

Planning Applications Report

Planning Committee

28 July 2016

**Bolton
Council**

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

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

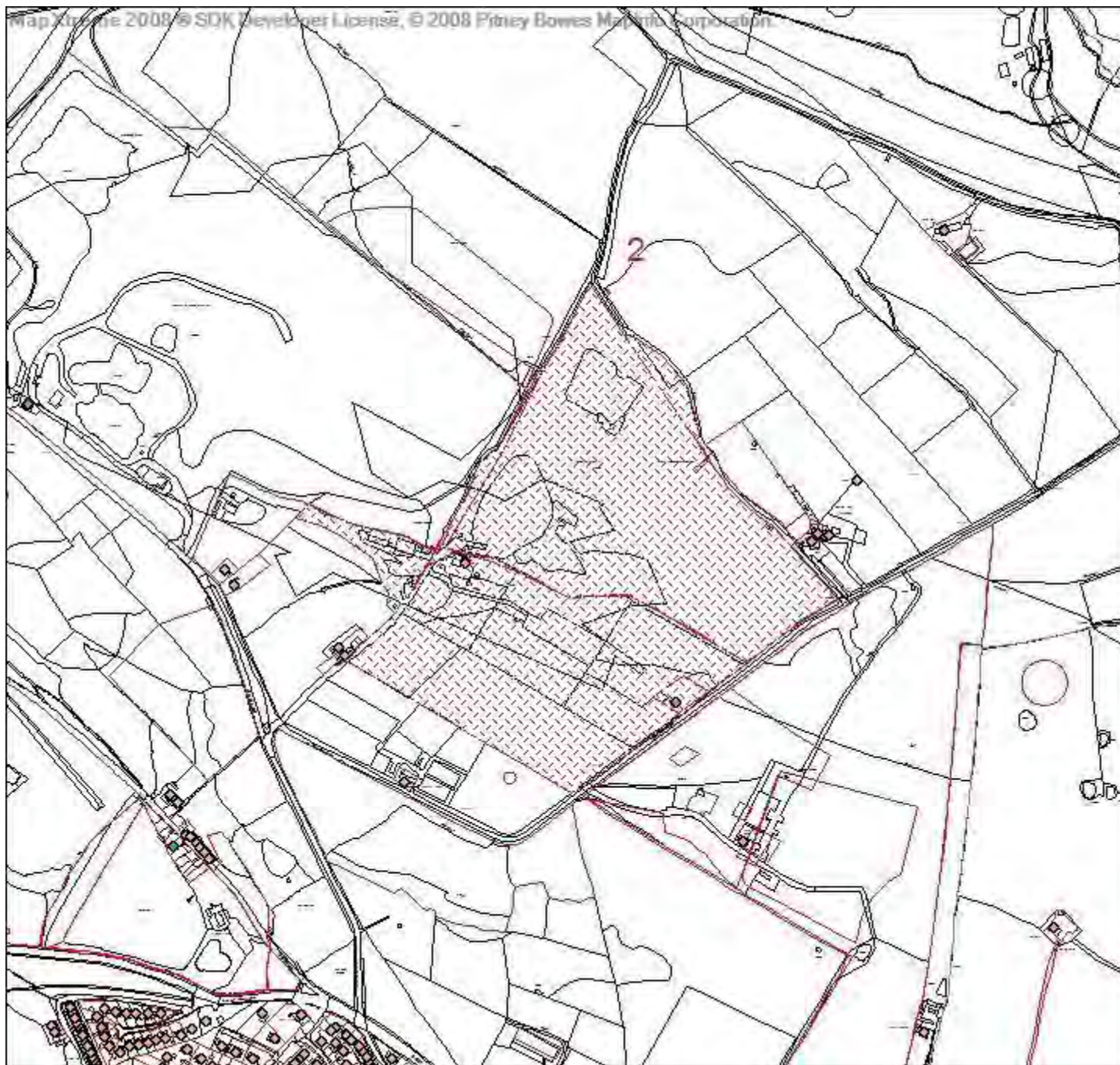
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

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Application number 93925/15



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Date of Meeting: 28/07/2016

Application Reference: 93925/15

Type of Application: County Matters
Registration Date: 31/03/2015
Decision Due By: 25/05/2015
Responsible Officer: Helen Williams

Location: PILKINGTON QUARRY, GEORGES LANE, HORWICH, BOLTON, BL6 6RS

Proposal: VARIATION OF CONDITION 22 ON APPLICATION 84065/10 TO ALLOW OCCASIONAL USE OF TRADITIONAL QUARRY DRILL AND BLAST TECHNIQUES

Ward: Horwich North East

Applicant: Mr D Armstrong
Agent : The Mineral Planning Group

Officers Report

Recommendation: Approve subject to conditions

Background

This application was deferred at Planning Committee on 12th May 2016 as Members requested a better definition of the term "occasional" and clearer idea about frequency. They also advised that a regular preferred day for the blasting should be chosen by the applicant and publicised in addition to the 48 hours' notice to minimise any shock for neighbours.

With regard to the definition of "occasional", the applicant has stated that there will be no need for any more than two blasts per month. As previously explained, whenever possible the rock will be extracted with the use of a hydraulic excavator but when this is not possible blasting (by way of the use of "black powder") will be utilised. The applicant only anticipates an initial period of blasting to create a loose rock face. This would then be extracted by a hydraulic excavator as previously approved.

With regard to designating a specific day of the week when blasting would occur, the applicant has stated that they would be unable to give a specific day of the week when a blast might take place at Pilkington No.2 owing to a number of variables outside their control, such as weather conditions and the timings of the delivery of materials. They can however offer a two-day slot - Wednesdays/Thursdays - with Wednesday being the target day. Nevertheless, appropriate warnings of any blast will be given (as already carried out at Montcliffe Quarry and as described below).

Proposal

Permission is sought to vary condition 22 on planning approval 84065/10 to allow for the occasional use of traditional drill and blast techniques in the permitted southern extension area of the quarry (the extension area approved under application 84065/10).

Condition 22 reads:

"There shall be no blasting of stone within the site unless otherwise agreed in writing with the Local Planning Authority. Any subsequent blasting shall be undertaken in accordance with the noise restrictions set out in condition 05 above and shall be subject to 48 hours notice to the Local Planning Authority and all residential property within 200 metres of the site boundary."

Condition 22 did not prohibit the use of blasting, but required the applicant to apply formally to the Local Planning Authority for its use, as well as giving the Local Planning Authority and all residential properties within 200 metres of the site boundary 48 hours notice of any blasting and to ensure that any blasting is within the approved noise restrictions.

The applicant has stated that whenever possible the rock will be extracted with the use of a hydraulic excavator (as approved under 84065/10) but on occasions when this is not possible, traditional quarry drill and blast techniques (the use of "black powder") will be utilised. They only anticipate an initial period of blasting to create a loose rock face that can then be extracted by a hydraulic excavator in the normal fashion. Thereafter, only if the operator encounters unjointed 'massive' sandstone would there be a need for further occasional blasting (as larger blocks cannot be moved by a hydraulic excavator).

Blasting will only occur between the hours of 1000 and 1600 hours Monday to Friday. There will be no blasting on Saturdays, Sundays, National Holidays or Bank Holidays and no secondary blasting will take place (except with the prior written approval of the local planning authority).

The proposal will not result in any additional vehicles entering/leaving the quarry.

Site Characteristics

Pilkington Quarry is located approximately 2 kilometres east of Horwich and is allocated within the Allocations Plan as being within an Area of Search for gritstone/sandstone, the Green Belt and the Upland Moorland Hills Landscape Character Area.

To the west of the application site is Montcliffe Quarry.

To the north of the established quarry are the residential properties of Heather Hall and Heather Hall Cottages (1, 3 and 5). To the south of the existing quarry and the west of the proposed extension is Lodge Farm (owned by the applicant). Grundy Cottages (1 and 2) on Makinson Road are to the south west corner of the proposed quarry extension and Matchmoor Riding School is to the south.

Matchmoor Lane runs to the east of the application site.

Public right of way HOR054 runs to the south of the existing quarry and to the north of Lodge Farm and the proposed quarry extension. The footpath has been partially quarried away by the previous owner of the site. HOR057 runs to the west of the application site (along Makinson Road), HOR055 runs to the west of the worked quarry and HOR053 runs to the north.

Pilkington Quarry is utilised for the extraction of high quality sandstone. The existing planning permission at Pilkington Quarry runs until February 2042, with permission for the extension running until 31st December 2026.

Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance - Minerals

Greater Manchester Joint Minerals Plan April 2013

Core Strategy Policies: P4 Minerals; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

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

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the amenity of neighbouring residents
- * impact on biodiversity
- * impact on the adjacent public rights of way
- * impact on the highway

Impact on the Amenity of Neighbouring Residents

Paragraph 144 of the National Planning Policy Framework (NPPF) states when determining mineral related planning applications, local planning authorities should [amongst other things] ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties. Paragraph 143 states [amongst other things] that local planning authorities should, when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction.

Policy CG4 of the Core Strategy states that the Council will ensure that development does not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.

As stated above, it is proposed that on the occasions when the rock within the approved quarry extension is not able to be extracted by the use of a hydraulic excavator, traditional quarry drill and blast techniques will be utilised.

The applicant has submitted an Assessment of Environmental Impact of Blasting with their application. This assessment looks at the potential effects of the proposed blasting on neighbouring properties (Heather Hall, Heather Hall Cottages, Matchmoor Riding Centre, Grundy Cottages and Lodge Farm) including ground vibration and airborne vibration, and uses blast vibration data monitored at similar quarries to Pilkington to predict vibration levels.

The assessment confirms that all blasts at the quarry will be designed in order to comply with the recommended vibration criterion. It asserts that all vibration will be well below the levels recommended for blast induced vibration and human perception as being satisfactory within British Standard Guide BS 6472-2: 2008, and with such low ground vibration levels, accompanying air overpressure would also be of a very low and hence safe level (although possibly perceptible on occasions at the closest of properties). The assessment concludes by stating that if the applicant follows the recommendations given in the report, then there is no reason why blasting operations within the extraction area would give rise to adverse comment due to induced vibration at any of the neighbouring dwellings.

The Environment Agency and the Council's Pollution Control Officers have raised no objection to the proposal.

Pollution Control Officers have recommended that the blasting is:

- * carried out in line with the recommendations of the submitted vibration assessment report;
- * that any subsequent blasting is undertaken in accordance with the noise restrictions set out in condition 5 of previous approval 84065/10; and,
- * the applicant gives 48 hours notice to the local planning authority and all residents within 200 metres of the site boundary.

The proposed blasting will inevitably cause a loud, short noise, however the applicant will be giving all neighbouring residents within 200 metres of the quarry 48 hours notice, so the blast noise should not come as a shock to neighbouring residents. Blasting will also only occur between the hours of 1000 and 1600 hours Monday to Friday (there will be no blasting on Saturdays, Sundays, National Holidays or Bank Holidays and no secondary blasting will take place, except with the prior written approval of the local planning authority); this will be conditioned. As paragraph 143 of the NPPF states, local planning authorities should recognise that some noisy short-term activities are unavoidable to facilitate minerals extraction.

Neighbouring residents at Heather Hall Cottages have raised concern about damage to their properties. The submitted vibration assessment however states that the predicted ground vibration levels will be low and the accompanying air overpressure will be very low and at a safe level. It is therefore not considered that the proposed development would cause damage to any neighbouring properties.

In accordance with the submitted blasting assessment, the applicant will also be carrying out blast vibration monitoring of every blast, at the closest vibration sensitive property (the closest dwelling to the blast location). On occasion, an additional location may be monitored in order, for example, to investigate specific blast related complaints (if there are any). Following a period of 12 months from the commencement of the monitoring, the local planning authority and the applicant will review the monitoring procedures.

The applicant has also confirmed that should a complaint be made to the quarry management relating to levels of blast vibration and/or air overpressure, this will be investigated and, where necessary, measures to control the effects will be implemented with feedback provided to the complainant. Any complaints, and any action undertaken as a result of the investigation, will be recorded in a log available for inspection by the mineral planning authority.

Third parties have also raised concern about potential dust pollution from the proposed blasting. Conditions 8, 9 and 10 of approval 84065/10 for the quarry extension already address this issue (dust suppression measures, wheel cleaning facilities, and sheeting of vehicles) and will still be

applicable for the proposed development (as this application only seeks to vary a condition to 84065/10).

It is considered that the proposed occasional use of traditional quarry drill and blast techniques will not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy. As stated above, the applicant only anticipates an initial period of blasting to create a loose rock face that can then be extracted by a hydraulic excavator in the normal fashion. Thereafter, only if the operator encounters unjointed 'massive' sandstone would there be a need for further occasional blasting.

Impact on Biodiversity

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

Greater Manchester Ecology Unit has raised no objection and the Council's Wildlife Liaison Officer has stated that the proposal is unlikely to significantly change the impacts upon biodiversity in the area.

The Wildlife Liaison Officer advises that should nesting birds be present, particularly cliff nesting species, legislation within the Wildlife and Countryside Act 1981 (as amended) would protect them.

