

Planning Applications Report

Planning Committee

23 October 2014

**Bolton
Council**

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

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

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

The following abbreviations are used within this report: -

UDP	The adopted Unitary Development Plan 2005
RSS	Regional Spatial Strategy for the North West of England 2008
PCPN	A Bolton Council Planning Control Policy Note
PPG	Department of Communities and Local Government Planning Policy Guidance Note
MPG	Department of Communities and Local Government Minerals Planning Guidance Note
SPG	Bolton Council Supplementary Planning Guidance
SPD	Bolton Council Supplementary Planning Document
PPS	Department of Communities and Local Government Planning Policy Statement
TPO	Tree Preservation Order
EA	Environment Agency
SBI	Site of Biological Importance
SSSI	Site of Special Scientific Interest
GMEU	The Greater Manchester Ecology Unit

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

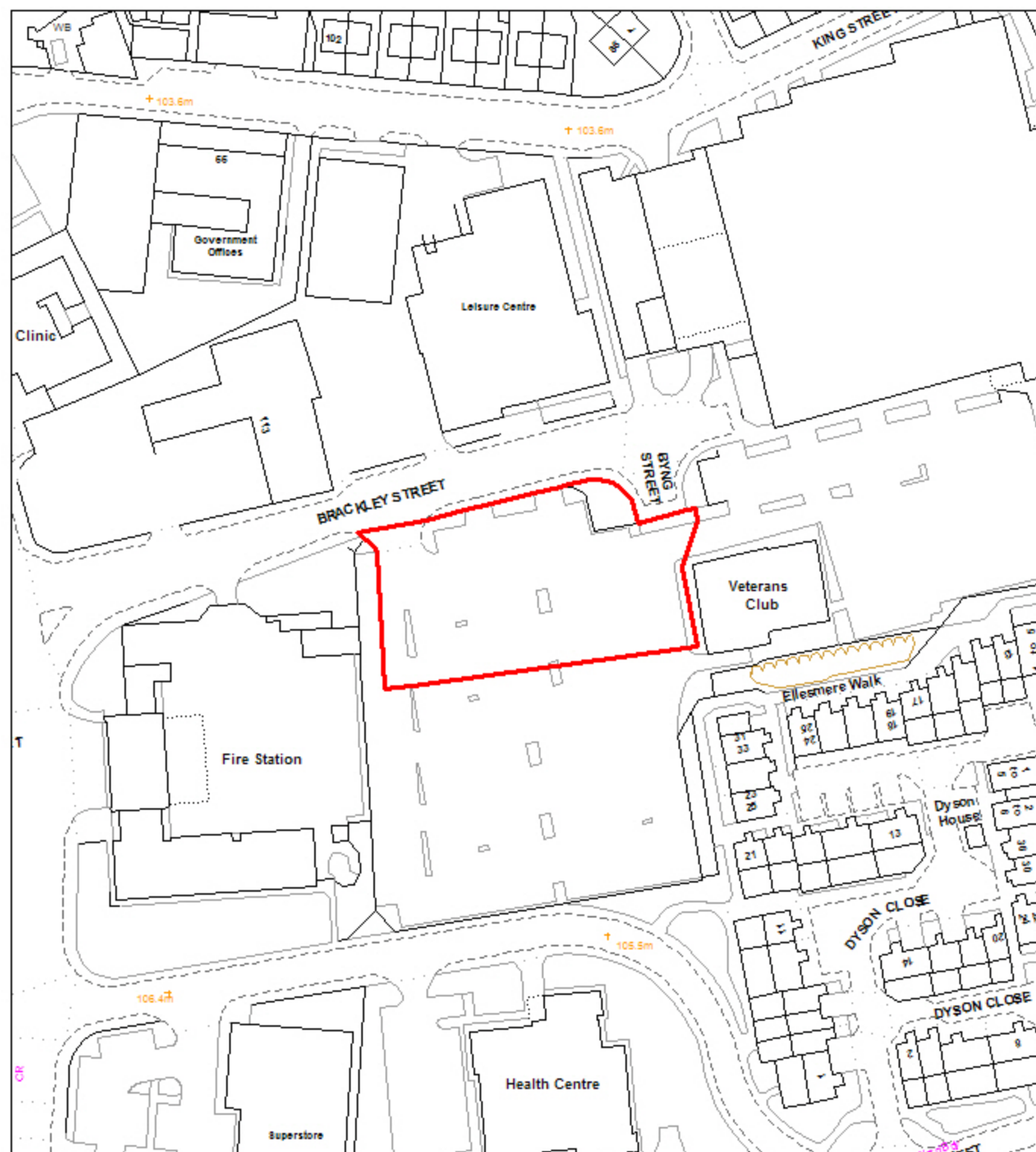
www.bolton.gov.uk/planapps

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Application No.

90150/13



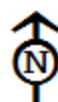
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Date of Meeting: 23/10/2014

Application Reference: 90150/13

Type of Application: Full Planning Application
Registration Date: 19/06/2013
Decision Due By: 13/08/2013
Responsible Officer: Jon Berry

Location: ASDA STORES LTD, BRACKLEY STREET, FARNWORTH, BOLTON, BL4 9DT

Proposal: CHANGE OF USE AND ERECTION OF AN EIGHT PUMP PETROL FILLING STATION WITH CONTROL ROOM ON AREA OF CAR PARK ADJACENT BRACKLEY STREET/FIRE STATION CAR PARK AND REARRANGEMENT OF INTERNAL ROAD LAYOUT/RELOCATION OF TROLLEY BAY.

Ward: Farnworth

Applicant: Asda Stores Ltd
Agent : Pegasus Group

Officers Report

Recommendation: Approve subject to conditions

Background

The proposal was deferred by Members at the 03 April 2014 Planning Committee meeting to enable the applicant to reconsider the location of the petrol filling station to address Officer concerns about traffic flow and pedestrian safety using the existing car park. It was noted that Officer and Members did not object to the siting of a petrol filling station within the Asda car park to be unacceptable.

Proposal

The amended application has relocated the proposed Petrol Filling Station to the west edge of the existing Asda car park which would be adjacent to the Fire Station car park. The internal car park layout would be amended to facilitate an improved access and egress from the site into Brackley Street. The amendments to the car park would result in the loss of 76 car parking spaces from 375 to 299 spaces. The car parking arrangements closer to the existing Asda store would remain unaffected.

Proposed hours of operation:

Monday to Saturday 07:30 - 22:30
Sunday 09:30 - 16.30

Site Characteristics

The ASDA store is located within Farnworth town centre which is to the south east of Bolton. King Street and residential properties form the northern boundary of the site, whilst Farnworth leisure centre and Frederick Street form the western and southern

boundaries respectively.

Policy

National Planning Policy Framework 2012

Core Strategy: CG3, CG4, S1, P5, RA2,

Planning Control Policy Note 2: Space Around Dwellings

Planning Control Policy Note 10: Planning Out Crime

Supplementary Planning Document: Accessibility, Transport and Road Safety

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on amenity
- * impact on the highway

Impact on the character and appearance of the area

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

The site is an existing public car park, that predominantly serves the ASDA retail store on Brackley Street together with the older retail units also on Brackley Street. The surrounding area is predominantly commercial/retail but there are residential properties nearby. In terms of the impact upon the character and appearance of the area, Officers consider that a petrol filling station in this locality would not result in a feature alien to a town centre setting, it being similar to other such developments across the Borough.

The adjacent supermarket and commercial buildings that bound this part of the car park site would ensure that the petrol filling station would appear as part of the surrounding pattern of development and thus would not unduly affect the character and appearance of the area, compliant with policy CG3 of the Bolton Core Strategy.

Impact on amenity

Policy CG4 aims to ensure that new development is compatible with surrounding land uses and occupiers and protects amenity.

The nearest residential properties to the site are located in excess of 50 metres away at Ellesmere Walk. These properties are located directly adjacent to the existing car park and Officers do not consider that the living conditions of those dwellings would be unduly affected, over and above the existing situation.

Given that the proposed filling station is to be sited on an existing car park, within a town centre location, Officers do not consider that there would be any unacceptable impact upon residential amenity. The applicant has proposed to limit the hours of operation, however given that the four pumps would be card operated, Officers do not consider it necessary to impose such a restriction, especially given the town centre setting of the site.

The proposal complies with policy CG4 of the Bolton Core Strategy.

Impact on the highway

Core Strategy policies P5 and S1 require road safety be taken into account in the design of new development including parking and related circulation space.

The Council's Highways Engineers has also commented the original proposal had a number of shortcomings including:

- (i) loss of car parking spaces close to the Asda Store entrance;
- (ii) increased vehicular movement and congestion on the eastern section of the car park;
- (iii) reduction in pedestrian safety;
- (iv) relocation of the taxi waiting bay would be less convenient than it is currently;
- (v) severance of the pedestrian link between Asda and the western side of the car park;
- (vi) the number of vehicle lanes for pedestrians on the Brackley Street footway to cross would be increased from two to three;
- (vii) traffic exiting from the PFS would have to give way to incoming car park traffic and then would have to immediately give way again to exiting and petrol traffic from the eastern car park, with a queuing capacity of only one vehicle. This would create the potential for conflict and for blocking of the access road
- (viii) additional conflicting vehicle movements would result from vehicles accessing or leaving the PFS at one of the busiest sections of the access road.

The Regeneration and Economic Development section have also commented that the Council is not opposed to the principle of a proposed PFS being located within the car park but as strategic development authority and land owner the Council is concerned to ensure that any changes to the car park do not compromise public safety or the regeneration of the town centre.

As a result of Members decision to defer determination of the application, further detailed negotiations have taken place between the Council's Highways Engineers, Regeneration Officers and the applicant. Subsequently, an amended layout /design has been submitted which now meets the approval of Council officers and the applicant. The amended scheme has successfully addressed the issues outlined above.

It is considered that adequate car parking for town centre usage would be retained within the Asda car park. For example in the peak periods of use on a Friday, Saturday and Sunday a maximum of 226 spaces were used within the car park. The improved car park would still retain 299 spaces which provides sufficient capacity for additional car parking over and above the maximum usage of 226 spaces.

Officers consider that the amended scheme has addressed the key concerns raised by Highways Engineers, Regeneration officers and local residents / occupiers with a relocated petrol filling station enabling the internal road layout to improving both vehicular and pedestrian circulation. The proposal complies with Core Strategy policy P5 and S1.

Conclusion

Officers consider that the amended siting of the proposed petrol filling station and the amendments to the internal layout of the proposal ensure that the proposal would maintain both highway and pedestrian safety, whilst resulting in a development which is compatible with the site / area and the adjoining uses / occupiers.

Members are accordingly recommended to approve the application, subject to conditions.

Representation and Consultation Annex

Representations

Letters:- one letter of objection have been received from a Planning Consultant objecting on behalf of the owners of the adjacent Farnworth Veterans Club. This letter raises the following issues:

- The proposed location for the PFS would result in the loss of car parking spaces close to the club. These spaces are in a convenient, safe and very popular location for the club users and also for users of the store. The new PFS in this location would attract constant traffic movement close to the club premises which may be prejudicial to public safety. There would increased vehicle movements and congestion on the eastern section of the car park.
- The taxi waiting bay would also result in the loss of parking spaces. and may increase the potential for conflict on one of the busiest sections of access road into the car park.
- Pedestrians would have additional traffic from the PFS to contend with and would have an additional road to cross adjacent to the Veterans Club. We note that this is a concern of your Highways officer. We also note that the Old vets building will be located very close to the altered traffic route which prevents clear vision for drivers at this junction. There is presently a convenient and safe 'zebra' crossing at this location which is readily understandable by users. The proposed new arrangement will be complex and potentially hazardous.
- As with your Highway engineer, we note that the number of vehicle lanes for pedestrians on the Brackley Street footway to cross would be increased from two to three. This is clearly unsatisfactory.
- Traffic exiting from the PFS will undoubtedly cause queuing at this location which will more than likely block the road way. This will again cause difficulties for the general public and users of the Old Vets club.
- The Old Vets club is a well established and very busy premises both during daytime and evenings. Whilst presently closed for renovation, my client's are anxious to ensure that the safety and convenience of members and other users are not prejudiced by this proposal. It has long been accepted that the existing car park is far smaller than would normally be expected for a busy Asda store of this size in Farnworth. Further reduction in the number of spaces and the addition of a PFS as now proposed will only worsen the situation leading to on-street car parking and potentially hazardous manoeuvring by vehicles close to the Old Vets club.

Petition:- A petition of objection has been received, containing 55 signatures, from addresses which include Dyson Close, Ellesmere Walk, Westwood Close, Weavers Green and Green Side Avenue. The grounds of objection, stated in the petition are:

- the proposed petrol filling station being a health and safety problem for users of the existing car park,
- over development of the site and;
- a lack of need given that there are two existing petrol stations locally and a third one at Tesco having planning permission (not a material planning consideration).

It is noted that the above representations were made as a result of the applicants original submission. No further representations have been received as a result of the amended layout. Any further representations will be reported by way of the Supplementary Information List.

Consultations

Advice was sought from the following consultees: Highways, Environmental Health, Strategic Development.

Planning History

None relevant to this application.

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

Reason

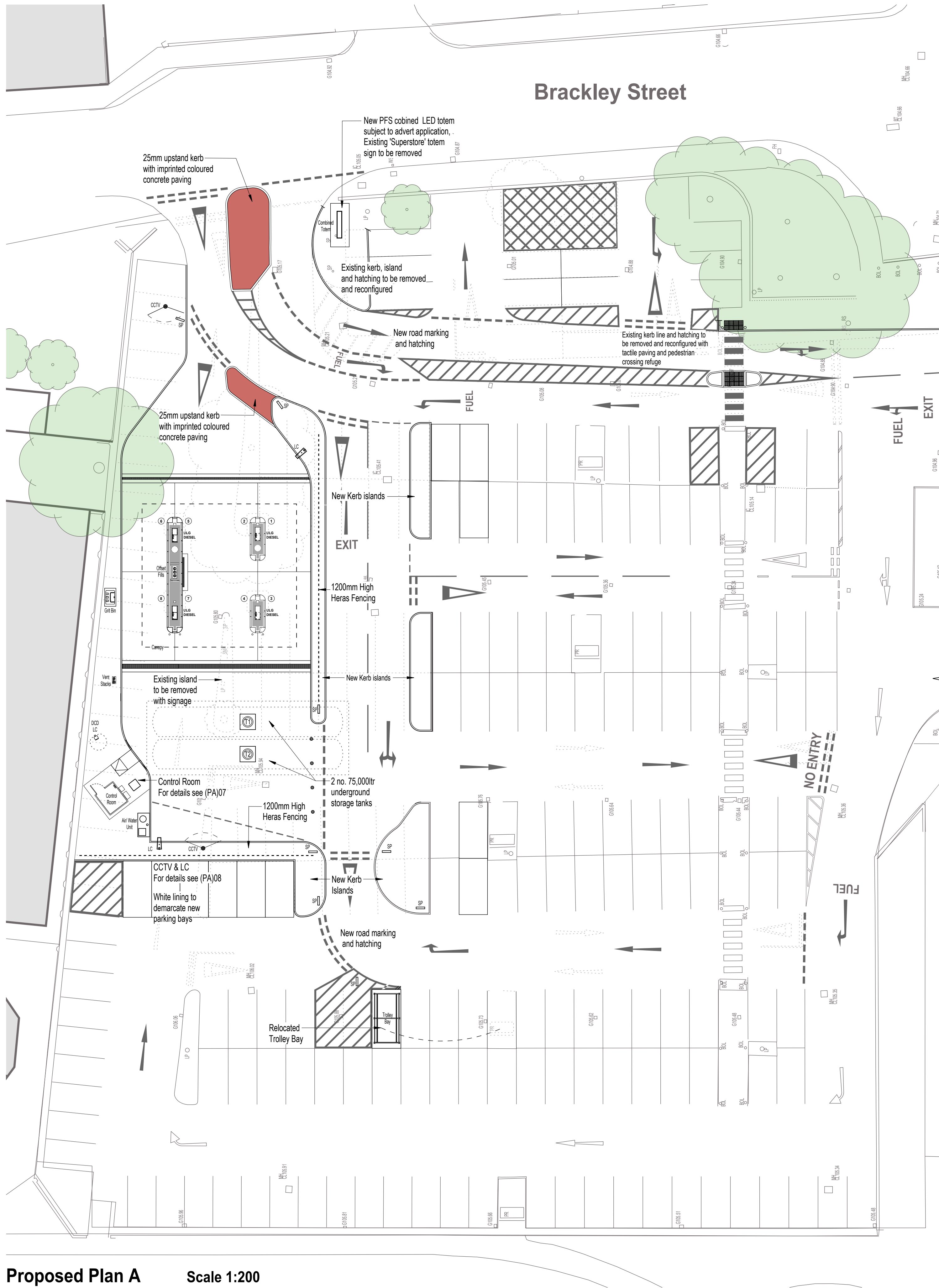
To ensure the development is safe for use.

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

**A1302/FW(PA)03 Revision P3 - Proposed Block Plan, scanned to file 09/10/14;
A1302/FW(PA)04 Revision P3 - Proposed Petrol Station Plan, scanned to file 09/10/14;
A1302/FW(PA)05 Revision P1 - Proposed Forecourt Elevations, scanned to file 26/09/14;
A1302/FW(PA)06 Revision P1 - Proposed Forecourt Sections, scanned to file 26/09/14;
A1302/FW(PA)07 Revision P1 - Control Room details, scanned to file 26/09/14; and
A1302/FW(PA)08 Revision P1 - Lighting Column / Dome CCTV Details, scanned to file 26/09/14.**

Reason

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



Proposed Plan A Scale 1:200

Proposed Petrol Station



Proposed Site Layout

Scale 1:1250



Proposed Plan B

Scale 1:200

NOTES
Check all dimensions on site
Do not scale from this drawing
Report any discrepancies and omissions to HLM Architects
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P3 Revised in line with Highways Departments comments:
EXIT and FUEL road markings added;
2 no. NO ENTRY signs added near to Arthur Street entrance;
Landscaping added to omitted 3 no. parking bays;
GIVE WAY markings and NO ENTRY disc signs added adjacent to PFS entrance;
Centreline and directional arrow road markings added

P2 Revised in line with Planning Officers comments

REVISIONS

Proposed Petrol Station Plan

scale @ A1 1:200 drawn AJ
date 08/01/2013 checked AS
date plotted

Proposed four pump automated PFS

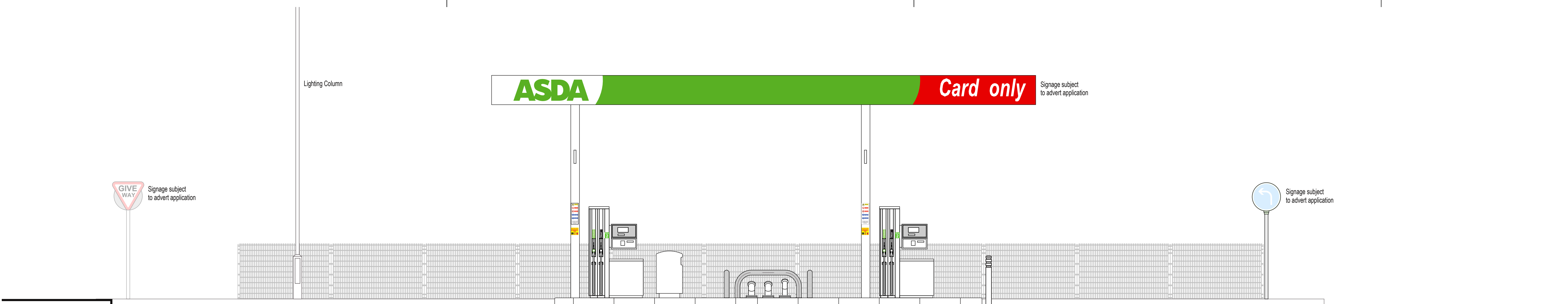
client
Farnworth
Brackley Street
Farnworth
Bolton
BL4 9DT

ASDA

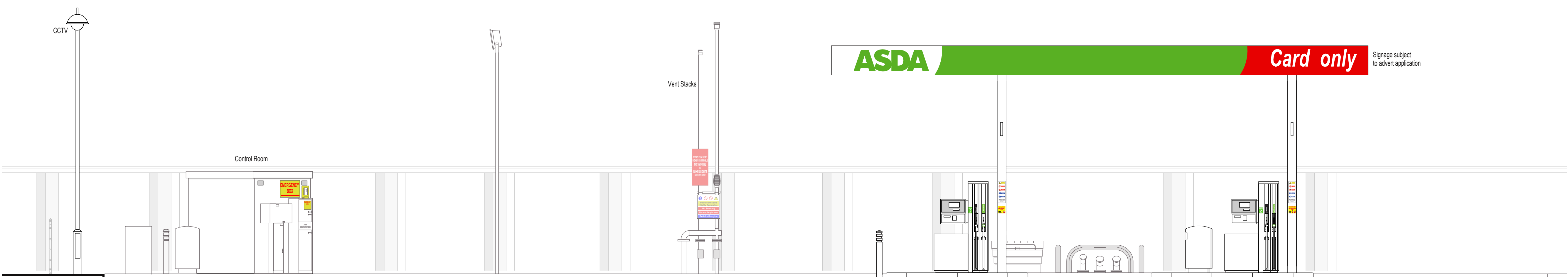
C&A Design

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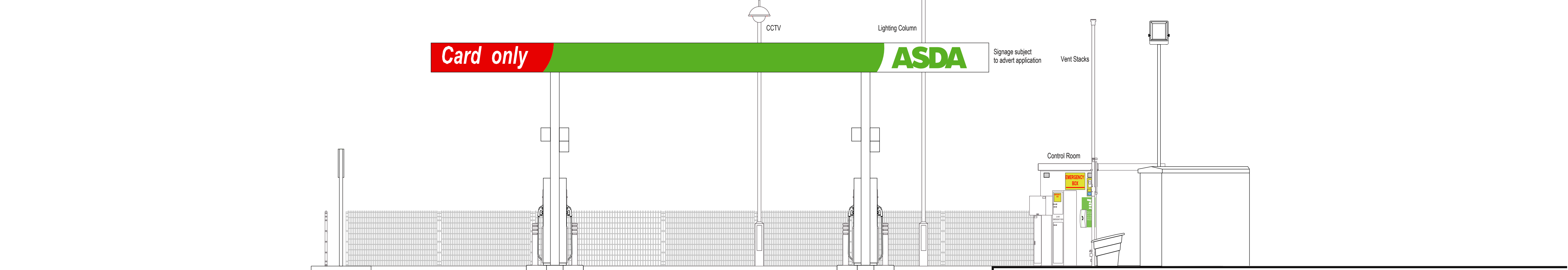
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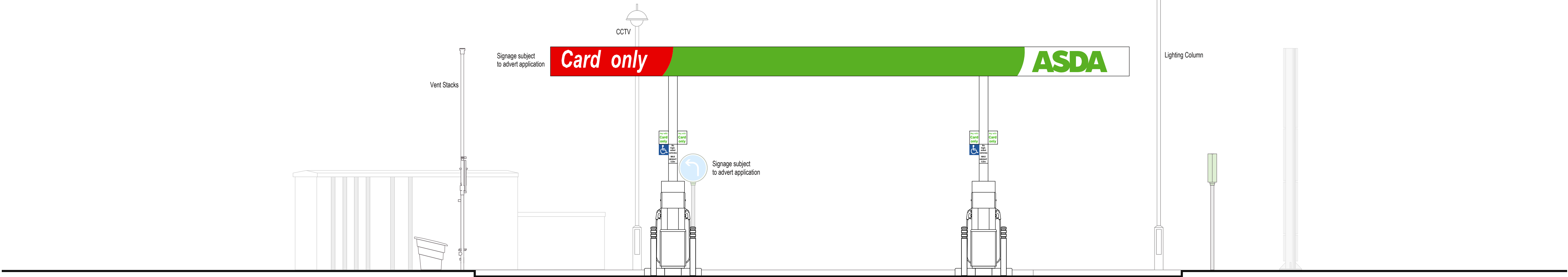
Proposed West Facing Elevation



Proposed East Facing Elevation



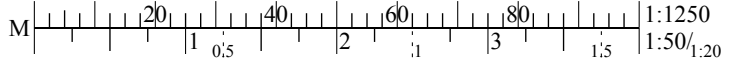
Proposed North Facing Elevation



Proposed South Facing Elevation

Proposed Forecourt Elevations

Scale 1:50



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REVISIONS

Proposed Forecourt Elevations

scale @ A1	1:50	drawn	AJ	P1
date	24/09/2014	checked	*	
project	date plotted			

Proposed four pump automated PFS

client
Farnworth
Brackley Street
Farnworth
Bolton
BL4 9DT



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client

Farnworth
Brackley Street Farnworth Bolton BL4 9DT

project

Proposed Four Pump Fully Automated Petrol Filling Station

title

Lighting Column / Dome CCTV Details

scale @ A3

1:50

24/09/2014

AJ

checked

*

date plotted

Wed Sep 24 14:29:38 2014

ASDA

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drawing no

A1302/FW(PA)08

rev

P1

A

A

A

Dome CCTV camera
see fact sheet WV-CW960 Series

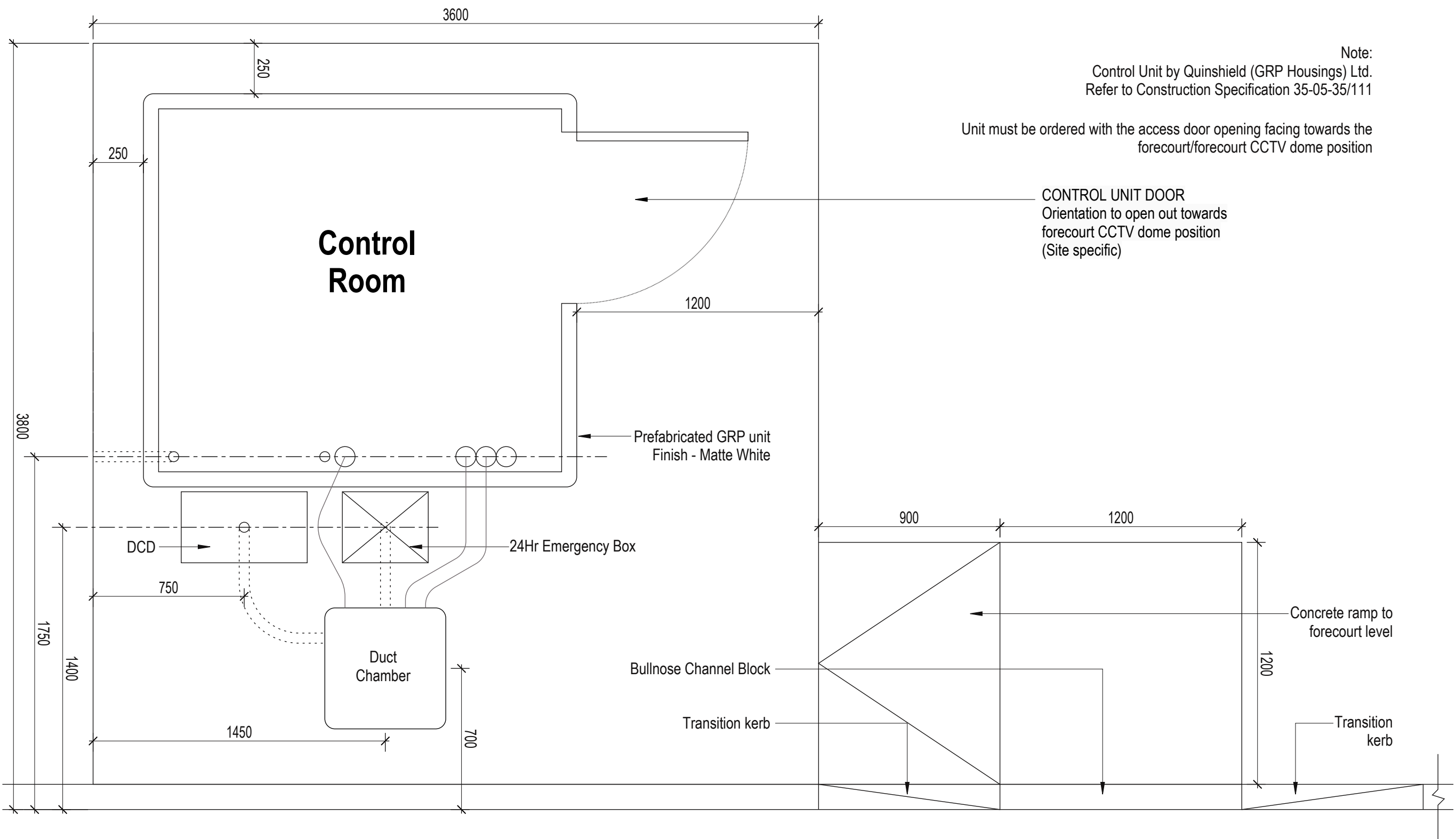
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CCTV Camera

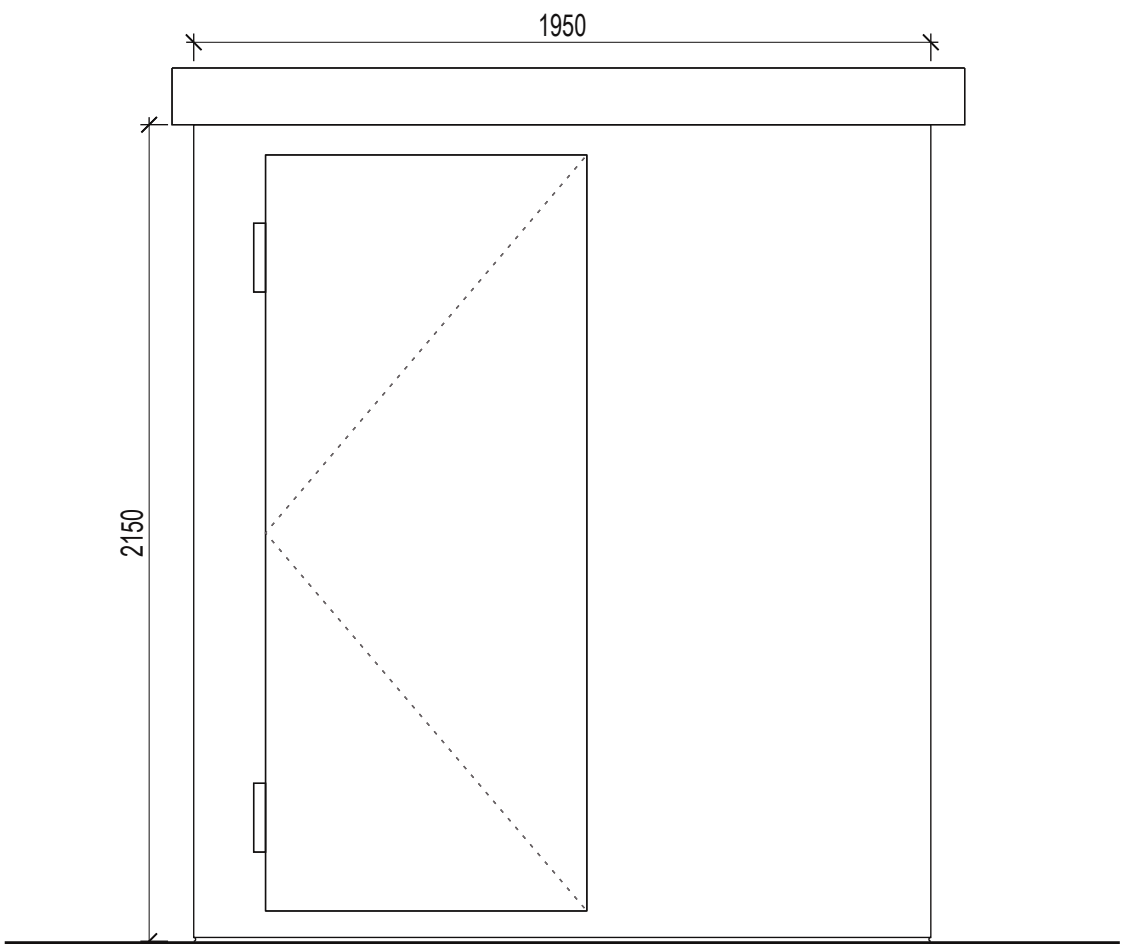
For details, please refer to Philips Luma 1
information as submitted with the application.

8000

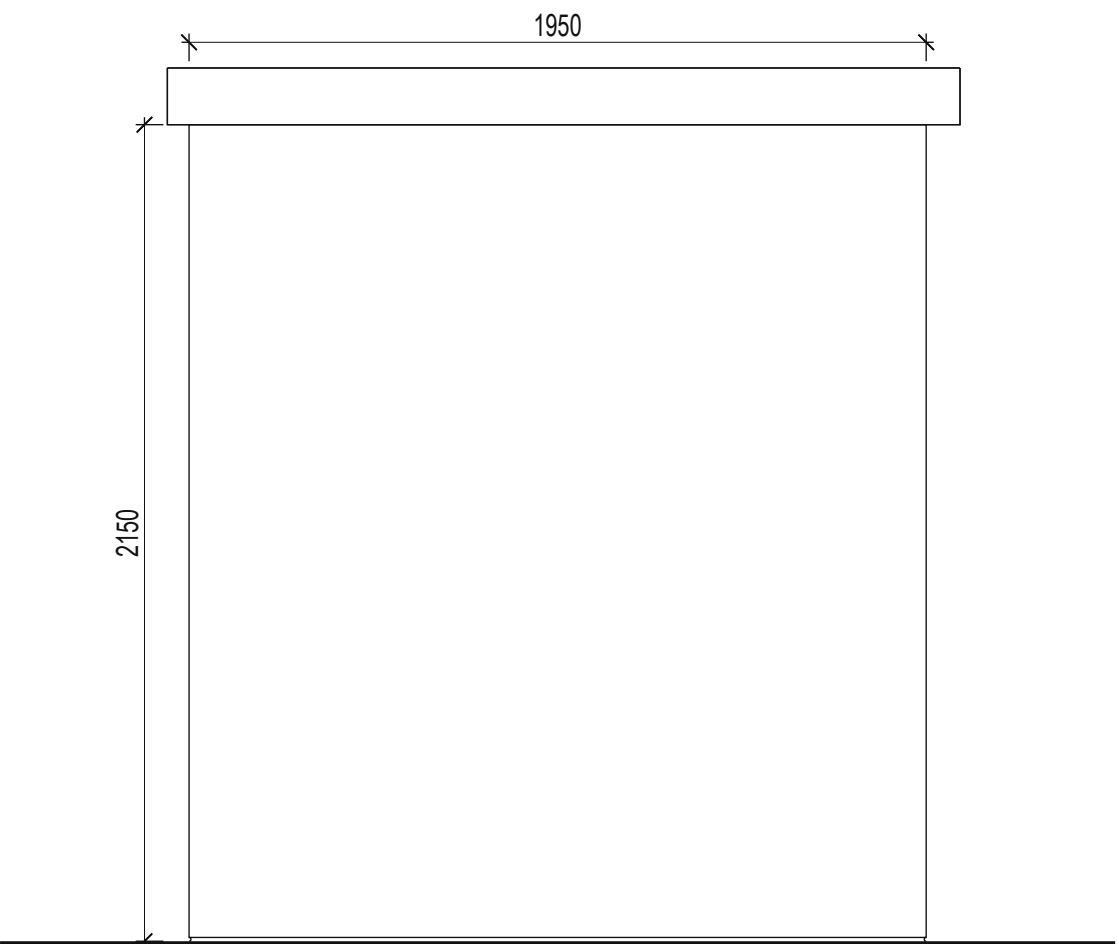
Lighting Column



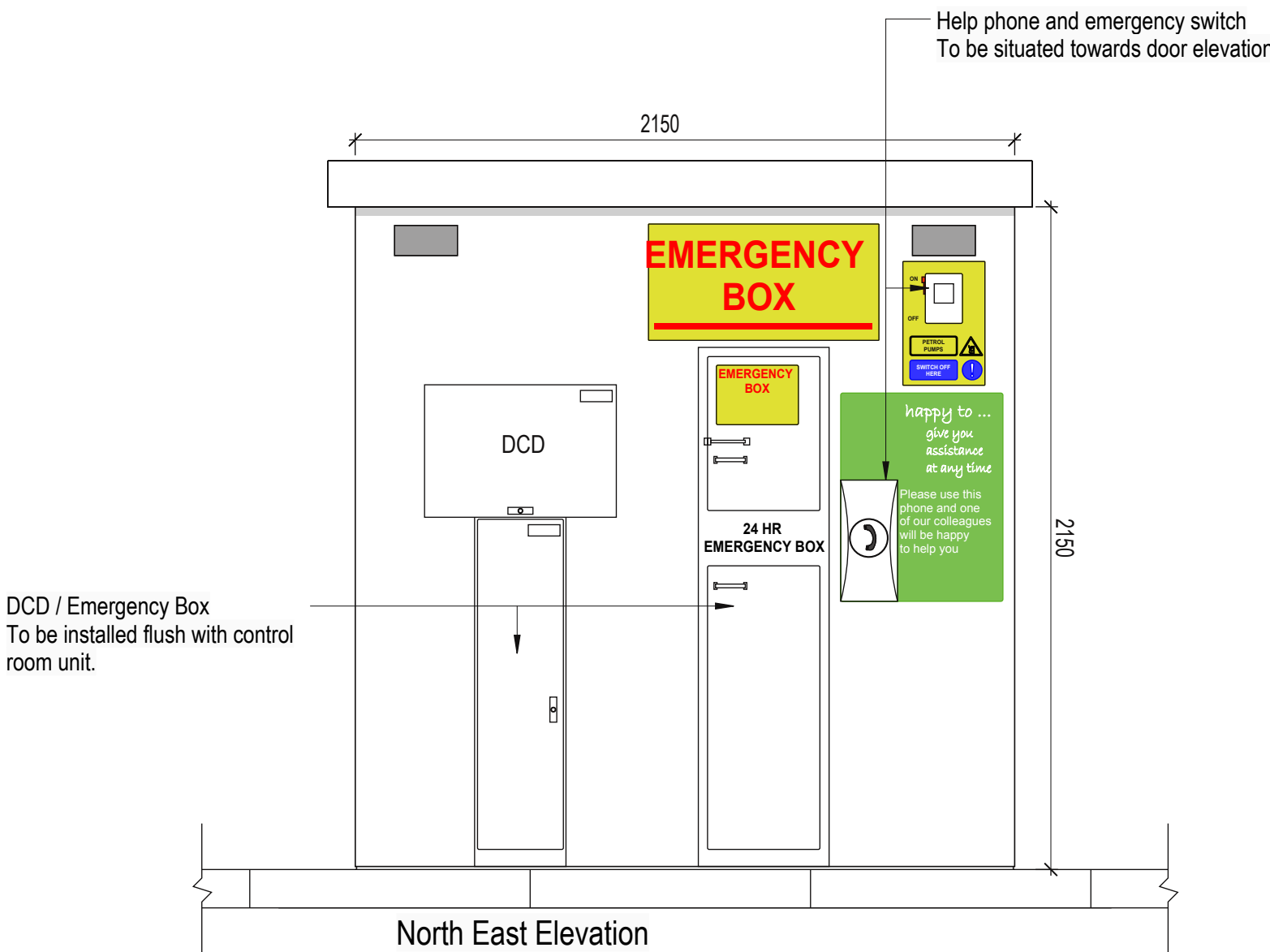
Control Room Plan Scale 1:20



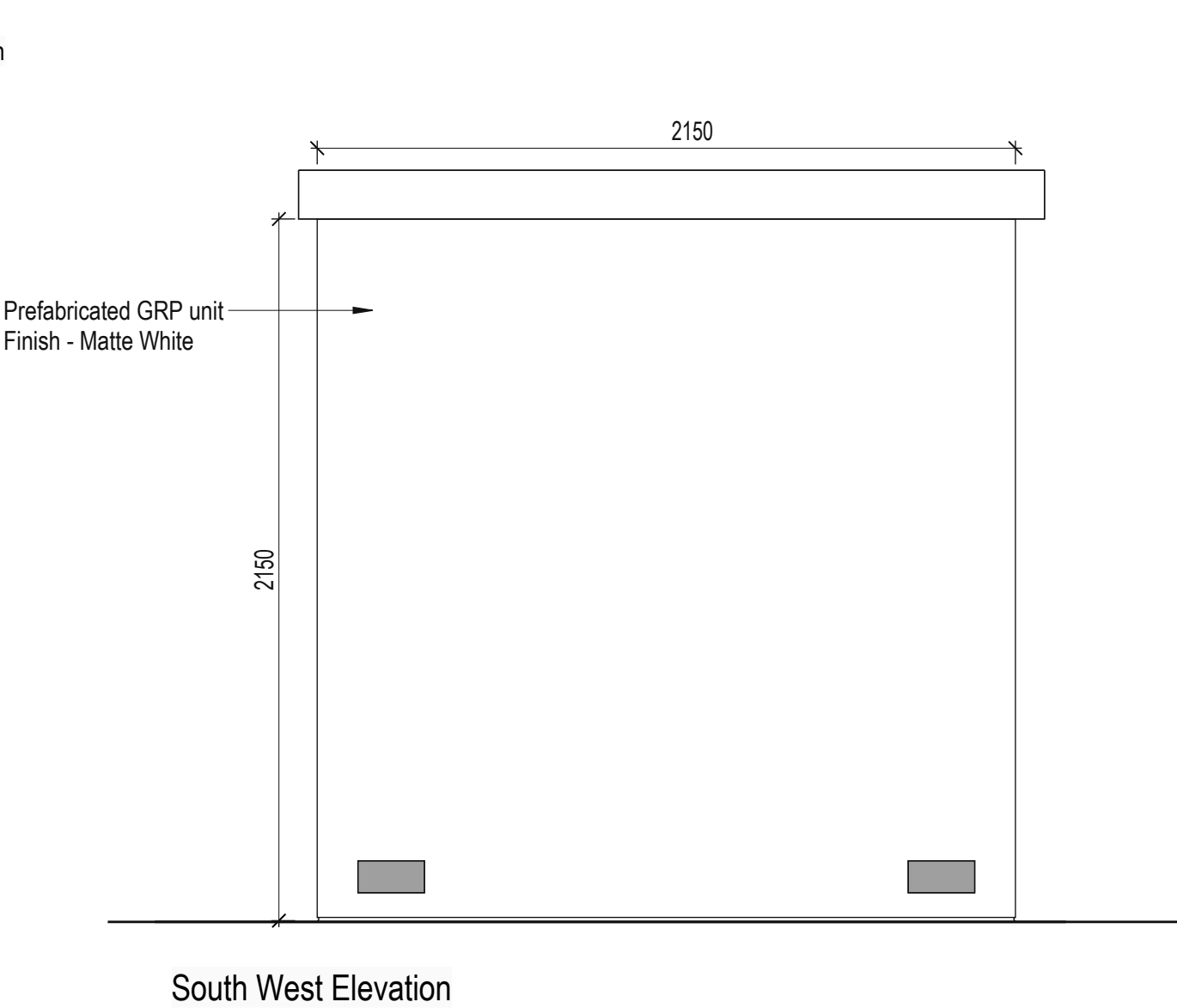
North West Elevation



South East Elevation



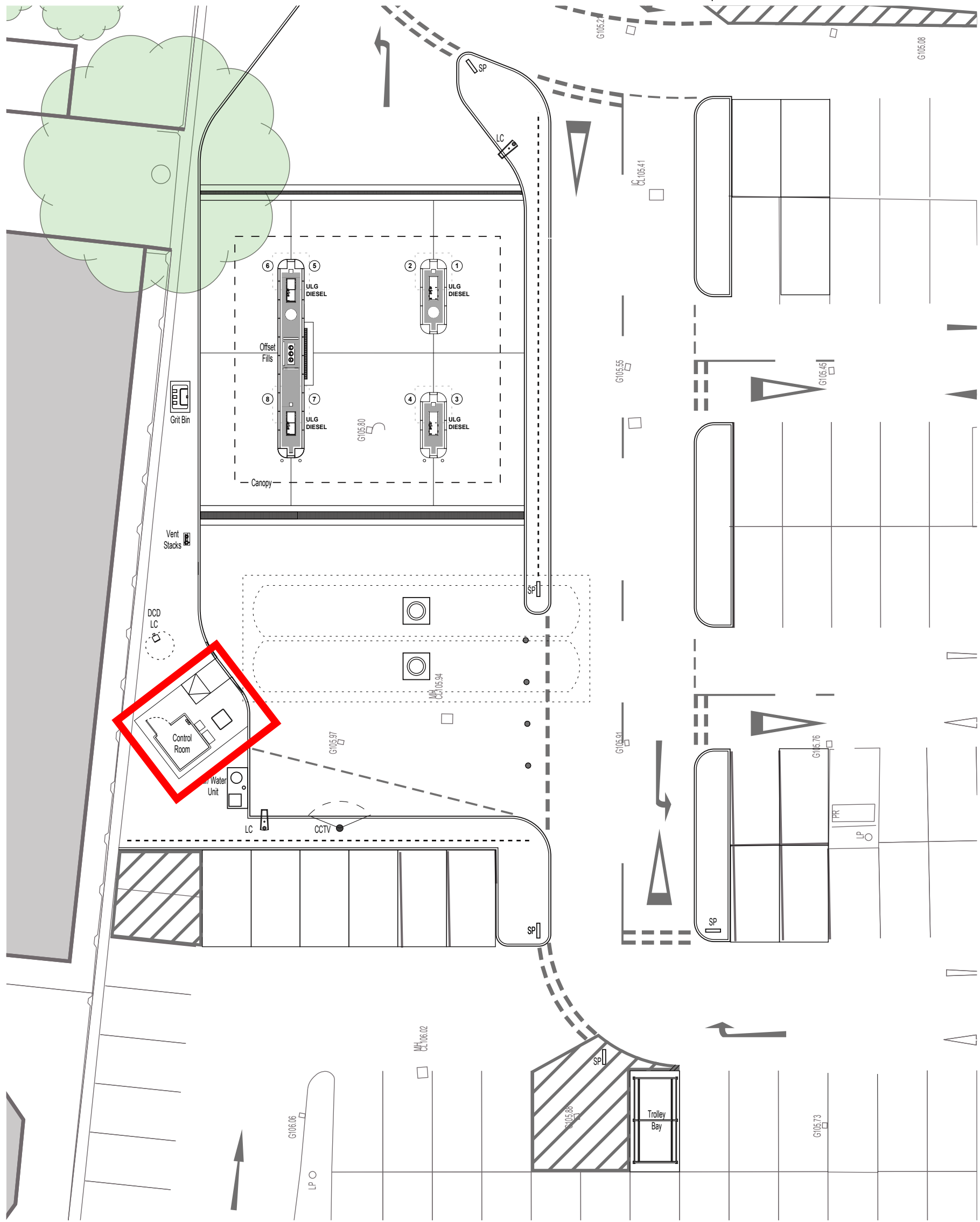
North East Elevation



South West Elevation

Control Room Elevations Scale 1:20

Contorl Unit Details



Site Location Plan Scale 1:200



Existing Control Room Photo

NOTES

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REVISIONS

No.	Description	Date
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drawing no
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Brackley Street
Farnworth
Bolton
BL4 9DT

scale @ A1
date
24/09/2014

drawn
checked
date plotted

project
Proposed four pump automated PFS

title
Control Room Details

scale @ A1
date
24/09/2014

drawn
checked
date plotted

project
Proposed four pump automated PFS

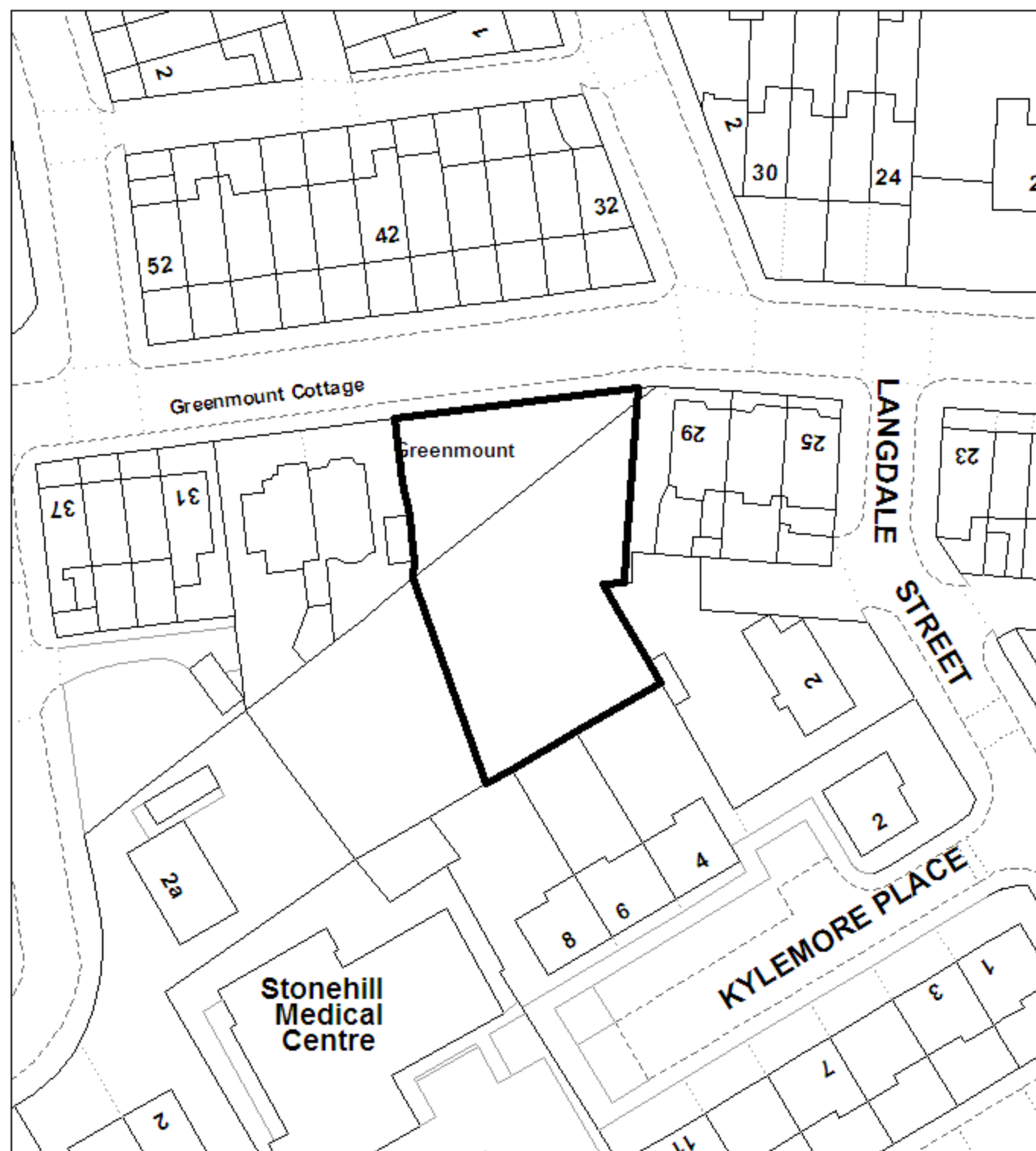
client
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client
ASDA

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Application No.

91685/14



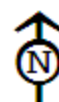
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Date of Meeting: 23/10/2014

Application Reference: 91685/14

Type of Application: Full Planning Application
Registration Date: 17/03/2014
Decision Due By: 11/05/2014
Responsible Officer: Chris Hobson

Location: 29 KILDARE STREET, FARNWORTH, BOLTON, BL4 9NP

Proposal: ERECTION OF THREE DETACHED DWELLINGS WITH ASSOCIATED CAR PARKING AND ACCESS.

Ward: Farnworth

Applicant: Mr E Tomlinson
Agent : Neil Pike Architects

Officers Report

Recommendation: Approve subject to conditions

Proposal

This application seeks permission for the erection of 2 x 4 bedroom semi detached dwellings and 1x no. 4 bedroom detached dwellings, creation of new access, and associated parking and landscaping at 29 Kildare Street, Farnworth, Bolton. The proposed dwellings comprise pitched roof 2 1/2 storey houses with lounge/dining room, kitchen, utility and WC at ground floor, with 3 bedrooms and bathroom at first floor and further bedroom and bathroom in the roof. The proposed dwellings would front on to Kildare Street to the north and would be stepped in layout splaying back from the carriageway further west long Kildare Street. The proposed scheme would provide 3 no. parking spaces in front of the dwellings with the proposed access located towards the centre of the site via a 5 metre wide access point and dropped kerb on to the south side of Kildare Street.

Site Characteristics

The application site is located in a predominantly residential area of Farnworth characterised by a mix of pre-war two storey terraced properties, and traditional two storey semi-detached dwellings. The application site is located to the south side of Kildare Street and borders two storey dwellings to the south, east and west and faces a row two storey terraced dwellings to the north. A more modern two storey dormer bungalow is located to the southeast with Stonehill Medical Centre located further to the southwest. The site currently comprises the side garden of no. 29 Kildare Street which includes a lawn and shrub area and a number of mature trees and substantial. The site is bordered by a brick wall along Kildare Street with a mix of walls and fences along the south, east and west boundaries.

Policy

National Planning Policy Framework (NPPF)

Core Strategy policies: P5 Accessibility; S1 Safe Bolton; CG1 Cleaner Greener Bolton; CG2 Sustainable Design and Construction; CG3 the Built Environment; CG4 Compatible Uses; SC1 Housing.

Saved UDP policies: N8 (Trees Woodlands and Hedgerows)

Planning Policy Guidance Notes: No. 2 Space About Dwellings, No. 10 Planning Out Crime, No. 21 Highway Considerations and No. 27 - Housing Developments and

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * Principle of Development, Housing Mix and Type;
- * Design and Impact on the Character and Appearance of the Surrounding Area
- * Amenity of Existing Residents and Future Occupiers
- * Impact on Highway Safety
- * Impact on Trees and Landscape Features
- * Drainage and Flood Risk
- * Contamination

Principle of Development, Housing Mix and Type

The NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed. The NPPF sets out a presumption in favour of sustainable development as core principle, and it is noted that the delivery of sustainable development is not restricted solely to the use of previously developed land (brownfield land). Policy SC1 of the LDF Core Strategy sets out the strategy for delivering 694 new homes per annum with the majority being provided on brownfield sites (80%) and 20% on greenfield land.

In this instance the site being the garden of an existing dwelling in a built up area constitutes greenfield land with regards to the policies in the NPPF and Core Strategy. However, whilst the site is defined as greenfield land, it is noted that this would not preclude the development at the site where it would not detract from the character and appearance of the surrounding area and would constitute sustainable development when assessed against the policies in the NPPF as a whole. In this regard, it is noted that the application site is located within an established residential area and a built up area of Farnworth. Indeed it is considered that the site is located within a sustainable location

within walking distance to Farnworth Town Centre to the north and east.

In accordance with policy SC1 the proposals would provide houses of 3 bedrooms or more. At a density of 37 dwellings per hectare the proposals would also accord with the minimum density set out in policy SC1 of the Core Strategy. In addition, it is considered that the provision of 3 no. dwellings in the form of 2 and ½ storey houses set in a linear form would be sympathetic with the character and grain of the surrounding area.

Having regard to the above, the proposals are considered to accord with policies SC1 and CG4 of the Core Strategy and the policies within the NPPF.

Design and Impact on the Character and Appearance of Surrounding Area

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

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

The surrounding area of Farnworth comprises an attractive mix of predominantly traditional pre-war residential properties. The surrounding street scene is largely characterised by traditional red brick two storey terraced and semi-detached dwellings fronting on to Kildare Street. It is noted that the application site itself currently forms a noticeable gap in the built form along Kildare Street with two storey terraced dwellings immediately to the east and grander scale two and half storey semi-detached dwellings immediately to the west of the site. Beyond this Kildare Street is characterised by a mix of two storey terraced houses and semi-detached properties fronting on to each other and set behind gardens to provide a distinct more spacious setting in comparison to the earlier tight terraced streets.

The proposed dwellings would front on to Kildare Street and therefore continue the linear form of dwellings along Kildare Street. Whilst the proposals would be set back from the road behind landscaped front gardens and mature tree planting, it is noted that this would respond to the soft and green appearance of the site created by the mature trees and the existing break in the built form.

The proposals have been designed to continue the row of two and two and half storey dwellings along the south side of Kildare Street, with the two and half storey dwellings providing a step between the two storey terraced properties to the east and the taller two and half storey semi-detached dwellings to the west. The proposed dwellings would be of modest design incorporating pitched roofs with ground floor projecting bay windows. The composition of the elevations would be relatively traditional in layout with more modern sized window proportions and a wide flat roof dormer to the rear.

In order to ensure that the appropriate landscaping of the site, and appropriate use of materials a conditions have been recommended requiring the submission and approval of detailed landscaping scheme and sample of materials.

Having regard to the above, it is considered that the proposed development would be sympathetic with the character and grain of the surrounding area and through the

retention of the mature trees along the frontage and rear of the site, and existing boundary wall would not cause significant harm to the character and appearance of the street scene. The scale, layout, design and appearance of the proposed development are considered to comply with policies CG3 and CG4 of the Core Strategy.

Amenity of Existing Residents and Future Occupiers

PCPN 2 provides guidance on the minimum distances required to not cause unacceptable impact on the amenity, outlook, daylight and the privacy experienced by neighbouring properties.

It is noted that a number of objections received raise the implications of the proposals on the amenity of surrounding residents in terms of loss of light, outlook and privacy. With regards to the impact on the amenity of the two storey terraced dwelling at nos. 32 – 42 Kildare Street to the north, it is noted that the proposals would retain a separation distance to the front elevation of the facing dwellings to the north greater than that characteristically seen along Kildare Street and in excess of the minimum 21 metres set out in PCPN2. Given the separation distance and intervening mature trees it is not considered that the proposals would appear overbearing or result in the significant loss of daylight or privacy to the occupants of the facing dwellings, and would accord with policy CG4.

It is noted that the proposals would present a new two and half storey dwellings to the rear of nos. 4 – 8 Kylemore Place where there were previously none. However, the proposals would retain a separation distance of in excess of 21 metres to the rear elevations of these dwellings in accordance with the minimum standards set out in PCPN2. It is also noted that the mature trees along the rear boundary would be retained as part of the proposals which would provide a significant level of screening. As a result it is considered that the proposals would not cause significant harm by way of the loss of outlook and an overbearing impact on the adjacent occupiers of these dwellings.

It is noted that the existing dwelling at Greenmount immediately west of the site includes a number of side facing windows which currently face the garden of 29 Kildare Street, and that the occupants of this dwelling have raised objections to the proposals. Having visited the adjacent dwelling it is noted that these side facing windows to the ground floor dining room, lounge, and two first floor bedrooms are secondary windows with their principal windows being to the front and rear. The proposed scheme has been amended to set plot no. 3 away from the side boundary with this property and further forward to ensure that the proposals would not extend beyond a 45 degree line drawn from the rear facing principal windows of this dwelling. Therefore, it is not considered that the proposals would cause significant over-riding harm to the neighbouring occupiers of Greenmount by way of an overbearing impact, loss of outlook and day light.

It is noted that objections have been received from the occupants of no. 2 Langdale Street who have first floor window in the side gable facing no. 29 Kildare Street and rear garden immediately adjoining the site to the southeast. With respect to loss of privacy it is noted that the windows within the rear elevations of the proposed dwellings would not directly face this window and the windows in the rear elevation of this adjacent dwelling. In order to ensure that additional screening is provided along the east boundary with this property a condition has been recommended requiring a planting scheme be submitted. As a result, it is not considered that the proposals would cause any significant harm to the amenity of the occupants of this property.

In terms of the future occupants of the dwellings, the proposed rear private amenity

space would meet the minimum space standards set out in PCPN 2. It is also considered that the respective size, layout, level of light and ventilation received from windows and the outlook from the proposed dwellings would also provide a satisfactory level of amenity for the future occupants. The proposals would also provide sufficient space at the rear of the property for the storage of bins and waste in a safe, secure and accessible manner. The proposals are therefore considered to accord with policy CG4 and PCPN2 and PCPN .

Impact on Highway Safety

The NPPF states that applications should only be refused where the residual cumulative impacts of development are severe. Policy P5 of the Core Strategy seeks to ensure that developments are accessible by a number of modes of transport including public transport, by cyclists and pedestrians, and prioritise these modes over the motor vehicle.

It is noted that Kildare Street and neighbouring streets are subject to high levels of on street parking and the impact on parking, traffic congestion and highway safety are matters which have been raised by a number of the neighbouring residents. It is nevertheless noted that the site is located within a sustainable location within close proximity to a number of local retail, leisure, health and community facilities in Farnworth Town Centre and close to a bus route along Albert Road providing access into and out of Bolton Town Centre. The proposed dwellings would comprise 3 bedrooms with a further bedroom which it is noted due to its size would not fit a bed. The parking standards set out in Appendix 3 of the Core Strategy require up to 6 no. vehicular spaces to be provided within the site. The proposals would provide 3 no dedicated parking spaces with further space for 2 vehicles on paved areas in front of the dwellings which would accord with the maximum parking standards set out in Appendix 3 of the Core Strategy that would require up to 6 no. vehicular spaces in total.

It is noted that the proposals would also remove the off street parking currently provided for the dwelling at no. 29 Kildare Street via the rear access land and paved drive in the side garden. Given the existing high levels of on street parking, and additional dwellings proposed and the size of the dwelling at no. 29, in order to ensure that the dwelling at no. 29 Kildare Street retains provision for off-street parking, the scheme has been amended to provide a parking space within the side and rear of no. 29 Kildare Street. A condition has been recommended securing the provision of this prior to the development being brought into use.

The Highways Authority have raised no objections to the proposed development subject to conditions requiring the provision for the parking of 6 vehicles, laying out of access and turning area within the site, and provision of dropped kerb. The proposals would also be in accordance with the maximum parking standard requirements set out in Appendix 3 of the Core Strategy in seeking to minimise parking and to encourage more sustainable modes of travel.

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

Impact on Trees and Landscape Features

As noted above the application site includes a number of mature trees, which are covered by Tree Preservation Order no. 108 and collectively these form an important landscape feature and are of significant amenity value to the surrounding area. It is noted that the

applicants entered into pre-application discussions with the Councils Trees and Woodlands Officer, and that following concerns raised by Trees and Woodlands Officer during the course of this application the proposed scheme has been amended to re-site the proposed vehicular access further west, and move plot no. 1. As a result of these amendments, the proposed scheme would provide greater clearance to the retained to the front and rear of the site.

It is noted that a number of the objections raise concerns regarding the loss trees and impact on the green character of the site. The proposals would result in the loss of 3 no. protected trees within the site. However, it is proposed to provide 4 no. replacement cherry trees along the frontage of the site. Indeed following the amendments to the scheme, the Councils Trees and Woodlands Officer has confirmed that the proposals would be acceptable subject to the inclusion of conditions requiring the approval and implementation of an Arboricultural Method Statement, replacement planting scheme, and the erection of protective fencing. Having regard to the above and subject to such conditions, it is considered that the proposals would accord with policy CG1 of the Core Strategy and saved policy N8 of the UDP.

Impact on Drainage and Flood risk

Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 103 of the NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.

The site is located within Flood Zone 1 and is therefore in an area at least risk of a flooding event occurring. The application site comprises an existing garden with predominance of lawned area, and planted beds. The proposed 3 no. dwellings, driveway and parking areas would result in a significant increase in hard surfaces at the site. Therefore, in order to ensure that mechanisms are incorporated into the site and side wide landscaping scheme to collect, store and drain rainwater and surface water, and in line with the comments of United Utilities, a condition has been recommended requiring the approval of such prior to the commencement of development.

With regards to foul water it is proposed that the 3 no. new dwellings would be connected to the main sewer. It is also noted that the Council's Drainage Engineer and United Utilities have raised no objections to the proposals. Whilst the proposals would result in an intensification of connections and foul water flows it is not considered that in principle 3 no. dwellings would be sufficient to harm capacity in the existing network.

Furthermore, it is noted that the Environment Agency have raised no objections to the proposed development. Having regard to the above and subject to a detailed surface water drainage scheme, it is considered that the proposed dwellings would be safeguarded from surface water flooding and the adjacent properties and surrounding area would be at no greater risk of flooding and surrounding area as a result of the proposals, in accordance with the NPPF.

Land Contamination

With respect to ground conditions, and potential hazards and pollution the NPPF requires that development should ensure that sites are suitable for their new uses and that adequate site investigation and remediation be undertaken. Policy CG4 of the Core Strategy further requires that where proposals on land are affected by contamination that assessments of the extent of and risk from contamination issues are undertaken and permission only be granted where the land would be made suitable for the proposed

uses.

It is noted that a desk top site contamination report has been submitted in support of the application. In accordance with policy CG4 of the Core Strategy and the requirements within the NPPF and in order to ensure that the subsequent sensitive uses would be safeguarded from potential land contamination, a condition has been recommended requiring a detailed phase 1 site investigation and risk assessment be undertaken prior to the commencement of development. Subject to this condition, it is considered that the proposed development would accord with policy CG4 of the Core Strategy.

Value Added to the Development

The scheme has been amended to provide car parking for No. 29 Kildare Street whilst amendments to the siting of Plot 3 will ensure the proposal does not have a detrimental impact on the living conditions of adjoining occupiers.

Conclusion

For the reasons discussed above, it is considered that the proposed development would provide form an efficient use of a brownfield site within the existing urban area, and would result in significantly improvements to the character and appearance of the site by removal of 3 no. single storey flat roof vacant and poorly maintained units. The proposed mix of uses are considered wholly sympathetic to the surrounding uses and would not cause any significant harm to the vitality of surrounding district and town centres. Nor would there be any any over-riding harm caused to the amenity of neighbouring occupiers and highway safety. The proposal therefore complies with the aforementioned national and local planning policies.

Representation and Consultation Annex

Representations

Letters:- nine letters were received raising the following objections and issues:

- The proposals would result in the loss of an important and valued green and landscaped area.
- The proposals would result in the loss of mature trees which are protected and would harm wildlife.
- There is already high levels of on street parking and traffic congestion in the area. The street cannot cope with any more vehicles and congestion.
- The proposed access on a bend would be dangerous.
- The proposals would generate significant levels of noise, dust and disturbance during construction and from the additional traffic generated.
- The proposals would overlook adjacent properties and result in the loss of privacy.
- The proposals would overshadow adjacent properties.
- The proposals would degrade and detract from the character of the area.
- The proposals would be taller than other houses in the street.
- The proposed street scene drawing is inaccurate.
- The proposals would result in the loss of views ***(not a material planning consideration)***.
- The proposals would devalue surrounding properties ***(not a material planning consideration)***.
- There is no need for further houses in this area.
- There maybe deeds that would prevent any building on the site ***(not a material planning consideration)***.

Petitions:- None received.

Elected Members:- None received.

Consultations

Advice was sought from the following consultees: Highways Authority; Council's Drainage Engineer; Environmental Health Department; Trees and Woodland Officer; United Utilities and the Environment Agency.

Planning History

82518/09 - permission was granted for the pruning of one ash tree in August 2009.

21933/83 - outline planning permission was granted in December 1983 for the erection of houses on land at the side of No. 29 Kildare Street.

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

Reason

To ensure the development reflects local distinctiveness.

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

Reason

To reflect and soften the setting of the development within the landscape.

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

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

Reason

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

5. Prior to the commencement of development of any works on site, the developer shall submit a method statement detailing how the following elements of the site will be constructed without causing harm or damage to the protected trees found on the site to the Local Planning Authority.

No development or site clearance shall take place until the Local Planning Authority has agreed the measures in writing, and these measures shall then be implemented fully in accordance with the approved details.

Reason

To ensure the safe development of the site and favourable retention of trees.

6. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Kildare Street shall be constructed in accordance with details shown on drawing number PL K649/01 Revision C and retained thereafter.

Reason

In the interests of highway safety

7. Before the approved/permitted development is first brought into use no less than 1 car parking

spaces shall be provided within the curtilage of the site, in accordance with Drawing Ref: PL K649/01. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

8. Prior to the development hereby permitted being first brought into use, the parking space shown on approved drawing number within the area edged blue at no. 29 Kildare Street shall be laid out in accordance with the approved details and shall thereafter be retained for the use of the occupants of no. 29 Kildare Street.

Reason: In order to provide adequate parking provision for the development and in the interests of highway safety.

