

Planning Applications Report

**Planning Committee
15th October 2020**

**Bolton
Council**

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

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

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

The following abbreviations are used within this report: -

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

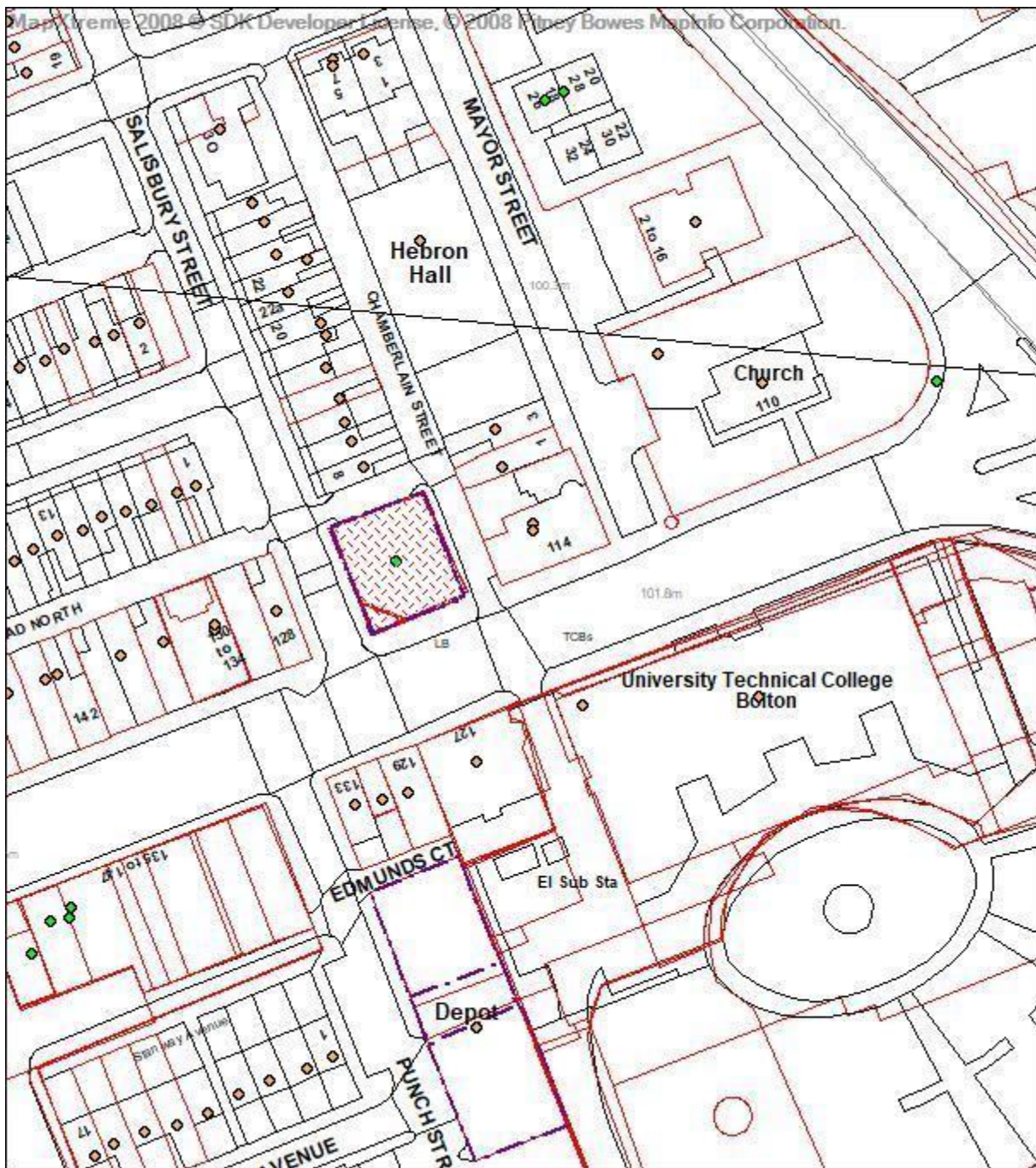
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

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Application number 08215/20



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Development Management Section

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Bolton Council

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Date of Meeting: 15/10/2020

Application Reference: 08215/20

Type of Application: Full Planning Application

Registration Date: 16/04/2020

Decision Due By: 15/07/2020

Responsible Officer: Jodie Turton

Location: LAND AT JUNCTION OF DEANE ROAD, CHAMBERLAIN STREET, SALISBURY STREET AND BACK DEANE ROAD NORTH

Proposal: ERECTION OF FIVE STOREY MIXED USE BUILDING FOR RETAIL A1, A2 AND A3 USE TO GROUND FLOOR WITH PARKING SPACES AND FOUR UPPER FLOORS COMPRISING OF 13NO. ONE AND TWO BED RESIDENTIAL APARTMENTS (CLASS C3)

Ward: Rumworth

Applicant: Kadva Properties

Agent : Form Architects Ltd

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- Proposal: Proposed 5-storey mixed use building comprising at ground floor a flexible space to accommodate one or two units in commercial use (A1, A2, A3 use class), and 13 x one and two bedroom apartments on the upper floors.
- Commercial use: The site is within the Deane Road local shopping area and therefore the proposed commercial use complies with policy (para 20)
- Residential use: The residential proposal is acceptable in principle - being a brownfield, windfall site within the urban area that will contribute positively to housing land supply (para 12 - 17).
- Design: The building is well designed, with details of fenestration and materials contributing to the elevational interest and appearance. Although five-stories, the top floor is set back to reduce impact and the building will relate well to the larger format college and University buildings along Deane Road (paras 24 - 27).
- Impact on existing residents: The development will not unduly impact on existing residents in terms of privacy, amenity or overshadowing (paras 31 - 34).
- Amenity space: No amenity space is proposed other than the top floor apartment (para 39).
- Noise: The submitted noise report details mitigation measures to protect future residents from externally generated noise (primarily the road) and appropriate conditions are recommended to secure these. Conditions are also recommended to secure adequate sound insulation to protect future residents from noise from the ground floor commercial uses (paras 36 - 37).
- Bin storage: Adequate bin storage is proposed (para 41).
- Parking: Three parking spaces are proposed to serve the commercial units. No parking is proposed for the residential units. Highway engineers are satisfied that the Transport Statement demonstrates that any parking from the apartments can be accommodated without detriment to

the highway network (paras 46 - 52).

- Security: The development will follow Secure by Design principles and will therefore provide a safe and secure environment (para 42).
- Sustainability: the proposal will achieve a reduction in surface water run off in accordance with the CS policy CG2.2 by the incorporation of a brown roof, which will also have biodiversity benefits (para 57).
- Members' attention is drawn to para 62 relating to the recently introduced permitted development rights for commercial units and the introduction of a new use class 'E'.
- Seven letters of objection have been received and are summarised in the representations section at the back of the report.
- Members are recommended to approve the application subject to the recommended conditions.

Proposal

1. The application proposes the erection of a five storey, mixed use building comprising of a ground floor unit suitable for use as A1 (retail), A2 (financial and professional services) or A3 (restaurant/café). The ground floor unit is 157sqm and has been designed so that it can operate as one unit, or two smaller units depending on the end user(s). Pedestrian access will be from Deane Road to the front.
2. The upper floors of the building (first, second, third and fourth floors) will be in residential (C3 use). The apartments comprise nine 2-bed units, three 1-bed units and the top floor will comprise a large studio apartment with roof terraces to the front and rear. Access to the apartments will be via Salisbury Street.
3. Two secure bin stores are proposed, one for the commercial units and one for the residential use, external access will be available from the rear of the building. The bin store for the apartments will have dual access – both internal and external.
4. Three car parking spaces are proposed – this will be accommodated within a secure garage to the rear of the site, accessed from Back Deane Road. A secure cycle store will be available to residents, accessed from within the apartment building.
5. The application is before committee for decision as it has received seven letters of objection.

Site Characteristics

6. The site fronts onto Deane Road and is flanked to the east by Chamberlain Street, the west by Salisbury Street and the north by Back Deane Road.
7. Deane Road is one of the main routes into Bolton town centre and is a vibrant local shopping area.
8. The site is currently occupied by a car park to the rear of the site and a café/restaurant along the Deane Road frontage, known as Steaks on a Plane. To the east and west of the site, along Deane Road are a mixture of retail and commercial uses, directly opposite the site is a three-storey brick building in use as a furniture warehouse. Further to the east along Deane Road are large format buildings associated with the University of Bolton.
9. To the north of the site, along Salisbury Street and Chamberlain Street, the character of the area becomes much more residential. The streets are dominated by traditional red brick terrace properties. Hebron Hall sits to the north east of the site.
10. The site is within the Inner Bolton area of Bolton and falls within the Deane Road Local Shopping

Area.

Policy

The Development Plan

Core Strategy:

CG1 Cleaner and Greener, CG3 Built Environment, CG4 Compatible Uses, RA1 Inner Bolton, SC1 Housing, P2 Retail, P5 Accessibility, S1 Safe Bolton and Appendix 3 - Parking Standards.

Other material considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Technical Housing Standards - Nationally Described Space Standards

Draft Greater Manchester Spatial Framework (2019) - The status of the draft GMSF is as follows: The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016. A revised consultation draft was published in January 2019. The weight to be given to the GMSF as a material consideration will normally be limited given the early stage in the adoption process.

SPD General Design Principles

SPD Accessibility, Transport and Road Safety

SPD Sustainable Design and Construction

SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas

Analysis

11. 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.

12. The main impacts of the proposal are:-

- * principle of development
- * impact on the character and appearance of the area
- * impact on residential amenity
- * impact on the highway
- * other matters

Principle of Use

Residential Use

13. Paragraph 4.50 of Bolton's Core Strategy (CS) recognises that the CS is a key determinant in quantity, location, quality, type and tenure of new housing. Policy SC1.2 of the CS encourages housing developments to utilise previously developed land. The most recent Annual Monitoring Report for Bolton (2017-2018), utilising the Standard Housing Methodology (as required by the

2018 National Planning Policy Framework) and including a 20% buffer for under delivery (applied when delivery over the last three years has been below 85% of target), identifies a housing need calculation of 791 dwellings per annum.

14. The site falls within the Inner Bolton area of the borough. The area is covered by Core Strategy policy RA1, RA1.5 seeks to develop new housing throughout the area on a combination of brownfield and a limited number of greenfield sites. The site is unallocated in the Bolton Allocations Plan and would therefore be considered a windfall site for residential development.
15. The proposal for residential units on the site complies with Policy SC1 in that it will contribute to the housing land supply in the Borough on a previously developed site. Where Councils cannot demonstrate a 5-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged (along with footnote 7) which requires consideration as to whether the most important policies relating to the determination of the application are out-of-date.
16. The most up-to-date published information on the Council's housing supply is contained within Housing Delivery Test Action Plan figures for 2019/20. This shows a 3.7 year supply. A material consideration of this application is therefore that the Council cannot demonstrate a 5-year supply of deliverable housing sites.
17. The delivery of a residential scheme on this site will contribute, albeit in a minor way, to the local authority's requirement to deliver a 5-year supply of housing.
18. The provision of 13 residential units is a benefit of the proposed development which should be given weight in the consideration of the application proposal. The following report will therefore consider the impact of the development proposal with regard to the 'tilted balance' and whether any harm identified outweighs the benefit of housing provision.

Commercial Use (A1, A2, A3 Use Class)

19. Policy RA1.4 seeks to focus both local shopping and specialist retailing within the existing district centres, which includes Deane Road. Policy P2 focuses on retail provision within the borough, seeking to focus retail uses within Bolton town centre and the district centres.
20. SPD "Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas" provides detailed guidance on the siting of A3, A4 and A5 uses.
21. The application proposes a flexible retail (A1), professional services (A2), restaurant (A3) unit on the ground floor of the premises. Given the location of the application site within the Deane Road local shopping area, the proposed uses are in principle acceptable and are encouraged in district centre locations.
22. In principle, the use of the site for a mixed use scheme of residential and commercial uses is acceptable.

Impact on the Character and Appearance of the Area

23. 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.
24. Policy RA1.11 seeks to conserve and enhance the distinctive character of the existing physical

and natural environment. RA1.12 seeks to ensure that development has particular regard to massing and materials used, due to the predominance of red brick, slate-roofed, two-storied terraced housing. RA1.13 - respect and strengthen the traditional grid-iron pattern and the street-scaping of existing housing and mills where it is compatible with good urban design.

25. The application proposes a five-storey building of a contemporary appearance, utilising details of fenestration to add interest and break up the elevations, the elongated windows, juliette balconies and off set fenestration details all contribute to the contemporary appearance of the building. The fifth floor has been set back to reduce the impact of the height and bulk of the building, which will be further achieved with the use of different materials (corten metal cladding) to the main body of the building, which will be brick. A light brown brick is proposed, which although does not match the traditional red brick seen on nearby buildings and terraced properties, is considered, in this instance, to enhance the design of the proposed building. The proposed materials are high quality and will enhance the design of the building, with the use of, for example, aluminium windows and steel handrails to the juliette balconies.
26. The wider street, especially in the section closest to College Way and the wider college and University buildings, does reflect a more diverse building design, characterised by larger format buildings of a range of architectural styles and designs. It is not therefore considered that the proposed building will form an incongruous feature within the wider streetscene, enhanced by the quality of the design proposal, which is particularly evidenced by the submitted visual images of the streetscene.
27. The Council's Design and Conservation Officer was consulted on the application and has expressed some reservations about the massing of the building and the contrasting design to the rhythm of pitched roofs and gables along Deane Road. Concerns were also been expressed about the scale of the building given that the two immediate buildings are three storeys.
28. The Agent has responded to these comments by providing a picture of the original building on this site, which was a much taller and more ornate Victorian construction than the adjacent buildings. The Agent does not therefore consider that the proposal will have any greater impact in terms of scale than the previous historic site circumstances. Furthermore, the Agent has provided further design justification for the building as proposed, providing examples and visual images of similar schemes that have been integrated well into the more sensitive historic environment of Lancaster.
29. Overall, it is considered that the proposal is of high design quality and will assimilate well into the wider streetscene and thus complies with Core Strategy policies CG3 and area policy RA1.

Impact on Residential Amenity

30. 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, nor cause detrimental impacts upon water, ground or air quality.
31. Policy S1 of the Core Strategy seeks to ensure that the design of new development takes into account the need to reduce crime and the fear of crime. Policy RA2.17 seeks to ensure that development, "make[s] efficient use of land in inner Bolton due to existing higher levels of development density, requiring development to provide adequate privacy and amenity space and conform to the overall spatial approach."

SPD General Design Principles sets out the Council's minimum interface standards between dwellings

and amenity space standards.

Impact on Existing Residents

32. The proposed building sits on a square of land which is encased by roads to all four sides. Directly opposite the site on Deane Road is a three storey commercial building. To the east of the site is Chamberlain Street. The gable elevation of 114 Deane Road, which has no windows will face the proposed building. Further along Chamberlain Street are the rears of 1 and 3 Mayor Street, no.3 appears to be in residential use, no.1 is in commercial use. 3 Mayor Street has a single storey extension to the rear and no.1 also has a large single storey rear extension. The presence of the extensions will block natural light to the rear ground floor window of no.3 and the application building will have no greater impact than the existing situation. There is a first floor window in the rear elevation of no.3 and distances of approximately 16.5m and 19m will be achieved to this window. No.3 Mayor Street faces directly onto Back Deane Road, the proposed building has been designed to have no windows on the facing corner of the building and therefore there will be no issues of overlooking. In terms of light, the proposed building will be set to the south west of this residential dwelling, however given the distances it is unlikely that overshadowing of the first floor window will occur.
33. To the north of the proposed building is Back Deane Road North and the gable elevation of 8 Salisbury St, there is a small window in the first floor side elevation which is to a staircase/landing and therefore not considered to be a main room window.
34. To the west is Salisbury Street and the side elevation of 128 Deane Road which has no windows in the facing elevation.
35. To conclude, there are not considered to be any undue issues of overlooking, overshadowing or impact on privacy and amenity from the proposed building.

Noise and Disturbance – Impact on Existing and Future Residents

36. The application proposes a mixed use commercial and residential building. The ground floor will be designed to accommodate one or two commercial units which will be available to A1, A2 or A3 uses. The existing use of the site is for a café/restaurant and therefore the proposed use will have no greater impact on residential amenity than the existing use.
37. A noise report has been submitted with the application assessing issues of road traffic on future residents. The report suggests suitable mitigation measures in the form of enhanced glazing and ventilation for the apartments, pollution control officers are satisfied that these measures will prevent any undue impact on residents from traffic noise. The submitted report does not however cover issues of noise from the ground floor commercial uses, most notably if the premises are to be used as a café/restaurant. Pollution Control are satisfied however that potential disturbance can be controlled by condition and conditions are recommended for control of noise and odours from any commercial kitchens, hours of opening and fixed plant and equipment noise limits (the shops may have refrigeration plant / air conditioning units).
38. Residents have raised significant concerns about the existing situation and impact on living conditions from noise, disturbance, litter and antisocial behaviour from customers of local takeaways. The application proposal does not include a takeaway and therefore the number of takeaways will not be increased in the area by this proposal. Furthermore, the development of this site will result in higher quality commercial units, which will be served by adequate and enclosed bin storage, reducing the likelihood of vermin. The residential use will also significantly increase natural surveillance on the side and back streets which will reduce the likelihood of anti-social behaviour and could therefore improve the current situation rather than detract or add

to the existing problems.

Amenity of Future Residents

39. The apartments have been designed to meet the Nationally Described Space Standards. The one bed units will be 40sqm, the 2-bed units 60 sqm and the top floor studio will be 90sqm. The apartments have been designed to ensure adequate natural light to all habitable rooms, and space for integrated storage. Juliette balconies will provide additional light and perception of space.
40. Other than the top floor studio apartment which will benefit from balconies to the front and rear, no amenity space is proposed for the apartments. SPD 'General Design Principles' makes the requirement for 18sqm of external amenity space per apartment or a balcony of 5sqm. Whilst in most instances it is desirable for residential apartments to have some amenity space, the importance of which has been highlighted in recent times with the Covid-19 pandemic, this is not possible to achieve in all developments and is more desirable in some locations than others. The application site is an infill site within Inner Bolton, the site is an edge of centre location, the site perhaps relates better to the constraints of a town centre site than a more suburban location, with which there would be a greater expectation of amenity space provision. The site is within walking distance of Queens Park.
41. Due to the nature of the site, there are some constraints on interface distances for future residents. There are no issues of overlooking and therefore no impact on privacy, however there could be some overshadowing of main room windows on the eastern facing elevation, however this will only affect a bedroom as the main living area/kitchen of the three eastern facing apartments have dual aspect to the south. On balance therefore this is considered to be acceptable.
42. Amendments have been made to the ground floor internal layout to incorporate two independent bin stores one for residential use and one for commercial use, of correct capacity for the required number of bins/units. These are easily accessible to the road for emptying, via Back Deane Road.
43. A crime prevention statement has been submitted which confirms that the development will adhere to Secure By Design standards. Information has been provided about external lighting, CCTV, door entry and access control systems and other safety and security measures that will be installed. In addition to this, the entrance to the apartments has been moved from Back Deane Road which does not benefit from natural surveillance to Salisbury Street which is a residential road and will provide a more secure access. Secure by Design Officers have been consulted on the Crime Prevention Statement however no response has been received.
44. The proposal is considered to comply with policy in regard to impact on existing and future residents. Whilst the provision of amenity space does not comply with policy guidance it is important to weigh this against the benefits of housing provision and other benefits of the development proposal.