Third party concerns have been raised with regard to the affect of blasting on horses at the neighbouring riding school and horses using the nearby bridleways. Matchmoor Riding School will be given 48 hours notice of any blasting (as they are one of the recognised neighbouring sensitive properties within the submitted assessment), therefore appropriate measures can be taken to ensure the wellbeing of the horses. Signs will also be posted in the local area by the quarry management to inform the public of the proposed blasting, so riders can avoid the area when necessary.

It is therefore considered that the proposal complies with Policy CG1.1 of the Core Strategy.

Impact on the Adjacent Public Rights of Way

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

The Council's Public Rights of Way Officer has confirmed that the applicant is aware of the location of the public footpaths that lead through and around the boundary of the application site. The Officer advises that due to the proximity of these public rights of way the applicant should be made aware of the need to safeguard people using these paths and that their surfaces must not be damaged, widths altered or obstructed either during or as a result of the development. An informative note will be attached to the decision to make the applicant aware of this advice.

Footpath HOR054 that runs to the south of the existing quarry has been fenced and is in the process of being diverted (as required within the 2010 permission).

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

Impact on the Highway

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

The proposal will not result in any additional vehicles entering/leaving the quarry. Condition 3 of

planning approval 84065/10 (for the extension of the quarry) already restricts the number of HGV vehicles movements in association with the quarry, and this condition will still apply following any decision made on this latest application.

Conditions are also attached to 84065/10 relating to the sheeting of vehicles and a wheel wash.

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

Conclusion

For the reasons discussed above it is considered that the proposed variation of condition 22 of approval 84065/10 (the approved extension to Pilkington Quarry) would not unduly harm the amenity of neighbouring residents, would not impact on biodiversity, would retain the existing integrity of the surrounding footpaths, and would not impact on the highway. Members are therefore recommended to approve this application subject to the suggested conditions.

Representation and Consultation Annex

Representations

Letters:- Seven letters of objection have been received (three from residents neighbouring the site), which raise the following concerns:

- * What constitutes "occasional use", it is vague?;
- * It will cause a lot of disturbance to local residents and the extended community;
- * Increase in dust and other pollution;
- * Affect on quality of life and the peaceful environment;
- * Blasting has in the past and will cause damage to all four properties at Heather Hall because the wind direction predominantly blows from the site towards the properties at Heather Hall;
- * The applicant should enter into a legal agreement to assure that in the case of damage to properties all damages will be paid in full by the applicant;
- * The original application 84065/10 stated that no drilling or blasting would be carried out; this latest proposal could have affected the outcome of the original application;
- * Conditions should be put in place to protect all residents and properties;
- * Footpath HOR054 was to be redirected as it has been made unsafe by mechanical earth movements; this needs re-addressing;
- * The overburden/soil stacks at the front of Heather Hall were meant to be reduced in height to 3 metres; this has not been carried out (*officer's comment: the applicant has now confirmed that the overburden is currently being reduced in height*);
- * Blasting will cause horses using the surrounding land to be frightened, spooked and even bolt; it will affect the health and safety of riders;
- * Disruption to walkers and cyclists;
- * Increase of large vehicles;
- * Concerns about road safety and material on Chorley Old Road;
- * Residents water supply could be affected by contamination;
- * Risk to the heather moorland and wildlife;
- * Affect on a local beauty spot in a Green Belt area.

Horwich Town Council:- objected to the proposal at their meeting of 28th May 2015 due to concerns about disturbance on local residents and wildlife, an increase in dust and pollution, and concern about the lack of detail regarding "occasional" blasting.

Consultations

Advice was sought from the following consultees: Pollution Control Officers, Wildlife Liaison Officer, Public Rights of Way Officers, Drainage Officers, the Environment Agency, Greater Manchester Ecology Unit, Ramblers Association, Peak and Northern Footpath Society, and the Open Space Society.

Planning History

Planning permission was granted for the extraction of clay and coal from beneath the quarry in 1949 (ref: 12/5/43).

Planning permission for stone extraction was granted at the existing Pilkington Quarry on the 26th June 1950 (ref: 12/5/103).

In 1968 a further permission was granted for stone extraction from 4 hectares of land within the 1950 permission area (ref: 12/5/1642). Why this application was submitted when the site already had planning permission is not known.

In 1999, Santime Limited (the previous owners/operators of the quarry) obtained a determination of new conditions under Schedule 13 of the Environment Act 1999 in respect of the 1950 permission (50252/97).

Further planning permission was granted in November 2002 for a variation of condition 23 of the Determination of New Conditions to permit the importation of inert materials for stabilisation of the existing northern quarry face and restoration works. The stabilization works on the buttress are complete – restoration works are ongoing (ref: 61530/02).

When Armstrong Aggregates Limited acquired Santime Limited a correction was made to permission 50252/97 and 61530/02 to amend the end-date to the 22nd February 2042 following the 'Earthline' case in 2003 which clarified the law on this issue. The decision on the relevant applications was confirmed by Committee in October 2010 (83299/09).

Planning application (80931/08) for an extension to the quarry with associated aggregate recycling and restoration infill over the whole site was refused by Bolton Planning Committee in November 2009. This application was appealed but then withdrawn.

An application (84065/10) for the extension of dimension stone/aggregate quarry operations until 31st December 2026 (and restoration by 31st December 2027) was approved at Committee in January 2011.

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 amenity mounds to the south east and west of the site shall be constructed in accordance with the details ("Amenity Mound Scheme") submitted 7th February 2011 and approved under condition 23 of approval 84056/10 and are to be retained for the extent of the life of the mineral extraction and subsequent restoration.

Reason

To minimise the visual impact of the development on the surrounding landscape and to comply with policies CG3 and OA1 of Bolton's Core Strategy.

3. Monitoring noise from the site operations shall be undertaken once a month and for a one hour period on any working day, or at any time interval to be agreed with the Mineral Planning Authority at the noise points referred to in condition 5 of approval 84065/10 and condition 11 of this approval for a period of 6 months from the date of this planning permission. Monitoring beyond this period shall be in accordance with a scheme to be first submitted to and agreed in writing with the Mineral Planning Authority. Monitoring shall similarly be carried out at Lodge Farm at a point to be agreed with the Mineral Planning Authority within 3 months from the date of this planning permission and in accordance with the requirements of this planning condition.

The results of this monitoring shall be recorded and submitted to the Mineral Planning Authority on the last working day of each month for the 6 month period and shall include:-

- (a) the measured one hour LAeq in dB;
- (b) date and time of measurement;
- (c) description of site activities at the time of the measurement;
- (d) details of the measuring equipment; and;
- (e) details of weather conditions including wind speed and direction of wind and temperature;
- (f) location of monitoring.

Reason

To protect the amenities of the local residents and to comply with policy G4 of Bolton's Core Strategy.

4. The approved scheme for the final restoration of the site (submitted to the Mineral Planning Authority 19th August 2011 (Ecus Environmental Consultants) and approved under condition 15 of approval 84056/10) shall be implemented in full on completion of final restoration.

Reason

To ensure that the site is reclaimed in a timely manner to a condition capable of beneficial after use, in the interests of visual amenity, landscape character and the objectives for the use of land within the Green Belt. To comply with policies CG3 and OA1 of Bolton's Core Strategy and policy CG7AP of Bolton's Allocations Plan.

5. Not later than 1 November 2020, a scheme for the aftercare of the site following final restoration shall be submitted to the Local Planning Authority for approval in writing. The approved aftercare scheme shall be carried out for a period of five years after the completion of restoration.

Reason

To ensure that the reclaimed land is correctly husbanded and to bring the land to the standard required for agriculture/Country Park utilising latest 'best practice' methods, and to comply with policy CG3 of Bolton's Core Strategy.

6. Throughout the lifetime of excavation, the developer shall establish and maintain a network of groundwater monitoring boreholes in the Ousel Nest Grit sandstone, forming an enclosing envelope around the proposed excavation, at spacings of not more than 200 metres, and each of a depth not less than a level equivalent to the basal level of the deepest part of the proposed excavation or the base of the aquifer being monitored, (whichever the least).

Groundwater level observations in those observation boreholes shall be recorded at monthly intervals, along with the basal level of the quarry and the water level within the quarry floor. The amount of water discharged from the quarry since the previous groundwater observation date shall also be recorded at the same interval, and the data so obtained shall be reported at intervals of not more than 12 months to the Local Planning Authority, along with construction details and geological details of each monitoring point.

Once a year the total depth of each piezometer or standpipe shall also be recorded so as to ensure that the monitoring point has not become silted, blocked up, or otherwise inoperable.

Reason.

To ensure that throughout the development the excavations will remain above the water table in the Ousel Nest Grit as anticipated by the developer. Groundwater levels may change with time, and it should be noted that any rise in the groundwater levels experienced on site may need to be taken into account by making adjustments in the proposed restoration scheme.

When compared with rainfall records and the groundwater level data the monitoring of any quantity of water abstracted from the quarry void will provide evidence as to whether the quarry is in effect dewatering any strata or not during the monitored period.

To comply with policy CG4 of Bolton's Core Strategy.

7. The permission for the winning and working of minerals shall cease not later than 31 December

2026. The site shall be fully restored, in accordance with a scheme to be approved under condition 16 of planning approval 84065/10 and condition 5 of this approval, and all plant, machinery and structures associated with the development shall be removed from site, not later than 31 December 2027.

Reason

To provide for the completion and progressive restoration of the site within the approved timescale to minimise the duration of disturbance from the development hereby permitted in the interests of local amenity, and to comply with policies CG3, CG4 and OA1 of Bolton's Core Strategy.

8. Not more than 120 HGV movements to and 120 HGV movements from the site (including those to enable the full restoration of the existing [land edged blue on the submitted plans for application 84065/10] and proposed quarry extraction areas) shall take place during any single day.

Reason.

In the interests of the amenities of local residents, highways safety and the protection of the surrounding highway infrastructure, and to comply with policies P5, S1.2 and CG4 of Bolton's Core Strategy.

9. No HGVs shall enter or leave the site and no working shall take place within the site to which planning approval 84065/10 relates except between the hours of: -

07.30 hours to 18.00 hours Monday to Friday; and

07.30 hours to 12.30 hours on Saturdays.

There shall be no working on Sundays, Bank and Public Holidays.

Reason

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

10. The blasting of stone within the site shall be carried out in line with the recommendations of the submitted and approved vibration assessment report, unless otherwise agreed in writing by the Local Planning Authority. Any subsequent blasting shall be undertaken in accordance with the noise restrictions set out in condition 5 of planning approval 84065/10 and condition 11 of this approval, and shall be subject to 48 hours' notice to the Local Planning Authority and all sensitive properties within 200 metres of the site boundary.

Reason

In the interest of protecting the living conditions of nearby residents and to comply with Policy CG4 of Bolton's Core Strategy.

11. Noise from any activity (excluding the blasting of stone referred to in condition 10 of this approval) shall not exceed the equivalent free field continuous sound level (LAeq,1h) measured over a 1 hour period of 55 dB(A), as measured 3 metres from the facade of those noise sensitive properties located at Heather Hall, Lodge Farm and Grundy Cottages, except for operations related to topsoil stripping, construction of screening mounds and restoration works, where a maximum equivalent continuous sound level (LAeq,1h) of 70 dB(A) applies, and such operations leading to these latter noise levels shall not exceed more than 8 weeks in any 12 month period.

Reason

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

12. No blasting shall be occur outside the following hours (unless otherwise agreed in writing by the Local Planning Authority):-

1000 to 1600 hours Mondays – Fridays

No blasting shall occur on Saturdays, Sundays, Bank Holidays and National Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

13. No plant or machinery shall be used on the site unless fitted and operated with efficient noise attenuation equipment. Such equipment shall be maintained in a good condition at all times in accordance with the manufacturers specification and recommendations.

Reason

To protect the amenities of local residents and footpath users and to comply with policy CG4 of Bolton's Core Strategy.

14. The approved measures to be adopted for the suppression of dust (detailed within the "Dust Control Scheme" submitted 7th February 2011 and approved under condition 8 of approval 84065/1) shall be implemented as detailed within the approved scheme.

Reason

To control fugitive dust and protect the amenities of local residents and to comply with policy CG4 of Bolton's Core Strategy.

15. Those details of wheel cleaning facilities to the access points on Makinson Lane and Matchmoor Lane as approved and implemented under 50252/97 and 61530/02 shall be maintained and remain available for use as necessary throughout the life of the site in order to prevent the deposition of detritus on the highway. Any offending material deposited on the highway shall be immediately removed, where practicable, and in any event at the end of each working day.

Reason

To prevent mud, dirt or debris being carried onto the public highway in the interests of highways safety, and to comply with policy S1.2 of Bolton's Core Strategy.

16. All vehicles transporting material other than block stone to and from the site shall be suitably sheeted to prevent the deposition or loss of materials from the vehicle.

Reason

To prevent mud, dirt or debris being carried onto the public highway in the interests of highways safety, and to comply with policy S1.2 of Bolton's Core Strategy.

17. Any proposed liquid storage tanks for fuel oils or process chemicals, shall be located within a bunded area having a capacity of not less than 110% of the combined volume of the tanks. The floor and walls of the bund shall be impervious to oil and water and shall also be resistant to any stored chemicals. All inlet/outlet/vent pipes and gauges shall be within the bunded area.

Reason

To prevent pollution of the water environment and to comply with policy CG4 of Bolton's Core Strategy.

