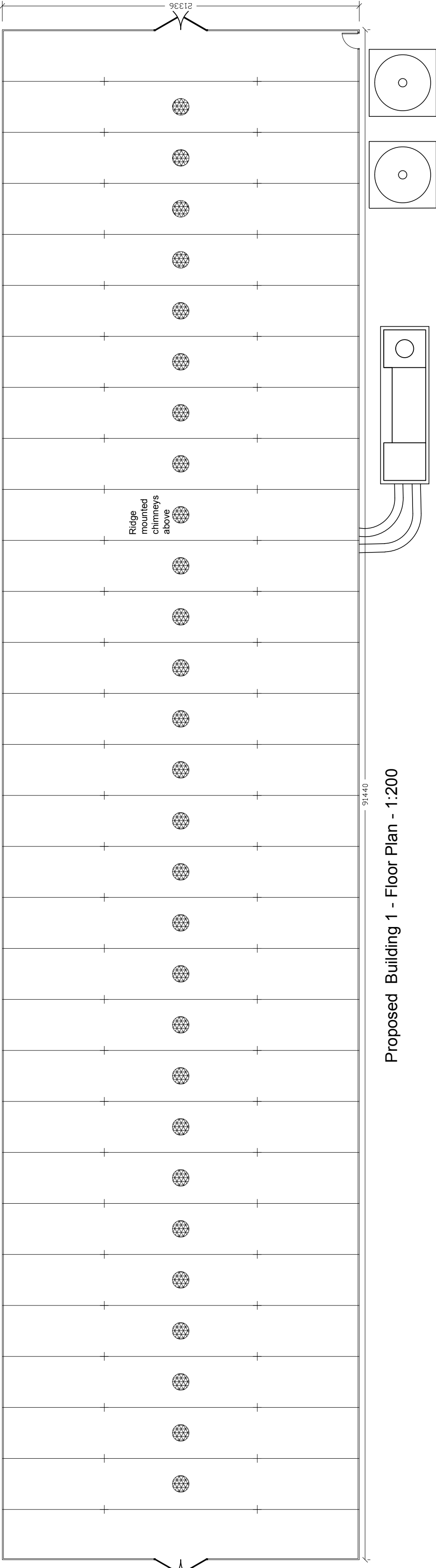
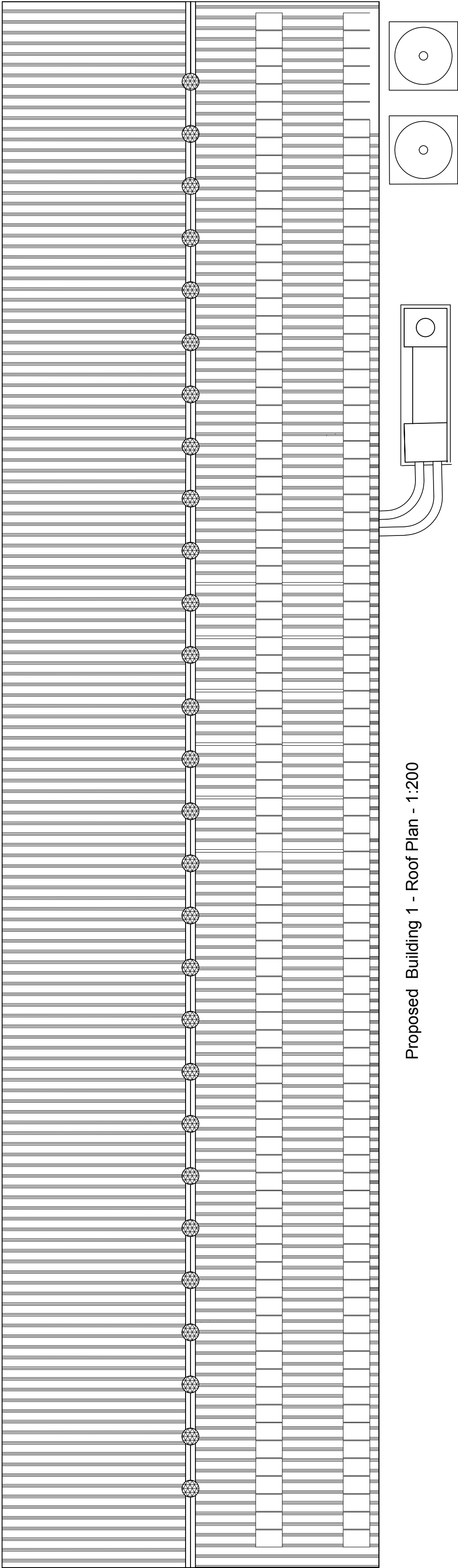
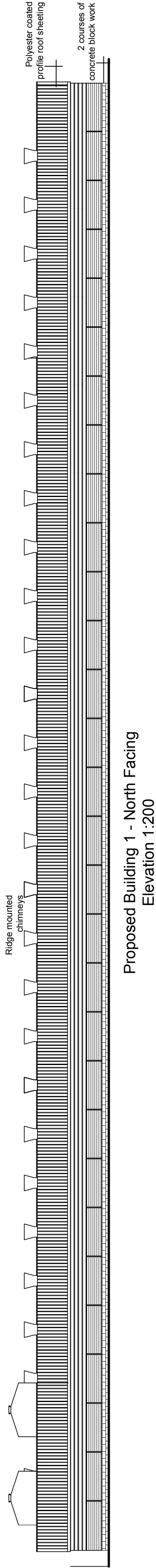
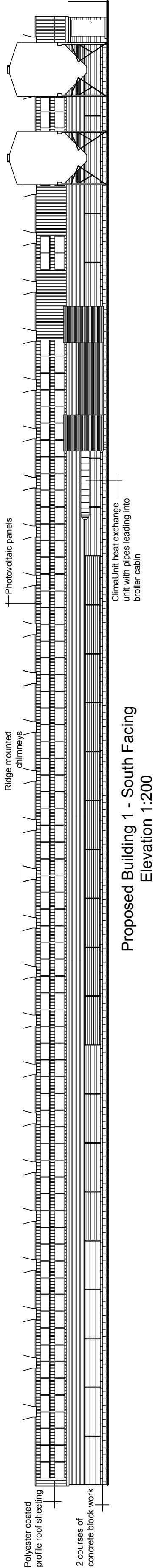
All work and materials should comply with Health and Safety legislation.