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

Drawing No. PL K649/01 Revision C - Proposed Site Plan, scanned to file 10/10/14;

Drawing No. PL K649/02 - Revision A - Plot 1 and 2 Floor Plans, scanned to file 10/10/14;

Drawing No. PL K649/03 -Revision A - Proposed Plot 3 Floor plans and section, scanned to file 10/10/14;

Drawing No. PL K649/04 - Proposed Elevations - Plot 1, scanned to file 10/10/14;

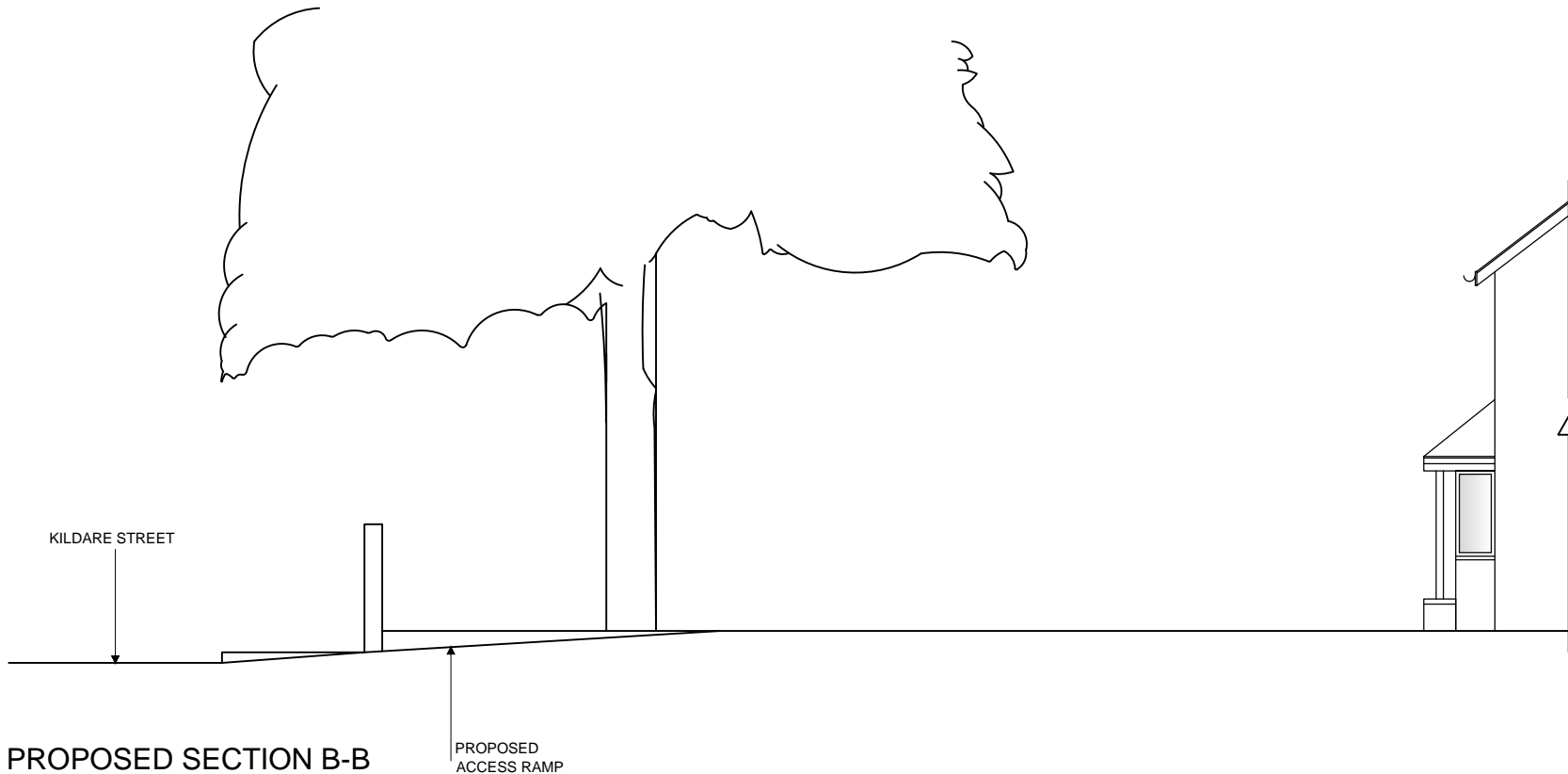
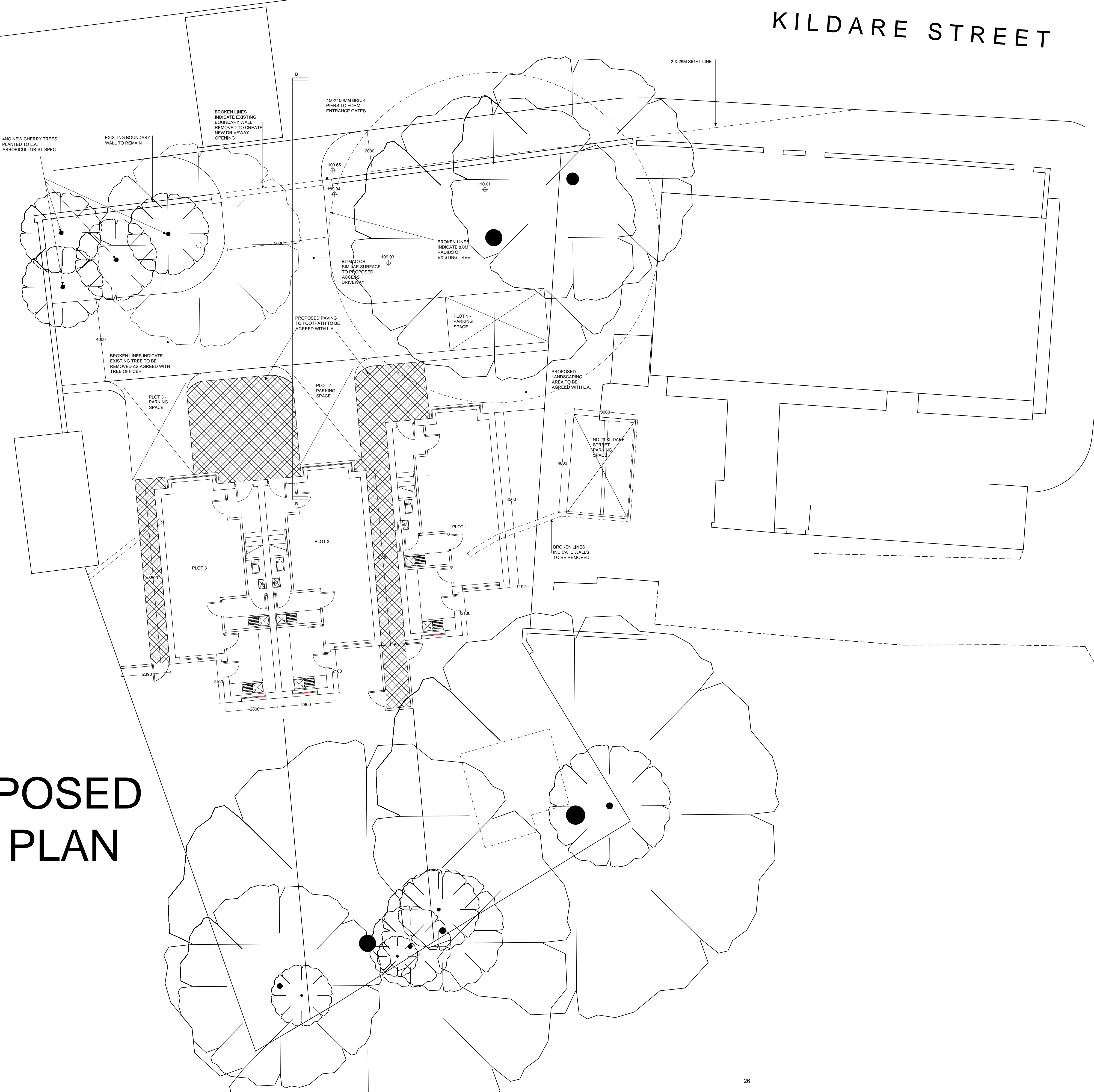
Drawing No. PL K649/05 - Revision A - Proposed Elevations - Plots 2 and 3, scanned to file 10/10/14;

Drawing No. PL K649/06 - Revision A - Proposed Street scene, scanned to file 10/10/14;

Reason

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

PROPOSED
SITE PLAN



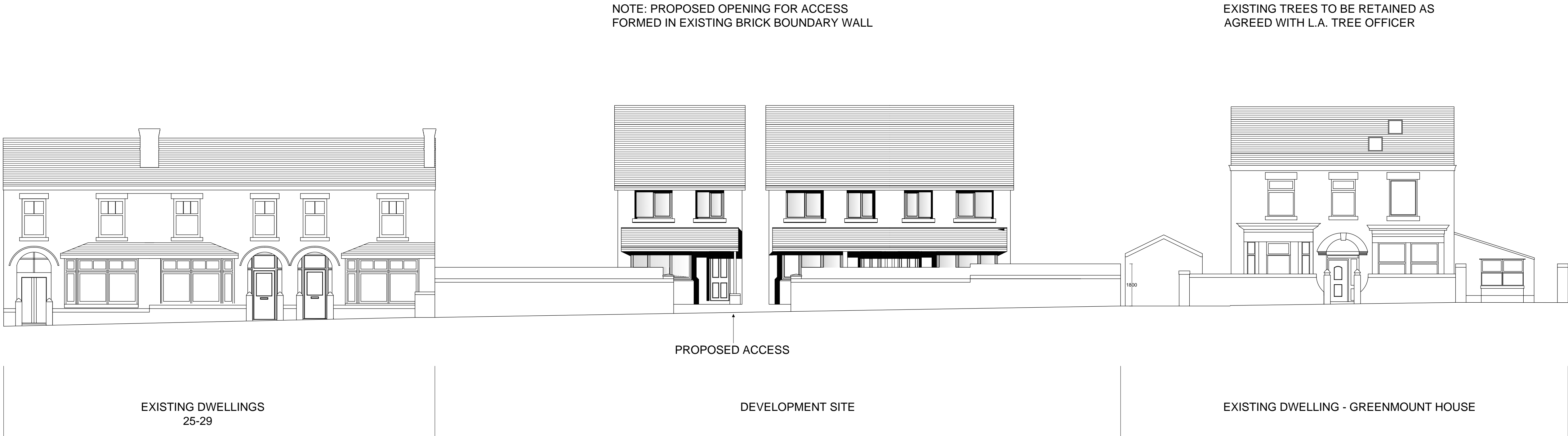
REV	DESCRIPTION
A	PLOT ONE POSITION REVISED PROPOSED PAVING EXTENDED 2NO TREES REMOVED AND REPLACED WITH 3NO NEW CHERRY TREES TO ARBORICULTURIST SPEC CROSS SECTION B-B AND LEVELS ADDED AND PROPOSED DRIVEWAY REPOSITIONED. 28.07.14.
B	EXISTING TREE TO BE REMOVED & ADDITIONAL CHERRY TREE TO BE PLANTED AS AGREED WITH TREE OFFICER 07.08.14
C	PLOT 2 & 3 AMENDED TO FORM A PAIR OF SEMI-DETACHED DWELLINGS AND ADDITIONAL CAR PARKING ADDED FOR NO 29 KILDARE STREET. 10.10.14

PROPOSED SITE PLAN

PROPOSED RESIDENTIAL DEVELOPMENT
29 KILDARE STREET, FARNWORTH
BOLTON, BL4 9NP

CLIENT:	TOMLINSON
DWG NO:	PL K649/01
SCALE:	1/100 @ A1
DRAWN BY:	R.S.P.
DATE:	28/07/14
REV:	C





KILDARE STREET SCENE

NOTE: NOTES ON DRAWINGS OVERRIDE THE ABOVE SUPPLEMENTARY BUILDING REGULATION NOTES	REV	DESCRIPTION
	A	PLOT 2 & 3 AMENDED TO FORM A PAIR OF SEMI-DETACHED DWELLINGS AND ADDITIONAL CAR PARKING ADDED FOR NO 29 KILDARE STREET 10.10.14

PROPOSED STREET SCENE

PROPOSED RESIDENTIAL DEVELOPMENT
29 KILDARE STREET, FARNWORTH
BOLTON, BL4 9NP

CLIENT:

DWG NO:

SCALE:

DRAWN BY:

DATE:

REV:

TOMLINSON

PL K649/06

1/100 @ A1

R.S.P.

25/02/14

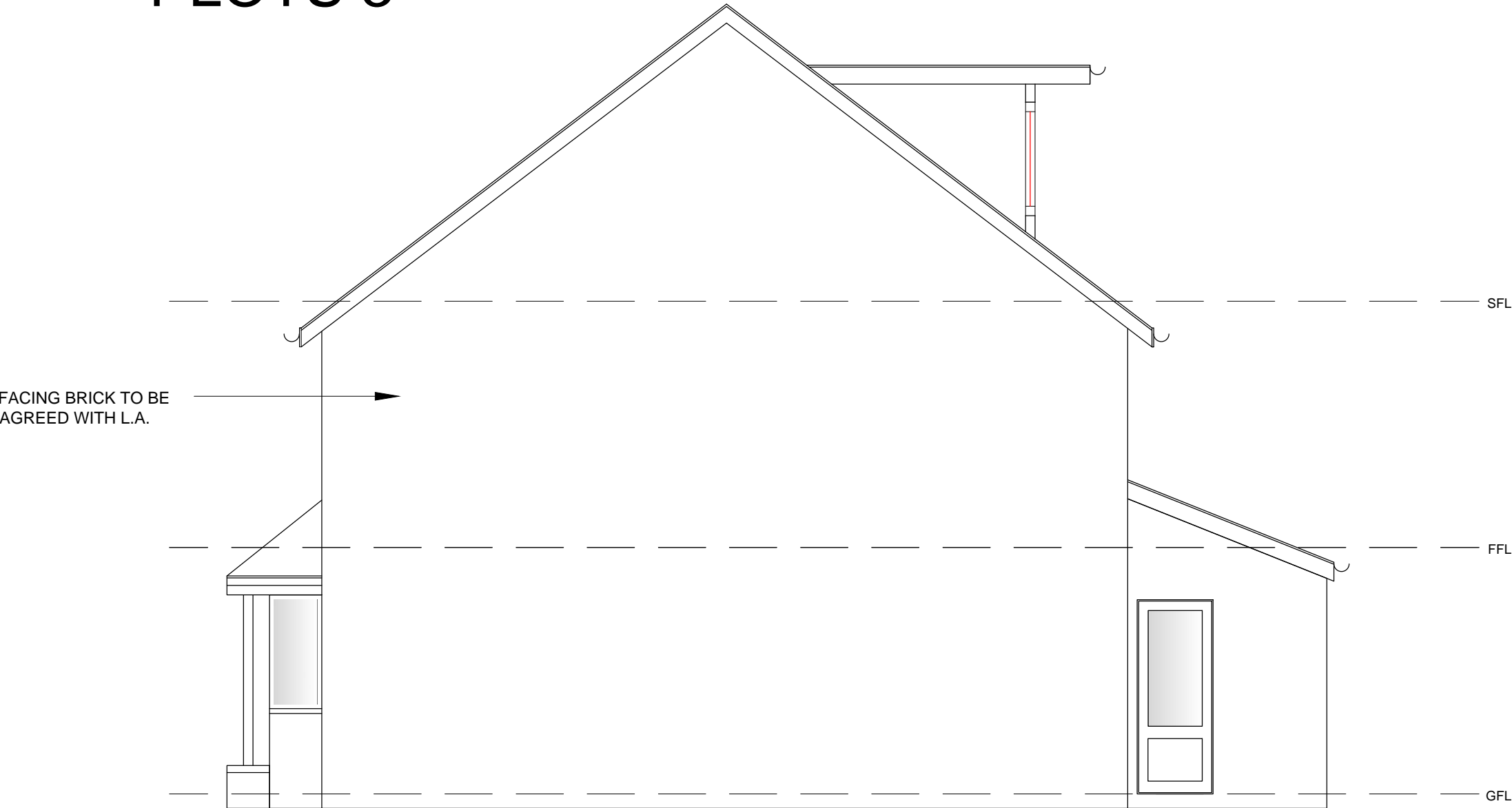
A

neil pike
architects

MICHIGAN HOUSE, 17-19 CHORLEY NEW ROAD, BOLTON, BL1 4QR
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WWW.NEILPIKEARCHITECTURE.CO.UK EMAIL: INFO@NEILPIKEARCHITECTURE.CO.UK

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PLOTS 3



PROPOSED SIDE ELEVATION

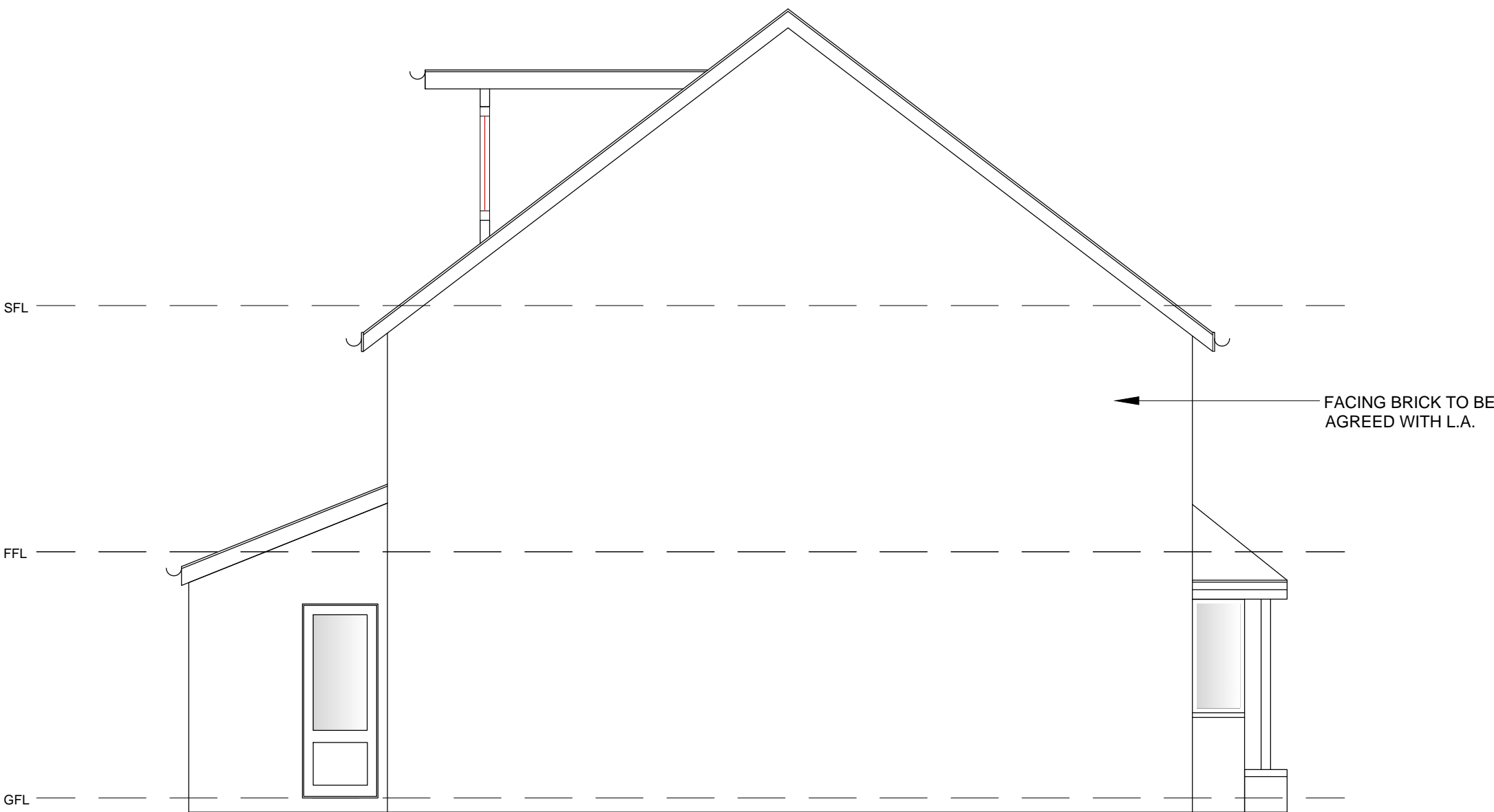
PLOTS 2

PLOTS 3



PROPOSED FRONT ELEVATION

PLOTS 2



PROPOSED SIDE ELEVATION

PLOTS 3

PLOTS 2



PROPOSED REAR ELEVATION

REV	DESCRIPTION
A	PLOT 2 & 3 AMENDED TO FORM A PAIR OF SEMI-DETACHED DWELLINGS AND ADDITIONAL CAR PARKING ADDED FOR NO.29 KILDARE STREET 10.10.14

PROPOSED ELEVATION - PLOT 2 & 3

PROPOSED RESIDENTIAL DEVELOPMENT
29 KILDARE STREET, FARNWORTH
BOLTON, BL4 9NP

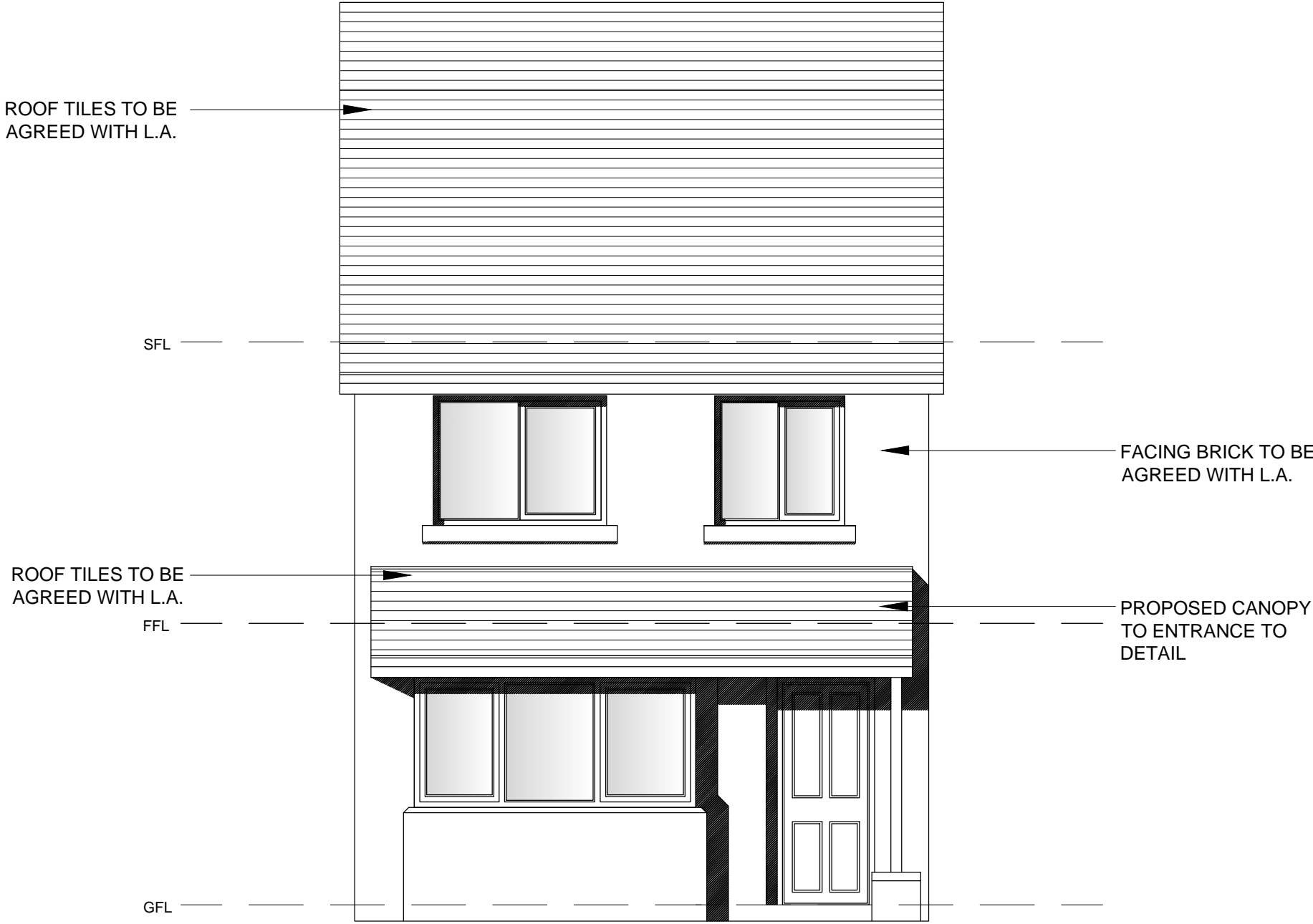
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DWG NO:	PL K649/05
SCALE:	1/50 @ A1
DRAWN BY:	R.S.P.
DATE:	25/02/14
REV:	A



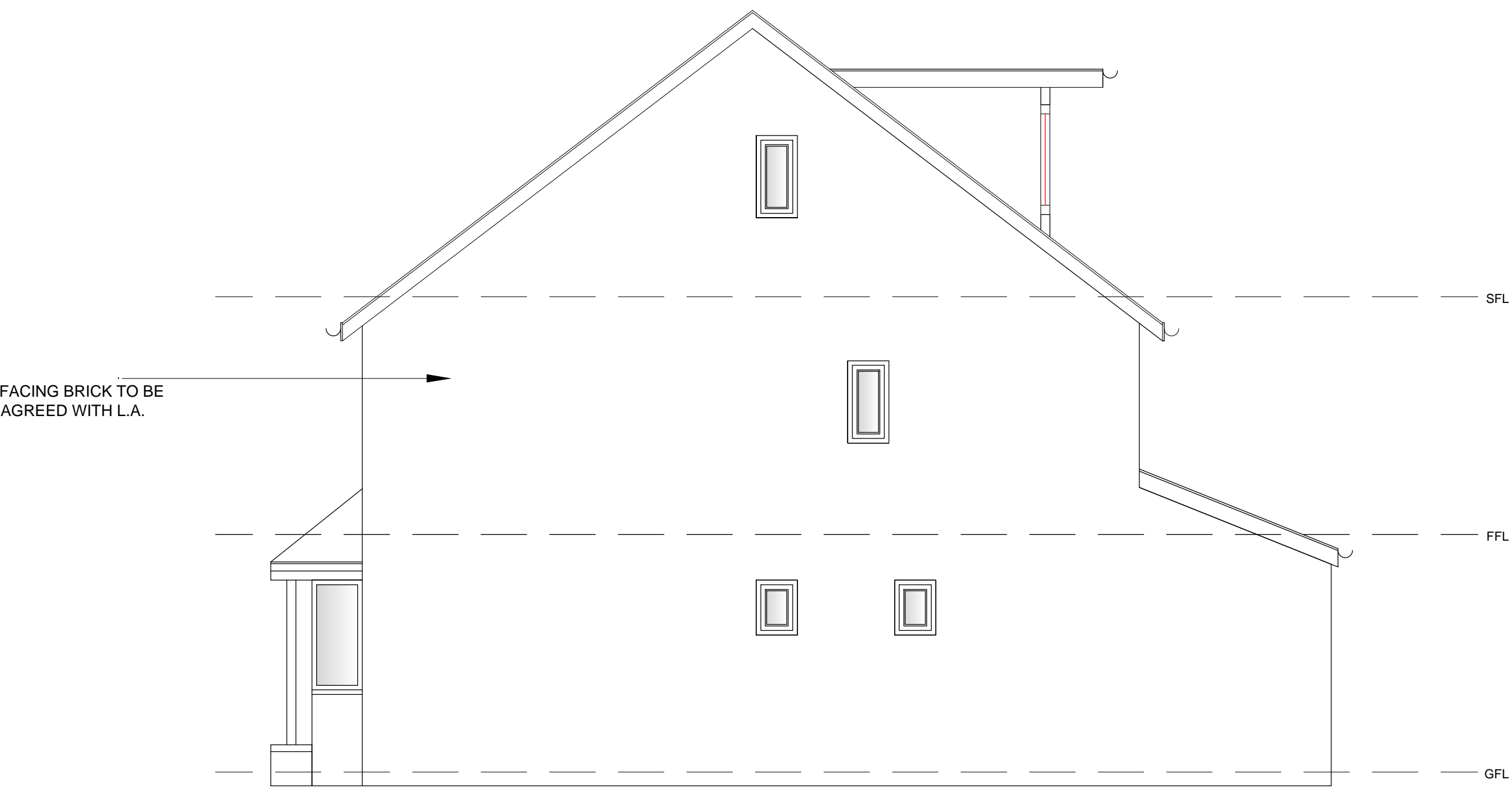
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PLOT 1



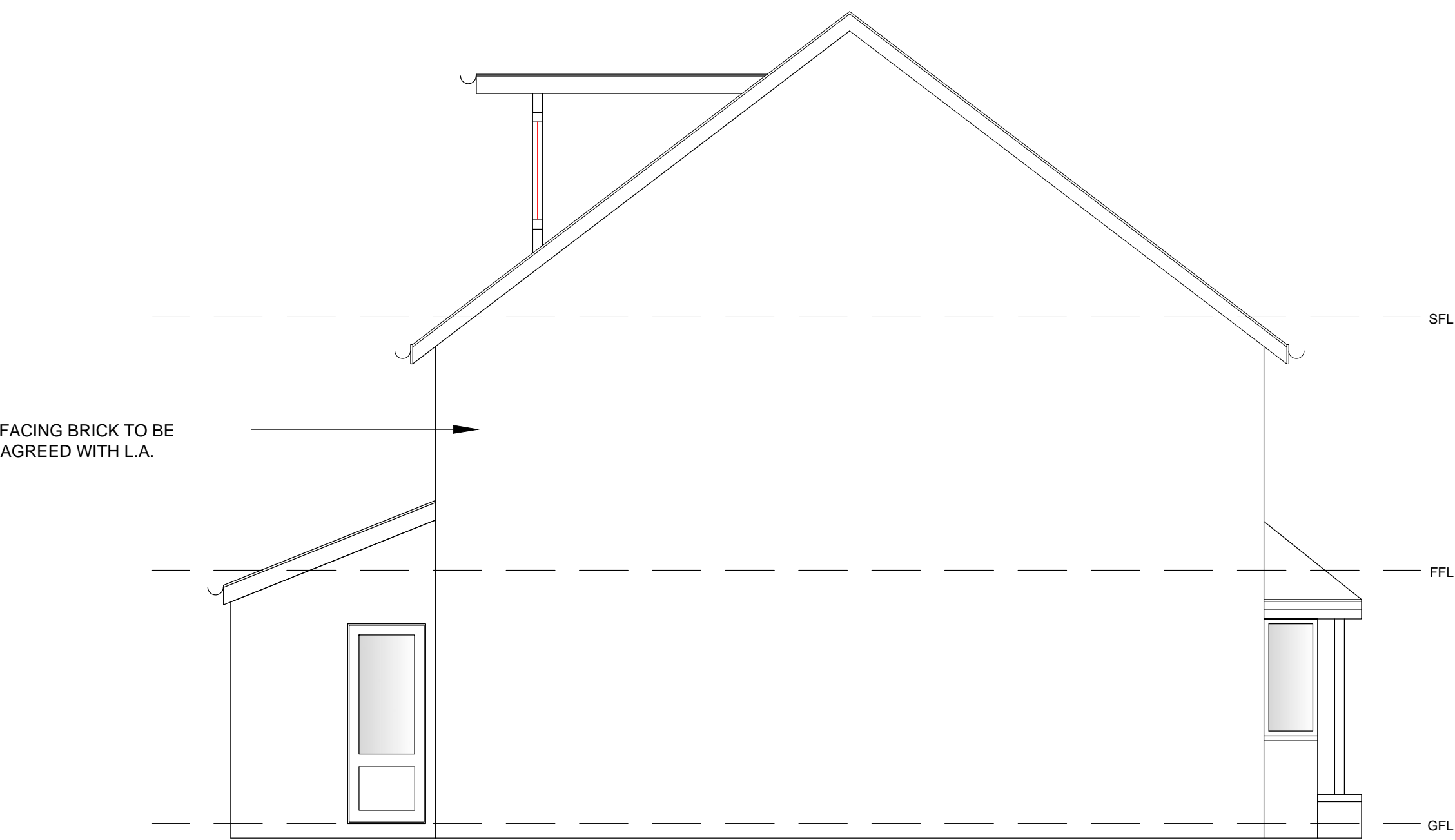
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

NOTE: NOTES ON DRAWINGS OVERRIDE THE ABOVE SUPPLEMENTARY BUILDING REGULATION NOTES	REV	DESCRIPTION

PROPOSED ELEVATIONS - PLOT 1

PROPOSED RESIDENTIAL DEVELOPMENT
29 KILDARE STREET, FARNWORTH
BOLTON, BL4 9NP

CLIENT:	TOMLINSON
DWG NO:	PL K649/04
SCALE:	1/50 @ A1
DRAWN BY:	R.S.P.
DATE:	25/02/14
REV:	

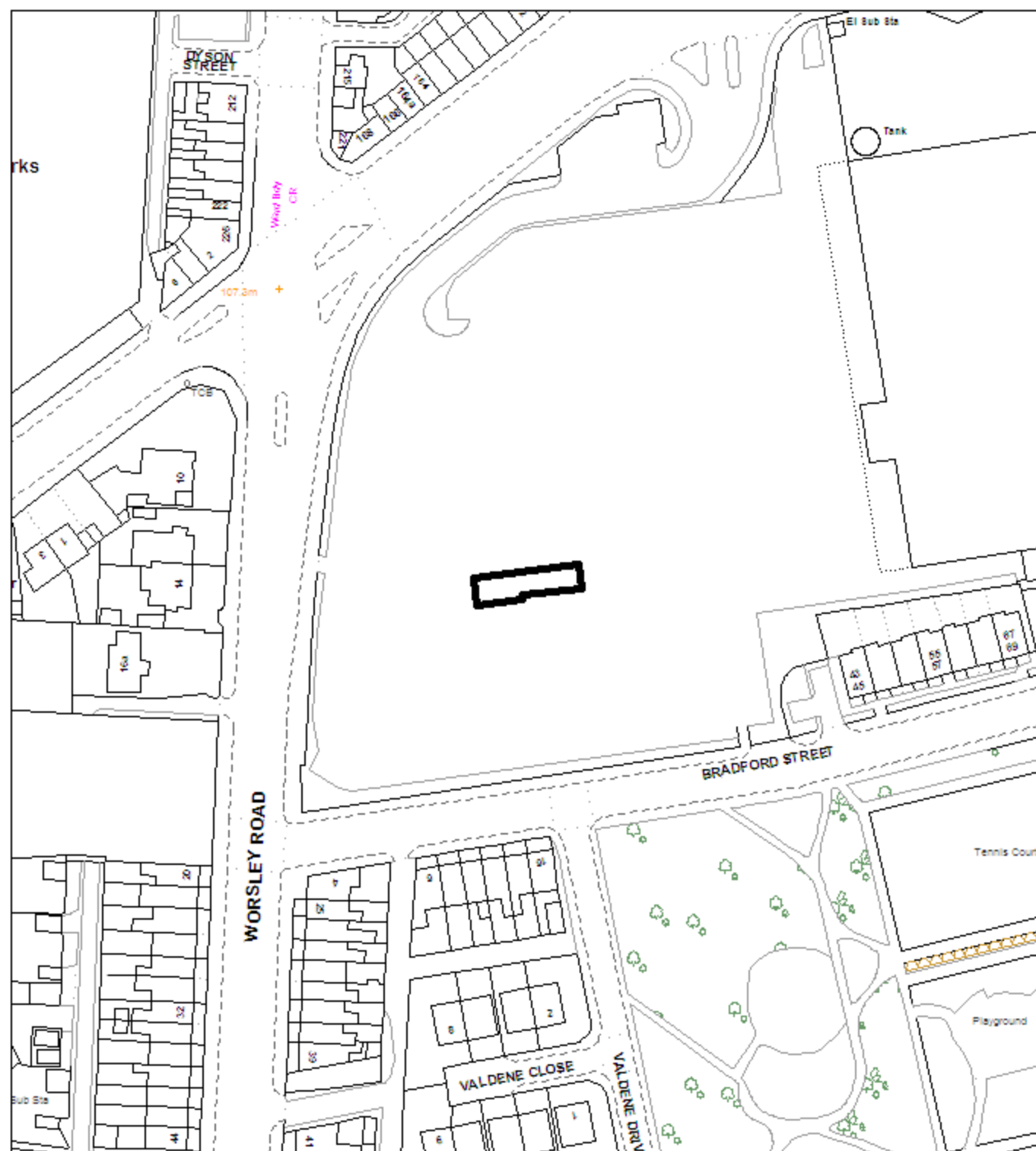


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Application No.

92194/14



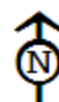
Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

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Date of Meeting: 23/10/2014

Application Reference: 92194/14

Type of Application: Full Planning Application
Registration Date: 12/06/2014
Decision Due By: 06/08/2014
Responsible Officer: Chris Hobson

Location: TESCO, LONGCAUSEWAY, FARNWORTH, BOLTON, BL4 9BW

Proposal: PART CHANGE OF USE OF CAR PARK TO HAND CAR WASH AND VALETING OPERATION

Ward: Kearsley

Applicant: Waves Consultancy Limited
Agent :

Officers Report

Recommendation: Approve subject to conditions

Proposal

Planning permission is sought for the change of use of 9 car parking spaces to a hand car wash and valeting operation including the erection of a canopy and the installation of a single storey office building, one freestanding screen and associated concrete standing.

The proposed car wash would employ four full time members of staff and 4 part time members of staff and would operate from 08.00am -19.00pm Monday to Saturday and from 10.00am -17.00pm Sundays and Bank Holidays.

Site Characteristics

The site consists of an existing car park that serves the recently completed Tesco Supermarket. The site is accessed from Longcauseway.

The wider area is mixed in character with residential properties overlooking the site to the north, east and south with some commercial/retail premises located at the corner of Worsley Road, Longcauseway and Albert Road.

Policy

National Planning Policy Framework

Core Strategy policies:

CG3-The Built Environment; CG4-Compatible Uses; RA2 -Farnworth; P5-Transport and Accessibility; S1-Safety.

SPD:

Accessibility, Transport and Road Safety.

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on residential amenity
- * impact on the highway
- * impact on drainage

Impact on the character and appearance of the area

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

The proposed change of use would result in the construction of a single storey cabin measuring 0.4m x 0.2m and approximately 1m in height with a flat roof. Immediately to the west of the proposed cabin would be a wet wash area comprising a concrete wash pad across four car parking spaces with a large centralised drain and a two-stage interceptor system. The wet wash area would comprise screening across one side measuring approximately 1.8m in height. Immediately to the east of the proposed cabin would be a cantilevered canopy taking up 3.5 spaces. This would be the highest structure with a height of approximately 3.1m.

The proposed car wash would be positioned within the centre of the car park close to the pedestrian walkway. The proposed hand car wash would therefore not be highly visible when viewed from outside the car park.

Given its single storey nature, modest size and the context of the surrounding area, it is considered that the proposed development would not have a detrimental impact upon the character and appearance of the site or the surrounding area and would therefore be in accordance with policy CG3 of the Core Strategy.

Impact on residential amenity

Policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses.

The proposed car wash would be positioned within the centre of the existing car park and there are clear separation distances from the nearest residential properties on Bradford

Street. The proposal would also be sited away from the nearby main road (Longcauseway) and given its single-storey nature would not appear highly visible when viewed from outside of the car park.

A Noise Impact Assessment has been submitted with the application which demonstrates that all equipment to be used for the car wash would emit very low levels of noise and that the jet washes would be housed within the office to minimise any noise.

The applicant has stated that the car wash will only operate until 19.00pm Monday to Saturday and until 17.00pm on Sundays and Bank Holiday. These hours of operation are considered to be acceptable in this location.

It is therefore considered that the proposal would not be detrimental to amenities of neighbouring residents in accordance with Policy CG4 of the Core Strategy.

Impact on the highway

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

It is considered that the proposal would not cause a significant increase in vehicular traffic to the site. It is anticipated that the majority of customers using the car wash facility would be those already visiting the superstore.

Although the car wash would operate from nine parking spaces, it could potentially wash and valet 5-6 vehicles at any one time, therefore the net loss of spaces would only be about 3-4 spaces. Taking into account the overall level of parking provision on the site and in lieu of an objection from the Highway Engineer, is it not considered that the loss of the parking spaces would result in vehicular pressure being placed unduly on the public highway due to the loss of provision.

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

Impact on drainage

Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

Paragraph 103 of the NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.

In terms of drainage, full details of drainage have been provided with the application and are considered to be acceptable. The proposal therefore complies with the advice given in the NPPF.

Conclusion

The application proposes a facility that is typical of such sites, adding to the mix of services provided. The facility is accommodated within the site without causing unacceptable detriment to parking capacity, the efficiency of the car park or the highway. The proposed position would have no visual harm to surrounding residents. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- 1 letter of objection has been received which raises the following:

- Increase in traffic and litter (*Officer's comments- with regards increase in traffic, it is considered that the proposal would not cause a significant increase in vehicular traffic to the site. It is anticipated that the majority of customers using the car wash facility would be those already visiting the superstore. With regards to litter, the applicants have stated the silt is to be collected and will be disposed of using a licensed contractor. Rubbish will be disposed of as per the local Authority guidelines).*

Consultations

Advice was sought from the following consultees:

Highways Engineers- No objection.

Planning History

Planning permission was granted in February 2010 for the erection of a food superstore with associated car parking and vehicular access (Ref: 79672/08).

Planning permission was refused in July 2010 for the proposed variation of store delivery hours to 0600 hrs to 2300 hrs Monday to Saturday and between 0800 hrs to 1900 hrs on Sundays / Bank Holiday (Ref: 83896/10).

Permission was granted for variation of store delivery hours in September 2010 (84765/10)

A non material amendment application (Ref: 85519/11) was submitted to amend the canopy, brick piers, levels, site boundary walls and block paving which was subsequently approved in May 2011.

Advertisement consent was granted in May 2011 (Ref: 85842/11) for the installation of illuminated signs to customer entrance and various elevations.

An advertisement consent application was submitted in June 2011 (Ref: 86405/11) for the erection of various signage within the curtilage of the site.

Planning Permission was granted in August 2011 (Ref: 86199/11) for the erection of a petrol filling station together with amendments to car parking, landscaping and recycling station.

Planning Permission was granted in April 2012 (Ref: 87718/12) for the installation of metal cladding to existing acoustic screen and plant, to screen the plant on the roof.

Planning Permission was granted in April 2014 (Ref: 91410/14) for the change of use of 18 No existing car parking spaces to display the sale of vehicles.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

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

09.00am - 19.00 pm Mondays – Saturday
10.00am -17.00pm Sundays and Bank Holidays

Reason

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

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

pp-03412512-Waves hand car wash location and layout
pp-03412512-Waves scaled drawing of signage showing hand car wash elevations

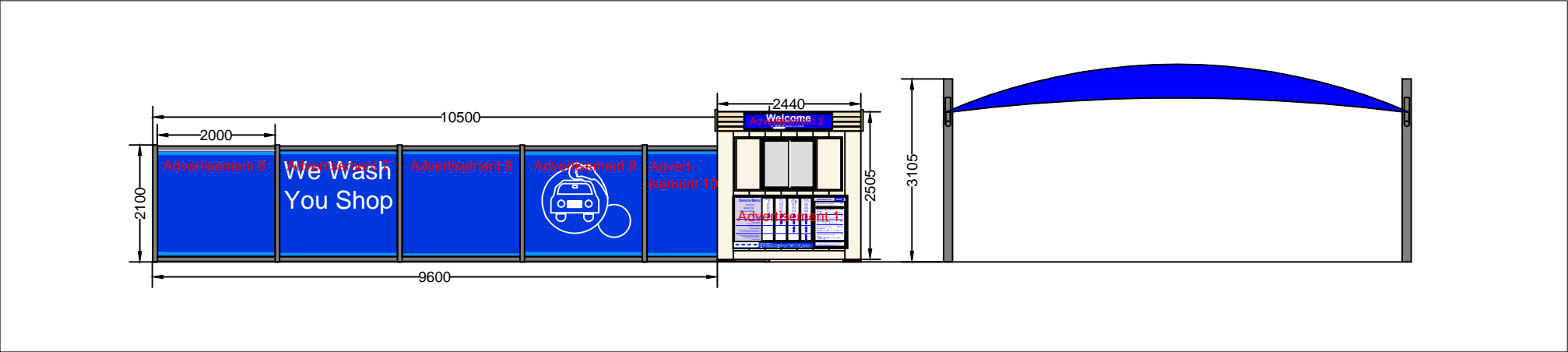
Reason

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

Drawing ref. pp-03412512 - Waves scaled drawing of signage showing hand car wash elevations - A3 1:100

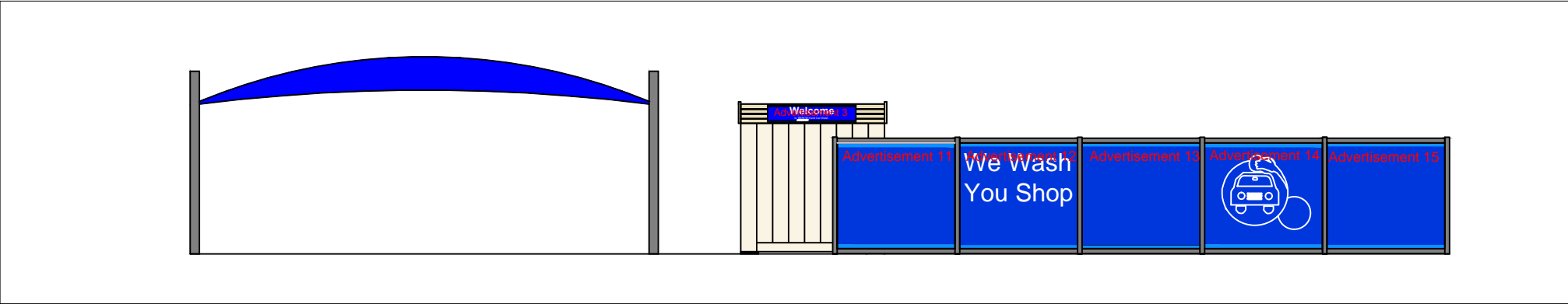
Scale: 1:100

Paper size: A3



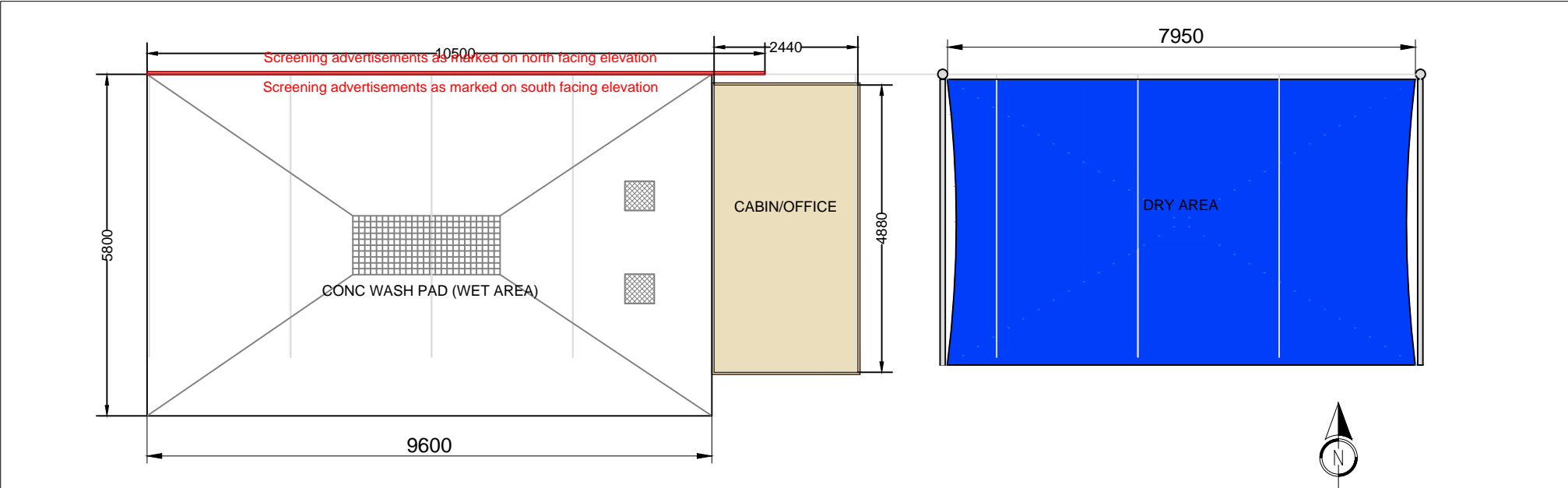
SOUTH FACING ELEVATION

SCALE 1:100



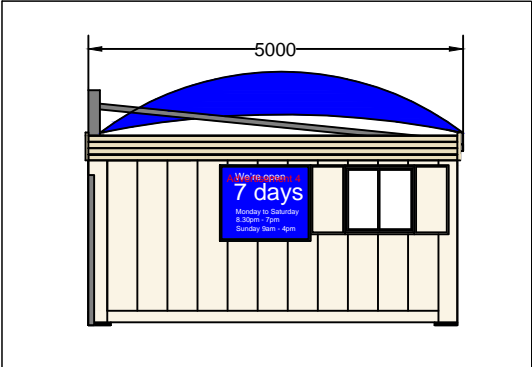
NORTH FACING ELEVATION

SCALE 1:100



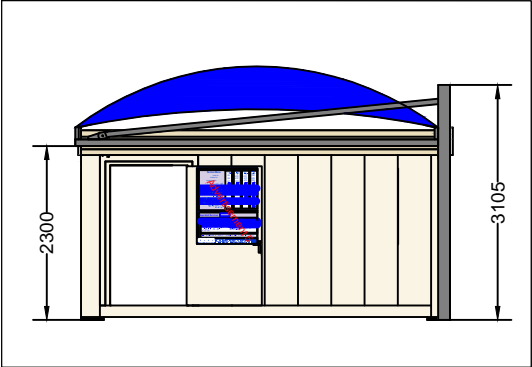
PLAN VIEW

SCALE 1:100



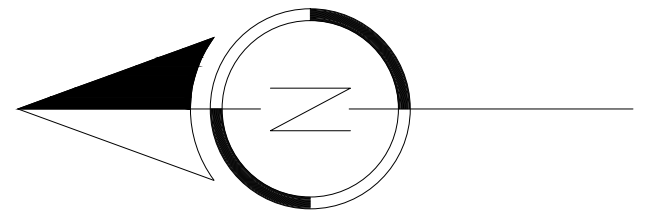
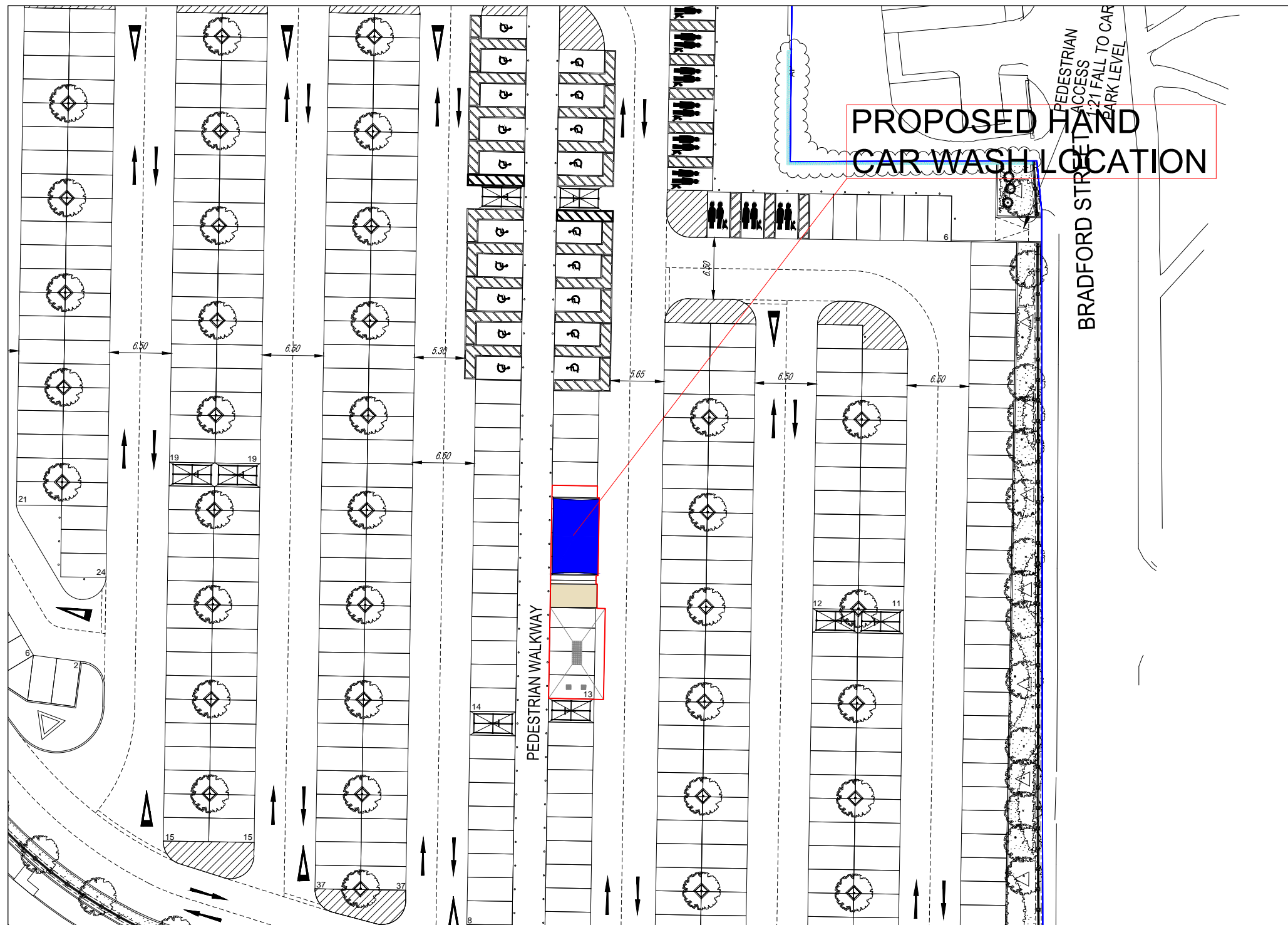
WEST FACING ELEVATION

SCALE 1:100

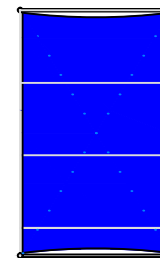


EAST FACING ELEVATION

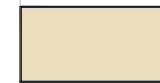
SCALE 1:100



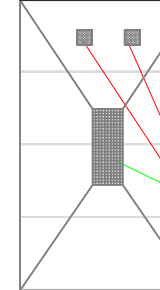
CAR WASH LAYOUT



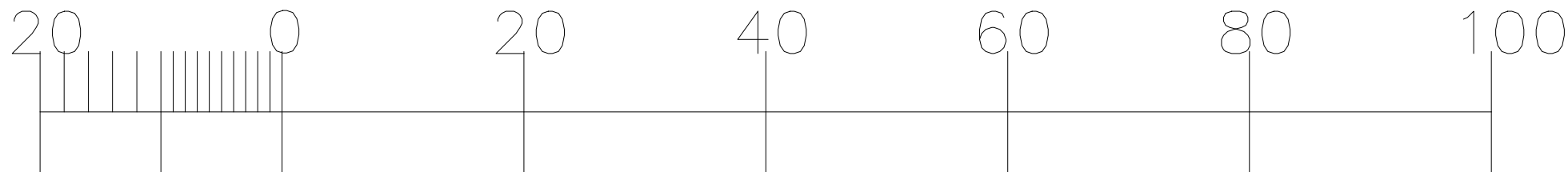
CANOPY LOCATION — 3 1/2 CAR PARK SPACES ARE COVERED BY A CANTILEVERED CANOPY WITH A BLUE PVC SKIN



CABIN LOCATION



WET WASH AREA — WE INSTALL A CONCRETE WASH PAD ACROSS FOUR CAR PARK SPACES — IT IS BUILT IN FOUR SECTIONS WITH A LARGE CENTRALISED DRAIN AND A TWO STAGE INTERCEPTOR SYSTEM



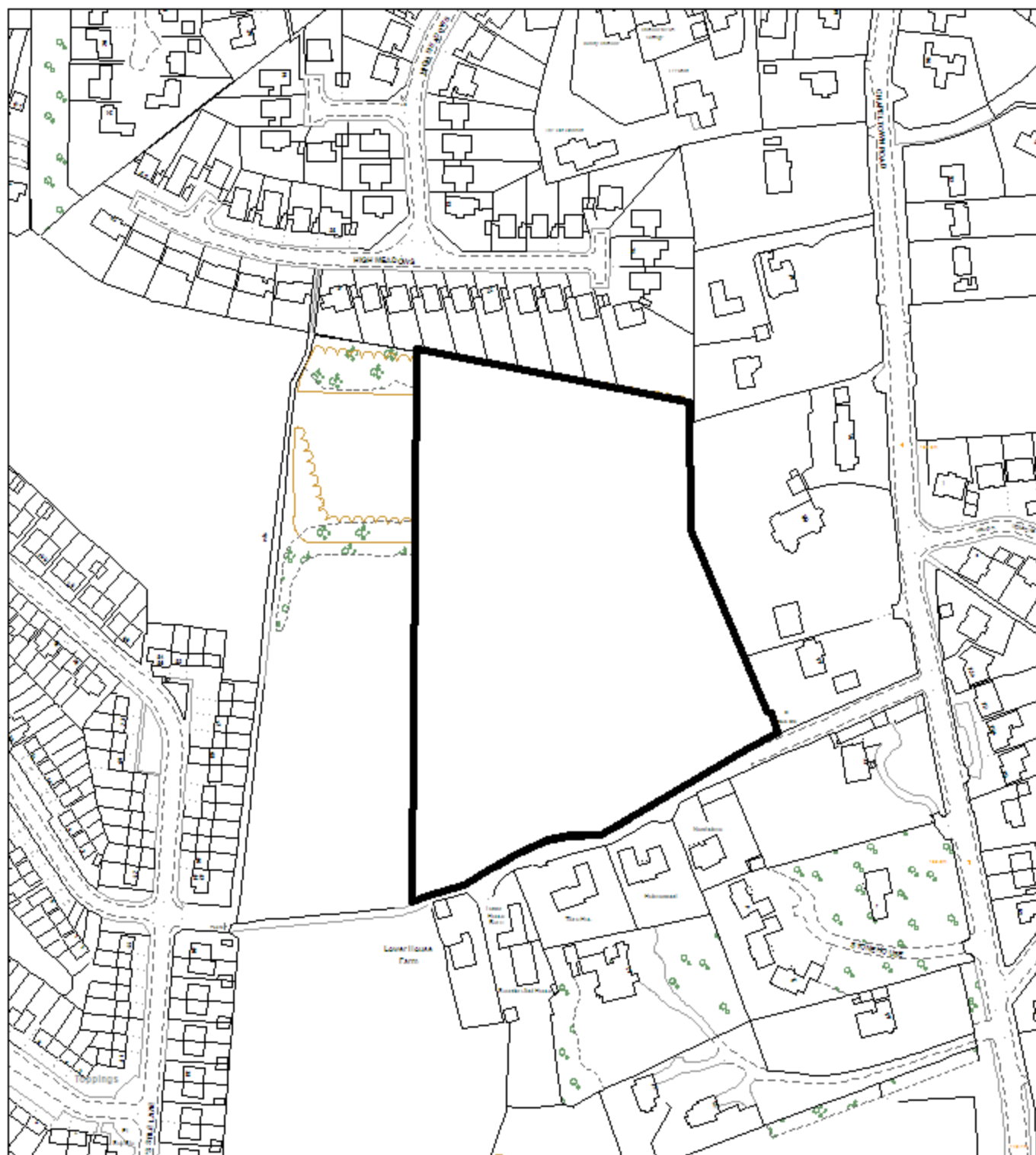
Drawing ref: pp-03412512 - Waves hand car wash location and layout

Scale: 1:500

Paper size: A3

Application No.

92209/14



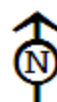
Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
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**Bolton
Council**

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Date of Meeting: 23/10/2014

Application Reference: 92209/14

Type of Application: Full Planning Application
Registration Date: 12/06/2014
Decision Due By: 06/08/2014
Responsible Officer: Natalie Blackston

Location: EAGLEY JUNIOR SCHOOL, CHAPELTOWN ROAD, BROMLEY CROSS, BOLTON, BL7 9AT

Proposal: ERECTION OF 2.4M HIGH PALADIN SECURITY FENCING WITH DOUBLE ACCESS GATES

Ward: Bromley Cross

Applicant: The Board of Governors
Agent : Lancaster Maloney

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for the erection of a 2.4m high green powder coated, wire mesh fencing around the perimeter of the playing field to the north of the school. The school want to use this field to enhance outdoor learning for the children and this would need to be done in a secure environment. The gates to the field will be lockable.

The proposed fencing is the of the same style as other fencing already erected at the school.

Site Characteristics

The site consists of an existing primary school, accessed from Chapeltown Road, Bromley Cross. The site consists of predominantly single storey school buildings, associated play areas/fields and a car park. Residential properties are located to the North at High Meadows, to the East on Chapeltown Road, to the South (Lower House Farm, Tibro Hus, Lower House Barn, Holmeswood), and to the West at Lords Stile Lane (located a considerable distance away from the school buildings).

Policy

National Planning Policy Framework (NPPF)

Core Strategy

CG3-The Built Environment; CG4-Compatible Uses; S1 Safety

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on impact on the amenity of local residents
- * Impact on security
- * impact on the highway

Impact on the character and appearance of the area _

Policy CG3 of the Core Strategy states that the Council will expect development proposals that contribute to good urban design, that conserve and enhance local distinctiveness, ensuring it has regard to the overall built character of the area, and that are compatible with the surrounding area in terms of scale, massing, grain, form, architecture, street enclosure and local materials.

The proposed fencing will be 2.4 metres in height and will bound the perimeter of the playing field to the north of the school. The school want to use this field to enhance outdoor learning for the children and this would need to be done in a secure environment. The fencing would be of a wire mesh type, to match the existing fencing at the school and would be powder coated green, again to match the colour of the existing fencing. Paladin fencing is a particularly popular fencing system owing to its positive security and visual amenity properties. It is considered to be an appropriate fencing style for the school.

Although not an objection, there is a suggestion from residents that some planting would help to soften the appearance of the fence at appropriate points and that the fence should avoid damaging a protected tree. These matters are proposed to be covered by conditions.

It is therefore considered that the proposed fencing is compatible with the character and appearance of the school site and surrounding area

Impact on the amenity of local residents

Policy CG4 aims to ensure that new development is compatible with surrounding land uses and occupiers and protects amenity. Development should not generate unacceptable nuisance, odours, fumes, noise.

The houses on High Meadow will have the clearest view of the fencing, but the height, style and colour of the fencing is the type that would usually expected to be present around schools and is therefore considered to be acceptable in this instance. Furthermore, the style and type of fencing shall ensure views through the fencing are

retained, but the site remains secure.

The proposal therefore complies with policy CG4 of Bolton's Core Strategy.

Impact on Security

The applicant intends to install weld mesh fencing, which is the Council's preferred option to secure buildings and land from crime. Greater Manchester Police also recommend this type and style of fencing. It is therefore considered the proposal contributes towards improving the wider site security in compliance with policy S1.

Impact on the highway _

Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritization, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety.

It is considered that the proposed fencing will not impact on the highway.

The proposal complies with policy.

Conclusion

The proposed development will provide benefits for the school and its users. The design is acceptable and Members are therefore recommended to approve the application.

Representation and Consultation Annex

Representations

Letters:-1 letter of objection has been received. The letters raises the following matters:

- The fencing would cause a visual blight on the area (*Officer comment- this has been dealt with within the report*);
- The fencing is very tall and due to its security type construction, it will dominate the landscape (*Officer comment- this has been dealt with within the report*);
- There is little or no evidence of fly tipping or vandalism at the school (*Officer' comment- this is not a material planning consideration*); and
- The school do not carry out activities in this area at present (*Officer' comment- this is not a material planning consideration*)

Two letters neither objecting or supporting the application have been received and raise the following matters:

- Planting of shrubs inside the fence to reduce the visual impact for neighbours and people who use the footpath everyday should be a condition of any planning permission.
- The new metal fence should be erected 1 meter inside the line of the existing wooden fence posts.
- Existing trees and bushes on the line of the proposed fence must be protected
- reassurance that the fence will not cause the fence at 47 High Meadow to fall over or start to lean
- There is a collapsed drain very close to the line of the fence

Petitions:-none received

Town Council:-no comments received

Elected Members:-no comments received

Consultations

Advice was sought from the following consultees:

Public Rights of Way Officer-no objection

The Open Space Society- no comment

Peak and Northern Footpath Society- no comment

The Ramblers Association-no comment

EarlyYears Development and Childcare Partnership-no comment

Planning History

88958/12- Installation of a pitched roof

85594/11 - Erection of single storey extension to front.

73010/05 - Erection of extension to library.

63158/02 - Erection of extension to form W.C./Therapy room.

58876/01 - Erection of palisade fencing.

60430/01 - Erection of 2.4 metre high fence.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

- . 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.

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

PL03 Rev B- Location Plan, Key Plan, Elevation of Gates, Elevation of Fence and Mesh Detail

Reason

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

- . The fencing shall be powdercoated green in accordance with the approved details within 14 days of installation and shall be retained so coloured thereafter.

Reason

To safeguard the visual appearance of the area.

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

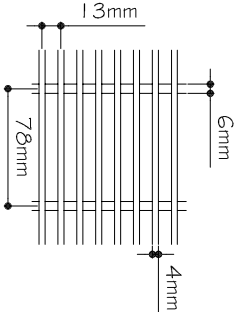
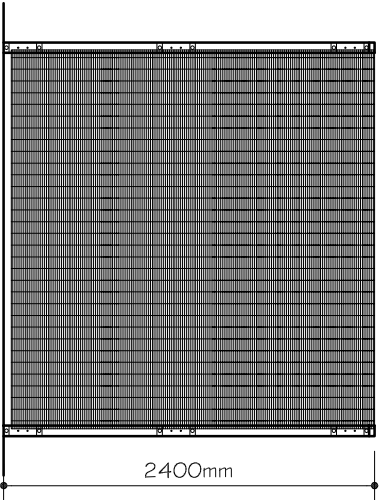
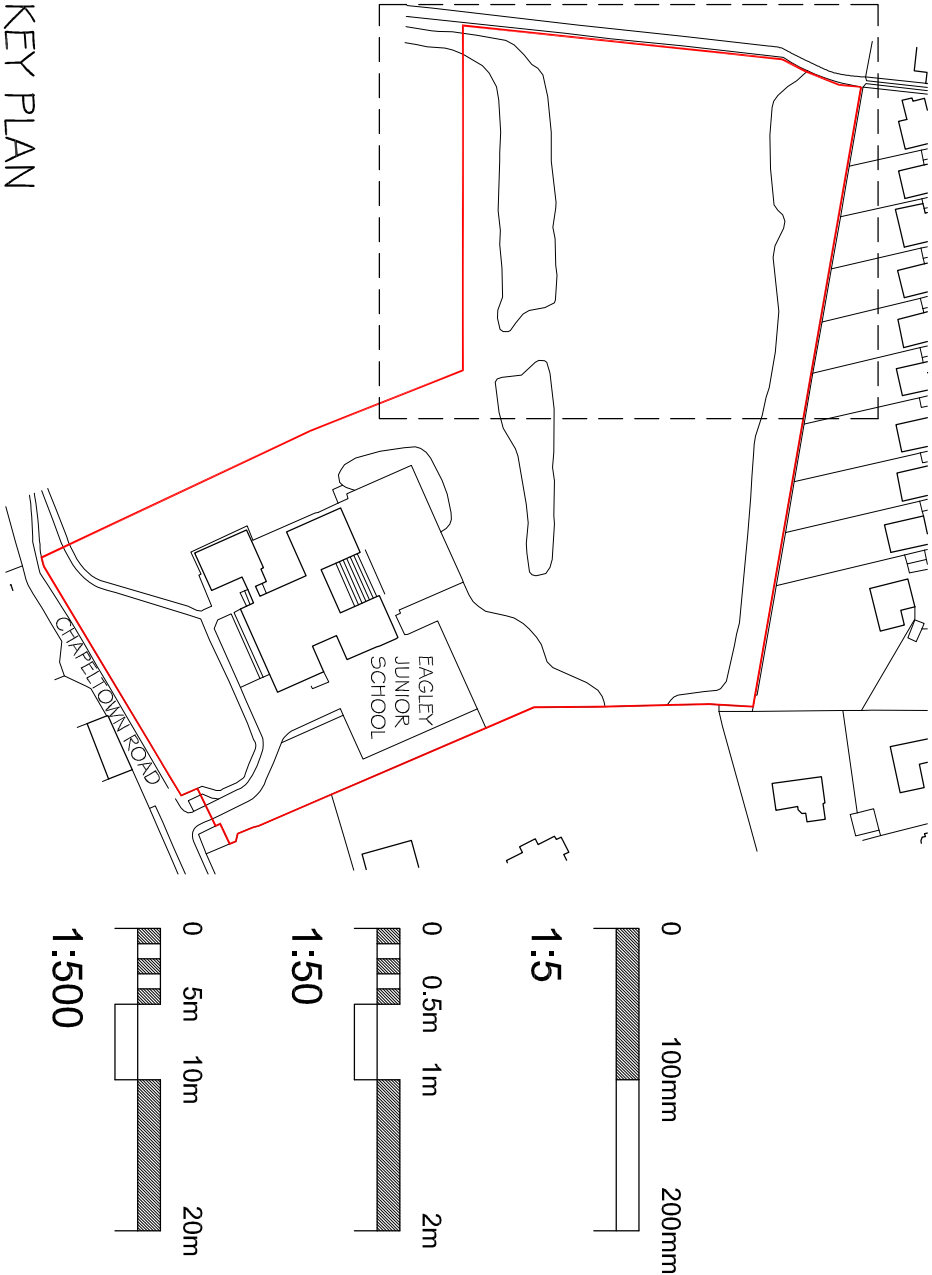
 1. The trees within or overhanging the site which are subject of a Tree Preservation Order (TPO) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
 2. The approved fencing shall remain in the agreed location (in accordance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

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

- . Prior to the development being first brought into use, details of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.