18. Any oil or chemical drums used as storage containers shall be stored in a compound with an impervious base with the floor graded in such a manner that the contents of the largest drum are retained in the event of spillage.

Reason

To prevent pollution of the water environment and to comply with policy CG4 of Bolton's Core Strategy.

19. There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface water, whether direct or via soakaways.

Reason

To prevent pollution of the water environment and to comply with policy CG4 of Bolton's Core Strategy.

20. No waste materials shall be burnt on the site.

Reason

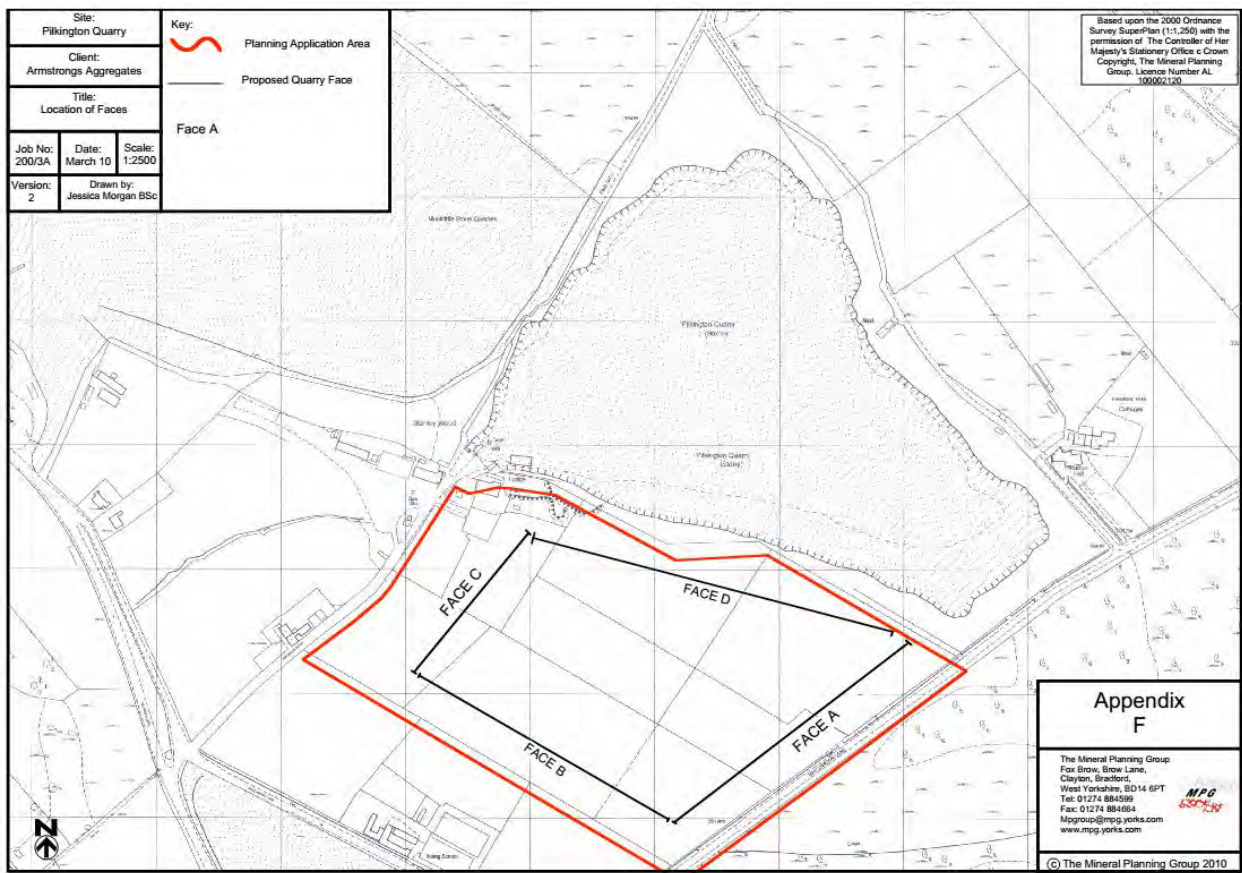
For avoidance of doubt and to comply with policy CG4 of Bolton's Core Strategy.

21. The site shall be drained in accordance with the approved drainage scheme submitted 7th February 2011 and approved under condition 18 of approval 84065/10.

Reason

To ensure a satisfactory form of drainage and to comply with policies CG1.5 and CG2.2 of Bolton's Core Strategy.

Plan submitted with application 84065/10



Application number 94857/15



Development & Regeneration Dept
Development Management Section

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

Bolton Council

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Date of Meeting: 28/07/2016

Application Reference: 94857/15

Type of Application: Full Planning Application
Registration Date: 11/09/2015
Decision Due By: 05/11/2015
Responsible Officer: Jeanette Isherwood

Location: LAND ADJ 192 DERBY STREET, BOLTON, BL3 6JN

**Proposal: ERECTION OF RETAIL UNIT TO GROUND FLOOR WITH ONE
SELF CONTAINED FLAT TO FIRST FLOOR**

Ward: Rumworth

Applicant: Mr MISTRY
Agent : RA Design & Project Management Ltd

Officers Report

Recommendation: Refuse

Proposal

The application proposes the erection of a two storey building, attached to 192 Derby Street, accommodating a retail outlet at ground floor and a two bedroomed residential flat at first floor.

The property will be of 'P-shaped' design, with a half width two storey outrigger extending from the main rear elevation, leaving a small yard space for the storage of waste bins.

The front elevation will incorporate a chamfered edge towards the junction of Derby Street and Vickers Street.

Site Characteristics

The application site occupies a corner plot at the junction of Derby Street and Vickers Street and is currently vacant waste land.

Adjacent to the site is 190/192 Derby Street, a double fronted detached property accommodating a car accessories retail outlet (the Motor Clinic) at ground floor and two one-bedroomed flats at first floor. The gable elevations of this detached property have first floor windows serving the main living area to each flat.

To the north east lies Lidl on a slightly lower level accessed off Vickers Street. The plot faces various retail outlets on the opposite side of Derby Street, whilst to the rear the site is overlooked by the rears of residential dwellings.

The immediate vicinity is one of mixed commercial and residential units and is allocated as a Local Shopping Area.

Policy

National Planning Policy Framework

Core Strategy Policies

P5 Transport

S1 Crime and Road Safety

CG3 Design and the Built Environment, CG4 Compatible Uses

RA1 Inner Bolton

SPD General Design Principles

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on living conditions at 190/192 Derby Street
- * impact on highway safety

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

Core Strategy 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 design of the proposal is in-keeping with surrounding properties with the two storey outrigger element mirroring the majority of terraced properties in this densely populated urban area. The front elevation will incorporate a large display window with entrance door at ground, with two single width windows at first floor level, similar to that of 190/192.

It is therefore not considered that the proposal will have a detrimental impact on the street scene and that it will sit well within this mixed use area.

Impact on Living Conditions at 190/192 Derby Street

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.

One objection has been received concerned that the proposal will have a detrimental impact on nearby residents' living conditions.

The plans detail the proposal extending width ways from the existing gable of 190/192. However this will completely enclose the first floor window to the side of that property. It is noted that the existing gable window is not original to the building however it has been in situ in excess of 10 years and forms the principal window to the lounge of the first floor flat. On internal inspection it is clear that this window gives much needed light to the main living space and is the only window to the lounge. The windows evident to the front elevation serve the bedroom and kitchen whilst the bathroom window is to the rear of the property. This arrangement is mirrored in both first floor flats.

It is considered that the proposal will have a detrimental impact on the living conditions of the resident of the first floor flat, removing natural light from the main living space and as such is unacceptable.

The proposal does not comply with Core Strategy policy CG4 and SPD General Design Principles.

Impact on Highway Safety

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

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

The applicant has not detailed any provision for off-road parking to serve the flat. However it is noted that the site is located in a densely populated area where the majority of the surrounding flats and terraced properties have no specific car parking allocation. The site is also considered to be located in a highly sustainable area close to bus routes and within walking distance of the Town Centre.

The Highways Department were consulted on the application and also commented that the plans do not detail any off street servicing provision in an area where on street servicing is prohibited.

Conclusion

It is considered that the proposal, due to its size and siting will have a detrimental impact on the living conditions at 190/192 Derby Street and as such is unacceptable.

The application is recommended for refusal.

Representation and Consultation Annex

Representations

Letters:- one letter of objection detailed in the main body of this report.

Elected Members:- Councillor Haworth requested this application be presented at Committee.

Consultations

Advice was sought from the following consultees: Highways, Environmental Health and Design for Security

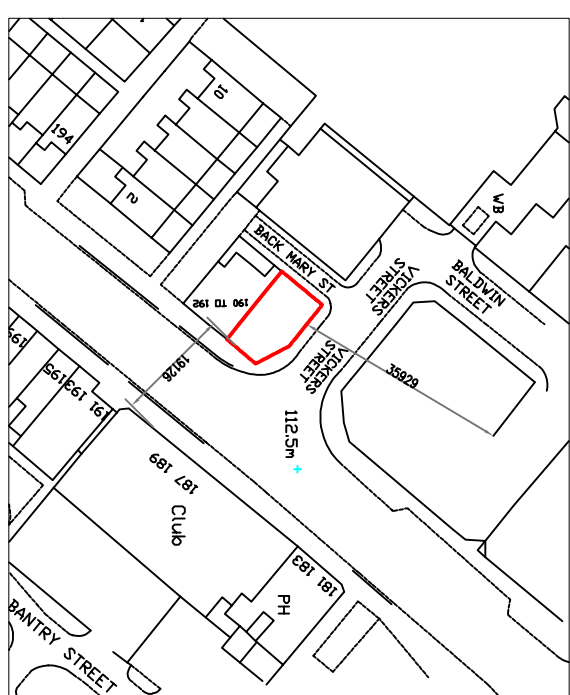
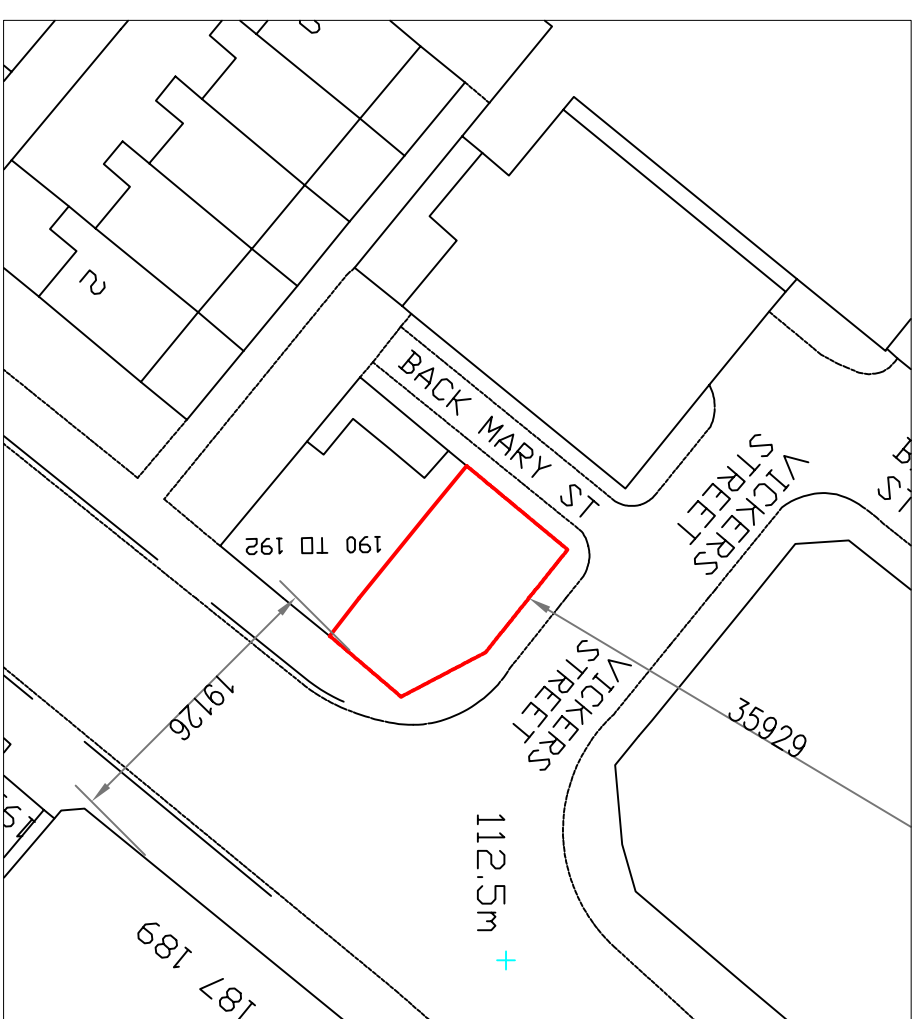
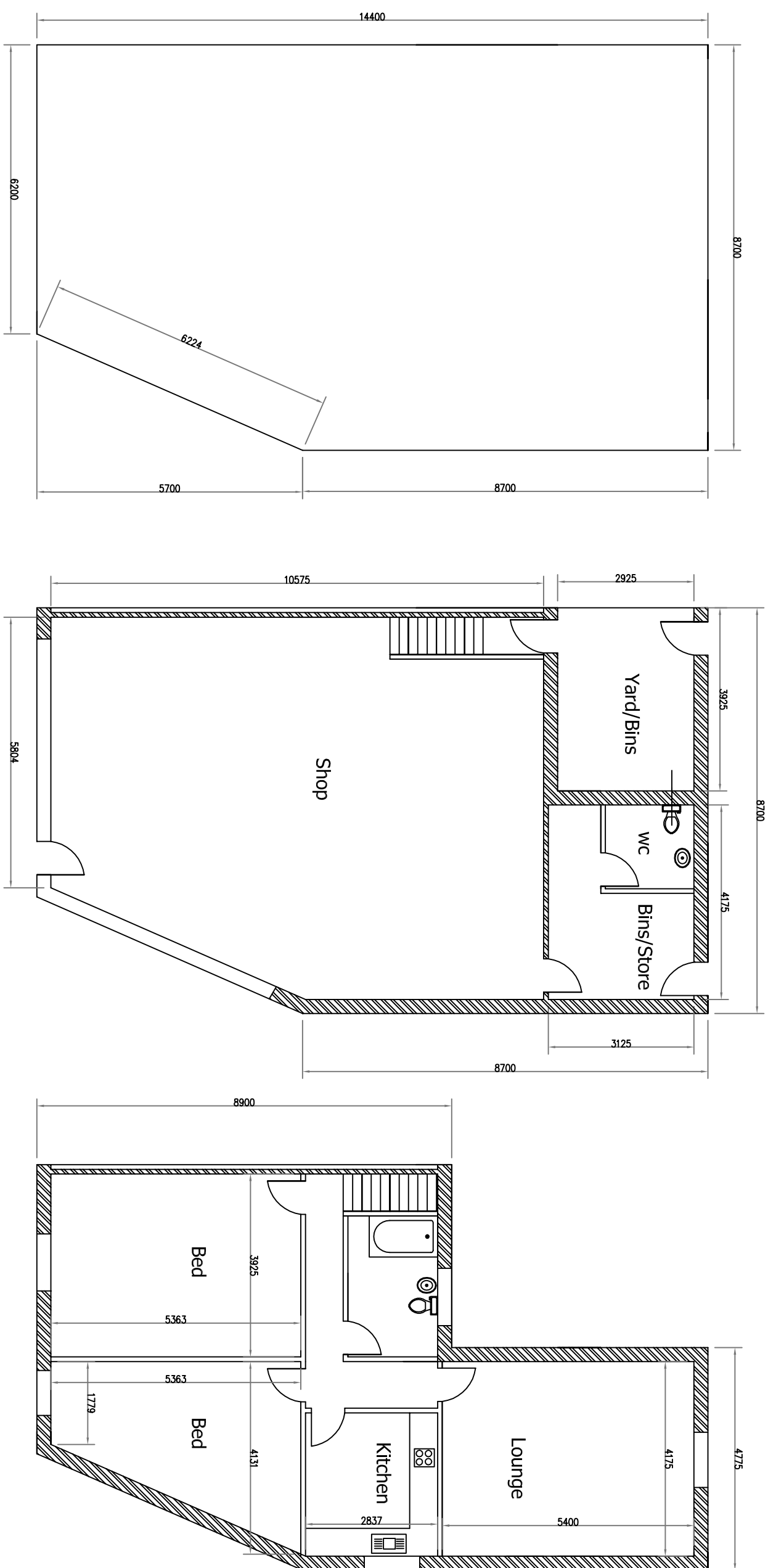
Planning History