Impact on the Highway

45. Policy P5 of the Core Strategy states that the Council will ensure that development takes into account [amongst other things] accessibility by different types of transport, prioritising pedestrian, cyclists, public transport users over the motorised vehicles users, servicing arrangements and parking. Policy S1.2 seeks to promote road safety in the design of new development. Appendix 3 of the Core Strategy sets out the Council's maximum parking standards.

46. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
47. The application proposes three parking spaces which will serve the ground floor commercial units. These will be provided as a garage accessed via Back Deane Road. No parking is proposed for the residential units. Secure cycle parking is to be provided within the building.
48. In response to the application submission, Highway Engineers requested a Transport Statement due to the existing issues in the area regarding on-street parking and congestion. Highways noted that the restricted parking bays outside 128 to 226 Deane Road are well used by fronting businesses at that location and the Deane Plaza A3 use-classes opposite. The residential areas surrounding these locations suffer from high levels of on-street parking owing to the terraced nature of the properties. Furthermore, the application proposal will result in the loss of a small car park.
49. Despite these identified issues, it is acknowledged that the site is in a highly sustainable location. It is sited within easy walking distance of local shops and services and within walking distance of Bolton town centre, the Transport Interchange and the railway station. Large supermarkets at Trinity Way and Morrisons are also within easy walking distance of the site.
50. The submitted Transport Statement reiterates the sites accessibility to sustainable modes of transportation and the sites accessibility to the town centre and its amenities and the surrounding residential catchment areas. Highway engineers are satisfied that this provides an element of justification to the level of parking provision proposed.
51. Highway engineers also confirm that, *"The parking accumulation work undertaken and presented within the TS appears adequate and justifiable. It appears to demonstrate that although the surrounding highways are well used for on-street parking at varying times of the day/week to support properties/businesses, that there would be sufficient parking on-street to support this development proposal if required. Any overspill based on the submitted information should potentially be accommodated with minimal additional detriment/severity to road safety or residential amenity at this location."*
52. Highway engineers go on to state that, *"The submitted tracking analysis appears to demonstrate accessibility from the public highway to the parking spaces proposed on the submitted site plan. Bin storage appears accessible but clear of the highway limit. Acting on the above, I cannot reasonably object to what is being proposed under this application from a transport/highway's perspective."*
53. On this basis, the proposal is considered to comply with Bolton's Core Strategy policy P5.

Impact on Sustainable Design and Construction

54. Policy CG2 of the Core Strategy makes the requirement for developments to incorporate sustainable design and construction methods into the built form of the buildings.
55. CG2.2(c) makes a specific requirement for development proposals of 5 or more residential units to demonstrate the sustainable management of surface water run off, for brownfield sites this should be 50% less than conditions before development. Policy CG1.5 seeks to reduce the risk of flooding in Bolton by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.

56. CG2.2(b) requires a reduction in CO2 emissions of predicted regulated and unregulated energy use by at least 10% (above Part L requirements).
57. A Drainage Strategy has been submitted with the application, which proposes a brown roof to achieve the required reduction in surface water drainage. Brown roofs offer a reduction in runoff rate and a volume reduction in a similar manner to green roofs and porous pavements. The development will provide a brown roof of 144sqm. Floodrisk consider the proposals to be acceptable to achieve the reduction in surface water run off required by policy CG2 and recommend a condition to secure this and its long term maintenance.
58. A Sustainability Statement has been submitted with the application, however this does not detail how the development will achieve a 10% reduction in predicted CO2 emissions. It is therefore recommended that this requirement is covered by condition.

Other Matters

59. Trees and biodiversity: there are no trees or landscaping on site at present and the development proposal will not result in any opportunities for landscaping due to the nature of the development proposal. A brown roof is however proposed which will have some biodiversity benefits.
60. Contaminated Land: A phase one contamination study has been submitted, Pollution Control consider the findings acceptable and given the site circumstances require a watching brief to be conditioned.
61. Infrastructure Contribution: the threshold for infrastructure contributions as outlined in Core Strategy policy IPC1 is 15 or more dwellings. The proposal is for 13 residential units and therefore no infrastructure contributions are required.
62. Amendments to the Town and Country Planning (Use Classes Order) which came into force in September 2020: if Members are minded to approve the application they may wish to consider whether the other permitted uses under the new 'E' class will be suitable in this location or whether they would seek to withdraw permitted development rights by condition. Under the new legislation premises in A1, A2, A3 use will be permitted to operate as offices (other than within Class A2); research and development of products and processes (formerly B1b); industrial processes - which can be carried out in any residential area without causing detriment to the amenity of the area - (formerly B1c); clinics, health centres, creches, day nurseries, day centre (formerly D1); and gymnasiums, indoor recreation (not involving motorised vehicles or firearms) (formerly D2).

Value Added to the Development

Financial benefits of the proposal

For housing developments:

Local finance considerations

63. 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:

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

Conclusion

65. This proposal for a five-storey, mixed use building fronting onto Deane Road and within the

Deane Road local shopping area will result in the development of a brownfield site which is currently in use as a car park and restaurant. The principle of commercial use in this location is acceptable and meets local policy objectives for local shopping centre uses. The upper floors of the building will provide 13 residential units, this is a benefit of the development and should be given weight in the consideration of the application given that Bolton cannot demonstrate a 5-year housing land supply.

66. The scheme has been designed to ensure that the residential amenity of existing and future residents will not be compromised, interface distances are respected, the floor area of the apartments meet the nationally described space standards, adequate bin storage is to be provided, appropriate conditions are recommended regarding noise transfer between the ground floor commercial and first floor residential units, the proposal accords with Core Strategy policy CG4.
67. Other than the top floor apartment, no amenity space is proposed which does not comply with the guidance in SPD General Design Principles, however it is considered that in this instance and given the sites constraints and edge of centre location this is outweighed by the benefit of the contribution to housing supply.
68. Three car parking spaces are proposed, whilst the area suffers from parking congestion, the Transport Statement demonstrates that although the surrounding highways are well used for on-street parking at varying times of the day/week to support properties/businesses, that there would be sufficient parking on-street to support this development proposal if required, and that given the sustainability of the sites location the lack of parking provision is considered acceptable in this respect.
69. Overall, the proposal is considered to comply with policy and Members are thereby recommended to approve the application subject to conditions.

Representation and Consultation Annex

Representations

Letters:- seven letters of objection have been received raising the following concerns, where possible issues have been addressed in the main body of the report, Officer's comments are added in italics below where this has not been possible:

- Congestion in the Deane Road area.
- Impact on loss of light (Deane Road)
- Impact on parking – there is already congestion – where will the extra cars be parked for residents and shoppers?
- Students use the area to park – adding to congestion.
- Customers of Steaks on a Plane hanging around – disturbance and litter – creating problems of vermin (*Officer comment – Steaks on a Plane will be removed if the application is approved and will be replaced by a permanent building with dedicated and sufficient bin storage for the commercial uses*).
- No more flats or retail units are needed here.
- There are too many takeaways already (*Officer comment – the application is not for a takeaway*)
- The whole area needs to be demolished and people moved onto a better environment.
- The area is extremely noisy and the proposal will make it worse.
- Customers from local takeaways hang around the streets, throw litter into gardens and behave anti-socially.
- Impact on privacy.
- The building will obscure views of the billboard advertisement (*Officer comment: this is not a material planning consideration*).

Petitions:- none received.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees:

BMBC: Highway Engineers, Pollution Control, Floodrisk, Economic Strategy, Housing and Public Health, Housing Strategy, Strategic Development, Design and Conservation.

External: Design for Security

Planning History

Planning permission approved in December 2016 for the removal of double decker bus catering unit and continued use of siting plane fuselage for dining (A3 Use) (97803/16)

Temporary planning permission (2 years) was granted in October 2014 for the temporary siting of plane fuselage to convert into a dining unit with class A5 use (92624/14).

Permission was granted in June 2010 for the temporary siting of a double decker bus (84045/10).

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

1. **COMMENCEMENT**

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. **CONSTRUCTION MANAGEMENT PLAN**

Prior to the commencement of construction, a plan detailing how fugitive dust and noise emissions are to be mitigated against during the construction phase together with the proposed working hours shall be submitted to and approved in writing by the local planning authority.

Reason

To safeguard the amenity and character of the area and to safeguard the living conditions of nearby residents particularly with regard to dust and/or noise disturbance during construction and to comply with policy CG4 of Bolton Core Strategy.

Pre Commencement Reason

Any works on site, particularly ground works have the potential to cause noise and disturbance to existing residents and would be contrary to Core Strategy policy CG4, and need to be mitigated for via a construction management plan.

3. **LEVELS DETAILS**

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

Reason

To safeguard the visual appearance and or character of the area and in order to comply with Core Strategy policies CG3 and CG4.

Reason for Pre-Commencement Condition:

Any changes in land levels on site could affect the character and amenity of the area and the living conditions of nearby residents, thereby details of existing and proposed land levels must be agreed with the LPA prior to commencement.

4. **SUSTAINABLE DRAINAGE**

Prior to the commencement of any above ground construction works 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 and in order to comply with Core Strategy policies CG1.5 and CG2.

5. **EXTERNALLY GENERATED NOISE**

Prior to the commencement of any above ground construction works, a scheme which specifies the provision to be made to protect future occupants against externally generated noise from road traffic shall be submitted to and approved by the local planning authority. Such details as approved shall be implemented in full before the development is first brought into use and retained thereafter. Regard shall be had to the noise report for 120 – 126 Deane Road by Braiden Acoustics, dated 20th August 2020, Report reference 10858revA.

Reason

To minimise impact of noise disturbance on the residential amenity of the area and in order to comply with Bolton's Core Strategy policy CG4.

6. **SOUND INSULATION**

Prior to the commencement of any above ground construction works, a noise assessment and scheme showing the layout/sound insulation that will protect the future residents in the apartments from internally generated noise from activity on the ground floor, shall be submitted and approved by the LPA for approval. The scheme should adhere to the guidance provided in the British Standard Code of Practice for sound insulation and noise reduction for buildings BS 8233: 2014.

Reason

To minimise impact of noise disturbance on residential amenity of the area.

7. **ENERGY ASSESSMENT**

Prior to the commencement of any above ground construction works, an energy assessment shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include a scheme which details how either (i) renewable energy technology or low carbon energy sources or (ii) an alternative scheme, for example design measures to the built form of the development, shall reduce CO2 emissions of predicted energy use of the development by at least 10% below the baseline of Building Regulations Part L standards. The development shall be completed in accordance with the approved details and retained thereafter.

Reason

In the interests of tackling climate change and in order to comply with policy CG2.2 of Bolton's Core Strategy and the Sustainable Design and Construction SPD.

8. **EXTRACTION EQUIPMENT**

Prior to the occupation of the groundfloor unit(s) by a use which has a commercial kitchen, a scheme for the installation of equipment to control the emission of fumes and noise from the commercial kitchen(s) installed at 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. The requirements of the scheme shall be in line with EMAQ "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" 2018.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and in order to comply with Bolton's Core Strategy policies CG3 and CG4.

9. **NOISE FROM FIXED PLANT/MACHINERY**

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be

undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason

To protect the amenities of nearby residents and in order to comply with Bolton's Core Strategy policy CG4.

10. **LAND CONTAMINATION WATCHING BRIEF**

A Land Contamination Watching Brief should be undertaken by a suitably qualified person. A Verification / Completion Report should be submitted to the Local Planning Authority detailing the objectives and findings of the Watching Brief and appropriate recommendations, where necessary. This should be approved in writing to the Local Planning Authority before the development is first brought into use or first occupation.

Reason

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

11. **HIGHWAY WORKS**

Prior to the first occupation of the development hereby approved a scheme (including timescales for implementation) for the following highway works shall be submitted to and approved in writing by the local planning authority:

- The repair/reinstatement of footway/carriageway surfaces on Deane Road, Salisbury Street, Chamberlain Street and Back Deane Road, arising from the demolition/construction phases of the development.

The approved works shall be carried out in full accordance with the approved scheme, including timescales.

Reason

To ensure that there is no undue or permanent harm to the highway from the construction of the development and in accordance with Core Strategy policy P5.

12. **EXTERNAL LIGHTING**

External lighting shall be designed to an illumination value of no greater than 5 lux at the nearest residential property. The beam angle of any lights directed towards any potential observer should be kept below 70 degrees. Spill shields should also be fitted where necessary.

Reason

To safeguard the character and appearance of the locality and to prevent light pollution and in order to comply with Bolton's Core Strategy policies CG3 and CG4.

13. **MATERIALS**

The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref: **Proposed Elevations, drawing no. A_P03, Rev A, dated 27/09/20.**

Reason

For the avoidance of doubt as to what is permitted and in order to comply with Bolton's Core Strategy policy CG3.

14. **HOURS OF OPERATION**

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

07:00 to 23:00 Mondays – Sundays

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and in order to comply with Bolton's Core Strategy policies CG3 and CG4.

15. **HOURS OF DELIVERIES**

No deliveries shall be taken or dispatched from the groundfloor commercial premises outside the following hours:-

07:00 - 23:00 Mondays – Sundays

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and in order to comply with Bolton's Core Strategy policies CG3 and CG4

16. **APPROVED PLANS**

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

Proposed Elevations, drawing no. A_P03, Rev A, dated 27/09/20

Proposed Floor Plans, drawing no. A_P02, Rev A, dated 27/09/20

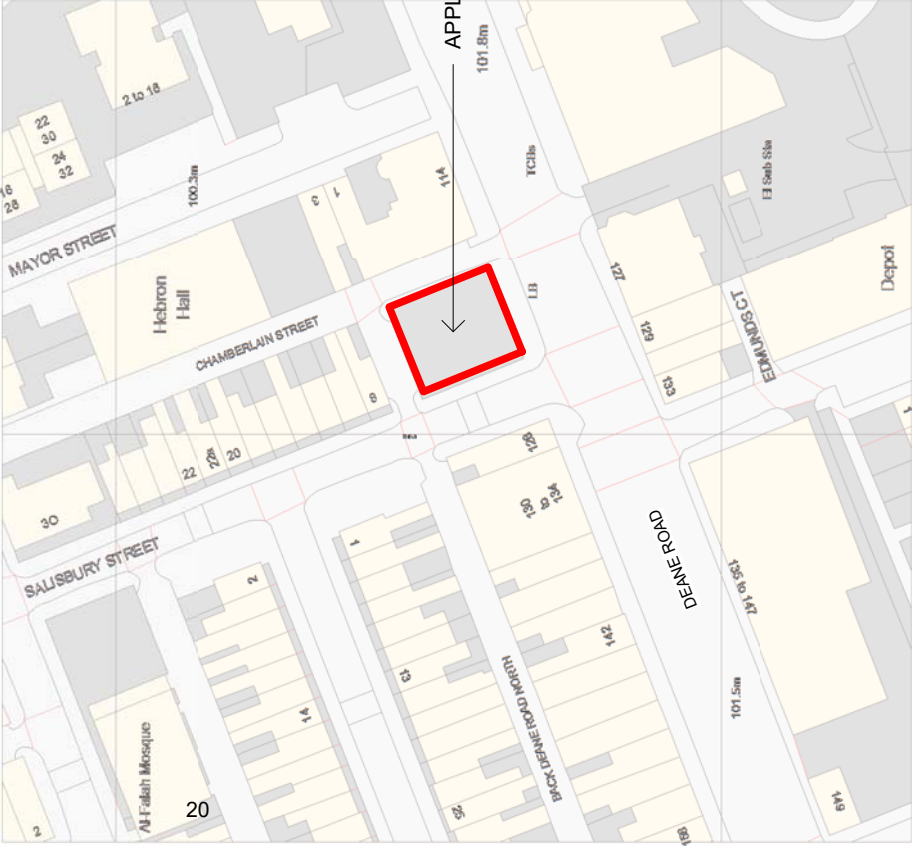
Proposed Site Plan, drawing no. A_P01, Rev A, dated 27/09/20