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B	Fencing specification changed to wire mesh, mesh detail added	24/09/14
A	Elevations of proposed fencing and gates updated	10/07/14
Revisions/ Comments		Dates
Client The Board of Governors Eagley Junior School, Bolton		Date 30/04/14
Project title Provision of New Security Fencing		Drawn CM
		Approved PM
		Scale Noted at A3
Drawing title Location Plan, Key Plan, Elevation of Gates, Elevation of Fence, Mesh Detail		Job No. 1404-07
		Dwg. No. F103

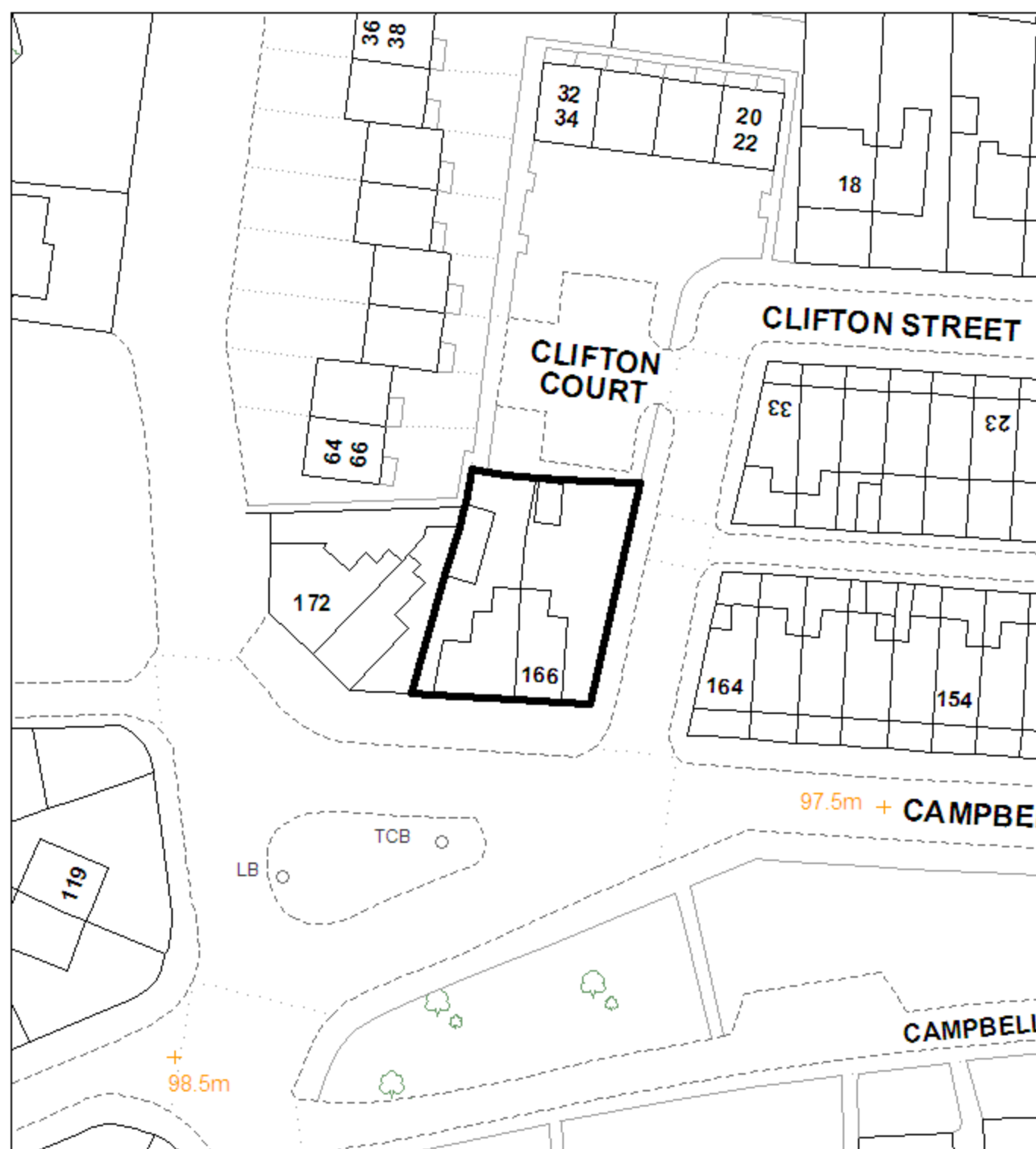
LOCATION PLAN
SCALE 1:500 AT A3

ELEVATION OF GATES
SCALE 1:50 at A3

lancastermaloney
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Tel: 0161 477 3500 Fax : 0161 477 3600
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Application No.

92288/14



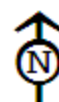
Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
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**Bolton
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Date of Meeting: 23/10/2014

Application Reference: 92288/14

Type of Application: Full Planning Application
Registration Date: 24/06/2014
Decision Due By: 18/08/2014
Responsible Officer: Chris Hobson

Location: 166-168 CAMPBELL STREET, FARNWORTH, BOLTON, BL4 7HW

Proposal: RETENTION OF CONTAINER, PART CLADDING OF CONTAINER AND REDUCTION IN HEIGHT OF FENCE.

Ward: Farnworth

Applicant: Mr S Jethwa
Agent : Good & Tillotson

Officers Report

Recommendation: Approve subject to conditions

Proposal

This application seeks permission for the retention of a steel shipping container on the site at the rear of the convenience retail store at nos. 166 – 168 Campbell Street, Farnworth. The storage container measures 2.5 metres by 6 metres by 2.7 metres in height and is used as ancillary storage for the shop unit. The application includes the proposal to install timber cladding to the side and rear elevations of the container up to 2.75 metres in height where it would be visible above the boundary fencing. The application also proposes to lower the boundary fence along the north and west boundaries of the site to 2 metres.

This application has been submitted following enforcement investigations at the site with respect to the unauthorised siting of a storage container on the land and erection of boundary fencing.

Site Characteristics

The application site is located in a predominantly residential area of Farnworth characterised by pre-war two storey semi-detached and terraced dwellings and modern post-war apartments and maisonettes. The application site is located on a prominent corner plot within a row of 3 commercial premises that front on to areas of open space at the junction of Campbell Street, Clifton Street, Harper Green Road and Lavender Road to the south. Clifton Street runs immediately to the east. Two storey residential properties and a communal car park at Clifton Court sit immediately to the north and northwest of the site. Two storey terraced dwellings along Campbell Street and Clifton Street run to the east. A hairdressers and other commercial unit are located immediately to the west with two storey dwellings beyond. The site comprises a 'cost-cutter' convenience retail

premises at ground floor of nos. 166-168 Campbell Street, with rear yard providing for access, storage and parking associated with the retail premises.

Policy

National Planning Policy Framework (NPPF)

Core Strategy policies:

P5 Accessibility; S1 Safe Bolton; CG1 Cleaner Greener Bolton; CG2 Sustainable Design and Construction; CG3 the Built Environment; CG4 Compatible Uses; SC1 Housing

Saved UDP policies:

N8 (Trees Woodlands and Hedgerows)

Planning Policy Guidance Notes:

PCPN2 Space About Dwellings

PCPN21 Highway Considerations

PCPN Housing Developments

PCPN Planning Out Crime

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * Principle of Development and impact on Local Centres
- * Design and Impact on the Character and Appearance of the Surrounding Area
- * Amenity of Existing Residents and Future Occupiers
- * Impact on Highway Safety

Principle of Development and impact on Local Centres

The NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed. The application site comprises a previously developed site within a built up area of Farnworth and immediately adjacent to a bus stop. Therefore, it is considered that the site sits within an accessible and sustainable location.

With respect to the nature of the use of the container for storage associated with retail premises, it is noted that retail uses (Use Class A1) form main town centre use as defined in the NPPF. It is noted that the site sits outside of a designated, Local, District or Town

Centre, which are where local and national planning policy seeks to direct such main town centre uses. However, it is noted that the site comprises an existing retail premises and the application seeks permission for the retention of a modest size storage container within the rear yard of the retail premises which is necessary for the ongoing use of the premises.

The use of the site for retail purposes (Use class A1) is considered to accord with general principles set out in the NPPF which encourages the reuse of brownfield sites within urban areas and provide for a mix of uses. Having regard to the above it is considered that the application accords with policies CG4 of the Core Strategy and the policies within the NPPF.

Design and Impact on the Character and Appearance of Surrounding Area

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

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

The surrounding area of Farnworth comprises an attractive mix of predominantly traditional pre-war residential properties and more modern infill residential properties. It is noted that the metal storage container is not overly prominent and visible from public view and within the streetscene along Campbell Street to the south.

However, it is noted that the storage container and surrounding boundary fencing is visible from Clifton Street and from Clifton Court to the north and west of the site. Indeed it is considered that additional height of the boundary fencing erected to screen the container appears overly prominent and is out of keeping with height and scale of surrounding boundary treatments. In addition, it is noted that the blue metal storage container would be clearly visible from Clifton Street and Clifton Court, and by reason of its colour and materials would be at odds with the type, colour and appearance of surrounding materials, buildings and structures.

In order to address this, the application proposes to reduce the height of the boundary fencing to 2 metres in height and to clad the upper half of the side and rear elevations of the container with vertical timber boarding to match the adjacent boundary fence. Once these works are undertaken, it is considered that the container would be well screened from public view to the north and west, and the harm caused by the height and bulk of the fencing would be ameliorated.

In order to ensure that the existing boundary fence is reduced to 2 metres in height and that the timber cladding be installed to the exterior of the container, a condition which the applicant has confirmed agreement to, has been recommended requiring these works to be carried out within 3 months of the permission being granted. In order to ensure that the appropriate finish of the timber fencing and cladding, a condition has also been recommended requiring the finish of the fence in brown stain or paint.

Having regard to the above, it is considered that subject to the reduction in height of the

boundary fence and the fixing of timber cladding to the container, the retention of the storage container on the site would not cause significant harm to the character and appearance of the streetscene. Subject to these conditions, it is considered that the scale, layout, design and appearance of the development would comply with policies CG3 and CG4 of the Core Strategy.

Amenity of Existing Residents and Future Occupiers

PCPN 2 provides guidance on the minimum distances required to not cause unacceptable impact on the amenity, outlook, daylight and the privacy experienced by neighbouring properties.

It is noted that the metal storage container and boundary fencing at the rear of nos. 166-168 Campbell Street are located immediately opposite the front gardens, entrances and windows of nos. 64 and 66 Clifton Court. It is considered that the existing boundary fencing by way of its present height at 3 metres and proximity would appear overbearing from the front gardens of nos. 64 and 66. However as discussed above, as part of this application it is proposed to reduce the height of the boundary fence to 2 metres in height to match the adjoining boundary wall and timber fence. It is noted that the shipping container would be clad in timber to match the fence and whilst of greater height than the boundary fence would be set back behind the fence line and would be seen within the context of the taller buildings behind. Furthermore, as nos. 64 and 66 Clifton Court include an obscurely glazed front window and side porch windows in their front elevations it is not considered that the proposals would cause significant harm to their outlook, the daylight received and amenity of the occupiers.

Therefore, subject to conditions reducing the height of the boundary fencing to 2 metres, and cladding of the container in a timber boarding and finish to match the boundary fencing, it is considered that the development accords with policy CG4 of the Core Strategy and PCPN2.

Impact on Highway Safety

The NPPF states that applications should only be refused where the residual cumulative impacts of development are severe. Policy P5 of the Core Strategy seeks to ensure that developments are accessible by a number of modes of transport including public transport, by cyclists and pedestrians, and prioritise these modes over the motor vehicle.

It is considered that the storage container would not itself result generate any significant additional vehicular trips to and from the site. It is noted that the storage container is sited within the northwest corner of the rear yard. Furthermore, it is noted that the retention of the container would not impact on access to and from the site, would still allow vehicles to park and deliveries to access the rear enclosed yard, and would not also impact on customer or visitor parking at the site.

It is also noted that the Highways Authority have raised no objections to the retention of the container. Having regard to the above, it is considered that the development would not cause any severe impact on the function of the surrounding highway network or cause any significant harm to highway safety. The development is therefore considered to accord with policy P5 of the Core Strategy and the NPPF.

Value Added to the Development

N/A

Conclusion

For the reasons discussed above, it is considered that subject to the imposition of conditions requiring the installation of timber cladding and reduction in height of the boundary fence, the retention of the metal storage container would not result in any significant harm to the character and appearance of the site and surrounding area. Nor would there be any significant harm caused to the amenity of neighbouring occupiers and highway safety. The proposal therefore complies with the aforementioned national and local planning policies and it is recommended that permission be granted subject to conditions.

Representation and Consultation Annex

Representations

Letters:-

Letters were sent to 11 surrounding properties.

1 letter has been received on behalf of nos. 22, 28, 32, 36, 46, 52, 56, 58, 60, 62 and 66 Clifton Court, raising the following objections has been received:

- The metal storage container and fence are inappropriate and of poor design and totally out of keeping with the surrounding area.
- The storage container and fencing should not be present in the first place.
- The proposed solution would resemble a shanty town.
- The storage container is used for storage purposes for other retail premises and therefor it use is as a business depot.

Case Officers Response:

The matters relating to the design and the impact on the character of the area have been dealt with in detail in the above sections of the Committee Report. With regards to the use of the storage container, the applicants have confirmed that the container is being used for storage purposes associated with the retail store at the site.

Petitions:- None received.

Town Council:- None received.

Elected Members:- None received.

Consultations

Advice was sought from the following consultees:

Highways Authority – who raised no objections.

Planning History

85286 – Partial demolition to rear of building and erection of single storey extension at side and rear. – Approved 12/01/2011.

DATE

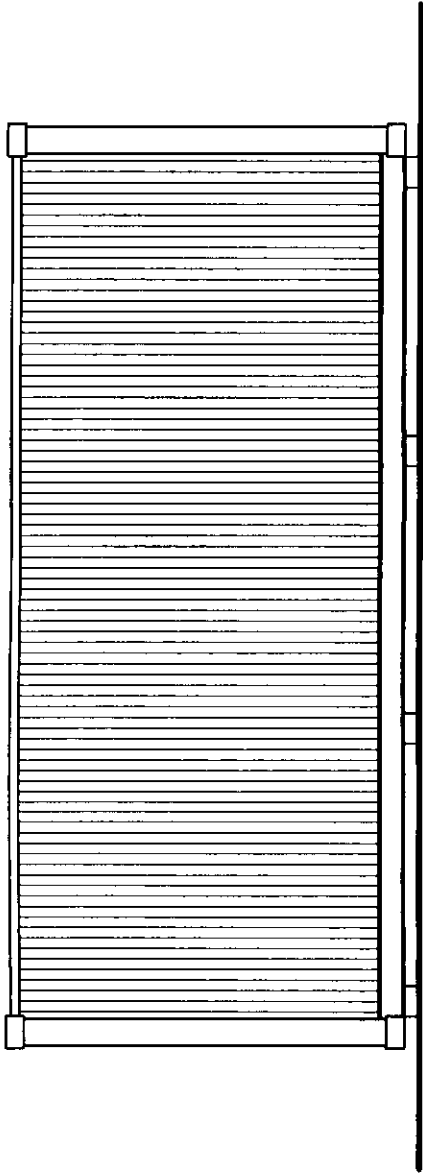
OFFICER Christopher Hobson

PRINCIPAL PLANNING OFFICER

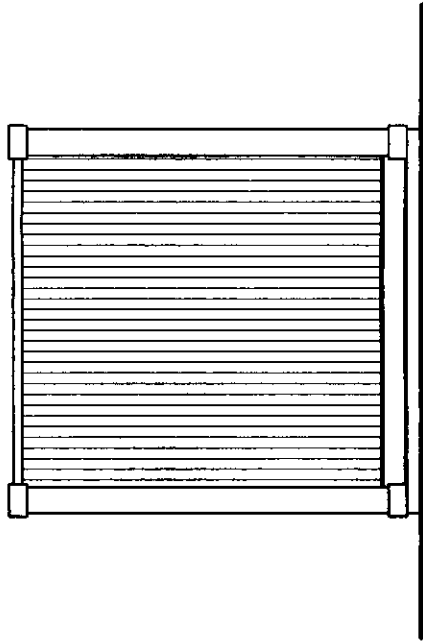
Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

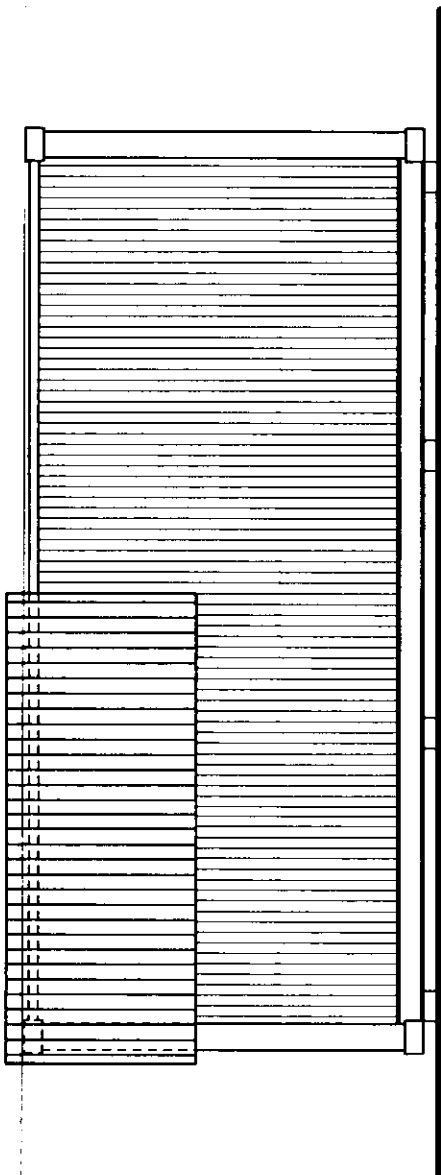
NOTES:
1. All documents and drawings prepared by the architect and any works associated from these documents and drawings shall remain the property of the architect and must not be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the written consent of Good & Tiltson.
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All component sizes and references to be checked prior to ordering of materials.
Positions and designation (i.e. contained, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building owner. Any discrepancies between the drawings and the existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure that they are suitable to accommodate additional capacity and the type of effluent being connected.
All relevant boundary positions to be checked prior to proceeding.



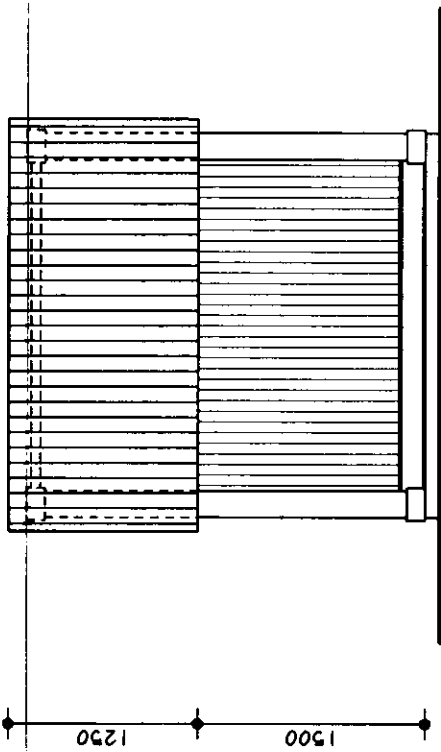
SIDE ELEVATION AS EXISTING - TYPICAL



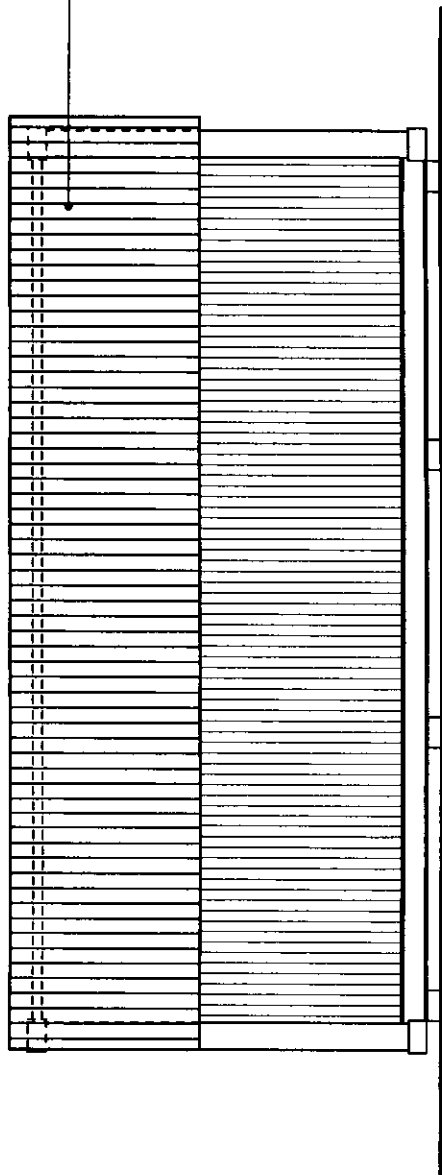
WEST END ELEVATION AS EXISTING



SOUTH ELEVATION AS PROPOSED



WEST ELEVATION AS PROPOSED




NORTH ELEVATION AS PROPOSED

TOP SECTIONS OF THE NORTH & WEST ELEVATIONS, & PART OF THE TOP SECTION OF THE SOUTH ELEVATION (THAT PROJECTS BEYOND THE SIDE OF THE BUILDING) ARE TO BE CLAD IN VERTICAL TIMBER BOARDING ON TIMBER BATTENS SET OVER THE CONTAINER TIMBER BOARDING TO MATCH THE EXISTING FENCE AROUND THE SITE, AND TO BE FINISHED IN A PRESERVATIVE STAIN FINISH, IN AN AGREED COLOUR

DEVELOPMENT CONTROL
RECEIVED
24 JUN 2014

Rev.	Revision	Int.	Date

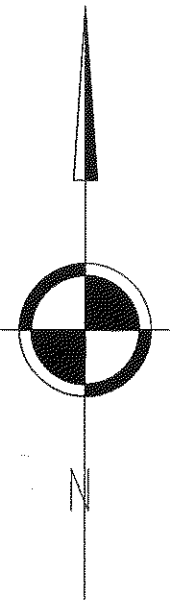
	Good & Tiltson Chartered Architects 2 The Studios 518 Chorley Old Road, Bolton, BL1 4JU Tel : 01204 497700 Fax : 01204 497778 Email : info@goodandtiltson.co.uk Web : www.goodandtiltson.co.uk
Client :	Baz Jethwa
Project :	105 - 108 Campbell Street Farnworth Bolton
	RIBA #
	Chartered Practice
Drawing :	Existing & Proposed Elevations of Container
Date :	06th June 2014
Drawn :	P.J.B.
Scale :	1 : 50 @ A3
Project No. :	1449
Drawing Number :	02

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ALL LEVELS TO BE CHECKED ON SITE.
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect prior to proceeding.
All component sizes and references to be checked prior to ordering of materials.
Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure that they are suitable to accommodate additional capacity and the type of effluent being connected.
All relevant boundary positions to be checked prior to proceeding.



EXISTING FENCE AROUND CONTAINER, SHOWN THIS, AT APPROX HEIGHT OF 2700mm IS TO BE LOWERED TO MATCH THE HEIGHT OF REMAINDER OF THE PERIMETER FENCE, AT APPROX HEIGHT OF 1900mm.
EXISTING STEEL CONTAINER TO BE RETAINED. TOP SECTION OF CONTAINER TO BE CLAD IN TIMBER BOARDING, AS ILLUSTRATED ELSEWHERE.

SURVEY STATIONS			
Name	Easting	Northing	Height
S01	372619.22	406519.40	97.75
S02	372625.96	406548.14	97.90
S03	372603.24	406534.19	97.69
S04	372590.00	406521.62	97.74

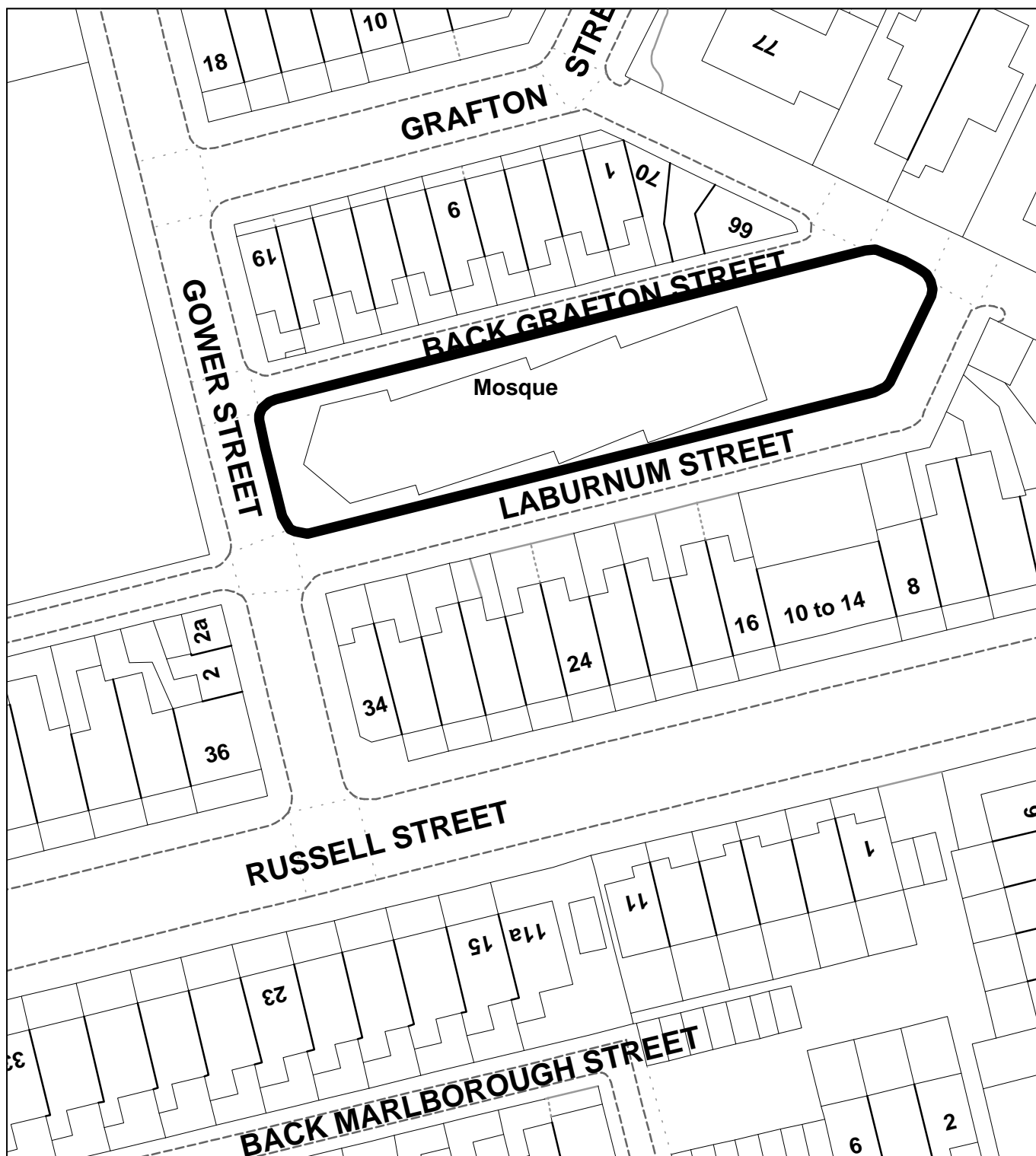


BOLTON COUNCIL
DEVELOPMENT CONSIDERATION
REQUIRED
24 JUN 2014

Rev.	Revision	Inl.	Date
 Good & Tillotson Chartered Architects 2 The Studios, 318 Chorley Old Road, Bolton, BL1 4JU Tel : 01204 497700 Fax : 01204 497776 E-mail : info@goodandtillotson.co.uk Web : www.goodandtillotson.co.uk			
Client : Baz Jethwa			
Project : 166 - 168 Campbell Street Farnworth Bolton		RIBA Chartered Practice	
Drawing : Site Layout as Existing		Date : 06th June 2014 Drawn : P.J.S. Scale : 1 : 100 @ A1 / 1 : 200 @ A3	
Project No. : 1449	Drawing Number : 01	Drawing Revision :	

Application No.

92363/14



Development and Regeneration Department
Planning Control Section

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

**Bolton
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11

Date of Meeting: 23/10/2014

Application Reference: 92363/14

Type of Application: Full Planning Application
Registration Date: 08/07/2014
Decision Due By: 01/09/2014
Responsible Officer: Jon Berry

Location: MADINA MOSQUE, 3 GOWER STREET, BOLTON, BL1 4BG

Proposal: ERECTION OF FIRST FLOOR EXTENSION FOR EDUCATION USE (CLASS D1).

Ward: Halliwell

Applicant: Mr K Ahmed
Agent : RA Design & Project Management

Officers Report

Recommendation: Approve subject to conditions

Proposal

Consent is sought to erect an extension to the mosque at first floor level only, supported on columns over the existing parking area. The extension would provide four classrooms.

A submitted plan shows 10 car parking spaces retained in what would essentially become an "undercroft" parking area.

Site Characteristics

The site is that of the New Madina Mosque, constructed within the last ten years on land bounded by Park Hill Street, Gower Street, Laburnum Street and Back Grafton Street. The mosque occupies a rectangular plot of land, roughly equivalent to one of the nearby rows of terraced houses with an unmarked area left over for parking. The site is almost entirely surrounded by terraced housing.

Policy

National Planning Policy Framework - requiring good design, promoting healthy communities

Core Strategy Objectives

O2 Access to Education, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO10 Climate Change, SO16 Community Cohesion and Access

Core Strategy Policies

A1 Education

P5 Transport

S1 Crime and Road Safety

CG3 Design and the Built Environment, CG4 Compatible Uses

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on the road network
- * impact on living conditions
- * impact on crime prevention
- * impact on community provision

Impact on the Character and Appearance of the Area

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

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

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

The proposed design would involve a first floor structure supported on columns over the existing parking area and is therefore an unusual design. However, the site is not

prominent and is largely screened from anything other than close views by the surrounding dense residential streets. The extension is designed to match the existing building in terms of proportions, fenestration and materials.

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

Impact on the Road Network

Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety. The proposed use is not considered to be likely to give rise to significant changes in the nature of vehicular or other movements over and above the existing lawful use.

Highway Engineers accept that the extension would leave the car parking area unaffected - provided that the supporting columns do not need to be any bigger than suggested. However, they also note that the mosque, as constructed, encroaches by a small amount on to the footway at Laburnum Street. Clearly, this should not affect the current application but Engineers advise that the mosque committee should seek to regularise the historic encroachment by applying to the Department of Transport for a highway stopping up order. Engineers also think it likely that the extension, as proposed, would encroach on to the footway at Back Grafton Street and they would object to this. The Applicant has been asked to provide a more detailed plan overlaid on to the highway register to demonstrate whether there would be any encroachment on to the highway and, if so, to what degree. A condition will be imposed requiring that, notwithstanding the submitted plan, there shall be no encroachment on to the highway.

The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1.

Impact on Living Conditions

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

Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account. The use is, in principle, considered appropriate for this area, given the presence of the existing mosque and limited impact of the classroom use itself.

The extension would be located 17.6 metres from the residential properties of Russell Street, exceeding the recommended interface and consistent with the interfaces with the main building. However, there are flats located above the offices at 66-70 Park Hill Street with principal windows directly facing the site and the owner of the property and the occupants of these flats have objected to the proposal. Whilst the impact on the offices themselves is considered to be acceptable, the impact on the living conditions enjoyed at the flats needs to be considered in some detail as the extension would be approximately 6.4 metres away from these windows, significantly less than the recommended 13.5 metres interface. The objector has provided detailed information on the layout and room uses of the flats and each window will be taken in turn. Only the impact on outlook will be considered as obscure glazing is proposed and therefore overlooking and loss of privacy will not be issues of concern here.

(from left to right, across the elevation facing the application site, first floor windows only)

Window 1 - this serves the single bedroom of Flat 68b. The light entering and outlook from this window would be significantly affected, though it is noted that no other window of this property would be affected

Window 2 - this serves the kitchen of Flat 68a, is therefore not a principal window and therefore the Council's policy does not seek to protect the outlook

Window 3 - this serves the living room of Flat 68a though it is noted that this room has another window fronting Park Hill Street which will therefore not be affected. That said, the affected window is south facing and benefits from the majority of the sunlight.

It is considered that the proposed extensions, due to the limited interface, will to some degree have a detrimental impact on the living conditions enjoyed at these properties. The interface proposed to the two principal windows is just less than half than the distance recommended by PCPN2. That said, the standards should not be applied too rigorously as it is not considered that these standards were intended to control development affecting flats above offices, in densely developed locations, with windows directly at the back of pavement.

The proposed extension will impact on the living conditions of the residents of the adjacent flats and there is considered to be therefore some degree of conflict with Policy CG4 of Bolton's Core Strategy.

Impact on Crime Prevention

The National Planning Policy Framework states that planning decisions should aim to ensure that developments should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Bolton's Core Strategy notes that the town's recorded crime levels are reducing but perception of crime remains high. The Core Strategy's most important direct contribution to reducing crime and the fear of crime is through the design of new development. A contributory factor to improving safety is to create and sustain a sense of place that enables people to identify with their surroundings or locality. This can be achieved through appropriate layout, high quality architecture, good lighting and landscape design. In considering design, the Council takes into account national advice as currently set out in the Government publication "Safer Places – the Planning System and Crime Prevention." Ensuring that the whole of the civic and retail core is safe and attractive for pedestrians will be a priority.

Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, reduce crime and the fear of crime, by ensuring that neighbourhoods are attractive and well designed. Policy S1 is part of the "Safe Bolton" Sustainable Community Strategy theme and states that the Council and its partners will ensure that the design of new development takes into account the need to reduce crime and the fear of crime. Policy CG4 of Bolton's Core Strategy seeks to ensure that new development protects, amongst other things, safety and security.

Sheltered areas such as the one proposed here do have the potential to be a focus for anti-socially behaviour and possibly crime. Greater Manchester Police have been consulted on the proposal but have responded to state that they have no comments to make in this

instance. Officers consider that the limited size of the covered area, the good natural surveillance caused by the surrounding residential properties and the high regard with which the mosque is held within the local community would all mitigate against the risk of crime or anti-social behaviour.

The proposal is considered to comply with policies seeking to reduce crime.

Impact on Community Provision

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

It goes on to state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. Planning policies and decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity; safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Policy SO16 seeks to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities. Policy SC2 of the Core Strategy states that the Council will ensure that community facilities are located in the neighbourhoods that they serve.

The Applicant states that the mosque as currently configured lacks sufficient classroom space to meet demand for such services. National and local planning policies recognise the social and cultural benefits of religious education. The mosque already serves the local community and the proposed extension will allow the services to increase.

The proposal will have a positive impact on the local community.

Conclusion

The proposed extension will have a degree of impact on the living conditions enjoyed at the nearby flats, though it must be borne in mind that interface standards adopted in 1991 to regulate the layout of new housing estates should not be rigidly imposed on development close to flats in a densely developed area such as Inner Bolton - particular when those flats have been laid out with principal windows at the back of the footway. The proposed obscure glazing allow the interface to be reduced to 13.5 metres and whilst the proposed development would still fall significantly short of this, the community benefits of the proposed development should also be taken into account.

On balance, the benefits of the proposal are considered to outweigh the disadvantages.

Representation and Consultation Annex

Representations

Letters:- three letters of objection have been received from the owner and two occupants of the nearby flats. The grounds of objection are:-

- the close proximity of the extension will affect the light to the ground floor offices, particularly as the application site is to the south and west
- PCPN2 requires an interface of 21 metres, or if the "principal to non-principal" standards are applied then as the building is 9 metres in height, and interface of 16.5 metres should be imposed. The proposed interface is closer to 6 metres
- the supporting piers will reduce the number of cars that can park in the area. The parking is inadequate, especially on Friday, holy days and for funerals
- the proposed extension will be very close to the lounge window of 68a Park Hill Street
- the proposed extension will be very close to the bedroom window of 68b Park Hill Street

Consultations

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

Planning History

Planning permission was granted for the erection of a two storey mosque in 2000 (57920/00)

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Notwithstanding the submitted plan, no development shall commence unless and until a plan has showing a revised footprint that demonstrates no encroachment on to the highway has been submitted to and approved by the Local Planning Authority. The development shall then be carried out entirely in accordance with this plan.

Reason

In the interests of highway safety.
3. Before the first occupation of the extension hereby permitted the all windows in the northern and southern elevations shall be fitted with obscure glazing whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely obscure) and shall be permanently retained in that condition thereafter.

Reason

To protect the privacy, outlook and living conditions of neighbouring occupiers.
4. Before the approved development is first brought into use no less than 10 car parking spaces shall

be marked out and provided within the curtilage of the site, in accordance with the approved parking layout. Such spaces shall be made available for the parking of cars at all times the premises are in use.

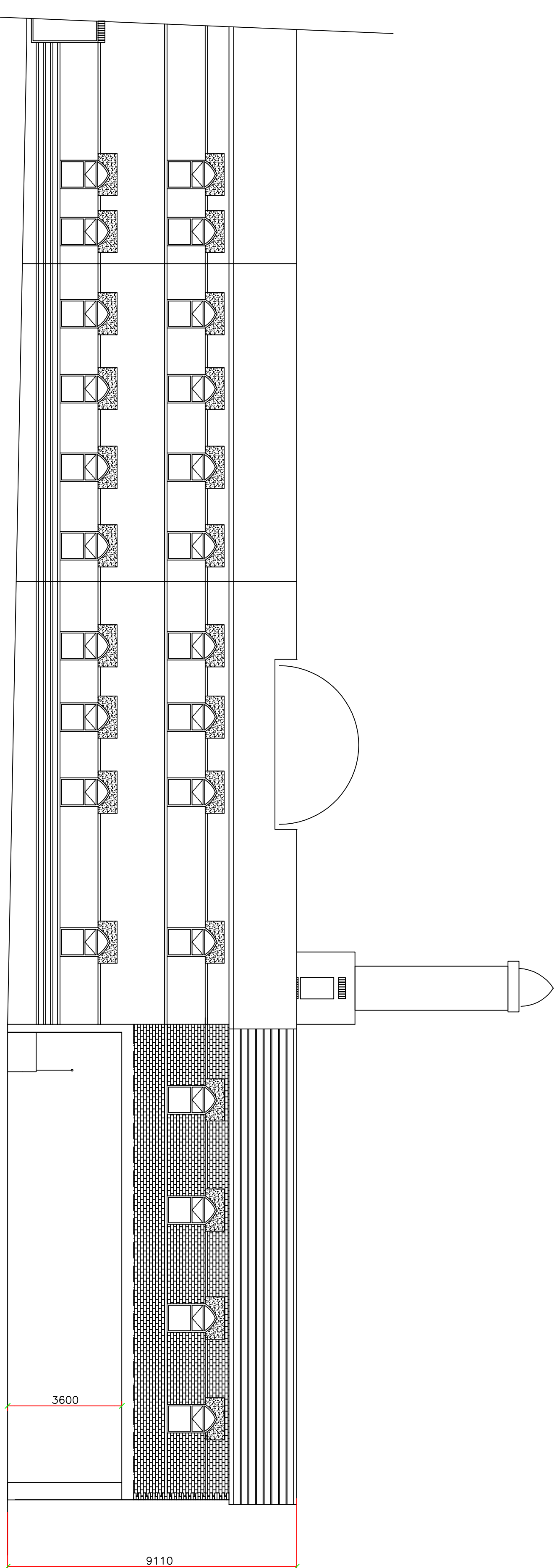
Reason

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

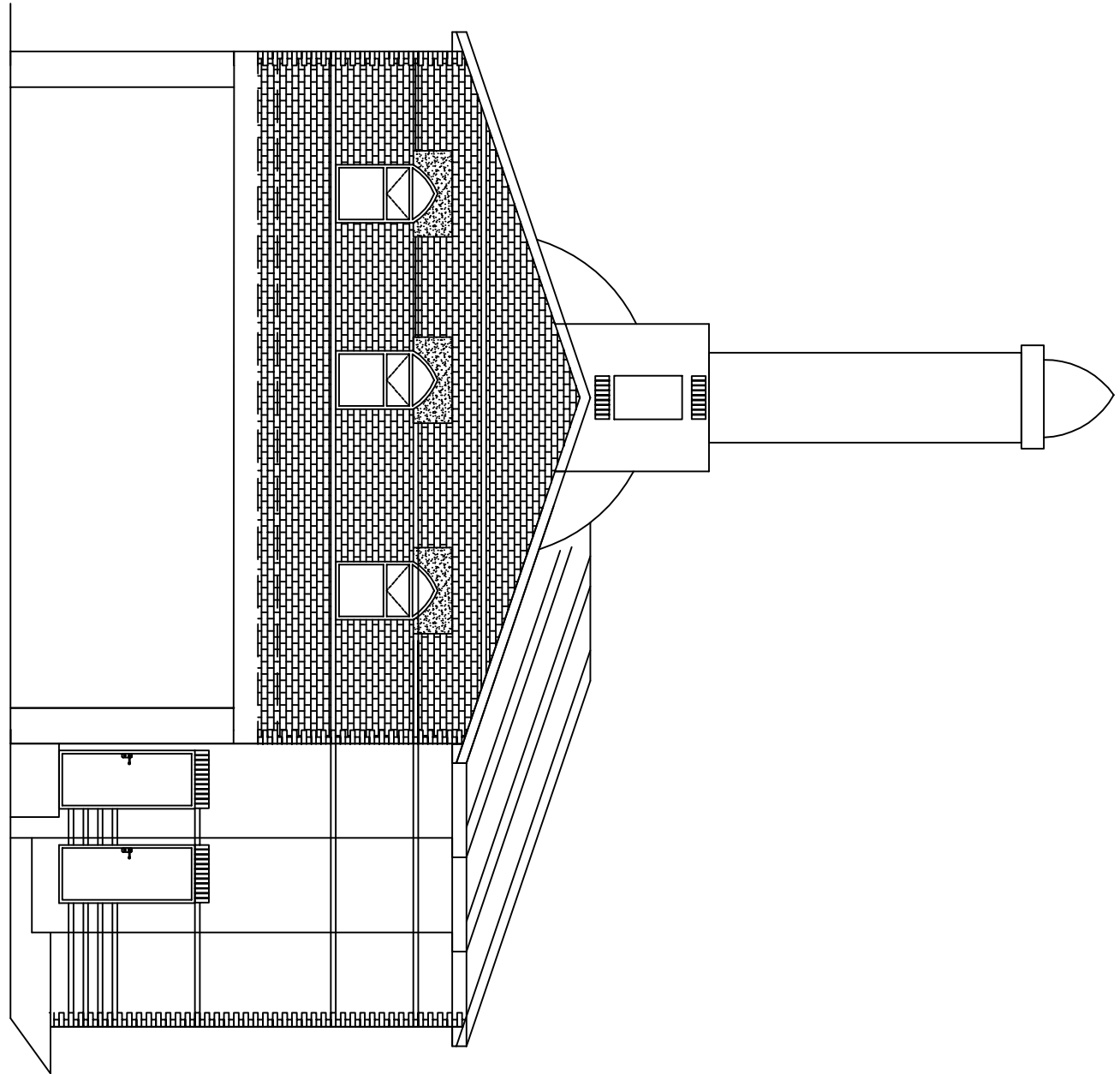
5. The external surfaces of the extension or elevation hereby permitted shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter.

Reason

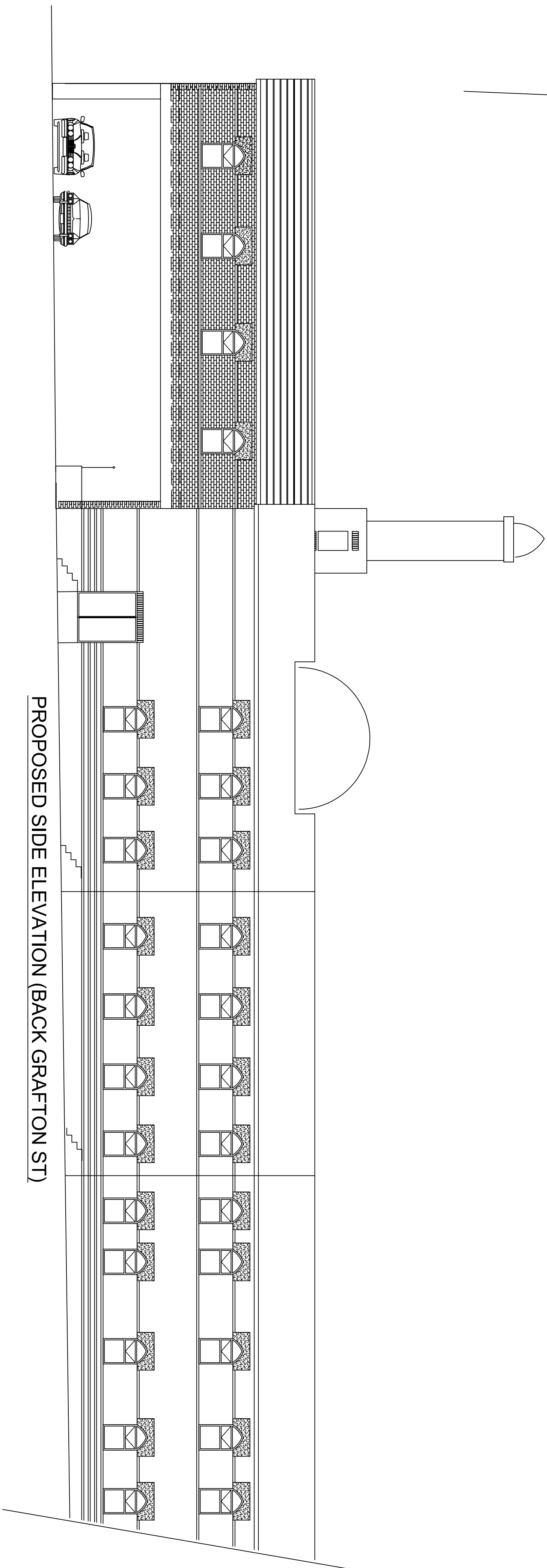
To ensure the development visually reflects the existing building.



PROPOSED SIDE ELEVATION (LABURNUM ST)



PROPOSED REAR ELEVATION. (PARK HILL ST)



PROPOSED SIDE ELEVATION (BACK GRAFTON ST)

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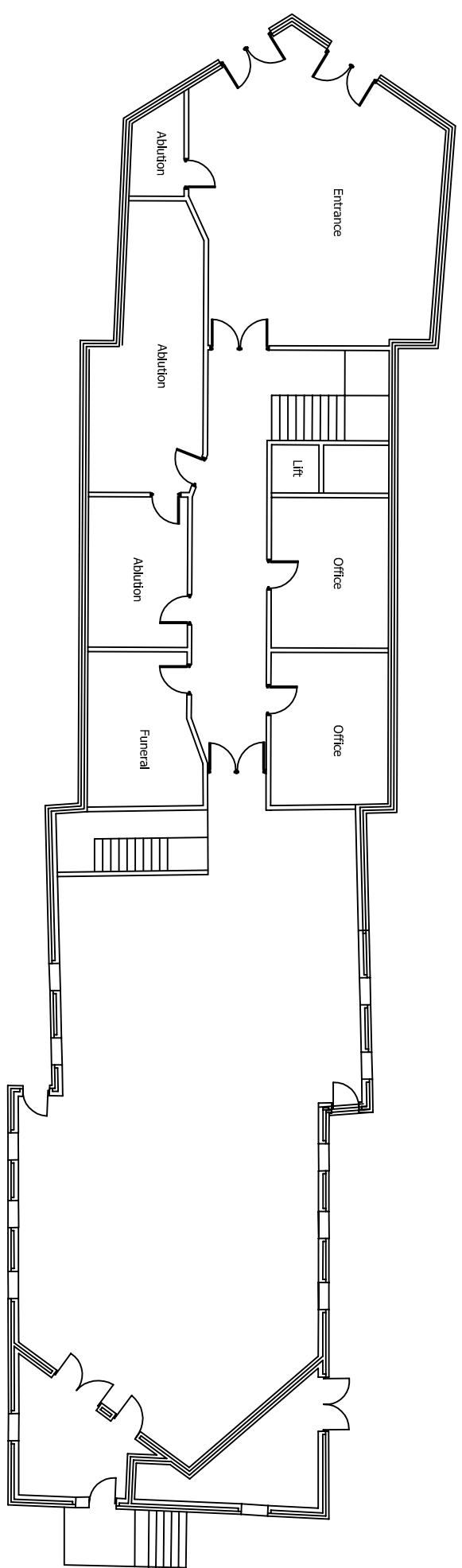
The whole of the works to comply with current Building Regulations. No work to commence without Building Regulations approval.

Notes

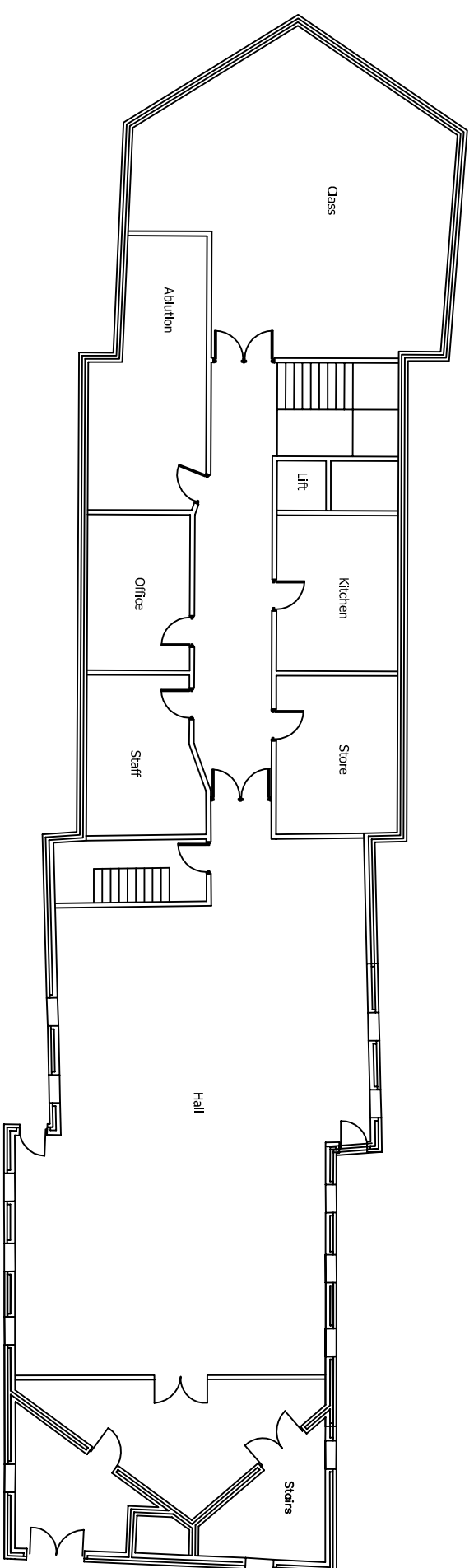
RAD

Project	Title
PROPOSED EXTENSION AT NEW MADINA MOSQUE, GOWER STREET, BOLTON BL1 4BG	PROPOSED ELEVATIONS

Client	MR. K. AHMED
Drawn	RA
Date	JULY 2014
Scale	1:100
Drawing Number	RA/

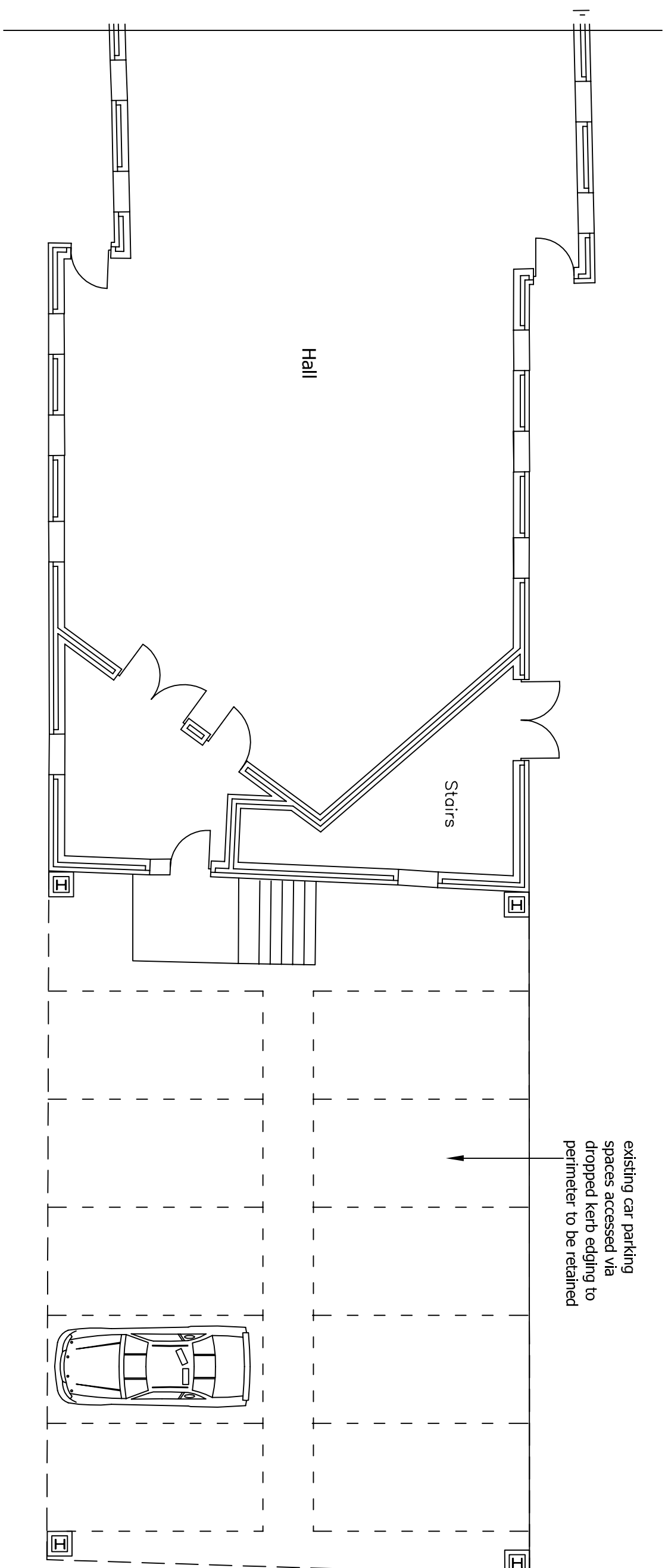


EXISTING GROUND FLOOR PLAN.

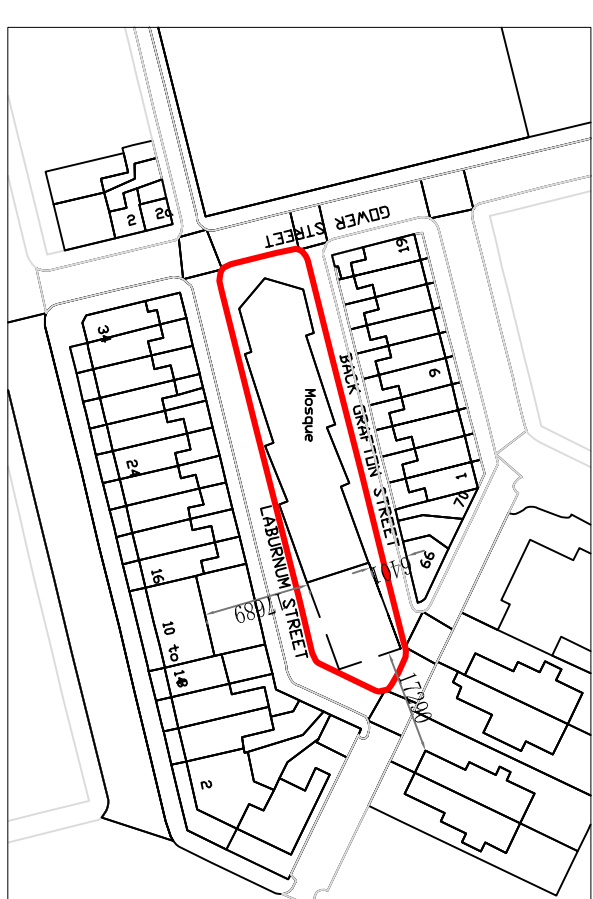


EXISTING FIRST FLOOR PLAN.

1:200

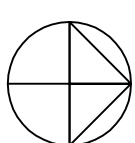


PROPOSED GROUND FLOOR PLAN.

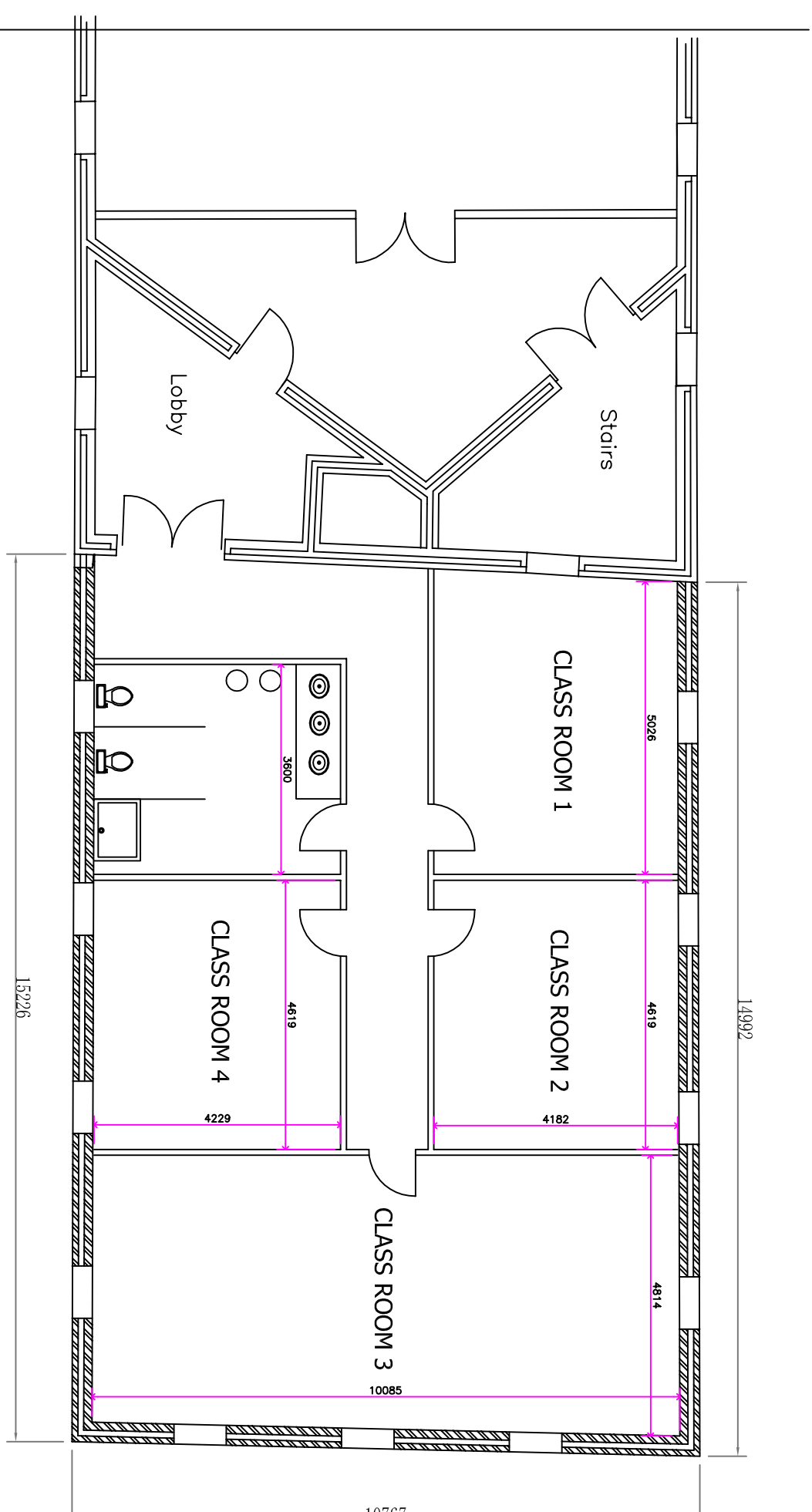


LOCATION PLAN (1:1250)

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Ordnance Survey 0100031673



BLOCK PLAN (1:500)



PROPOSED FIRST FLOOR PLAN.

[illegible]

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The whole of the works to comply with current Building Regulations. No work to commence without Building Regulations approval.

Notes

RAD

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Bolton
BL1 4AP
Tel: 01204 322196
Fax: 01204 214110
Mob: 07790 361104
Email: rahatanwar@hotmail.com

Project	Title
PROPOSED EXTENSION AT NEW MADINA MOSQUE, GOWER STREET, BOLTON BL1 4BG	EXISTING & PROPOSED FLOOR PLANS

Client	MR. K. AHMED
Drawn	RA
Date	JULY 2014
Scale	1:100/1:200
Drawing Number	RAD/

Application No.

92394/14



Development and Regeneration Department
Planning Control Section

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

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Date of Meeting: 23/10/2014

Application Reference: 92394/14

Type of Application: Full Planning Application
Registration Date: 14/07/2014
Decision Due By: 07/09/2014
Responsible Officer: Jodie Turton

Location: BACK IVY BANK ROAD, BOLTON

Proposal: ERECTION OF SINGLE STOREY LINKED EXTENSION TO FORM A TOILET BLOCK AND STORE ROOM TO SIDE OF CLUB HOUSE. WIDENING AND RAISING OF PATH TO WESTERN BOUNDARY TO FORM IMPROVED DISABLED ACCESS.

Ward: Astley Bridge

Applicant: Astley Bridge Bowling Green Co Ltd
Agent : Mr S Jackson

Officers Report

Recommendation: Approve subject to conditions

Proposal

The application proposes a single storey extension to the western side elevation of the bowling club building to provide a toilet block and store room. The extension will measure 6.075 metres in length, 4.5 metres in depth and 4.25 metres in height (to the ridge) and 2.25 metres to the eaves. The extension will adjoin the main clubhouse building with a small scale link, 1.5 metres in width. The extension is to be sited close to the boundary with Ivy Bank Road and will be accommodated on a small section of the site which is currently rough grassland, which slopes downwards from Ivy Bank Road to the clubhouse.

In addition, it is proposed that the path to the western boundary of the bowling green is widened from 1.3 metres to 3.2 metres. Due to resurfacing the path this will also involve a minor increase in height of between 0.2 and 0.3 metres.

Three trees protected by Tree Preservation Order are sited within the application site and will require removal as part of the development proposal.

Site Characteristics

The application site is situated on the corner of Bar Lane and Ivy Bank Road. The car park and club house occupy the area at the junction of the two roads and the bowling green itself is to north west of these, sited to the rear of residential properties on Ivy Bank Road, Bar Lane and Thorndyke Avenue. The proposed extension will adjoin the clubhouse and is sited to the Ivy Bank Road frontage.

There are a number of trees protected by Tree Preservation Order along the Ivy Bank

Road frontage.

Policy

NPPF (2012): 7. Requiring Good Design

Core Strategy policies: CG1 Biodiversity; CG3 Built Environment; CG4 Compatible Uses; OA5 North Bolton; P5 Accessibility; Appendix 3 Car Parking Standards.

Saved UDP Policy: N8 Trees

PCPN2 Space Around Dwellings

PCPN7 Trees: Protection and Planting in New Developments

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the design and character of the area
- * impact on neighbouring residential amenity
- * impact on trees
- * impact on the provision car parking

Impact on the Design and Character of the Area

Section 7 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Core Strategy policy CG3 seeks to ensure that development proposals contribute to good urban design, conserve and enhance local distinctiveness and have regard to the overall built character and landscape quality of the area. Furthermore, development should be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.

Area policy OA5 of the Core Strategy makes the requirement for special attention to be given to the massing and materials used in new development.

The proposal is for a small scale, single storey extension which will be brick built to match the existing club house and also with roof tiles to match. The gable of the building will present to Ivy Bank Road and due to the massing of the extension and the site levels, the extension will be at a lower level than the adjacent pavement, which will ensure that the extension does not appear overly dominant or incongruous within the streetscene. It is

proposed that the extension will be sited on a part of the site which is relatively unkempt and is partially surrounded by temporary fencing. The development of the site, along with the proposed boundary treatment of a laurel hedge would result in a positive improvement to the character of the Ivy Bank Road frontage. The proposal complies with Core Strategy policy CG3.

Impact on Neighbouring Residential Amenity

Core Strategy policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.

PCPN2 provides guidance on space around dwellings, of note are the guidelines on interface distances which intend to prevent any detrimental impact on neighbouring residential properties in terms of loss of light, overlooking and impact on privacy and amenity.

The proposed extension is approximately 24 metres from the nearby apartment block on Ivy Bank Road and over 30 metres from the facing dwelling on Ivy Bank Road. These distances are far in excess of the interface distances recommended by PCPN2.

Given the small scale nature of the extension, the siting and positioning within the streetscene and the relationship with nearby residential properties, the proposal is not considered to have any impact on residential amenity and thereby complies with Core Strategy policy CG3 and PCPN2.

The application also proposes alterations to the footpath to the western boundary of the bowling green, adjacent to the apartment block. The footpath is to be widened to allow for easier disabled access. The width of the path will be increased from 1.3 to 3.2 metres. In order to facilitate these works the path will also be increased in height by between 0.2 and 0.3 metres. Given the position of the path adjacent to the residential development, which has outlook over the bowling green it is important to give consideration to the impact of this on the amenity and privacy of residents. Given the levels difference between the path and the residential properties and also the existing boundary treatment, the proposed path is not considered to have any detrimental impact on privacy and amenity of residents. However, a condition will be placed on the planning permission to ensure that the height of the path is increased by a maximum of 0.3 metres.

Impact on Trees

Saved UDP policy N8 seeks to protect trees in new developments, this is supported by the guidance contained in PCPN7. Core Strategy policy CG1 seeks to safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including tree.

Due to the siting and size of the extension this will result in the loss of three trees protected by Tree Preservation Order, consisting of a mature Ash and Sycamore which are in poor condition and a semi-mature Sycamore in fair condition. The Council's Tree and Woodland Officer does not object to the loss of these trees due to the condition of the trees. They therefore recommend that the three trees are replaced with the position, species and size to be agreed and secured via condition.

A landscape strip comprising a laurel hedge will be planted to the Ivy Bank Road boundary. The proposed hedge as shown will soften the appearance of the building when viewed from Ivy Bank Road.

A fencing condition is required to ensure protection of trees adjacent to the development.

Impact on the Provision of Car Parking

Core Strategy policy P5 seeks to ensure that development is accessible by different types of transport, prioritising pedestrians, cyclists and public transport over the motorised vehicle. Appendix 3 provides guidance on parking standards.

The proposed extension is sited adjacent to the car park on an area of fenced off grass land. The proposal will not have any impact on the provision of car parking at the bowling club. Furthermore, the extension will not serve to increase membership at the club as the structure will provide toilets and a store room. The proposal is not therefore considered to have any impact on car parking or demand for parking and therefore complies with Core Strategy policy P5 and Appendix 3.

Conclusion

The proposed extension is considered to be small scale and due to the massing, siting and design it is not considered to have any detrimental impact on the streetscene and thus complies with Core Strategy policy CG3. Also given the siting and small scale nature of the proposal there is no impact on neighbouring residential amenity. The widening of the path to the western boundary of the bowling green, which runs adjacent to the apartment block on Ivy Bank Road is not considered to present any detrimental impact on residential amenity due to the current use and existence of the path, the increase in height is considered negligible and a condition will ensure that the path is not increased in height by any greater than 0.3 metres.

Although the proposed extension will result in the loss of three TPO trees, the Council's Tree and Woodland Officers raises no objection due to the condition of the trees and their replacement will be secured via condition. The proposal is considered to comply with policy and is therefore recommended for approval.

Representation and Consultation Annex

Representations

Letters:- one letter of objection has been received from a nearby resident, raising the following concerns (planning officer comments shown in italics):

- Car parking and access – the application submission states 25 car parking spaces, this is inaccurate and parking exists for only 10-12 cars. Cars park on the highway to the detriment of highway safety and also at times block access to emergency vehicles. *The planning application proposal has no impact on the car park and the proposed use of the extension as a store room and toilets will not result in additional membership capacity at the club.*
- Trees – the application shows the removal of 2 mature protected trees to be replaced by a laurel hedge. This is inconsistent with advice given to other local residents with regard to protected trees *(this is in part addressed in the body of the report. The laurel hedge will not replace the trees, this is a landscape boundary improvement and the trees will be replaced with trees via condition).*
- Aesthetics – the extension in red brick will be prominent to residents on Ivy Bank Road and will be more so with the removal of the trees and when trees aren't in leaf. There is also a request for additional lighting which is already excessive at the club *(the extension will be at a lower level to the road and will be screened by the proposed laurel hedge. The application does not contain any details or propose new lighting).*
- Concerns about smells from the toilets and impact on the surrounding atmosphere *(the toilet block is small scale and brick built and ventilated appropriately there are not considered to be unacceptable smells emanating).*

Consultations

Advice was sought from the following consultees: Tree and Woodland Officers.