None relevant

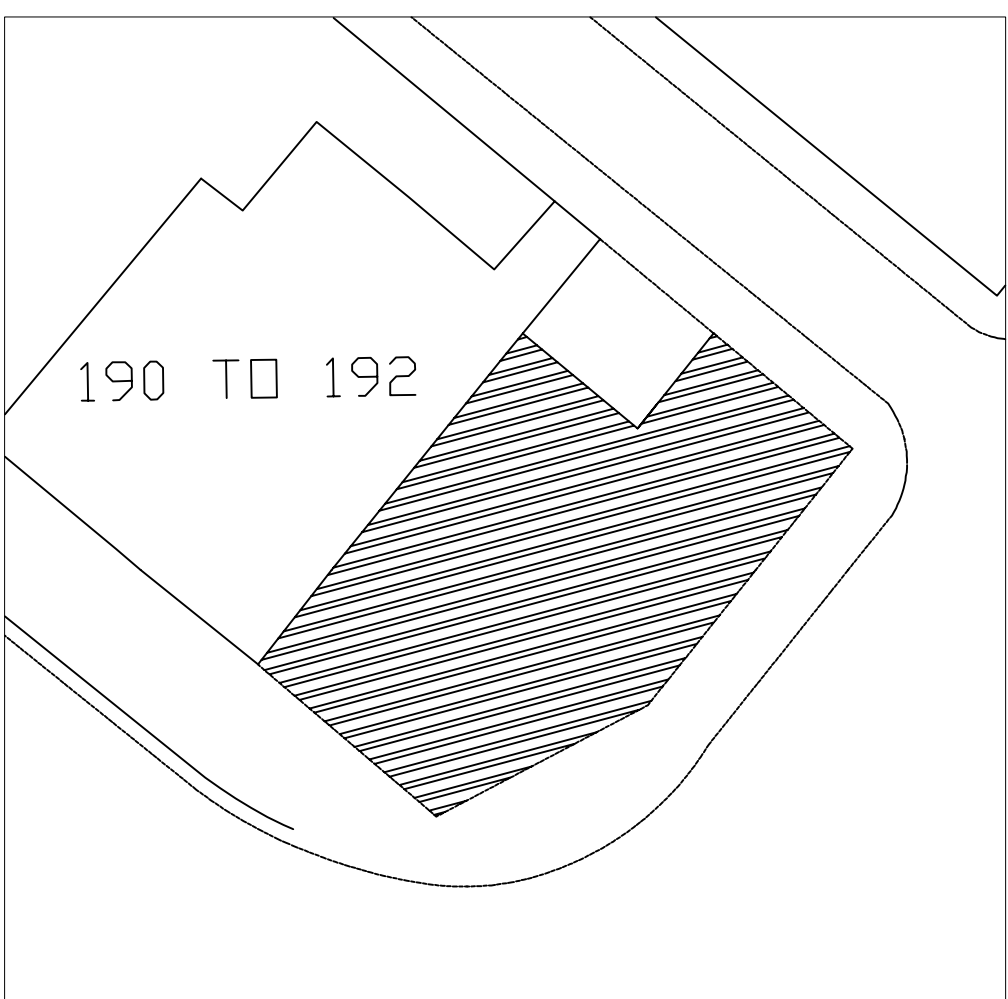
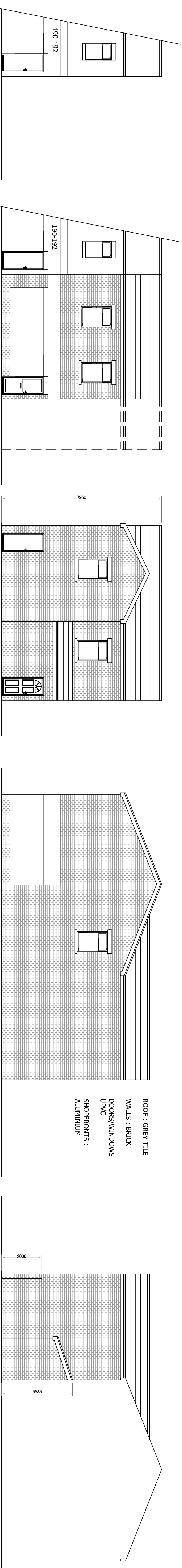
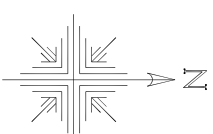
Recommendation: **Refuse**

Recommended Conditions and/or Reasons

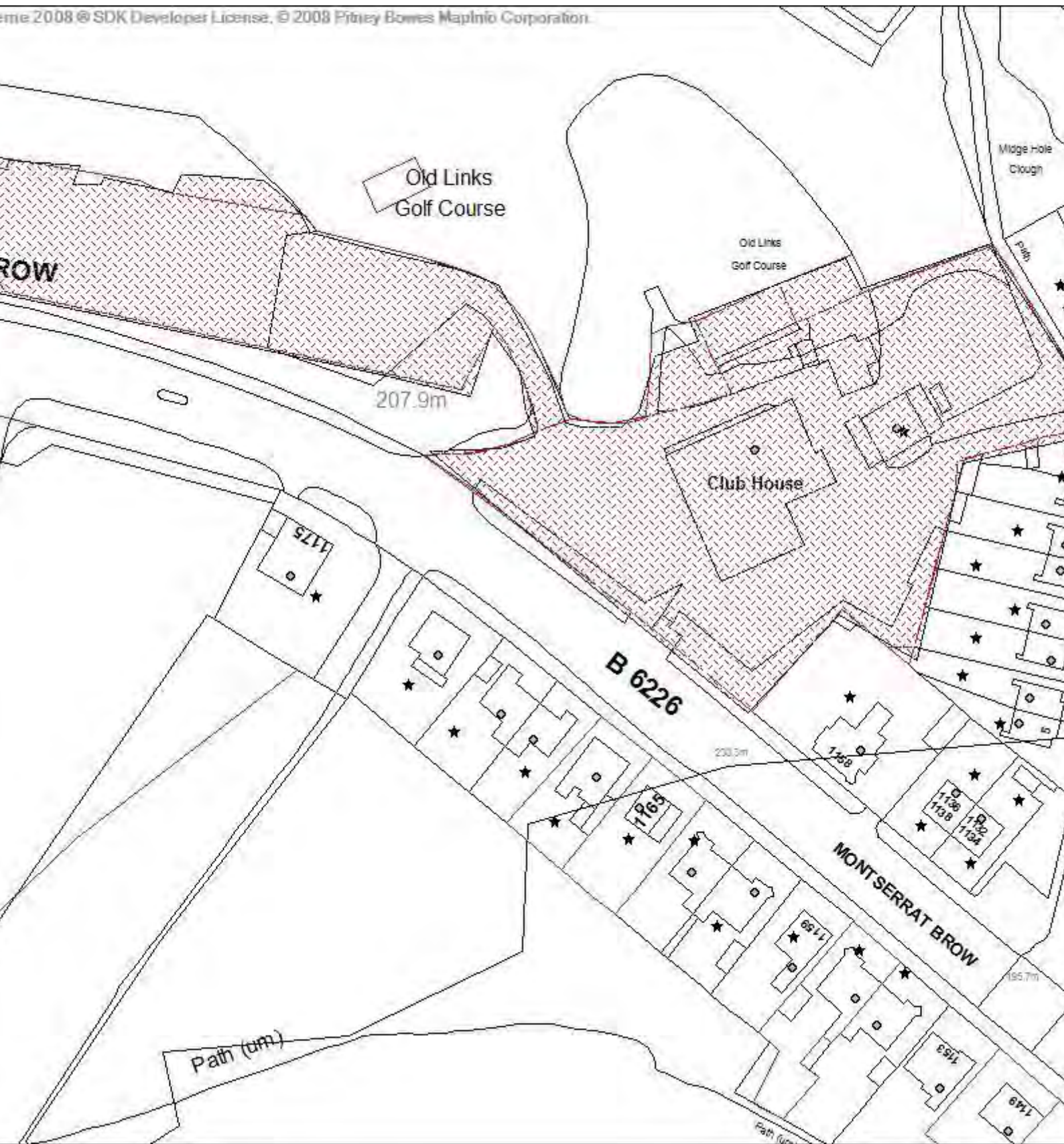
1. The proposal would, by virtue of its size and siting impact detrimentally on the outlook and living conditions of neighbouring residents at 190/192 Derby Street and is contrary to Policy CG4 of Bolton's Core Strategy and Supplementary Planning Document - General Design Principles.



LOCATION PLAN (1:1250)
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Application number
95961/16





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Date of Meeting: 28/07/2016

Application Reference: 95961/16

Type of Application: Outline Planning Permission
Registration Date: 15/03/2016
Decision Due By: 13/06/2016
Responsible Officer: Helen Williams

Location: OLD LINKS GOLF CLUB LTD, CHORLEY OLD ROAD, BOLTON, BL1 5SU

Proposal: PART 1 - ERECTION OF A NEW GOLF CLUBHOUSE AND FORMATION OF CAR PARK (86 SPACES) WITH IMPROVEMENTS TO ACCESS (ACCESS, APPEARANCE, LAYOUT AND SCALE DETAILS ONLY).
PART 2 - DEMOLITION OF CLUBHOUSE AND OUTBUILDINGS AND ERECTION OF 14 DWELLINGS (ACCESS, LAYOUT AND SCALE DETAILS ONLY).

Ward: Smithills

Applicant: Old Links Golf Club
Agent :

Officers Report

Recommendation: Refer to Secretary of State

Proposal

This application is a resubmission of planning application 88829/12, which expired in February.

Outline planning permission is again sought for:

Part 1: New club house, 86 space car park and improvements to access

Outline permission (access, appearance, layout and scale) is sought for a new club house for Old Links Golf Club on land next to the existing upper level visitor car park, adjacent to the vehicular access to the club from Chorley Old Road. Landscape details would need be submitted in a Reserved Matters application. A total of 86 parking spaces are proposed adjacent the new club house.