Reason

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



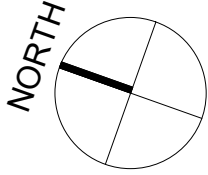
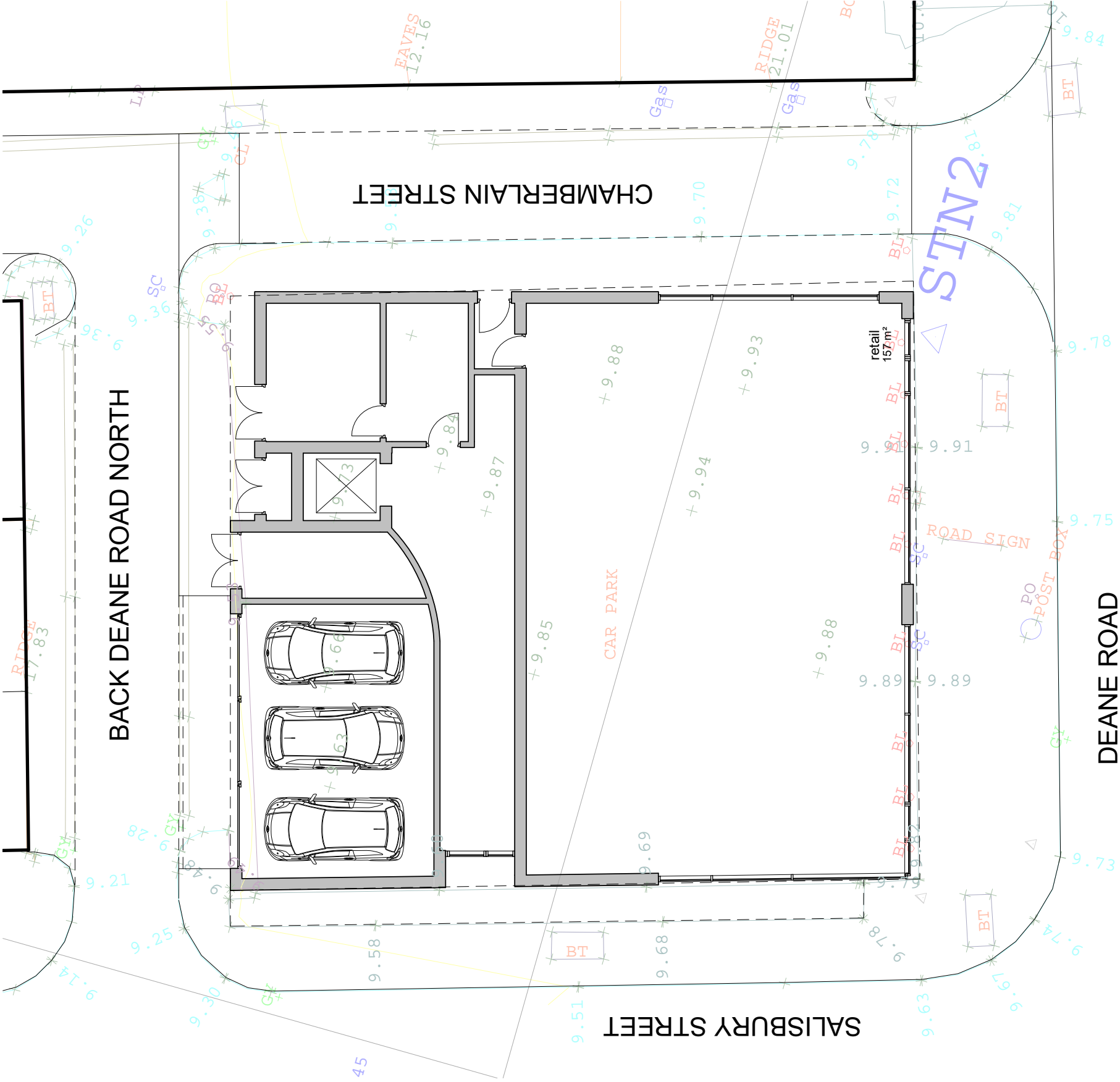
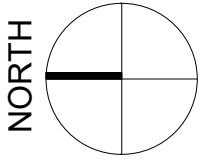
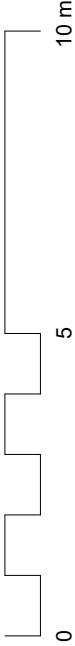
Aerial Plan NTS



location plan

1 : 1250

SCALE 1:125



Site Plan

1 : 125

job no
17.10

drawing number
A P 01 REV A

title
Proposed Site Plan

scale

notes:
REV A: 27/09/20 changes requested by planning including additional refuse store, prominent entrance to flats, secure cycle store, flue run for commercial unit extract vent

project
Apartment Building

Deane Road Bolton

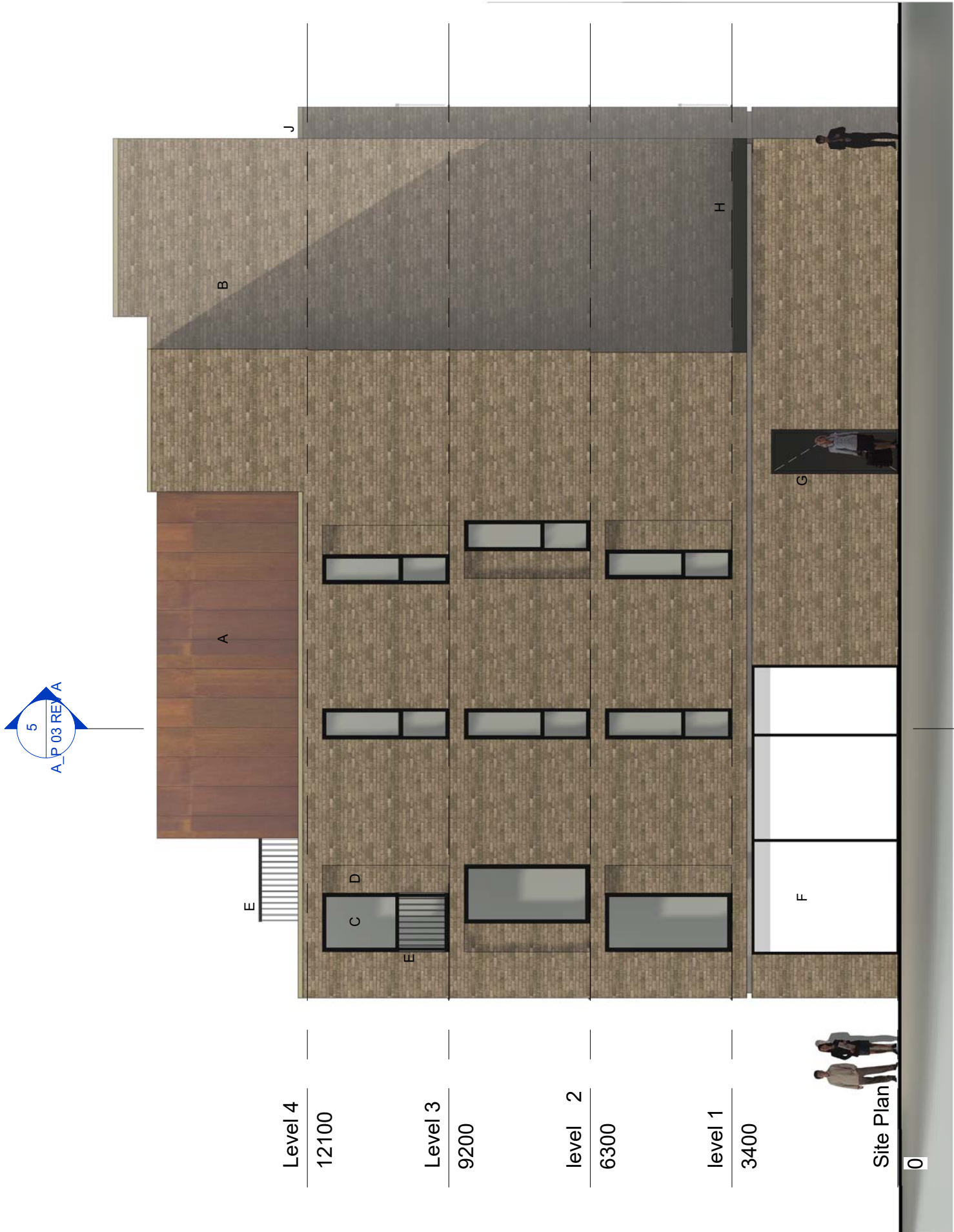
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date
29/05/17

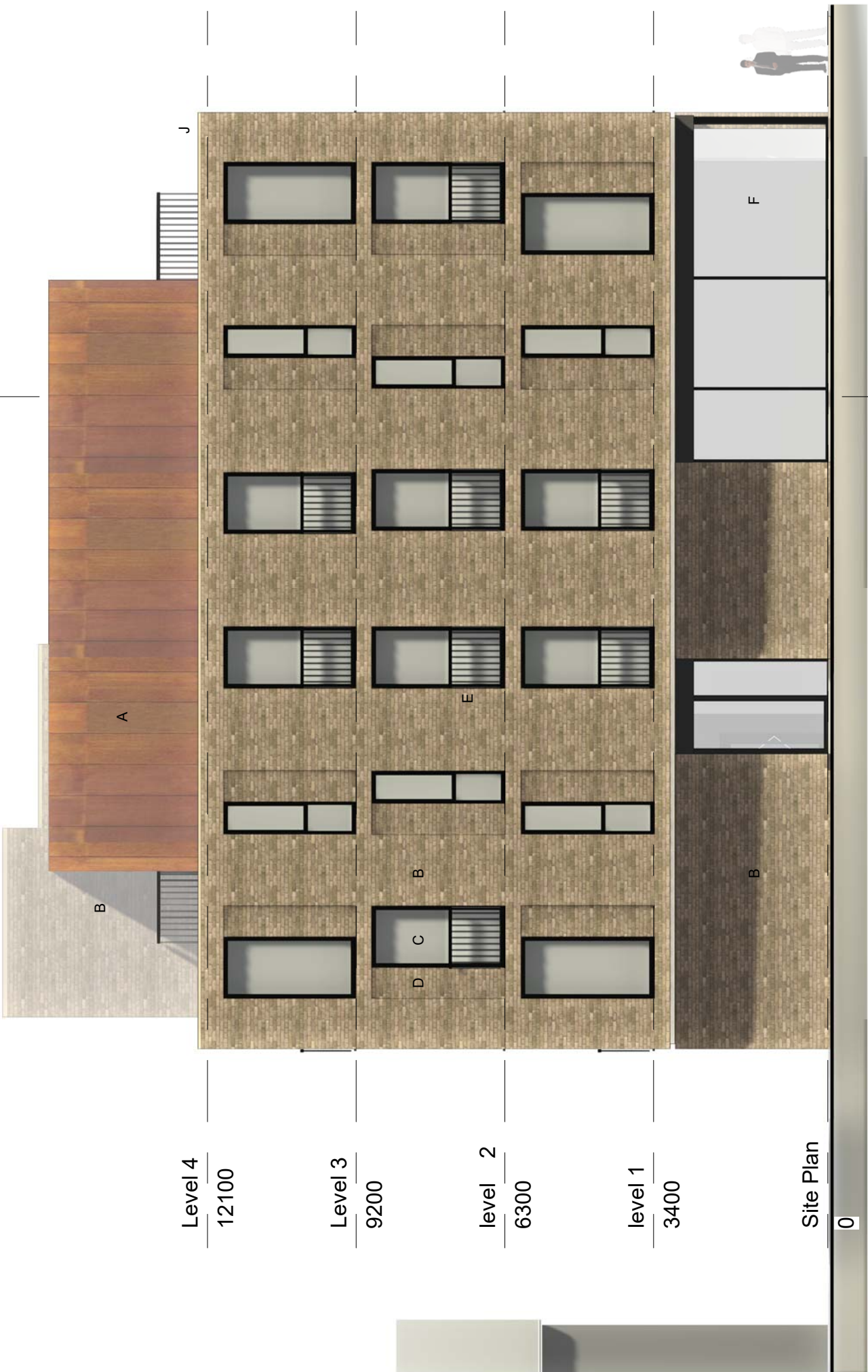
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East Elevation (Chamberlain Street)

1 : 100



West Elevation (Salisbury Street)

1 : 100



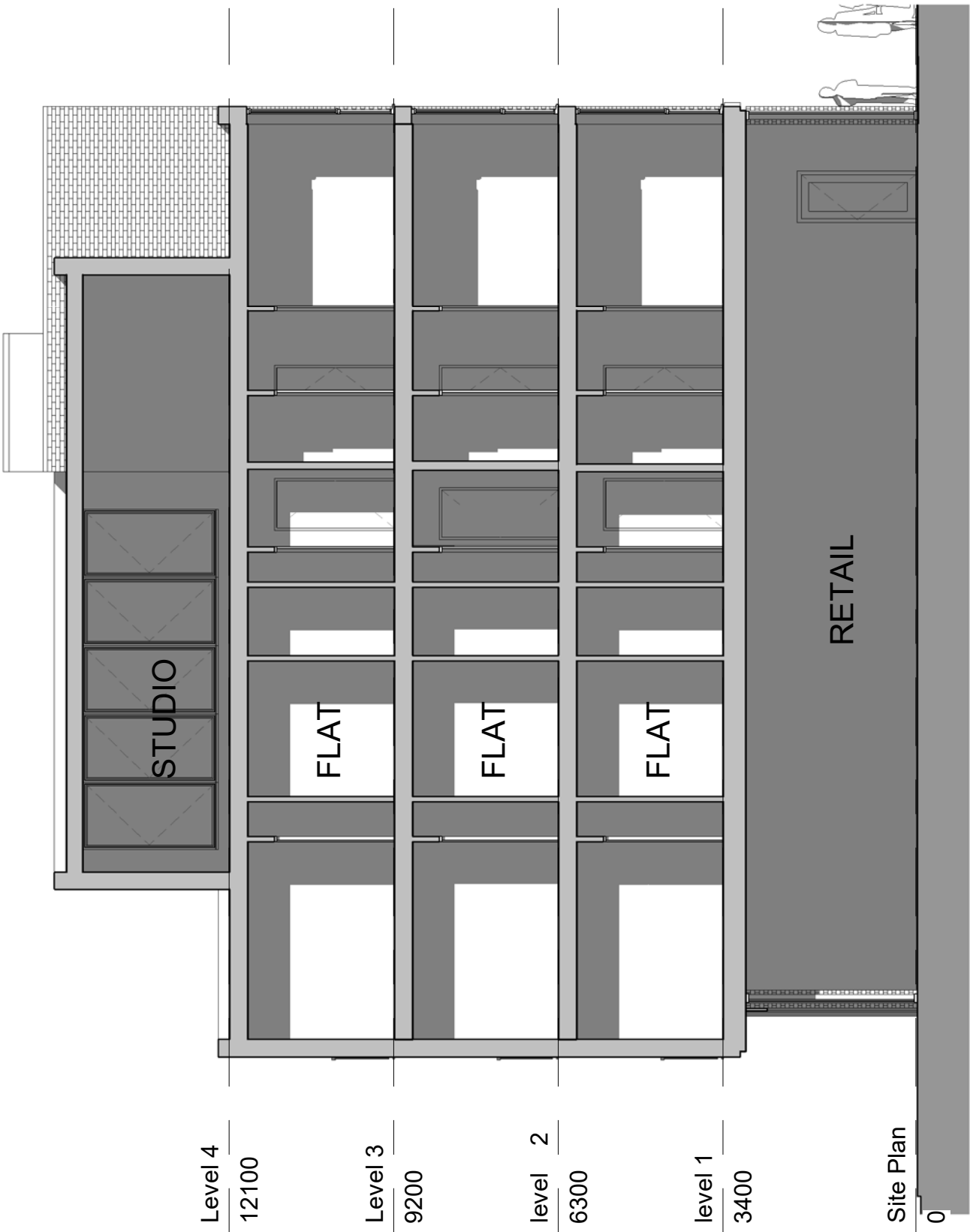
South Elevation (Deane Road)

1 : 100



North Elevation (Back Deane Road North)

1 : 100



cross section

1 : 100

job no

17.10

drawing number

A_P 03 REV A

title

Proposed Elevations

scale

1 : 100

notes:

REV A: 27/09/20 changes requested by planning including additional refuse store, prominent entrance to flats, secure cycle store, flue run for commercial unit extract vent

KEY TO MATERIALS

- A - CORTEN METAL CLADDING
- B - MIXED BROWN BRICK
- C - RECESSED BRICK PANEL
- D - RECESSED BRICK PANEL
- E - MILD STEEL HANDRAILS FINISHED IN GREY MICACIOUS PAINT
- F - SHOP FRONT GLAZING SYSTEM FINISHED TO MATCH WINDOWS
- G - CONCRETE/STONE COPING
- H - ALUMINIUM FASCIA TRIM TO FLATE ROOFING POWDER COATED FINISH
- J - CONCRETE/STONE COPING
- K - TIMBER GARAGE DOORS

SCALE 1:100

0 5 10 m

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e: info@formarchitects.co.uk