Planning History

89331/13 – Single storey extension approved in February 2013.

81045/08 – Retention of canopy, access ramp and smoking shelter approved in January 2009.

79369/08 – Erection of 8 lighting columns approved in June 2008.

78041/07 – Installation of 6 lighting columns and improvements to stepped and ramped access refused in September 2007.

77224/07 – Erection of single storey extension at side and rear approved in 2007.

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. No demolition, development or stripping of soil shall be started until:
 1. The trees within or overhanging the site which are to be retained/or are subject of a Tree

Preservation Order (TPO) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.

2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).

3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

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

3. Within 12 months of the trees(s) shown on the approved plan (drawing no.2 received 14 July 2014) being felled, suitable replacement(s) of a size, species and location to be agreed in writing with the Local Planning Authority shall be replanted. Any such tree(s) which die or are removed within 5 years of planting shall be replaced in the next available planting season with (an) other(s) of a similar size and species.

Reason

In the interests of protecting the landscape of the area.

4. A laurel hedge shall be planted on the site in accordance with drawing reference no.3, received 14th July 2014. 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. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape.

5. Notwithstanding the submitted plans, the pedestrian path to the western boundary of the bowling green shall not be increased in height to any greater than 0.3 metres and shall remain as such thereafter.

Reason

To protect the privacy and amenity of neighbouring residents.

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

Reason

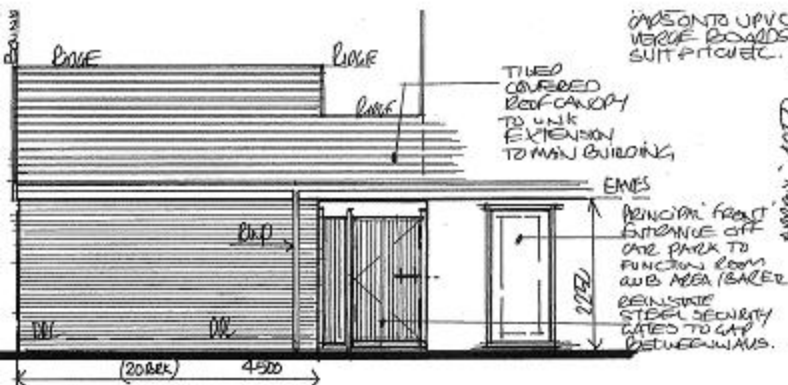
To ensure the development visually reflects the existing building.

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

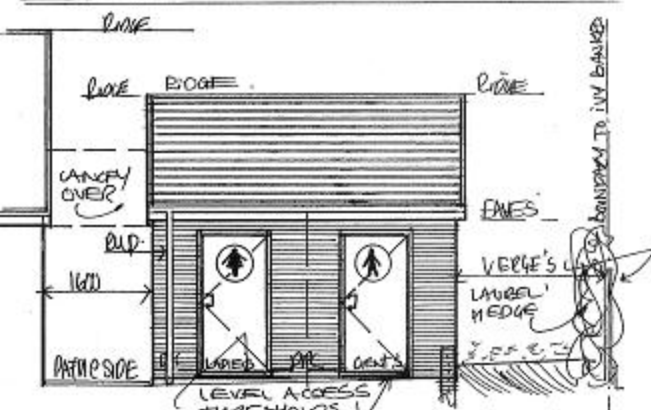
- Site Plans and Cross Sections; drawing no.1; received 14 July 2014.
- Existing Plan of Area Shaded Green on drawing no.1; drawing no.2; received 14 July 2014.
- Proposed Block Plan and Floor Plan; drawing no.3; received 14 July 2014.
- Elevations; drawing no.4.
- Path Cross Section and Elevation; drawing no.5; received 14 July 2014.

Reason

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

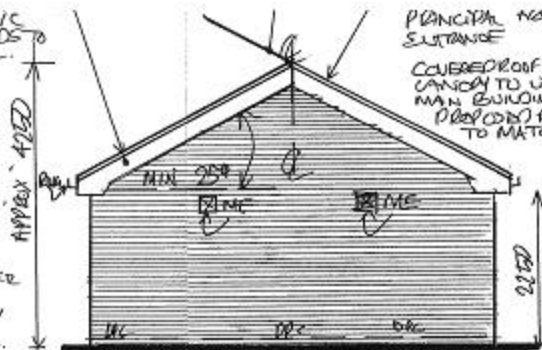


1:50 PROPOSED VIEW OFF CAR PARK

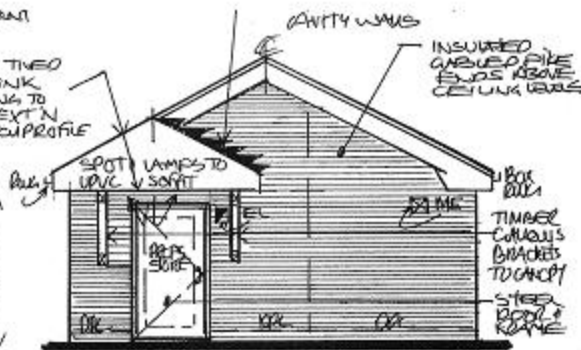


1:50 PROPOSED VIEW FROM B1 - GREEN

FOUNDATION'S SUBJECT TO GROUND CONDITIONS AND TO FULL SATISFACTION OF LABCO. TYPICAL EXC 1600 WIDE TRENCH X



1:50 PROPOSED SIDE VIEW OFF IVY BANKED

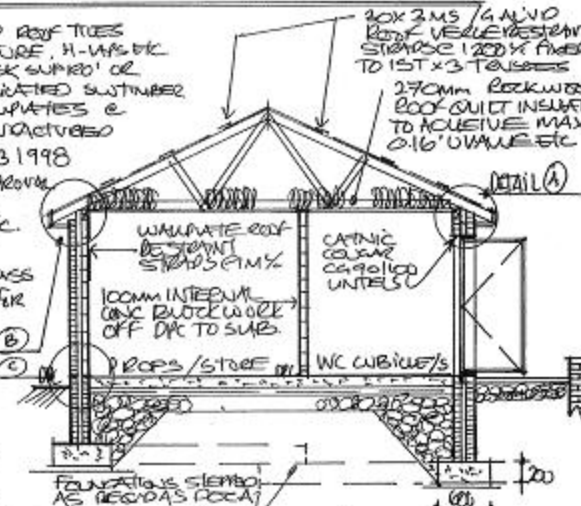


AND INSIDE VIEW FROM CLUB HOUSE

ROOF CONSTRUCTION:- INTERLOCKING CONCRETE PRESTRESSED ROOF TILES SELECTED TO MATCH EXISTING IN COLOUR, PROFILE, PITCH, TEXTURE. H-WAS BK ONTO TANKED PATTERNS RAISED TO SUIT TILES ONTO 125mm SUPPLY OR SIMILAR DRAINAGE ROOFING FELT TO BS747 ONTO PREFABRICATED SWIMMER ROOF TRUSS RATTLES FIXED @ 600mm INTO 100x50 WALLPLATES & EAVES AS DETAIL (A) & (B) AND CALCULATED, DESIGNED, MANUFACTURED AND FIXED AND REACHED TO BS 5268 Pt 3 2006 AND BS 6399 Pt 3 1998

- TRUSS COMPANY/SUPPLIER TO PROVIDE TRUSS CALC FOR LABCO APPROVAL
- TO PROVIDE ALL WIND SPAC, WEB, CHORDS AND ROOF TRUSS BRACING TO BE FIXED AS NOTED IN CALCUL.
- INSULATE ROOF JOINTS WITH 270mm ROCKWOL QUIET ROOF INSULATION WITH JOINT BETWEEN & OVER BOOM CORDS & TRUSS ABOVE 125mm FOIL PACKED CEILING BO AND SKIM FOR 20'S EMULSION AND A 600x600 CEILING MATCH PROVIDED
- WALLPLATES:- 100x50 TIMBER BEDDED ON CONCRETE ON TOP OF INNER WAF CONCRETE BLOCK OVER WATERS AND STRIPPED DOWN INK USING 30x30mm/GALV ROOF RESTRAINT STRIPS SCREWED TO FACE OF CONCRETE DETAIL (A) & (B)

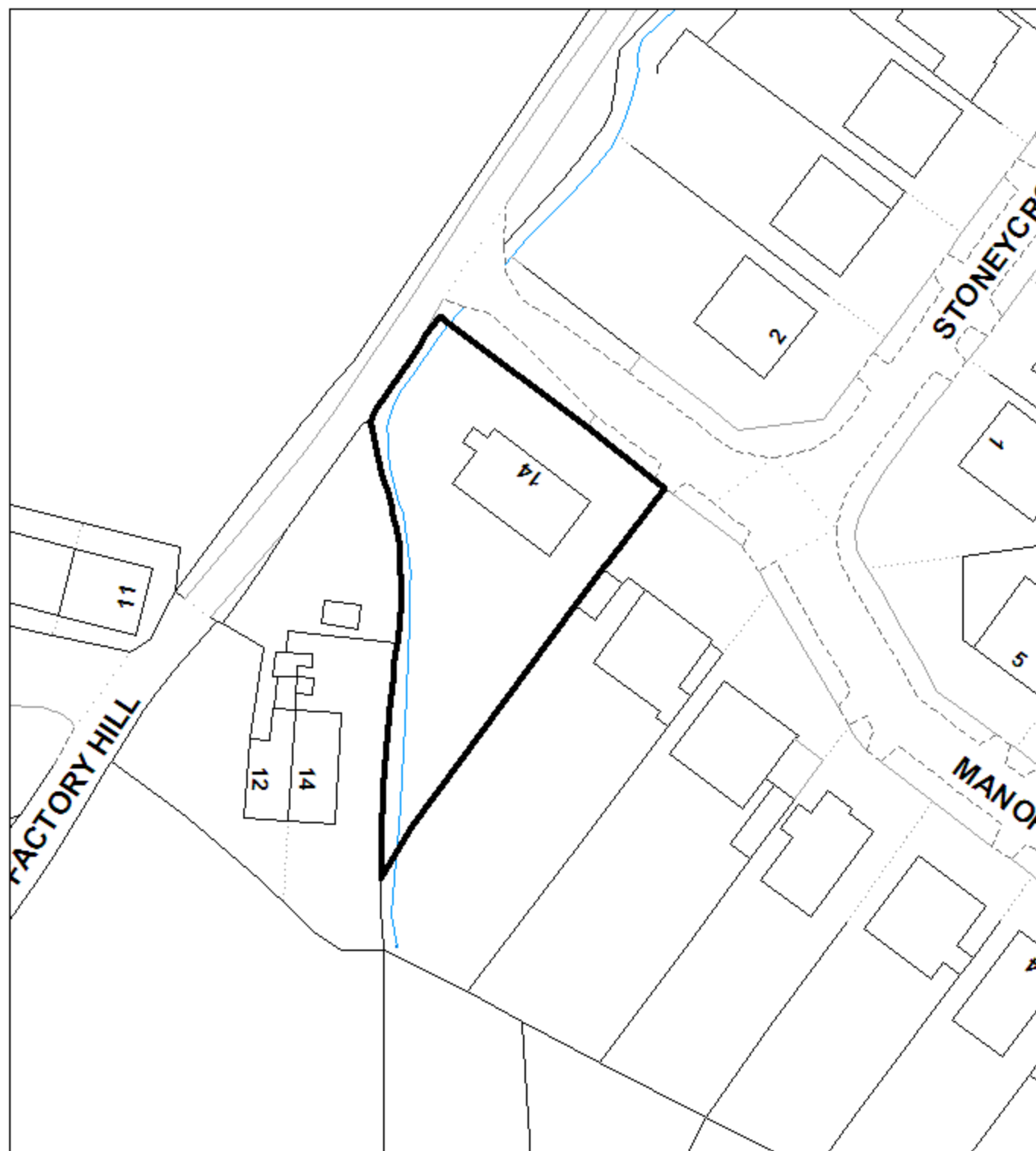
EXTERNAL WALLS:- 100mm STONE SMOOTH CLAY RED AFTER WAF BRICKS IN 1:3 (1:3 NATURAL MORTAR) STRENGTH BOND - 100mm 3.5N CELCON TYPE WATERSHED CONCRETE BLOCK UNDER WAF TO RECEIVE APPROPRIATE FINISH AS SPECIFIED - 100mm AIRTY WALL BETWEEN INSULATION AS DETAIL 1. STAINLESS STEEL



1:50 SECTION THRO' SIDE

Application No.

92401/14



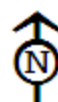
Development and Regeneration Department
Planning Control Section

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

**Bolton
Council**

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Date of Meeting: 23/10/2014

Application Reference: 92401/14

Type of Application: Full Planning Application
Registration Date: 15/07/2014
Decision Due By: 08/09/2014
Responsible Officer: Helen Williams

Location: 14 MANOR ROAD, HORWICH, BOLTON, BL6 6AR

Proposal: DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF DORMER BUNGALOW

Ward: Horwich North East

Applicant: Mr Cotton
Agent : CadTech Design

Officers Report

Recommendation: Approve subject to conditions

Background

This application was deferred at the last Committee meeting. Members requested that the applicant reduce the height of the proposed garage roof and submit amended plans to show accurate ground levels. This information will be reported directly at the meeting.

Proposal

Permission is sought for the demolition of the existing detached bungalow and detached flat roof garage and the erection of a detached dormer bungalow with an attached double garage (a replacement dwelling).

The proposed dwelling will be wider, deeper and taller than the existing dwelling and will contain five bedrooms within the roofspace. A single storey double garage and rear workshop are proposed to be attached to the side, adjacent the boundary with 12 Manor Road. Two pitched roofed dormer windows are proposed at the front and three are proposed at the rear.

A driveway wide enough for the parking of three vehicles is proposed to the front of the garage.

Site Characteristics

The application site comprises a detached bungalow, a detached flat roof garage adjacent the boundary with 12 Manor Road, and a front and rear garden. The dwelling is the last property on the road and overlooks the rear garden of 2 Stoneycroft Avenue. The dwelling is sited at a lower ground level than Manor Road and the relatively lengthy, triangular shaped rear garden slopes down to the south west. There is an oak tree to the front of the dwelling, at the north western corner of the site, and a number of smaller trees and shrubs along the rear boundaries.

Manor Road and the adjoining Stoneycroft Avenue are characterised by detached dormer bungalows. The application dwelling is the only dwelling in the near vicinity that does not contain any dormer windows. The roofs of the houses on Manor Road and Stoneycroft Avenue have a variety of pitches.

To the south west of the application site are the semi-detached traditional stone dwellings of 12 and 14 Factory Hill. The side of number 14 overlooks the rear of the application dwelling's garden.

Factory Hill, which is also a public right of way (HOR132) runs to the north west of the application site. The Green Belt begins on the other side of Factory Hill from the application site. The site is also outside Wallsuches Conservation Area.

The application dwelling has been vacant for a number of years.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG1.5 Reduce the Risk of Flooding; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod.

PCPN2 Space Around Dwellings and SPD House Extensions

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the street scene and the surrounding area;
- * impact on the amenity of neighbouring residents;
- * impact on the highway;
- * impact on trees; and
- * impact on the watercourse.

Impact on the Character and Appearance of the Street Scene and the Surrounding Area

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

local materials and landscape treatment. Policy OA1 refers specifically to development in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that development respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

The existing bungalow is the only dwelling in the vicinity, on Manor Road and Stoneycroft Avenue, that does not contain dormer windows. The ridge height of the dwelling is also lower than its neighbours. The plot on which the dwelling stands is wider than others in the area, being at the end of Manor Road.

The proposed replacement dwelling will contain two individual, pitched roof dormer windows on the front roofplane and three individual dormers on the rear, to allow accommodation (five bedrooms) within the roofspace. The total height of the dwelling (height to ridge) will be 7.666 metres, which is approximately 0.9 metres taller than the ridge height of the adjacent bungalow at 12 Manor Road. There are however other dwellings in the vicinity that have higher ridges than number 12.

The proposed dwelling will also be wider than the existing dwelling as a double garage is proposed to be attached to its side, adjacent the boundary with 12 Manor Road. It is however considered that the wide plot could comfortably accommodate a dwelling of this increased footprint (the depth of the dwelling is also to be increased by approximately 1 metre) and would not harm the existing built grain of the area.

The application site has the advantage of being the end plot on Manor Road and only overlooks the side and rear garden of 2 Stoneycroft Avenue. The presence of a larger dwelling on this plot would not appear incongruous within the street scene (it could in effect be seen as a "bookend"), and its siting would follow the existing established stagger of houses on the southern half of Manor Road. The proposed height of the dwelling is not dissimilar to other houses in the area and the height difference between the proposed dwelling and the neighbouring property at 12 Manor Road has been lessened by the siting of a lower pitched roof (over the garage) adjacent the party boundary (the garage roof is approximately 0.9 metres lower than the ridge of number 12).

The proposed pitched roofed porch to the front of the new dwelling will help to break up the wide of the front elevation. The dwelling will also be constructed from brick and roof tiles similar to those of the existing dwellings on the street.

The relatively lengthy rear garden will be retained.

For these reasons it is considered that the proposed development would be compatible with the character and appearance of the street scene and the surrounding area, compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

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

12 Manor Road

The proposed dwelling will be sited forward of the front elevation of 12 Manor Road, as is

the case with the existing bungalow. The proposed attached single storey garage will be sited adjacent the side boundary with number 12. The proposed dwelling is not sited so forward of number 12 that it would impinge upon an imaginary line drawn at a 45 degree angle from the centre of the lounge window at the front of number 12 (using the "45 degree rule" as advised within SPD House Extensions). The window in the side elevation of number 12 is a secondary window to the lounge, and therefore not a main window. The proposed dwelling will also not extend past the rear elevation of number 12. It is therefore considered that the siting of the proposed dwelling would not unduly harm the amenity of the neighbouring residents at 12 Manor Road.

14 Factory Hill

14 Factory Hill is sited to the rear of the application site. The property has been extended at the rear and the windows in the side of the dwelling overlook the bottom of the application property's rear garden. No windows in 14 Factory Hill will directly overlook the rear of the proposed dwelling (they are angled away). 14 Factory Hill is however at a significantly lower ground level than the proposed dwelling.

PCPN2 advises that where principal windows do not directly overlook each other a minimum distance of 17 metres should be maintained. The PCPN also advises differences in ground levels may contribute to an effect not dissimilar to high buildings being located near lower buildings, and this should be taken into consideration. The rear of the proposed dwelling will, at its nearest, be 21 metres away from 14 Factory Hill (though it is not certain that the nearest point of 14 Factory Hill contains a main window or not). This interface distance however exceeds the recommended 17 metres in such situations and allows a further 4 metres to take into account the level differences. It is therefore considered that the proposed development would not unduly affect the amenity of the residents at 14 Factory Hill.

2 Stoneycroft Avenue

There is only a secondary window in the side of 2 Stoneycroft Avenue and this will only overlook the proposed garage. It is therefore considered that the proposal would not unduly affect the amenity of the neighbours at 2 Stoneycroft.

For these reasons it is considered that the proposed dwelling would not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

Impact on the Highway

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

An attached double garage and a driveway wide enough for the parking of three vehicles are proposed within the development (the proposed driveway has been widened following comments from the Council's Highways Engineers). It is therefore considered that ample off-site parking provision has been provided for the proposed five bedroom property.

The proposed driveway is from the same point off Manor Road as the existing driveway.

It is therefore considered that the proposal would not jeopardise highway safety and that more than sufficient off-site parking has been provided, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on Trees

Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development.

There is a mature oak tree to the front of the site, at the north western corner, and a number of smaller trees and shrubs along the rear boundaries. None of the trees are protected.

The Council's Tree Officer has confirmed that the proposed dwelling gives sufficient clearance to the oak tree. He has stated that it is of a fair quality but not of high amenity. The Officer has also confirmed that the dwellings will be clear of the trees and shrubs at the rear, but these are of low quality.

It is therefore considered that the proposed development would safeguard the existing vegetation on site, compliant with Policy CG1.2 of the Core Strategy.

Impact on the Watercourse

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

There is an existing watercourse located along the western edge of the application site. The Council's Drainage Officers have confirmed that the watercourse still receives surface water flows and should remain in situ. The watercourse is not proposed to be affected by the development and it is sufficiently far enough away from the proposed dwelling (it is over the 3 metre easement distance recommended by Drainage Officers). Following concern from third parties the applicant has confirmed that they will be making the stream a feature of their garden and they will be removing any surplus material from it.

It is therefore considered that the proposed development would not affect the existing watercourse and will not increase the risk of flooding, compliant with Policy CG1.5 of the Core Strategy.

Conclusion

For the reasons discussed above it is considered that the proposed replacement dwelling would be compatible with the character and appearance of the street scene and the surrounding area, would not unduly harm the amenity of any neighbouring residents, would not jeopardise highway safety, would not affect existing trees, and would not increase the risk of flooding. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- two letters of objection have been received from neighbouring residents at 12 Manor Road and 14 Factory Hill. These letters raise the following concerns:

- * The original dwelling is only single storey;
- * The new dwelling will be overbearing for the size of the plot and also in comparison with other properties within the vicinity;
- * The new dwelling extend much further back than the existing dwelling;
- * The roof will be considerable higher than 12 Manor Road's, which will cause loss of light to their lounge;
- * The windows in the side elevation of the garage will overlook 12 Manor Road;
- * The new dwelling will loom over 14 Factory Hill due to it being at a greater ground level;
- * Concerns about the use of the garage and workshop and any noise implications (officer's note: a condition is suggested to keep the garage available at all times for the parking of vehicles. A condition is suggested to ensure that the workshop remains incidental to the enjoyment of the dwelling);
- * There is a watercourse within 10 metres of the building, which has not been maintained or cleaned for over 7 years. Because of this the resident at 14 Factory Hill has experienced flooding in their garden;
- * Most of the existing trees have been removed earlier this year. They no longer provide screening to 14 Factory Hill;
- * The driveway is only suitable/long enough for one vehicle.

Horwich Town Council:- raised an objection to the proposal at their meeting of 21st August 2014 on grounds of scale, impact on neighbouring properties, trees and the existing watercourse.

Elected Members:- Cllr. Richard Silvester has requested an advance site visit.

Consultations

Advice was sought from the following consultees: Highways Engineers, Tree Officers, Drainage Officers, Corporate Property Officers, Strategic Development and Greater Manchester Police's Architectural Liaison Officers.

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

approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness.

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

Reason

To ensure the development reflects local distinctiveness.

4. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and finished floor levels have been submitted to and approved by the local planning authority. The development shall then be implemented in accordance with the approved level details.

Reason

To ensure the development safeguards the character and appearance of the locality and to safeguard the living conditions of nearby residents.

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

Reason

To ensure the development is safe for use.

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

Reason

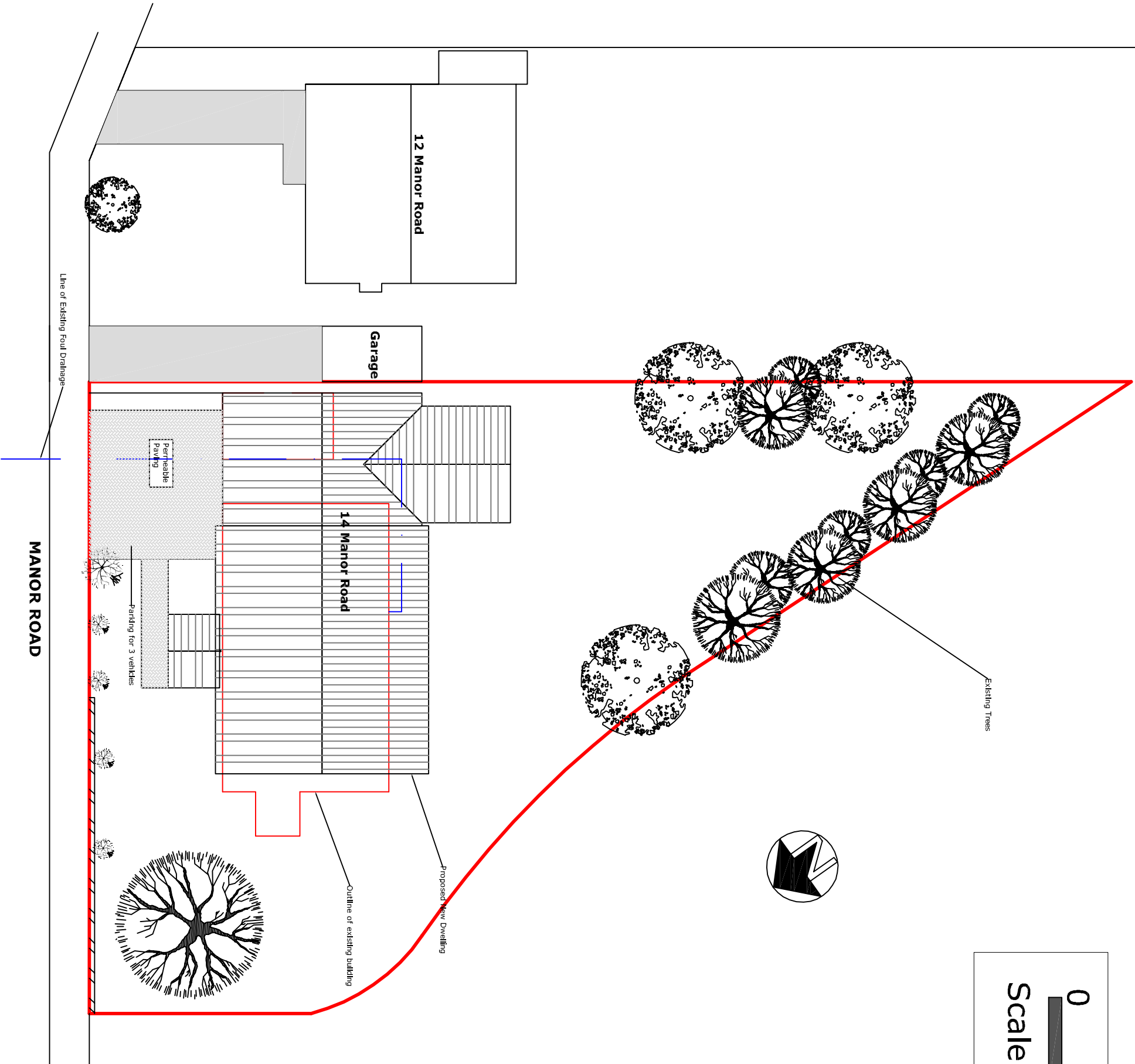
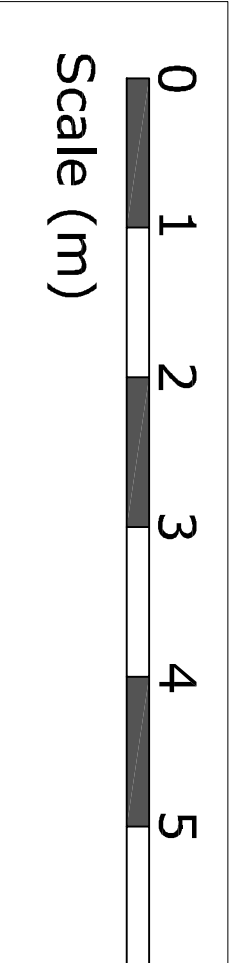
To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.

7. Before the approved/permitted development is first brought into use no less than 3 car parking spaces shall be provided within the curtilage of the site, in accordance with Drawing Ref: "Site Plan"; received 2nd September 2014. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

8. The dormer fronts and cheeks shall be clad in materials similar to the existing roof.
- Reason
- To ensure the development safeguards the visual appearance of the building.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no extensions, garages or outbuildings (other than those expressly authorised by this permission) shall be constructed to the rear of the dwelling.
- Reason
- To safeguard the amenity of neighbouring residents.
10. The workshop hereby approved/permitted shall remain incidental to the enjoyment of the dwellinghouse.
- Reason
- For the avoidance of doubt to what is permitted.
11. The garage hereby approved/permitted shall be made available at all times for the parking of motor vehicles.
- Reason
- The loss of garage spaces would be likely to lead to an increase in on-street parking to the general detriment of highway safety and the general amenity of the area.
12. The development hereby permitted shall be carried out in complete accordance with the following approved plans:
- "Elevations"; dated July 2014
"Site Plan"; dated July 2014 and received 2nd September 2014
"Floor Plans"; dated July 2014
- Reason
- For the avoidance of doubt and in the interests of proper planning.



Drawing:

Site Plan

Project:

Proposed Replacement Building
at
14 Manor Road, Horwich, Bolton

Date:

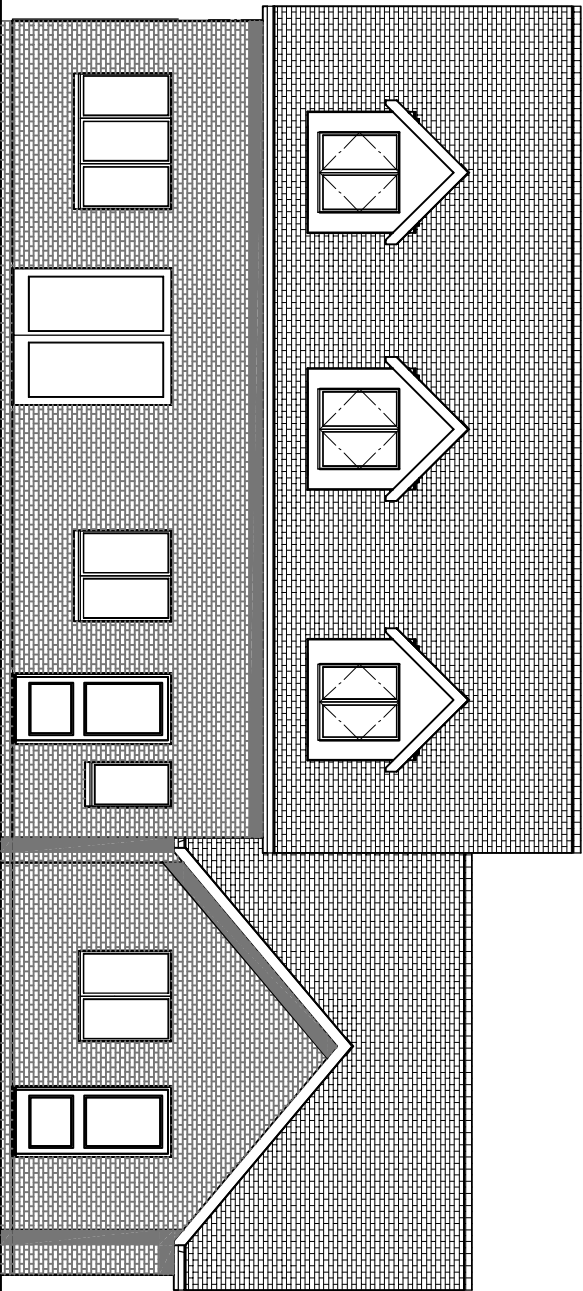
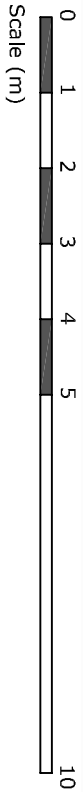
July 2014

Scale:

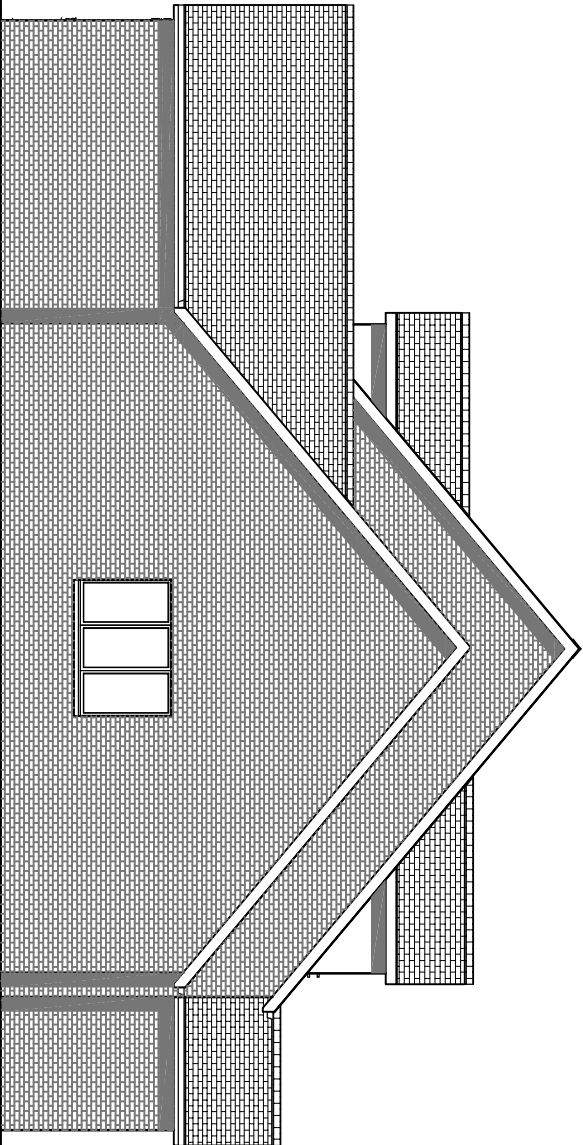
1:200 @A3

Drawing No.

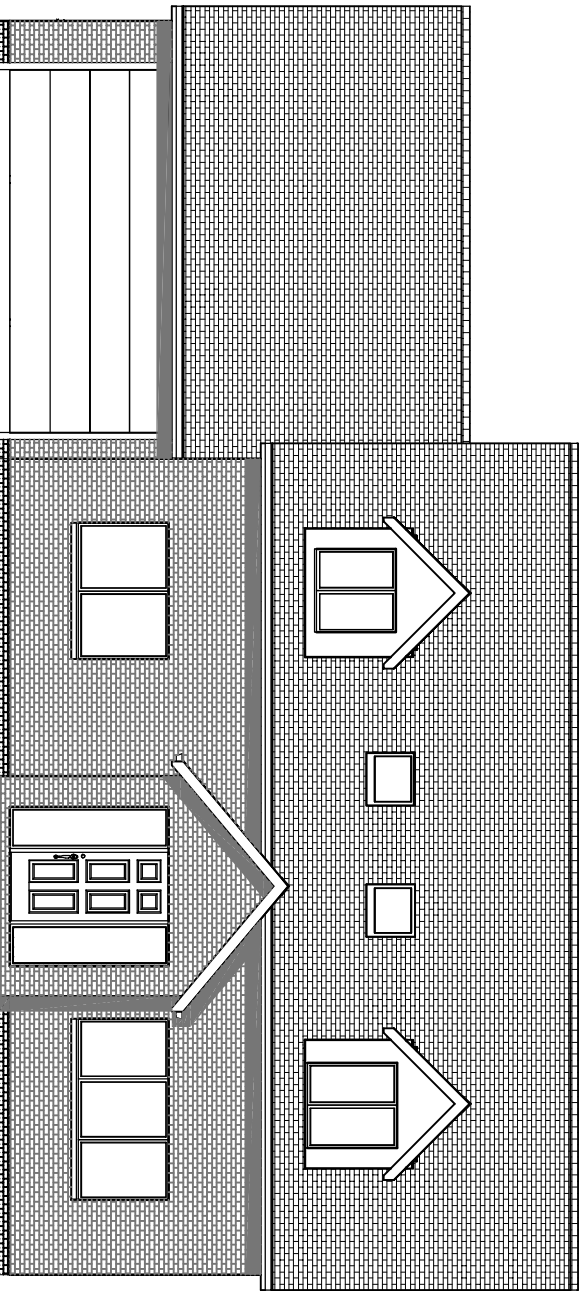
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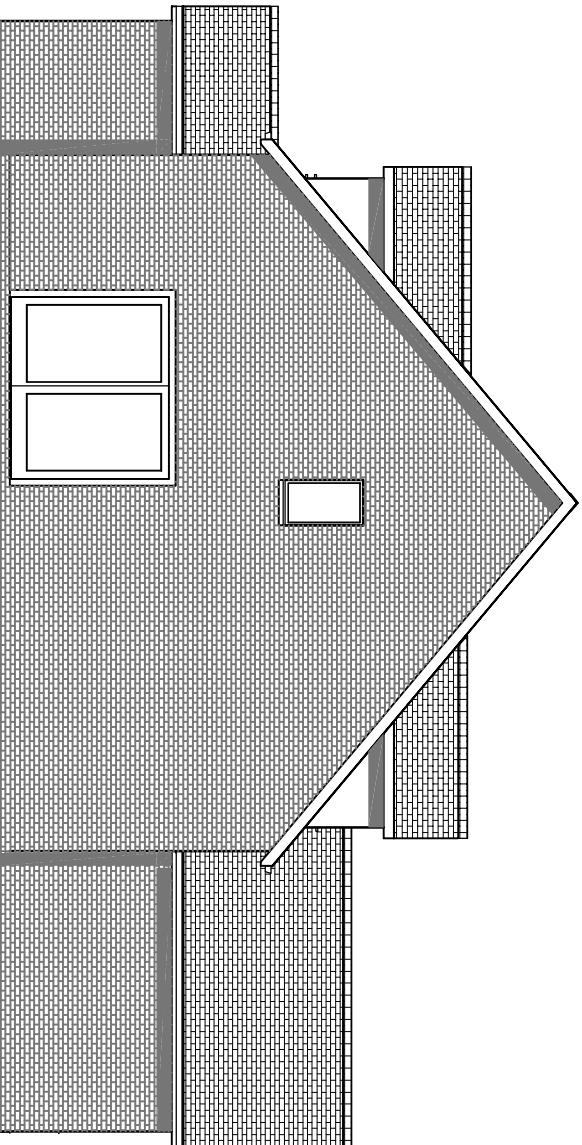
Proposed South West Elevation (Rear)



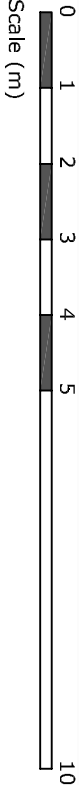
Proposed South East Elevation (Side)



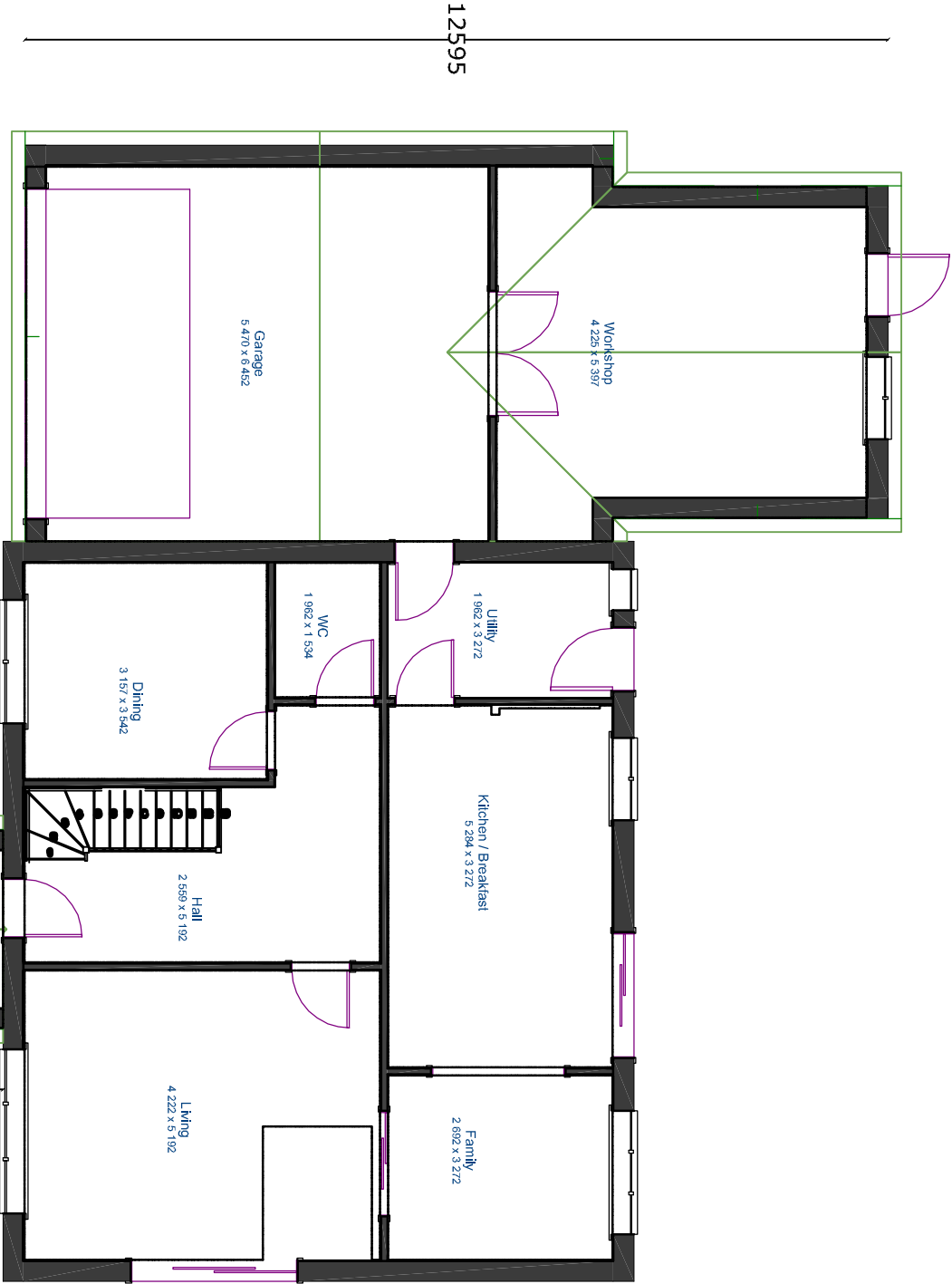
Proposed North East Elevation (Front)



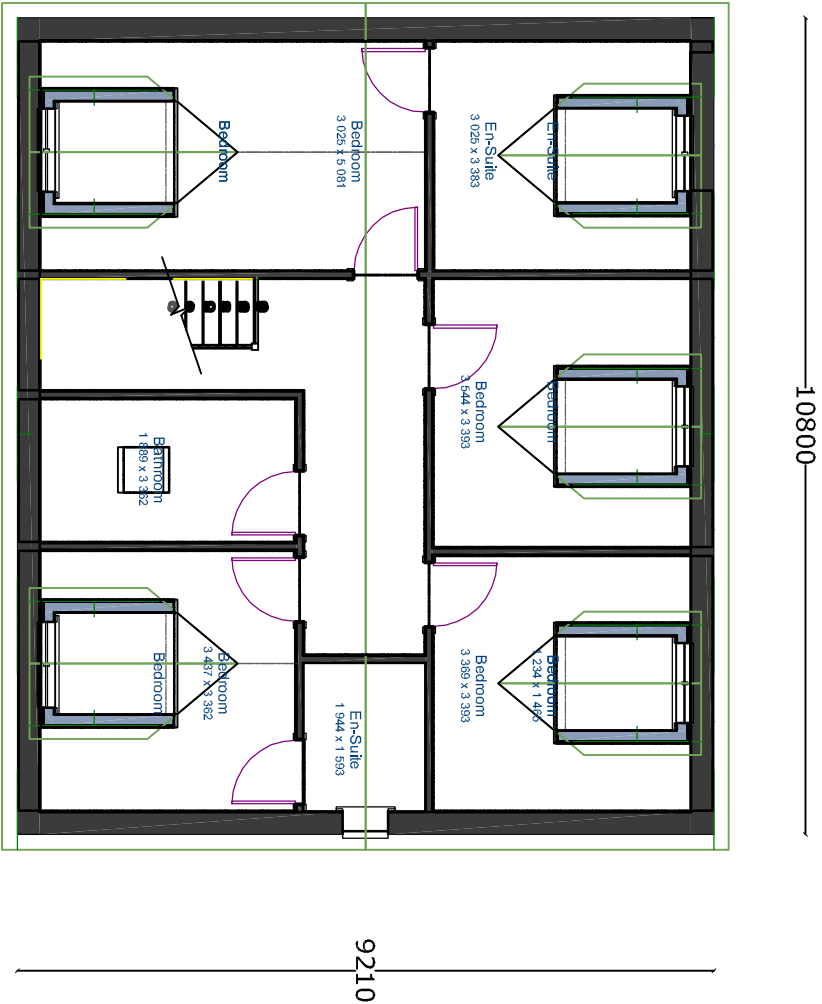
Proposed North West Elevation (Side)



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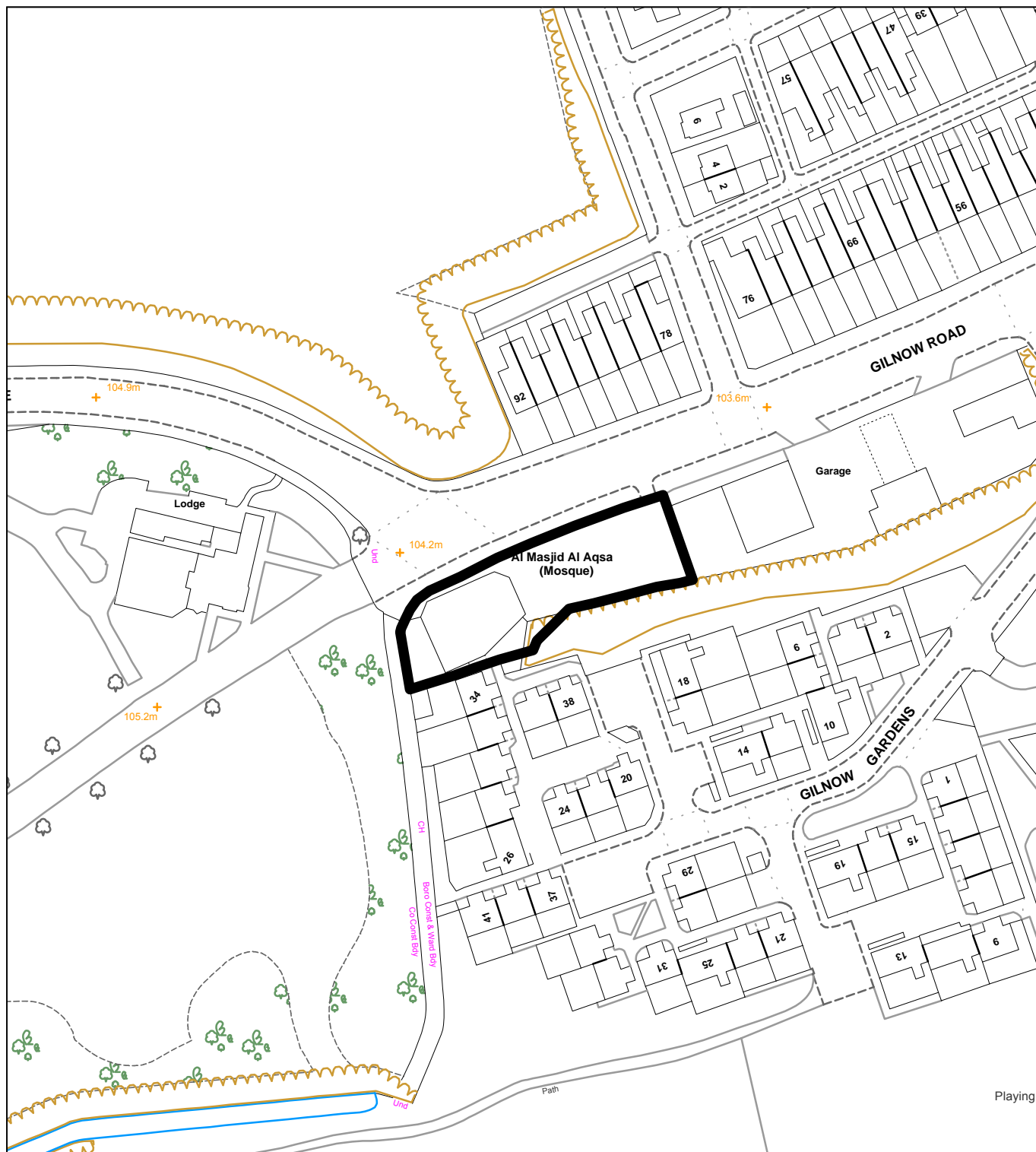
GROUND FLOOR



FIRST FLOOR

Application No.

92432/14



Development and Regeneration Department
Planning Control Section

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

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11

Date of Meeting: 23/10/2014

Application Reference: 92432/14

Type of Application: Full Planning Application
Registration Date: 21/07/2014
Decision Due By: 14/09/2014
Responsible Officer: Martin Mansell

Location: MASJID AL AQSA, GILNOW ROAD, BOLTON, BL1 4LL

Proposal: ERECTION OF SINGLE STORAGE EXTENSION AT BASEMENT LEVEL WITH TWO ENTRANCE CANOPIES AT GROUND LEVEL

Ward: Halliwell

Applicant: Al Aqsa Mosque
Agent : RA Design & Project Management

Officers Report

Recommendation: Approve subject to conditions

Proposal

Consent is sought for the following alterations and extensions to the existing mosque at Gilnow Road:-

- addition of two small canopies to the two pedestrian entrances (car park door and Gilnow Road door) to provide shelter for persons accessing the building
- erection of glazed canopy over existing walkway / yard for the purposes of storage

Site Characteristics

The site is that of the existing Masjid al Aqsa mosque at Gilnow Road, opened in 2012. The mosque has a two-storey appearance from Gilnow Road / Tudor Avenue and a three storey appearance from the south.

The entrance to Heaton Cemetery is to the west and a filling station and car sales use stand to the east. The southern frontage of Gilnow Road is relatively open as there are significant gaps between the buildings.

To the south levels fall by approximately seven metres down a bank to a large number of dwellings at Gilnow Gardens. Gilnow County Primary School stands to the south-east of the site.

Policy

National Planning Policy Framework - promoting sustainable transport, requiring good design, promoting healthy communities.

Core Strategy Policies CG3 The Built Environment, CG4 Compatible Uses, SO2 Education, SO9 & S1 Crime and Safety, P5 Accessibility and Road Safety, SC2 Community Provision,

RA1 Inner Bolton Renewal Area

PCPN21 Highways Considerations

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on the living conditions of nearby residents
- * impact on flood risk

Impact on the Character and Appearance of the Area

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

The National Planning Policy Framework recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

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

It is considered that works are very minor and will have very little impact on the character and appearance of the area. The two canopies will be visible from Gilnow Road but represent very minor works in relation to the scale of the existing building and will be quickly assimilated into the street scene. The rear glazed canopy will have the appearance of a conservatory, not unusual in this mixed residential area.

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

Impact on the Living Conditions of Nearby Residents

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

The principle of the mosque was approved in 2003 and development commenced in 2008. It is not considered to be necessary to reconsider the impact of the use itself - the relevant consideration is the impact of the minor development now proposed on the living conditions of nearby residents.

The two front canopies will have no impact on living conditions at all.

34 Gilnow Gardens presents a blank gable elevation to the mosque. Views of the rear glazed canopy will be possible from rear windows at an acute angle and from the rear garden, but the impact will be minimal due to the proposed use for storage. There will be no direct access from the main mosque building to the extension - it would be essentially a lean-to covered storage area.

The comments of the objector are noted but the storage area is considered to be unlikely to cause disturbance itself. Other issues raised by the objector are considered to be either private property matters or to relate to the already approved mosque and are therefore not to be taken into account.

The impact on the living conditions of nearby residents is considered to be acceptable.

Impact on Flood Risk

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should, amongst other things, take full account of flood risk. Para 100 states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Policy S10 of Bolton's Core Strategy is a strategic objective and seeks to reduce the likelihood and manage the impacts of flooding in Bolton, and to minimise potential flooding to areas downstream. Policy CG1 states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.

The Environment Agency have been consulted on the proposal and have responded to note that the site lies within Flood Risk Zone 3 (1 in 100 chance of flooding) due to a culverted watercourse to the west of the site. The Agency takes the view that a Flood Risk Assessment should have been carried out and provided with the application.

Planning Officers take the view that requiring the Applicant to carry out a Flood Risk Assessment would be overly burdensome, for the following reasons:-

- the principle of the mosque was approved in 2002, construction commenced in 2008

- and the development was regularized by the Council in 2012.
- during construction, the footprint of the mosque was amended to take account of the presence of the culvert
- the Environment Agency responded with "no comments" on the 2012 application at this site
- the works now proposed are extremely minor and it is difficult to envisage how they could possibly have any impact on flood risk at all

The Environment Agency have been advised of this view and any response will be reported at the meeting.

The impact on flood risk is considered to be negligible.

Conclusion

The works proposed are extremely minor and their impact is proportionately limited. There is no conflict with development plan policy and the proposal is therefore recommended for approval.

Representation and Consultation Annex

Representations

Letters:- one objection has been received from a local resident. The grounds of objection are:-

- my house is next to the mosque and I have been more than tolerant with the building work that is still going on sometimes at unsociable hours
- I object to more building work being done whilst there is still a problem with the work that the developers did when they poured the footings
- I still have water permanently coming through the party wall into my garden
- there is an issue with the noise from the mosque itself they are using a P.A system to do the prayers between 10pm and midnight
- people who use the mosque use the side entrance and walk past my house making noise at unsociable times

Consultations

Advice was sought from the following consultees; Drainage Engineers, Environment Agency

Planning History

Planning permission was granted in 2012 for amendments to the siting and design of the approved mosque (88166/12)

Planning permission was granted 2002 for the erection of the mosque (62905/02)

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The external surfaces of the extensions hereby permitted shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter.

Reason

To ensure the development visually reflects the existing building.
3. The area covered by the glazed canopy shall be used for storage purposes ancillary to the mosque use and for no other purposes including prayer or assembly.

Reason

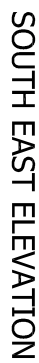
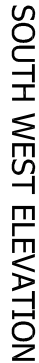
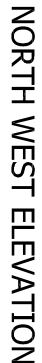
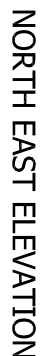
The structure is unsuitable for any other purpose.
4. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

RAD 1081/14/3

RAD 1081/14/4

Reason

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



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Figured dimensions take precedence over scaled measurements from the drawing. All dimensions to be checked by Contractor and discrepancies clarified with the Client prior to commencement.

The whole of the works to comply with current Building Regulations. No work to commence without Building Regulations approval.

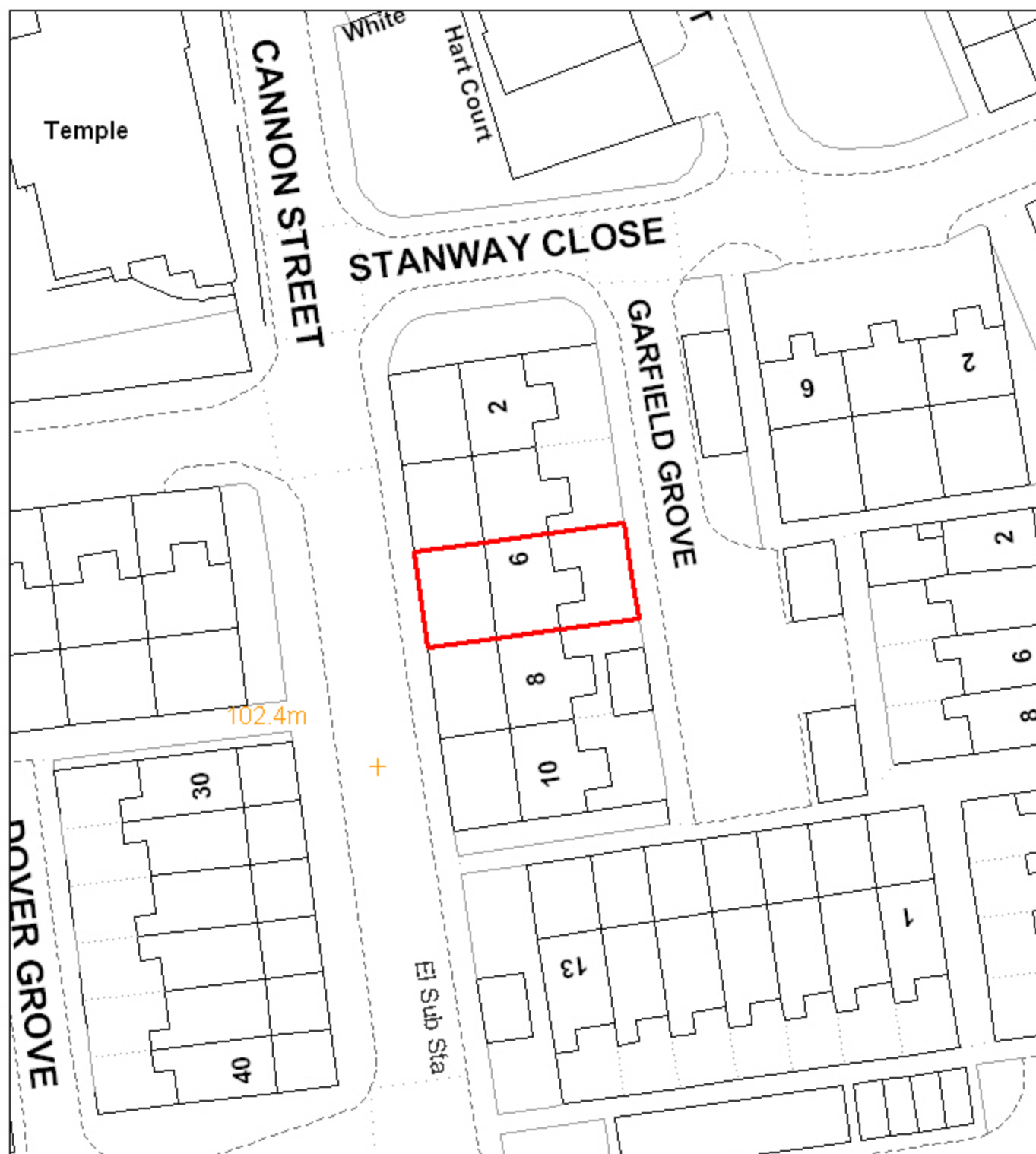
RAD
DESIGN & PROJECT
MANAGEMENT
LIMITED

Tel : 07790 361104
Email : rahstamwar@hotmail.com

AL AQSA MOSQUE COMMITTEE	
Drawing	RA
Date	JULY 2014
Scale	1:100
Drawing Number	RAD/1081/14/3

Application No.

92436/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
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Date of Meeting: 23/10/2014

Application Reference: 92436/14

Type of Application: Full Planning Application
Registration Date: 21/07/2014
Decision Due By: 14/09/2014
Responsible Officer: Simon Coles

Location: 6 GARFIELD GROVE, BOLTON, BL3 5AY

Proposal: ERECTION OF TWO STOREY EXTENSIONS AT FRONT AND REAR

Ward: Rumworth

Applicant: Mr Many

Agent : Smusa1

Officers Report

Recommendation: Refuse

Proposal

The application proposes the erection of a two storey extension at front and rear. The front element of the extension is 1.6 metres long and the full width of the property. The rear element is 4 metres long and full width of the property.

Site Characteristics

This is a mid terraced modern town house with a paved yard to the rear. The rear yard is approximately 6.3 metres long and 8.8 metres wide. To the front the property benefits from 1no. off road parking space.

The rear of the properties face Cannon Street, which is a provides a main through road from Deane Road to Derby Street.

The adjoining properties at number 4 and 6 Garfield Grove have principal room windows in the rear abutting the party boundary at ground and first floor.

There are no other similar examples of extensions to the properties within this row at the rear.

Policy

National Planning Policy Framework (NPPF)

Core Strategies Policies: CG3 The Built Environment; CG4 Compatible Uses and RA1 Inner Bolton.

SPD House Extensions and PCPN2 Space Around Dwellings.

Analysis

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

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

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

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

The main impacts of the proposal are:-

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

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

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

SPD House Extensions provides general advice on house extensions and offers guidance relating to the effect of extensions on the appearance of the dwelling itself and the effect of extensions on the street scene and the character and appearance of the area. It states that the siting, design or layout of a house extension should not have an unacceptable effect on the wider street scene or the character of the locality. This might occur for example where extensions protrude in front of a clear and consistent building line, where roof heights are proposed to be increased. It continues to say that front extensions (which include porches) can unduly impact on the existing street scene. However - if carefully designed to reflect and respect the appearance of the host building whilst also appearing subordinate to it - extensions to the front of dwellings may be acceptable, particularly where they can be justified in respect of creating variety and continuity within the street scene.

In this case the proposed rear extension extends 4 metres and is the full width of the property, leaving a 2 metre strip of yard area. The rear elevation of the dwelling, facing Cannon Street, is the more prominent elevation to the dwelling than the front elevation, as Cannon Street is more of a main road than Garfield Grove. The rear elevation also has the appearance of a front elevation; the application dwelling along with the other houses in the row are dual aspect. There are no other extensions present on the rear elevations within this row. It is therefore considered that due to its siting, together its massing/size that the two storey rear element of the proposal would have an unacceptable effect on the wider street scene of Cannon Street and the character of the locality as it protrudes in

front of a clear and consistent building line.

The front two storey element is 1.6 metres long and the full width of the dwelling. It replaces a small outbuilding, that is located centrally within the elevation. The aspect of this elevation opens up to on Garfield Grove, which is a small cul-de-sac and therefore it is considered that an extension to the front elevation, due to its siting and size/massing would not have a detrimental impact on the character of the area.

Further to the above, it is considered that the proposed does not fully comply with Policy CG3.

Impact on the Amenity of Neighbouring Residents

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

Supplementary Planning Document - House Extensions states that rear single and two storey extensions on terraced properties of up to 4 metres in length (taken from the original rear elevation of the property) will normally be permitted.

The purpose of the above is to ensure that neighbouring properties are not unduly affected in terms of their living conditions by reason of being overshadowed by any development to a degree where reasonable outlook would be lost.

In this case the two storey rear extension is the full width (approximately 8.5 metres) and extends out by 4 metres, however it is considered that as the rear elevations contain all the main room windows in these properties within this row, the extension will have an overbearing effect on the neighbouring residents at numbers 4 and 8 Garfield Grove to an unacceptable degree, especially with regards to overshadowing/loss of light to the main room lounge and bedroom windows.

The front two storey extension is considered to be acceptable with regards to its impact on the neighbouring properties at number 4 and 8 Garfield Road as it does not impinge on any main room windows.

Further to the above, it is considered that the proposed does not fully comply with Policy CG4.

Conclusion

The proposal is not consistent with the guidelines contained in SPD House Extensions (2012) by reason of the unacceptable impact the first floor extension would have on the outlook and living conditions of the neighbouring residents. Similarly the proposal is not consistent with Bolton's Core Strategy (2011) by reason of its scale, siting and massing.

Members are therefore recommended to refuse this application.

Representation and Consultation Annex

Representations

Letters:- One letter of objection has been received from a neighbouring resident with the following concerns: -

- my views at the front and rear will be curtailed, where I will be looking at brick walls;
- restriction of light;
- proposal is out of keeping with the surrounding properties and if built would look out of place;
- another resident applied for a much smaller extension and was refused permission;

Elected Members:- Cllr Ibrahim requested the application be determined at Planning Committee

Consultations

Advice was sought from the following consultees: Highways.

Planning History

None.

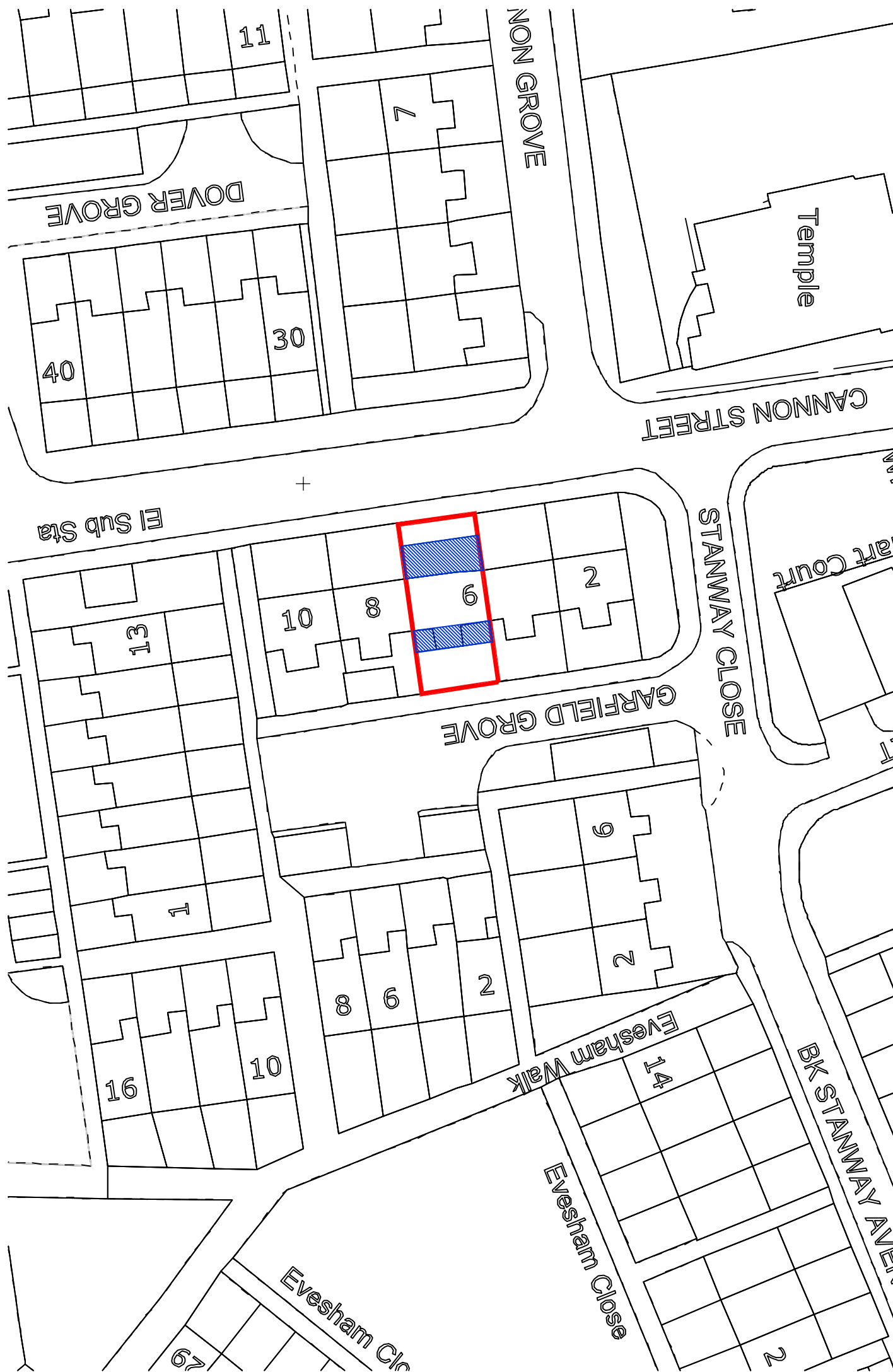
Recommendation: Refuse

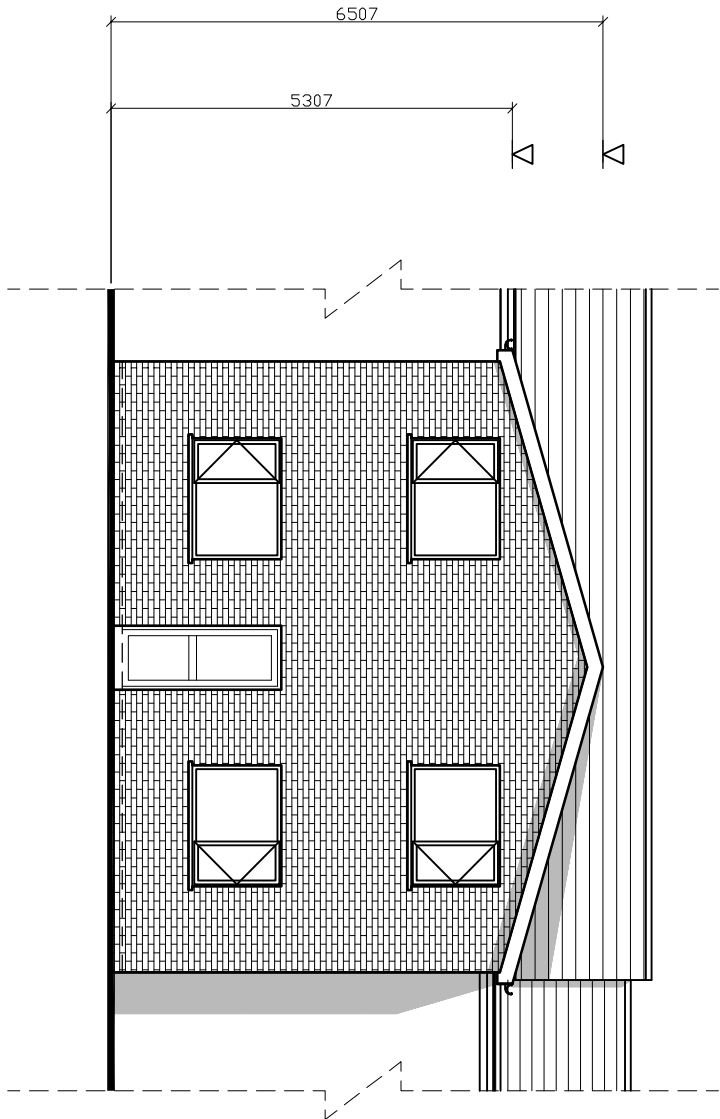
Recommended Conditions and/or Reasons

1. The proposed rear extension would, by virtue of its design, height and siting be detrimental to the character and appearance of the area and in particular would impact detrimentally on the outlook and living conditions of neighbouring residents at 4 and 8 Garfield Grove and is contrary to Policy CG3 and CG4 of Bolton's Core Strategy and Supplementary Planning Document - "House Extensions".