The proposed club house would provide for 700 square metres of internal accommodation over three storeys. The footprint would be largely rectangular and the roof would have three mono-pitches to reduce its height and mass.

Old Links Golf Club previously sought, and are continuing to seek, permission for a new club house as they believe their existing club house is aging and deteriorating, has no views of the course, has inadequate car parking and there is an absence of quality practice facilities close to the club house. The lack of these facilities means that the course cannot have the status as a qualifying course to host regional and other prestigious golfing events. The club also argue that they do not have the finances to afford the needed improvements to the existing club house. Funds obtained from disposing of the existing club house site would allow for a new club house to be built in a location more suitable to the club's requirements.

Part 2: Residential development

Outline permission is again sought for the demolition of the existing club house and outbuildings at the south eastern corner of the golf course, adjoining Montserrat Brow and Romney Road, and for the erection of 13 dwellings. The Grade II listed Horrobin Cottage located behind the existing club house and currently used as accommodation for the club steward would be retained as a residential property within the proposed scheme.

Details of the means of access and the layout and scale of the dwellings are applied for. Details of the appearance of the proposed dwellings and associated landscaping would need to be sought through a Reserved Matters application.

The 13 proposed dwellings would comprise two rows of four mews houses (Blocks A and B), and five detached houses (Units C-G). All houses would be two storeys in height except for Unit C that offers an opportunity for a 3 storey building, though the Applicant states that there may be attic rooms in the roofs of a proportion of the dwellings. Each house would have its own private garden space and garaging and car parking will be available on site at a ratio of two spaces per dwelling.

Access into the development site is proposed from the existing access off Montserrat Brow, though improvements would be sought to improve visibility. The existing footpath linking the site with Romney Road would be retained.

The two proposals were submitted (and continue to be submitted) within the same planning application as it is claimed by the applicant that the funding for the new club house depends fully on the disposal of the site where the existing club house currently stands. In other words, the new club house cannot be built without having secured planning permission for residential development on the site of the current club house. A Unilateral Undertaking was previously entered into to secure this link and a new one will need to be drawn up should this application be approved.

The application site is a departure from the Council's Development Plan, therefore if Members are again minded to approve this application the decision would need to be referred to the Secretary of State (the National Planning Casework Unit).

Site Characteristics

The application site comprises both the site of the existing club house and of the proposed club site and is within the Green Belt, identified as being within the Upland Moorland Hills Landscape Character Area.

Site of the new club house

The proposed site for the new club house is adjacent to the visitor car park off the main access to

the club from Chorley Old Road and is at an elevated level above Chorley Old Road approximately 70 metres north-west of the existing clubhouse.

Site of the proposed residential development/existing club house

The site for the proposed new houses currently comprises the existing stone club house, the Grade II listed stone Horrobin Cottage, the club's shop, an outbuilding and parking areas. The existing club house is two storeys in height, with accommodation within the roofspace, and has been extended a number of times, most recently with a single storey flat roofed extension. Behind the club house is the listed two storey former farmhouse, which is currently used as accommodation for the club steward. This house does not have its own curtilage and is surrounded by hard surfacing. An outbuilding used for the storage of golf buggies is adjacent to the house and is a single storey stone building with a pitched roof. The club's shop is on a higher level than the other buildings on the site and can only be accessed up steps. This building is a single storey, flat roofed, red brick building.

Vehicular access into the application site is off Montserrat Brow/Chorley Old Road. A stone retaining wall and a beech hedge form the boundary treatment at the front of the site. The site is at a higher level than the main road. A number of trees border the site on the southern and northern boundaries and a public footpath to the east joins the site with Romney Road.

Residential properties border the site to the south west, south east and east along Montserrat Brow and Romney Road. These houses are mainly semi-detached properties but there are also a number of detached properties, including 1158 Montserrat Brow which adjoins the site to the south.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.1 Rural Biodiversity; CG1.5 Flooding; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA5 North Bolton.

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

SPD General Design Principles

SPD Accessibility, Transport and Safety

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact of the proposed new club house on the purposes and openness of the Green Belt

- * principle of residential development and its impact on the purposes and openness of the Green Belt
- * impact on the listed building
- * impact on the character and appearance of the area
- * impact on residential amenity
- * impact on the public right of way
- * impact on the highway
- * Impact on drainage
- * impact on trees
- * impact on biodiversity

Impact of the Proposed New Club House on the Purposes and Openness of the Green Belt

Section 9 of the National Planning Policy Framework (NPPF) concerns protecting Green Belt land. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to protect urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

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

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt. Exceptions to this include [amongst other things] provisions of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Bolton's Allocations Plan Policy CG7AP reflects national Green Belt guidance.

The site where the new club house is proposed is within the Green Belt. The new building is to contain similar types and scale of facilities as the existing club house and therefore it is considered that the scale and use of the proposed building constitutes "appropriate facilities for outdoor sport".

The scale and siting of the proposed new club house will have an effect (harm) on the openness of the Green Belt as it is to be sited on previously undeveloped land. The applicant has however put forward very special circumstances to support their proposal for a new club house in this location, rather than extend or re-use the existing club house building. These are as follows:

- * Old Links Golf Club's status as a qualifying course to host regional and other prestigious golfing events has been lost in recent years due to "changing circumstances and requirements". The physical and geographical deficiencies associated with the detached club house, limited car parking and distance from the practice ground are cited as the principal concerns;
- * The club's finances will not cover the costs of the needed improvements to the existing club house to meet the demands of "golf at its highest level", due to declining membership and visitor income, increased running costs and the costs associated with a building of over a hundred years old (such as maintenance, repair, heating and lighting);
- * A full membership level and complementary activities including hosting of competitions and visiting golfing parties are cited as being essential to ensure the sustainability of the club and the proper maintenance of the course;

- * A new club house (financed through the proposed residential development) would bring the club's facilities up to "modern day standards", its new location would assist in the club regaining its Championship status (as a qualifying course) and the open views the building would have across its course would be beneficial to members and visitors.

To support their argument that there are very special circumstances in this case, the applicant has submitted up-to-date confidential financial information to the Council. This information contends that the golf club still does not have adequate cash resources to fund the upgrade and refurbishing of the existing club house facilities needed to host competition golf. As the money for refurbishment would need to be found elsewhere the applicant has previously looked into the possibility of disposing the existing club house site to achieve the needed funds and building a new club house elsewhere on the course. The applicant has investigated the possibility of converting the existing club house into a hotel/leisure use or into residential units and has previously approached two national surveyors and 18 separate house builders, including specialist barn conversion companies. It was concluded that the site would not suit the demands of hotel/leisure operators and would therefore not be financially viable, and that the style, depth and age of the club house would not be suitable, cost effective or marketable for residential conversion. The updated financial information still leads to the conclusion that new residential build is the only realistic option for achieving the needed funds for the new club house.

The Council's Committee Members and Officers have previously considered that these circumstances equate to "very special circumstances" and it is considered that there have been no material changes in either the applicant's circumstances, the site's designation and condition, or planning policy that would result in these circumstances not still being considered "very special circumstances". Therefore, as with the previous approvals for this proposal, it is considered that the very special circumstances provided by the applicant outweigh the harm caused by the scale and siting of the club house to the openness of the Green Belt in this location.

Principle of Residential Development and its Impact on the Purposes and Openness of the Green Belt

As stated above, national planning policy on Green Belt is contained within section 9 of the NPPF and Bolton's Allocation Plan Policy CG7AP is reflective of this advice. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt. Exceptions to this are [amongst other things] limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The principle of the residential development of the site, linked with the erection of the new club house, have previously been granted under planning applications 82389/09 and 88829/12 (which this current application is a resubmission of).

It is considered, as the proposed houses will not be any higher than the existing club house building, as the proposed houses will have a smaller combined floor area than the existing buildings on site and as the site is already substantially built over with buildings and car parking, that there would only be a limited additional harm to the openness of the Green Belt in this location.

The proposed use of the site (residential) is, by definition, inappropriate development in the Green Belt. The current use (as a facility for outdoor sport) is not considered to be an inappropriate development in the Green Belt.

The following very special circumstances have been put forward by the applicant, and these link in

with those given for the need for the new club house:

- * The club's finances will not cover the costs of the needed improvements to the existing club house to meet the demands of "golf at its highest level", due to declining membership and visitor income, increased running costs and the costs associated with a building of over a hundred years old (such as maintenance, repair, heating and lighting);
- * It has been substantiated through the Applicant's submitted financial appraisal that residential redevelopment is the only realistic option for the club to afford improved facilities, and this has been confirmed by the Council's Surveyors;
- * The option of converting the club house or developing the site for a hotel/leisure use has been proved to be a financially unviable option;
- * It has been confirmed that the style, depth and age of the club house would not be suitable, cost effective or marketable for residential conversion and therefore redevelopment of the site would be required;
- * The proposed buildings would not exceed the height of the existing club house;
- * The proposal would not lead to a major increase in the developed proportion of the site. The site is already substantially built-over;
- * Housing development would not contribute to urban sprawl at this location as the site presently exhibits urban characteristics;
- * The site lies on the edge of the urban area and is in a sustainable location close to schools, services and community facilities.

As parts 1 and 2 of the planning application are closely linked, the acceptability of part 2 of the application (for the erection of dwellings within the Green Belt) relies on the acceptability of part 1 (the erection of the new club house). As discussed above, it is considered that the very special circumstances given by the applicant do outweigh any harm caused to the Green Belt by the erection of the new club house development.

As with the previous approvals for the proposed development it is considered that the very special circumstances put forward by the applicant outweigh the harm caused to the purposes of the Green Belt and the limited harm caused to the openness of the Green Belt by the erection of the dwellings. The proposal also contributes to the Borough's housing supply by the creation of 14 additional family dwellings.

Impact on the Listed Building

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

The part of the site proposed for residential development contains the Grade II listed Horrobin Cottage, a former farm house that is now located to the rear of the existing club house. The listed cottage is a two storey stone built building with two single-storey lean-to extensions on its western side. The building is currently surrounded by car parking, only having a very small front garden, and is used as living accommodation for the club's steward. It is proposed that the listed building remain in residential use and will be incorporated within the new residential layout for the site.

During the consultation period for application 82389/09 the Council's former Design and Conservation Officer felt that the setting of the listed building within the proposed residential layout would not be compromised by the layout of the internal road or the development in general.

It is therefore considered that the proposal complies with Policy CG3.4 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 is 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, require special attention is given to the massing and materials used in new development and ensure that new development does not harm the landscape setting and protects views from public areas to the surrounding landscape.

It is considered that the proposed layout of the housing would be acceptable in design terms. Details of the appearance of the dwellings will be submitted with a reserved matters application.

The proposed new club house will be elevated from Chorley Old Road due to the topography of the site and therefore will be highly visible from the road. Views across the area to the north from Chorley Old Road are however restricted given the high retaining stone wall along the front boundary of the application site. Conditions are recommended for samples of the facing materials to be submitted prior to development along with details of the proposed windows and doors. This will ensure that the proposed building will be constructed to a satisfactory quality.

It is considered that the proposals would be compatible with the surrounding area, compliant with Policies CG3 and OA5 of the Core Strategy.

Impact on Residential Amenity

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

The interface distances between the new dwellings and the existing properties surrounding the site are also considered to be acceptable and exceed the minimum recommended interface standard (21 metres) contained within SPD General Design Principles. The proposed new club house building is located away from both existing and proposed housing.

It is not considered that the proposed club house would create any more disturbance to neighbouring residents than the existing club house. The new club house will also be sited further away from neighbouring housing than the existing club house.

It is not considered that the proposal would unduly harm the amenity of existing or future residents, compliant with Policy CG4 of the Core Strategy.

Impact on the Public Right of Way

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

Public right of way BOL174 runs northwards to the side of 21 Romney Road. The proposed development will not affect this footpath and the Council's Public Rights of Way Officer raises no objection.

A footpath that runs to the side of 19 Romney Road providing access to both a garage to the rear of the property and the application site will be retained within the proposed development. Pedestrian access through the existing club house site from Romney Road to Montserrat Brow will therefore be retained.

Impact on the Highway

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

Access into both parts of the development is proposed from the existing access off Montserrat Brow, though improvements are sought to improve visibility and radii.

Sufficient parking is proposed within the residential scheme (meeting the maximum parking standards within appendix 3 of the Core Strategy) and 86 car parking spaces are proposed for the new club house.

The Council's Highways Engineers raise no objection and therefore it is considered that the proposal complies with Policies P5 and S1.2 of the Core Strategy.

Impact on Drainage

Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk. Policy CG1.2c seeks to ensure that all non-residential proposals over 500sqm demonstrate the sustainable management of surface water run-off from developments. On brownfield sites the rate of run-off should be 50% less than conditions before development. In greenfield sites the rate of run-off should be no worse than the original conditions before development.

The application site is in Flood Zone 1 and is less than 1 hectare in size; therefore the submission did not require a Flood Risk Assessment.

The site where the houses are proposed is a brownfield site and the site where the club house is proposed is a greenfield site.