date
08/05/2018

project
Apartment Building

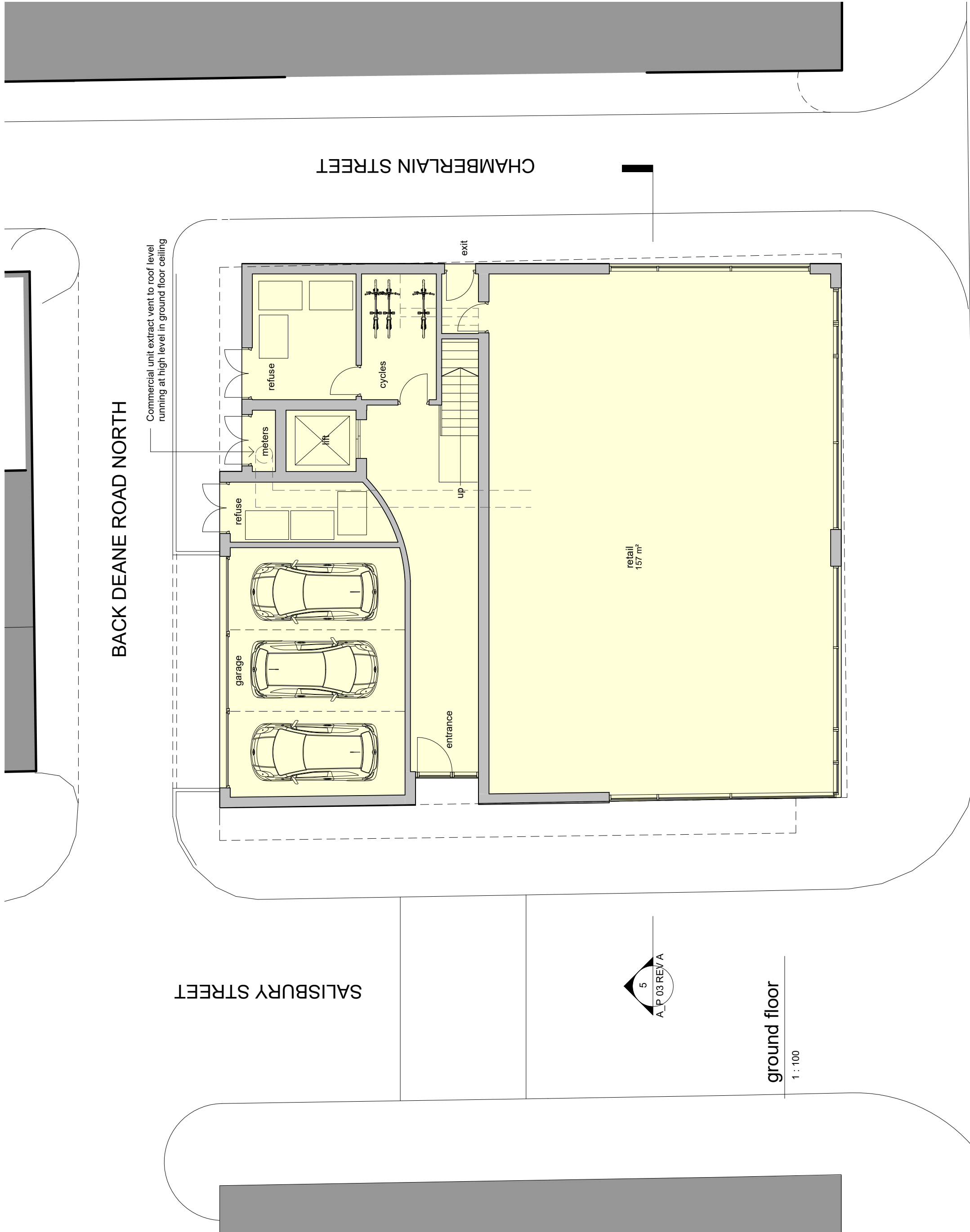
Deane Road
Bolton

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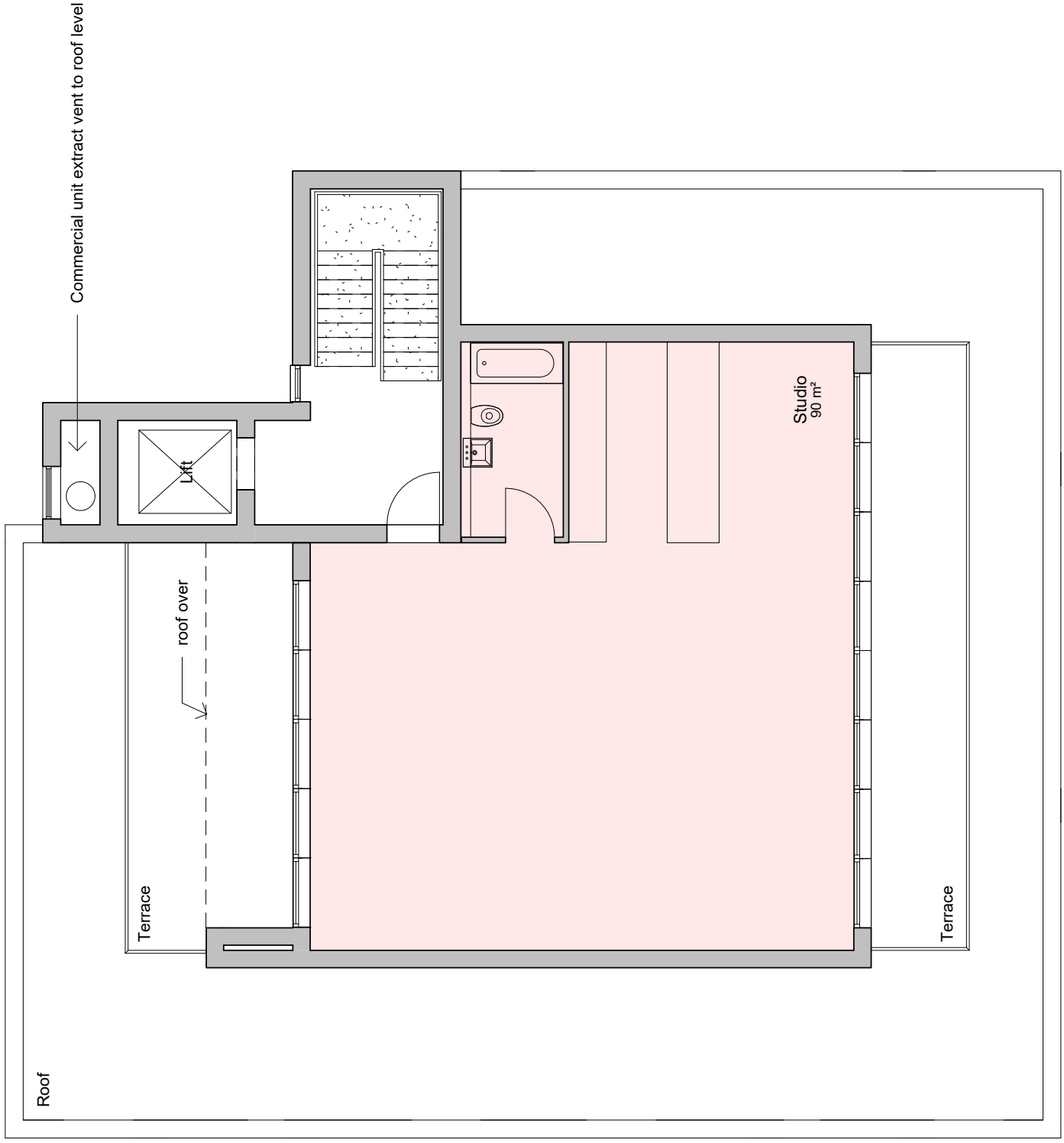
level 1/2/3

1 : 100



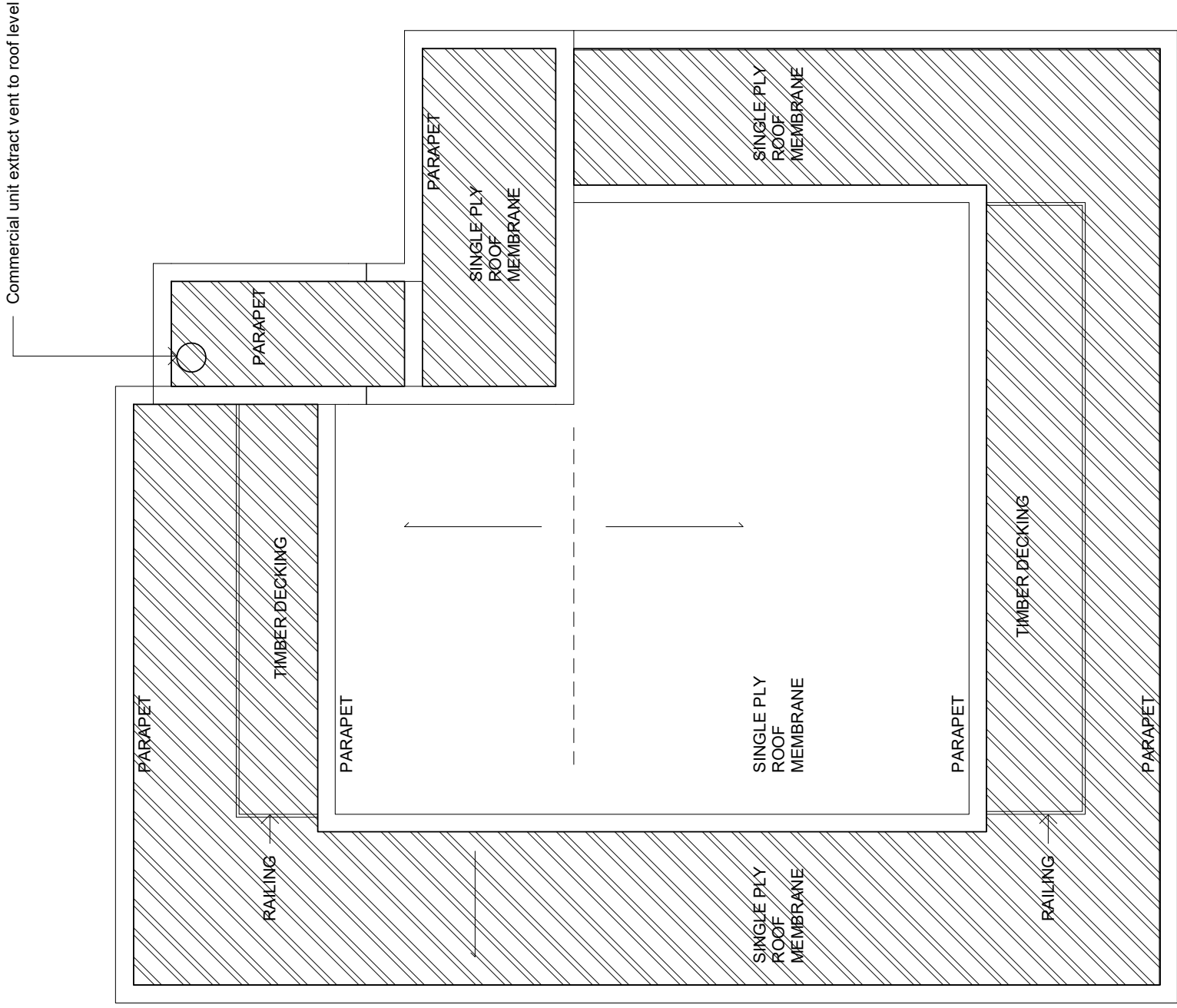
ground floor

1 : 100



Level 4

1 : 100



Roof level

1 : 100

SALISBURY STREET

CHAMBERLAIN STREET

BACK DEANE ROAD NORTH

DEANE ROAD

Application number
08414/20



Directorate of Place
Development Management Section

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

Bolton
Council

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Date of Meeting: 15/10/2020

Application Reference: 08414/20

Type of Application: Full Planning Application

Registration Date: 02/06/2020

Decision Due By: 27/07/2020

Responsible Officer: Jack Seddon

Location: 3 WILMSLOW AVENUE, BOLTON, BL1 7AX

Proposal: ERECTION OF ENCLOSED PORCH TO FRONT AND OPEN PORCH TO REAR, TWO STOREY EXTENSIONS TO SIDE AND REAR, CONVERSION OF LOFT TO HABITABLE ROOM, NEW VEHICULAR ACCESS AND ERECTION OF NEW BOUNDARY FENCES

Ward: Astley Bridge

Applicant: Mr K Khoshnaw

Agent :

Officers Report

Recommendation: Approve subject to conditions

Executive summary

- * This application is before Members at the request of Councillor Wild.
- * 11 objections were received to the original submitted plans and 6 have been received to the amended plans.
- * The amended plans remove the originally proposed two storey front extension with balcony and pillars, the pillared front canopy, the side canopy and the rear conservatory.
- * For the reasons discussed within this report, officers consider that the proposed development would not harm the character and appearance of the existing semi-detached pair of dwellings or the surrounding area, would not unduly harm the amenity of any neighbouring residents, and the proposed new access would not jeopardise highway safety.
- * It is considered that the proposed development complies with the Council's development plan policies and Members are recommended to approve this application.

Proposal

1. The following are proposed:

- Front porch: would project 1.2 metres from the front elevation and would be 3.7 metres wide with a pitched roof 2.7 metres to the eaves and 3.5 metres to the ridge.
- Two storey side extension: would project 3.6 metre and would be 5.8 metres long with the roof being an extension of the existing hipped roof, 5.4 metres to the eaves and 7.8 metre to the ridge.
- Two storey rear extension: would project 1.5 metres and would be 4.9 metres wide with a

pitched roof that would be an extension of the main rear roof plane, 5.4 metres to the eaves and 7.8 metres to the ridge.

- Open rear porch: would project 2 metres from the rear of the proposed two storey rear extension and would be 4.8 metres wide with a pitched roof, 2.6 metres to the eaves and 3.2 metres to the ridge.
 - Rear canopy: would project 0.9 metres and would be 3.7 metres wide comprising of a mono pitched roof, 2.5 metres to the eaves and 3.5 metres to the ridge.
 - Boundary fence forwards of the front elevation: would consist of a timber fence upon the existing brick wall to a maximum height of 1.5 metres above ground level.
 - Boundary fence rearwards of the front elevation: would consist of, on the road side, a timber fence upon the existing brick wall to a maximum height of 2 metres above ground level and a 2 metre tall timber fence along the shared boundary with the adjoining neighbour.
 - Additionally the existing two storey side extension would have the existing flat roof replaced with a hipped roof that would run into the main roof.
2. The applicant has substantially amended their initially submitted plans following concerns from officers. This has resulted in the removal of the originally proposed two storey front extension with balcony and pillars (replaced now with a single storey front porch), the front pillared canopy, the side canopy and the rear conservatory.

Site Characteristics

3. The application property is two storeys and semi-detached. It is located, with 5 Wilmslow Avenue, at the Junction of Wilmslow Avenue, Chelford Avenue and Back Ivy Bank Road. The property has an existing two storey side/rear extension and a garage to the rear (attached to the garage at 2 Chelford Avenue).
4. The existing boundaries are a timber fence to the rear and a low brick wall to the side and front. Neighbouring properties benefit from single and two storey side and rear extensions as well as front porches and canopies.

Policy

5. Core Strategies Policies: P5 Transport and Accessibility; CG3 The Built Environment; CG4 Compatible Uses; OA5 North Bolton.
6. SPD House Extensions; SPD General Design Principles
7. National Planning Policy Framework (NPPF)

Analysis

8. 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.

9. 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 highway

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

10. Policies CG3 and OA5 of the Core Strategy and SPD House Extensions

11. The proposed development has been significantly amended following the initially submitted plans and following concerns from officers (by removing the two storey front extension with balcony, the front pillared canopy, the side canopy and the rear conservatory). The plans before Committee are the amended plans.
12. The design and scale of the proposed extensions to the front, side and rear are considered to be in keeping with the existing dwelling and would not unbalance the appearance of the adjoining semi.
13. The front porch would be visible within the street scene and would project 1.2 metres from the front elevation. This proposed projection would only be 0.6 metres further in projection than the existing bay window and the material proposed for the porch would be similar to those of the existing dwelling. Front porches of this kind are not uncommon within the surrounding area so it is considered that this extension would not impact on the street scene.
14. The two storey side extension would also be visible within the street scene, however it is considered that it would be in keeping with the existing dwelling, incorporating similar materials and roof type to the existing dwelling. Many surrounding properties benefit from single and two storey side extensions in similarly prominent positions. The side extension would also be set a minimum of 3 metres from the boundary and is on a corner plot, with the next property set either to the rear of the property or across a road; it would therefore not cause a terracing effect. It is therefore considered that the side extension would not impact on the surrounding street scene.
15. The rear canopy and porch are mostly hidden from public view by the existing dwelling and garage and the proposed 2 metre boundary fence meaning they would not have a significant impact on the surrounding street scene.
16. The addition of the hipped roof over the existing two storey flat roof extension would enhance the look of the property and reduce the impact of the existing flat roof on the surrounding street scene.
17. Access would remain to the rear of the application property for the storage of refuse bins on non-collection days.
18. It is therefore considered that the proposed development would comply with Policies CG3 and OA5 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

19. Policy CG4 of the Core Strategy and SPD House Extensions

20. Paragraph 4.7 of the House Extensions SPD 2012 states that the interface distance between a neighbouring main room window and a single storey extension with no main room windows is 9 metres and the interface distance between a neighbouring main room window and a main room window in a proposed extension is 21 metres. 8, 10 and 12 Wilmslow Avenue are set to the front of the application property. The main room windows in the front elevation of the neighbouring

property are over 23 metres from the proposed porch and over 25 metres from the main room window in the front elevation of the proposed two storey side extension, which is considered acceptable.

21. Paragraph 4.7 of the House Extensions SPD 2012 states that the interface distance between a neighbouring main room window and a main room window in a proposed extension that do not directly face is 17 metres. 1 Wilmslow Avenue and 7 Chelford Avenue are set to the side of the application property. The main room windows in the front of the neighbouring properties do not face the application property and are over 20 metres from the main room window in the front elevation of the proposed side extension. This is therefore considered acceptable.
22. 5 Wilmslow Avenue is adjoined to the application property (the other half of the semi-detached pair). The proposed front porch would sit behind the 45 degree line from the main room window in the front elevation of the neighbouring property. The proposed side extension would not extend past the front or rear elevations of the neighbouring property so would not impact on the neighbouring main room windows. The two storey rear extension would project just 1.5 metres from the rear elevation and would not impinge on the 45 degree line from the main room windows in the rear of the application property and the rear porch would project a further 2 metres bringing the total projection to 3.5 metres, however the neighbouring property benefits from a single storey rear extension that ensures the proposed porch would not impinge on the 45 degree line from the main room window in the rear of the neighbouring property. It is therefore considered that the amenity of 5 Wilmslow Avenue would not be unduly harmed.
23. 2 Chelford Avenue is set to the rear of the application property. The side elevation of this neighbouring property faces the proposed extensions and contains no main room windows. The proposed extensions would sit behind the 45 degree line from the main room windows in the front and rear elevations of 2 Chelford Avenue, and therefore it is considered that the proposed development would not have an undue impact this neighbouring property.
24. Paragraph 4.7 of the House Extensions SPD 2012 states that the interface distance between a neighbouring main room window and a two storey extension with no main room windows is 13.5 metres. 9 and 11 Chelford Avenue are set to the side of the application property. The main room windows in the front elevations of the neighbouring properties are over 20 metres from the side elevation of the proposed side extension that contains no main room windows.
25. For these reasons, it is considered that the proposed development would not unduly harm the amenity of any neighbouring resident, compliant with Policy CG4 of the Core Strategy.

Impact on the Highway

26. Policies P5 and S1.2 of the Core Strategy and SPD House Extensions.
27. A new vehicular access is proposed from Wilmslow Avenue. The Council's Highways Engineers have not objected to this new access and have commented that it should be a minimum of 3.0 metres in width to accommodate a vehicle clear of the highway. The amended plans show this.
28. Engineers also comment that there appears to be sufficient off-road parking provision associated with the property to support this development proposal.
29. With regards to the proposed boundary treatment, Engineers have requested that a visibility splay of 2.4 metres by 2.4 metres be provided at the new access. This is achievable. It is therefore considered that highway safety would not be comprised.

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

Conclusion

31. For the reasons discussed above, it is considered that the proposed development, as amended, would be compatible with the character and appearance of the existing dwelling and the surrounding area, would not unduly harm the amenity of any neighbouring residents, and would not jeopardise highway safety, compliant with the Council's development plan policies.

32. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- Eleven objection letters and one letter in support were received to the first round of neighbour consultations:

- Proposed is not in keeping with the pre-war semis in the surrounding area (*Officers Comment: many of the surrounding properties have been extensively extended with the addition of front porches, single and two storey side and rear extensions and canopies, meaning the proposed would not be an incongruous feature within the surrounding street scene*). 6 of the objectors raised this point.
- Proposed pillars and balcony will be out of place on this property and within the street scene (*Officers Comment: the proposed pillars have been removed in favour of an enclosed front porch that would match the existing brick work and the proposed balcony has been removed from the proposal*). 7 of the objectors raised this point.
- The balcony would be intrusive for the neighbours and will overlook neighbouring properties (*Officers Comment: the balcony has been removed from proposal so will not impact on neighbouring properties*). 3 of the objectors raised this point.
- Loss of privacy and will be overlooked (*Officers Comment: the proposal would not have an unacceptable impact on any of the neighbouring properties as all recommended interface distances have been met and impacts on main room windows assessed as acceptable*). 3 of the objectors raised this point.
- The changes would affect the adjoining property (*Officers Comment: the proposed would not have an unacceptable impact on the neighbouring property*). 1 of the objectors raised this point.
- The proposal would set a precedent for similar applications (*Officers Comment: each planning application must be assessed on its own merits. Notwithstanding this, it is noted that similar developments are common within the wider street scene*). 2 of the objectors raised this point.
- Large extensions will increase traffic (*Officers Comment: highways have confirmed they are happy with the level of parking provision for the scale of the development*). 1 of the objectors raised this point.
- Impact on light to main room windows (*Officers Comment: it is considered that the proposal would not have an unacceptable impact on neighbouring properties including the loss of light*). 2 of the objectors raised this point.
- The proposal will unbalance the look to the adjoining semi (*Officers Comment: the adjoining semi benefits from a single storey side and rear extension, the proposed extensions have been designed to maintain the character of the existing dwelling by maintaining features such as the hipped roof and bay windows as such it is considered that the application property would not significantly impact on the adjoining dwelling*). 2 of the objectors raised this point.
- Possible impact on property value and potential saleability (*Officers Comment: this is not a material planning consideration*). 1 of the objectors raised this point.
- Rear two-story extension will have an impact on light (*Officers Comment: as the proposed rear extension would only extend 1.5 metres it would not be deemed to impact unduly on neighbouring properties light*). 1 of the objectors raised this point.
- The proposed erection of the conservatory, built close to party fence, will impede light (*Officers Comment: the proposed conservatory has been removed from the proposal so would not impact on light getting to neighbouring windows*). 1 of the objectors raised this point.
- Applicant states no trees will need to be removed however 2 trees will have to be removed to accommodate the conservatory (*Officers Comment: the proposed conservatory has been removed from the proposal so the trees would no longer need to be removed*). 1 of the objectors raised this point.
- Loft conversion proposes the raising of the roof at the rear, which will reduce light (*Officers*

Comment: the rear roof plane will be raised slightly as the eaves are moved to the edge of the proposed rear extension, this increase in height would be minimal and would not be deemed to have a significant impact on the light reaching neighbouring properties). 2 of the objectors raised this point.