All dimensions are in millimetres where explicitly shown.

The contractor should check and certify all dimensions as work proceeds and notify the architect of any discrepancies.

Do not scale off the drawings, if in doubt ask.

<div><div>G H A</div><div>GARY HEERY ASSOCIATES</div><div>Gary Heery Associates Chartered Surveyors</div><div>Suite 8 - Grindleton Business Centre</div><div>The Spinney</div><div>Grindleton</div><div>Clitheroe</div><div>Lancashire BB7 4DH</div><div>T: 01209 449700</div><div>Email: info@ghaonline.co.uk</div></div>		<div><div>Project (No. Enr.508.1789)</div><div>Planning - Proposed development of three poultry buildings on land at Borsdane Farm, Westthroughton, Bolton</div></div>	
Title: Proposed Buildings 2 & 3 - Plans and Elevations		Title: Proposed Buildings 2 & 3 - Plans and Elevations	
Drawing No: Enr1508178902		Drawn: PF	
Client: Mr J Entwistle		Date: 22.05.2015	
Scale: 1:200 @ A1		Amendments:	



**Notes:**

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All work and materials should comply with Health and Safety legislation.

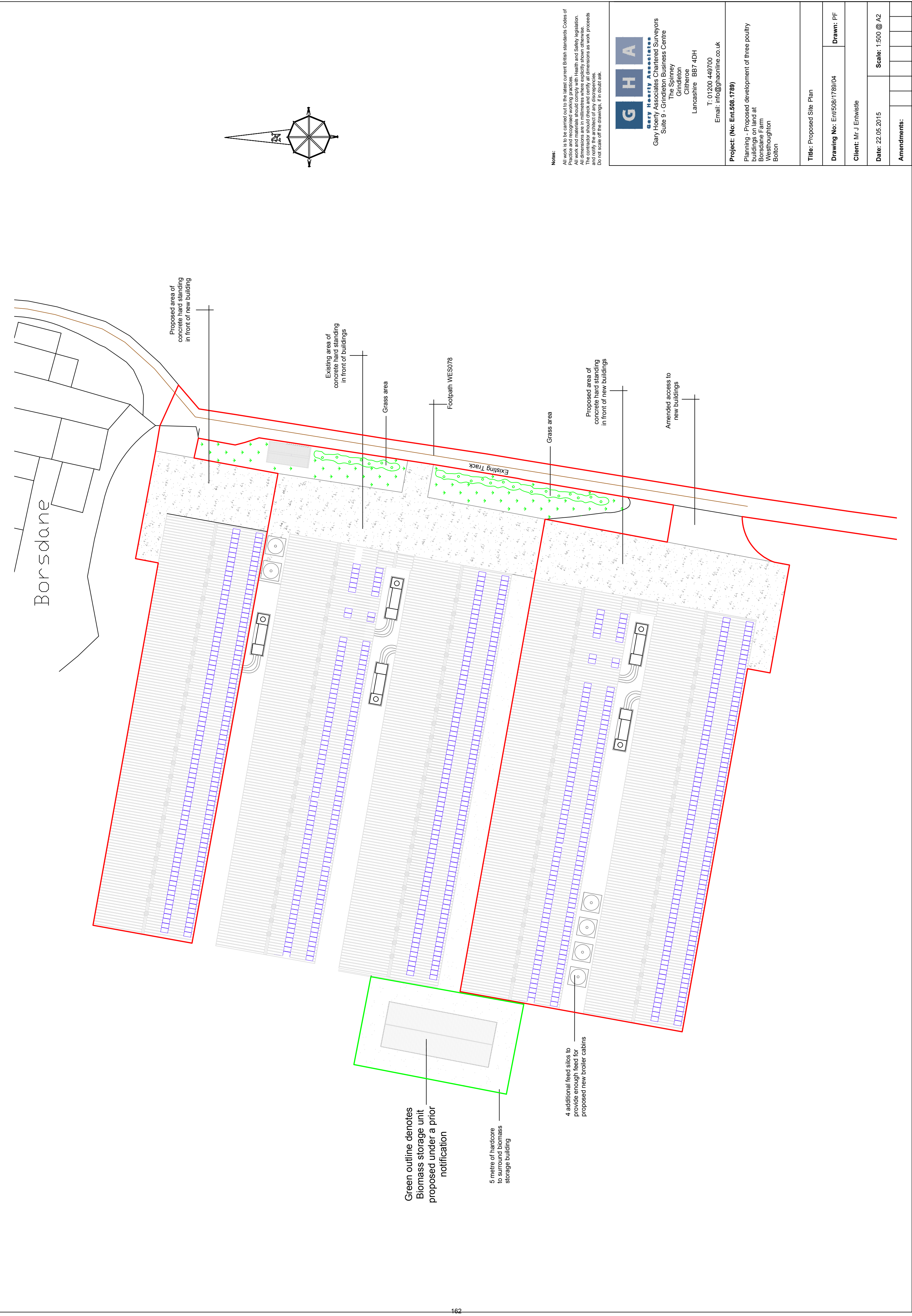
Dimensions are in millimetres where explicitly shown otherwise.