The Council's Drainage Officers have commented that they consider that insufficient information has been submitted with the application in relation to the drainage of the proposed development.

The applicant has claimed that they are unable to afford to submit full drainage details for the proposed housing development and it is their intention to sell the site on to a housing developer (and they would expect the housing developer to design the drainage scheme during the Reserved Matters stage). The case officer has therefore requested that the applicant at least submit drainage details for Part 1 of the application (the proposed new club house). At the time of writing this report this further information had not yet been received, and therefore additional comments regarding the proposed drainage of the site will be reported directly at the meeting.

Impact on Trees

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

A number of trees border the application site. The Council's Tree Officers have previously raised no objection to the proposal. The proposed siting of the dwellings and club house have not been altered from these previous approvals. The Council's Tree Officers have now recommended that a number of the trees surrounding the site be protected by way of a Tree Preservation Order, however it is

considered that this would be unreasonable given that this was not previously requested.

It is considered that the proposal complies with Policy CG1.1 of the Core Strategy with regard to trees.

Impact on Biodiversity

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

A bat survey has been submitted with the application as the existing club house is proposed to be demolished. Greater Manchester Ecology Unit have confirmed that this survey is acceptable and provided that the recommendations outlined in the survey are followed there should be no impact on biodiversity. The proposal is therefore considered to comply with Policy CG1.1 of the Core Strategy.

Conclusion

It is considered that the very special circumstances provided by the applicant continue to outweigh the harm caused to the Green Belt by the development and therefore Members are recommended to approve this application.

If Members are minded to approve this application the decision will need to be referred to the Secretary of State (the National Planning Casework Unit) as the proposal is a departure from the Council's Development Plan (residential development in the Green Belt). A new Unilateral Undertaking to ensure a link between the two parts of the approval will also need to be secured.

Representation and Consultation Annex

Representations

Letters:- One letter of objection has been received from a nearby resident, which raises the following concerns:

- * Were not consulted on the application (*officer's comment: the resident does not immediately neighbour the site, and therefore there was not a requirement to notify the resident by letter. Site notices were however placed at the entrance to the site to advertise the proposal, and a notice was also placed in the Bolton News*);
- * A culvert is located behind their property that manages the flow of the brook that runs through the golf club grounds and alongside our house. Our property could be subject to flooding as the culvert requires constant monitoring and maintenance;
- * The reduction in permeable ground and extended drainage systems from the proposed development could put their property at greater risk of flooding;
- * The Flood Risk Assessment should be extended to include their property.

Nine letters of support have been received (from Bolton addresses). These support the proposal for the following reasons:

- * Without a replacement of the crumbling club house the business may become unsustainable and the club insolvent;
- * The new club house is vital for the future success of this community-minded club;
- * A well designed and modern club house will improve local facilities;
- * It will provide improved access for people with access and mobility problems;
- * It will provide significant private investment to the town;
- * Benefits of employment, recreation, health and tourism to Bolton;
- * Old Links has a high quality course but does not have the club house facilities to compete in the market: successful clubs have modern facilities;
- * The club is well known and respected across the County Golf Community and beyond;
- * The club raises Bolton's profile and status;
- * The use of the existing access will minimise traffic safety and the impact on the local community;
- * Habitat will be preserved for wildlife.

Consultations

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Tree Officers, Public Rights of Way Officer, Pollution Control Officers, Landscape Officers, Wildlife Officers, Corporate Property Officers, Greater Manchester Ecology Unit, the Environment Agency, Ramblers Association, Peak and Northern Footpath Society, the Open Spaces Society, Greater Manchester Police's Architectural Liaison Officers, and United Utilities.

Planning History

Permission was granted in February 2013 under application ref. 88829/12 for the extension of time to implement permission 82389/09 (Part 1 - Erection of a new golf club house and formation of (86 space) car parking area with improvement to access (means of access, appearance, layout and scale only). Part 2 - Demolition of existing club house and outbuildings and erection of 13 dwellings (means of access, layout and scale only).

Planning application 82389/09 for the erection of a new club house and formation of an 86 space car parking area with improvements to the access and the demolition of the existing club house and out building and erection of 13 dwellings was given outline permission by Committee in October 2009.

Planning application 79762/08 for housing on the club house site and a new clubhouse opposite Bobs Smithy at the same site as 51241/97 was refused permission at Committee in October 2008 on Green Belt and landscape impact grounds. A subsequent appeal was dismissed by the Planning Inspectorate in October 2009 on the same grounds.

Planning application 51241/97 for the erection of a golf club house and car park (all matters reserved) at a site within the golf course to the east of Walker Fold Road refused by the Council in December 1997.

Prior notification was granted in February 2001 for the erection of 2 antennae, 2 600mm diameter microwave dishes and equipment and 1 equipment cabin (58563/01).

Prior notification was refused and a subsequent planning appeal dismissed in September 2000 for the erection of a 15 metre high super slimline monopole tower with 3 antennae and 3 microwave dishes, an equipment cabin and 2 metre high security fence to compound on the overflow car park (55912/99).

Planning permission was granted in August 1992 for the erection of a second emergency fire escape to the rear of the club house (41653/92).

Application 38875/91 for the erection of a first floor extension to form a kitchen (phase 1) and dining room (phase 2) and the construction of a fire escape at the club house was approved in July 1991.

Permission was given in January 1991 for the change of use of agricultural land to golf course/practice ground (37926/90).

Recommendation: Refer to Secretary of State

Recommended Conditions and/or Reasons

1. Application for the approval of 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - i) The expiration of five years from the date of this permission, or
 - ii) The expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

2. Details of:
Part 1 - landscaping
Part 2 - appearance and landscaping
(hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason

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

3. Prior to the commencement of Part 2 (the dwellings) :-

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

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

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

Reason

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

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

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

Reason

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

5. No development shall be commenced unless and until full details of the highway works comprising the following:-

- (a) 6 metre radii at the access to the site junction with Montserrat Brow, with a carriageway width of 5.5 metres and footways of 2 metre width each side;
- (b) A 0.5 metre margin on the north side of the club house;
- (c) a turning facility within the clubhouse site;
- (d) carriageways of 5.5 metre width in front of Block A with 2 metre wide footways;
- (e) radii at Blocks D and G shall be 5 metres
- (f) a footway on the listed cottage leg

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

6. Prior to the commencement of development full details of the highway works at the junction of

Chorley Old Road with the access comprising the realignment of the junction and the regrading at a gradient of 1 in 10 maximum shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

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

7. Prior to the commencement of Part 1 (club house) of the development the details (samples if required) of the type and colour of materials to be used for the external walls and roof to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

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

8. Prior to the commencement of Part 1 (club house) of the development a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter.

Reason

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

9. The development hereby approved/permitted shall not be brought into use until the means of vehicular access from Montserrat Brow has 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 and in order to comply with policies S1 and P5 of Bolton's Core Strategy.

10. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 90 metres shall be provided at the junction of the access road with Chorley Old Road, 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 and to comply with policy S1.2 of Bolton's Core Strategy.

11. Before Part 1 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 and to comply with policies P5 and CG3 of Bolton's Core Strategy.

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

Reason

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

13. The garages hereby approved/permitted within Part 2 shall be made available at all times for the parking of motor vehicles.

Reason

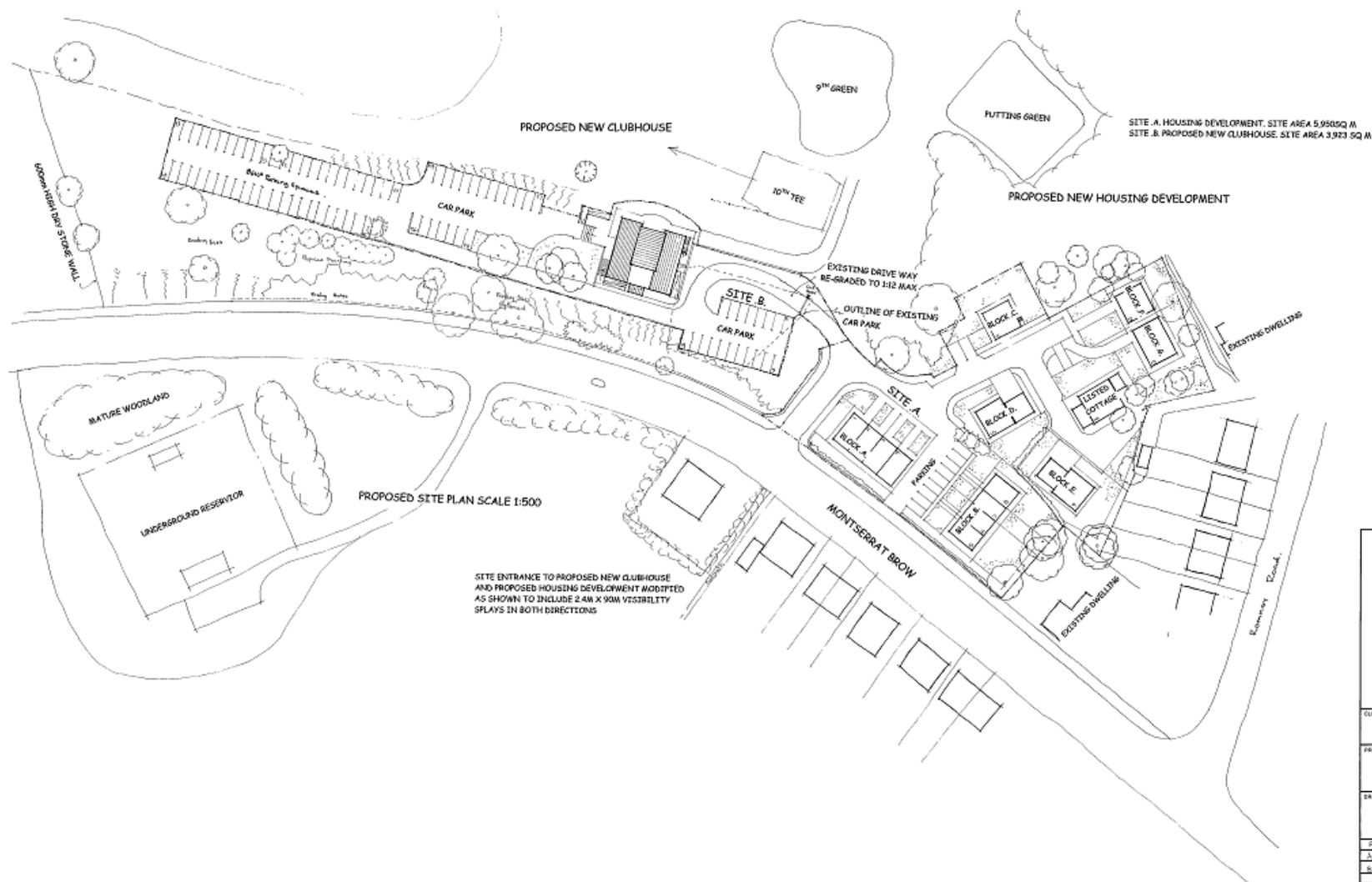
The loss of garage spaces would be likely to lead to an increase in on-street parking to the general detriment of highway safety and in order to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.


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

1148 02; "Proposed Floor Plans New Clubhouse"; dated 03.09
1148 03; "Proposed Elevations New Clubhouse"; dated 03.09
1148 04; "Proposed Site Sections New Clubhouse"; dated 03.09
1148 05; "Proposed Site Plan Showing Site Levels"; dated 06.09
1148 06 Rev. B; "Proposed Site Plan"; dated 08.09
1148 07 Rev. B; "Proposed Site Plan"; dated 08.09

Reason

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





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CLIENT			
BOLTON OLD LINKS			
PROJECT			
BOLTON OLD LINKS & C. PROPOSED NEW CLUBHOUSE			
DRAWING TITLE			
PROPOSED SITE PLAN			
Rev	Notes	Date	Drawn
1	Issue 1 - Initial	15.05.11	A.S.
2	Issue 2 - Revised	15.05.11	A.S.
SCALE			
1:500		20.05.11	A.S.
PROJECT NO	DRAWING NO	REV	
1148	07	3	

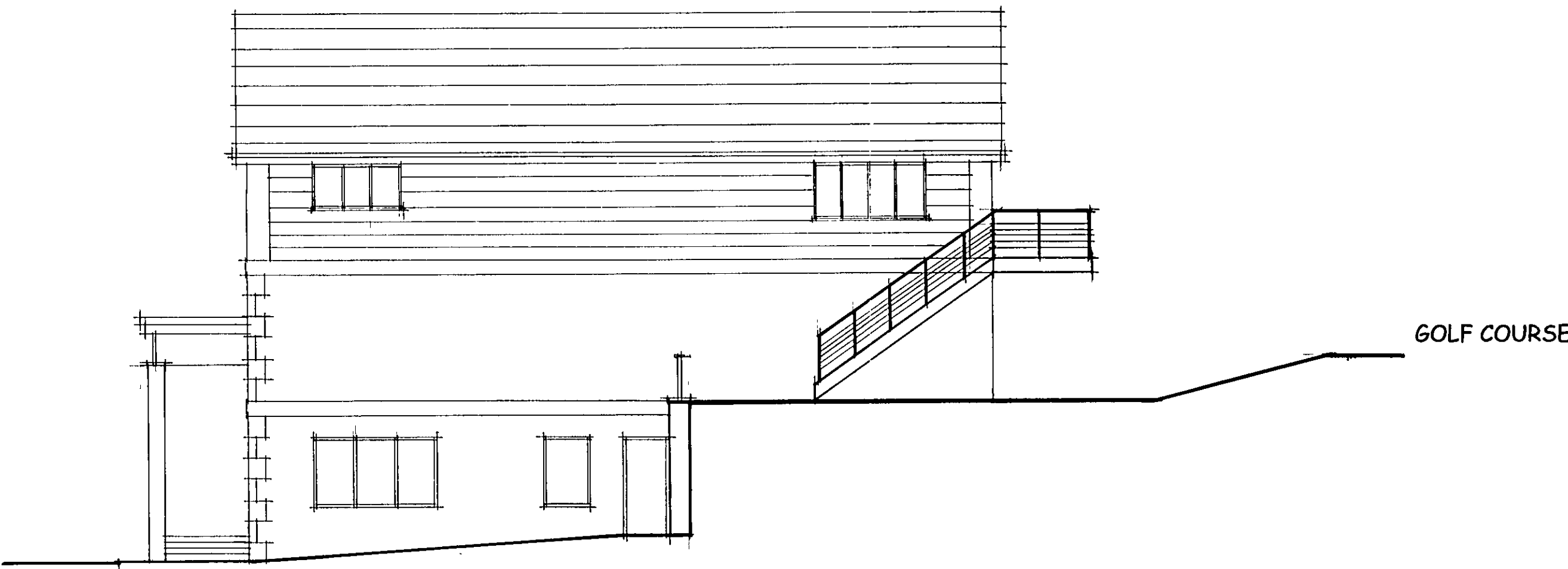
If in doubt please ask the Architect for clarification.