- Work carried out to alter roof and the removal of chimney breasts from inside the house will compromise the neighbouring roof and chimney stacks (*Officers Comment: this is not a material planning consideration however all work will need to be carried out to building regulation standards*). 1 of the objectors raised this point.
- Pitched canopy roof along the ground floor of the property above the windows would not be in keeping with the wider area (*Officers Comment: The canopies to the front and side of the application property have been removed from the proposal and the rear canopy is well hidden behind the existing garage and dwelling*). 2 of the objectors raised this point.
- The house is on a large plot on the corner of two streets meaning any changes would be prominent (*Officers Comment: it is considered that the proposed development would not impact on the surrounding street scene*). 1 of the objectors raised this point.
- Reduction of the view over Bolton and the surrounding area (*Officers Comment: the loss of a view is not a material planning consideration*). 1 of the objectors raised this point.
- Balcony is in violation of the Human Rights article 8 respect for private and family life (*Officers Comment: the balcony has been removed from the proposal*). 1 of the objectors raised this point.

Amended plans were submitted to make the proposal acceptable. Further to this a second round of neighbour consultation letters were sent to inform neighbouring properties of the proposed amendments. Six of the original eleven objectors sent further objections to the amended application:

- The boundaries between the application property and the adjoining property are in dispute with land a Survey Report clearly showing the proposed development would extend onto third party land (*Officers Comment: boundary disputes are not a material planning consideration and are instead a private, civil matter between the two neighbours*). 1 of the objectors raised this point.
- The applicant has indicated on, 'Neighbour Consultation document' which property owners he has 'consulted with', as regards his submitted proposals. This is not true (*Officers Comment: The neighbour consultation document is a list of properties that the Council has notified of the planning application and the applicant is not required to inform the neighbouring properties*). 1 of the objectors raised this point.
- The 2 metre porch over the front door and supporting painted, wooden pillars as well as the 1 metre depth canopies running around the front and side will appear unbalanced in relation to the adjoining property (*Officers Comment: the proposed porch has been amended and now only projects 1.2 metres and is an enclosed porch with matching materials. The front canopy and pillars have been removed from the proposal. It is considered that the proposed would not significantly impact on the surrounding street scene or on the neighbouring properties*). 1 of the objectors raised this point.
- The proposal will impact on any potential saleability of surrounding properties (*Officers Comment: this is not a material planning consideration*). 1 of the objectors raised this point.
- The proposal would not be in keeping with the aesthetics of the other semi-detached houses on the street and nearby area (*Officers Comment: it is considered that the proposal would be in keeping with the surrounding street scene, for the reasons discussed within the analysis*). 4 of the objectors raised this point.
- The rear porch, with similar pillars, will make the adjoining property feel closed in (*Officers Comment: the proposed rear porch would not impinge on the 45 degree line from the main room window in the rear of the adjoining neighbour so would not be considered to have an unacceptable impact on the neighbouring property*). 1 of the objectors raised this point.
- As regards the 2 metre and 1.5 metre heights of the fences the applicant is proposing on the

street boundaries to both Wilmslow and Chelford Avenue, I object to the heights of these given the other houses on both streets have walls/fences that are either 0.50 -1 metre which is normal for front gardens (*Officers Comment: neighbouring properties benefit from tall boundary hedges along similar boundaries and the proposed fences would be curved meaning that most of the fence would be lower than the stated max height being as low and 1.3 metres tall which would only be 0.3 metres taller than is allowable under permitted development*). 1 of the objectors raised this point.

- The fence height between the front gardens of the adjoining semis would be 2 metre height, a fence this tall will be out of place and will impact on the amenity of the neighbouring property (*Officers Comment: the proposed fence between the front gardens of the adjoining properties has been amended to a max height of 1.5 metres and as the application property and neighbouring properties are set above the level of the highway it is considered that the proposed fence would have a minimal impact on the neighbouring property as from the internal ground level most of the fence line would be below eye level*). 1 of the objectors raised this point.
- The erection of an upstairs open porch/veranda will give the owners direct viewing into neighbouring main room windows (*Officers Comment: the first-floor balcony has been removed from the proposal*). 1 of the objectors raised this point.
- The aesthetics of the area will also be affected by the installation of pillars (*Officers Comment: the pillars to the front of the application property have been removed from the proposal*). 4 of the objectors raised this point.

Elected Members:- Councillor Wild has asked for the application to be decided by Planning Committee.

Consultations

Highways

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. Prior to the new driveway hereby approved/permitted being first brought into use the means of vehicular access to the site from Wilmslow Avenue shall be constructed to a minimum width of 3.0 metres in accordance with the drawing ref. 05 Rev. 6.

Reason

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

3. Prior to the new driveway hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 2.4 metres at the back of the footway shall be provided at the junction of the new access with Wilmslow Avenue, and subsequently remain free of all obstructions between the

height of 0.5 metres and 2 metres (as measured above carriageway level).

Reason

To ensure traffic leaving the site has adequate visibility onto the footway and in order to comply with Bolton's Core Strategy policy S1, P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

4. Prior to the new driveway hereby approved being first brought into use, full details of the highway works at Wiilmslow Avenue comprising the implementation of a vehicle access crossing (VAC/dropeed kerb) and footway strengthening to facilitate the access 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 in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document "Accessibility, Transport and Road Safety".

5. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref:

Proposed Elevations Rev 7 - Drawing Number 07 - Date Drawn 04/09/2020

Reason

For the avoidance of doubt as to what is permitted and in order to comply with Bolton's Core Strategy policy CG3.

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

Site Location Plan - Date Scanned 26/05/2020

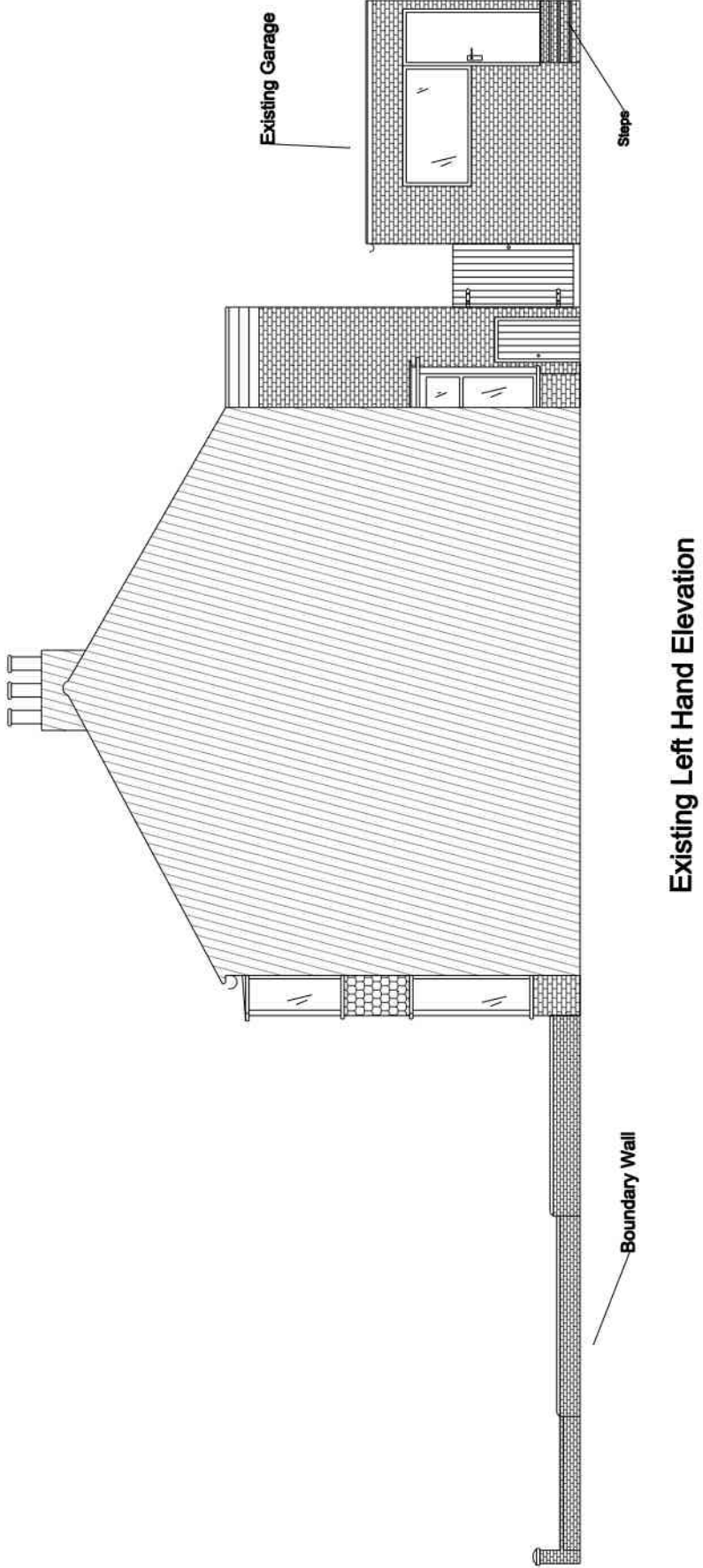
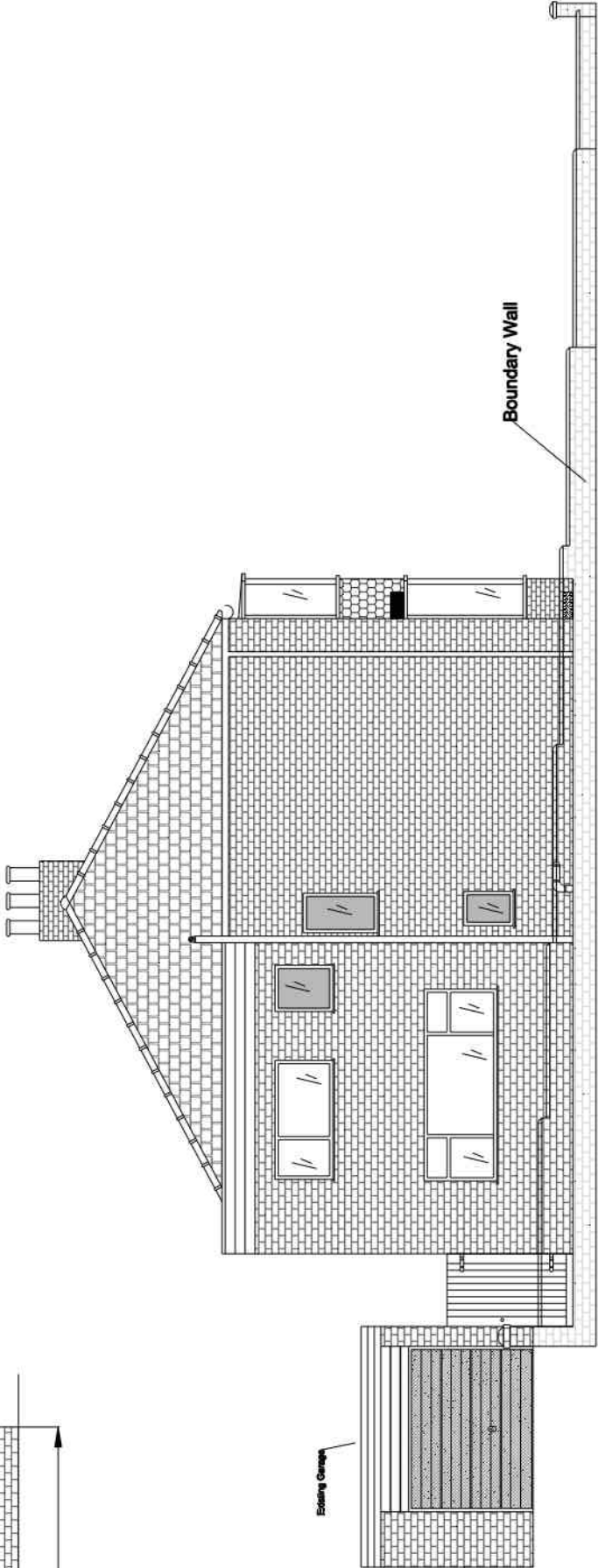
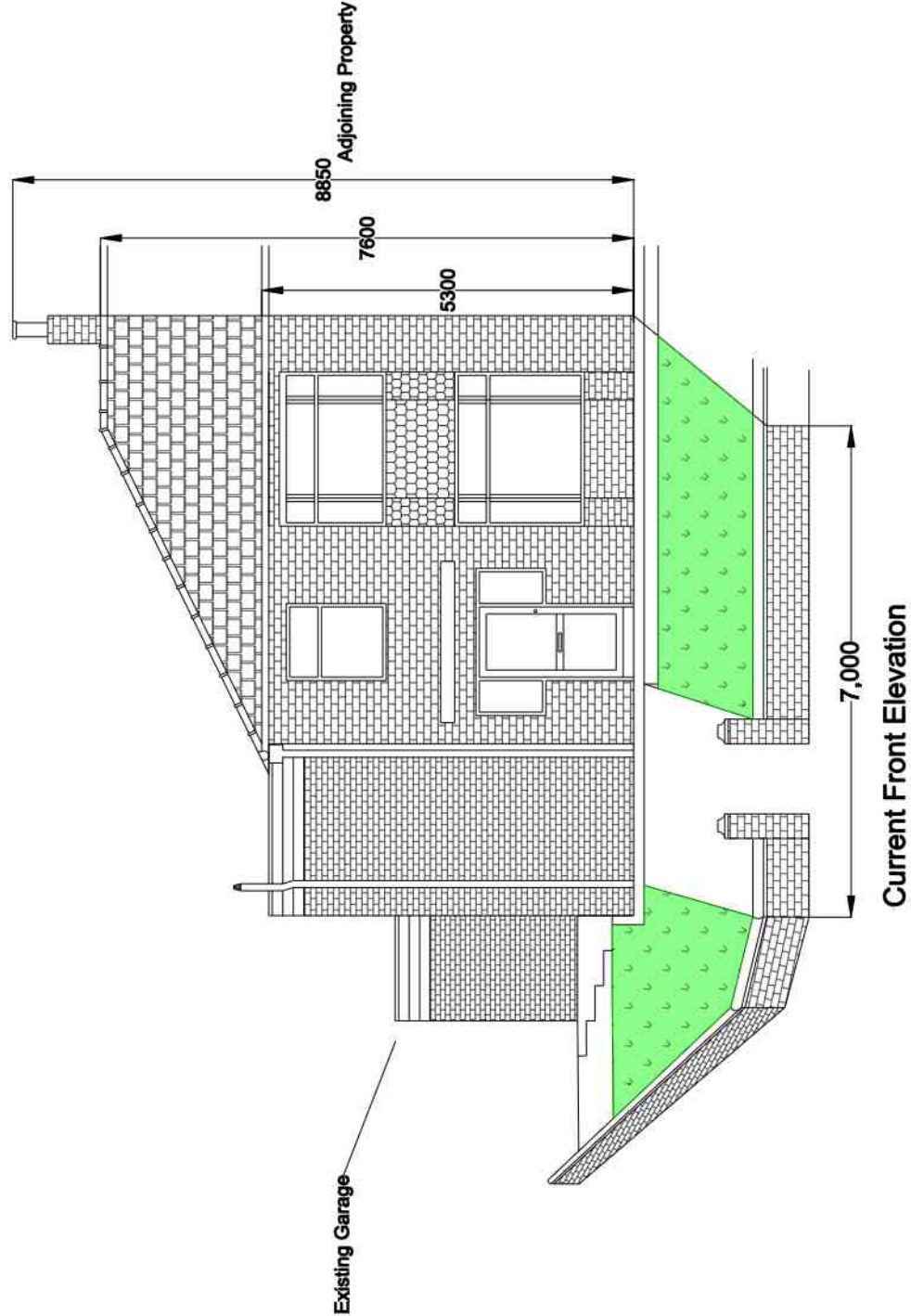
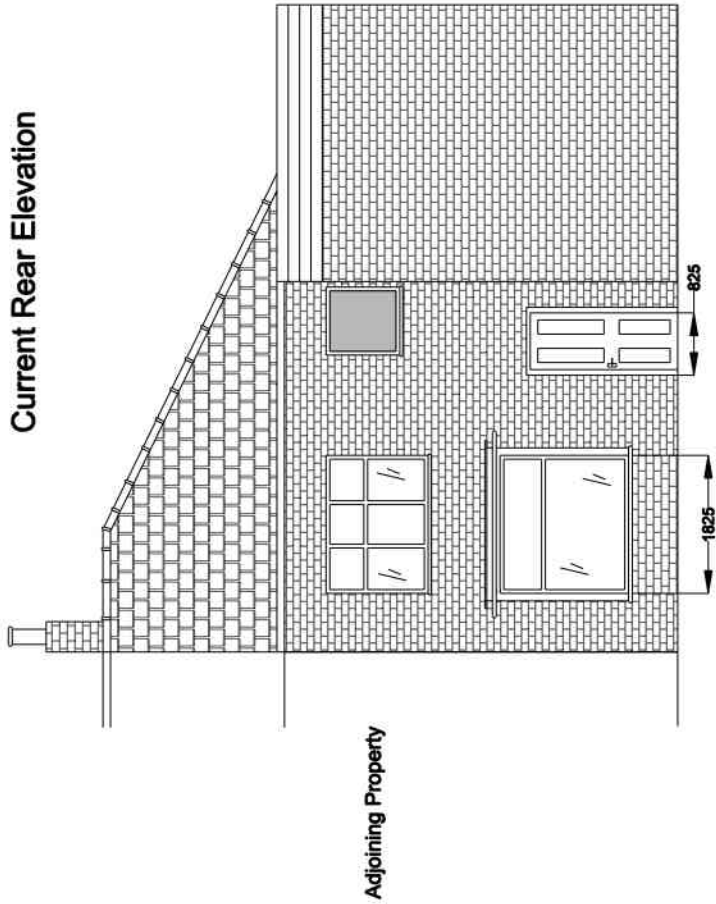
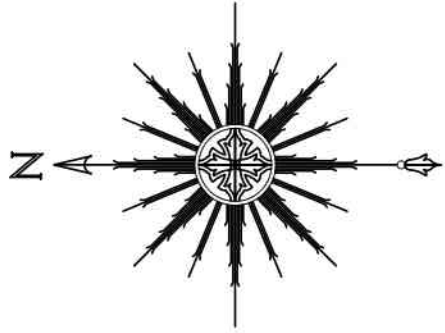
Proposed Elevations Rev 7 - Drawing Number 07 - Date Drawn 04/09/2020

Proposed Floor Plans wih vehicular access Rev 6 - Drawing Number 05 - Date Drawn 04/09/2020

Reason

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

PLANNING DRAWING
General Notes
Please Do Not Scale from this Drawing
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Project: Errection of a double story extension at the side and the rear of a house with making a balcony at front, and porch along the front and the side of the house.
Drawn by: Kayfi Khoshnaw BSc (Hons) Architectural Technology
Address: 3 Wilmslow Avenue Bolton, Greater Manchester BL1 7AX
Title: Existing Elevations
Scale: 1:100 @ A2
Date: 23/07/2020
Drawing No: 06
Revision: 2