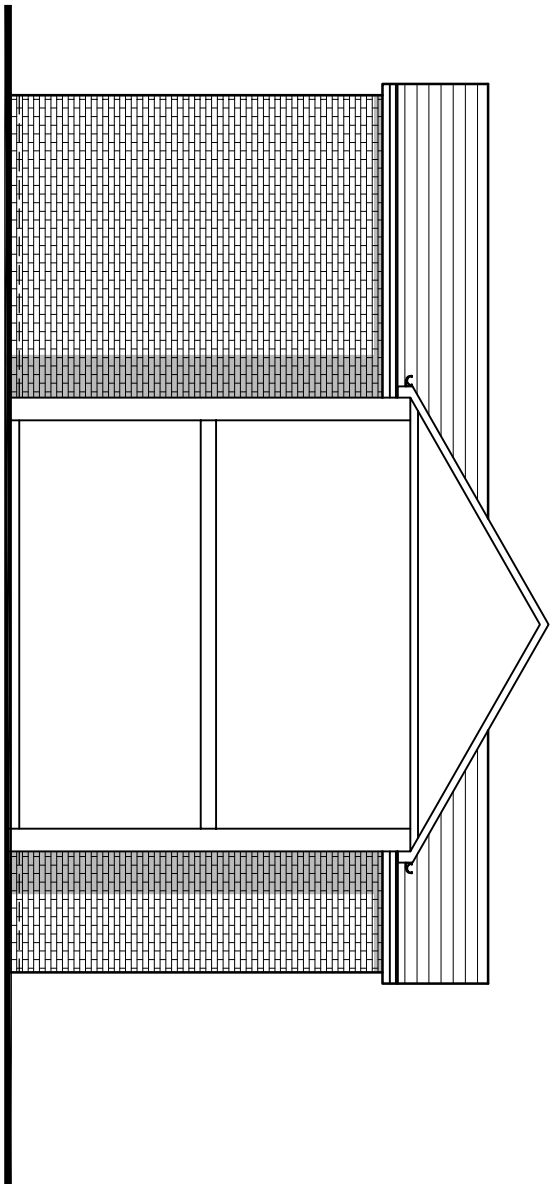
Site Plan for 6 Garfield Grove,

Scale 1:500

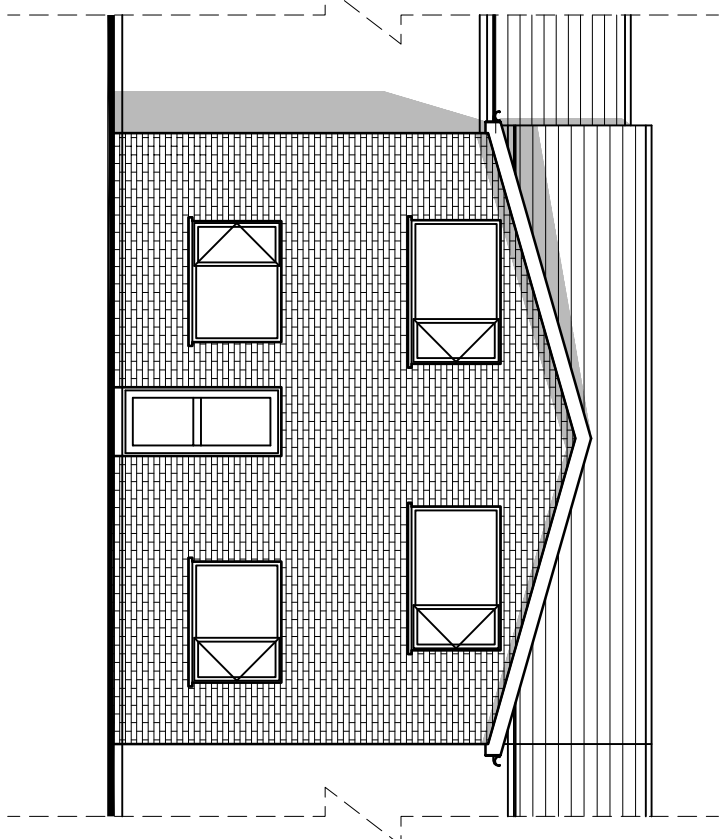




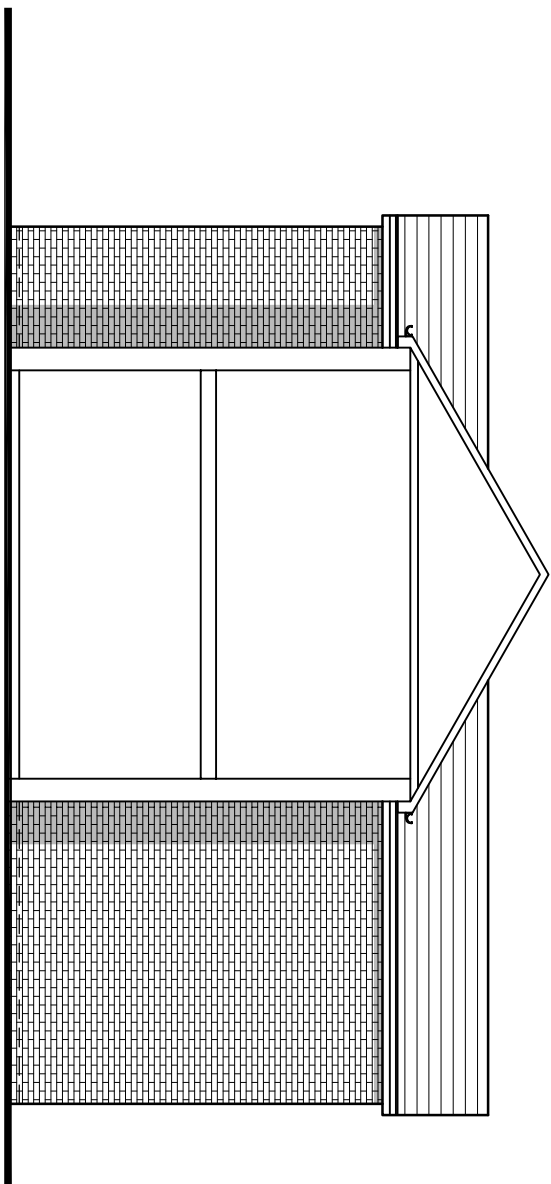
Front Elevation as Proposed
Scale 1:100



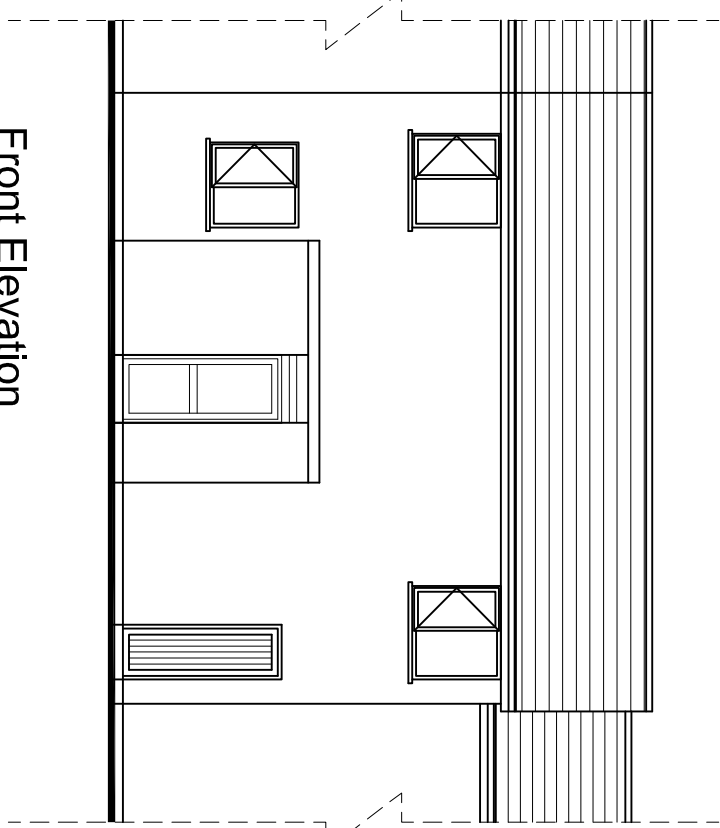
Side Elevation as Proposed
Scale 1:100



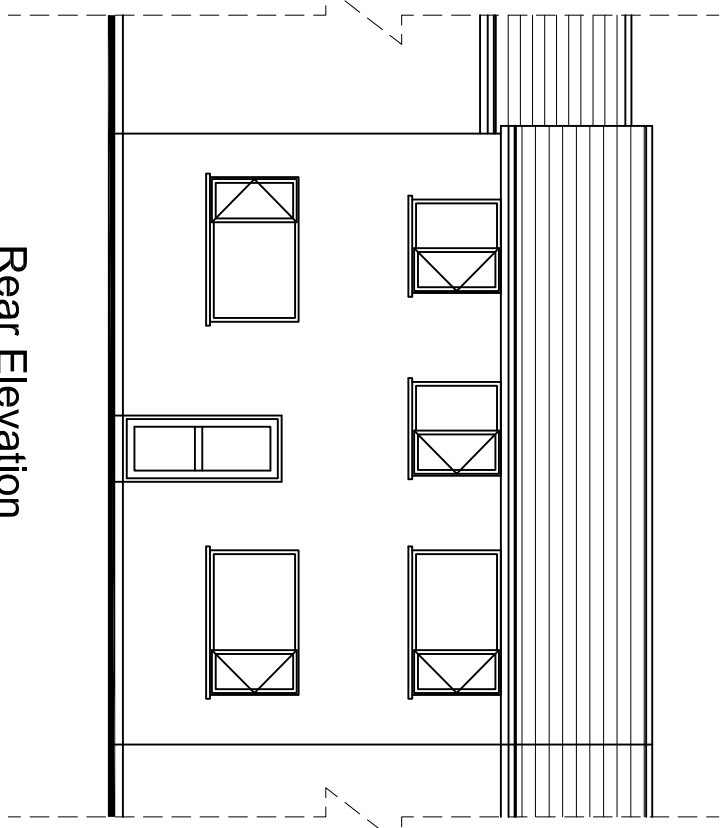
Rear Elevation as Proposed
Scale 1:100



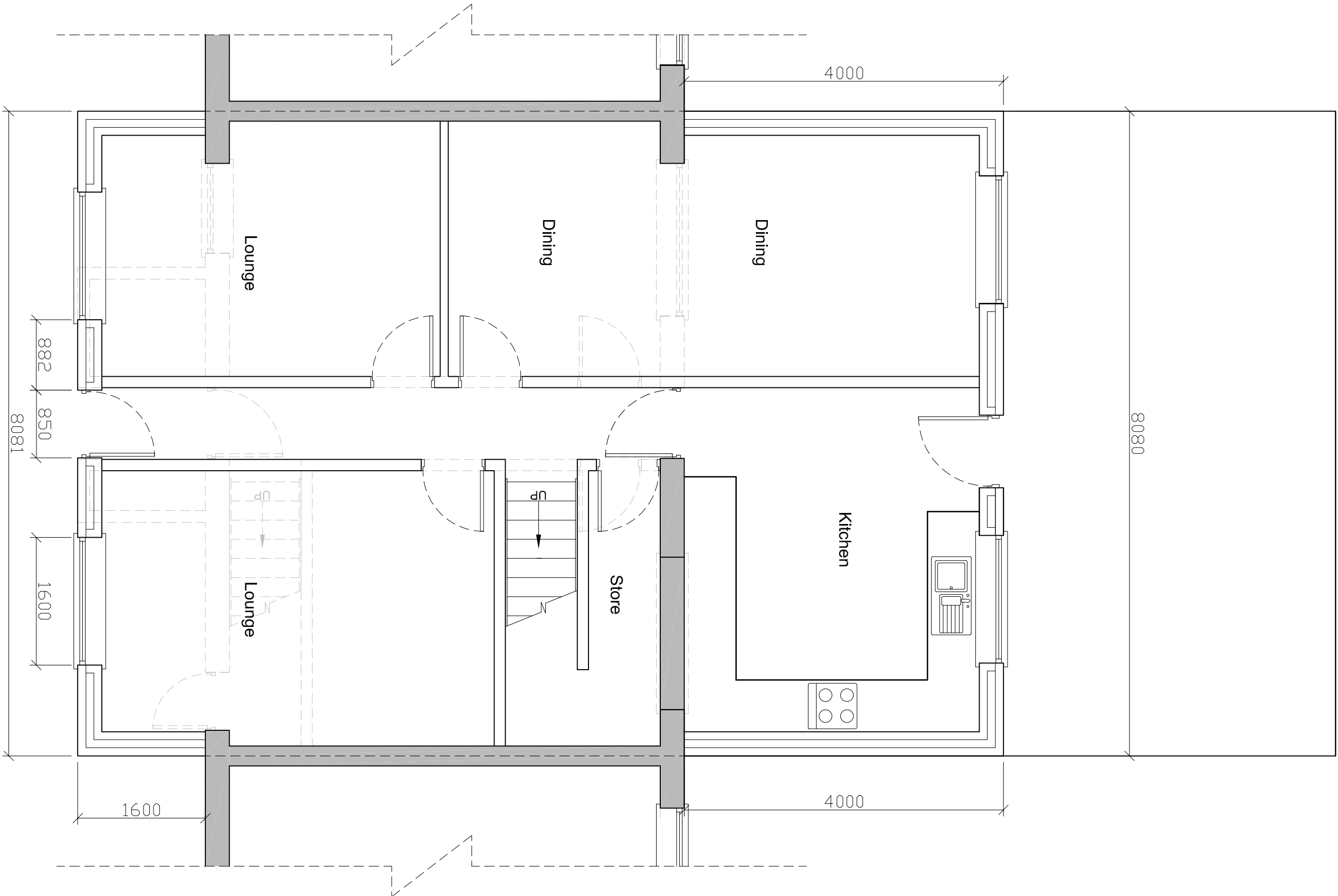
Side Elevation as Proposed
Scale 1:100



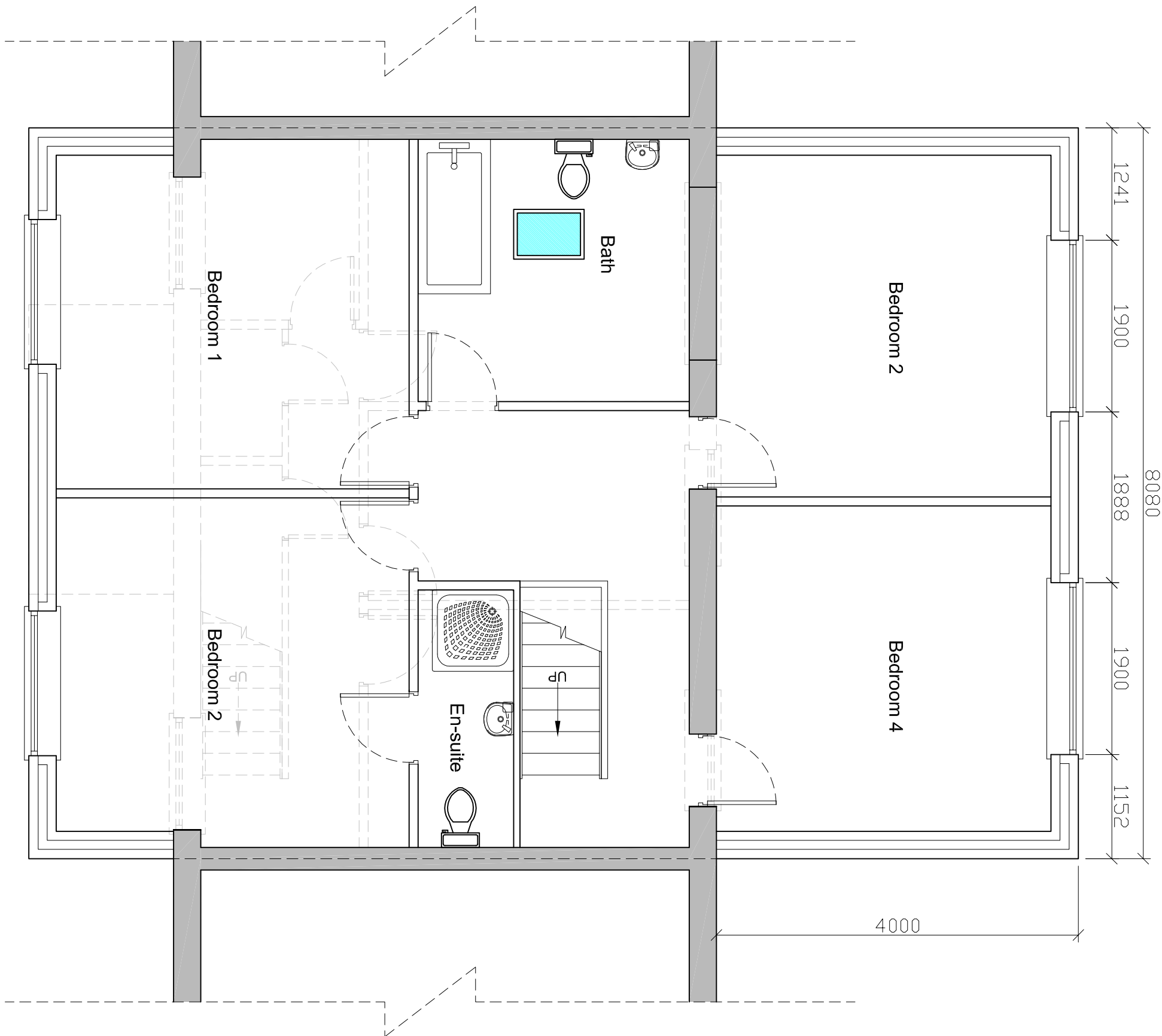
Front Elevation
as Existing
Scale 1:100



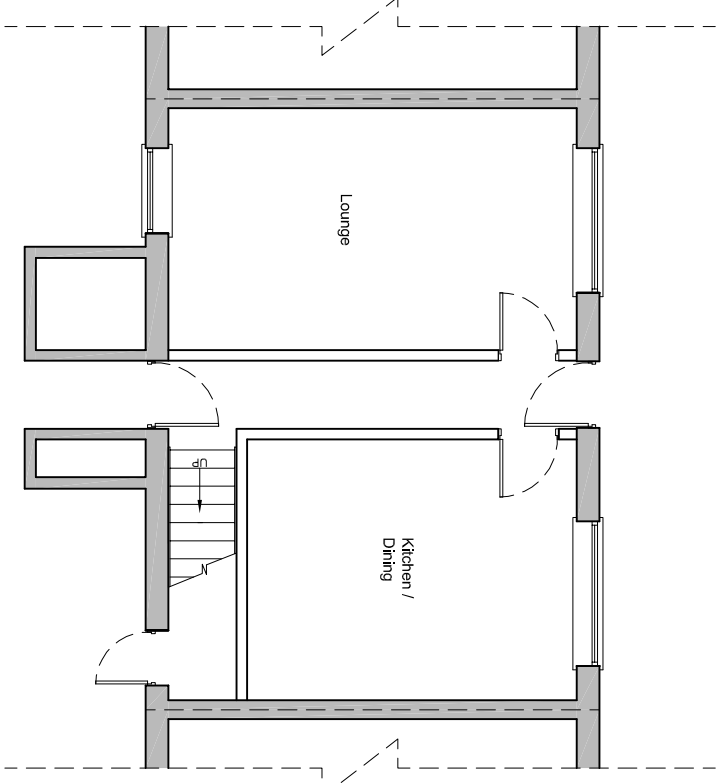
Rear Elevation
as Existing
Scale 1:100



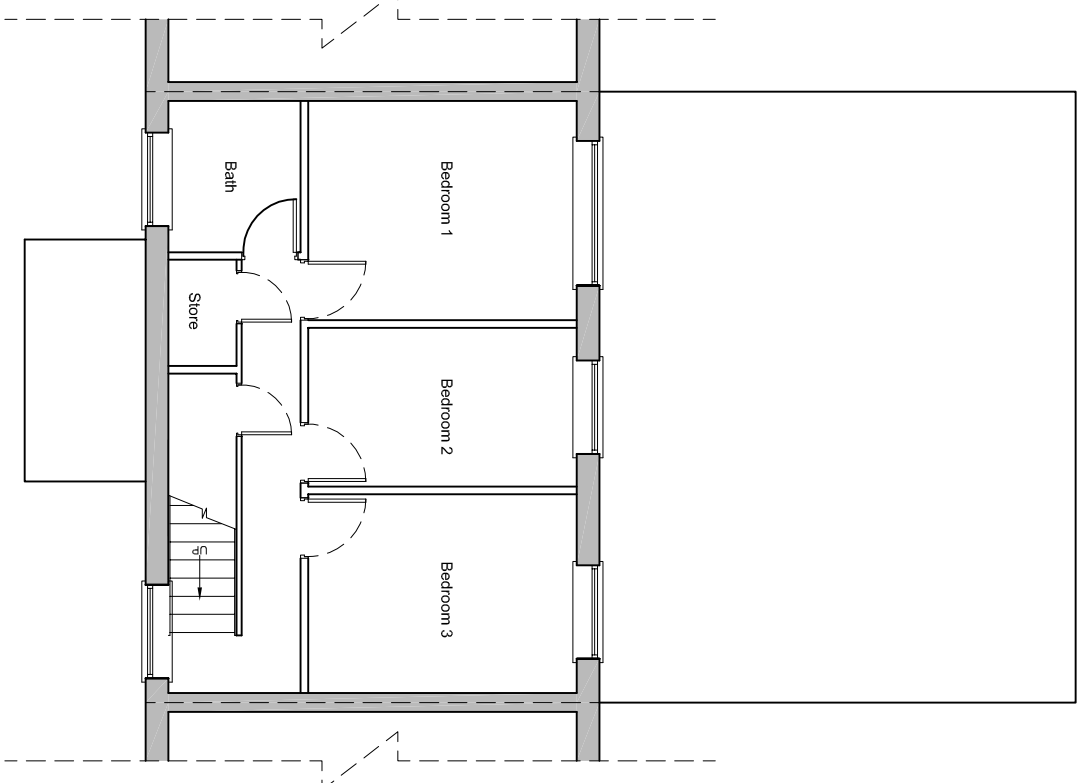
Ground Floor Plan as Proposed
Scale 1:50



First Floor Plan as Proposed
Scale 1:50



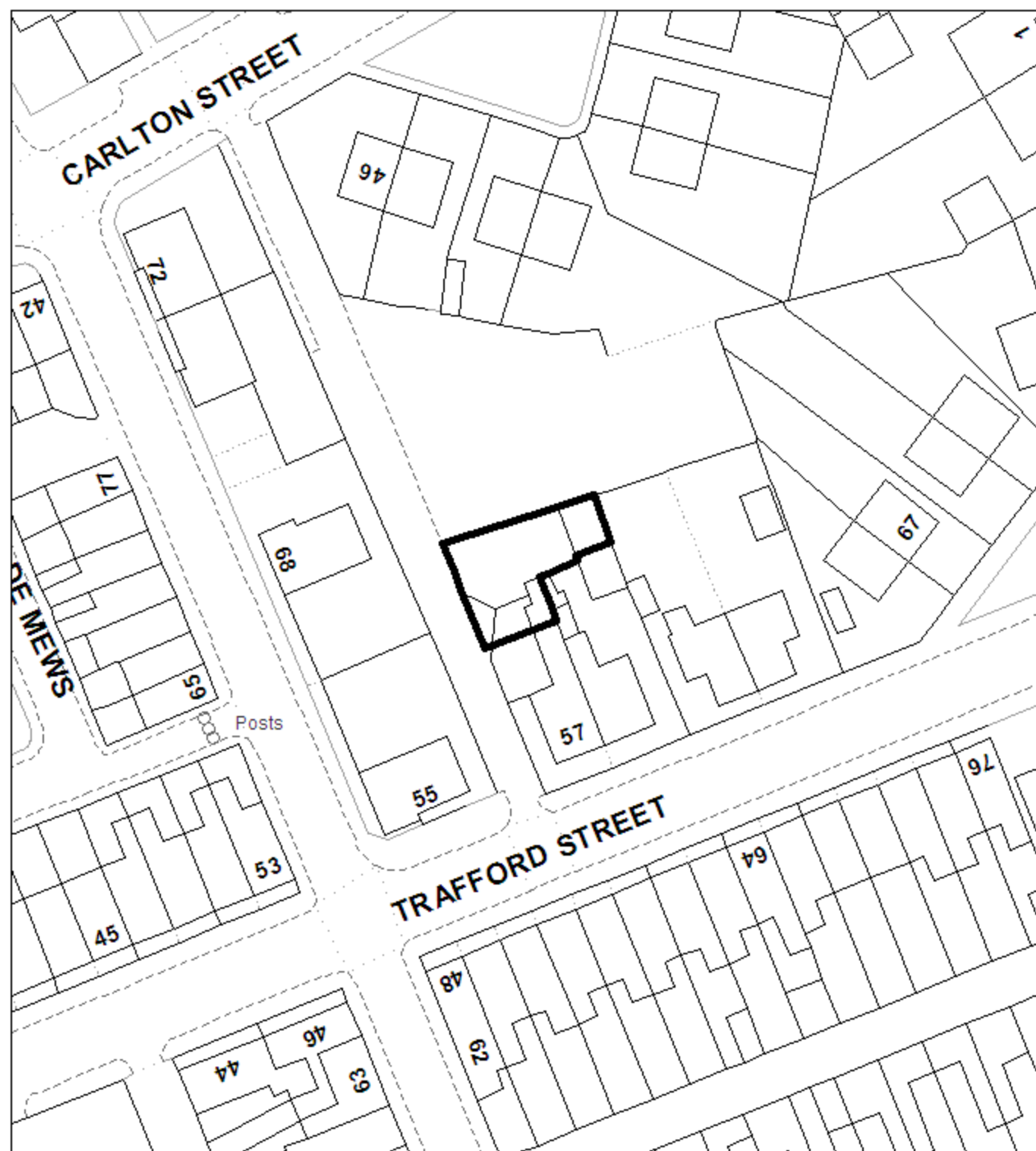
Ground Floor Plan as Existing
Scale 1:100



First Floor Plan as Existing
Scale 1:100

Application No.

92448/14



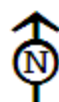
Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
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Date of Meeting: 23/10/2014

Application Reference: 92448/14

Type of Application: Full Planning Application
Registration Date: 20/08/2014
Decision Due By: 14/10/2014
Responsible Officer: Chris Hobson

Location: 57 TRAFFORD STREET, FARNWORTH, BOLTON, BL4 7PQ

Proposal: PART DEMOLITION AND ALTERATIONS TO EXISTING PROPERTY AND ERECTION OF DETACHED DWELLING TO REAR.

Ward: Farnworth

Applicant: Midland and Provincial Finance Ltd
Agent : Bruce and Bruce

Officers Report

Recommendation: Approve subject to conditions

Background

This application is a resubmission of an application, 83640/10, previously approved at committee in April 2010. Approval was granted for the erection of a two storey detached dwelling to the rear of 57 Trafford Street.

Proposal

Permission is sought for the erection of a two storey detached dwelling to the rear of 57 Trafford Street. As part of the application it is proposed that an existing garage and store room will be demolished and that the main windows currently on the rear elevation of 57 Trafford Street will be blocked up and relocated on the western elevation.

Access to the new dwelling is proposed from Back Park Street, a side street that runs between Trafford Street and Carlton Street.

Site Characteristics

The proposed site occupies the majority of the large rear yard of 57 Trafford Street where a single storey garage building once stood. The site is currently accessed through lockable double gates at the western boundary of the site. Adjoining the site to the west is the unadopted side street Back Park Street.

Trafford Street is a residential street characterised in the main by traditional red brick terraces and semi-detached dwellings. There is little off-street parking in the area, with the majority of residents having to park on the street.

An open grassed area lies immediately to the north of the proposed site and a long

landscaped area is to the west.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies

CG3- The Built Environment; CG4- Compatible Uses; S1 Safety; P5-Accessibility; RA2 Farnworth

PCPN2- Space Around Dwellings

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * principle of residential development and housing provision
- * impact on the character and appearance of the area
- * impact on residential amenity
- * impact on the highway

Principle of residential development and housing provision

Guidance contained within the National Planning Policy Framework seeks to encourage new well designed residential development to meet housing requirements. Councils should aim:

'...to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities...'.

Furthermore, Core Strategy Strategic Objectives 14, 15 and 16 and policy SC1 seeks to provide housing which meets the needs of everybody and the growth in the number of households. Core Strategy policy SC1 seeks to ensure a total of 694 dwellings are completed per annum in the Borough with a concentration of new build on previously developed sites (80%).

The application site is located within an established residential (urban) area in Farnworth and is well related to existing facilities within the locality. The site is located within the curtilage of an existing dwelling but comprises a detached garage and is therefore considered to be previously developed land.

Policy SC1.2 states that at least 80% of housing development will be on previously

developed land. Policy RA2 states that, in Farnworth, the Council will concentrate sites for new housing within the existing urban area. It is therefore considered that the principle of erecting a dwelling on the site is acceptable, compliant with Policies SC1.2 and RA2 of the Core Strategy.

Impact on the character and appearance of the area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy RA2 of the Core Strategy relates specifically to development in Farnworth and states that the Council will conserve and enhance the character of the existing physical environment, and will respect and enhance the built form and pattern of existing development.

The design of the proposed dwelling is considered to be acceptable as it mirrors others within the immediate and wider street scene. The design ensures that the property would integrate well into the urban grain. The plot is readily capable of accommodating the dwelling without resulting in an over development of the site. Given that the dwelling proposed is detached, there would be no harmful terracing effect created. Given the urban context and residential character/appearance of the immediate and wider area, the proposed dwelling would make an efficient use of land whilst not harming the street scene. The proposal is therefore considered to comply with policies CG3 and RA2 of the Bolton Core Strategy.

Impact on residential amenity

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

The siting of the proposed dwelling is considered to be acceptable and in accordance with Core Strategy Policy CG4 and PCPN2. The siting of the dwelling is the same as that approved under application 83640/10. The side of the proposed dwelling would be 10 metres from the rear elevation of 57 Trafford Street and as the main windows are currently located on the rear elevation of 57 Trafford Street (windows to the dining room and bedroom), the applicant has proposed to brick up and relocate these windows to the side elevation. One window would therefore be contained on the rear elevation of 57 Trafford Street, which is the bathroom window (and therefore not defined as a main window). No windows are proposed in the side elevation of the proposed dwelling and the relevant interface distances set out in PCPN2 are met.

It is also considered that the proposed dwelling will not detrimentally impact on the living conditions of 59 Trafford Street as only the bathroom window on the rear elevation would overlook the new property. Again, a bathroom window is not described as a main window. The lounge/dining room window and bedroom window at the rear of 59 Trafford Street do not overlook the proposed dwelling as the existing outrigger and rear extensions obscure the view.

The amenity space provided for both the proposed dwelling and 57 Trafford Street are considered to be adequate given the sizes of rear yards in the near vicinity.

Impact on the highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take

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

The Council's Highways Engineers raise no objection in principle to the proposed dwelling but comment that Back Park Street must be made up and surfaced from the junction Trafford Street to the north boundary of the site. The application is therefore considered to comply with Policies A5 and S1 of the Core Strategy.

Conclusion

In conclusion, it is considered that the layout, scale and means of access for the erection of one dwelling to the rear of 57 Trafford Street is acceptable and are in accordance with both national and local planning policies with regard to residential development. The scheme is the same as one previously approved by Committee 83640/10). Members are recommended to approve this proposal.

Representation and Consultation Annex

Representations

Letters:-2 letters of objection have been received from the occupants of 59 Trafford Street raising concerns over the following:

- No means of escape from No.59 if there was a fire (*Officer's comment-the erection of the new dwelling will not change the current relationship with No. 57 and therefore there should be no impact on the means of escape from No.59*)
- The proposal will block out any natural light to No. 59 (*Officer' comment-The proposed new dwelling would be sited to the north of No.59 and the relevant interface distances as set out in PCPN2 are met. It is therefore considered that the proposal would not block any natural light from entering no. 59*)
- The proposal will limit the amount of sunlight entering the back garden to No.59 (*Officer's comment- the proposed new dwelling would be sited to the north of No.59 and the plot is readily capable of accommodating the dwelling without resulting in an over development of the site. It is therefore considered that the proposal would not unduly impact upon the amount of light entering into the back garden of No.59*).

Petitions:-none received

Town Council:-no comments received

Elected Members:-no comments received

Consultations

Advice was sought from the following consultees:

Highways Engineers-no objection in principal subject to the attachment of conditions

Drainage Engineers-no objection in principal subject to the attachment of conditions

United Utilities- no objection in principal subject to the attachment of conditions

Planning History

83640/10-Erection of detached house and double garage-approved April 2010

75858/06 - Detached dwelling and garage - approved January 2007.

DATE 13 October 2014

OFFICER Natalie Blackston

CHIEF PLANNING OFFICER Tim Hill

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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.

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

Proposed Site Plan
Proposed Elevation Drawing

Reason

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

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

Reason

To ensure the development reflects local distinctiveness.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no windows or doors shall be formed in the rear elevation of 57 Trafford Street other than those shown on the approved drawings, nor shall those approved windows or doors be enlarged or altered.

Reason

To safeguard the outlook, privacy and living conditions of neighbouring residents.

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

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no windows or doors shall be formed in the southern elevation of 57 Trafford Street other than those shown on the approved drawings, nor shall those approved windows or doors be enlarged or altered.

Reason

To safeguard the outlook, privacy and living conditions of neighbouring residents.

Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 2.4 metres shall be provided at the junction of the parking bay with Back Park Street, and subsequently remain free of all obstructions between the height of 0.6 metres and 2 metres (as measured above carriageway level).

Reason

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

- . Prior to the commencement of development full details of the highway works at Back Park Street comprising marking-up and surfacing up to the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety.

- . Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Back Park Street East shall be constructed as indicated on submitted plan

Reason

In the interests of highway safety

- . Before the approved/permitted development is first brought into use no less than 2 car parking spaces with minimum dimensions of 5.0 metres by 3.0metres shall be provided within the curtilage of the site, details to be submitted to and approved by the Local Planning Authority. Such spaces shall be made available for the parking of cars at all times the premises are in use.

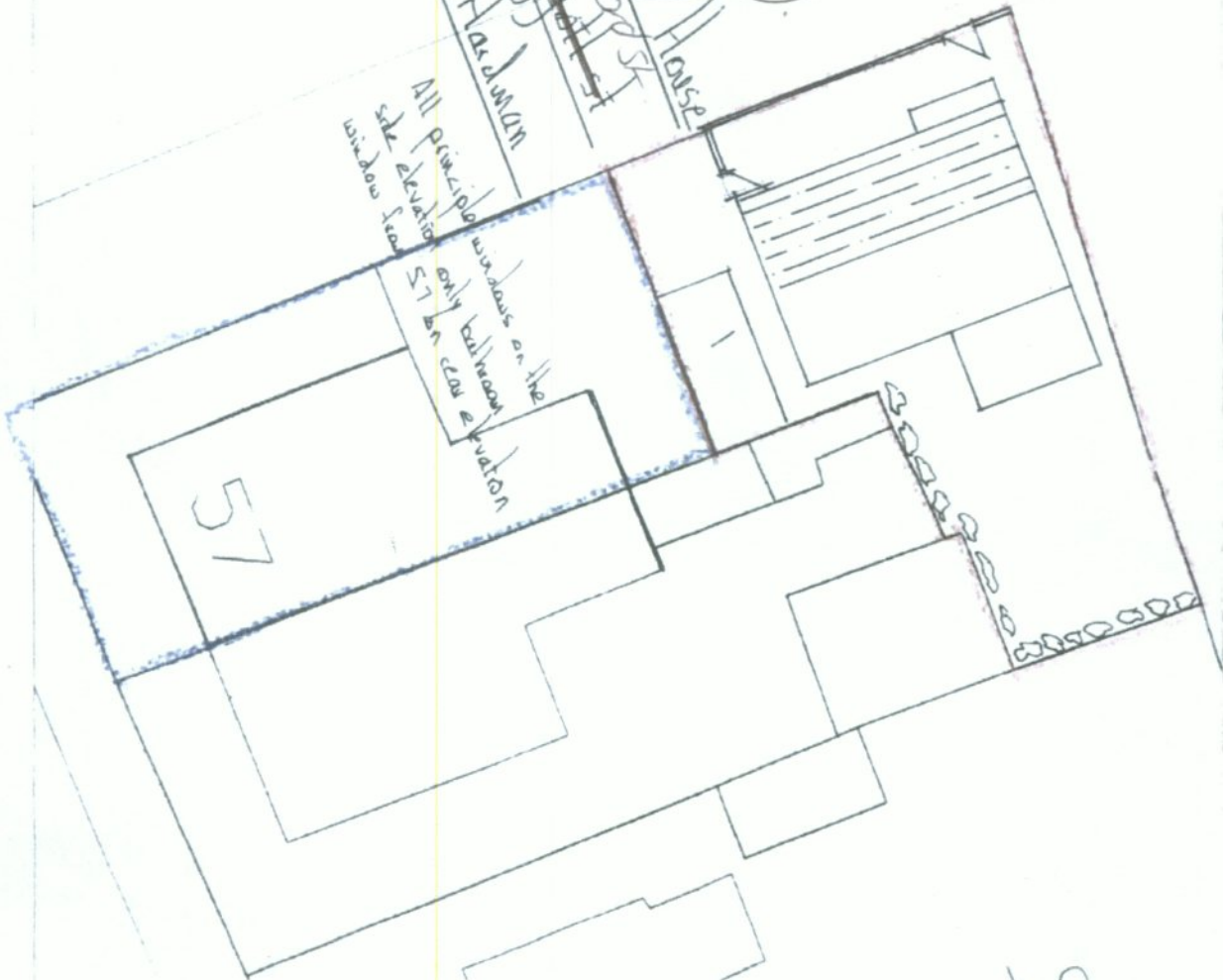
Reason

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

BURTON BRUCE
ARCHITECTS
061 343 2478

Proposed Detached House
at Land adj. to 57
Farnworth for M. S. Hardman

All principal windows on the
side elevation only but head
57 on side elevation
window head

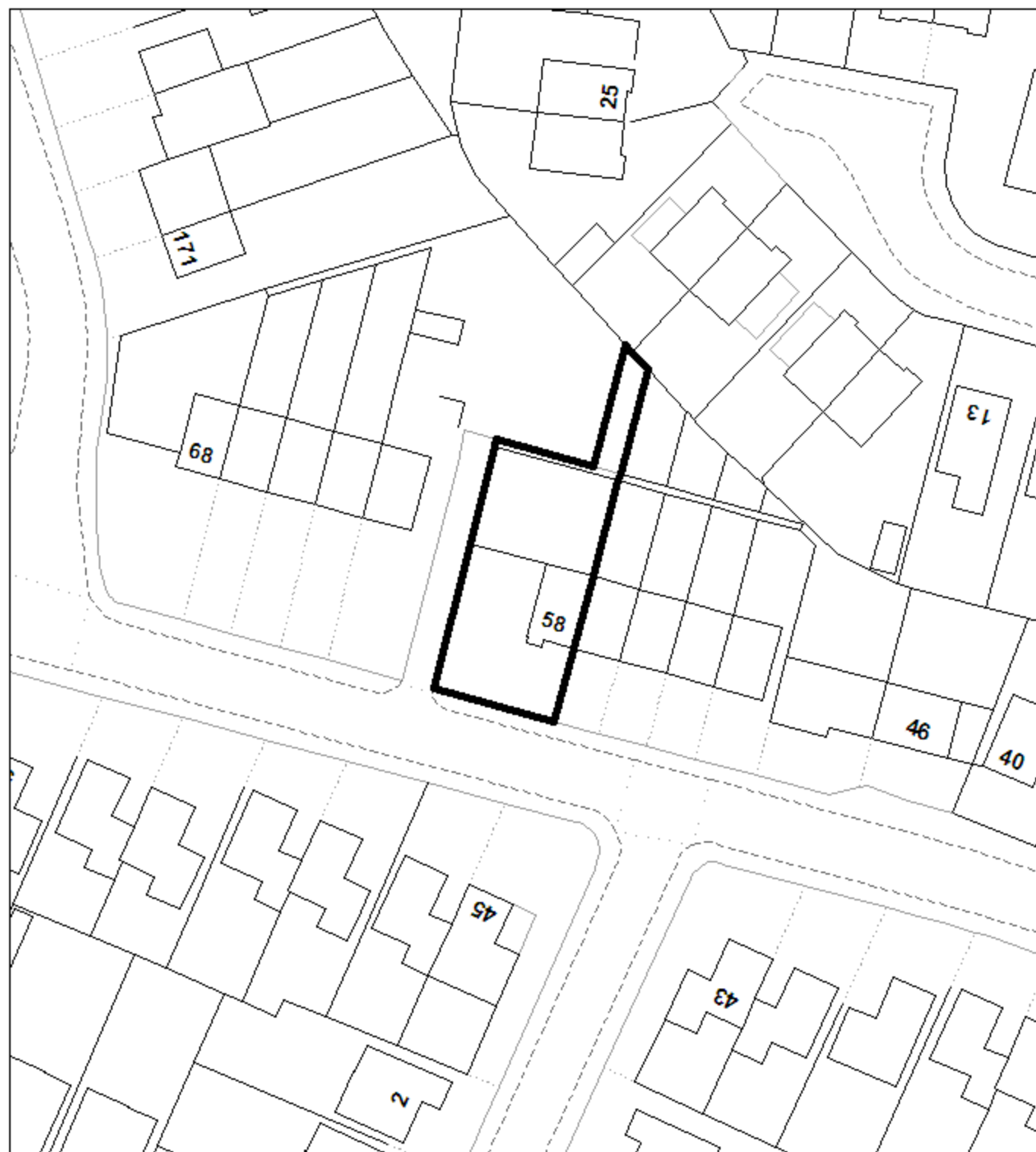


BOLTON COUNCIL
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31 JUL 2014

Scale 1:200

Application No.

92449/14



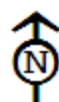
Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
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Council**

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Date of Meeting: 23/10/2014

Application Reference: 92449/14

Type of Application: Full Planning Application
Registration Date: 23/07/2014
Decision Due By: 16/09/2014
Responsible Officer: Alex Allen

Location: 58 FRANCE STREET, WESTHOUGHTON, BOLTON, BL5 2HP

Proposal: ERECTION OF TWO STOREY DWELLING WITH INTEGRAL GARAGE

Ward: Westhoughton South

Applicant: Mr M Roddie
Agent : Mr P Whiteley

Officers Report

Recommendation: Approve subject to conditions

Proposal

The applicant proposes the erection of a two storey 3-bedroom property which would use the side garden area of No. 58, an end terraced property. Shared access to No. 56 would be provided at the rear of the site. The new dwelling would have an integral garage and a driveway capable of providing one additional car parking space. Vehicular access and car parking for the retained dwelling would be identical to the existing situation i.e. access at the side of the property with parking to the rear.

Site Characteristics

The application site is located within an established residential area of Daisy Hill in Westhoughton. The area is characterised by a mix of property types. In the immediate vicinity there are two blocks of four terraced properties, of which the application site relates to the side and rear garden of the end terraced property (No. 58). Directly to the west of the application site is a shared access road which provides vehicular access and parking for local residents.

Policy

National Planning Policy Framework

Core Strategy - Strategic Objective 6 - Prosperous Bolton, Strategic Objective 9 - Safe Bolton, Strategic Objective 11 - Cleaner and Greener Bolton, Strategic Objective 12 - Biodiversity, Strategic Objective 14/15 - Strong and Confident Bolton.

P5 Accessibility, S1 Safe, CG1 Cleaner and Greener, CG3 The Built Environment, CG4 Compatible Uses, SC1 Housing and OA3 Westhoughton.

Planning Control Policy Note No. 2 Space Around Dwellings.

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * principle of residential development;
- * impact on the character and appearance of the area;
- * impact on the living conditions of existing/future residents;
- * impact on highway safety.

Principle of Residential Development

Guidance contained within the National Planning Policy Framework seeks to encourage new well designed residential development to meet housing requirements. Councils should aim:

'...to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities...'

Furthermore, Core Strategy Strategic Objectives 14, 15 and 16 and policy SC1 seek to provide housing which meets the needs of everybody and the growth in the number of households. Core Strategy policy SC1 seeks to ensure a total of 694 dwellings are completed per annum in the Borough with a concentration of new build on previously developed sites (80%).

The site is unallocated within both the current UDP Proposals map and the draft Allocations Plan as the application site is located within an established residential area. The site is located within the curtilage of an existing dwelling but is undeveloped and as such would be defined as greenfield.

Whilst Core Strategy policy SC1 recognises the need to concentrate new development on previously developed land, it does not preclude new residential development on green field sites. Core Strategy policy OA3 seeks to ensure that the Council will seek to concentrate new housing development in Westhoughton Town Centre and the existing urban area.

The application site is located within an established residential (urban) area in the Daisy Hill, Westhoughton and is well related to existing facilities within the locality.

The principle of residential development on this site is considered to comply with both national and local planning policy.

Impact on the Character and Appearance of the Area

Guidance contained within NPPF and Core Strategy policies CG3 and OA3 seek to ensure that new development proposals are compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape treatment.

The site in its current form offers little to the character and appearance of the area, being a relatively low quality grassed area located at the side and rear of No. 58 France Street. The area does provide a visual break between two blocks of housing. The loss of such a piece of land would still retain a visual break between the new house and properties sited to the west (No's 60 to 68 France Street).

In urban design terms the proposed new property would complement the character and appearance of the existing dwellings, having the same eaves and ridge line of the adjoining properties at No's 52 to 58 France Street. The elevational detail, in terms of fenestration would also be similar.

Policy guidance contained at paragraph 14 of PCPN No. 2 outlines residential development should have a minimum garden area of 65 square metres. In terms of external amenity space the proposed new property (58a) would have a rear garden size of 94 square metres with the retained property at No. 58 having a new rear garden area of c. 90 square metres. Both these properties would still have rear gardens in excess of the sizes outlined in PCPN No. 2.

It is considered that the proposal would complement the existing character of the area providing adequate space to be retained for both the existing and proposed new dwelling and is thus considered to comply with Core Strategy policies CG3 and OA3.

Impact on the Living Conditions of Existing/Future Residents

Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Planning Control Policy Note No. 2 provides guidance for conventional housing layouts where houses face each other to provide for 21 metres between principal room elevations overlook each other. Where principal/main room elevations overlook at blank gable this distance can be reduced to 13.5 metres.

The proposal would comply with all the interface guidelines outlined within PCPN No. 2. The new dwelling would be almost flush with the existing property at No. 58 and would be set back from the boundary with No. 60 France Street to the west to ensure the proposal would comply with policy.

The proposal complies with Core Strategy policy CG4.

Impact on Highway Safety

Core Strategy policies P5 and S1 and the maximum car parking standards provided in Appendix 3 of the Core Strategy seek to provide adequate off road car parking and to promote road safety in the design of new development. Each new property would have the ability to park one car off road.

Vehicular access and car parking for the retained No. 58 would not change with access down the side of the new house with parking in the detached garages to the rear. New parking provision would be provided for the new house at the site frontage with an integral garage with driveway in front. The proposal would meet the requirements of both Policy P5 and the standards outlined in Appendix 3.

For the above reasons it is therefore considered that the proposal complies with policy.

Value Added to the Development

The applicant has submitted revised plans which make provision for a gated access to enable safe access / egress for the occupants of No. 56. In addition, the proposed rear access is wide enough to facilitate safe / efficient access and egress. The objector has confirmed they are happy with these changes.

Conclusion

The proposal has been amended to the satisfaction of officers providing a scheme whose siting and appearance complement the existing houses and does not have a detrimental impact on any of the adjoining neighbours. The proposal complies with policy and is recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- three letters have been received from local residents. Two letters are from the same person/dwelling who whilst not objecting to the erection of a house have raised potential concerns over changes to the right of access they currently benefit from and potential increases in crime due to relocation of this shared access. Other concerns relate to potential encroachment of development onto common land and also the covering over of a manhole.

Subsequently it has been acknowledged by the original objector that they now have no objections to the proposal subject to the provision of a gated access point to the rear of their dwelling. The gate would be made of wrought iron to enable direct views to be gained through the gate. In addition, the proposed access at the rear of the new property should be wide enough to provide adequate access for the bins and safe access. Amended plans have been provided which make provision for these items.

One letter has been received from a local resident stating they have no objections to the proposal.

Petitions:- no petitions received.

Town Council:- raise objection as it is considered that there is insufficient space around the new property.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees: Westhoughton Town Council, Pollution Control officers, Highways Engineers, Corporate Property Services, Strategic Development Unit and Design for Security (Greater Manchester Police).

Planning History

No relevant planning history.

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

Reason

To ensure the development reflects local distinctiveness.

3. Prior to the occupation of the dwelling house(s) hereby permitted provision shall be made for the parking or garaging of motor vehicles adjacent to the each of the dwelling houses (new and retained [No's 58 and 58a] in the area identified for that purpose on the approved plan. Those areas shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or replacing that Order) other than (a) garage(s), no extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines or satellite antennae shall be erected within those areas.

Reason

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

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

Reason

To reflect and soften the setting of the development within the landscape.

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

Reason

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

6. Prior to the development being first occupied or brought into use, details of the proposed new 1.8 metre high gate identified on Appendix 4 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.

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

Reason

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

8. Prior to the first occupation of the development / completion of development the approved boundary treatment as shown on Drawing No. Page 2 of 5 shall be implemented in full and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.

9. The development hereby permitted shall be carried out in complete accordance with the following approved plans:
- Page 1 of 5 - Proposed Ground Floor and First Floor Plan, scanned to file 07/08/2014;
 - Page 2 of 5 - Proposed elevations, scanned to file 07/08/2014;
 - Appendix 3 - Existing and proposed street scene, scanned to file 01/10/2014; and
 - Appendix 4 - Proposed plan view scanned to file, scanned to file 01/10/2014.

Reason

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

Public
footpath

Existing boundary

60

Proposed plan view

two flag
widths 1200

new 1.8m
tall gate install at
the end of the garage
but flagged to road as shown

new fence 1.8m
between garages
and rear fences

garage

garage

boundary fence
1.8m tall

this land will form
part of number
58 garden

58

58A

1000

1000

appendix 4

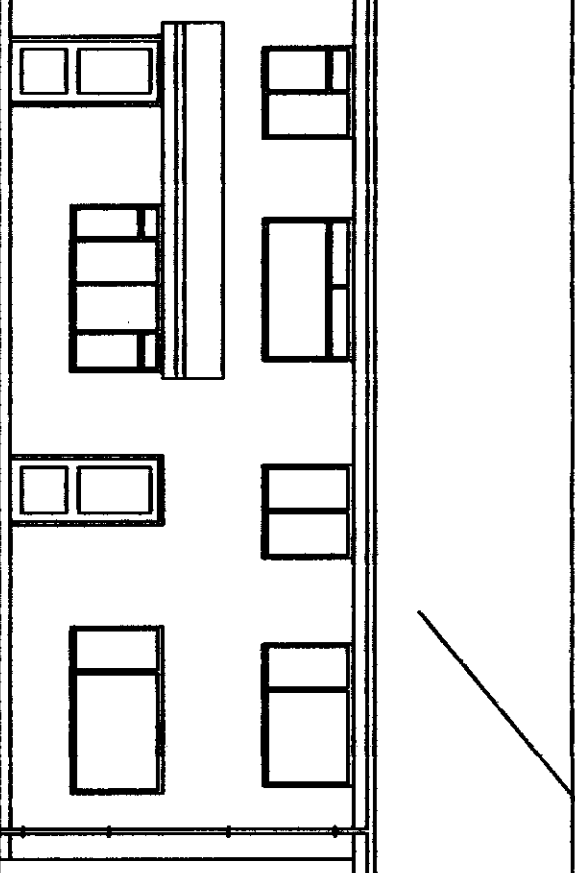
Please note that these properties are
well sent back from 58

BOLTON COUNCIL
DEVELOPMENT & REGENERATION
RECEIVED
01 OCT 2014

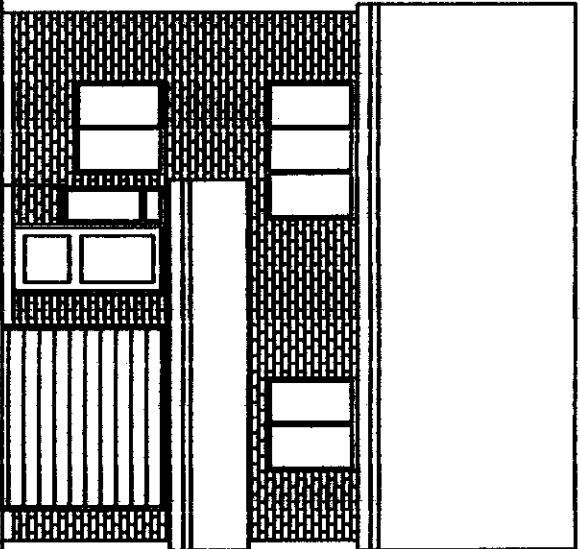
62 60

Proposed 58A

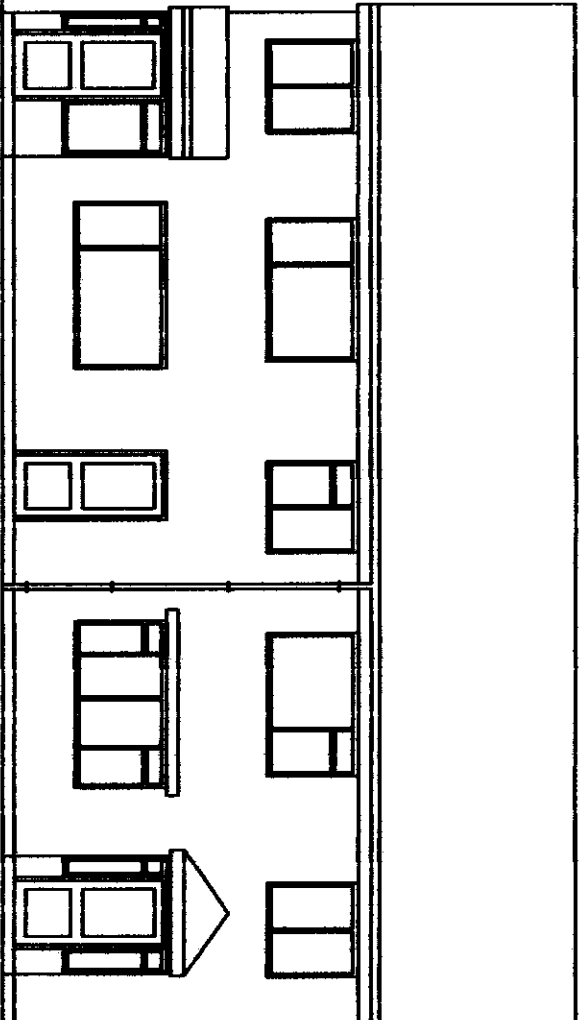
58 54



Road to
garages

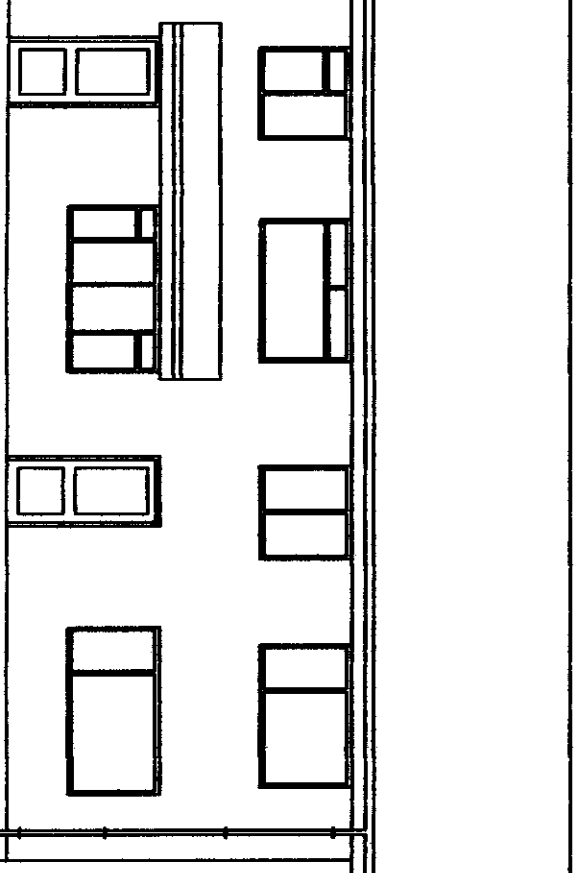


Proposed 58A

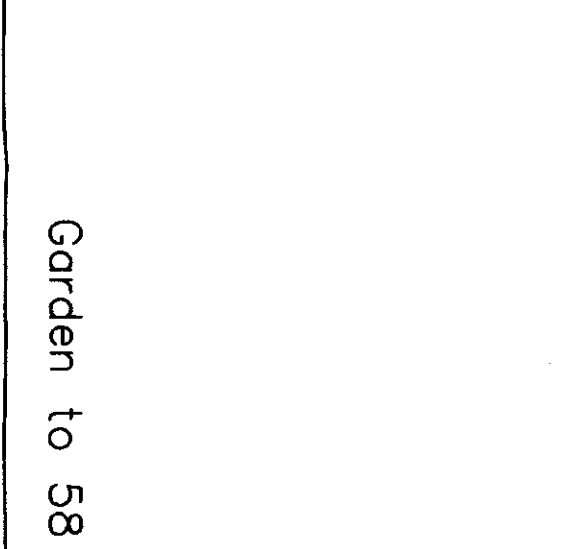


Proposed street scene

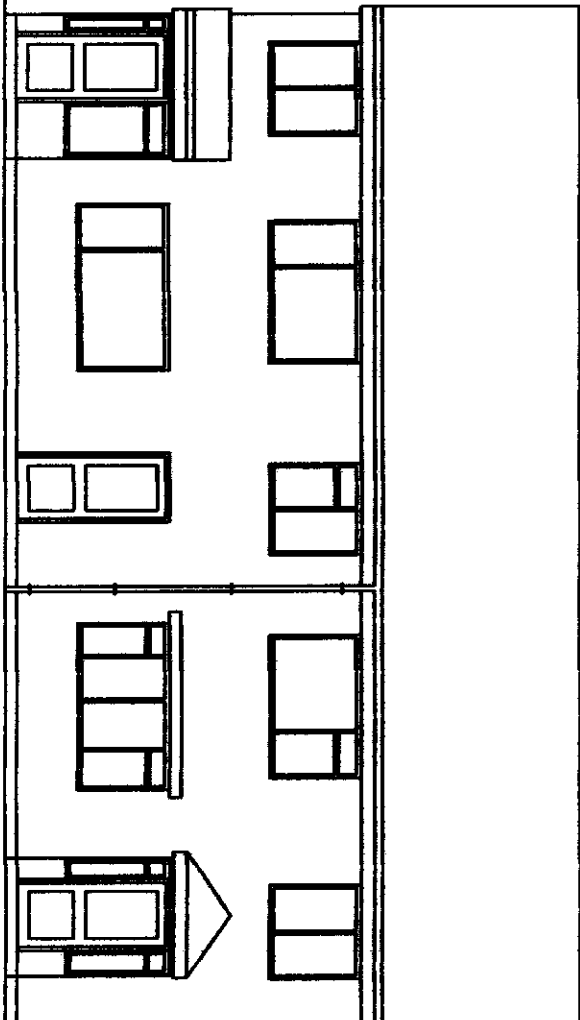
62 60



Road to
garages



Garden to 58



Existing street scene

telegraph pole omitted

appendix 3

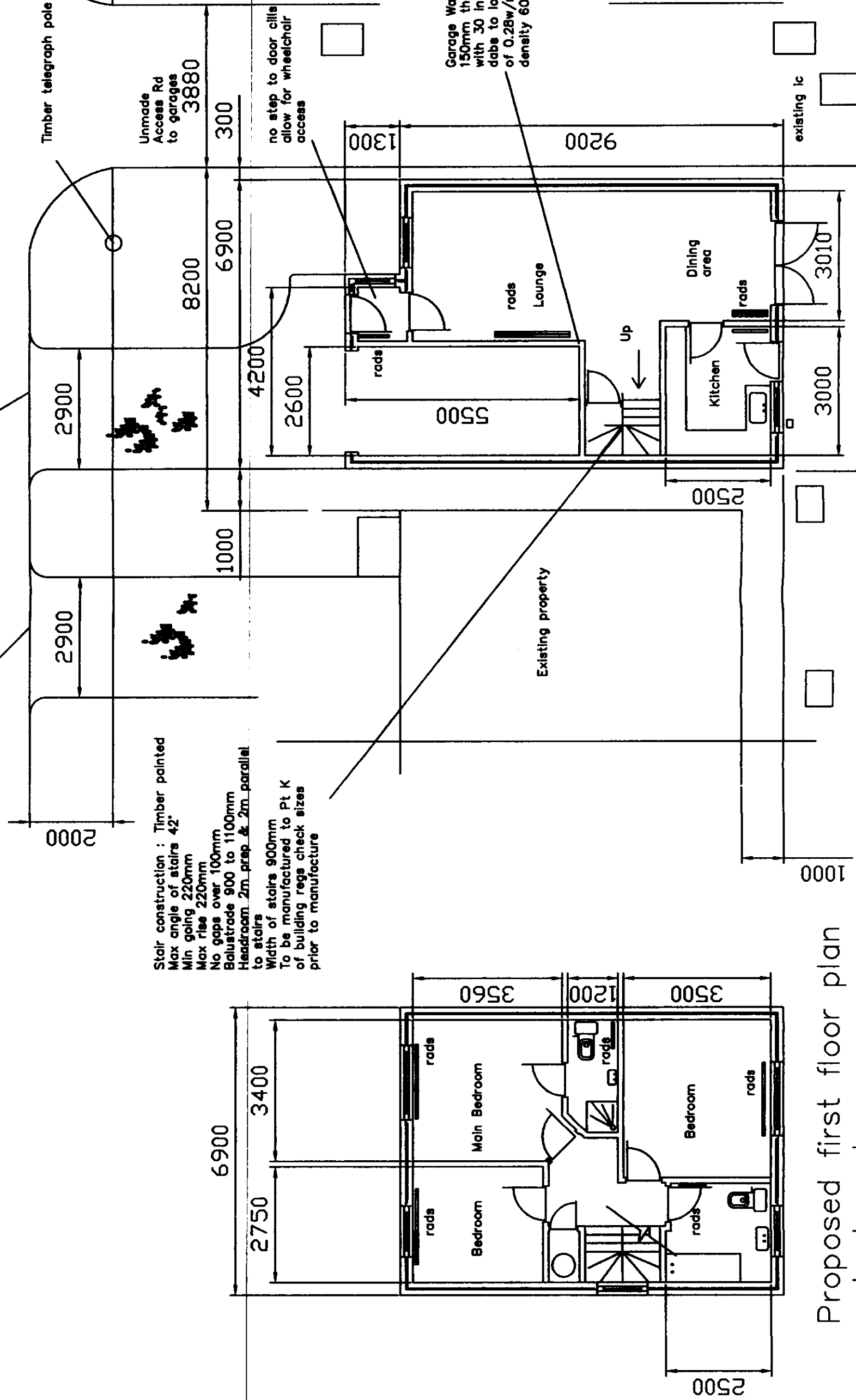
Proposed new three bedroom, detached house at 58A! France St, Westhoughton, Bolton BL5 2HP for Mr and Mrs. Roddie.

Date 16/07/2014
Scale 1:100 1:50

France St

New vehicle access required
for on the drive parking
ie new gravel drive

New vehicle access required
for on the drive parking
ie new gravel drive



Proposed first floor plan
note layout may vary
to that shown

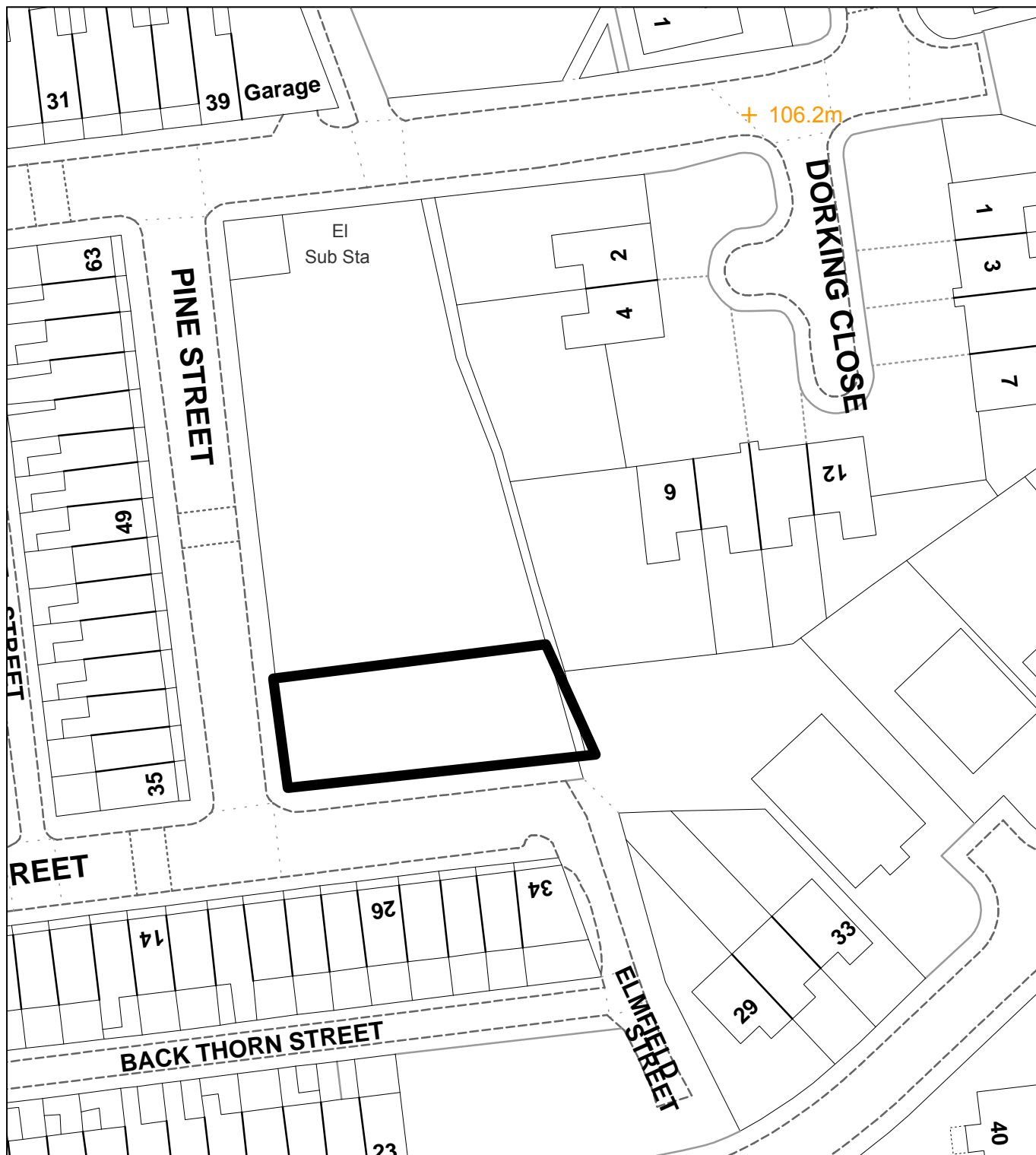
Proposed ground floor plan

BOLTON COUNCIL
DEVELOPMENT & REGENERATION

23 JUL 2014

Application No.