Do not scale from the drawing, all dimensions to be checked on site.

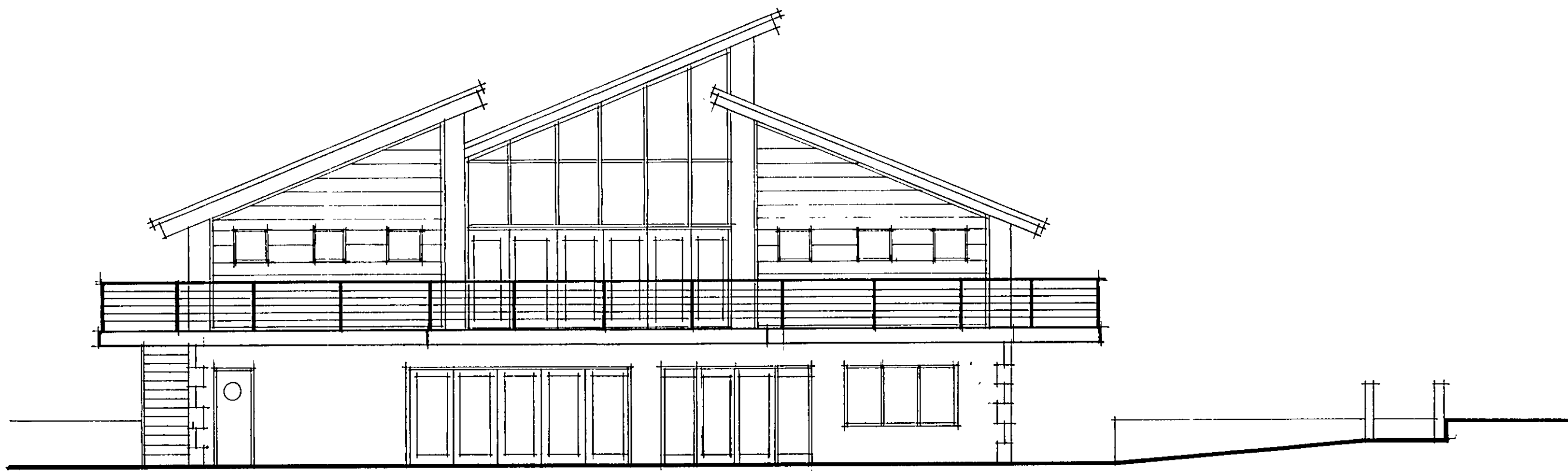
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PROPOSED ELEVATION TO CHORLEY OLD ROAD



PROPOSED SIDE ELEVATION

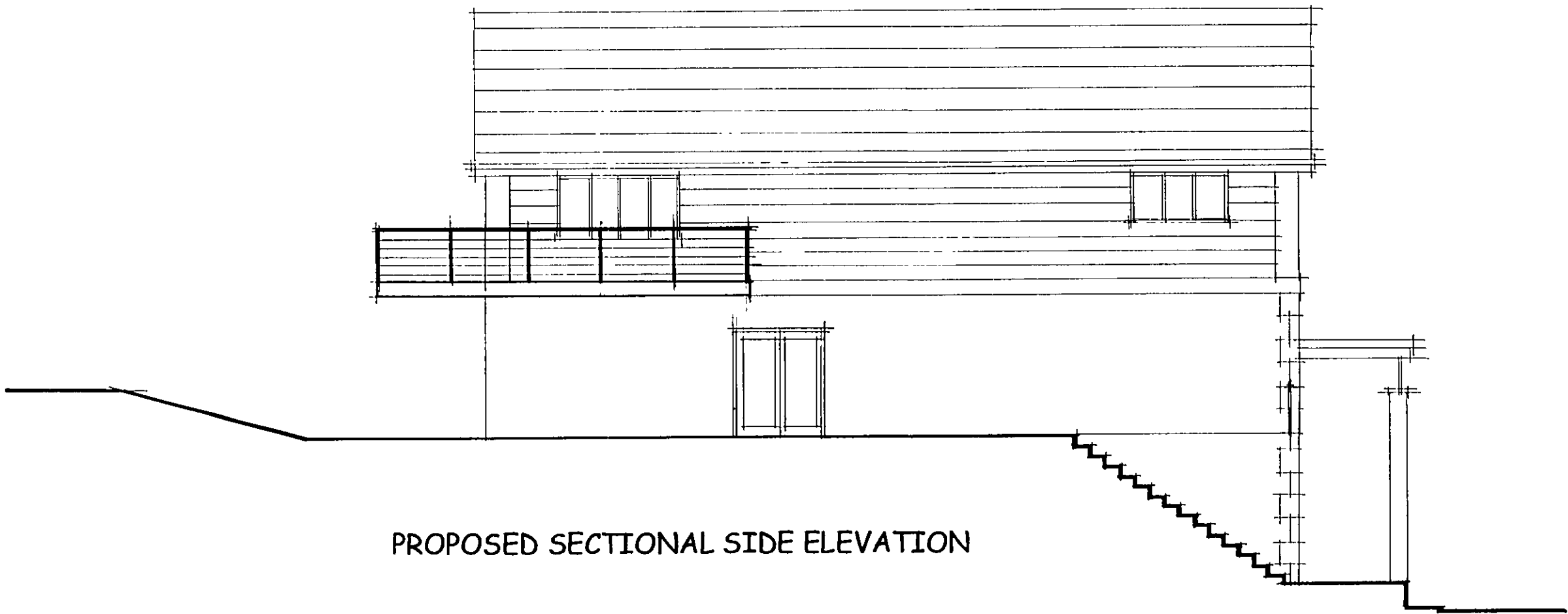


PROPOSED REAR ELEVATION TO COURSE

MATERIALS
ROOF: NATURAL BLUE SLATES
WALLS: COURSED NATURAL STONE WITH ASHLAR FEATURE BAND AND ASHLAR QUOINS. CEDAR BOARDING
WINDOWS: ALUMINIUM POWDER COATED
HANDRIAL: S.S. BALUSTRADE WITH S.S. WIRE RAILS

ROADWAY ENTRANCE LEVEL 214.00
EXISTING CAR PARK LEVEL 214.00
LOWER GROUND FLOOR LEVEL 214.50
FIRST FLOOR LEVEL 217.50
SECOND FLOOR LEVEL 221.50

SCALE 1:100



PROPOSED SECTIONAL SIDE ELEVATION



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CLIENT			
BOLTON OLD LINKS			
PROJECT			
BOLTON OLD LINKS G.C. PROPOSED NEW CLUBHOUSE			
DRAWING TITLE			
PROPOSED ELEVATIONS NEW CLUBHOUSE			
Rev	Notes	Date	Drawn
SCALE		03.09	A.D.
1:100			
PROJECT No	DRAWING No.	Rev	
1148	03		

Application number 96178/16



Development & Regeneration Dept
Development Management Section

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

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Date of Meeting: 28/07/2016

Application Reference: 96178/16

Type of Application: Full Planning Application

Registration Date: 28/04/2016

Decision Due By: 27/07/2016

Responsible Officer: Alex Allen

Location: LAND ADJACENT 249 HULTON LANE, BOLTON, BL3 4LE

Proposal: ERECTION OF 11No DWELLINGS WITH ACCESS AND LANDSCAPING.

Ward: Hulton

Applicant: The Casey Group Ltd

Agent : Nicol Thomas Ltd

Officers Report

Recommendation: Delegate the decision to the Director

Proposal

The applicant proposes the redevelopment of a former railway line (now informal open space) to provide 11 new two-storey residential properties. The proposal would provide 10 semi-detached units and one detached property. The semi-detached properties would be 3-bedroomed dwellings with private gardens and two car parking spaces provided whilst the detached dwelling would be a 4-bedroomed property with up to 4 off-road car parking spaces.

Vehicular access to the site would be gained from Hulton Lane with the access road running at right angles to Hulton Lane along the southern edge of the application site. The proposed new dwellings would all be located adjacent to the new access road with hedge planting proposed along the southern edge of the site together with new tree planting along the eastern and northern edges of the site.

Access from Hulton Lane would be improved by the provision of a right-hand turn lane with additional traffic calming (widening of the footpath located on the eastern side of Hulton Lane) also being provided to promote highway safety in the area.

Site Characteristics

The application relates to a rectangular shaped site located adjacent to the junction of Hulton Lane with Winterfield Drive. The Hulton Lane frontage has an old stone retaining wall running along the boundary. This wall has a gap in the north west corner of the site which provides a natural desire line / short cut to the Hulton Lane playing fields to the south of the application site and the wider area of informal amenity space which characterises the land to the east and north east.

The application site is characterised by unmaintained grassland and self sown trees. Land directly to the north is formed by a relatively new residential development at Harbury Close (built in the 2000's)

which is characterised by mainly 3 storey townhouses which overlook the application site. A group of protected trees are located within the southern edge of the Harbury Close development.

Policy

National Planning Policy Framework

Core Strategy CG1 Cleaner Greener, CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses, S1 Safe, P5 Accessibility, OA4 West Bolton, Appendix 3 Car Parking Standards.

General Design Principles Supplementary Planning Document.

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/loss of recreational open space;
- * impact on the character and appearance of the area;
- * 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 / Loss of Recreational Open Space

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.

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 OA4 seeks to ensure that new development proposals conserve and enhance the character of the existing physical environment and respects the large amounts of open space and lower density development in West Bolton.

The site is allocated within the Core Strategy Allocations Plan as forming part of a wider area of Recreational Open Space which is made up of the formal area of Hulton Lane Playing fields to the south and a larger area of more informal recreational open space which forms the land to the east and north east of the application site.

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. The value of the site for recreational activity must also be considered.

In its current form the site is overgrown with unmaintained grassland and self-sown trees characterising the site. Part of the site forms an informal pedestrian route providing access to the wider area of informal open space to the east and north of the site and a link to the playing pitch provision at Hulton Lane to the south east of the site. Other than providing a pedestrian link to the broader area of open space and general open views through the site it is considered that the application site has limited recreational value.

The Hulton Lane frontage has been developed over time with the application site representing the last piece of undeveloped land along the main road. To the north the natural extent of development on Harbury Close directly adjacent to the site and Hulton Drive further to the north complements the eastern extent of the development currently proposed.

Officers have liaised with colleagues in Greenspace Management who have suggested the provision of monies in the form of a commuted sum to pay for maintenance and upgrading of facilities on the Hulton Lane playing fields area. It has been agreed that the figure to be provided by the developer is £5,000. This amount is comparable with other developments which have proposed the use of informal areas of open space for residential development.

Whilst it is appreciated that the site has obvious value to local residents in the area, the proposal would provide for additional housing in the urban area, whilst resulting in the loss of a small proportion of the existing recreational open space. This would be offset by the provision of a commuted sum to be used to upgrade existing recreational provision in the area. In addition, whilst the proposal would remove informal access through the site, there are alternative access points to the retained open space in close proximity to the application site.

The proposal would not result, as feared by some residents, in setting a precedent for further development of the wider area of recreational open space in the area. The proposed development being clearly seen as a natural infill / completion of the existing building line / linear development along Hulton Lane.

Therefore it is considered that, on balance, the proposed development is acceptable in planning terms by way of retaining the integrity and value of the wider area of recreational open space adjacent to the application site.