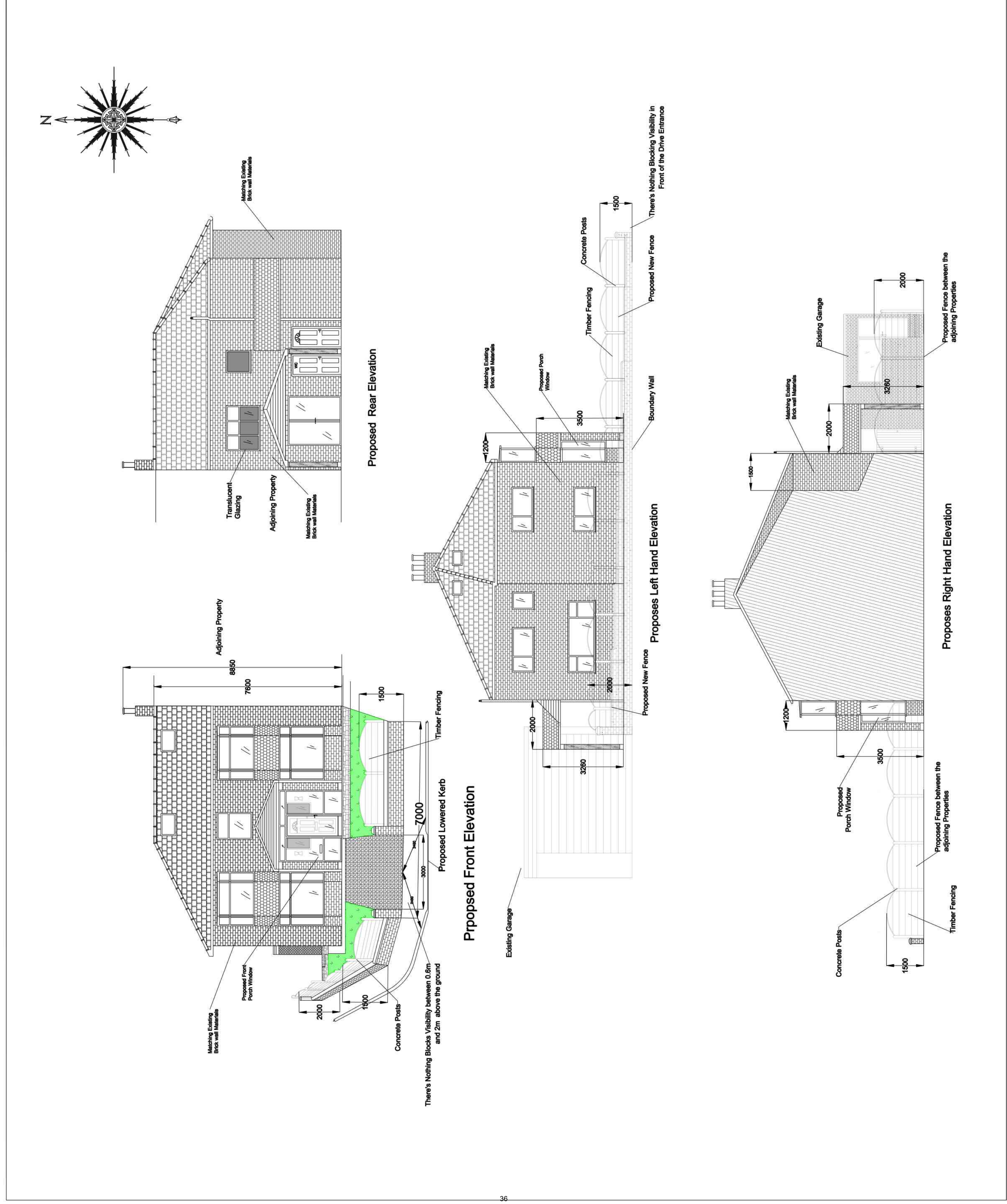


SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 371267, 412294

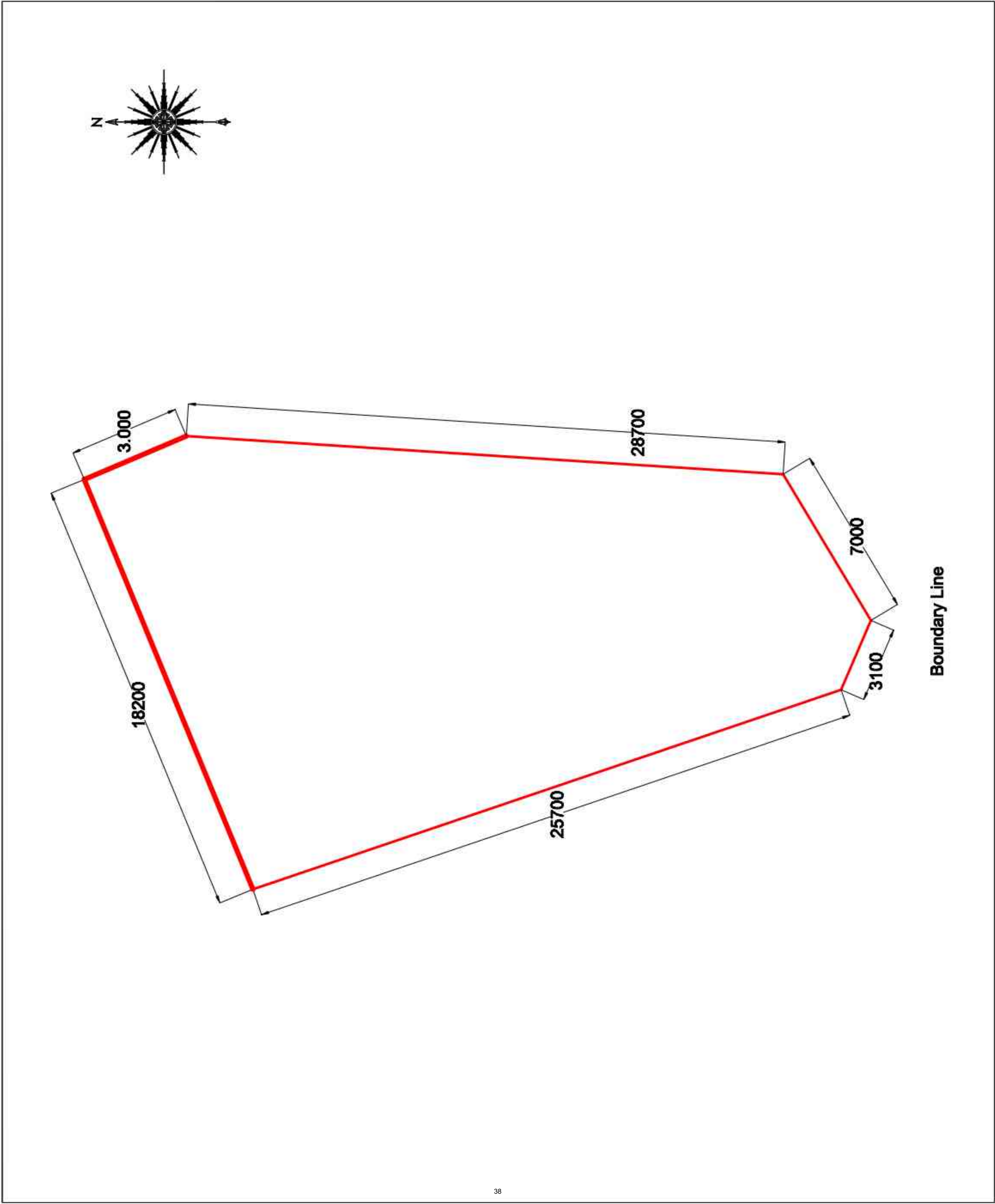


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PLANNING DRAWING
General Notes
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All dimentions to be checked on site prior to commencement of any works.
Project: Erection of a double story extension at the side and the rear with Porch at Front and Rear of the house with Vehicular access.
Drawn by: Kayfi Khoshnaw BSc (Hons) Architectural Technology
Address: 3 Wilmslow Avenue Bolton, Greater Manchester BL1 7AX
Title: Proposed Elevations
Scale: 1:100 @ A2
Date: 04/09/2020
Drawing No: 07
Revision: 7



PLANNING DRAWING
General Notes
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All dimentions to be checked on site prior to commencement of any works.
Project: Errection of a double story extension at the side and the rear of a house with making a balcony at front, and porch along the front and the side of the house.
Drawn by: Kayfi Khoshnaw BSc (Hons) Architectural Technology
Address: 3 Wilmslow Avenue Bolton, Greater Manchester BL1 7AX
Title: Site Boundary Line.
Scale: 1:100 @ A2
Date: 23/07/2020
Drawing No: 01
Revision: 2



Application number
08883/20



Directorate of Place
Development Management Section

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

**Bolton
Council**

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Date of Meeting: 15/10/2020

Application Reference: 08883/20

Type of Application: Full Planning Application

Registration Date: 21/07/2020

Decision Due By: 14/09/2020

Responsible Officer: John Dupre

Location: ST PETERS VICARAGE, 93 BRADFORD STREET, FARNWORTH, BOLTON, BL4 9JY

Proposal: CHANGE OF USE OF VACANT OFFICE (CLASS B1) TO SUPPORTED LIVING ACCOMMODATION (CLASS C3b)

Ward: Kearsley

Applicant: CFS Care Ltd

Agent : Tom Webster Planning

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- * The applicant CFS Care Ltd seeks planning permission for the change of use of St Peters Vicarage from office (B1(a)) use to supported living accommodation (C3(b)).
- * St Peters Vicarage was originally built as a dwelling and has either been used wholly or partially as a dwelling or been vacant until 2018 when the building was bought by CFS Care. Planning permission was then granted for a change of use into offices (application 03190/18). The building has been since been used by CFS Care as their head office.
- * The outbreak of the Coronavirus pandemic and the working from home arrangements which followed has meant that the building is currently vacant and not needed for office space. This opens the possibility for CFS Care Ltd to use the building to provide supported living accommodation.
- * A consultation event was undertaken to communicate plans to the local community. This involved sending letters to residents and an online Zoom meeting. The applicant also met with officers from the Council's Children's Services.
- * A total of 46 objections have been received from local residents. Key concerns are whether this is a suitable location for a supported living unit and whether the future occupants will increase levels of anti-social behaviour and crime. These are not matters that can be controlled by the planning system.
- * Consultation has been undertaken with Highways, Children's Services, Greater Manchester Police, Environmental Health and Housing Standards.
- * Officers recommend approval subject to conditions.

Proposal

1. The applicant CFS Care Ltd seeks planning approval for the change of use of the existing building (The Vicarage) from an office (B1(a)) use to supported living accommodation (C3(b)). Under the

amended Use Classes Order (amended 1 September 2020, after the application was registered) the existing use of the building is classed as a Class E use, whilst the proposed use is still a Class C3(b) use; and therefore planning permission for the change of use is still required.

2. CFS Care have owned this property for just over two years. It has until recently been their Head Office, however the outbreak of the Coronavirus pandemic and the working from home arrangements which followed has meant that the building is currently vacant and not needed for office space. This opens the possibility for CFS Care Ltd to use the building to provide supported living accommodation.
3. If granted, the building will be occupied by 6 vulnerable young people and one live-in member of staff. CFS Care Ltd will also provide additional specialist support, as required.
4. The internal layout of the property will comprise:
 - 6 bedrooms
 - 1 kitchen
 - 1 staff lounge
 - 1 family room
 - 1 sitting room
 - 3 attic rooms
 - 2 en suite bathrooms
 - 2 bathrooms; and
 - 1 utilities room
5. No internal or external alterations to the property are proposed.
6. Prior to the submission of the application, CFS Care wrote to the neighbouring occupiers to provide them with details of the proposal. A community consultation event was also held on Thursday, 2 July 2020 via Zoom.
7. The applicant also met with and discussed the plans officers from Bolton's Children's Services team.

Site Characteristics

8. St Peters Vicarage is a large attractive brick-built building with pitched slate roofs. It was originally built as a dwelling, however in 2006 consent was granted for a change of use to form a children's nursery at the ground floor and an apartment at first floor. In 2018 a further consent was granted for a change of use to use the building as offices.
9. The building stands behind a row of mature trees on a large plot bounded by Bradford St to the south, Phoenix St to the east west and Alexandra St to the east.
10. The immediate area is predominately residential with a mixture of terrace and semi-detached properties. St Peters C of E Primary School lies some 30m to the west on the opposite side of Alexandra St.

Policy

11. The Development Plan

Core Strategy: RA2 Farnworth; CG3 Built Environment, CG4 Compatible Uses, S1 Safe Bolton; SC1 Housing, S1 Access and Appendix 3 - Parking Standards.

12. Other material considerations

National Planning Policy Framework (NPPF).

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

Analysis

13. 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.

14. The main impacts of the proposal are:

- * Principle of the Development
- * Impact on the Character and Appearance of the Building and the Surrounding Area
- * Impact on the Amenity of Neighbouring Residents
- * Impact on Highway Safety
- * Other Matters

Principle of the development

15. It is noted that the proposed change of use will support the strategic vision of the Council by helping to ensure that the needs of the whole community, inclusive of age, are met. The change of use is also in line with Paragraph 59 of the NPPF which states that a sufficient amount and variety of land should come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.

16. With regards to the building itself, it is noted that St Peter's Vicarage was originally built as a residential property and has been used as a residential property for most of its lifespan. The proposed change of use from offices back into residential use would return the building to its former and original residential use. It is also noted that the surrounding area is predominantly residential.

17. For the reason discussed above, it is considered that the principal of the proposed development is in line with Bolton's Development Plan.

Impact on character and appearance of the surrounding area

18. Core Strategy policy CG3.1, states that the council expects development proposals to display innovative, sustainable designs that contribute to good urban design. Core Strategy policies CG3.2 and CG3.3 require proposals to respect and enhance local distinctiveness, being compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape details, including hard/soft landscaping and boundary treatment.

19. No external alterations are proposed to the building and the proposed change of use will have no impact on the character and appearance of the building or the surrounding area.

20. It is noted that the applicant did not comply with a condition imposed on planning approval 03190/18, for the conversion of the building into offices, to plant a replacement tree in the front garden area. This condition is therefore suggested to again be imposed should this application be approved, to ensure that the tree is planted prior to first occupation of the proposed facility.

21. For these reason, it is considered that it complies with Policies CG3 of the Core Strategy.

Impact on neighbouring residential amenity

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

23. The proposed development seeks to revert the use of the building back to residential use. It is noted that there have been no material changes to the built environment since the building was last used as a residential dwelling and so the building continues to meet all the necessary interface distances to surrounding dwellings. In this regard it is not considered that the proposed change of use to supporting living accommodation will create any undue overlooking to the any neighbouring properties.

24. A large number of objections have been received to the proposed change of use from the local community. Broadly speaking these objections centre around the concern that the proposed use will generate nuisance and anti-social behaviour which in turn will have an undue impact on the safety and amenity of local residents, many of whom are elderly. Concerns have also been raised regarding potential disruption to the nearby school.

25. While these may be genuine concerns, it is not the role of the planning system to pass judgement on whether the future residents of a building will engage in anti-social or criminal behaviour. These are issues that fall outside the scope of the planning system and would be matters for CFS Care Limited or the Police. With regard to the impact on the school, it is also noted that there has been no objection to the proposal from the school itself.

26. Additional concerns have been raised regarding the suitability of the local area for the future inhabitants of the residential unit and the availability of facilities for young people in the area. Again, while these may be valid observations, they are not reasons in themselves to refuse planning permission, especially as it is considered that the application site is in a highly sustainable location, close to local amenities.

27. The Council's Pollution Control Officers have raised no objection to the proposed development.

28. For the reasons given above, it is considered that the proposed change of use complies with Policies CG4 of the Core Strategy.

Impact on the highway network

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

30. Consultation has been undertaken with the Council's Highways Engineers, who have noted that four off-street parking space were required to be have been provided under previous permission 03190/18. A site visit has confirmed that these spaces are in place. Engineers do not consider that the proposed change of use would have any impact on the local highway network.

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

Other Matters

Housing Standards

32. Housing Standards officers have been consulted and note that the property may be subject to HMO licensing if not regulated by another body or covered by a legal exemption.

Children's Services

33. Consultation has been undertaken with officers from the Council's Children's Services team who have confirmed they are supportive of the need to provide facilities for vulnerable young people in the community. In this regard, they do not object to the principal of the development, however they note that the facility would be quite large in comparison to other similar facilities elsewhere in the community and is located in a quiet residential area. Due to the nature of the care provided they feel that this may lead to potential areas of difficulty with and subsequent complaints from the local community.
34. They feel that more engagement is needed with members and Children's Services to ensure that potential issues can be properly addressed. They also questioned whether a condition could be imposed that restricted the use of the facility to residents of Bolton.
35. Planning Officers have reviewed this response and would note as follows. Firstly, St Peters Vicarage is large building which is quite capable of accommodating the number of people proposed and is in line with other units in the Borough. In this regard it is not considered that the size of the unit is excessive. As discussed above, the question of whether the future residents will engage in anti-social behaviour is not a material planning consideration. These are matters for CFS Care and the Police. Secondly, it is noted that the applicant undertook a virtual consultation exercise with the local community. Given that the community was in lockdown at the time, it is considered that given the circumstances this was commensurate for the change of use proposed. Thirdly, it is not considered that imposing a condition restricting the use of the facility to "residents of Bolton" would meet the five condition tests of paragraph 55 of the NPPF as this would not be relevant to planning or reasonable.

Conclusion

36. For the reasons discussed above, it is considered that the proposed change of use to residential use accords with Bolton's Development Plan and the NPPF.
37. Members are therefore recommended to approve the application.

Representation and Consultation Annex

Representations

Letters: A total of 46 objections have been received to the application. The reasons for the objections can be categorised as follows:

- Too close to St Peter's School – may disrupt school children (Officer comment – issues of anti-social behaviour fall outside the remit of what can be rightfully controlled by the planning system).
- Residents may disturb elderly residents in the area. Area is already prone to Anti-Social Behaviour – this will make it worse (Officer comment – issues of anti-social behaviour fall outside the remit of what can be rightfully controlled by the planning system).
- CFS Care have not been straight with the local community as it originally stated that the building would not be used as a residential facility (Officer comment – it is noted that since the last application working arrangements have been affected by the pandemic).
- Planning conditions on 2018 consent not discharged (Officer comment – it is noted that a landscaping condition requiring the planting of one tree has not been discharged, however this is not in itself a reason for refusal. It is instead suggested to impose this condition again, to ensure that the tree is planted prior to first occupation).
- Will increase the fear of crime in the local area (Officer comment – issues of crime and anti-social behaviour fall outside the remit of what can be rightfully controlled by the planning system).
- There are no facilities for young people in the local area (Officer comment – this is not in itself a reason for refusal)
- The unit will be over 3 miles from the nearest college (Officer comment – this is not in itself a reason for refusal)
- One support worker not enough to manage 6 teenagers (Officer comment – the size of the unit is in line with others elsewhere in the Borough)
- Overlooking to neighbouring properties (Officer comment – no external alterations are proposed and the building meets all the required interface distances to neighbouring properties)
- Adverse impact on parking (Officer comment – there are four car parking spaces together with 2 internal car parking spaces which are considered to be more than adequate for the change of use proposed).