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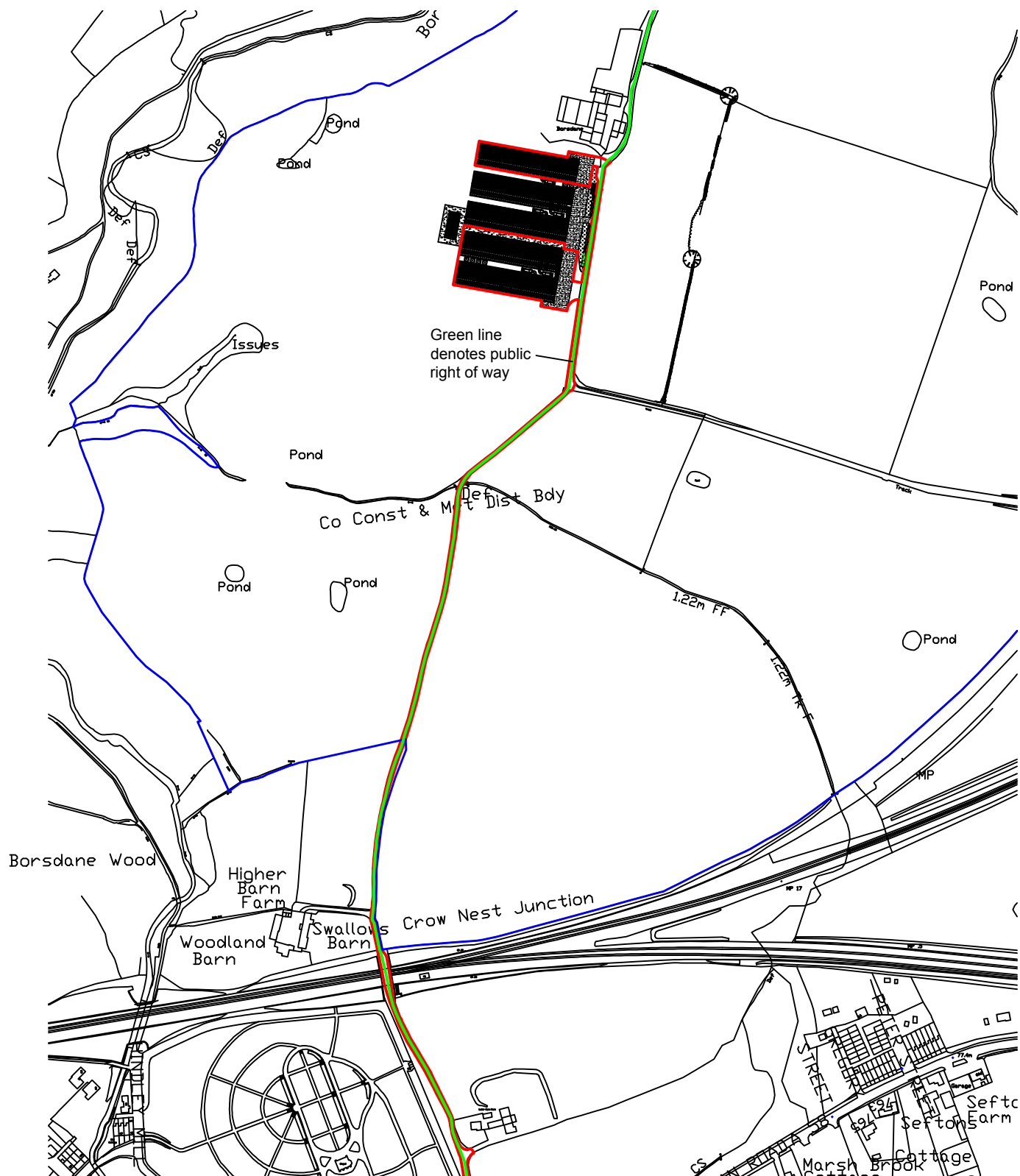
<div><div><div>G</div><div>H</div><div>A</div></div><div><div>GARY HEATH ASSOCIATES</div><div>Gary Heath Associates Chartered Surveyors</div><div>Suite 8 - Grindleton Business Centre</div><div>The Spinney</div><div>Grindleton</div><div>Clitheroe</div><div>Lancashire BB7 4DH</div><div>T: 01209 449700</div><div>Email: info@ghaonline.co.uk</div></div></div>		<div><div>Project (No. Ent.508.1789)</div><div>Planning - Proposed development of three poultry buildings on land at Borsdane Farm, Westhoughton, Bolton</div></div>		<div><div>Title: Proposed Building 1 - Plans and Elevations</div></div>		<div><div>Drawing No: Ent508178901</div><div>Drawn: PF</div></div>		<div><div>Client: Mr J Entwistle</div></div>		<div><div>Date: 22.05.2015</div><div>Scale: 1:200 @ A1</div></div>		<div><div>Amendments:</div></div>	







Planning - Proposed development of three poultry buildings on land at Borsdane Farm, Westhoughton, Bolton ~



**Gary Hoerty Associates**

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T: 01200 449700  
Email: info@ghaonline.co.uk

**Drawing No:** Ent/508/1789/05

**Project: (No: Ent.508.1789)**

Planning - Proposed development of three poultry buildings on land at Borsdane Farm Westhoughton Bolton

**Title:** Location Plan

**Notes:**

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**Client:** Mr J Entwistle

**Drawn:** PF

**Date:** 22.05.2015

**Scale:** 1:5000 @ A4

**Amendments:**