92454/14



Development and Regeneration Department
Planning Control Section

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

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11

Date of Meeting: 23/10/2014

Application Reference: 92454/14

Type of Application: Full Planning Application
Registration Date: 12/08/2014
Decision Due By: 06/10/2014
Responsible Officer: Martin Mansell

Location: LAND OPPOSITE 35 PINE STREET, BOLTON, BL1 8JY

Proposal: RETENTION OF DETACHED DWELLING

Ward: Crompton

Applicant: Mr RAJAB
Agent : Y A ARCHITECTURAL SERVICES

Officers Report

Recommendation: Approve subject to conditions

Proposal

Planning permission was granted in 2010 and subsequently renewed in 2013 for the erection of five detached houses on land bounded by Pine Street, Ullswater Street, Fir Street and Dorking Close (84925/10 & 89367/13). The land was cleared and work commenced on the construction of one of the five approved dwellings; however, it has now become clear that the dwelling has not been constructed entirely in accordance with the approved plan. The differences are:-

- single storey rear extension (the lounge has been constructed larger than approved so that it extends as far as the approved projecting kitchen)
- projecting front bay windows removed
- splayed design of ground floor window instead of square design
- introduction of a front porch
- new crossover to be formed on to Fir Street to provide access to two additional car parking spaces

Consent is therefore sought for the retention of the dwelling as constructed rather than as originally approved.

It is understood that the development is a "self-build" with individual occupiers being responsible for their own plots; therefore the fact that only one of the sites has been commenced to date is not considered to be unusual.

Site Characteristics

The site is level, roughly rectangular and bounded by the terraced streets of Ullswater Street, Pine Street and Fir Street with the more recent dwellings of Dorking Close to the east. The site has now been cleared and development is almost complete on the southernmost of the five approved dwellings. No work has commenced on the other

four.

Policy

National Planning Policy Framework - Building a strong and competitive economy, promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, protecting green belt land, meeting the challenge of climate change, flood and coastal change

Core Strategy Objectives

SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO10 Climate Change, SO11 Built Heritage, SO14 Inclusive Housing, SO15 Sustainably Located Housing

Core Strategy Policies

P1 Employment Sites, P5 Transport

S1 Crime and Road Safety

CG3 Design and the Built Environment, CG4 Compatible Uses

SC1 Housing Targets

RA1 Inner Bolton

PCPN2 Space Around Dwellings

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on nearby uses
- * impact on the road network
- * impact on housing provision

Impact on the Character and Appearance of the Area

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

The National Planning Policy Framework recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including replacing poor

design with better design. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

Whilst the dwelling as constructed is different in appearance to the 2010 approval, the differences are considered to be minor changes of style rather than transforming the character of the house. There are a range of dwelling types in the area - predominantly the traditional terraces of the Ullswater Street area but also the newer dwellings of Thorn Street and Dorking Close and the older social housing to the south. As such, the development is not considered to be in conflict with the existing character of the area.

The proposal is considered to comply with policies seeking to ensure good design.

Impact on Nearby Uses

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

Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account. The use is considered appropriate for this area, given the generally mixed residential and commercial context.

The changes from the approval will have no additional impact on the living conditions of existing or future occupiers. The issue raised by the objector is considered in the section below.

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

Impact on the Road Network

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

Four parking spaces are proposed whereas the approved scheme had only two. This is in excess of the maximum number of three spaces set for a dwelling of this size. However, in this area, the potential for off-road parking is very low, whereas car ownership (including an unusual number of taxi drivers) is relatively high. For this reason, exceeding

the maximum standard for parking spaces is not considered to be a reason to resist the proposal.

The objector is concerned about the new access in that it will prevent residents from parking on the highway where they have previously done. Officers take the view that none of the residents of the terraced houses have any right to any particular area of parking; indeed, occupation of a terraced house with no off-road parking must be balanced with aspirations for car ownership. Furthermore, it is permitted development to create a new vehicular access on to an unclassified road (including a "dropped kerb") and therefore the Council has limited control over this issue. It is considered that the applicant has sensibly tried to accommodate their aspirations for car ownership within the design. Highway Engineers responded to the objection as follows:-

"Highway Engineers had no reasonable concerns from an highways perspective in relation to what had been proposed. The site already has planning consent for 5 dwellings so I couldn't see much of an issue of developing 1 in isolation. The applicant was proposing 4 off-road parking spaces which would take the onus in some respects off parking on the highway at that location. With regard to the 2 spaces serviced from Fir Street the only issue that I could see would be manoeuvrability onto the highway although the turning head formed at Elmfield Street would help in this case.

Owing to the nature of the properties at that location, there appears to be no off-road parking provision associated with any. Residents as you have indicated are reliant on parking on the highway. No property has designated parking at this location owing to the fact that the highway is open to public use to allow vehicles to pass and re-pass. The drop-kerb will probably affect 1 potential parking space opposite Elmfield Street. If this parking provision was removed from the application then it would lead to 2 additional vehicles associated with the proposal being parked on Fir Street to the detriment of residential amenity."

It is also noted that the Council's Highway Engineers do not raise objection, though they do note that accessing the two rear car parking spaces may be difficult. The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1.

Impact on Housing Provision

The National Planning Policy Framework recognises the role of the planning system in providing the supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should proactively drive and support sustainable economic development to deliver the homes and thriving local places that the country needs whilst encouraging the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value.

The Core Strategy plans for an average of 694 additional dwellings per annum between 2008 and 2026, an overall total of 12,492 dwellings. This is above the minimum level specified in the approved Regional Spatial Strategy and reflects the factual evidence from the Housing Market Assessments and the Sustainable Community Strategy aim of creating housing that meets Bolton's needs. This figure will need to have a degree of flexibility to enable the higher rate of housing delivery required in Bolton as part of the Greater Manchester Growth Point.

The location of new housing will reflect the overall spatial option of concentrating development in Bolton town centre, renewal areas and at Horwich Loco Works.

The Housing Market Assessments have provided an evidence base to inform the required mix of housing types. This shows that there is a requirement to construct more larger houses than has recently been the case, as well as to continue to provide for the increasing proportion of small households.

Policies SO14, SO15 and SO16 of Bolton's Core Strategy are strategic objectives within the "Strong and Confident Bolton" theme and seek to provide housing that meets the needs of everybody, reflecting the needs of an ageing population and a growth in the number of households, focus new housing in the existing urban area, especially in Bolton town centre, council-owned housing areas and in mixed-use developments on existing older industrial sites and to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.

Policy SC1 of Bolton's Core Strategy states that the council and its partners will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026. At least 80% of housing development will be on previously developed land in accordance with the Regional Spatial Strategy; the Transforming Estates programme will provide up to 20% of housing development on Greenfield land.

The site has been previously developed, is located sustainably in an accessible location and has previously benefited from consents for the erection of 9 and then 5 dwellings. The site is located in an area almost wholly characterised by traditional terraces, and this proposal will allow residents to achieve their housing aspirations whilst remaining in the same area.

The principle of residential development is acceptable and will make a positive contribution to housing needs in this location.

Conclusion

The benefits of all new residential properties are noted. Whilst the development is technically unauthorised, the differences between the development as approved and as constructed do not justify resisting the proposal. Insufficient harm has been found to outweigh the benefits. Officers take the view that whilst a small loss of on-street parking is a material planning consideration it is of limited weight when assessing the impact on living conditions or the road network and is not sufficient to overturn the benefits of a new dwelling.

Representation and Consultation Annex

Representations

Two objections have been received from residents of Fir Street. The grounds of objection are:-

- the proposal indicates parking spaces for 4 vehicles which are to be created by lowering footpaths on both Fir Street and Pine Street.
- the creation of parking spaces at the rear of the property will result in the loss of on-street parking spaces for current residents of Fir Street.
- it is not possible for the occupant of 34 Fir Street to directly park outside the house due to the shape of the footpath - the resident therefore has to park on the opposite side of the street where the proposed area for parking and refuse collection is.
- other residents who also park on the opposite footpath will need to park further towards Pine Street.
- Fir Street is unable to accommodate accessibility to the rear of the proposal for either parking or refuse collection as it will be difficult to manoeuvre vehicles in a narrow street.
- whilst the proposal benefits the applicant with additional parking spaces it is to an unfair detriment to other residents who will lose valuable on street parking spaces resulting in vehicles having to squeeze in creating an unsafe environment for children playing in the street.
- we believe the proposed application will result in a loss of valuable residential amenity through a reduction in the availability of on street parking, causing potential highway safety issues due to increased traffic and vehicles parking closer together.

Consultations

Advice was sought from the following consultees: Highway Engineers, Drainage, United Utilities

Planning History

Planning permission was renewed in March 2013 for the erection of five detached dwellings (89367/13)

Planning permission was granted in October 2010 for demolition and the subsequent erection of five detached dwellings (84925/10)

Planning permission was granted in May 2010 for demolition and the subsequent erection of nine townhouses (83825/10)

Planning permission was granted in October 2004 for the demolition of the existing industrial building / former church and the erection of nine townhouses (69808/04)

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as

amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of development full details of the highway works at the junction of Pine Street/Fir Street comprising a radius improvement to 5.0m 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.

3. Notwithstanding the submitted plan, no development shall be commenced unless and until a detailed scheme showing the design, location and size of a bin store has been submitted to and approved by the Local Planning Authority and such works that form the approved scheme shall be completed before the development is brought into use, and retained thereafter.

Reason

To ensure the development safeguards the character and visual appearance of the locality and the living conditions of nearby residents.

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

Reason

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

5. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to and approved by the Local Planning Authority before development is started. Such scheme shall be carried out within 6 months of the occupation of any of the buildings or the completion of the new development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority; any trees and shrubs that die or are removed within five years of planting shall be replaced in the next planting season with others of similar size and species.

Reason

To soften the development proposed and to enhance and improve the setting of the development within the landscape of the surrounding locality.

6. No development shall commence unless and until a package of security measures have been submitted to and approved by the Local Planning Authority. Such details as are approved shall be implemented in full prior to the occupation of any of the dwellings and retained thereafter.

Reason

In the interests of crime prevention.

7. The development hereby approved shall not be brought into use until the means of vehicular access from Pine Street and Fir Street have been constructed and laid out entirely in accordance with details which will have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

8. The development hereby approved/permitted shall not be brought into use unless and until that part of the site to be used by vehicles has been laid out, drained and surfaced in accordance with details to be submitted to and approved by the Local Planning Authority and shall thereafter be made

available for the parking of cars at all times the premises are in use.

Reason

To encourage drivers to make use of the parking and circulation areas provided.

9. No dwelling shall be occupied until the footways and footpaths leading thereto have been constructed in accordance with the approved plans.

Reason

For avoidance of doubt.

10. The development hereby approved/permitted shall not be brought into use unless and until a visibility splay measuring 2.4 metres by 30 metres is provided at the junction of Pine St with Ullswater St, and subsequently maintained 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 highway.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or replacing that Order) unless otherwise agreed in writing with the Local Planning Authority no windows, doors or other openings shall be formed in the southern elevation of the dwelling hereby permitted.

Reason

To ensure adequate standards of privacy are obtained.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or replacing that Order), no windows or doors shall be formed or other alterations carried out to any elevation or the roofs, nor shall there be any outbuildings or similar structures other than those expressly authorised by this permission.

Reason

To safeguard the outlook, privacy and living conditions of neighbouring residents.

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

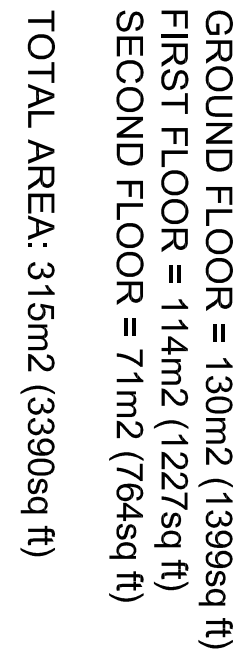
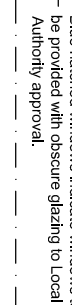
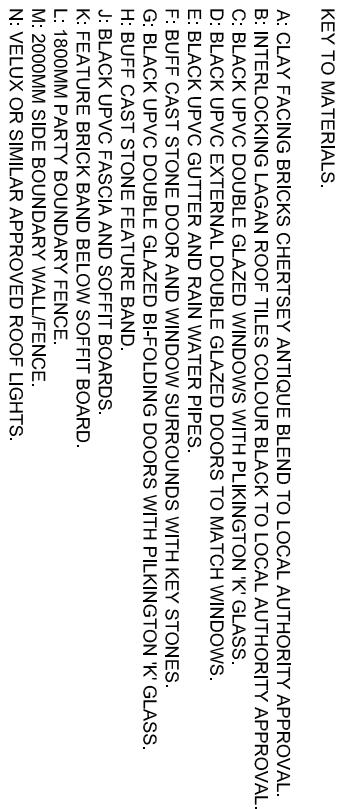
1337-P01; "Proposed Site Plan"; dated 24.07.14

1337-P02; "Proposed Ground Floor Plan and Elevations"; dated 24.07.14

1337-P03; "Proposed First and Second Floor Plans"; dated 24.07.14

Reason

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

[illegible]

GENERAL NOTES

1. This plan is a proposed plan of a building and is not to be used for any other purpose.
2. The plan is a proposed plan of a building and is not to be used for any other purpose.
3. The plan is a proposed plan of a building and is not to be used for any other purpose.
4. All new works to be built, altered and listed to the satisfaction of the Local Planning Authority.
5. All work to comply with current Building Regulations and subsequent editions.
6. Foundations not to exceed over boundaries.

49

35

41

26

34

FIR STREET

PINE STREET

ELMFIELD STREET

New drop kerb for vehicle access to be provided in accordance with local authority Highways requirements and recommendations.

Green hatched area indicates lawn area at front.

New 200mm high kerb boundary with 150mm wide and 150mm high kerb.

New 200mm high kerb boundary with 150mm wide and 150mm high kerb.

New automatic vehicle access along gable, listed in recommendations.

New drop kerb for vehicle access to be provided in accordance with local authority Highways requirements and recommendations.

Block parking from boundary to either approved or unapproved area.

100mm and 200mm high kerb boundary in accordance with local authority Highways requirements and recommendations.

6000mm square block paving area to form driveway in accordance with local authority Highways requirements and recommendations.

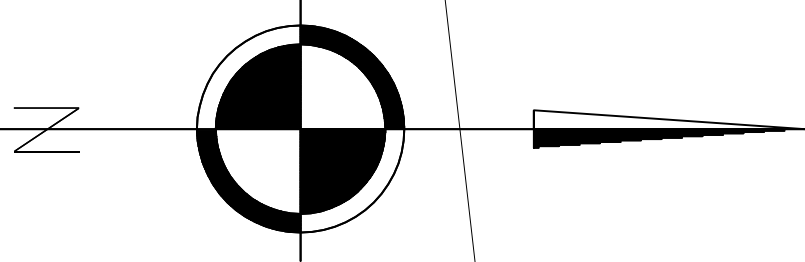
For vehicle access, additional ground area to be provided in accordance with local authority Highways requirements and recommendations.

Block hatched area indicates a minimum 500mm zone of easement on either side of existing gate, all in accordance with local authority Highways requirements and recommendations.

New external steps to be formed to parking area, with a minimum 500mm wide zone of easement on either side of existing gate, all in accordance with local authority Highways requirements and recommendations.

Block parking area.

Approximate position of kerb area.

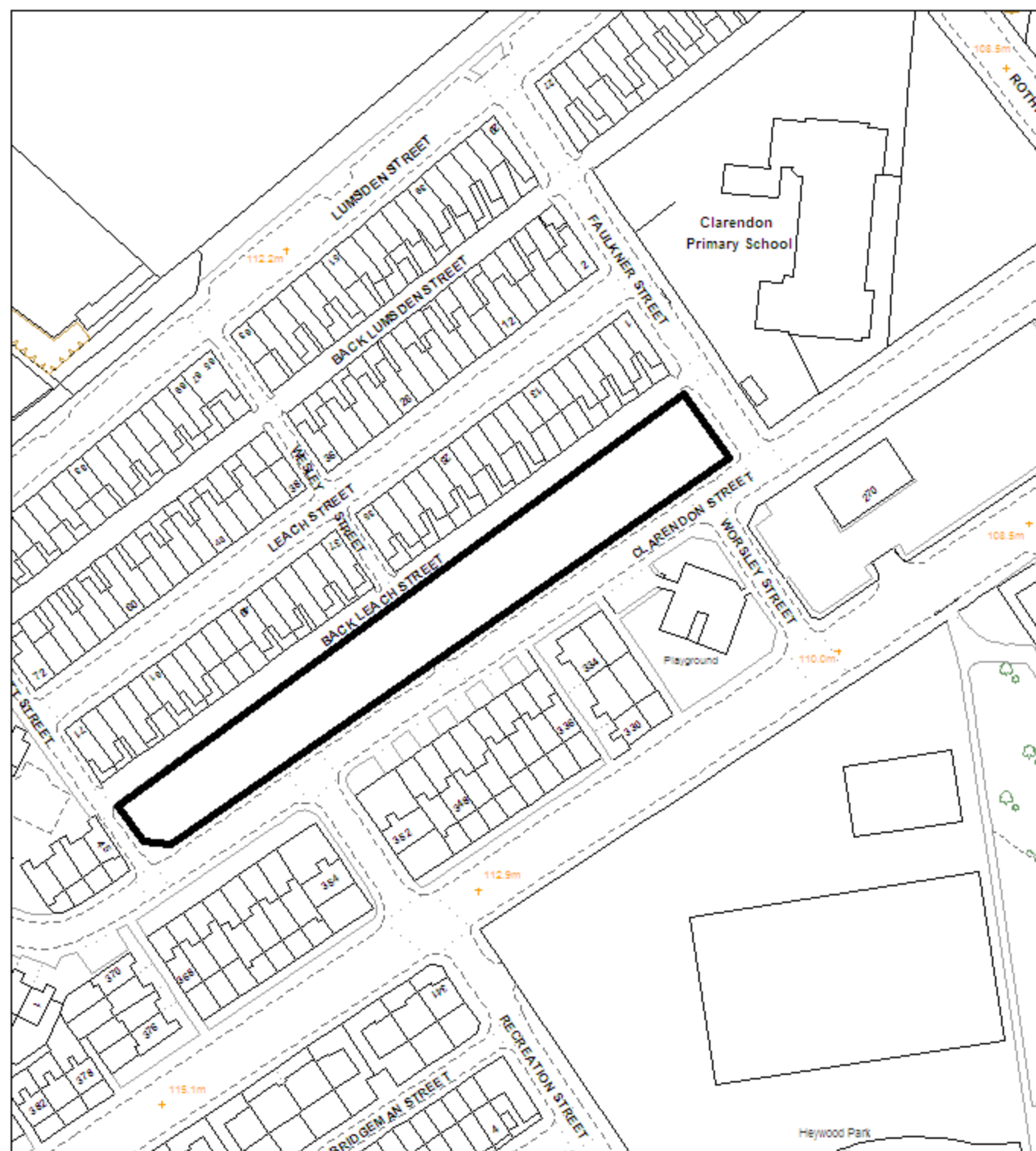


PLANNING ISSUE

DATE	REVISIONS
DATE: 24/07/14	DATE: 24/07/14
CHECKED: SCALE: 1:100	CHECKED: SCALE: 1:100
DRAWN: V. AMED	DRAWN: V. AMED
PROJECT: PROPOSED RETENTION OF DETACHED DWELLING AT PLOT 3, LAND AT PINE STREET, BOLTON.	PROJECT: PROPOSED RETENTION OF DETACHED DWELLING AT PLOT 3, LAND AT PINE STREET, BOLTON.
CLIENT: MFR NASIR RAJAB	CLIENT: MFR NASIR RAJAB
JOB TITLE: PROPOSED SITE PLAN.	JOB TITLE: PROPOSED SITE PLAN.
509 NK	1337-P01

Application No.

92578/14



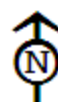
Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
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**Bolton
Council**

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Date of Meeting: 23/10/2014

Application Reference: 92578/14

Type of Application: Full Planning Application
Registration Date: 19/08/2014
Decision Due By: 17/11/2014
Responsible Officer: Alex Allen

Location: LAND AT CLARENDON STREET BOLTON.

Proposal: ERECTION OF 16 NO DWELLINGS (8NO 2 BED UNITS & 8NO 3 BED UNITS)

Ward: Great Lever

Applicant: Great Places Housign Group
Agent : Paddock Johnson Partnership

Officers Report

Recommendation: Delegate the decision to the Director

Proposal

The applicant (Great Places Housing Association) proposes the erection of 16 - two storey terraced/mews style properties which would front Clarendon Street. Block A (Plots 1 to 8) which would be located at the rear of No's 344 to 364 Clarendon Street and would provide 8 x 2 bedroom properties whilst Block B (Plots 9 to 16) would make provision for 8 x 3 bedroom properties.

Due to existing levels properties would step down from a west to east direction. Properties would be constructed from bricks with tile roofs with proposed grey brick front entrances to each property with trespas cladding on the properties which are sited on the corners of each block (Plots 1, 8, 9 and 16). All properties would have the opportunity to have landscaping both along the site frontage and within the rear garden areas. Each property would have one car parking space provided within the rear garden / yard area, accessed off Back Leach Street.

Due to the nature of the development, there would be opportunities for new tree planting in the rear gardens of the new properties and also in the side gardens of Plots 1, 8 and 9.

Site Characteristics

The application site is formed by two distinct rectangular pieces of land. 'Block A' as described by the applicant lies at the rear of No's 344 to 364 Bridgeman Street whilst 'Block B' lies to the rear of 334 to 340 Bridgeman Street.

The area is characterised by relatively high density development with traditional terraced properties to the North (No's 1 to 71 Leach Street) with modern terraced properties to the south off Bridgeman Street and Gregson Field to the West. The former Clarendon Street School, now demolished, occupied the site to the north east of the application site with a small playground also located adjacent to the application site to the south east. A car

sales building and plot is located to the South East of the application site.

The site gradually slopes from the western end of the site (Abbott Street) to the east (Faulkner Street). The application site has 50 trees located across the two portions of the site with lime, cherry, sorbus and aspen trees. The trees located on the application site are complemented by semi mature trees which are located within the rear curtilages of properties on Bridgeman Street and also trees located within a small area of play space/public open space which is located at the junction of Bridgeman Street with Worsley Street.

Policy

National Planning Policy Framework

Core Strategy - Strategic Objective 6 - Prosperous Bolton, Strategic Objective 9 - Safe Bolton, Strategic Objective 11 - Cleaner and Greener Bolton, Strategic Objective 12 - Biodiversity, Strategic Objective 14/15 - Strong and Confident Bolton.

P5 Accessibility, S1 Safe, CG1 Cleaner and Greener, CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses, SC1 Housing and RA1 Inner Bolton.

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * principle of residential development
- * impact on the character and appearance of the area/loss of open space
- * impact on the living conditions of existing/future residents;
- * impact on highway safety;
- * impact on trees;
- * impact on drainage/land stability; and
- * impact on sustainability;
- * impact on ecology.

Principle of Residential Development

Guidance contained within the National Planning Policy Framework seeks to encourage new well designed residential development to meet housing requirements. Councils should aim:

'...to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities...'

In addition, Local Planning Authorities should set targets for the provision of affordable housing. Furthermore, Core Strategy Strategic Objectives 14, 15 and 16 and policy SC1 seek to provide housing which meets the needs of everybody and the growth in the number of households. Core Strategy policy SC1 seeks to ensure a total of 694 dwellings are completed per annum in the Borough with a concentration of new build on previously developed sites (80%). Up to 20% of new build is to be provided on Greenfield land as part of the Transforming Estates programme. Core Strategy policy RA1.5 also makes an allowance for the development of a limited number of greenfield sites in existing housing areas.

The site is unallocated within the current Core Strategy Draft Allocations Plan which is at an advanced stage. The application site forms part of informal open space provision within the area and as such needs to be considered under Core Strategy Policy CG1.4. The policy allows for some development on informal green spaces in the urban area, provided that it allows for the improvement of remaining green spaces and helps to meet strategic objectives for housing.

Whilst it is appreciated that the site has obvious value to local residents in the area, the proposal needs to be assessed in the context of Policy CG1.4. The site would provide much needed affordable housing and would be developed for the end user - Great Places (Housing Association) who members will know are a provider of affordable homes. The applicant has liaised with colleagues in Greenspace Management who have suggested improvements to a senior play area located within Heywood Park.

The principle of this improvement is considered appropriate to ensure that the proposal would comply with Core Strategy CG1.4.

The principle of residential development on this site is considered to comply with both national and local planning policy.

Impact on the Character and Appearance of the Area/Loss of Open Space

Guidance contained within NPPF and Core Strategy policies CG3 and RA1 seek to ensure that new development proposals are compatible with the surrounding area in terms of scale, massing, grain, form, architecture, landscape treatment.

It is noted that the proposal would result in the loss of a relatively large number of trees (50) and the loss of two rectangular pieces of informal open space. There will be some loss of visual amenity to existing residents who overlook the site and those who use it for exercise, dog walking and other activities.

The proposal has been designed in such a way as to replicate the existing urban grain, street pattern, scale (two storey) and architecture (simply designed front and rear elevations with dual pitched roofs). The applicant has sought to soften the development both at the rear and front of the new properties and at the sides of Plots 1 and 9 which will assist in softening the development to residents overlooking the site. The softening of the development by landscaping will also complement the existing landscaping which forms an integral part of the properties fronting onto Bridgeman Street. These properties have a number of semi mature trees located in their rear gardens/parking areas.

The redevelopment of the site provides a less dense solution than the surrounding terraced properties which enables greater provision for off road parking and amenity space at the front and rear of the properties. The proposal is therefore not considered to

be an over-development of the site.

It is considered that the proposal would complement the existing character of the area and raise the standards for new residential accommodation in the area and is thus considered to comply with Core Strategy policies CG3 and RA1.

Impact on the Living Conditions of Existing/Future Residents

Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Planning Control Policy Note No. 2 provides guidance for conventional housing layouts where houses face each other to provide for 21 metres between principal room elevations overlook each other. Where principal/main room elevations overlook at blank gable this distance can be reduced to 13.5 metres.

Properties on Leach Street to the north of the site are characterised by two storey dwellings with a number of single storey rear extensions. These extensions have no windows in their rear elevations. The main body of these properties have a bathroom window and bedroom windows sited in the rear elevations.

The interface distances achieved between the rear elevations of the new properties and the rear elevations of properties on Leach Street varies from between 19 metres (Plot 1 to No. 67 Leach Street) and 23 metres (Plot 16 to No. 3 Leach Street). There is a modest shortfall of interface distances on a select number of plots.

The interface distances achieved between the proposed new dwellings and properties on Bridgeman Street would all comply with the Council's interface standards with a minimum of 21 metres being achieved. This is apart from the relationship between proposed plot 10/11 and No. 334 Bridgeman Street. No. 334 Bridgeman Street faces to the east and west i.e. not over the proposed development site. Plot's 10 and 11 would have main windows which would overlook this gable elevation at a distance of 12 metres away. This is below the interface distance of 13.5 metres. However, as the shortfall would affect potential new residents, they would when occupying the property, have a full appreciation of the proximity of nearby dwellings. On balance therefore, it is considered that this shortfall is acceptable.

Whilst a limited number of interface distances are sub standard, it is necessary to assess the proposal in the light of the overall character of the area. The character in this part of Great Lever is one of dense residential development with interface distances well below the guidelines as set out in PCPN No. 2. For example, the distance between the existing front elevations of properties on Leach Street is just over 10 metres and the distance between rear elevations of Lumsden Street and Leach Street is 18 metres.

In the context of the wider area, it is considered that the proposed development is in character with the local pattern of development whilst actually achieving enhanced interface standards than are the norm on surrounding streets. It is considered that the properties are far enough away from existing dwellings not to result in undue loss of light to the properties surrounding the site, or to impact unduly on residential amenity or privacy.

Given the above information, the proposal is considered to be acceptable in policy terms.

Impact on Highway Safety

Core Strategy policies P5 and S1 and the maximum car parking standards provided in

Appendix 3 of the Core Strategy seek to provide adequate off road car parking and to promote road safety in the design of new development. Each new property would have the ability to park one car off road.

Direct access to the car parking areas would be off Back Leach Street. Whilst the Council's Highways Engineers have no objections to the proposal they state that the properties are 2 and 3 bedroom, the Council's maximum standards recommend the provision of 2 car parking spaces. The Council's Highways Engineers also comment that as the proposal is for social housing located in a sustainable location then the maximum car parking levels could be reduced.

The Council's Highways Engineers have confirmed there is no requirement for any off site highway improvements.

It is considered that the car parking standards are maximum and should be assessed in the light of the development type and the location of the proposal. The site is well related in terms of close proximity to the Derby Street/St Helens Road local centre and to major public transport corridors which allow access to Bolton Town Centre providing a wide range of further access, employment and leisure opportunities. In addition, the proposal is for social housing where generally there is an expectation that car ownership levels will be low.

For the above reasons it is therefore considered that the proposal complies with policy.

Impact on Trees

Core Strategy policy CG1 seeks to safeguard and enhance biodiversity by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development. The site contains 50 trees in total which have been assessed by the applicant. Whilst the level of tree cover over the application site is relatively dense, the applicant considers that due to the dense planting this is detrimental to the quality of individual trees.

Whilst the above may be the case it is noted that the trees in themselves do have amenity value when viewed from adjoining houses and the adjoining streets. Whilst it is unfortunate that trees are to be felled it is considered that their loss can, in part, be mitigated by the provision of replacement tree planting in the rear gardens and at the ends of the site. This would be conditioned upon approval of the proposal.

By the very nature of the development, if approved, the re-planting of new trees on the site would not itself provide the same amount of coverage on the site as a whole but, in time, would provide an opportunity to mature adding amenity value to site and the surrounding area. The proposal complies with policy.

Impact on Drainage/Land Stability

Core Strategy policy CG4 seeks to ensure that development proposals do not cause detrimental impacts upon water, ground/air quality. In addition, where proposals may be affected by contamination or ground instability appropriate surveys should be provided.

Subject to the usual planning condition relating to the provision of a remediation strategy and subsequent validation upon completion of the development it is considered that the

development could be safely developed from a construction and end user perspective.

The proposal would comply with policy.

Impact on Sustainability

Core Strategy policy CG2 seeks to ensure that new residential development proposals of 5 dwellings or more are Code for Sustainable Homes Level 3 compliant, provide low carbon energy sources to reduce Carbon Dioxide emissions by 10% from regulated and unregulated energy use and to ensure surface water run-off from the site should be no worse than the original conditions.

The applicant has confirmed that the proposal would comply with Code Level 3 and energy consumption would be reduced. The proposal would also have to ensure that surface water run-off would not exceed the existing conditions. The requirements of Core Strategy policy CG2 would be conditional upon any approval to ensure the proposal complies with policy.

Impact on Ecology

Core Strategy policy CG1.2 seeks to safeguard / enhance urban biodiversity.

The applicant has provided an Ecological Assessment of the site which states that it is of low ecological value. The applicant has recommended a number of mitigation measures to biodiversity is enhanced as a result of the development including the provision of bat / bird boxes within the development and no site clearance in between the months of March to August inclusive.

The Council's Wildlife Liaison Officer has agreed with the proposed measures. It is intended that these measures are conditional upon any approval.

The proposal would comply with policy CG1.2.

Conclusion

The application relates to a greenfield site located in a highly accessible and sustainable location. The proposal would be for the provision of affordable housing with modest, well designed properties with sufficient off road car parking. Whilst the proposal would result in the loss of an area of informal open space and trees, the proposal would assist in meeting the Council's Strategic objectives for housing and would involve improvements to play provision within Heywood Park. Furthermore an integral part of the scheme would be to provide some replacement tree planting within the scheme to soften the overall development and provide a high quality living environment.

For certain plots, the interface would be below those guidelines set out in PCPN 2. However, the whole development would be in excess of those in adjoining streets. It is considered that the proposal would respect the overall character of the area and is sufficiently offset from existing residential properties so as not to result in any harm being caused to existing/future residents living conditions.

It is considered that the proposal complies with policy and is recommended for approval.

Representation and Consultation Annex

Representations

Letters:- 6 objection letters and 1 comment letter have been received.

The objection letters raise the following issues:

- Rights to light/block light into existing residential properties;
- Result in overshadowing;
- No control over who occupies the proposed new dwellings - a requirement for 'socially responsible neighbours' (***a management issues rather than a material planning consideration***);
- Limited open space in the area - locally valued;
- Site is used for 'safe' play for children free from traffic;
- Privacy/safety - people will be able to view into their back windows;
- General reduced quality of life as a result of the development;
- Road is too busy with traffic and on street car parking;
- Question the adequacy of parking and turning;
- Existing trees on site will be lost;
- No requirement for further housing given the quantity of housing which is vacant;
- Smells.

The one comment letter received raises the following issues:

- the site should be used for a children's play area rather than for development.

Petitions:- one petition with 40 no. total signatures from residents on Gregson Field and Bridgeman Street raising the following issues:

- There is a need to respect local wishes - i.e. if they don't want the development to occur it should not be approved;
- Loss of green space and trees;
- The site is well used by local children who once the site is developed will have nowhere to play;
- The focus should be on filling empty properties rather than building new ones on green space;
- Loss of quality of life for existing residents if the development is constructed.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees: the Council's Highways Engineers, Trees and Woodland Officers, Pollution Control officers, Greenspace Management, Strategic Development Unit, Economic Strategy, Design for Security (Greater Manchester Police).

Planning History

A planning application was submitted in 2003 (Ref:65821/03) for the erection of a private day nursery. The application was subsequently withdrawn in November 2003.

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

Recommended Conditions and/or Reasons

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

Reason

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

2. No development shall be commenced until full details of the type and colour of facing materials to be used for the external walls and roof(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development safeguards the character and visual appearance of the locality.

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

Reason

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

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

Reason

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

5. **Phase II Report**
Should the approved Phase I Report recommend that a Phase II Report is required, then prior to commencement of any site investigation works, design of the Phase II site investigation shall be submitted to, and approved in writing by, the Local Planning Authority. Site investigations shall be carried out in accordance with the approved design and a Phase II Report shall then be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The Phase II Report shall include the site investigation data, generic quantitative risk assessment, detailed quantitative risk assessment (if required) and recommendations regarding the need or otherwise for remediation.

Should the Phase I Report recommend that a Phase II Report is not required, but during construction and prior to completion of the development hereby approved, contamination or gas migration is found or suspected, the developer shall contact the Local Planning Authority immediately and submit proposals for investigation and remediation of the contamination or gas migration within seven days from the date that it is found or suspected to the Local Planning Authority for approval in writing.

Options Appraisal

Should the Phase II Report recommend that remediation of the site is required then unless otherwise agreed in writing with the Local Planning Authority, no development shall commence unless or until an Options Appraisal has been submitted to, and approved in writing by, the Local Planning Authority. The Options Appraisal shall include identification of feasible remediation options, evaluation of options and identification of an appropriate Remediation Strategy.

Implementation of Remediation Strategy

No development shall commence, unless otherwise agreed in writing with the Local Planning Authority, until the following information relating to the approved Remediation Strategy has been submitted and approved by the Local Planning Authority:

- i) Detailed remediation design, drawings and specification;
- ii) Phasing and timescales of remediation;
- iii) Verification Plan which should include sampling and testing criteria, and other records to be retained that will demonstrate that remediation objectives will be met; and
- iv) Monitoring and Maintenance Plan (if appropriate). This should include a protocol for long term monitoring, and response mechanisms in the event of non compliant monitoring results.

The approved Remediation Strategy shall be fully implemented in accordance with the approved phasing and timescales and the following reports shall then be submitted to the Local Planning Authority for approval in writing:

- v) A Verification Report which should include a record of all remediation activities, and data collected to demonstrate that the remediation objectives have been met; and
- vi) A Monitoring and Maintenance Report (if appropriate). This should include monitoring data and reports, and maintenance records and reports to demonstrate that long term monitoring and maintenance objectives have been met.

Reason

To ensure that the development is safe for use.

- 6. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to and approved by the Local Planning Authority within 3 months of the commencement of development. Such a scheme shall be carried out within 6 months of the occupation of any of the buildings or the completion of the new development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority; any trees and shrubs that die or are removed within five years of planting shall be replaced in the next planting season with others of similar size and species.

Reason

To soften the development proposed and to enhance and improve the setting of the development within the landscape of the surrounding locality.

- 6. Within 3 months of the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority which assesses the requirements for Traffic Regulation Orders on the roads adjacent to the site. The approved Traffic Regulation Order scheme shall be implemented in full within 6 months of the completion of the development hereby approved. Such works to be retained thereafter.

Reason

In the interests of highway safety.

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

Reason

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

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

Reason

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

10. No building hereby permitted shall be occupied until surface water drainage works have been implemented on site which maintains the existing surface water run off from the site under greenfield conditions in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
1. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 2. include a timetable for its implementation; and
 3. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall be implemented in full prior to full occupation of the development hereby permitted and retained thereafter.

Reason:

To reduce the risk of contaminating surface water run off and reduce the risk of localised flooding and down stream flooding by ensuring the provision of a satisfactory means of surface water dispersion

11. Prior to the occupation of the dwelling house(s) hereby permitted provision shall be made for the parking a motor vehicle in the area identified for that purpose on the approved plan. These areas shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or replacing that Order) other than car parking, no extensions, porches, outbuildings, sheds, greenhouses, oil tanks or satellite antennae shall be erected within that area.

Reason

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

12. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 2008 (or any Order amending or replacing that Order) no dormers shall be constructed or other alterations to the roof carried out on the approved dwelling(s) other than those expressly authorised by this permission.

Reason

To safeguard the architectural character and appearance of the dwelling.

13. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 2008 (or any order amending or replacing that order) no extensions, porches, garages, outbuildings, sheds, greenhouses, oil tanks, or hardstandings shall be erected within the curtilage of (any of) the approved dwellinghouse(s), other than those expressly authorised by this permission.

Reason

The private garden space of the dwellings is limited and any extension would result in an unsatisfactory scheme in terms of open space and privacy requirements.

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

Drawing No. 13082-104 - B - 2B4P Unit_Wide Frontage - Ground/First Floor Plans, received 15/08/14;

Drawing No. 13082-105 - B - 3B5P Unit_Wide Frontage - Ground Floor Plan, received 15/08/14;

Drawing No. 13082-106 - A - 3B5P Unit_Wide Frontage - First Floor Plan, received 15/08/14

Drawing No. 13082-108-A 0 Block A - Proposed Elevations received 26/09/14;

Drawing No. 13082-109-A 0 Block A - Proposed Elevations received 26/09/14;

Drawing No. 13082-111 - Typical Site Section, received 15/08/14; and

Drawing No. 101056/001 Topographical Survey received 15/08/14.

Reason

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



notes:

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NOTE : FOR DETAILS OF LANDSCAPING PLEASE SEE LANDSCAPING PROPOSALS BY TEP

BLOCK PLAN SCALE 1:250

BLOCK 'A'

BLOCK 'B'



CLARENDON ROAD STREETSCENE SCALE 1:200



3D VIEW [1]
looking past plot 9 towards block 'A'



3D VIEW [2]
looking past plot 8 towards block 'B'



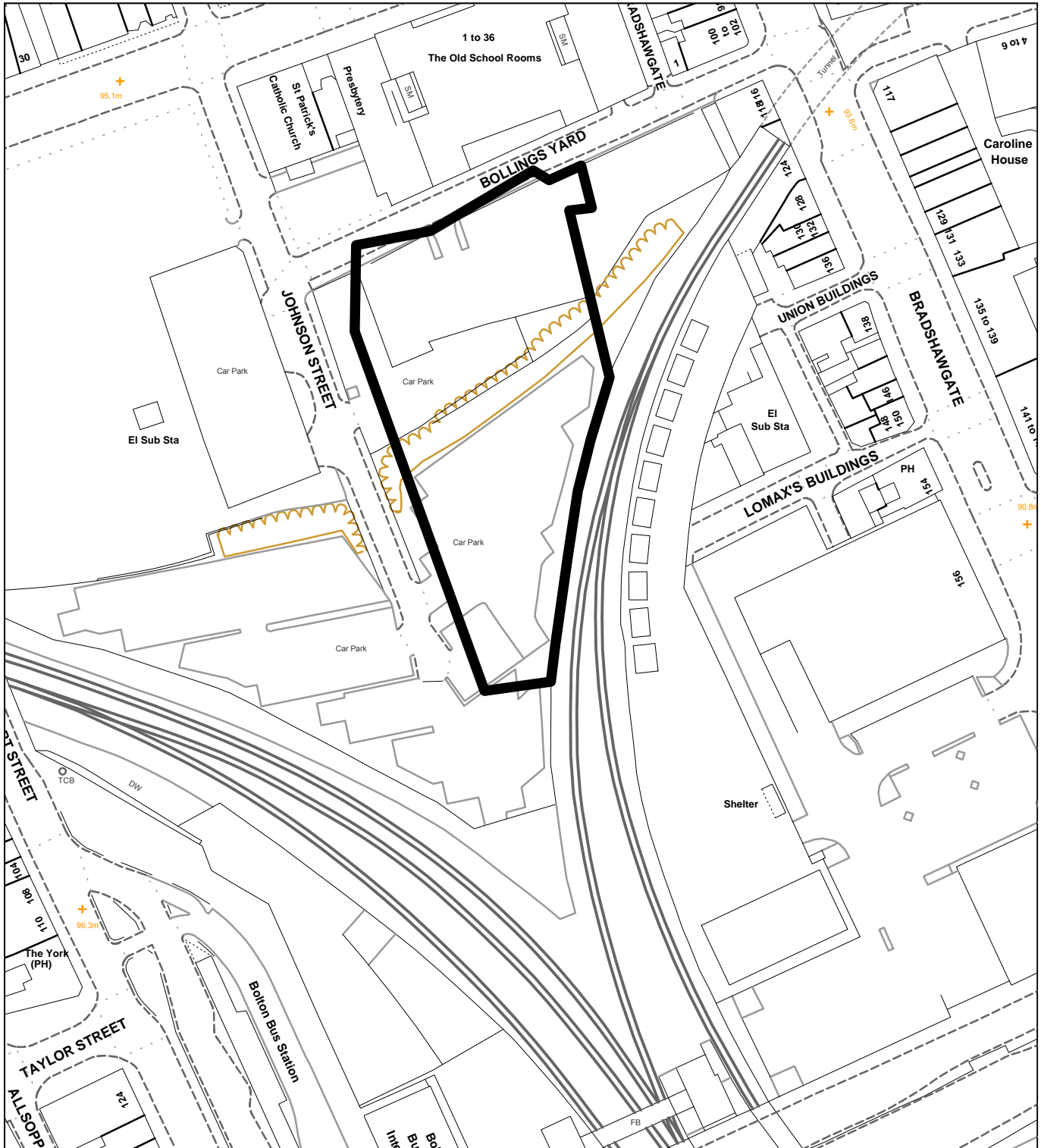
3D VIEW [3]
material identification detail

- CONCRETE INTERLOCKING TILES (DARK GREY)
- DARK GREY RAINWATER GOODS AND SOFFIT/FASCIA
- TRESPA (or equal approved) CLADDING - COLOUR/TEXTURE TBA
- GRP CANOPY
- CONTRASTING BRICKWORK IN ENTRANCE REVEAL
- UPVC WINDOWS FINISHED IN RAL 7016 (ANTHRACITE GREY)
- LOW LEVEL PLANTING (SEE TEP DRAWINGS FOR DETAILS)
- CONTRASTING BRICKWORK TO SEAT FEATURE - WETCAST/ARTSTONE TOP
- SMOOTH RED BRICK TO COMPLIMENT EXISTING TERRACED BRICKWORK
- REGULAR SETTS TO BACK OF PAVEMENT
- EXISTING PAVEMENT

rev	date	description	by
status:			
client:			
project:			
drawing title:			
drawing no:			
scale:			
date:			
checked:			

Application No.

92585/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
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**Bolton
Council**

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11

Date of Meeting: 23/10/2014

Application Reference: 92585/14

Type of Application: Full Planning Application
Registration Date: 11/09/2014
Decision Due By: 10/12/2014
Responsible Officer: Martin Mansell

Location: LAND BOUNDED BY BOLLINGS YARD/JOHNSON STREET/NEWPORT STREET/GREAT MOOR STREET (INCLUDING THE RAILWAY TRIANGLE), BOLTON.

Proposal: AMENDMENTS TO APPLICATION 87438/14 OPERATOR AND CREW ACCOMMODATION INCLUDING ASSOCIATED CHANGES TO BUS LAYOVER AREA AND PODIUM STRUCTURE

Ward: Great Lever

Applicant: Transport for Greater Manchester
Agent : AHR

Officers Report

Recommendation: Approve subject to conditions

Proposal

Consent is sought for amendments to the approved development forming Bolton's new bus interchange. The amendments are limited to an ancillary building at the north east corner of the site.

As approved, the scheme showed operator and crew facilities in an L-shaped building in the north eastern corner of the site together with additional accommodation located at the "island" used as bus layover areas. The new proposal shows no facilities within the island; instead, this accommodation would be located on top of the L-shaped building - essentially, part of the approved single storey L-shaped building would become two storeys in height. The increase in height is from 5.4 metres to 9 metres, an increase of 3.6 metres. The area of green roof has been reduced to accommodate roof top plant to the two-storey element.

It is understood that the proposal results from a value-engineering exercise carried out by the Applicant in order to ensure that the proposal remains financially viable - it is more practical for the two ancillary structures to be provided in the one building.

Site Characteristics

The site forms part of the "railway triangle", an area of land formed where the railway splits to head north to Blackburn and west to Wigan. The majority of land has been used for surface car parking for many years and is now the approved site of the new bus interchange.

To the north lie the Listed Buildings of St Patrick's Church and the Old School Rooms - this building was converted to residential use approximately 8 years ago. Principal windows in the southern elevation of the Old School Rooms overlook the application site.

Policy

National Planning Policy Framework - Building a strong and competitive economy, ensuring the vitality of town centres, supporting a prosperous rural economy, promoting sustainable transport, supporting high quality communications infrastructure, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, protecting green belt land, meeting the challenge of climate change, flood and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment, facilitating the use of minerals

Core Strategy Objectives

SO3 Economic Opportunities of Bolton Town Centre, SO4 Transforming Bolton Town Centre, SO5 Bolton's Economy, SO6 Accessibility and Infrastructure

Core Strategy Policies

P5 Transport

S1 Crime and Road Safety

CG3 Design and the Built Environment, CG4 Compatible Uses

TC4 Trinity Gateway, TC11 Design in Bolton Town Centre

Supplementary Planning Documents

Building Bolton, Sustainable Design and Construction, Trinity Gateway

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on living conditions

Impact on the Character and Appearance of the Area

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

The National Planning Policy Framework recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. Pursuing sustainable

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

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

This is a functional building and its appearance reflects this. That said, this is not a prominent part of the site and interest has been provided via a mix of materials - brick at ground floor level and render above. A parapet roof will provide screening to the rooftop plant when viewed from street level. The footprint of the building remains generally as approved and a two-storey building, located at the back of the pavement, is entirely typical of a town centre context.

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

Impact on Living Conditions

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

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

The use is considered appropriate in principle as already approved.

The height of the buildings at Bollings Yard would increase from 5.4 metres to 9 metres. Whilst there are a number of residential properties at the Old School Rooms, the impact is considered to be acceptable. Apartments with principal windows in the western elevation of the building will only have oblique views of the new building and therefore their outlook will be little changed. A basement apartment has no principal windows facing the site, and whilst it does have a skylight in the middle of the flat roof, it is difficult to see how a two storey building would have a significant impact on living conditions enjoyed at this property. Other flats with windows in the southern elevation are located 14.8 metres away, comfortably within the 13.5 metres recommended interface. Windows in the elevation facing the flats have been designed with high level windows, preventing any impact on privacy and allowing interfaces to be reduced. Again, it must be pointed out that a two storey, back of pavement building at 9 metres in height is not at all unusual - the interface is in fact typical of many of Bolton terraced residential streets.

Air conditioning units are proposed for the roof, but again this is entirely typical of many town centre properties. Modern AC units are not noisy and it is difficult to envisage any additional impact on living conditions against the background noise levels of a town centre context. Whilst the area of green roof has been reduced, this was primarily an ecological feature rather than one of outlook - the content of views is not a town planning consideration.

The increased height of the building will serve as additional visual and acoustic screening to the approved interchange. The proposal is considered to comply with Policy CG4 of Bolton's Core Strategy

Conclusion

The proposed change is considered to be modest in scale and its impacts are therefore similarly modest. The increase in height of 3.6 metres brings the building up to the height of a typical two storey building and is considered to be entirely appropriate in a dense town centre context. The majority of flats in Old School Rooms will not be affected to any degree and where flats are affected the interface remains within the recommended interface.

The proposed changes are a practical solution that will allow the development to proceed as intended - delivering significant town centre benefits in terms of transport accessibility and other issues, without harming other planning considerations.

Representation and Consultation Annex

Representations

Letters:- a total of 22 objections have been received from some of the flats located within the Old School Rooms. The grounds of objection are:-

- the increase in height will block light from several of the apartments;
- the basement flat is much closer to the proposed development (officers note: interfaces are measures from principal windows, not from boundary walls);
- the grass roof will be replaced with noisy air-conditioning units;
- the building is poorly designed and the roof top plant will be unsightly; and
- office windows will overlook residential properties and will cause light pollution.

Consultations

Advice was sought from the following consultees: Network Rail

Planning History

Reserved matters approval was granted in March 2012 for the erection of the bus interchange and related works (87438/12) and outline consent was granted in June 2010 for the erection of the bus interchange and related works (83971/10).

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. All fixed plant and equipment requires to be designed to prevent noise disturbance to local residential property and should be designed to give a rating level, as defined in BS4142:1997, 5dB below the night time LAF90(5 min) or the daytime LAF90(1 hour) which ever is the most appropriate, as measured 4 metres from the nearest residential properties. The monitoring information and the acoustic calculations together with the proposed specifications of the fixed plant and equipment and any sound attenuation proposed should be submitted to the Local Planning Authority for approval prior to the commencement of installation.

Reason

To minimise the impact of noise on the general and residential amenity from the introduction of the development hereby approved.

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

Reason

To ensure the development reflects local distinctiveness.

4. The development hereby permitted shall not be commenced until such time as a scheme to regulate surface water run-off (to include details of the existing and proposed surface water run-off rates for the site which are to be reduced by 50%) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show compliance with the Council's Level 1 update and town centre Level 2 SFRA. It shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason

To ensure a satisfactory method of surface water disposal and reduce the increased risk of flooding elsewhere.

5. This site shall be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water shall discharge to the 525mm sewer downstream of manhole SD71088809 at a rate not exceeding 75l/s. No surface water from this development shall be discharged to the combined sewer. Such a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and this shall be implemented in full before operations are first brought into use.

Reason

To ensure the satisfactory drainage of the site.

6. No development shall be commenced unless and until the arrangements for construction traffic to access and egress the site via Central Bolton have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety.

7. No works shall be commenced to the new curtilage of St Patrick's Church until approval of the change to the current use of the existing highway has been secured from the Local Highway Authority.

Reason

To meet highway regulations.

8. No development shall be commenced unless and until full details of the highway works at the Newport Street/Trinity Street junction; the Johnson Street/Great Moor Street junction and the Newport Street/Great Moor Street junction have been submitted to and approved by the Local Planning Authority, and none of the development shall be brought into use until such details as approved are implemented in full. Such works to be retained thereafter.

Reason

In the interests of highway safety.

9. No development shall be commenced unless and until an options appraisal report into the potential alternatives of providing the acoustic barrier at the boundary with St Patrick's Church or designing and installing/fixing internal acoustic screens/secondary glazing to the windows has been submitted to and approved in writing by the Local Planning Authority. This report shall include an assessment of the financial viability, together with a cost versus benefit analysis, of each potential solution to ensure that approval is not unreasonably withheld. The scheme shall then be implemented entirely in accordance with the approved details before the development is first brought into use.

Reason

In the interests of the amenity of the occupiers of the church.

10. Before development commences details of all external lighting equipment shall be submitted to and approved by the Local Planning Authority. The lighting in the scheme should be erected and directed so as to avoid nuisance to residential accommodation in close proximity. The lighting should be designed to provide a standard maintained illumination of no more than 25 LUX at the facades of the nearest residential properties. No other lighting equipment may then be used within the development other than as approved by the Local Planning Authority.

Reason

To minimise light intrusion to the residential amenity of the area from the increase and alteration of commercial, industrial and recreational uses in the area.

11. Access shall be provided via the undercroft for local authority vehicles involved in the inspection of bridges within Central Bolton in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. The approved access arrangements shall be made available prior to the bus station first becoming operational and be so retained thereafter.

Reason

To facilitate the maintenance and management of the affected railway bridges.

12. The development hereby permitted shall not be brought into use unless and until details of the operators of the services at the existing bus station adjacent to Bolton Railway Station have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be used broadly in accordance with the approved details, otherwise a substantial change in the nature of this element of the operation would need to be agreed in writing with the LPA.

Reason

To ensure the safe and efficient use of the development.

13. The development shall not be brought into use unless and until details of a second set of gates to provide access to the rear of St Patrick's Church and the parishioner WC facilities have been submitted to and approved in writing by the Local Planning Authority. This element of the scheme shall be implemented entirely in accordance with the approval prior to the bus station becoming operational and be so retained thereafter.

Reason

To ensure satisfactory access to the church.

14. The operational site managers shall exercise best endeavours to emphasise the maximum use, where reasonably practical, of the drive through stands and the southernmost Drive In Reverse Out stands for evening services and the most frequent Sunday services (so the activation of reversing alarms is minimised).

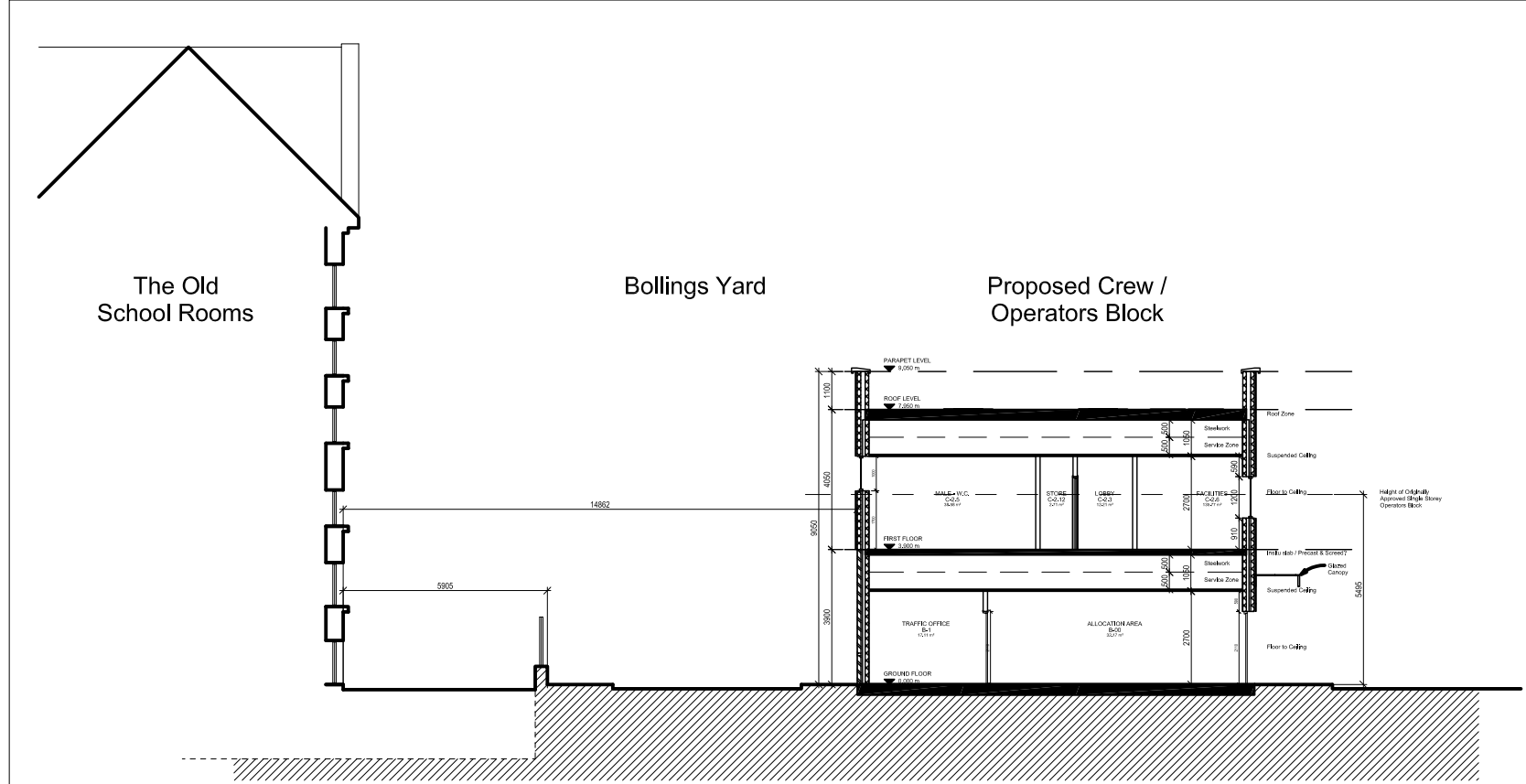
Reason

In order to protect amenity for neighbouring residents.

15. Should the proposed acoustic barrier be provided, all sides, including that facing St Patrick's Church, shall be maintained in a clean condition at all times in accordance with the assurances given by the Applicant.

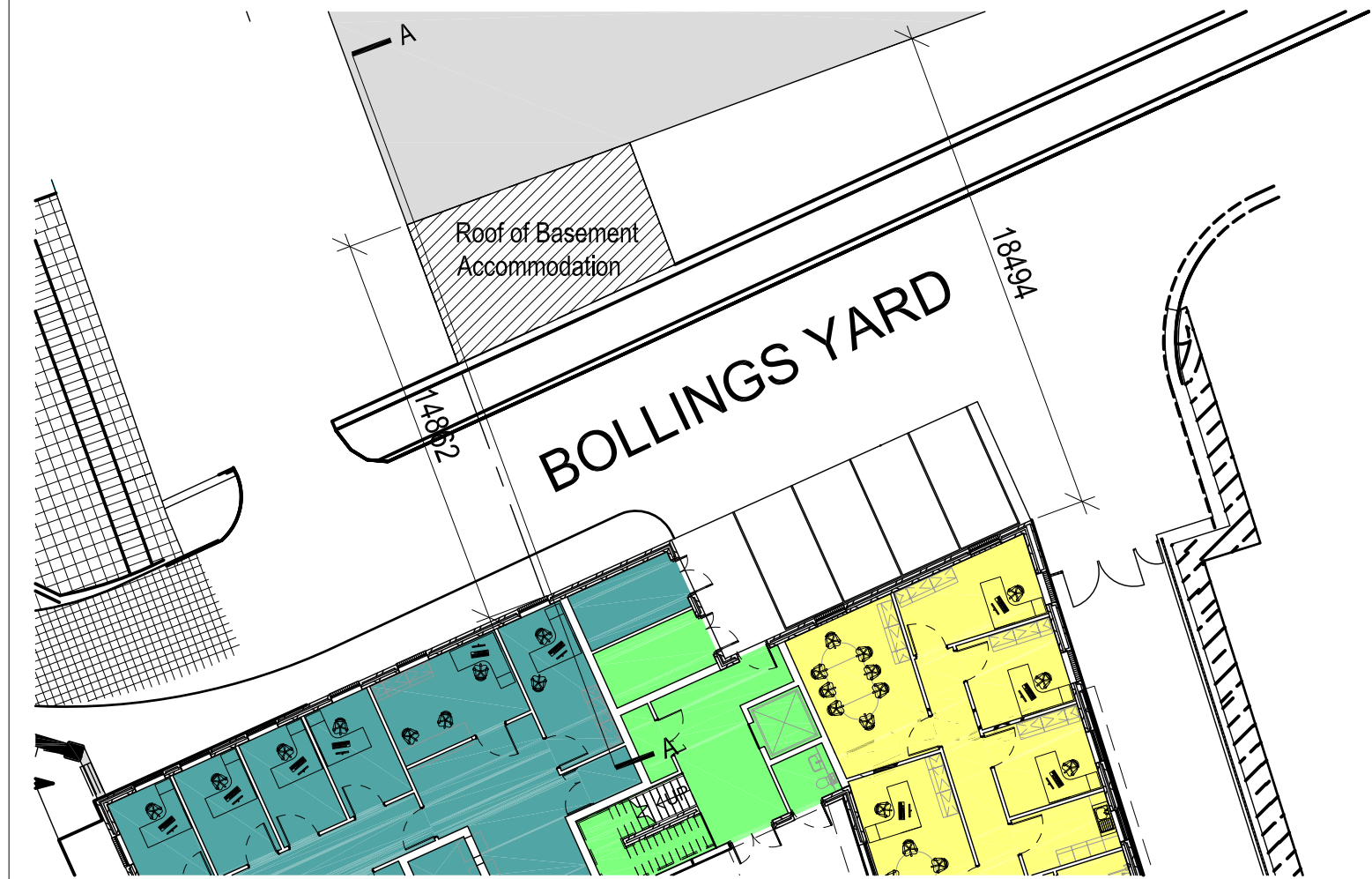
Reason

In the interests of visual amenity.



Section A-A

Scale 1:200 @ A3



Distance of Old School Rooms from Crew / Operator Block

Scale 1:250 @ A3

Notes

THIS DRAWING READ IN CONJUNCTION WITH :

Rev	Description	Date	Dr by	App by
original by		date created		approved by
A.Branch		12.09.2014		AB



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client
Kier construction

project
**Bolton Interchange
For Transport for Greater Manchester**

drawing
**Distances to Adjacent Properties
& Section**

project number	scale	
2014.00545.000	1:200	@A3
drawing number	rev	issue status
SK140912-01	-	Information

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1 3D-PER-1



3 3D-PER-3



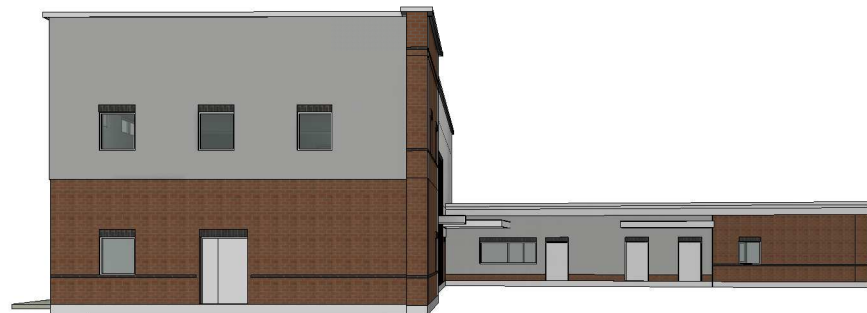
2 3D-PER-2



6 3D-PER-6



5 3D-PER-5



4 3D-PER-4

B	Updated from latest coordination meeting - Trespa replaced by Render.	28.07.14	DJC	AB
A	Updated from latest coordination meeting.	24.07.14	jszn	AB
Rev	Description	Date	Dr by	App by
original by		date created		approved by
D.J.C.		06/23/14		Approver

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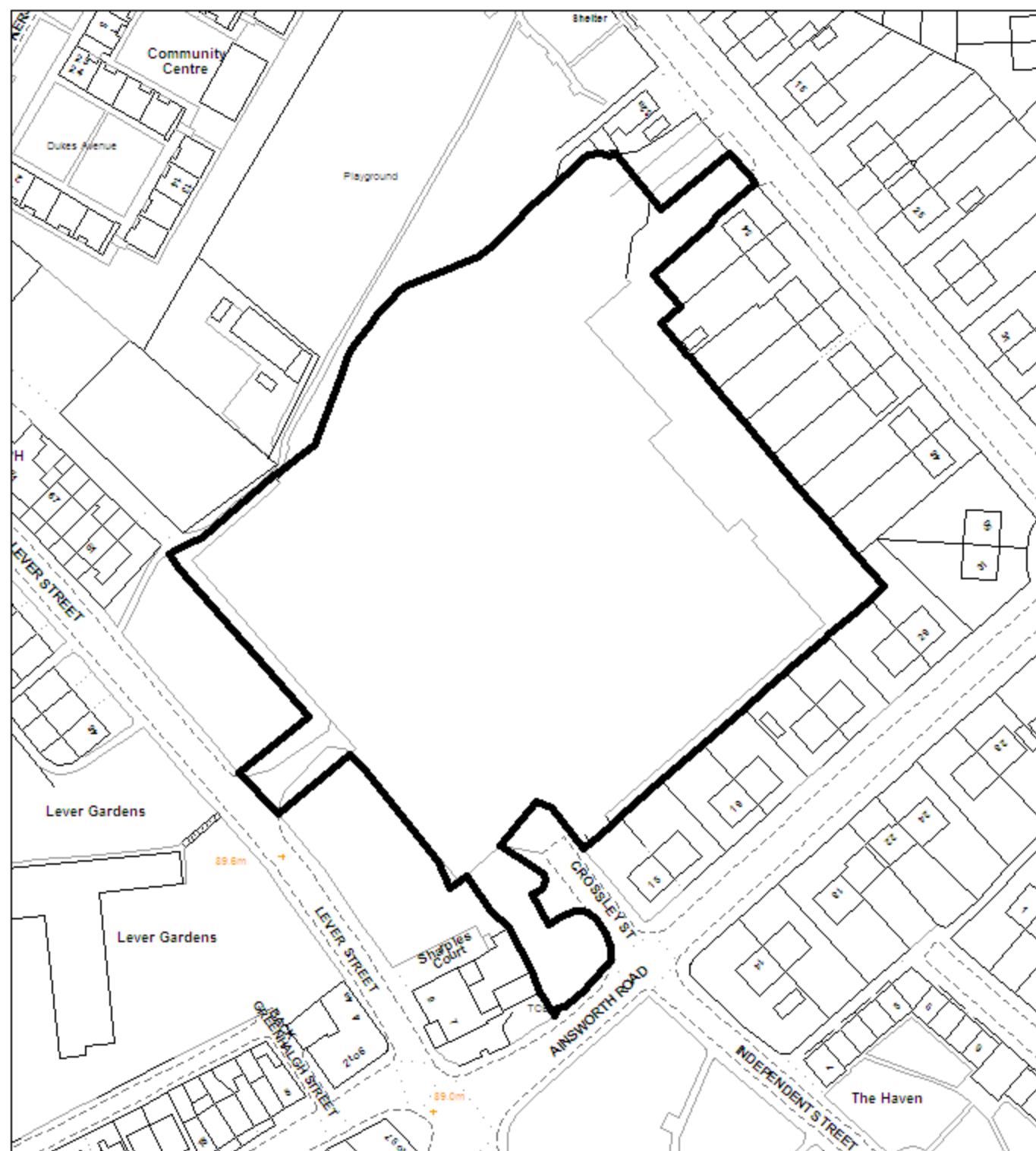
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KIER CONSTRUCTION	
project	
BOLTON INTERCHANGE FOR TRANSPORT FOR GREATER MANCHESTER	
drawing	
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Application No.

92603/14



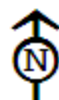
Development and Regeneration Department
Planning Control Section

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

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Date of Meeting: 23/10/2014

Application Reference: 92603/14

Type of Application: Full Planning Application
Registration Date: 09/09/2014
Decision Due By: 03/11/2014
Responsible Officer: Chris Hobson

Location: TESCO STORE, CROSSLEY STREET, LITTLE LEVER, BOLTON, BL3 1AA

Proposal: CHANGE OF USE FROM CARPARK TO HAND CAR WASH FACILITY

Ward: Little Lever and Darcy Lever

Applicant: Tesco Stores Ltd
Agent : Saunders Partnership

Officers Report

Recommendation: Approve subject to conditions

Proposal

Planning permission is sought for the change of use of 19 car parking spaces to a hand car wash and valeting operation including the erection of a canopy and the installation of a single storey office building, one freestanding screen and associated concrete standing.

No hours of operation or staffing numbers have been provided.

Site Characteristics

The application site comprises a Tesco Superstore car park located on Crossley Road, Little Lever. The store is currently under construction.

Two storey semi-detached residential properties and their rear gardens form the boundary of the site on Victory Road and Ainsworth Road. The application site is set back from the boundary with Lever Street. Directly to the north is an operational children's day nursery and to the north west is a vacant/derelict site which has an extant permission for a three storey block of apartments.

Facing the site to the west on the opposite side of Lever Street is a block of sheltered housing (Lever Gardens) together with terraced properties which back onto Back Lever Street North.

Policy

National Planning Policy Framework

Core Strategy policies:

CG3-The Built Environment; CG4-Compatible Uses; P2- Retail and Leisure; OA6-Little Lever and Kearsley

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on residential amenity
- * impact on the highway
- * impact on drainage

Impact on the character and appearance of the area

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

The facility would comprise an equipment cabin, washing area with optional screens to reduce spray and drying area with a canopy. The proposed car wash would be positioned close to the entrance of store and would be screened by a bank of trees. The proposed hand car wash would therefore not be highly visible when viewed from outside the car park.

Given its single storey nature, modest size and the context of the surrounding area, it is considered that the proposed development would not have a detrimental impact upon the character and appearance of the site or the surrounding area and would therefore be in accordance with policy CG3 of the Core Strategy.

Impact on residential amenity

Policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses.

The proposed car wash would be positioned close to the proposed entrance to the store and would therefore be located away from the site boundaries. Furthermore, there are clear separations distances from the nearest residential properties on Lever Street.

However, no information has been provided in relation to the potential for noise that may be generated as a result of the proposals. A condition has therefore been recommended to control noise emissions. A further condition has also been recommended to restrict the hours of operation for the proposed car wash to between 08.00am to 19.00pm Monday to

Saturday and 10.00am to 17.00pm Sunday's and Bank Holidays.