Elected Members: Cllrs Pattison and Flitcroft have both expressed an interest in the application and asked officers whether the required number of objections had been received to require the application to be determined by committee.

Consultations

Advice was sought from the following consultees: The Council's Highways Engineers, Environmental Health, Security GM Police, Housing Standards and Children's Services.

There have been no objections from any of the consultees.

Planning History

03190/18 - Change of use from vacant residential dwelling (class c3) to offices (class b1) – Approved with conditions

84499/10 - Non-material change to planning permission 81245/08 to change the roof tiles of garage from natural blue grey slate to smooth grey flat marley modern tiles – Approved with conditions

81245/08 - Demolition of garage and erection of detached garage - Approved with conditions

77764/07 - Pruning of 1 silver birch, 2 hornbeam, 4 hawthorn, 1 ash, 3 sycamore, 1 oak, 1 rowan, 1 cherry and 1 alder tree – Approved with conditions

74977/06 - Change of use of vicarage at ground floor to nursery and formation of one apartment at first floor including external staircase, disabled ramp and external alterations – Approved with conditions

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

2. Prior to the commencement of development / implementation of this permission a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall provide for a select standard oak to be planted in the front garden area. 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. If the tree dies back or is removed within five years of planting it shall be replaced in the next available planting season with a tree of similar size and species.

Reason

To provide a replacement tree and to soften the setting of the development within the landscape and in order to comply with Core Strategy policies CG1 and CG3.

Reason for pre-commencement condition: To ensure that sufficient landscaping of the development is proposed prior to first occupation of the building.

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

Proposed Floor Plan - uploaded 21st July 2020

Reason:

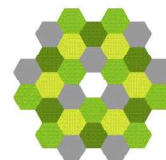
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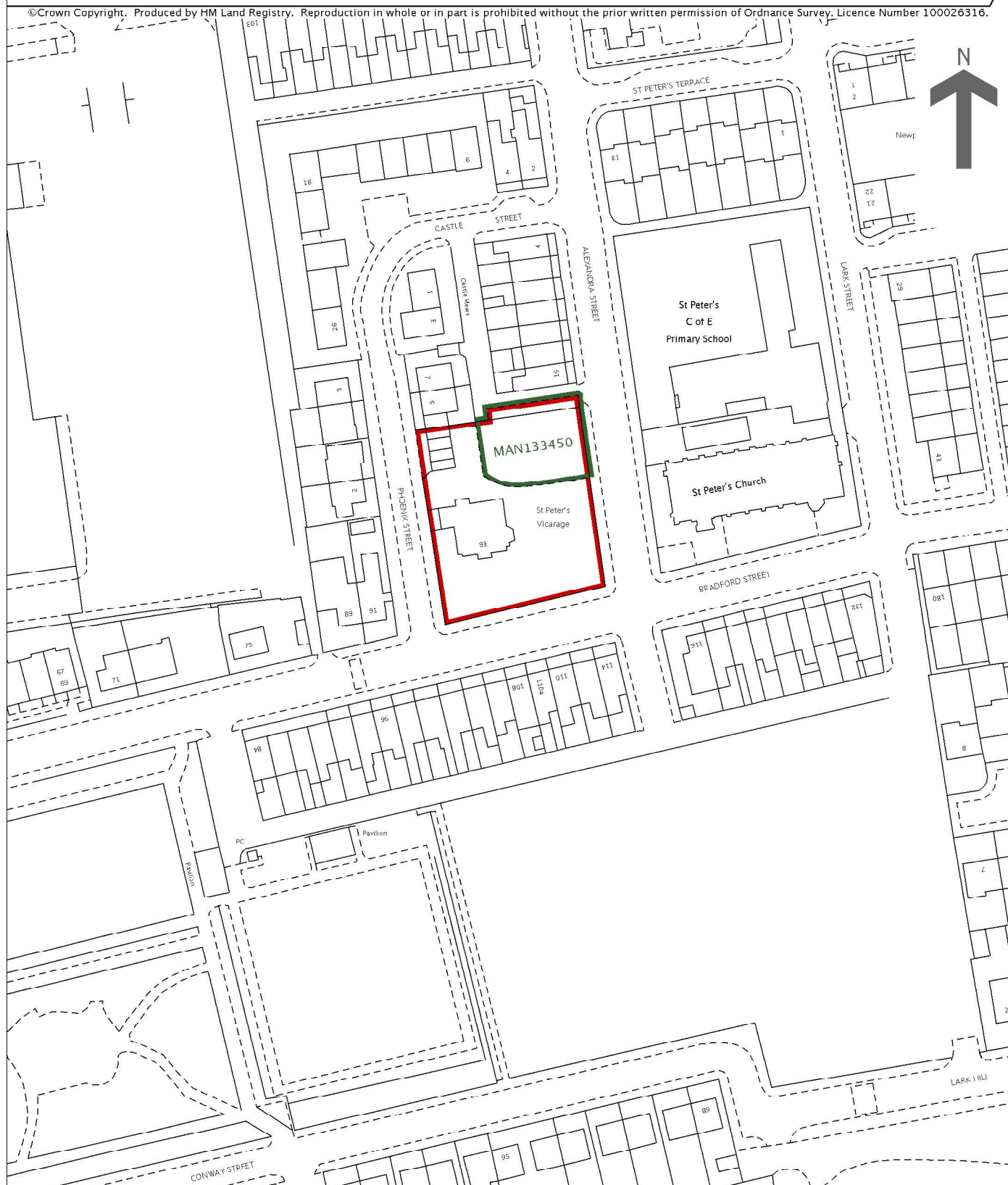
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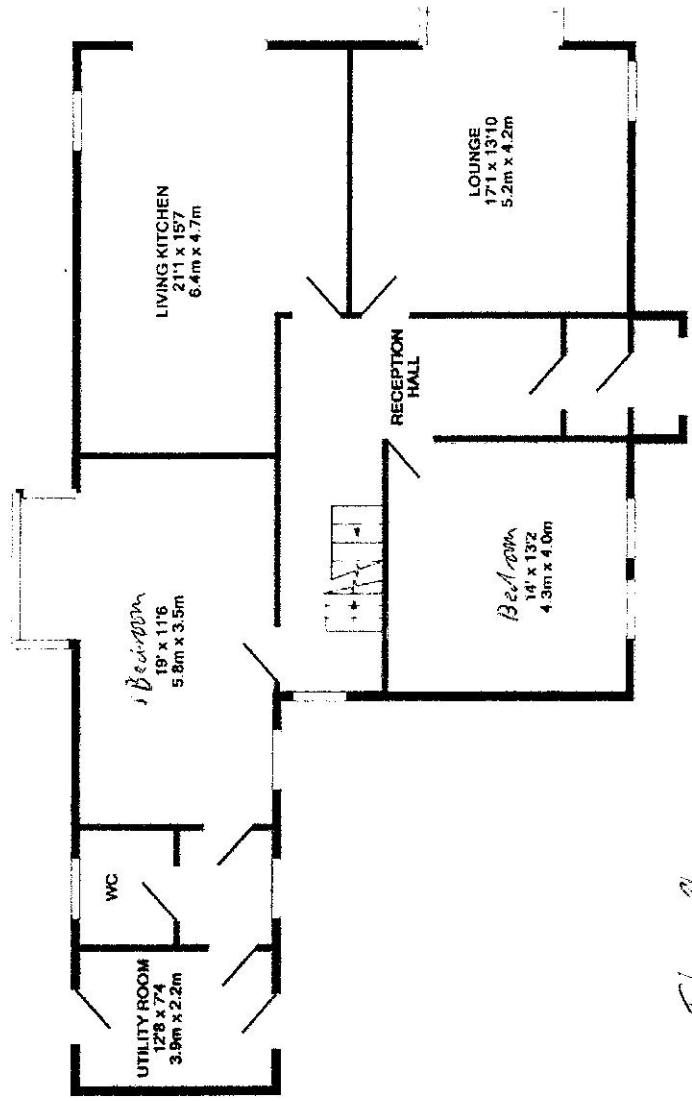
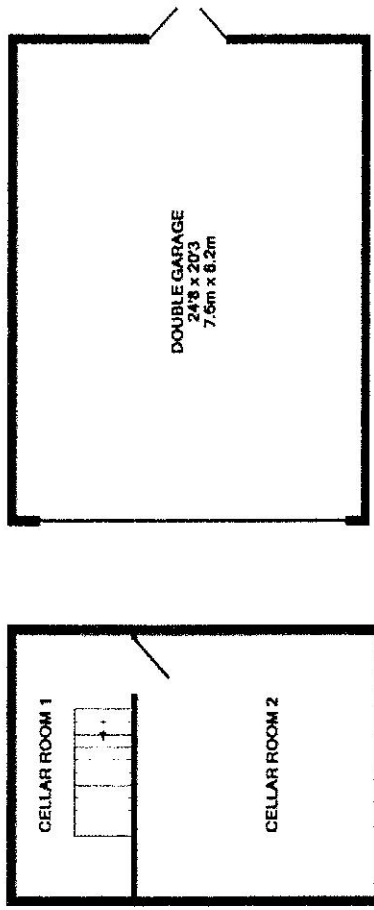
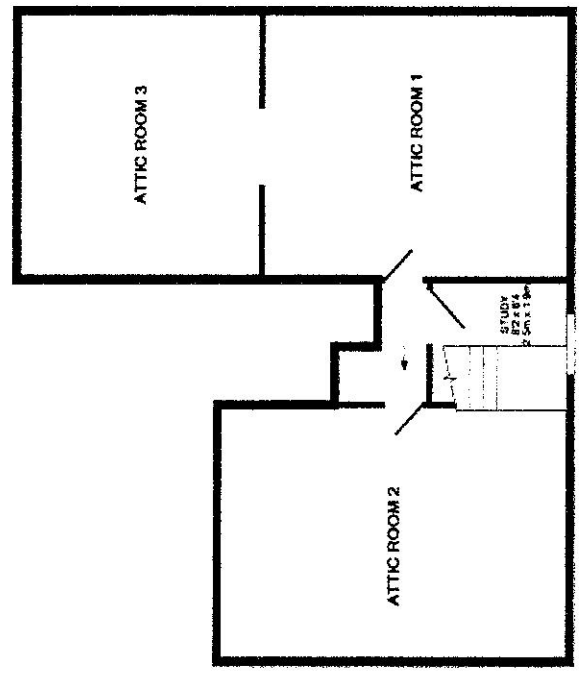
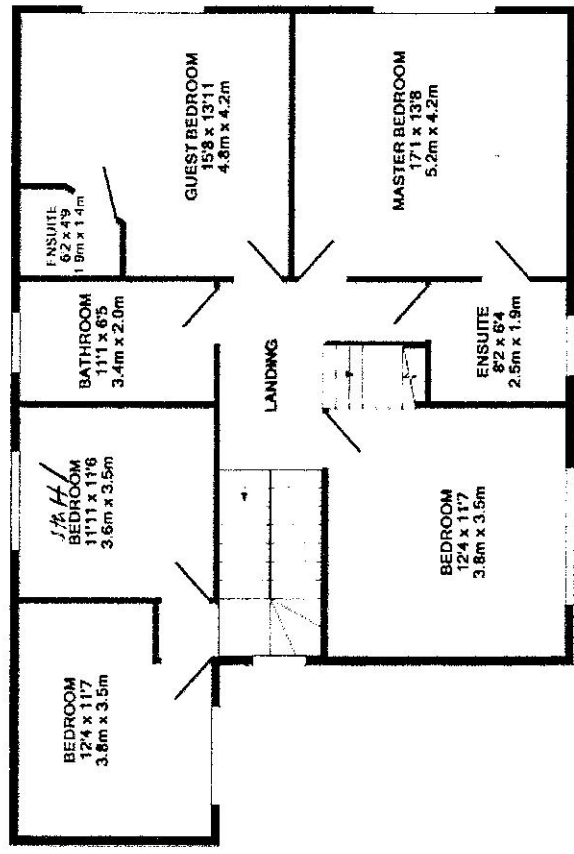
Official copy of title plan

Title number **MAN48797**
Ordnance Survey map reference **SD7305SE**
Scale **1:1250**
Administrative area **Greater Manchester :**
Bolton



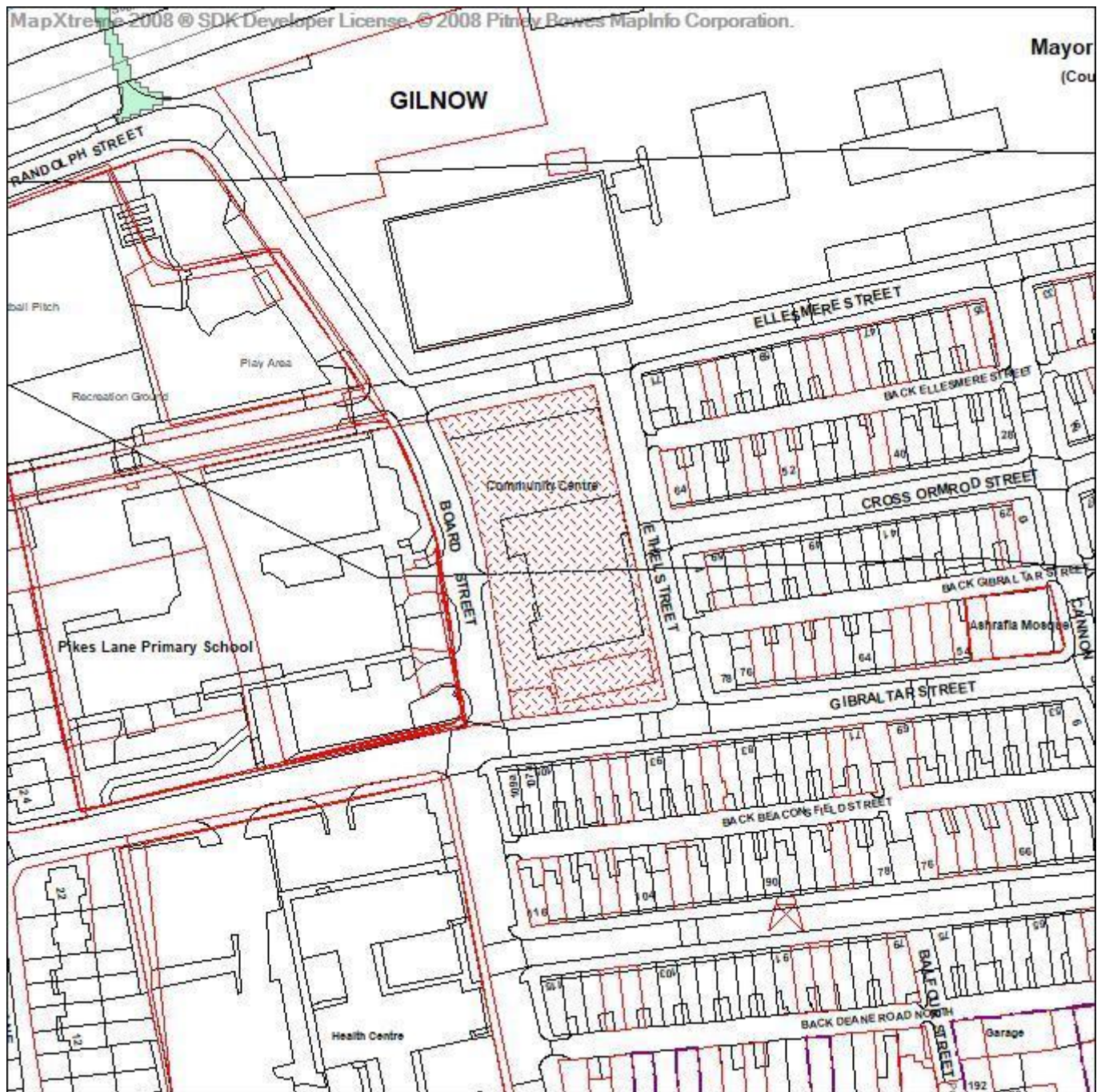
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Proposed Floor Plans

Application number
08991/20



Directorate of Place
Development Management Section

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

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Date of Meeting: 15/10/2020

Application Reference: 08991/20

Type of Application: Full Planning Application
Registration Date: 10/08/2020
Decision Due By: 04/10/2020
Responsible Officer: Lauren Kaye

Location: DEANE AND DERBY LOCAL LEARNING CENTRE, BOARD STREET, BOLTON, BL3 5EE

Proposal: REPLACING/LOWERING SECTIONS OF STRUCTURALLY UNSTABLE BOUNDARY BRICK PIERS AND WALLS WITH PALISADE FENCING AND REPLACING SECTIONS OF DEFECTIVE CORRODED METAL FENCING WITH NEW PAINTED METAL FENCING TO MATCH EXISTING.

Ward: Rumworth

Applicant: Bolton Council
Agent : CRANLEIGH DESIGN CONSULTANTS LTD

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- * The proposal is minor and involves replacing/lowering a structurally unstable boundary wall with weldmesh fencing painted blue along Ethel Street and replace sections of railing which are corroded with new painted railings to match existing along Board Street, in character with the existing application site.
- * The applicant has amended the plans to show weldmesh fencing rather than palisade on the request of officers which will be shown on an amended plan provided in the late list.
- * The Learning Centre is Council owned.
- * There are no objections from Highways.
- * There are no objections from local residents.
- * The proposal is recommended for approval subject to planning conditions.

Proposal

1. This is a Council application. Permission is sought for the replacing/lowering a structurally unstable boundary wall with weldmesh fencing painted blue along Ethel Street and replacing sections of railing which are corroded with new painted railings to match existing along Board Street, in character with the existing application site.
2. To elevation 1 - fronting Board Street, new metal railings will replace existing defective and corroded metal railings. The majority of the works would take place to elevation 3 - fronting Ethel Street which would include removing existing metal fencing and unstable brick wall and piers, lowering to a more structurally sound level and replacing with new blue painted weldmesh

fencing. A new gate would also be included.

3. There will be no changes to elevations 2 and 4 fronting Ellesmere Street and Gibraltar Street.

Site Characteristics

4. The application site consists of a two storey local learning centre and a car park to the north of the building. The main vehicular and pedestrian entrance is off Board Street which sits to the west of the site. There is also a pedestrian entrance off Ethel Street to the east.
5. The application site is bounded by highways to all sides and is located between industrial units to the north, residential properties to the east and south (off Ethel Street and Gibraltar Street) and Pikes Lane Primary School to the west on Board Street.

Policy

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

Other material planning considerations:

7. National Planning Policy Framework (NPPF)
8. Supplementary Planning Document: General Design Principles; Accessibility, Transport and Safety.

Analysis

9. 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.

10. The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on neighbouring amenity
- * impact on highways

Impact on the Character and Appearance of the Area

11. 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.
12. Policy RA1 of the Core Strategy relates specifically to developments in Inner Bolton and states that the Council will ensure that development has particular regard to massing and materials used, will respect and strengthen the traditional grid-iron pattern and street-scaping of existing houses where it is compatible with good urban design, and will require development to provide adequate privacy and amenity space.