It is therefore considered that the proposal would not be detrimental to amenities of neighbouring residents in accordance with Policy CG4 of the Core Strategy.

Impact on the highway

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

It is considered that the proposal would not cause a significant increase in vehicular traffic to the site. It is anticipated that the majority of customers using the car wash facility would be those already visiting the superstore.

The car wash site would cover 19 of the existing car parking spaces. However, taking into account the overall level of parking provision on the site and in lieu of an objection from the Highway Engineer, is it not considered that the loss of the parking spaces would result in vehicular pressure being placed unduly on the public highway due to the loss of provision.

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

Impact on drainage

Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

Paragraph 103 of the NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.

In terms of drainage, full details of drainage have not been provided with the application. A condition has therefore been attached requiring the submission of a scheme for the disposal of foul and surface waters as this will ensure the scheme does not increase the risk of flooding in accordance with advice given in the NPPF.

Conclusion

The application proposes a facility that is typical of such sites, adding to the mix of services provided. The facility is accommodated within the site without causing unacceptable detriment to parking capacity, the efficiency of the car park or the highway. The proposed position would have no visual harm to surrounding residents. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- Two letters of objection have been raising the following:

- Already an existing car washing facility within this area and therefore another facility is not required (*Officer's comment-Whether the car wash is required in the area is not considered to be a planning matter in this instance*);
- Noise that car wash facilities generate (*Officer's comment-a facility such as this is typical of such sites. The proposed position of the car wash allows for adequate separation distances from the nearest dwellings. However, a condition has been recommended to control noise emissions and hours of operation*);
- Additional traffic (*Officer's comment- It is considered that the proposal would not cause a significant increase in vehicular traffic to the site. It is anticipated that the majority of customers using the car wash facility would be those already visiting the superstore*)

Petitions:-none received

Town Council:- no comments received

Elected Members:-no comments received

Consultations

Advice was sought from the following consultees:

Rambler's Association- no comment

Tree and Woodland Officer- no objection

Public Rights of Way Team - no comment

The Open Space Society- no comment

Greater Manchester Archaeological Advisory Service -no objection

Peak and Northern Footpath- no comment

United Utilities- no objection subject to the attachment of a condition to deal with foul water and a condition to deal with surface water

Planning History

86999/11-erection of supermarket together with car parking, access, landscaping and associated works. Approved May 2012

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

- . 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.

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

7127_PL403-Proposed Hand Car Wash

Reason

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

Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.

This development shall be completed maintained and managed in accordance with the approved details.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

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

Reason

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

Car washing/valeting facilities shall not be operated outside the following hours:

08.00 to 19.00 Monday to Saturday

10.00 to 17.00 Sundays and Bank Holidays

Reason

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

Prior to first use of the car wash facility hereby approved details of the equipment to be used within the development shall be submitted to and approved by the Local Planning Authority. If power washers are proposed to be used the details of the spray mitigation methods shall be

submitted to and approved by the Local Planning Authority. Such details as are approved shall be in place prior to first use of the development hereby approved and retained thereafter.

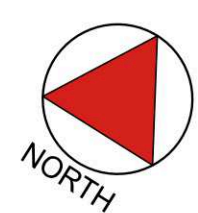
Reason

To safeguard the living conditions of nearby residents particularly with regard to spray and in the interests of highway safety.

Before the development hereby approved/permitted commences, a scheme shall be submitted to and approved by the Local Planning Authority which specifies the provision to be made for the control of noise emanating from the car wash site. The development shall be implemented in accordance with the approved details, which shall be operational prior to first use of the approved development and retained thereafter.

Reason

To safeguard the living conditions of nearby residents particularly with regard to the effects of noise.



NOTES

This drawing to be read in accordance with the specification/Bills of Materials and related drawings.

No Dimensions to be scaled from this drawing. All stated dimensions to be verified on site and the Architect notified of any discrepancies.

Scale for 100m at 1:1

LEGEND

--- SITE BOUNDARY

REV.	DATE	NOTE	IN
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Project
**PROPOSED TESCO STORE
LITTLE LEVER
BOLTON**

Title
PROPOSED SITE PLAN

Scale
1:200 @A0
Drawn
DB

Date
JULY 2014
Checked
SB

Drawing Number
7127_PL402

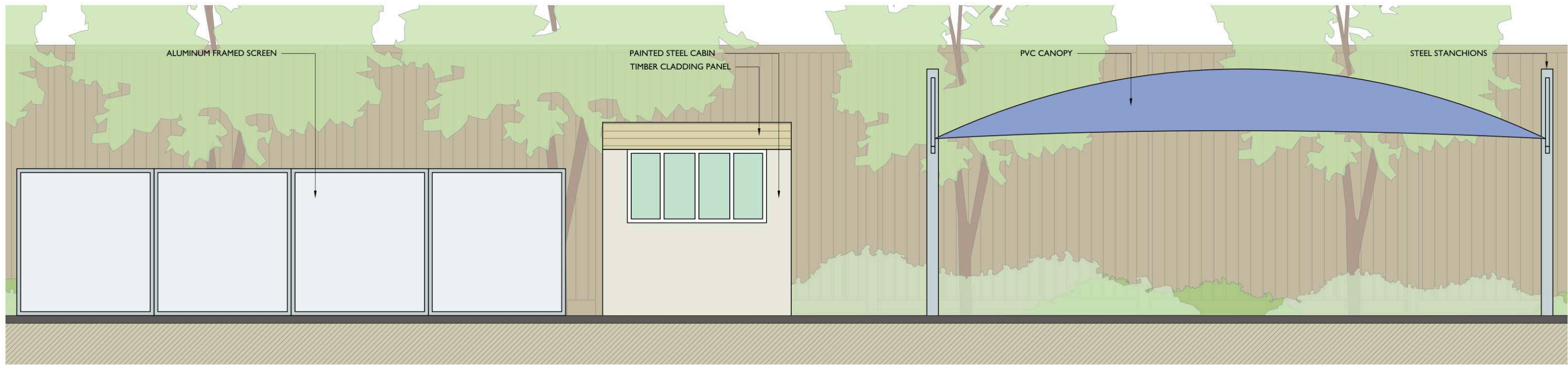
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Saunders Partnership Architects
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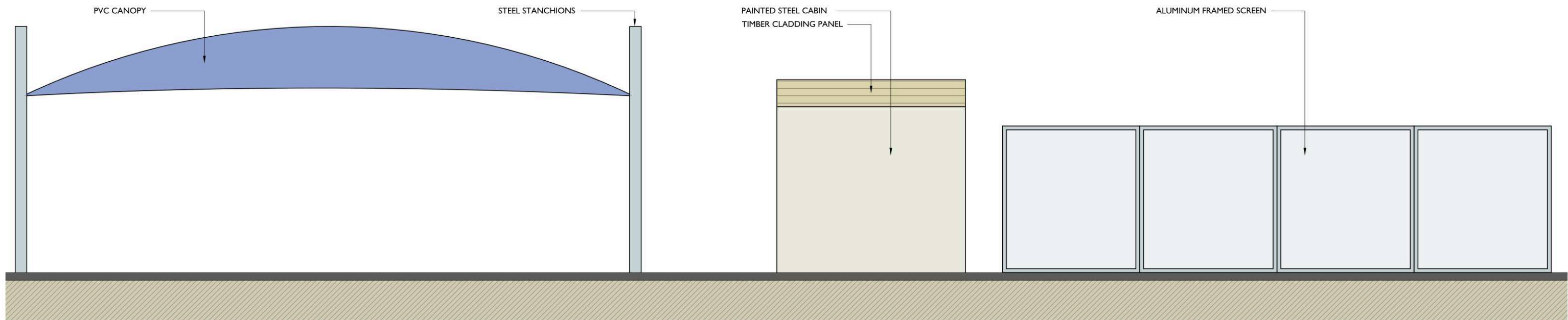
SAUNDERS



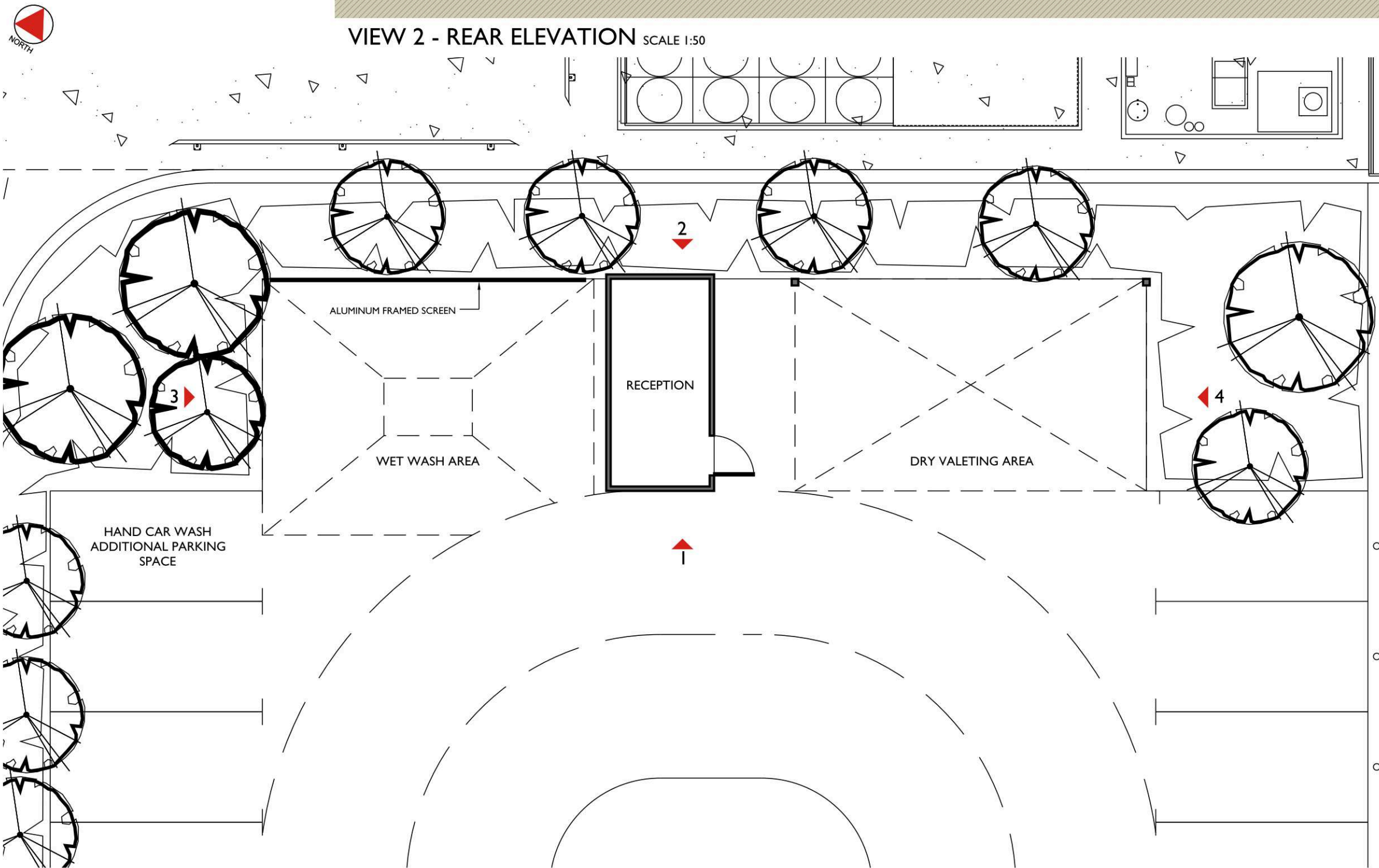
VIEW 1 - FRONT ELEVATION SCALE 1:50



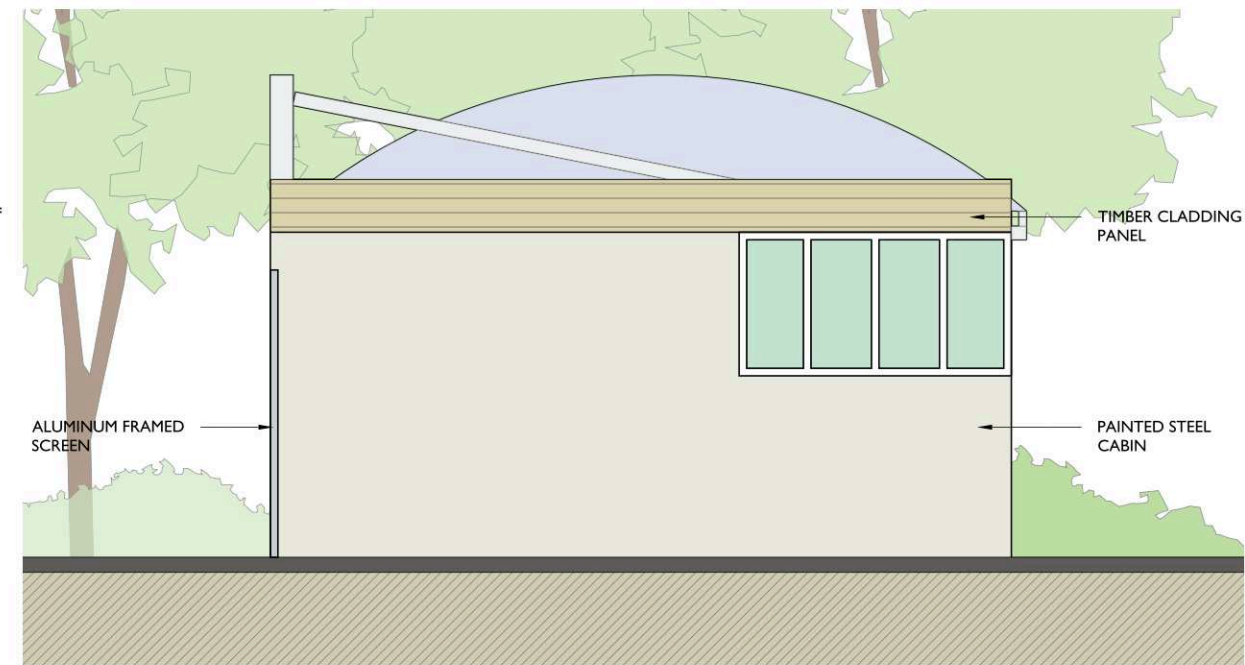
PHOTOGRAPHIC EXAMPLES



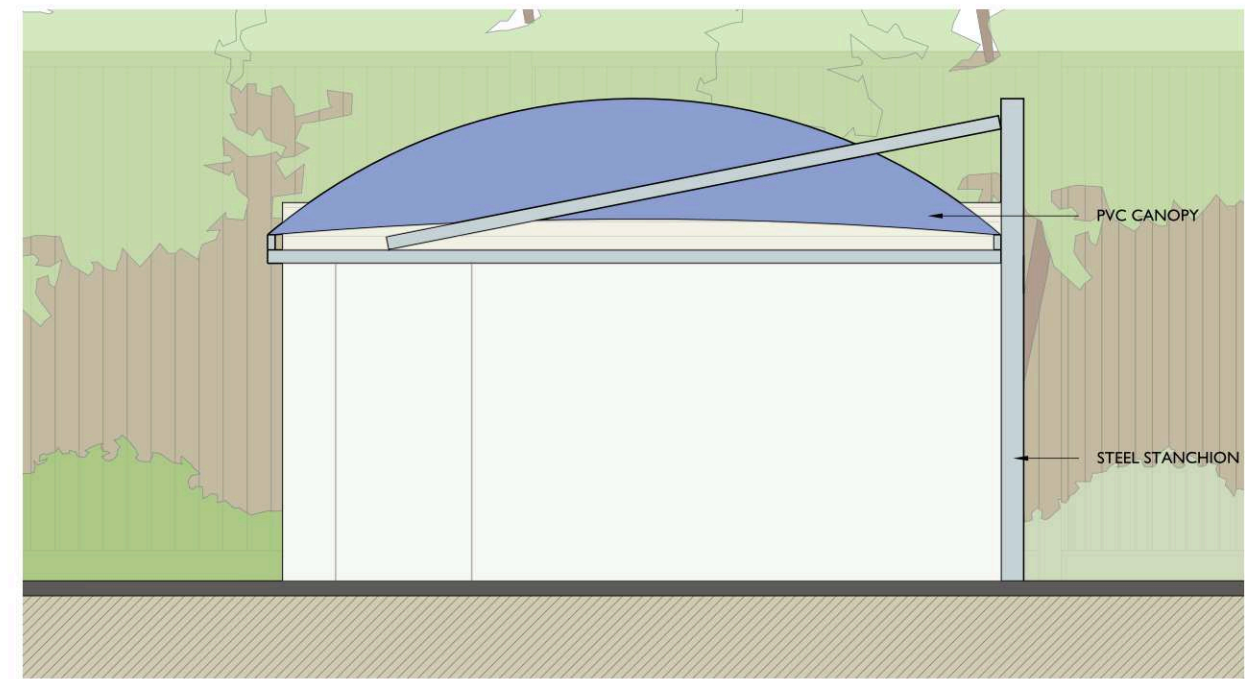
VIEW 2 - REAR ELEVATION SCALE 1:50



INDICATIVE PLAN SCALE 1:100



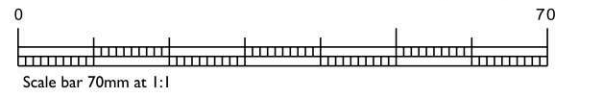
VIEW 3 - SIDE ELEVATION SCALE 1:50



VIEW 4 - SIDE ELEVATION SCALE 1:50

NOTES

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No Dimensions to be scaled from this drawing. All stated dimensions to be verified on site and the Architect notified of any discrepancies.



Scale bar 70mm at 1:1

Project

**PROPOSED TESCO STORE
LITTLE LEVER
BOLTON**

Title

PROPOSED HAND CAR WASH

Scale

VARIES @A2

Date

JULY 2014

Drawn

DB

Checked

SB

Drawing Number

7127_PL403

Revision

-

Saunders Partnership Architects
ARCHITECTURE | URBAN DESIGN | MASTER PLANNING

RIBA

MEMBER

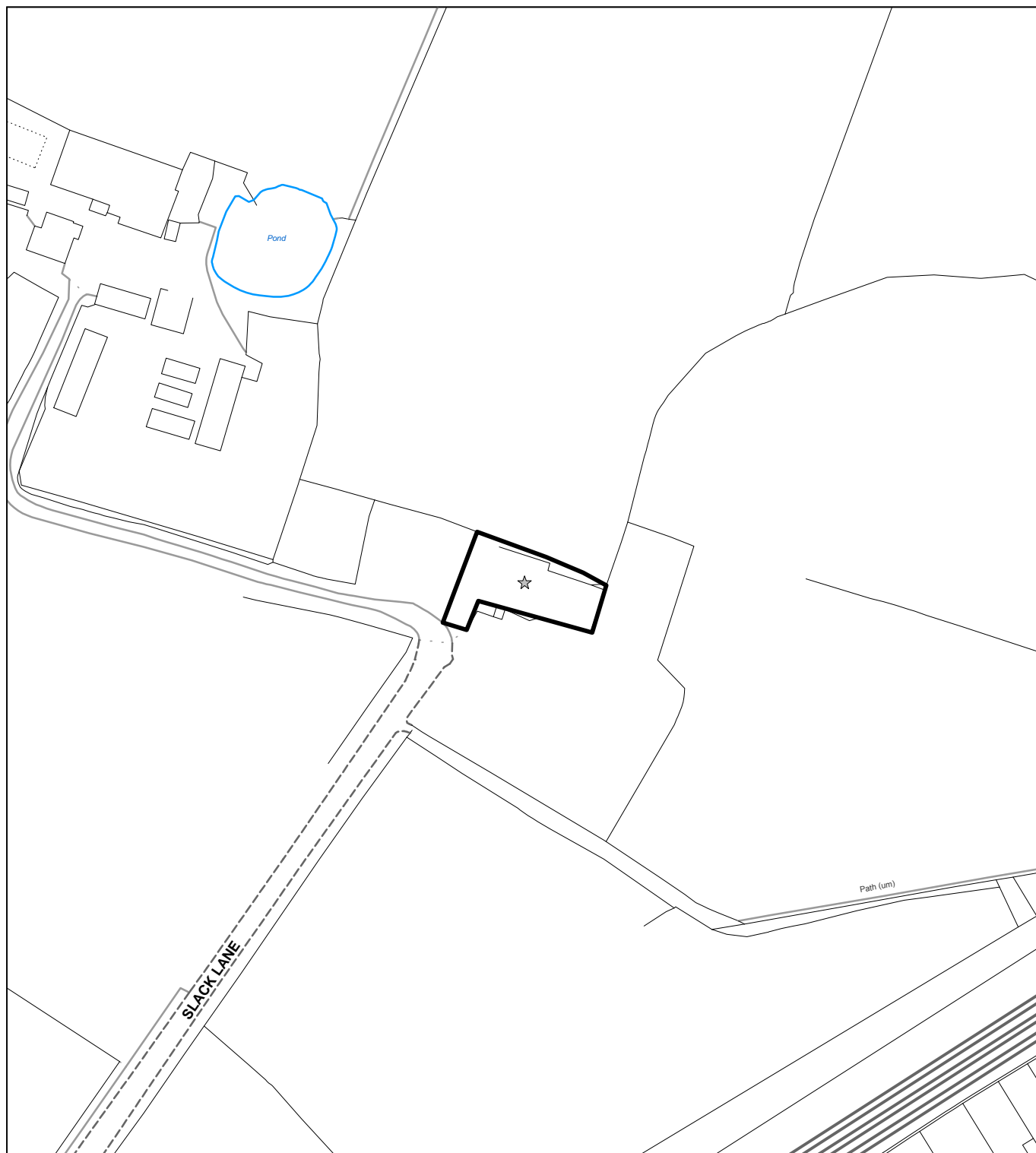
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Welwyn Garden City | Bristol | Manchester | London

T 01707 385305

SAUNDERS

Application No.

92610/14



Development and Regeneration Department
Planning Control Section

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

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11

Date of Meeting: 23/10/2014

Application Reference: 92610/14

Type of Application: Full Planning Application
Registration Date: 20/08/2014
Decision Due By: 14/10/2014
Responsible Officer: Jeanette Isherwood

Location: TALL TREES, SLACK LANE, WESTHOUGHTON, BOLTON, BL5 3LB

Proposal: CHANGE OF USE TO TRAVELLING SHOWMEN'S RESIDENTIAL SITE INCLUDING SITING OF 1No MOBILE HOME, 1No MAINTENANCE BUILDING, 2No CARAVANS, 3No FAIRGROUND RIDES, 1No HGV, LAYING OF HARDCORE AND ERECTION OF LIGHTING.

Ward: Westhoughton North

Applicant: Mr Harrison
Agent : Michael Hargreaves Planning

Officers Report

Recommendation: Approve subject to conditions

Proposal

This application seeks consent for a change of use of the land to a showman's site. Permission is also sought to site 1 no. mobile home, 2 no. caravans, 1 no. maintenance building, 5 no. fairground rides (3 of which are contained in the HGV lorry), 1 no. HGV lorry, together with laying crushed stone.

The applicant has been resident on site for three years as per the previous planning approval for temporary change of use.

To support their proposal the applicant submits:

- The applicants require a mobile home and two touring caravans based on the accommodation needs of their family.
- The inclusion of a condition to any planning approval that permission is granted on a personal basis where if we are successful with our application that it is on a personal basis, i.e. if we are to find anywhere else that would be suitable as a Showman's Site, that once we leave our current site the planning permission would leave with us.
- We are also open to any suggestions from Committee Members with regard to the outer appearance of the site, we would be willing to invest money into new fencing or walling, etc.

Site Characteristics

Land on which the applicant seeks consent is located at a sharp bend in Slack Lane. Vehicular access is from Manchester Road, approximately 250 metres away. Initially this is well surfaced and has foot ways either side, however the part extending up to the application site and round to Ditcher's Farm is not. A limited amount of development surrounds the site. An electricity sub station is at the junction of Slack Lane and Manchester Road. To the east are fields attached to Ditcher's Farm which extend up to the M61. To the south is a large residential development which has properties overlooking the site and the railway line which separates the respective portions of land. The area adjacent to the site has planning permission for a detached property that has yet to be implemented.

To the south is a public footpath and some trees. The applicant has erected timber for additional security. Generally levels are flat, although it does slightly slope in the north eastern corner. In previous years a HGV trailer has been sited on the land and there have been occasions of fly tipping; both were subject of a planning enforcement case and were later removed.

Policy

National Planning Policy Framework

Core Strategy OA3.6 Ensure Protected Open Land is Undeveloped; OA3.8 Character of Wide Open Landscape; CG1.1 Rural Green Infrastructure; CG3.1 Innovative Sustainable Design; CG3.2 Respect and Enhance Local Distinctiveness; CG3.3 Massing, Scale, Gain and Form; CG4.1 Compatibility with Surrounding; CG4.2 Detrimental Impacts; SC1.6 Gypsies and Travellers; P5 Accessibility by Transport and Saved UDP policy R2 Protected Open Land.

PCPN2 Space around Dwellings; PCPN10 Crime

Government Circular 04/2007 Planning for Travelling Showpeople

History

In October 2010 the owners applied for change of use to Travelling Showmen's site for a temporary period of three years, and then moved onto the site with a mobile home, two touring caravans, and a maintenance unit. They also stored some fairground equipment. The application was refused in January 2011 (Reference 85221/10).

A second application was submitted and refused in March 2011 (Reference 85689/11). Enforcement notices were served and subsequently appealed by the owner. The Council immediately served enforcement notices. The appeal against the enforcement notices was allowed and permission was granted for a temporary period of three years.

The inspector commented as follows:-

Overall, the permanent harm to the character and appearance of the surrounding area is not outweighed by the unmet need for additional plots or the personal circumstances of the appellants. Dismissal of the appeal would, in all likelihood, require the appellants to vacate the site (which has to be regarded as their home) without any certainty of suitable alternative accommodation being readily available. I recognise that this would represent an interference with their home and family life. However, the harm which has been and would continue to be caused by the development, in terms of its effect upon the surrounding area is considerable.

There is an unmet need but no available alternative travelling showpeople's site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to a temporary permission. Sites are likely to be identified to meet the shortfall of pitches by September 2013.

The harm to the surrounding countryside would be less if only for a temporary period. This must be balanced against the substantial weight to be afforded to the unmet need when considering a temporary permission. The harm, if only for a temporary period, would be outweighed by the substantial unmet need for additional sites.

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * Sites for Travelling Showpeople
- * impact on the Character and Appearance of the Area
- * impact on Protected Open Land
- * impact on the Green Corridor
- * impact on Vehicular Access
- * Environmental Amenity

Sites for Travelling Showpeople

An adequate supply of sites for gypsies, travellers and travelling show persons will be provided as per policy SC1.6, taking into account proximity to local services, amenity of adjoining occupiers and overall spatial option of concentrating development in the existing urban area.

Circular 04/2007 Planning for Travelling Showpeople replaced Circular 22/91 in England and complements Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites. The circular addresses the specific and distinct needs of travelling showpeople that arise from the nature of their business. Paragraph 50 of the Circular emphasises the need for travelling showpeople to secure sites that are suitable in planning policy terms. Paragraph 46 outlines that local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for travelling showpeople's sites.

The site is within walking distance of regular bus services on Manchester Road or a short drive to local centres containing amenities for individuals to uphold a good standard of life and access services such as doctors and dentists. Policy SC1.6 places the emphasis for sites for gypsies, travellers and travelling show persons in the urban area. This site does not fall in the urban area.

Show persons sites are multi use sites with a mix of residential, storage and a maintenance area. The mix of uses (Ditcher's Farm, adjoining residential dwelling and application site) is not considered to create undue privacy and amenity issues.

The previous temporary permission was granted on the proviso that alternative sites would be identified by 2013. However, the current position in Bolton is that no sites have been identified and work has not commenced on the separate gypsy and traveller plan. Therefore the position remains as in 2010.

Impact on the Character and Appearance of the Area

CS policies CG3.1, CG3.2, CG3.3, CG4.1 and OA3.8 require proposals to respect and enhance local distinctiveness, by compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape treatment, including hard/soft landscaping and boundary treatment.

It was determined the site represented a cluttered form of development of poor urban design. However the appearance of the mobile home has been changed with cladding being added as per the previous conditions suggested by The Planning Inspectorate. This represents a more sympathetic form of development. However architecturally, together with the form of development, the proposal fails to visually integrate into the area.

A timber fence and gates have been erected, with substantial planting to the rear of the site. Notwithstanding the presence of palisade fencing at the substation on Slack Lane (junction of Slack Lane with Manchester Road) the fencing is not consistent with the open aspect of the site, however further landscaping may soften its appearance and the applicant has shown willingness to provide further improvements if required.

The development complies with CG4.1 and PCPN2, but fails to satisfy CG3.1, CG3.2, CG3.3 and OA3.8

Impact on Protected Open Land

Saved UDP Policy R2 stipulates that the Council will permit development proposals within the defined areas of other Protected Open Land, provided they represent a limited infilling within an established housing area, form part of the maintenance of an existing employment source, the proposal requires a location outside of the urban area or the development would be appropriate within the green belt. CS policy OA3.6 strives to maintain undeveloped protected open land in Westhoughton.

The proposal does not represent a limited infilling into an established housing area. This principle has been accepted by previous applications for dwellings on the site being refused.

The proposal fails to satisfy saved policy R2 and OA3.6 of the Core Strategy.

Impact on the Green Corridor

Policy CG1.1 seeks to safeguard and enhance biodiversity in rural areas of the borough.

In previous applications and appeal decisions it was accepted the site offered little or no habitats for wildlife and did not represent a site suitable for recreation or have any significant amenity value. It was concluded that the proposal would have no significant adverse impact on the Council's biodiversity objectives.

The scheme complies with CG1.1.

Impact on Vehicular Access

Developments need to take into account accessibility by different means of transport. In this case it is particularly relevant to motor vehicle and HGVs.

The principle of using Slack Lane as an access is considered to be acceptable and it was demonstrated to the previous inspector that all vehicles access the site in forward gear and can turn in the sites gateway. No weight, height or width restrictions are in place. No changes are proposed to the access.

Regular bus services are available on Manchester Road, a short walk away, providing access to services such as doctors, dentists and shops.

The Highway Engineer commented that on the basis of the previous appeal decision, there are no highway objections subject to a similar condition being imposed to limit vehicle and trailer length.

Core Strategy policy P5 is considered to be complied with.

Environmental Amenity

New development should under the terms of policy CG4.2 not generate unacceptable nuisance, odours, fumes, noise or light pollution or unacceptable impacts on water, ground or air quality.

The Council's Pollution Control Officers raise concern over this proposal due to the life of the permission. The main consideration is with the storage and maintenance of the fairground rides and HGVs associated with this activity. Substantial works would need to be completed to the site, such as impervious hard standing and drainage with interceptors, to support the use and prevent contamination. Each can be achieved, however a short term consent and costs involved is likely to be prohibitive.

Pollution Control requested the addition of conditions to address noise and light issues.

Conclusion

It is the applicant's intention to seek a permanent permission, as there have been no alternative sites brought forward by the Council. However the harm generated through inappropriate design and affect on protected open land is still apparent and a material consideration that needs to be given weight in the determination of this application.

Consultation has been taken with regards to the likely time scales of the provision of suitable alternative sites and it is unlikely that such sites would be available until at least 2016.

It is therefore concluded that, as nothing has significantly changed since the original appeal decision in 2010, that a further temporary permission should be issued instead of a permanent permission (as a suitable alternative). Members are therefore recommended to grant a further temporary permission for the site.

Representation and Consultation Annex

Representations

Letters:- Five representations to date have been submitted with the concerns being as follows:-

- the area is popular with walkers and children playing. HGV movements pose a threat to the safety of pedestrians as there are no pavements in some areas;
- increased light pollution;
- increased noise pollution;
- this application is a replica of the previous application which was rejected by the planning committee;
- outlook from my property will be diminished;
- visually out of character;
- increase in smoke pollution;
- decrease in marketability of the surrounding area.

One positive comment has been submitted:

- there has been no fly tipping which must be saving the council money;

Westhoughton Town Council:- The Town Council raised objection to the granting of permanent permission for a travelling showmen's residential site

Consultations

Advice was sought from the following consultees, Highway Engineer, Greenspace, Westhoughton town council, Housing and public health, Planning Strategy, Pollution Control.

Planning History

Enforcement Appeal granted temporary permission in November 2011

Permission was refused for a mobile home, two caravans, a maintenance vehicle, a HGV and fairground rides. (Ref: 85689/11)

Permission was refused for a mobile home, two caravans, a maintenance vehicle, a HGV and fairground rides. (Ref: 85221/10)

Permission was refused and later dismissed at appeal for the erection of a bungalow. Ref: 82668/09; (Appeal Ref: APP/N4205/A/10/2126662)

Planning permission was refused for the erection of one dwelling. Ref: 81885/09;

Outline permission was refused for one dwelling and later dismissed at appeal. Ref: 59646/01;

An enforcement notice was served in respect of the creation of a compound on the land, fence over 2 metres high, together with the storage of a caravan, articulated lorry and trailer. The notice was complied with the case closed.

Full permission was granted following an outline consent for the erection of a dwelling on the former site of Beech House which was demolished following a fire. Permission was granted on the basis the proposal was a replacement dwelling. Ref's: 63318/02,

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. This permission shall be for a temporary period expiring on **23rd October 2017** when the use hereby approved shall be discontinued and the caravans, building, structures, materials and equipment shall be removed and the land reinstated to its condition before the development took place, in accordance with a scheme to be approved in writing by the Local Planning Authority before the expiry of this permission. The approved scheme shall be implemented in full and retained thereafter.

Reason

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

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

Reason

To ensure the development is safe for use.

3. Any fixed plant/equipment should be designed to give a rating level, as defined in BS4142:1997, 5dB below the night time LAF90 (5 min) or the daytime LAF90 (1 hour) whichever is the most appropriate, as measured 4 metres from the nearest residential property. The monitoring information and the acoustic calculations together with the proposed specifications of the fixed plant/equipment and any sound attenuation proposed should be submitted to and approved by the Local Planning Authority in writing prior to the development first being brought into use.

Reason

To minimise the impact of noise on the general and residential amenity from the increase and alteration of commercial and/or industrial uses in the area.

4. The site hereby approved shall not be occupied by any persons other than travelling showpeople, as defined in paragraph 15 of DCLG Circular 04/2007.

Reason

For the avoidance of doubt as to what is permitted.

5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:

i) within 3 months of the date of this decision a scheme for: the removal of the wheels to reduce the height of the structure used for maintenance purposes; the cladding of the mobile home and

structure used for maintenance; proposed and existing external lighting on the boundary of and within the site; boundary treatments; the internal layout of the site, including the siting of caravans, hardstandings, parking and amenity areas; tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use, (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.

ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.

iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason

For the avoidance of doubt as to what is permitted.

6. No vehicle over 6 m in length or trailer in excess of 9.6 m shall be stationed, parked or stored on this site.

Reason

In the interest of highway safety

7. Before development commences details of all external lighting equipment shall be submitted to and approved by the Local Planning Authority. The lighting in the scheme should be erected and directed so as to avoid nuisance to residential accommodation in close proximity. The lighting should be designed to provide a standard maintained illumination of no more than 5 LUX at the facades of the nearest residential properties. No other lighting equipment may then be used within the development other than as approved by the Local Planning Authority.

Reason:

To minimise light intrusion to the residential amenity of the area from the increase and alteration of commercial, industrial and recreational uses in the area.

8. No Rides and Attractions shall be taken in or dispatched from the site except between the hours of 08:00 and 18:00 on Mondays to Fridays, 09:00 and 13:00 on Saturdays and no deliveries or dispatches on Sundays or Bank Holidays.

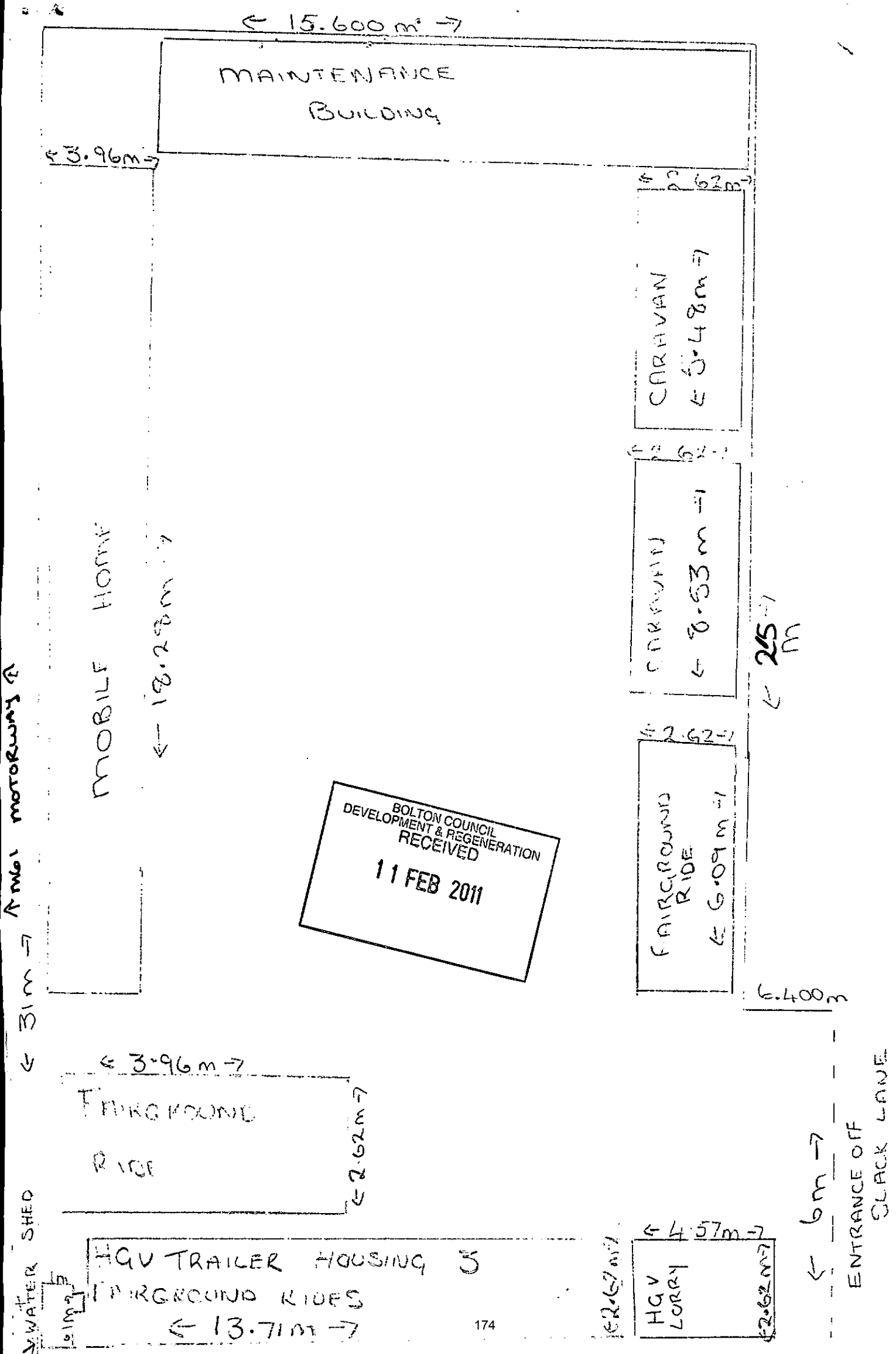
Reason:

To minimise the impact of noise on the general and residential amenity from the increase and alteration of commercial and/or industrial uses in the area.

9. No operation, including the repair /maintenance / manufacture of fairground rides / machinery and attractions shall be carried out on the premises.

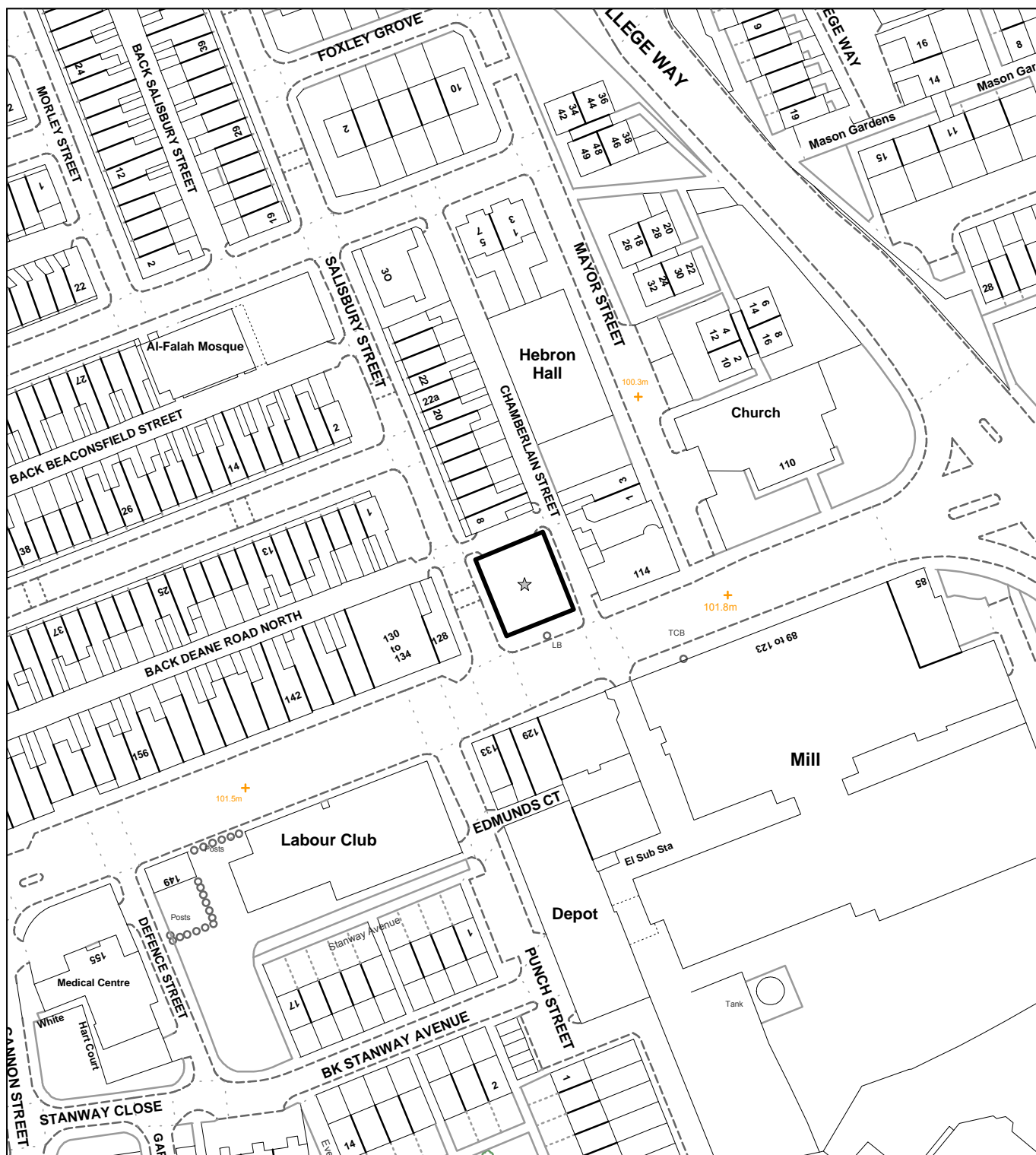
Reason

To minimise the impact of noise on the general and residential amenity from the increase and alteration of commercial and/or industrial uses in the area.



Application No.

92624/14



Development and Regeneration Department
Planning Control Section

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

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11

Date of Meeting: 23/10/2014

Application Reference: 92624/14

Type of Application: Full Planning Application
Registration Date: 21/08/2014
Decision Due By: 15/10/2014
Responsible Officer: Jeanette Isherwood

Location: CAR PARK ON SITE 120-126, DEANE ROAD, BOLTON, BL3 5DL

Proposal: SITING OF PLANE FUSELAGE TO CONVERT INTO DINING UNIT WITH CLASS A5 USE.

Ward: Rumworth

Applicant: Kadva Properties
Agent : Smusa1

Officers Report

Recommendation: Approve subject to conditions

Proposal

The application proposes the siting of a plane fuselage to be utilised as a dining area with take away facility on Deane Road.

The fuselage will be sited running parallel to Deane Road, lit by a series of illuminated bollards lining the back of the pavement. Concrete planters will surround the site with vehicular access to the eight parking bays being to the rear. The main body will be mounted on moulded sleepers finished to match the exterior.

The applicant states that the diner will employ four staff with opening hours being 12:00 til 23:00 daily, seating 20 people internally. There is no provision for outdoor seating detailed in the plans.

Site Characteristics

The site is a small car park sited to the south of Deane Road, currently housing the 'The Steak Out' red double decker bus diner. To the north of the site is a row of terraced properties fronting Salisbury Street with their gables abutting the car park. To the west is Salisbury Street with rows of terraced properties at right angles to the site. To the east is Chamberlain Street with the Hebron Christian Church sited to the rear.

Deane Road has a mixture of commercial and residential properties sited to either side and is considered a main thoroughfare from Bolton to Westhoughton.

History

Permission was granted in 2010 for the siting of a double decker bus diner at this location

in June 2010. The permission was temporary for 3 years and expired in 2013, although the diner is still trading at present.

Policy

National Planning Policy Framework

Core Strategy CG3.1 Innovative Sustainable Design; CG3.2 Respect and Enhance Local Distinctiveness; CG3.3 Massing, Scale, Grain and Form; CG4.1 Compatibility with Surrounding; CG4.2 Detrimental Impacts; P5 Accessibility by Transport; S1 Safe

PCPN21 Highways Considerations

Analysis

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

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

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

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

The main impacts of the proposal are:-

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

Impact on the character and appearance of the area

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

The immediate vicinity is one of mixed use with commercial and residential properties, single and two storey of various architectural styles. The fuselage would create an unusual feature in this particular setting. However the design and appearance itself is innovative and could prove appealing particularly as it is sited adjacent to both College and University buildings.

The current double decker bus at the site is in a dilapidated condition and in need of restoration. The proposal, with appropriate boundary treatments could improve the visual appearance of this particular site and suitable conditions could be added to an approval to control this.

The applicant details a unique internal extraction system to be installed for the kitchen with no visible outside flue giving a more 'clean lined' and attractive appearance to the

proposal.

The proposal, although somewhat diverse in nature, is not considered to result in a detrimental impact on the immediate street scene and is considered to comply with policy CG3 of the Core Strategy.

Impact on the amenity of neighbouring residents

Policy CG4 states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Development should not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause unacceptable impacts upon water, ground or air quality.

Objections have been received with regard to the condition of the site at present. Other concerns being as follows:-

- The site is covered with discarded cartons and litter
- Marked increase in vermin visible on the site
- Marked increase in noise and unsociable behaviour
- Owners have no interest in keeping the site clean
- Site being opening until 2 am despite present opening hours restrictions
- Other matters

It is evident that the site is generating an unacceptable nuisance to neighbouring residents. However, conditions could be added to any approval to ensure this situation is rectified as part of the new proposals to ensure littering and unsociable behaviour are minimised, resulting in an overall improvement to the site.

The illuminated bollards will have no impact on neighbouring residents due to their siting.

The proposal is therefore considered to comply with policy CG4 of the Core Strategy.

Impact on highway safety

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] parking, in accordance with the parking standards set out in Appendix 3.

Objections have been received with regard to highway safety implications with the concerns as follows:-

- Increase in vehicle movements
- Blocking of Salisbury Street
- Traffic congestion
- Increase in accidents at this location

The Highways Department were consulted and have no objections to the proposals with regard to sufficient parking being readily available. Therefore the proposal is considered to comply with policy P5 of the Core Strategy.

Other matters

The kitchen extraction system will be a carbon filter extraction system, built in such a way that there will be no ducting or flue visible on the outside of the fuselage. The ducting will run to the luggage compartment under the kitchen and will be filtered through a carbon filter which will remove carbon, odours, and grease and will then leave from below the

fuselage as clean air. This process is highly effective and improves air quality control.

Conclusion

For the reasons given above the proposal is considered to be a unique development, giving the opportunity of some regeneration of the site.

It is suggested that a temporary two year permission be granted to allow monitoring of the issues discussed above to ensure the site is kept in a clean and tidy condition.

The application is recommended for approval.

Representation and Consultation Annex

Representations

Letters:- Objections as detailed in the above report

Consultations

Consultation was sought from Highways Engineers, Environmental Health, Public Health

Planning History

Permission was granted for the temporary siting of a double decker bus on the site in June 2010 under reference 84045/10

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. This permission shall be for a temporary period expiring on **23rd October 2016** when the use hereby approved shall be discontinued and the building removed and the land reinstated in accordance with a scheme to be approved in writing by the Local Planning Authority before the expiry of this permission. The approved scheme shall be implemented in full and retained thereafter.

Reason

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

2. Prior to the commencement of development details of the exterior finishes of the fuselage shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness.

3. Prior to the commencement of development details of implementation of additional methods to ensure the daily cleanliness of the site, including the provision of litter bins in the area, are to be submitted to and agreed in writing by the Local Planning Authority and such processes are to be retained thereafter.

Reason

To protect the visual amenity of the area and surrounding residents.

4. Before the development is brought into use the pre-cast concrete planters along the Chamberlain Street and Salisbury Street frontages (as shown on the Site/floor plan and elevations drawing) are to be provided and retained thereafter.

In the interests of highway safety

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

Floor plan and elevations dated 21/08/2014

Site layout plan received 15/09/2014

Reason

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

6. Prior to the development being first brought into use, details of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure the development reflects the townscape character of the area.

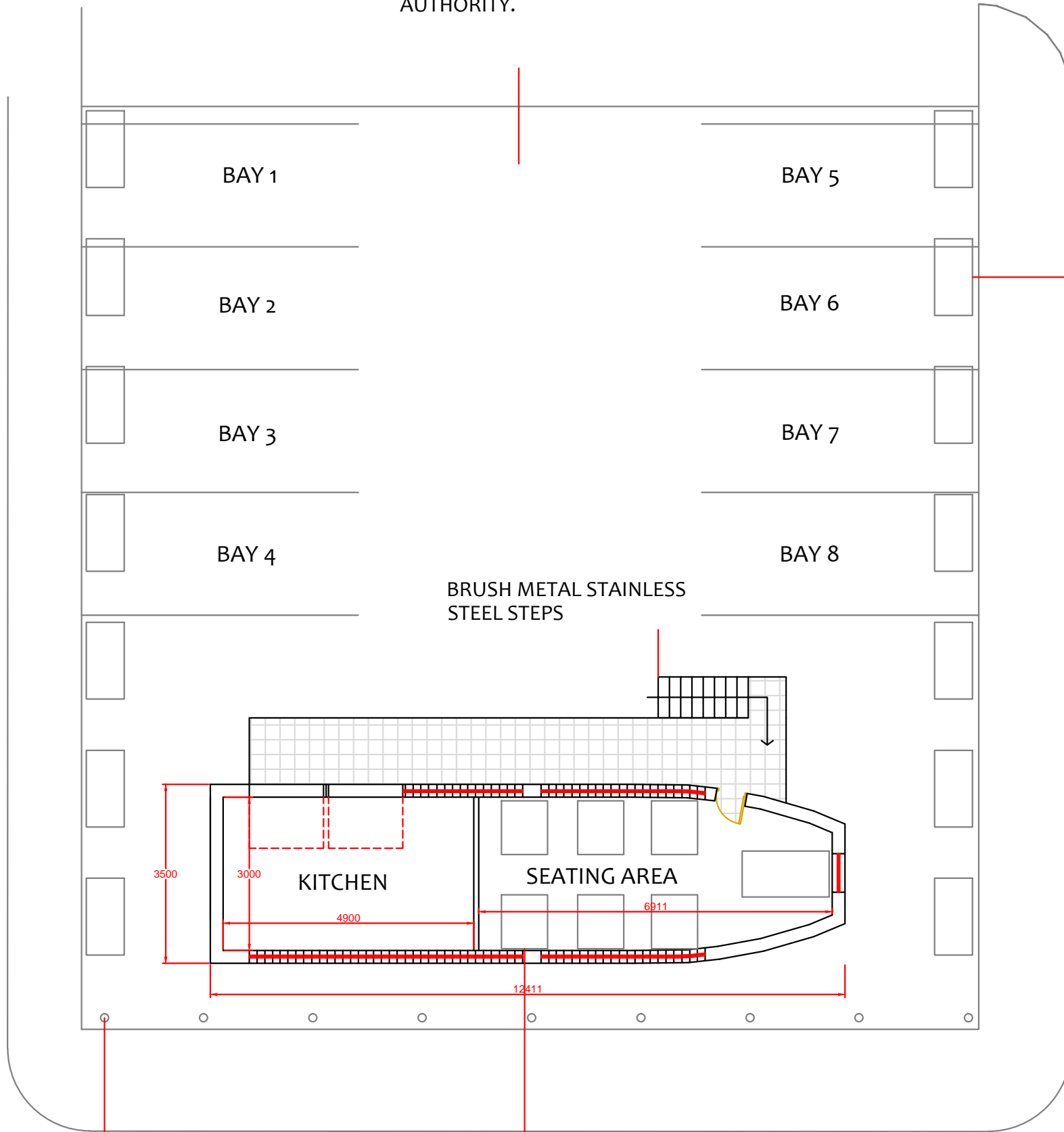
7. No development shall be commenced unless and until the existing bus has been completely and permanently removed from the site.

Reason

To avoid overdevelopment and to enhance the visual appearance of the area.



GROUNDWORK TO BE
AGREED WITH PLANNING
AUTHORITY.



LIGHT BOLLARDS FACING
DEANE ROAD

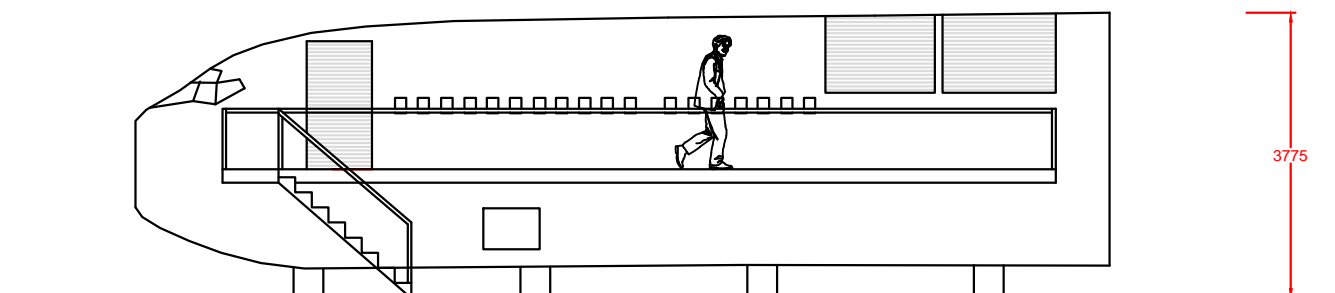
PROPOSED SITE AND
FLOOR PLAN

MIN 20 SEATS TO BE
PROVIDED

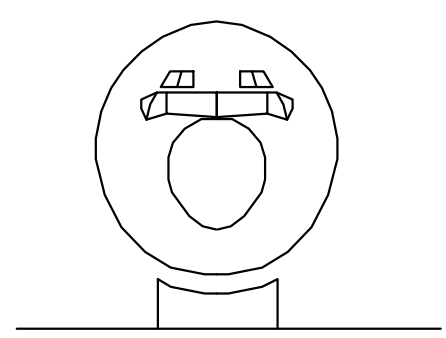
DATE:	21/08/2014
SCALE:	1:100
ADDRESS:	120-126 DEANE ROAD BL3 5DL
JOB DESCRIPTION:	PROPOSED RESTAURANT AND TAKEAWAY

PLANTERS CAST FROM
CONCRETE TO STOP CARS
ENTERING SITE FROM SIDE
ROADS

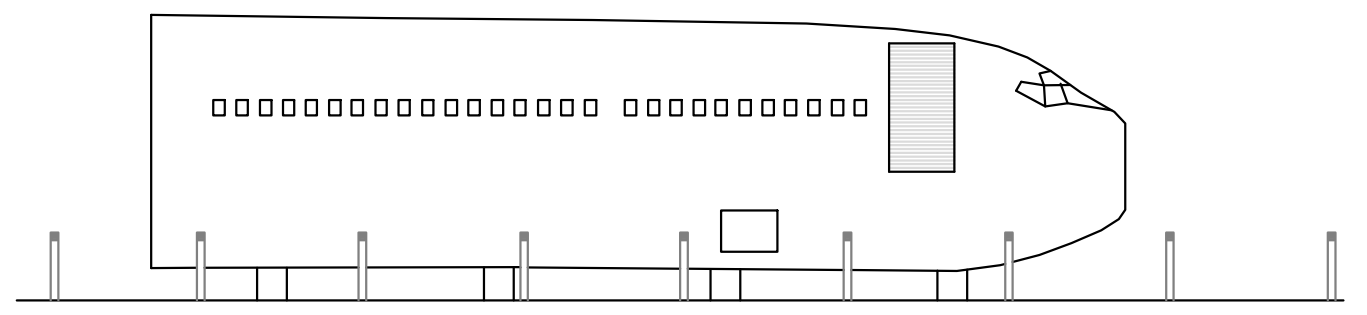
PLANTATION TO BE
APPROVED BY PLANNING
AUTHORITY



PROPOSED REAR
ELEVATION



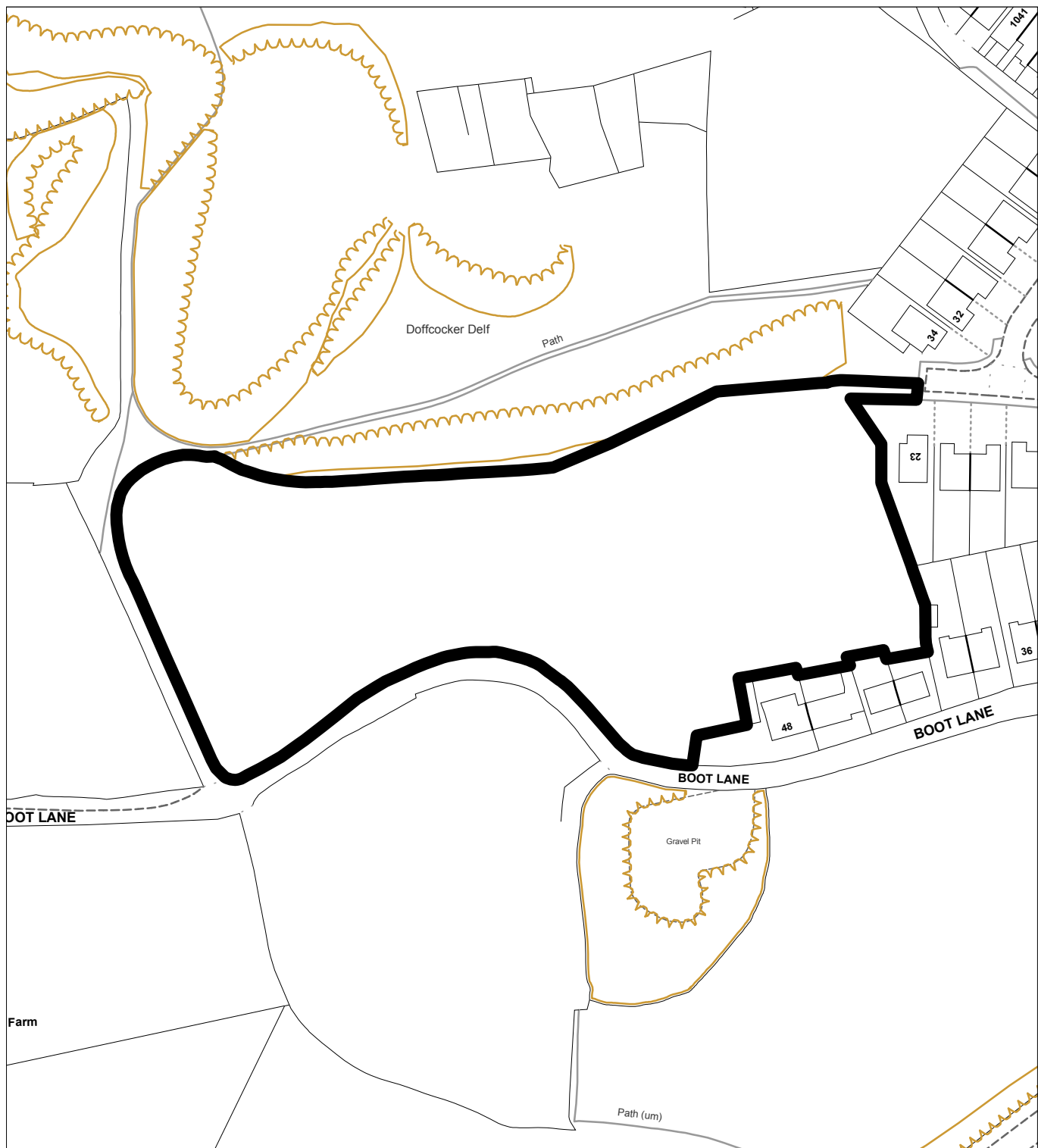
PROPOSED SIDE
ELEVATION



PROPOSED FRONT
ELEVATION

Application No.

92643/14



Development and Regeneration Department
Planning Control Section

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

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Date of Meeting: 23/10/2014

Application Reference: 92643/14

Type of Application: Full Planning Application
Registration Date: 10/09/2014
Decision Due By: 04/11/2014
Responsible Officer: Jodie Turton

Location: LAND AT REAR OF BOOT LANE, BOLTON, BL1 5SS

Proposal: ERECTION OF STABLE BLOCK

Ward: Smithills

Applicant: c/o Neil Pike Architects
Agent : Neil Pike Architects

Officers Report

Recommendation: Refuse

Proposal

The application proposes the erection of a stable block. The building is a large scale stone built structure with slate roof. The building measures 19.5 metres in length and 10 metres in depth, 3 metres to eaves level and 6.2 metres to ridge. The stables has a first floor accommodated within the roofspace.

Internally the building will accommodate 6 individual stables, with access internally via a corridor and externally via independent stable doors. On the ground floor there is also a store room and a larger tractor or tool store room. No information is provided about what is to be accommodated at first floor level.

The building is designed in a 'H' shape with the stables being located in the outer wings, which have gables to the front and rear elevations.

Access to the site is via Boot Lane, where the gated access has recently been upgraded and improved.

Site Characteristics

This is an open field site, located within the Green Belt. There are residential properties to the east on Delph Hill Close and to the south east on Boot Lane. Access to the site is from Boot Lane, which is a single track residential road.

To the north and west are open fields. There are a number of trees to the boundaries of the site to the north and east.

Policy

NPPF (2012): 9. Protecting the Green Belt.

Core Strategy policies: CG1 Biodiversity; CG3 Built Environment; CG4 Compatible Uses; P5 Accessibility; S1 Safe Bolton; OA5 West Bolton.

Saved UDP policies: G1 and G2 Green Belt.

PCPN2 Space Around Dwellings
PCPN28 Equestrian Development

SPD Accessibility, Transport and Safety

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the Green Belt and the provision of stables
- * impact on residential amenity
- * impact on the highway

Impact on the Green Belt and the Provision of Stables

The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. One of the main purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. Paragraph 81 of the NPPF states that, "once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation". Stables are considered to be an appropriate form of recreational development in the Green Belt.

Saved UDP Policies G1 and G2 are concerned with development within the Green Belt. Policy G1 states that the Council will not permit development within the designated Green Belt unless it is clearly needed for agriculture, forestry or other appropriate uses and does not prejudice Green Belt's purposes and objectives. Policy G2 states that the Council will not permit inappropriate development in the Green Belt. Inappropriate development includes any development which does not maintain the openness of land or which conflicts with the purposes of including land within the Green Belt, and the erection of new buildings except for [amongst other things] (ii) essential facilities for outdoor sport and outdoor recreation.

Policy CG3 of the Core Strategy states that the Council will expect development proposals to contribute to good urban design, conserve and enhance local distinctiveness, and

maintain and respect the landscape character of the surrounding countryside and its distinctiveness. Policy OA5 states that for developments in North Bolton the Council will [amongst other things] ensure that it does not harm the landscape setting and protects views from public areas to the surrounding landscape.

PCPN28 provides specific guidance on equestrian developments.

Small scale stables, to serve recreational purposes are an acceptable form of development in the Green Belt as defined by national and local policy objectives. The application however proposes a large scale stone building, with accommodation over two floors. The intended use of the building is a stables; however the external appearance of the building, in scale, form and design appears like a residential dwelling, with arched door openings, gable elevations to the front and rear and a large footprint in a 'H' shape. The building is situated in a central position within the field, with a large driveway from the access gate on Boot Lane. Paragraph 4.12 of PCPN28 states that, "it is expected that stables and storage buildings will occupy the smallest amount of space possible consistent with clearly stated essential requirements". Two horse passports have been provided with the application. A stables of the size proposed (accommodation for 6 horses plus 2 store rooms) is more akin to a livery or other commercial stables development. Given that the applicant has only two horses, the size and scale of the stables is significantly larger than needed. Paragraph 4.3 of PCPN28 states that, "large scale new buildings to accommodate livery stables ... and other commercial equestrian establishments will not be permitted in the Green Belt unless very special circumstances can be demonstrated". No special circumstances have been demonstrated.

Internally there are six stables, which are situated three to each wing, with internal access off a corridor as well as external stable doors. The central area is used for an entrance hallway and a large tractor/store room (approximately 17.76 sq metres), in addition to a second store room of 7.7 sq metres. Although the size of the independent stable units are acceptable in policy terms, the additional internal circulation areas contribute to the unacceptable scale and footprint of the building. Furthermore, the overall design, which is more akin to a residential dwelling and the provision of a first floor which significantly increases the height of the building further compound the unacceptability of the application proposal in this open field, Green Belt location. Indeed one of the principle concerns of local residents is the residential appearance of the proposed building and the impact of this on the Green Belt. In fact, one resident highlights that the footprint of the stables is larger than many of the neighbouring residential properties.

The stables contains a storage area for a tractor and/or tools, paragraph 4.36 of PCPN28 states that, "planning permission is unlikely to be forthcoming for the erection of new buildings to house vehicles and machinery in connection with the equestrian use of land".

The building proposed is large scale, containing 6 independent stables, with two additional store rooms, in addition to a first floor which no details are provided of intended purpose. It is apparent from the information submitted with the application that the stables are not an essential facility providing for personal use and no special circumstances have been provided to justify the scale of the building proposed.

Paragraph 4.14 of PCPN28 states that, "the proposed building(s) must not be intrusive in the landscape and should, wherever possible, be positioned in a well screened or unobtrusive location." The proposed stables have been sited in a central position with the open field. This results in a greater impact on the character and appearance of the

area and a much greater impact on the openness of the Green Belt. Furthermore, the extent of hardsurfacing proposed to access the stables is extensive and excessive, resulting in a greater impact on the openness of the Green Belt.

The proposal is contrary to guidance on Green Belt contained in the NPPF, Saved UDP policies G1 and G2, Core Strategy policy CG3 and PCPN28.

Impact on Residential Amenity

Core Strategy policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.

The stables are sited close to the residential properties on Boot Lane and Delph Hill Close, however the stables have been sited to be in excess of 30 metres from properties on Boot Lane and in excess of 60 metres to Delph Hill Close, which is considered an appropriate distance in the guidance contained in PCPN28 in order to avoid impacts on residential amenity from smells, noise and nuisance.

No information has been provided on waste disposal, drainage or the storage of manure. Given the proximity of the residential properties it is essential that this information is provided to ensure that there is no unreasonable impact on residential amenity from odours and also from a visual amenity perspective.

Impact on the Highway

Core Strategy policy S1 seeks to promote road safety in the design of new development. Core Strategy policy P5 seeks to ensure that development is accessible by different types of transport, prioritising pedestrians, cyclists and public transport over the motorised vehicle. Appendix 3 provides guidance on parking standards.

Access to the stables will be via Boot Lane, which is a single track residential road. Highway Engineers are content that the access and road leading to this is acceptable for a small scale recreational use which is the sole use of the applicant, however not for a business or livery use.

Conclusion

The building proposed is a large scale stables, containing 6 independent stables units, with two additional store rooms, one being for vehicles/tools, in addition to a first floor. Two horse passports have been provided, which fails to justify the size and scale of the stables being applied for. It is therefore apparent from the information submitted with the application that the stables are not an essential facility providing for personal use and no special circumstances have been provided to justify the scale of the building proposed in this Green Belt location. The internal layout of the stables does not comply with guidance, in that a tool/vehicle store is proposed, internal corridors which significantly increase the footprint of the building and also the provision of a first floor. Externally, the design and scale of the building are very residential in appearance and appear as an obtrusive, incongruous, large scale structure in a rural Green Belt setting.

The proposed stables in terms of siting, scale, design and the extent of the hardstanding are contrary to Core Strategy policy CG3, Saved UDP policies G1 and G2 and the guidance contained in PCPN28. Furthermore, no information has been provided on the storage and disposal of manure, as well as drainage, which is essential to ensure that there is no detrimental impact on neighbouring residential amenity.