13. 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, creates better places in which to live and work and helps make development acceptable to communities.
14. The proposal includes works to two of the elevations of the application site. The works to elevation 1 fronting Board Street are to replace existing sections of defective/corroded metal railings with new painted metal railings in blue to match the existing. The overall height of the railings and the brick walls and piers would not alter. It is considered that these works would be in keeping with the existing building and site and is considered acceptable.
15. The works to elevation 3 front Ethel Street will require removing existing metal fencing and lowering the existing brick wall and piers and replacing with new blue painted weldmesh fencing. The amount of fencing would be increased on this elevation however it is considered that this is less obstructive visually than the existing brick walls and piers and overall would be no higher than the existing arrangement. It is considered that the proposed works to elevations 1 and 3 are minor and would not alter the overall appearance of the Learning Centre and would not unduly affect the character and appearance of the surrounding area.
16. It is considered that the proposal is in keeping with the Learning Centre building and application site and would not harm the immediate surrounding area and therefore the proposal accords with policies CG3 and RA1 of the Core Strategy.

Impact on Neighbouring Amenity

17. 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.
18. The impact of the proposal on the amenity of the surrounding residents is not considered to be significant due to there being existing metal fencing and brick boundary walls and the proposal having limited additional impact as a portion of the brick wall/piers will be removed.
19. The end terrace properties opposite elevation 3 to the east are all side elevations which do not contain any main room windows and are all sited over 11 metres from the existing and proposed boundary treatment with the highway between. It is considered the proposed works would have no further impact than the existing. To the west, opposite elevation 1 is Pikes Lane Primary School which also benefits from similar fencing to the boundary.
20. Taking into consideration the above, it is considered that the proposed works are in accordance with policy CG4 of the Core Strategy.

Impact on Highways

21. Core Strategy policies P5 and S1 seek to ensure that Council and its partners will ensure that new developments take into account the requirements for accessibility by different modes of transport, including parking and servicing arrangements. In addition, there is a requirement that road safety is promoted in the design of new development.
22. Bolton Council's Highways Engineers have raised no objections to the proposal. They consider that the size of the proposal would not impact on road safety and access to the car park within the site will be retained.
23. The proposal complies with policies P5 and S1 of the Core Strategy.

Conclusion

24. It is considered that the proposal complies with policy as detailed above and Members are therefore recommended to approve the application.

Representation and Consultation Annex

Representations

Letters:- None received.

Petitions:- None received.

Elected Members:- None received.

Consultations

Advice was sought from the following consultees:

Highways

Design for Security GM Police - no objections

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. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref:

Proposed Plan and Elevations - Drawing number PL02, Date scanned 31st July 2020

Reason

For the avoidance of doubt as to what is permitted and in order to comply with Bolton's Core Strategy policy CG3

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

Proposed Plan and Elevations - Drawing number PL02, Date scanned 31st July 2020

OS Plan - Drawing number PL03, Date scanned 31st July 2020

Block Plan - Drawing number PL04, Date scanned 31st July 2020

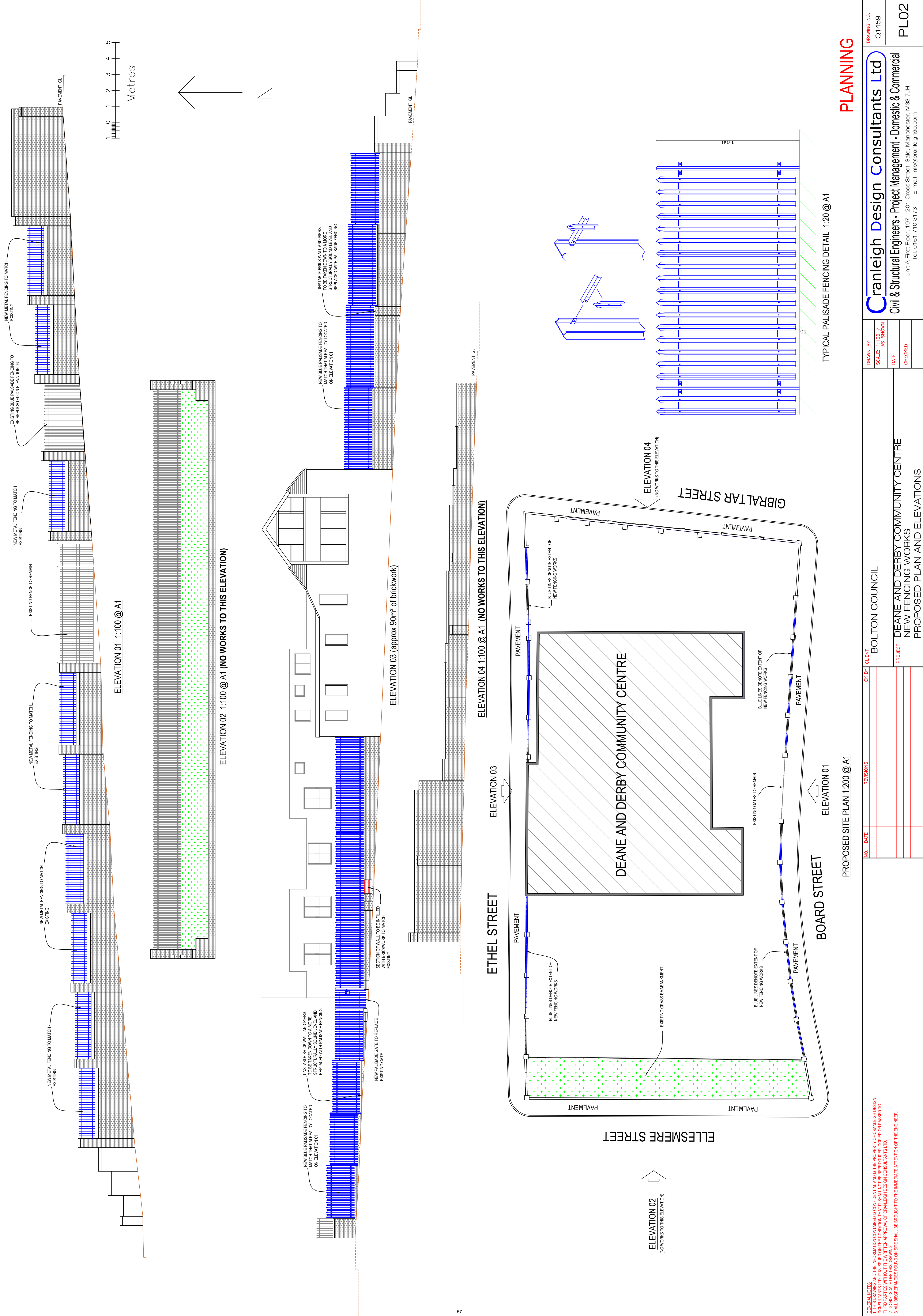
Reason

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



PL04 - BLOCK PLAN SCALE - 1:500@A4

DEANE AND DERBY COMMUNITY CENTRE, BOARD STREET, BOLTON, BL3 5EH



RECEIVED PLANNING APPEALS from 11/08/2020 to 06/10/2020

07809/20 **69 THE SHEDDINGS, BOLTON, BL3 2JN**

ERECTION OF A TWO STOREY SIDE/SINGLE STOREY REAR EXTENSION TOGETHER WITH PORCH AT FRONT

Decision date: **02-Apr-2020**

Decision: **Refused**

Decision level: **Delegated**

Appeal start date: **29-Jun-20**

Appeal ref: **APP/N4205/D/20/3253776**

07827/20 **25 NEWLANDS AVENUE, BOLTON, BL2 5EU**

ERECTION OF A TWO STOREY EXTENSION AT SIDE

Decision date: **15-May-2020**

Decision: **Refused**

Decision level: **Delegated**

Appeal start date: **3-Aug-20**

Appeal ref: **APP/N4205/D/20/3254634**

07926/20 **23 ASTLEY ROAD, BOLTON, BL2 4BR**

ERECTION OF A SINGLE STOREY EXTENSION AT REAR TOGETHER WITH ERECTION OF GARAGE AT SIDE

Decision date: **30-Apr-2020**

Decision: **Refused**

Decision level: **Delegated**

Appeal start date: **18-Aug-20**

Appeal ref: **APP/N4205/D/20/3255853**

06678/19 **123 TONGE MOOR ROAD, BOLTON, BL2 2DL**

CHANGE OF USE OF GROUND FLOOR FROM RESTAURANT (A3) TO FAST FOOD TAKEAWAY (A5).

Decision date: **05-Dec-2019**

Decision: **Refused**

Decision level: **Delegated**

Appeal start date: **8-Jul-20**

Appeal ref: **APP/N4205/W/20/3246569**

06889/19 **LAND OFF DUNSCAR FOLD, BROMLEY CROSS, BOLTON**

OUTLINE APPLICATION FOR THE ERECTION OF UP TO FIVE RESIDENTIAL DWELLINGS (ALL MATTERS RESERVED)

Decision date: **05-Nov-2019**

Decision: **Refused**

Decision level: **Delegated**

Appeal start date: **28-May-20**

Appeal ref: **APP/N4205/W/20/3251456**

08090/20 **3 WHITEHILL MEADOW, BOLTON, BL6 5WF**

ERECTION OF EXTENSION TO DETACHED GARAGE AND CONVERSION TO SELF CONTAINED ACCOMMODATION.

Decision date: **19-May-2020**

Decision: **Approved with Conditions**

Decision level: **Delegated**

Appeal start date: **9-Jun-20**

Appeal ref: **APP/N4205/W/20/3253376**

06301/19 **510 DARWEN ROAD, BROMLEY CROSS, BOLTON, BL7 9DX**

CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED USE TO (A1) SECTION 192

Decision date: **24-Feb-2020**

Decision: **Refused**

Decision level: **Delegated**

Appeal start date: **5-Aug-20**

Appeal ref: **APP/N4205/X/20/3255134**

DECIDED PLANNING APPEALS from 11/08/2020 to 06/10/2020

07809/20 **69 THE SHEDDINGS, BOLTON, BL3 2JN**

ERECTION OF A TWO STOREY SIDE/SINGLE STOREY REAR EXTENSION TOGETHER WITH PORCH AT FRONT

Decision date: **02-Apr-2020**

Decision: **Refused**

Decision level: **Delegated**

Appeal decision date: **15-Sep-2020**

Appeal decision: **Dismissed**

Appeal ref: **APP/N4205/D/20/3253776**

07827/20 **25 NEWLANDS AVENUE, BOLTON, BL2 5EU**

ERECTION OF A TWO STOREY EXTENSION AT SIDE

Decision date: **15-May-2020**

Decision: **Refused**

Decision level: **Delegated**

Appeal decision date: **10-Sep-2020**

Appeal decision: **Allowed**

Appeal ref: **APP/N4205/D/20/3254634**

07926/20 **23 ASTLEY ROAD, BOLTON, BL2 4BR**

ERECTION OF A SINGLE STOREY EXTENSION AT REAR TOGETHER WITH ERECTION OF GARAGE AT SIDE

Decision date: **30-Apr-2020**

Decision: **Refused**

Decision level: **Delegated**

Appeal decision date: **17-Sep-2020**

Appeal decision: **Allowed**

Appeal ref: **APP/N4205/D/20/3255853**

06678/19 **123 TONGE MOOR ROAD, BOLTON, BL2 2DL**

CHANGE OF USE OF GROUND FLOOR FROM RESTAURANT (A3) TO FAST FOOD TAKEAWAY (A5).

Decision date: **05-Dec-2019**

Decision: **Refused**

Decision level: **Delegated**

Appeal decision date: **28-Sep-2020**

Appeal decision: **Dismissed**

Appeal ref: **APP/N4205/W/20/3246569**

06889/19 **LAND OFF DUNSCAR FOLD, BROMLEY CROSS, BOLTON**

OUTLINE APPLICATION FOR THE ERECTION OF UP TO FIVE RESIDENTIAL DWELLINGS (ALL MATTERS RESERVED)

Decision date: **05-Nov-2019**

Decision: **Refused**

Decision level: **Delegated**

Appeal decision date: **14-Aug-2020**

Appeal decision: **Dismissed**

Appeal ref: **APP/N4205/W/20/3251456**

08090/20 **3 WHITEHILL MEADOW, BOLTON, BL6 5WF**

ERECTION OF EXTENSION TO DETACHED GARAGE AND CONVERSION TO SELF CONTAINED ACCOMMODATION.

Decision date: **19-May-2020**

Decision: **Approved with Conditions**

Decision level: **Delegated**

Appeal decision date: **29-Sep-2020**

Appeal decision: **Allowed**

Appeal ref: **APP/N4205/W/20/3253376**

06301/19 **510 DARWEN ROAD, BROMLEY CROSS, BOLTON, BL7 9DX**

CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED USE TO (A1) SECTION 192

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Decision: **Refused**

Decision level: **Delegated**

Appeal decision date: **29-Sep-2020**

Appeal decision: **Dismissed**

Appeal ref: **APP/N4205/X/20/3255134**

Summary of decided planning appeals

	Allowed	Dismissed	Total
Total	3	4	7

RECEIVED ENFORCEMENT APPEALS from 11/08/2020 to 06/10/2020

Appeal start date:

Appeal ref:

DECIDED ENFORCEMENT APPEALS from 11/08/2020 to 06/10/2020

Decision date:

Decision:

Appeal ref:

Summary of decided enforcement appeals

Report to: Planning Committee

Date: 15th October, 2020

Report of: Head of Planning

Report No:

Contact Officer: Sim Manley

Tele No:

Report Title: **Quarterly Performance figures - Development Management**

Non-Confidential: **(Non-Confidential)** This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

Purpose: To provide members with the latest up-to-date performance figures for Quarter 2 2020/21.

Recommendations: This report is brought to members for information purposes only.

Decision: None

**Background
Doc(s):** None

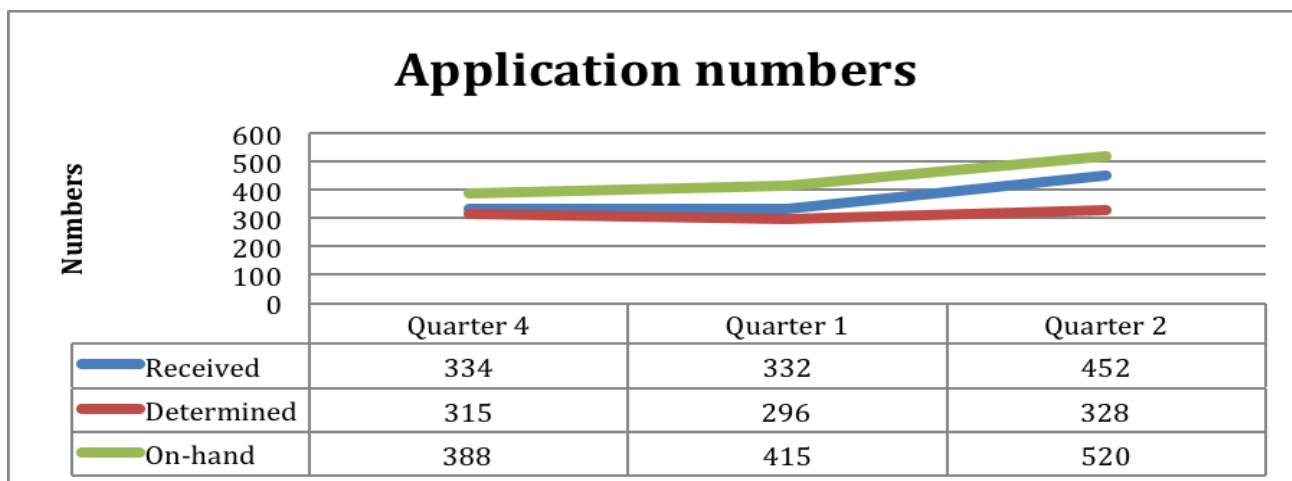
Report

This report is brought before Members for information purposes only and to provide them with the up-to-date position regarding performance of the Development Management Team as of 30th September 2020.

The data show also includes the previous two quarters to allow for a comparison with previous performance.

Application numbers

The table below shows the numbers of applications received, applications determined and the numbers of applications 'on-hand' (total caseload of all undetermined applications within the team – total valid applications received less those determined in that period) for the last three quarters.



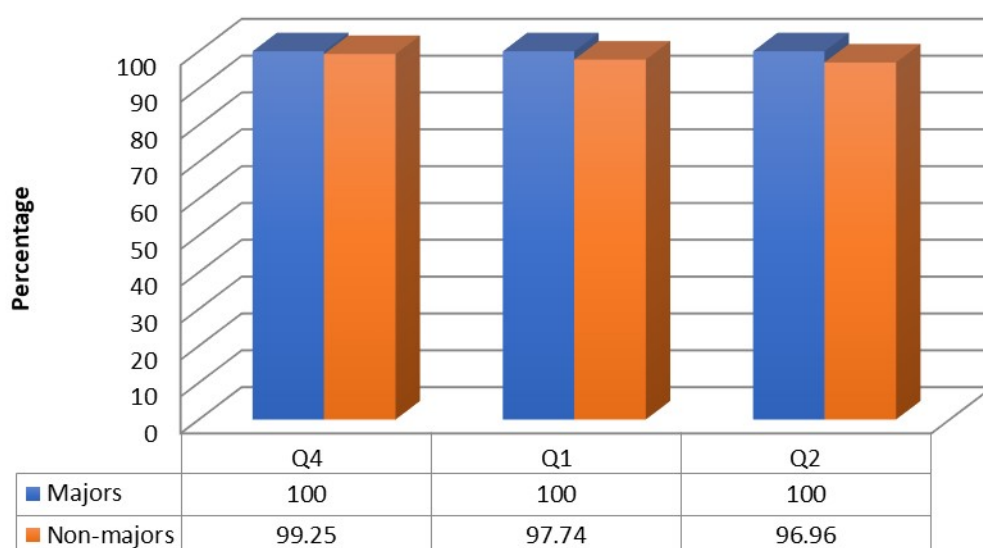
Members will see from the above that, whilst the previous two quarters received an almost identical number of valid applications, the last quarter has seen a marked jump from 332 to 452 which represents a 27% increase in cases. The reason for this surge in cases is not unusual to Bolton but, moreover, is a national trend, primarily as a result of an increase in the numbers of householder application being received but also in respect of other types of applications, including major developments.

In terms of applications being determined, you will see that in response to the increase in numbers of submissions being received, officers have endeavoured to determine more applications with a 9.7% increase in output. However, despite this increase in output, with a 27% increase in the numbers of applications being received and staff numbers remaining unchanged, this has resulted in an increase in the numbers of applications 'on-hand' as can be seen from above.

Currently, how this increase in application numbers is to be managed is being reviewed and careful consideration is being given to how this issue can be addressed moving forward so as not to adversely impact upon performance within the team.

Applications determined in time

Majors and Non-major application performance



Application Performance

Despite the significant increase in number of applications received within the team in the last quarter and the operational difficulties brought about as a result of Covid-19, performance is still very high with 100% of Major and 96.96% of Non-major applications being determined in time. There is a slight fall in performance with regard to the latter but this is likely as a result of the increase workload in respect of these types of applications, particularly 'Householders'.

Overall this performance is excellent and places the authority in the top quartile of all authorities in England.