The site notice for the application expires on 28th October. Members are therefore recommended to delegate the decision to the Director to allow the consultation period to expire, with a recommendation of refusal.

Representation and Consultation Annex

Representations

Letters:-

Objections (the issues raised have been addressed in the main body of the report):

6 letters of objection have been received, raising the following concerns:

- Increase in traffic along Boot Lane which is a narrow lane and has mine workings underneath.
- Incursion into the Green Belt and impact on recreational use of Green Belt.
- For 20 years horses in the area have lived outside whatever the weather – why do they need an extensive 2-storey building now?
- We thought it would be a wooden building for 2 horses, not a stone building for 6 horses which could easily be converted to living accommodation.
- Impact of increase in traffic on residential area.
- The building is tall, with potential for temporary residence on top floor and conversion to residential later.
- The land is unsuitable for agricultural use due to depth of soil and slow growing grass.
- Isolated spot – the new build would be a target for vandalism, theft and other anti-social behaviour.
- Use of 6 stables would overload the land, unacceptable level of horse waste, flies and smells for nearby residents.
- Concerns about waste from the stables.
- The building does not resemble a stables. The stone built, pitched, tiled roof, 2-storey building resembles a large detached bungalow – we believe it is a residential application in all but name.
- The applicant has already placed hardstanding at the entrance to the site.
- The size of the stables would easily allow for conversion to a dwelling.
- The stables will be sited in the centre of the field, which does not maintain the openness of the land.
- The building is larger in scale than any of the neighbouring dwellings in both Boot Lane and Delph Hill Close and would therefore dominate the area and thus not maintain the openness of the Green Belt.
- The applicant has validated the ownership of two horses (horse passports). PCPN28 and the British Horse Society state that the "average pasture will maintain approximately two horses per hectare as permanent grazing (1-1.5 acres per individual)". It clearly states in the above document that "providing space for more horses than the land can support will not be acceptable". The length of land in question is 2.26 acres, precisely enough to accommodate two horses. *(this is concerned with horse welfare and is not a material planning consideration)*
- The policy states that planning permission will be unlikely for buildings to store vehicles and machinery.
- No reason is given as to why a second floor is required and stables are normally single storey structures.
- The building is intrusive in the landscape and is not sited in a well screened location and is contrary to policy in PCPN28.
- Boot Lane is un-adopted, narrow and inadequately maintained and construction vehicles would cause damage to the road.
- Horse passports have only been provided for two horses, whereas stables for six horses are proposed.
- The thin soil will turn into a swamp when wet and used by animals, which will result in more smell and disturbance to neighbours.
- Vehicle congestion due to lack of turning area.

Support:

One letter of support has been received on the following grounds: since the current owners have purchased the site they have totally and very attractively transformed the area, removing Himalayan balsam and Japanese knotweed, clearing rubbish and rubble, removing unhealthy and overgrown trees and rebuilding stone walls. The area has been opened up visually and they have stopped the use of the site by mini motorbikes, etc. The proposed stables will be an extra improvement to the outlook.

Consultations

Advice was sought from the following consulters: Highway Engineers; Ramblers Association; Open Space Society; Peak and Northern Footpaths.

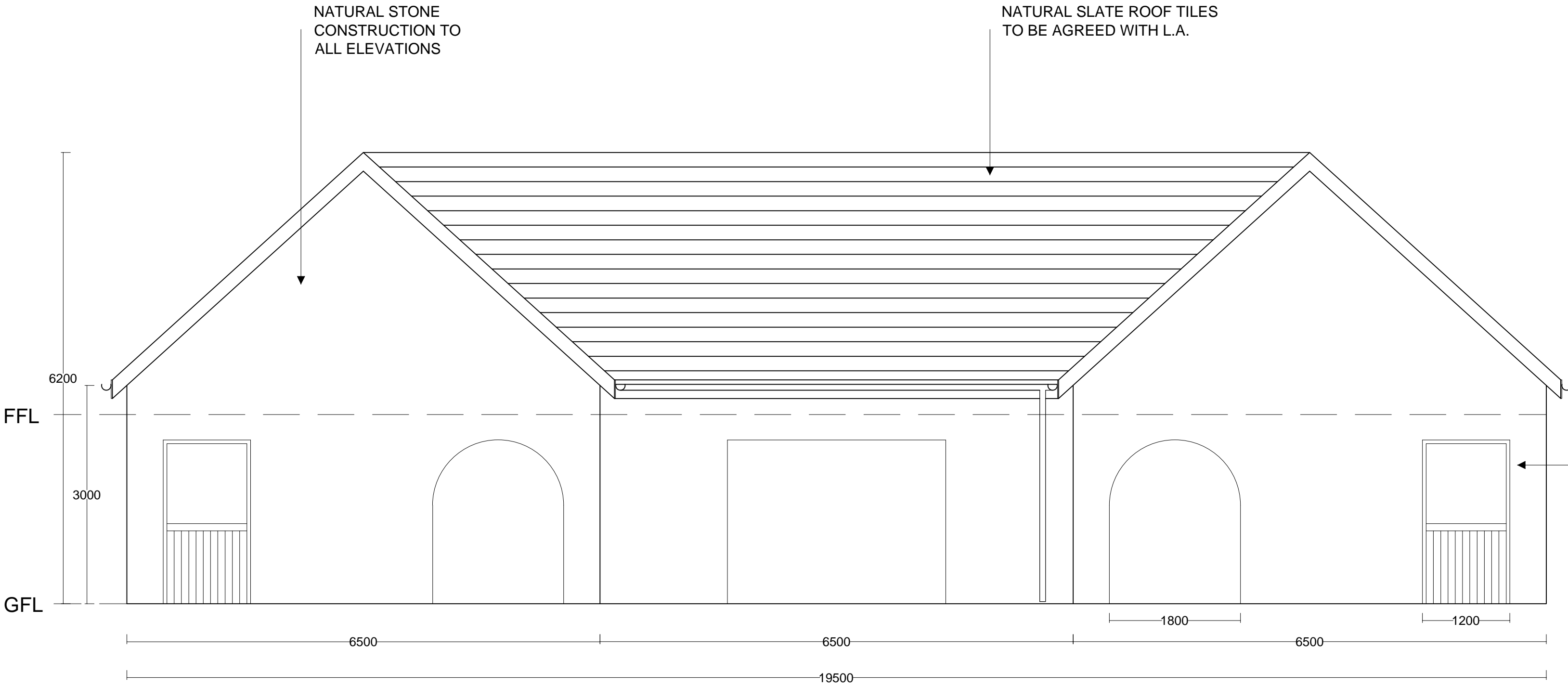
Planning History

None.

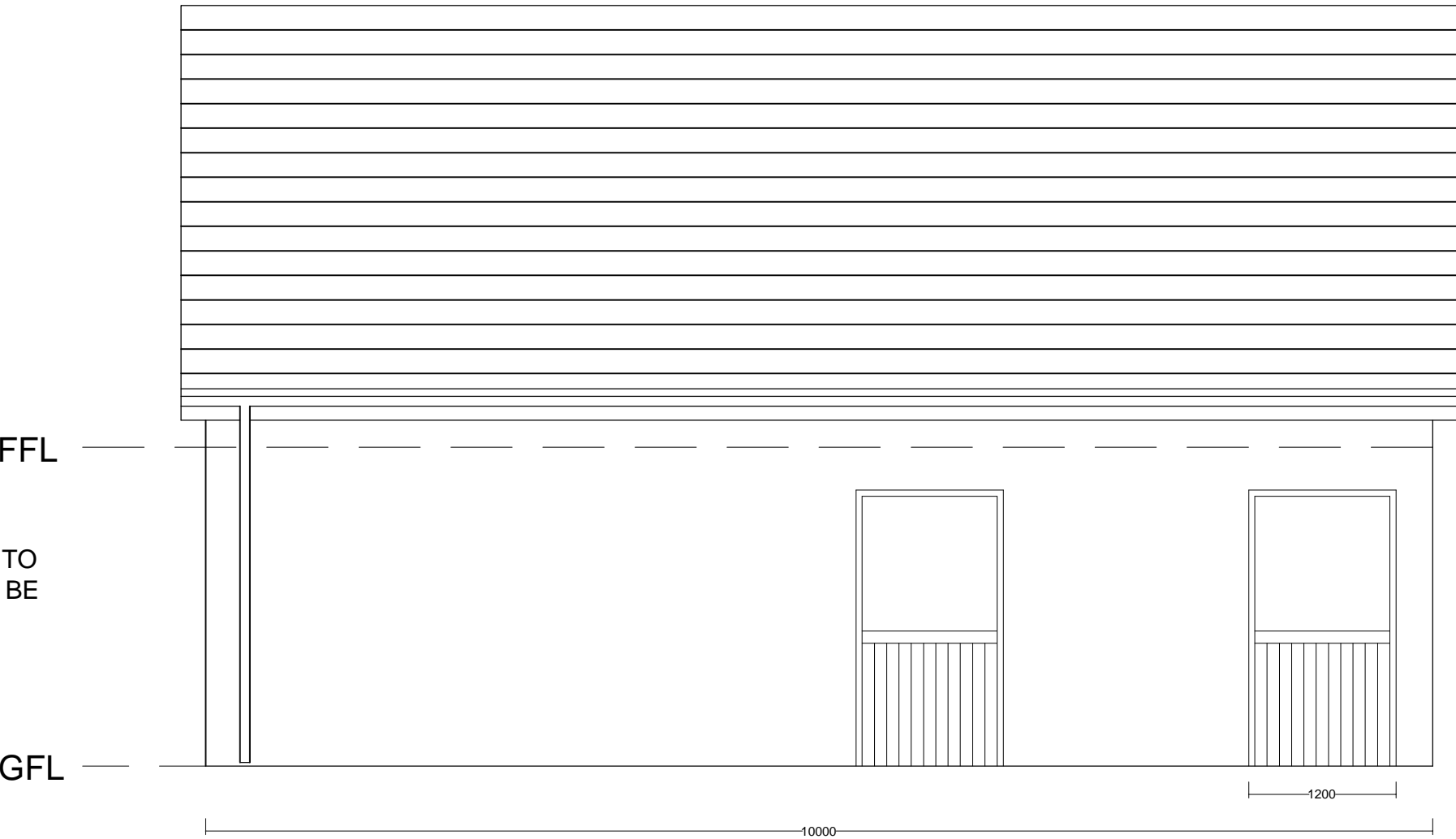
Recommendation: Refuse

Recommended Conditions and/or Reasons

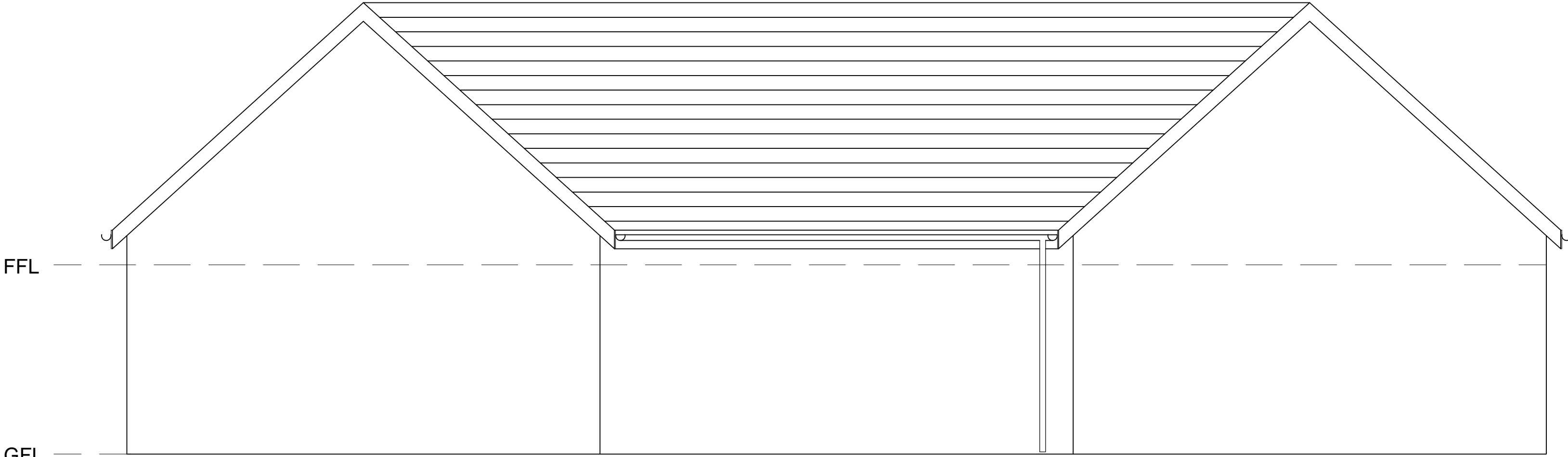
1. The proposed stables by virtue of its siting, size and design and extent of hardstanding represents inappropriate development within the Green Belt and the Applicant has provided no very special circumstances to outweigh the harm caused and the proposal is contrary to Policies G1 and G2 of the Saved Unitary Development Plan, Core Strategy policy CG3 and Planning Control Policy Note no.28 'Equestrian Developments'.
2. Insufficient information has been provided by the applicant particularly with regard to drainage and the storage and disposal of manure from the stables, to enable the proposal to be properly judged against the Core Strategy policies CG3 and CG4.



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION

	REV	DESCRIPTION

PROPOSED ELEVATIONS

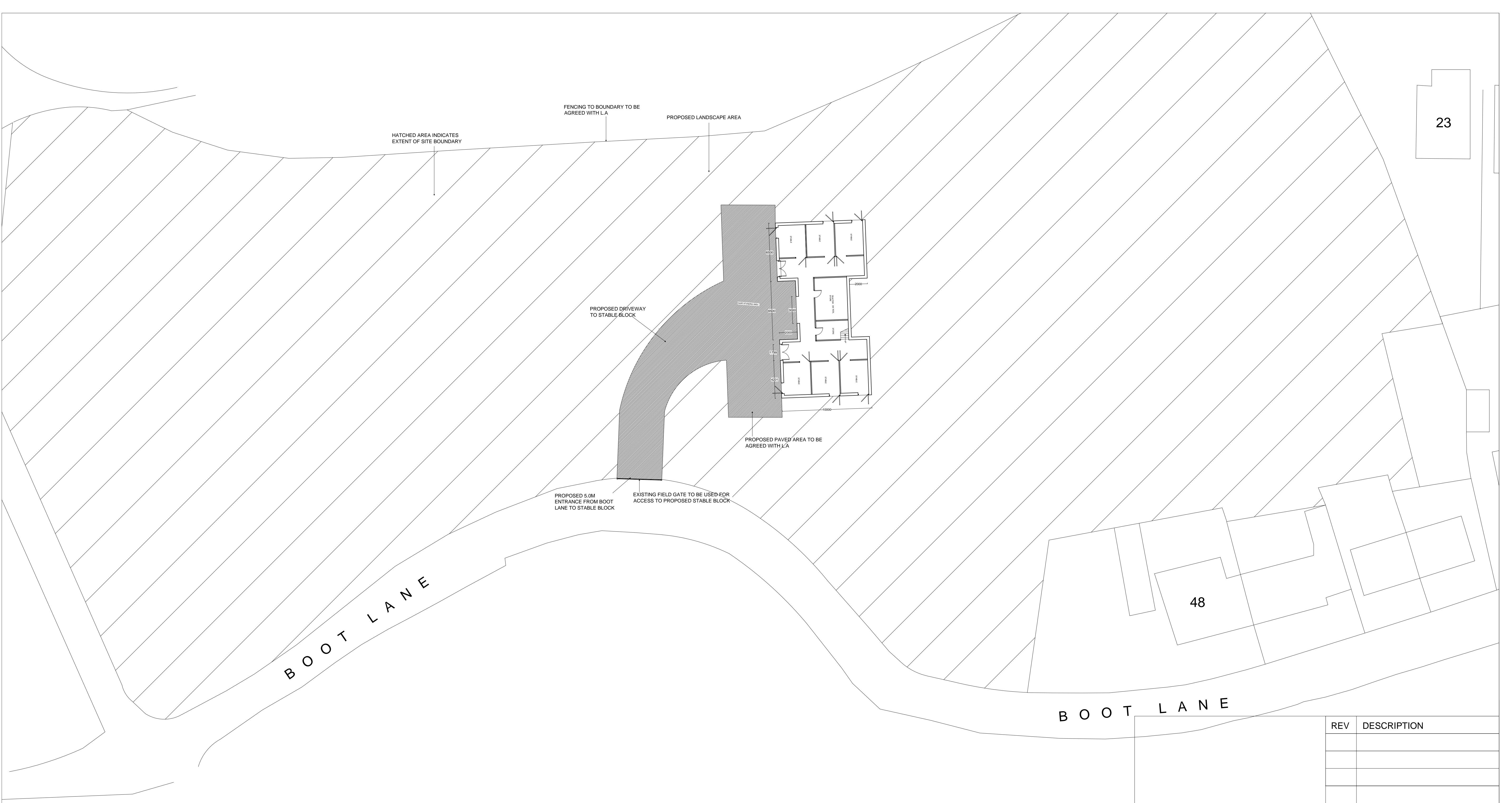
PROPOSED STABLE BLOCK
LAND OFF BOOT LANE, BOLTON
BL1 5SS

CLIENT:	COURT
DWG NO:	PL K644/03
SCALE:	1/50 @ A1
DRAWN BY:	R.P.
DATE:	11/04/14
REV:	



MICHIGAN HOUSE,17-19 CHORLEY NEW ROAD, BOLTON, BL1 4QR
TEL: 01204 392233 FAX: 01204 528505
WWW.NEILPIKEARCHITECTURE.CO.UK EMAIL: INFO@NEILPIKEARCHITECTURE.CO.UK

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PROPOSED SITE PLAN
SCALE: 1:200

REV	DESCRIPTION

PROPOSED SITE PLAN

PROPOSED STABLE BLOCK
LAND OFF BOOT LANE, BOLTON
BL1 5SS

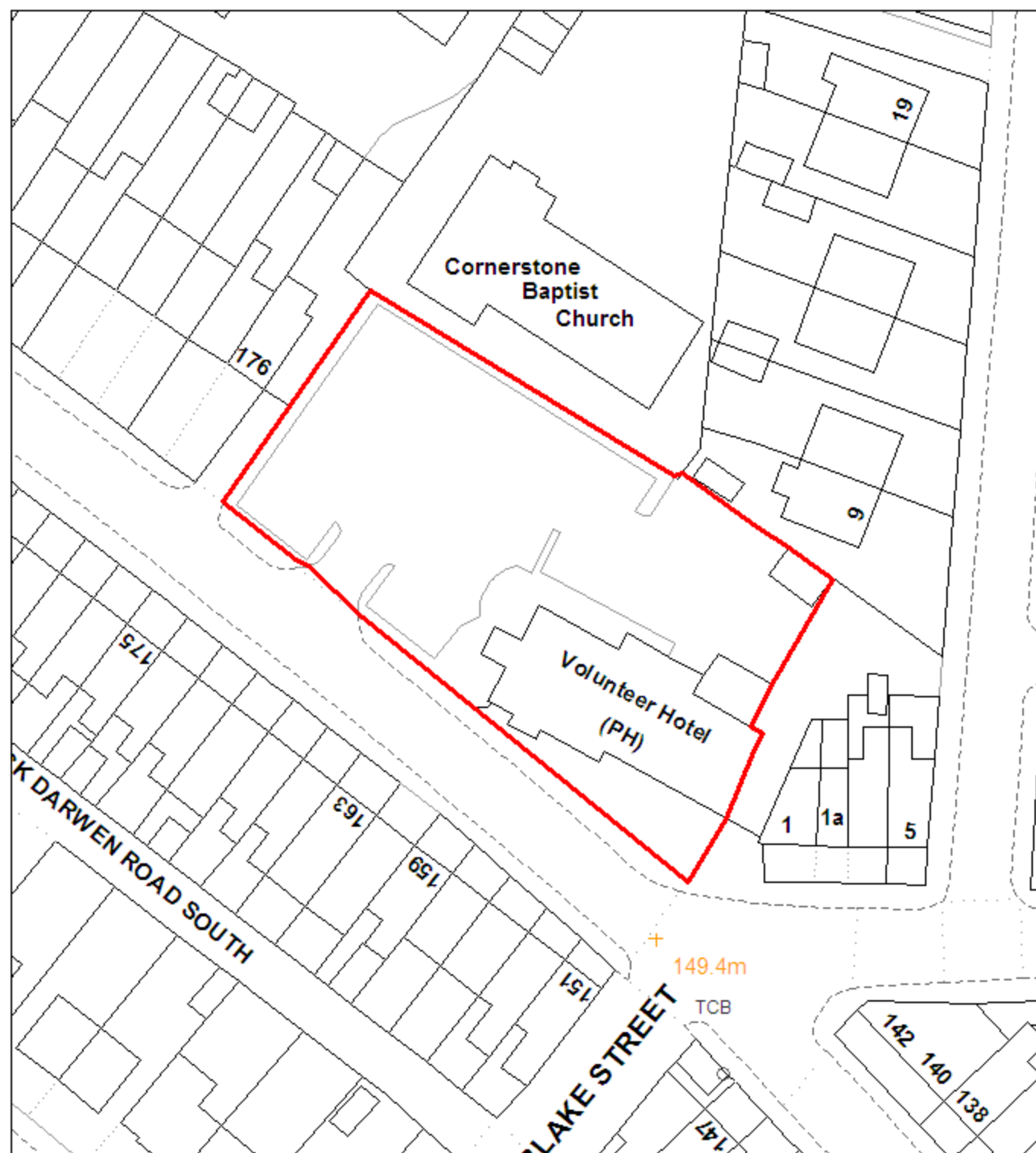
CLIENT:	COURT	
DWG NO:	PL K644/01	
SCALE:	1/200 @ A1	
DRAWN BY:	R.P.	
DATE:	11/04/14	
REV:		

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Application No.

92744/14



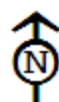
Development and Regeneration Department
Planning Control Section

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

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Date of Meeting: 23/10/2014

Application Reference: 92744/14

Type of Application: Full Planning Application
Registration Date: 11/09/2014
Decision Due By: 05/11/2014
Responsible Officer: Helen Williams

Location: FORMER SITE OF GREEN BENGAL, 158 DARWEN ROAD, BROMLEY CROSS, BOLTON, BL7 9JJ

Proposal: ERECTION OF A SINGLE STOREY RETAIL UNIT (CLASS A1) AND A SINGLE STOREY BUILDING COMPRISING TWO COMMERCIAL UNITS (CLASS A1, A2 AND A3) TOGETHER WITH FORMATION OF CAR PARK, NEW ACCESS, LANDSCAPING AND ASSOCIATED WORKS.

Ward: Bromley Cross

Applicant: CW Construction (North West) Ltd
Agent : MAZE Planning Solutions

Officers Report

Recommendation: Approve subject to conditions

Background

This application is a resubmission of planning application 90991/13, which was refused by Planning Committee in March and was subsequently dismissed at appeal in August.

Planning Committee refused the previous planning application (90991/13) for the following two reasons:

- 1. The proposed development represents an over development of the site which will result in insufficient car parking provision within the site, contrary to Policies P5 and S1.2 of Bolton's Core Strategy and Supplementary Planning Document Accessibility, Transport and Road Safety.*
- 2. The proposed development would, by virtue of its design, height and siting, impact detrimentally on the outlook and living conditions of neighbouring residents, in particularly those of 9 Lords Stile Lane, and is contrary to Policy CG4 of Bolton's Core Strategy.*

The Inspector however only dismissed the appeal on the grounds of the effect of the proposal on the outlook and living conditions of the residents of 9 Lords Stile Lane (reason 2 of the Council's refusal). The Inspector concluded that the proposal would not be harmful to highway safety, with particular regard to levels of parking provision proposed (reason 1 of the Council's refusal), or to any other neighbouring residents.

To address the only reason for dismissing the appeal the applicant has amended their

plans by:

- * Re-siting unit 1 (the convenience store and larger of the two buildings) to the north western corner of the site, and therefore away from 9 Lords Stile Lane;
 - * Re-siting units 2 and 3 (the smaller building) to the east of the site.
- The siting of the two buildings has therefore effectively been switched.

Proposal

As with the previous application, this resubmission seeks permission for the erection of two single storey commercial buildings. The larger of the two buildings (unit 1) is proposed to be used as a retail/local convenience store (Sainsbury's) and will have a footprint of 426.87 square metres. This building is now proposed at the north western corner of the application site. The smaller building is proposed to be split into two 104.04 square metre units (units 2 and 3) and will be used for either A1 (retail/shops), A2 (financial and professional services) or A3 (restaurant and cafe) uses. This building is now proposed to the east of the site.

The remainder of the site is proposed to be utilised as a 31 space car park. Three of these spaces will be designated as disabled parking bays and four will be staff spaces. Motorcycle and cycle parking is also proposed.

The vehicular access into the site is as previously proposed (off Darwen Road).

The proposed hours of opening are between 07:00 and 23:00 hours Monday to Saturdays and 07:30 and 22:30 hours on Sundays.

Site Characteristics

The application site previously contained the extended, stone built, two storey public house building (last used as the "Green Bengal" restaurant) and its large car park. The building, which was sited at the south eastern corner of the site, has now been demolished.

The site measures approximately 0.2 hectares in area and is generally level. Vehicular access into the site is off Darwen Road and relatively central to the side car park. There are double yellow lines along the length of the site frontage and a single yellow line on the opposite side of Darwen Road.

Immediately adjacent the site to the east are 1, 1a, 3 and 4 Bromley Cross Road, a row of four stone built terraced properties. A cobbled side street divides these properties from the application site. To the west are a row of two storey terraced dwellings (176 to 192 Darwen Road) that are set back from the main road, having long front gardens. On the opposite side of Darwen Road are further terraced dwellings of a similar age and design, in a long continuous row.

To the rear of the application site is Cornerstone Baptist Church, which is sited close to the northern boundary of the site and is bordered with a stone wall topped with palisade fencing. A pair of semi-detached bungalows at 9 and 11 Lords Stile Lane side onto the north eastern corner of the site. A fence of approximately 1.8 metres in height and topped with a planted trellis forms the boundary treatment between 9 Lords Stile Lane and the application site.

Darwen Road (B6472) is the main road through Bromley Cross. The application site is approximately 50 metres to the east of Bromley Cross local shopping centre, which is focused around the Co-operative supermarket and a row of retail premises on Darwen

Road.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P2 Retail and Leisure; P5 Transport and Accessibility; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG1.5 Flooding; CG3 The Built Environment; CG4 Compatible Uses; OA5 North Bolton.

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

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * principle of the proposed development
- * impact on the amenity of neighbouring residents
- * impact on the highway
- * impact on the character and appearance of the area

Principle of the Proposed Development

Paragraph 26 of the National Planning Policy Framework (NPPF) requires applications for retail development outside of town centres to provide a retail assessment if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, the default threshold is 2,500 square metres.

The Council does not have a locally set threshold and as the proposed retail floor area is below 2,500 square metres. As with the previous application for the site, officers consider that there is no requirement for a retail impact assessment to be undertaken in this instance.

Policy OA5 of the Bolton Core Strategy states that the Council and its partners will ensure that the local centre at Bromley Cross will continue to serve local needs. The policy also states that Bromley Cross will be allowed to expand for additional convenience floor space if a site becomes available.

The application site lies in close proximity to the Bromley Cross local shopping centre, approximately 50 metres away. The site is previously developed and the previous building could have operated as a retail/convenience use under permitted development rights. Officers therefore consider that the principle of retail development at the site is

acceptable and is compliant with local and national planning policy.

In the appeal decision for the previous application (90991/13) the Inspector acknowledged that the proposal would result in the comprehensive redevelopment of a vacant site and would provide a meaningful addition to retail capacity in the local area. She stated that consideration weighed in favour of the proposal (paragraph 34).

Impact on the Amenity of Neighbouring Residents

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

PCPN2 Space Around Dwellings sets out the Council's policy guidance regarding minimum interface distances between dwellings. Although the guidance within SPD House Extensions refers to house extensions it is considered that the principles are applicable when assessing the relationship of new buildings with neighbouring dwellings.

The convenience store (unit 1) was originally proposed (within application 90991/13) in the north eastern corner of the application site, approximately 1 metre away from the boundary of 9 Lords Stile Lane and approximately 6.4 metres away from the side elevation of this dwelling. The proposed building would have extended along the side of 9 Lords Stile Lane and significantly beyond its rear garden/curtilage. The Planning Inspector found that unit 1, in its original location, would have dominated the outlook when viewed from the ground floor bedroom, office and rear garden of number 9 and would have harmfully detracted from the light and open aspect which those areas currently benefit from. The Inspector therefore dismissed the appeal for 90991/13 for this reason; as the proposal would be contrary to Core Strategy Policy CG4 and the guidance contained within SPD House Extensions and PCPN2.

The Inspector did not find that the proposed development, as originally proposed, would unduly harm any other neighbouring resident.

The applicant has sought to address the Planning Inspector's reason for dismissing the appeal by swapping the locations of the two buildings within this latest application, so that unit 1 is now sited at the north western corner of the site (adjacent 176 Darwen Road and Cornerstone Baptist Church) and units 2 and 3 are sited to the east.

9 Lords Stile Lane

The smaller of the two buildings is now proposed to the south of 9 Lords Stile Lane. The building will be single storey in height (at a lower ridge level than the proposed convenience store) and will be sited (at its closest) 6.1 metres away from the boundary with 9 Lords Stile Lane (and over 11 metres away from the side elevation of the dwelling). The building in this position would not infringe upon a 45 degree angle from any of the main windows of the dwelling and it is considered that it would be sited a sufficient distance from the dwelling to not unduly impact on the living conditions or outlook of the residents. The siting and size of the building is markedly different from the siting and size of unit 1 in the original application. It is therefore considered that the proposal would not unduly harm the amenity of the residents at 9 Lords Stile Lane.

Four staff car parking spaces are proposed along the side boundary with 9 Lords Stile Lane. It is not considered that the use of these spaces would detrimentally harm the living conditions of the residents given the existing boundary treatment, which would

screen these spaces. Furthermore this area of the site was formerly used as a parking area.

1 and 1a Bromley Cross Road

The Inspector for the previous application did not consider that the larger building (unit 1) would have unduly harmed the living conditions of these residents. The replacement of unit 1 with the smaller building would have less of an impact on these neighbours.

176 Darwen Road

The convenience store (the larger of the two buildings) is now proposed adjacent the side boundary with 176 Darwen Road. Given the depth of the proposed store, and its siting, the building would not infringe upon a line drawn at a 45 degree angle from any main window at the front or rear of 176 Darwen Road. There are no main windows in the side elevation of the dwelling. It is therefore considered that the proposed building would not unduly impact on the living conditions of these residents.

Cornerstone Baptist Church

This property is not a residential property and therefore does not benefit from the same policy protection with regard to outlook and amenity as dwellings.

As with the previous application for the development, the Council's Pollution Control Officers have recommended that the proposed hours of opening be restricted to 09:00 to 22:00 hours Monday to Sundays to protect the amenity of nearby residential occupiers. The hours of operation proposed by the applicant are between 07:00 and 23:00 hours Monday to Saturdays and 07:30 and 22:30 hours on Sundays. The applicant, as with the last application, has stated that the proposed hours mirror the trading hours of the nearby Co-operative food store and are essential if the new Sainsbury's store is to provide a comparable service that is available at times of the day that are convenient for local residents. Again it is considered that the applicant has provided reasonable justification to support extended hours of opening from those recommended by Pollution Control Officers.

A Delivery Management Plan has been submitted with the application, which explains how delivery vehicles will access the store and sets out the strategy and procedures for ensuring deliveries are made safely and with minimal noise and environmental impact. This plan includes, amongst other things, the following measures:

- * Deliveries will be coordinated in order to ensure that only one delivery vehicle is on site at any one time;
- * The policy for all staff involved with deliveries is to minimise noise at all time and to reduce turnaround time;
- * Upon receipt of a complaint which is found to be justified by the local authority, works will be undertaken or procedures or processes changed in such a way that seeks resolution of the complaint expediently;
- * Keep engine revs to a minimum, apply brakes gently and close doors quietly.

A Plant Noise Assessment has also been submitted with the application and Pollution Control Officers have recommended a condition to ensure noise levels are kept to a minimum, as to not harm the amenity of neighbouring residents.

It is considered that the amended siting of the two proposed buildings has sufficiently addressed the previous reason for refusal/dismissal at appeal and the proposed development would not unduly harm the amenity of any neighbouring residents, compliant with Policy CG4 of the Core Strategy.

Impact on the Highway

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

SPD Accessibility, Transport and Road Safety is intended to assist in the delivery of the Council's Core Strategy policies, provide guidance for developers and applicants, and support swift and effective decision making on planning applications.

The previous planning application for the proposed development (90991/13) was refused by the Council for the following reason (reason 1): *"The proposed development represents an over development of the site which will result in insufficient car parking provision within the site, contrary to Policies P5 and S1.2 of Bolton's Core Strategy and Supplementary Planning Document Accessibility, Transport and Road Safety."*

The Planning Inspector for the appeal against this refusal stated in their decision:

"...whilst I appreciate the concerns expressed by the Council and local residents, there is little information before me to suggest that the level of on-site parking provision proposed would result in an increase in off-street parking in the vicinity of the appeal site which would be significantly harmful to highway safety. in this regard, I also note that paragraph 32 of the Framework [NPPF] states, among other things, that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

For these reasons, I consider that the level of parking provision in itself is not an indication that the proposal would be an over development of the site...

Accordingly, I conclude that the proposal would not be harmful to highway safety with particular regard to levels of on-site parking provision. The proposal would therefore not conflict with policy P5 of the Council's CS and the Council's SPD ATRS (as set out above). The proposal would also not conflict with policy S1.2 of the CS which states that road safety in the design of new development will be promoted."

The previous application proposed 32 car parking spaces in total on the site, however the Inspector noted (taking into consideration that two of the dedicated staff spaces would be inaccessible if all the spaces were in use) that the number should instead be "approximately 30". The Inspector took this number of 30 into consideration within their analysis. This revised application now proposed 31 parking spaces in total, which is one additional to that considered acceptable by the Inspector.

The proposed vehicle access into the development site is also the same as previously considered by the Inspector.

The Council's Highways Engineers again raise no objection to the proposed development, stating that the applicant has submitted a robust transport statement in support of their proposal. As with the previously refused application they again recommend a number of highways conditions, including additional details regarding the proposed turning area, the resurfacing of the footway along Darwen Road across the site frontage, and a full review of traffic regulation orders around the site.

It is therefore considered that the proposed development (as amended) would again not be harmful to highway safety and would provide sufficient on-site parking provision, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on the Character and Appearance of the Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness ensuring development has regard to the overall built character and landscape quality of the area and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA5 refers specifically to developments in North Bolton and states that the Council will conserve and enhance the character of the existing physical environment and require special attention to be given to the massing and materials used in new development.

The former Green Bengal restaurant/Volunteer public house building has now been demolished (following prior approval in May) and therefore the retention of this building is no longer a material planning consideration.

As with the previous application (90991/13), officers consider that a better design solution for the development would have been to have the convenience store building sited at the front of the site, where the previous building was located (to create a more active frontage). However the applicant has stated that this would not be practical for the end user/s (the preference being that parking is at the front of the buildings), and therefore the application must be accessed on its own merits (that is, the plans that have been submitted). It is not considered that the siting, size, height or design of the proposed buildings would harmfully affect the character and appearance of the area and the planting of additional landscaping to the front of the site (to be secured by condition) would help soften the development and screen it from the road.

It is therefore considered that the proposed development would comply with Policies CG3 and OA5 of the Core Strategy.

Conclusion

For the reasons discussed above, and being mindful of the Planning Inspectorate's conclusions within their appeal decision for application 90991/13, it is considered that the proposed development would be compatible with surrounding land uses, would not unduly harm the amenity of any neighbouring resident, would not jeopardise highway safety and would not harm the character and appearance of the area. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- Seven letters of objection have been received, which raise the following concerns:

- * Highway safety concerns with cars entering and leaving the proposed car park;
- * Increase in traffic build up; Darwen Road is already extremely busy;
- * Increase in the risk to pedestrians;
- * Lack of car parking; if the two smaller units were not built then there would be ample;
- * Parking for local residents at the minute is a nightmare and something needs to be done about it;
- * Delivery access will be very restricted with much less manoeuvring room from the car park entrance; deliveries are problematic at the nearby Co-operative supermarket;
- * The proposed access has not been amended;
- * Loss of light at 176 Darwen Road and impact on living conditions;
- * Impact on 9 Lord's Stile Lane (*Officer's note: this objection was not received from the residents of 9 Lord's Stile Lane*);
- * Delivery noise, plant compound noise and waste collection noise will severely impact on Sunday services at Cornerstone Baptist Church; the plant compound noise will also disturb bible studies and a whole range of other community activities that require quiet;
- * Waste storage facilities will be adjacent the church and 9 Lords Stile Lane;
- * There will be significant light reduction to the main hall and kitchen area of the church; they currently enjoy good levels of sunlight and daylight;
- * The view from the church windows will be a brick wall only 2/3 metres away;
- * Over-development of the site; one retail unit on the site is more than enough;
- * The building would be better built on the footprint of the former Green Bengal;
- * Why does Bromley Cross need so many convenience stores? There is recent information that Aldi are to open nearby;
- * Other stores in the area would suffer;
- * Houses would be more in keeping.

One letter of support has been received, which supports the application for the following reasons:

- * The revised plans satisfies the perceived deficiencies identified by the Inspector;
- * The scheme represents a wholly sustainable and appropriate form of development for the site;
- * It is a welcomed addition to the limited convenience retail offer in Bromley Cross;
- * The site has become very unsightly in recent months;
- * The Council would not be successful in a second appeal.

One letter commenting on the proposal has also been received, commenting that deliveries should not be made during busy and unsafe periods, that the cost of traffic lights and pedestrian crossings should be met by the developer, that improved landscape screening would improve the visual impact for neighbours, and that the development should comply with DDA standards.

Consultations

Advice was sought from the following consultees: Highways Engineers, Pollution Control Officers, Drainage Officers, Tree Officers, Economic Strategy Officers, Strategic Development Unit, Greater Manchester Police's Architectural Liaison Officers, Greater

Planning History

The demolition of the former Green Bengal/Volunteer public house building followed by the erection of a single storey retail unit (class A1) and a single storey building comprising two commercial units (class A1, A2 and A3) together with the formation of a car park, new access, landscaping and associated works was refused at Planning Committee in March 2014 for the following two reasons:

1. The proposed development represents an over development of the site which will result in insufficient car parking provision within the site, contrary to Policies P5 and S1.2 of Bolton's Core Strategy and Supplementary Planning Document Accessibility, Transport and Road Safety.

2. The proposed development would, by virtue of its design, height and siting, impact detrimentally on the outlook and living conditions of neighbouring residents, in particularly those of 9 Lords Stile Lane, and is contrary to Policy CG4 of Bolton's Core Strategy.

The Council's decision was appealed by the applicant and was dismissed by the Planning Inspectorate on 19th August 2014. The Inspector however only dismissed the appeal on the grounds of the effect of the proposal on the outlook and living conditions of the residents of 9 Lords Stile Lane. The Inspector concluded that the proposal would not be harmful to highway safety, with particular regard to levels of parking provision proposed (reason 1 of the Council's refusal), or to any other neighbouring residents.

Prior approval was granted in May 2014 for the demolition of the former Green Bengal/Volunteer building (91708/14).

A number of extensions and alterations to the former public house building were approved between 1988 and 1996 (48613/96, 41017/92, 31551/88 and 30280/87).

Outline planning permission was granted in March 1979 for the erection of one block of houses with integral garages, together with the construction of a vehicular/pedestrian access to Darwen Road (9845/78). The renewal of this outline permission was granted in March 1982 (18582/82).

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

Reason

To ensure the development reflects local distinctiveness.

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

Reason

To ensure the development is safe for use.

4. Prior to the commencement of development a full review of traffic regulation orders around the site shall be submitted to and approved in writing by the Local Planning Authority. Any promotions/revocations required are to be funded at the applicant's expense. None of the development shall be brought into use unless and until all developer obligations as set out in that scheme are fulfilled.

Reason

In the interests of highway safety.

5. Prior to the commencement of development full details of the highway works comprising the re-surfacing of the footway along Darwen Road across the site frontage 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.

6. Before the development hereby approved is first brought into use a scheme shall be submitted to and approved in writing with the Local Planning Authority for external lighting. The lighting shall be designed to an illumination value of 5 lux at the nearest residential property. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter.

Reason

To safeguard the character and appearance of the locality and to prevent light pollution.

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

Reason

To reflect and soften the setting of the development within the landscape.

8. Before the development is first brought into use a detailed scheme shall be submitted to and approved by the Local Planning Authority showing the design, location and size of a facility to store refuse and waste materials. The approved scheme shall be implemented in full within 21 days of the Local Planning Authority approving the scheme in writing and retained thereafter.

Reason

To ensure satisfactory provision is made for the storage of waste materials.

9. Prior to the development hereby approved/permitted being first brought into use the existing vehicular access onto Darwen Road shall be closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards. There shall thereafter be no means of vehicular access to or from Darwen Road, other than as shown on drawing ref: B/3784 09 Rev. B.

Reason

In the interests of highway safety.

10. Before the installation of any air conditioning units to each building full details, including design, siting and noise emission information, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason

To safeguard the amenity of neighbouring residents.

11. The fixed plant/equipment should be designed to give a rating level, as defined in BS4142:1997, 5dB below the night time LAF90 (5 min) or the daytime LAF90 (1 hour) whichever is the most appropriate, as measured 4 metres from the nearest residential property. The monitoring information and the acoustic calculations together with the proposed specifications of the fixed plant/equipment and any sound attenuation proposed should be submitted to and approved by the Local Planning Authority in writing prior to the development first being brought into use.

Reason

To minimise the impact of noise on the general and residential amenity from the increase and alteration of commercial uses in the area.

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

Reason

In the interests of highway safety.

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

Reason

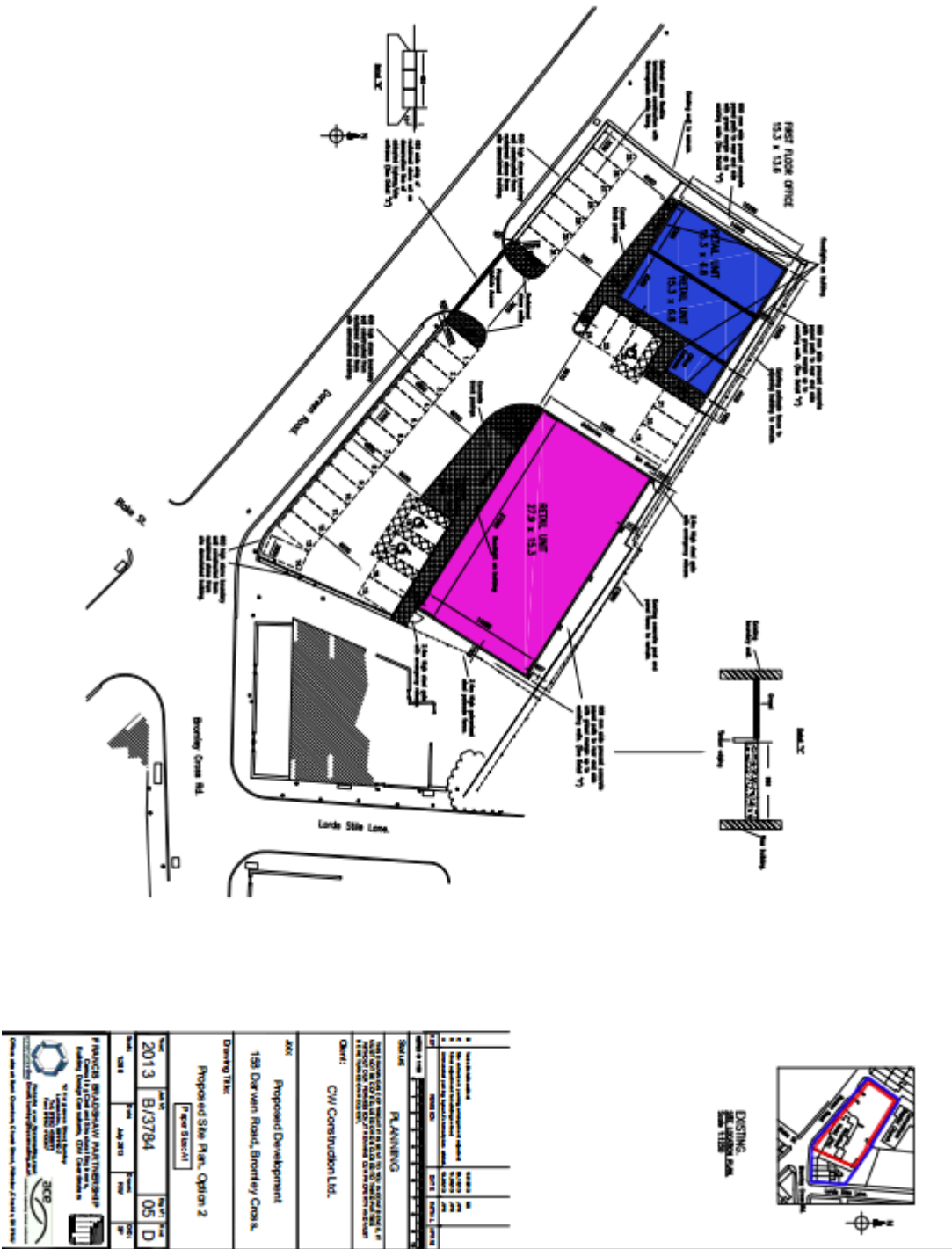
To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.

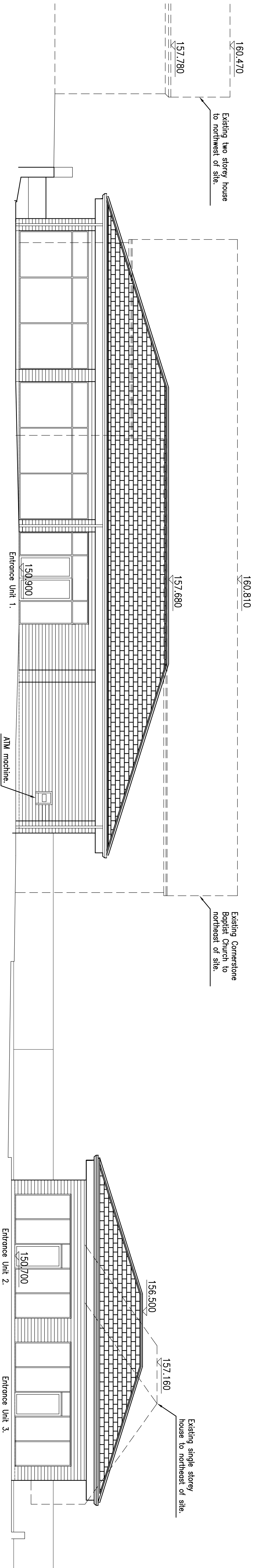
14. Prior to the development hereby approved/permitted being brought into use the means of vehicular access to the site from Darwen Road and the provision of a 1.8 metre wide footway in to the site shall be constructed in accordance with the drawing ref B/3784 09 Rev. B.
- Reason
- In the interests of highway safety
15. No deliveries shall be taken or dispatched from the premises outside the following hours:-
- 07:00 - 18:00 Mondays – Saturdays
08:00 - 18:00 Sundays
- Reason
- To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.
16. The premises subject of this consent shall not be open for trade outside the following hours:-
- 07:00 to 23:00 Mondays – Saturdays
07:30 to 22:30 Sundays
- Reason
- To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.
17. The development hereby approved/permitted shall be carried out in full accordance with the approved Delivery Management Plan unless otherwise agreed in writing by the Local Planning Authority.
- Reason
- To safeguard the amenity of neighbouring residents.
18. This permission shall be limited to the following uses only within the unit numbers as specified on the approved site plan B/784 09 Rev. B:
- Unit 1: A1 uses only
Unit 2: A1, A2 or A3 uses, with a maximum public floor area for any A3 use of up to 80 square metres
Unit 3: A1 or A2 uses only
- Reason
- For the avoidance of doubt as to what is permitted.
19. There shall be no subdivision of Unit 1, as shown on approved plan B/3784 09 Rev. B, at any time unless otherwise agreed in writing by the Local Planning Authority.
- Reason
- For the avoidance of doubt as to what is permitted.
20. The development hereby permitted shall be carried out in complete accordance with the following approved plans:
- B/3784 09 Rev. B; "Proposed Site Plan"; dated 08/09/14
B/3784 12; "Unit No.1 Proposed Ground Floor Plan"; dated Jan 2014
B/3784 22; "Units No.s 2 & 3 Proposed Ground Floor Plan"; dated Jan 2014
B/3784 50; "Proposed Elevations"; dated 08/09/14

Reason

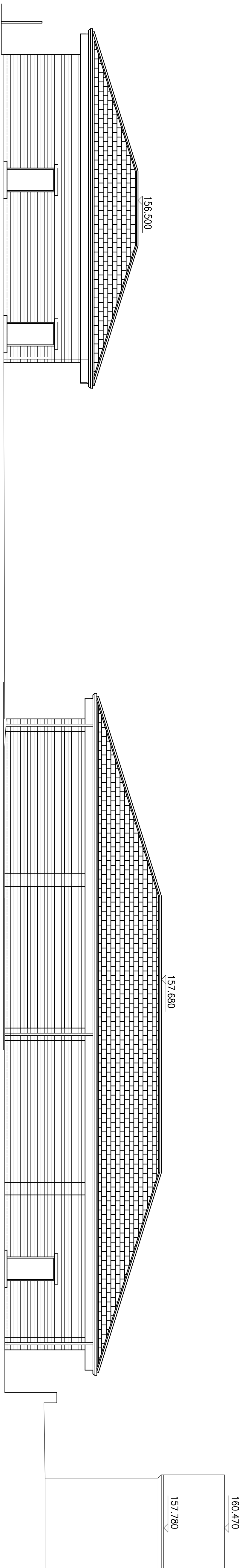
For the avoidance of doubt and in the interests of proper planning.

Previously proposed site plan (90991/13)

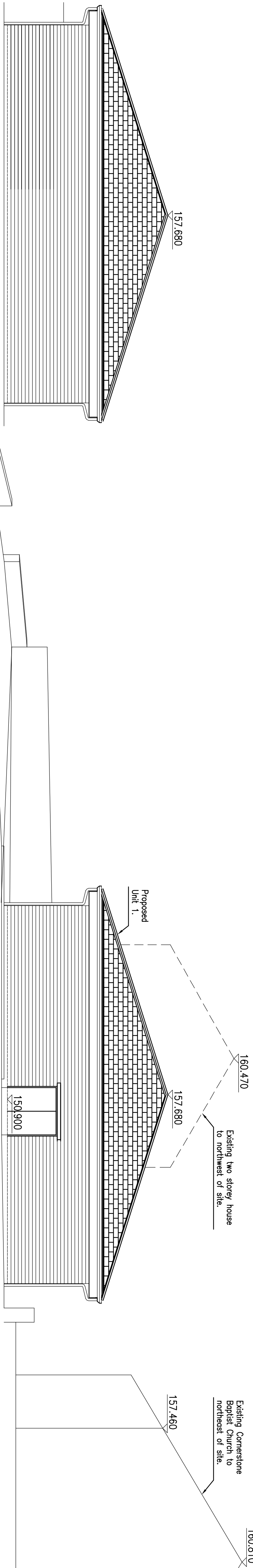




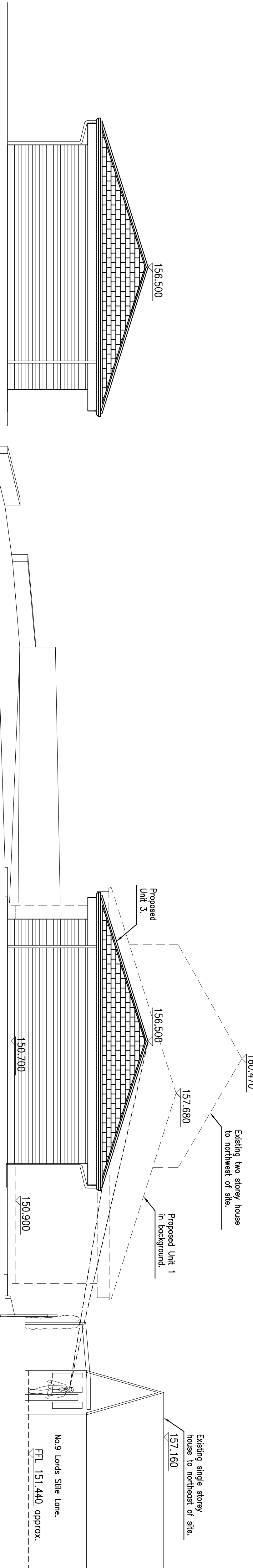
PROPOSED SOUTHWEST ELEVATION – UNITS 1, 2 & 3.
Scale 1:100



PROPOSED NORTHEAST ELEVATION – UNITS 1, 2 & 3.
Scale 1:100



PROPOSED NORTHWEST ELEVATION – UNIT 1.
Scale 1:100



PROPOSED SOUTHEAST ELEVATION – UNIT 1.
Scale 1:100

PROPOSED NORTHWEST ELEVATION – UNIT 2.
Scale 1:100

PROPOSED SOUTHEAST ELEVATION – UNIT 3.
Scale 1:100

REF	REVISION	DATE	INITIAL	APPROV
METRES 1:100 0 1 2 3 4 5 6 7 8 9 10				
Status: PLANNING				
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Client: CW Construction Ltd.				
Job: Proposed Development 158 Darwen Road, Bromley Cross.				
Drawing Title: Proposed Elevations				
Year: 2013	Job N°: B/3784	Dwg N°: 50	Rev:	
Scale: 1:100 @A1	Date: 08/09/14	Drawn: SB	CKD:	
Francis Bradshaw Partnership Consulting Civil and Structural Engineers, Building Design Consultants, CDM Co-ordinators 12 Hargreaves Street, Burnley Lancashire BB10 1JZ Tel: 01282 413 917 Fax: 01282 413 987 Website: www/fbpconsulting.co.uk Email: burnley@fbpconsulting.co.uk Offices also at Bank Chambers, Church Street, Winslow, Cheshire, SK9 7AU				

Appeal Decision

Site visit made on 5 August 2014

by Victoria Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 August 2014

Appeal Ref: APP/N4205/A/14/2216641

Green Bengal (The Volunteer PH), 158 Darwen Road, Bromley Cross, Bolton, BL7 9JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CW Construction (North West) Ltd against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 90991/13, dated 7 November 2013, was refused by notice dated 7 March 2014.
 - The development proposed is demolition of existing building followed by erection of single storey retail unit (Class A1) and a single storey building comprising two commercial units (Class A1, A2 and A3) together with formation of car park, new access, landscaping and associated works.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by CW Construction (North West) Ltd against Bolton Metropolitan Council. This application will be the subject of a separate Decision.

Procedural Matter

3. The original application sought planning permission for one proposed single storey retail unit and one proposed two storey building comprising two commercial units (Class A1, A2, A3, A4 and A5). During the Council's consideration of the original application, the appellant amended the proposal by removing the proposed A4 and A5 use and also the proposed first floor element of the two storey building. The council considered the application on that basis and so shall I. The description of the development proposed in the banner heading above reflects this and is that used by the appellant on the appeal form.

Main Issues

4. The main issues are:
 - The effect of the proposal on the living conditions of neighbouring occupants, with particular regard to outlook and daylight; and

- The effect of the development proposed on highway safety with regard to levels of on-site parking provision.

Reasons

Living conditions

5. At the time of the site visit, the former restaurant on the appeal site had been demolished and the site was in the process of being cleared. The site is within a built up area. There are therefore a number of residential dwellings and other buildings within close proximity to the appeal site. In particular, No. 9 Lords Stile Lane (No. 9) is next to the appeal site and its side elevation would face towards the rear elevation of proposed Unit 1. The rear elevation of No. 9 would also look towards the proposed Unit.
6. No. 9 is a bungalow and there are a number of windows in the side and rear elevation which face towards the appeal site. Two of these serve a kitchen and one window in the rear elevation serves a bedroom. There is also an office which has one window in the side elevation and one in the rear elevation. There is a car port in place attached to the side elevation of No. 9. There is also a small courtyard garden to the rear of the dwelling, the side boundary of which is shared with the appeal site. The shared boundary comprises a 1.8 metre concrete panel fence with a trellis on top with ivy and other vegetation covering it. There is a slight difference in ground levels, with the proposed development being set slightly lower than No. 9.
7. The rear and side elevations of No. 9 currently have an open and light aspect. Whilst the existing boundary treatment in place does screen the appeal site, its height is such that open sky views looking across the appeal site are maintained. Even though there are solid timber elements to the car port, it is largely constructed in a clear Perspex material and therefore allows light to pass through it. Consequently, it does not have a significant shading effect on the windows in the side elevation of No. 9. During the site visit, I was also able to observe that No. 9 has a small, pleasant courtyard garden with a sitting out area which faces towards the appeal site. This also has an open and light aspect.
8. The plans show that the rear elevation of proposed Unit 1 would be approximately 27.9 metres long. It would therefore run along almost the entire length of the shared boundary with No. 9 and would extend for some distance beyond it. Although the proposed Unit would be single storey, the building would still be taller than the existing boundary treatment in place. There is some dispute between the parties as to the proposed separation distance between No. 9's side boundary and proposed Unit 1. The plans show that the site tapers slightly towards No. 9 and therefore the separation distance varies between approximately 1 and 2 metres. The separation distance between No.9's side elevation and the proposal would therefore be approximately 6.4 metres.
9. The proposal would therefore result in a large building in very close proximity to No.9 that would extend along almost the entire length of the side boundary of that dwelling. It would dominate the outlook when viewed from the ground floor bedroom, office and rear garden of No.9 and would harmfully detract from the light and open aspect which those areas currently benefit from. For the same reasons, the proposal would also result in a loss of daylight to those

rooms and the rear garden. It would overshadow those areas and they would be darker and gloomier as a result. This would be particularly harmful to the living conditions of the occupants of No. 9 when using those areas for activities such as sitting in or relaxing.

10. The Council have referred to their Supplementary Planning Document "House Extensions" (August 2012) (HE SPD) and also their Planning Control Policy Note No. 2: Space Around Dwellings (Approved April 1992) (PCPN2). I acknowledge that the appeal scheme does not propose either a house extension or new housing development and therefore the guidance is not directly relevant to the appeal proposal. Nevertheless, the general thrust of the guidance is, in part, to assist in evaluating the effect of development proposals and their relationship with existing dwellings in so far as they may affect the living conditions of neighbouring occupants. This is a relevant planning consideration to this appeal proposal. I have therefore had some regard to the principles as set out in the HESPD and PCPN2 in my decision.
11. PCPN2 defines principal windows as serving, among other things, a main bedroom. Paragraphs 4.14 and 4.15 of the HE SPD consider single storey rear extensions. So that they do not cause significant overshadowing of main room windows in neighbouring properties, the HE SPD goes on to state that a good rule of thumb is to refer to the "45 degree" rule. This is that the proposal should avoid infringing a line drawn at 45 degrees from the centre of the main room window.
12. I understand that the proposal would infringe upon a line drawn at a 45 degree angle from the centre of the nearest principal (bedroom) window in the rear elevation of No. 9. The proposal would therefore conflict with the HE SPD and PCPN2 in this regard and this adds weight to my concerns.
13. The appellant has submitted detailed sunlight and shadow assessments for the proposal. The evidence shows images which model the sunlight at different times of day throughout the year as it falls on the existing site and the site following the development of the proposal, were the appeal to succeed. I acknowledge that in the majority of examples, there is no appreciable difference in shading when comparing the proposed development with the existing situation. However, that describes the situation in relation to sunlight. Light to habitable rooms and rear gardens is not only provided by sunlight. Daylight is also a relevant consideration and this includes all other sources of light, including reflected light and the "45 degree rule" is a relevant consideration in this regard.
14. I appreciate that the officer's report considered that this issue could be addressed via a condition requiring a suitable boundary treatment to be put in place. However, in order to effectively screen the proposal, the existing boundary treatment would have to be raised significantly for the entire length of the shared boundary between the appeal site and No. 9. I consider that this in itself would have a detrimental effect on the outlook and daylight which the occupants of No. 9 currently enjoy. For these reasons, I consider such a condition would not overcome the harm that I have identified and would therefore not be acceptable.
15. I acknowledge that the ridge height of No. 9 and proposed Unit 1 would be similar, that there would be a slight difference in finished floor levels and that the design of the roof of the Unit would reduce its overall mass. However,

even taking all these factors into account, proposed Unit 1 would be appreciably higher than the existing boundary treatment in place and in close proximity to No.9. These factors do not therefore outweigh the harm that I have identified above.

16. The Council's decision notice does not specifically refer to the effect of the proposal on the living conditions of Nos. 1 and 1a Bromley Cross Road (Nos. 1 and 1a). However, the Council officer does refer to those dwellings in the original report. I understand that the side elevation of proposed Unit 1 would be approximately 12 metres away from the rear elevation of No. 1 where a number of windows, serving rooms such as bedrooms, are situated. PCPN2 advises that a minimum distance of 13.5 metres should be maintained in such a situation.
17. Whilst the former restaurant building has now been demolished, I understand that it was sited approximately 2 metres closer to the gable end of Nos. 1 and 1a than the proposed siting of Unit 1. The proposed Unit would also be single storey and I understand that it would be lower than the previous building on the site.
18. In these circumstances, and having regard to the relationship between the former restaurant and Nos. 1 and 1a, I consider that the proposal would not have a significantly greater effect on the living conditions of the occupants of those dwellings when compared with the previous situation. The proposal would therefore not be harmful to the living conditions of Nos. 1 and 1a in this regard.
19. Accordingly, I conclude that the proposal would be harmful to the living conditions of No. 9 Lords Stile Lane with particular regard to outlook and daylight. The proposal would therefore conflict with the Council's HE SPD and PCPN2 and also policy CG4 of Bolton's Core Strategy (Adopted March 2011) (CS) which seeks to ensure, among other things, that new development is compatible with surrounding land uses and occupiers, protecting amenity.

Levels of parking provision

20. Proposed Unit 1 would create approximately 427 square metres¹ of floor space. Units 2 and 3 combined would create approximately 208 square metres of floorspace. The proposed amount of total floorspace is therefore approximately 635 square metres. A major grocery retailer (A1) is expected to be the end user of Unit 1. The end users for Units 2 and 3 are uncertain at this stage and could be either a A1, A2 or A3 business.
21. Policy P5 of the Council's CS states, among other things, that developments should take account of parking in accordance with the parking standards set out in Appendix 3: Parking Standards. Appendix 3 goes on to set out maximum standards for car parking provision for a variety of different uses including A1, A2 and A3 in accordance with the amount of floorspace proposed.
22. The Council have referred to slightly different figures for the maximum parking standard applicable to the appeal proposal in their officer's report and appeal

¹ I note that the Council has referred to a slightly different figure for the amount of floorspace proposed for Unit 1 but as this difference is not greater than 25 square metres to the figure the appellant has referred to it does not appear to affect the overall calculation of car parking provision for the proposal, having regard to the parking standards set out in the Council's Appendix 3.

statement. The differences appear to be because the uses applied for (A1, A2 and A3) have different parking standards which apply. I understand that the appellants have indicated their willingness to accept a planning condition limiting the development to one A3 unit only. Taking this into account and having regard to the Council's parking standards, 32 parking spaces would seem to be the maximum number of parking spaces applicable to the appeal proposal. This is the figure referred to by the Council in their appeal statement. It is based on the assumption of two A1 Units and one A3 Unit (either Unit 2 or 3). This seems to me to be a reasonable approach as it allows for a degree of flexibility as the end users of the proposal are uncertain at this stage.

23. The appeal proposal does propose thirty two on-site parking spaces in total. The proposed site plan shows thirty proposed customer parking spaces, of which three would be specifically designated as disabled parking bays. Two additional staff parking spaces are also proposed. However, the submitted plans do show that the proposed staff parking spaces would be blocked in if the parking bays numbered 21 and 20 were in use. There is therefore some uncertainty as to whether two of those spaces would be capable of being used in practise. Taking this into account, the number of proposed parking spaces would be approximately 30.
24. Appendix 3 also states that for development proposals of up to 200 bays, 3 disabled parking bays or 6% of total capacity should be provided, whichever is greater. Disabled parking provision is also expressed as a minimum standard. Whilst there may be a reference to calculating the requirement as a percentage of total capacity that does not alter the fact that Appendix 3 is also clear that disabled parking provision is specifically excluded from the calculation of the maximum standard for overall car parking provision.
25. I note there is some dispute between the parties as to whether the disabled parking requirements for Unit 1 and Units 2 and 3 should be calculated separately or as part of one development. The proposal is being brought forward as part of a comprehensive redevelopment of the site and the total number of proposed parking bays would not exceed 200. Furthermore, there is no explicit policy reference before me to suggest that the disabled parking provision should be calculated per individual Unit proposed. Therefore, it seems to me that it is reasonable to calculate the disabled parking requirement having regard to the development as a whole. Therefore, a minimum of 3 disabled spaces should be provided. However, this does not alter my finding that those 3 spaces should be excluded from the levels of overall parking provision.
26. Based on the information before, it would seem that 27 parking spaces are proposed in total. This calculation excludes the three disabled parking bays (as specifically required by the parking standards) and also the two staff parking spaces for the reasons I have identified above. The proposed parking provision would therefore not provide the full provision of the Council's parking standards of 32 spaces plus 3 disabled bays. However, the parking standards are expressed as a maximum number. It does not therefore necessarily follow that the proposal would be harmful in this regard.
27. Darwin Road is a busy, well trafficked route and parking restrictions are in place in the vicinity of the appeal site. The site is also close to the junction of

Darwen Road with Bromley Cross Road which is relatively busy. A degree of informal off-street parking already takes place along the residential streets in the vicinity of the site.

28. Paragraph 10.3 of the Council's Supplementary Planning Document 'Accessibility, Transport and Road Safety' (April 2013) (SPD ATRS) states that in exceptional circumstances the Council might request the full provision of parking to be provided where there are significant implications for road safety. The SPD ATRS also goes on to state that the Council will normally permit development where it is not likely to lead to a perpetuation or an intensification of on-street parking in a location where parking is likely to be detrimental to highway safety (paragraph 10.8).
29. I understand that an analysis of the last five years of accident data for this location shows no appreciable accident record that would warrant any concern. Additionally, the transport statement submitted with the application indicates that the proposal would be likely to have a limited impact on traffic flows. I also note that the consultation response from the highway authority identified no specific concerns in regard to highway safety as a result of additional off-street parking in this location and, subject to conditions, no objection was made to the proposal on highway safety grounds.
30. Whilst the appeal proposal may not meet the Council's maximum parking standards, the number of parking spaces proposed would only be slightly below the maximum number (by approximately 5 spaces). I also understand that the appeal site is in a sustainable location and accessible via foot, bicycle and public transport. This would be likely to reduce the number of future customers arriving via car, were the appeal to succeed. In this regard, paragraph 10. 2 of the Council's SPD ATRS does state that the Council will not require a developer to provide more spaces than they themselves wish and that where less provision is proposed, the Council will look for the applicant to demonstrate the accessibility of the site.
31. Therefore whilst I appreciate the concerns expressed by the Council and local residents, there is little information before me to suggest that the level of on-site parking provision proposed would result in an increase in off-street parking in the vicinity of the appeal site which would be significantly harmful to highway safety. In this regard, I also note that paragraph 32 of the Framework states, among other things, that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
32. For these reasons, I consider that the level of parking provision in itself is not an indication that the proposal would be an over development of the site. Whilst I note the Council's concerns as to additional landscaping, the proposal does make provision for some tree planting on the Darwen Road frontage. I therefore find no harm in this regard.
33. Accordingly, I conclude that the proposal would not be harmful to highway safety with particular regard to levels of on-site parking provision. The proposal would therefore not conflict with policy P5 of the Council's CS and the Council's SPD ATRS (as set out above). The proposal would also not conflict with policy S1.2 of the CS which states that road safety in the design of new development will be promoted.

Other Matters

34. I acknowledge that the proposal would result in the comprehensive redevelopment of a vacant site and would provide a meaningful addition to retail capacity, including a neighbourhood foodstore, in the local area. This consideration weighs in favour of the proposal. I also appreciate that the appellant has amended the proposal and provided additional information during the Council's consideration of the original application, thereby attempting to overcome the Council's concerns.

Overall Conclusion

35. I have found that the proposal would not be harmful to highway safety with particular regard to levels of parking provision proposed. I have also acknowledged that the appeal proposal would have some benefits. Turning to the effect of the proposal on the living conditions of neighbouring occupants, with particular regard to outlook and daylight, although I have found that the proposal would not be harmful to the occupants of Nos. 1 and 1a; I have found that this would not be the case for the occupants of No. 9. This is because the proposal, by reason of its proposed length, height and close proximity to No. 9, would dominate the outlook and would overshadow ground floor rooms and the rear garden area of No. 9. This would be significantly harmful to the living conditions of the occupants of no. 9 as a result. I therefore consider that the harm that I have identified in this regard would clearly outweigh the other considerations I have identified.
36. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Victoria Lucas-Gosnold

INSPECTOR