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

Guidance contained within NPPF and Core Strategy policies CG3 and OA4 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 some small trees and the loss of a rectangular piece of informal open space. There will be some loss of visual amenity to existing residents whose

properties 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 address Hulton Lane (dual fronted Plot 1) together with properties which would overlook the retained open space / playing field to the south. The proposal would be complemented by new tree planting along both the southern and eastern boundaries of the site which would, in time, assist in softening the proposed development. In addition, the southern boundary of the site would be softened with hedge planting together with the provision of railings which maintain a degree of openness and natural surveillance along the boundary.

The proposed development would appear as a natural extension of the development to the north with the extent of the eastern part of the development projecting no further east than the Harbury Close development. Whilst an area of open space would be lost the integrity of the wider area of open space would be retained.

It is considered that the proposal would complement the existing residential 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 OA4.

Impact on the Living Conditions of Existing and 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. The General Design Principles SPD 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 Harbury Close are characterised by three storey dwellings. The interface distances achieved between the rear elevations of the properties on Harbury Close and the new properties would range from 23.6 metres to 26.7 metres. A distance of 24 metres would be recommended. Plot 6 would be some 40 cm below the recommended interface distance. However, it is considered that the retained protected trees within the rear gardens of Harbury Close and the proposed new tree planting along the northern boundary of the site would mitigate any minor shortfall, as is the case here.

Plots 1 and 2 would be some 29 metres away from the gable elevation of No. 249 Hulton Lane which is the next closest property to the proposed development. This is in excess of the recommended interface distances.

It is considered that the proposed development is in character with the local pattern of development and maintains the privacy and overall living conditions of existing and future residents.

On this basis, 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.

Access to the proposed new access road would be located south of the existing mini-roundabout which serves Winterfield Drive. A right-hand turn lane would be provided in the centre of the road to enable safe access into the site. Additional work would be completed at the mini-roundabout to provide enhanced traffic-calming measures to slow vehicles down when approaching the site from

the north of Hulton Lane. These measures would be conditional upon any approval.

In terms of the level of car parking each 3-bedroomed property would be served by two off-road car parking spaces whilst the larger 4-bedroomed property would be provided with a driveway which could provide up to 4 car parking spaces. The proposal would therefore comply with the Council's maximum car parking standards.

Subject to conditions, the Council's Highways Engineers have no objections to the proposal.

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 development would result in the loss of a number of small trees none of which are considered essential to retain or indeed worthy of a Tree Preservation Order.

The applicant has submitted a full landscape plan for the proposal - this provides for replacement tree planting to all boundaries of the site and also includes hedge planting along part of the southern boundary of the site, together with boundary treatment which is complementary to the surrounding area. The Council's Landscape Officers have raised no objections to the principle of the proposed planting scheme subject to the provision of a more appropriate species of tree.

It is considered that the proposed development would enhance the overall and longer-term landscape value of the site providing trees and other landscaping which would be more appropriate in an urban residential setting.

It is considered that 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 or 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. It is also noted that the Council's Drainage team raise no objections subject to appropriate conditions.

The proposal would comply with policy CG1 and CG4.

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. It is noted that the requirement for Code for Sustainable Homes has been superseded and is no longer a planning

requirement.

The proposal would also have to ensure that surface water run-off would not exceed the existing conditions in addition to a reduction in CO2 emissions. 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 with no protected species located within the site. The applicant has recommended a number of mitigation measures to biodiversity is enhanced as a result of the development including the provision of new planting and landscaping to enhance habitat provision for birds and pollinating insects. In addition, bat / bird boxes within the development and no site clearance in between the months of March to August inclusive. Japanese Knotweed is located within the site and it is recommended to be removed in accordance with an approved strategy/in line with best practice.

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

It is considered that on balance the benefits of the scheme including increased housing provision, more appropriate landscaping and tree planting together with a contribution to off site improvements to open space facilities in the area offset the loss of a modest piece of informal recreational open space whilst maintaining the integrity of the retained areas of open space.

Members are recommended to delegate to the decision to the Director pending the signing of a s.106 agreement to secure the off site contribution.

Representation and Consultation Annex

Representations

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

- properties were bought with open views at the rear;
- the development would encroach on existing residents privacy;
- loss of recreational land;
- concern regarding that if the proposal was granted approval this may set a precedent for the development of other green space in the area e.g. Hulton Lane Playing fields;
- the site is recreational land and not identified / allocated as being suitable for residential development;
- request for a reduction in Council tax due to loss of view (not a material planning consideration).

Petitions:- no petitions received.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees: the Council's Landscape team, Flood Risk, Highways Engineers, Greenspace Management / Wildlife Liaison Officer, United Utilities and Design for Security (Greater Manchester Police).

Planning History

There is no relevant planning history for the site. The site to the north (known as Harbury Close) was granted permission for residential development in 2000 and subsequently built out.

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

Recommended Conditions and/or Reasons

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

Reason

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

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

Reason

In the interests of highway safety.

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

Reason

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

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

1. The trees within or overhanging the site which are the 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 full details of the highway works at the approved site access and Hulton Lane comprising of the re-marking of the existing cycle lane, relocation of signage and the creation of a right turn pocket with central hatching as indicated on the approved proposed site plan [Drawing No. PL 01 Rev. E - Site Layout] 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. Prior to the commencement of any groundworks surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

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

Reason

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

7. Prior to the commencement of the development:-

- A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, property and/or the wider environment; and

- The details of any proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority. The approved remedial works shall be incorporated into the development during the course of construction and completed prior to occupation of the development or the development being first brought into use; and

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

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

Reason

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

8. Development shall not commence until a scheme for the eradication of Japanese knotweed has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for implementation. Should there be a delay of more than one year between the approval of the scheme and its implementation or the commencement of development then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the Local Planning Authority. The scheme shall be carried out as approved and retained thereafter.

Reason

To ensure the safe development of the site and eradication of an invasive species and to comply with policy CG1 of Bolton's Core Strategy.

9. Within 4 months from the commencement of development an ecological enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority which provides the following ecological enhancements:
 - Bat and bird boxes within the development.

Reason

To mitigate against the loss of existing nesting facilities and informal open space within the site and to provide ecological enhancement as a result of the development.

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

Reason

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

11. 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.

12. Prior to the occupation of the dwelling houses hereby permitted provision shall be made for the parking or garaging of (a) motor vehicle(s) adjacent to (the (each of the) dwelling house(s)) 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 2015 (or any Order amending or replacing that Order) other than (a) garage(s), no extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines or satellite antennae shall be erected within that area.

Reason

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

13. 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.

14. No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with the drawing ref: PL 01 Rev. E - Proposed Site Layout dated Jan. 2016

Reason

In the interests of highway safety.

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

Drawing No. (PL) 01 Rev. E - Site Layout - dated Jan. 2016;
Drawing No. (PL) 02 - Plans - Type A - Plots 1 & 2- dated Mar. 2016;
Drawing No. (PL) 03 - Plans - Type A - Plots 3 - 10 (inclusive) - dated Mar. 2016;
Drawing No. (PL) 04 - Plans - Type B - Plot 11 - dated Mar. 2016;
Drawing No. (PL) 05 - Elevations - Plots 1 & 2 - dated Mar. 2016;
Drawing No. (PL) 06 - Elevations - Plots 3 & 4 and 9 & 10 - Type A - dated Mar. 2016;
Drawing No. (PL) 07 - Elevations - Plots 5 & 6 - Type A - dated Mar. 2016;
Drawing No. (PL) 08 - Elevations - Plots 7 & 8 - Type A - dated Mar. 2016;
Drawing No. (PL) 09 - Elevations - Plots 11 - Type B - dated Mar. 2016;
Drawing No. (PL) 10 - Landscape Layout - dated Mar. 2016;
Drawing No. (PL) 11 - Street Scene Elevations - dated Jan. 2016;
Drawing No. (PL) 12 - External Works Details - dated Jan. 2016.

Reason

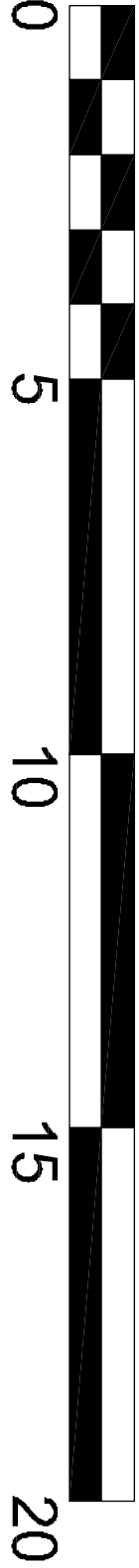
For the avoidance of doubt and in the interests of proper planning.

Proposed residential development at Hulton Lane, Bolton



Revision	Date	Details

nicol thomas
architects project managers construction cost consultants CDM co-ordinators
Registered in England and Wales, Reg No. 2140639
Quality Assured to BS EN ISO 9001:1994 Certificate Number GB 4729
Hewlett House Blackshaw Lane, Heyfield, Rotherham, Othman OL2 6NS
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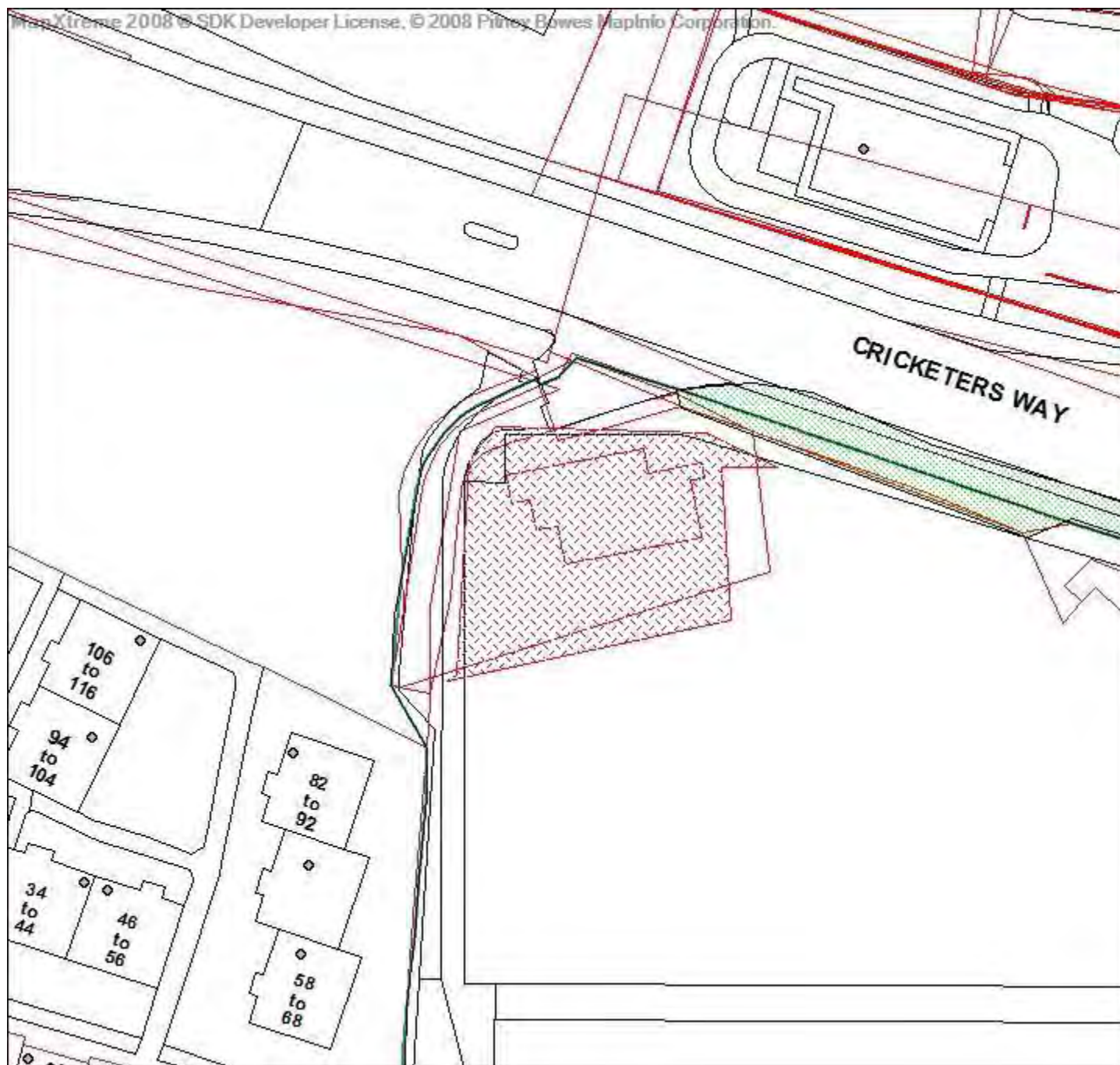


nicol thomas

Client:	Casey Group		
Job:	Hulton Lane, Bolton BL3 4LE		
Drawing title:	Street Scene Elevations		
Drawing Number: (Job number)	M4040	(PL)	11
Scale:	1:100 @ A1		
Date:	Mar. 2016		
Drawn by / checked by:	kpj/GRF		

Materials Legend ① Interlocking concrete roof tiles. Slate grey colour with red ridge tiles ② Facing red/buff brickwork. (see elevations drawing for locations of red/buff brick) ③ Composite front door with glazed vision panel window ④ upvc window & doors. Colour grey RAL 7016 ⑤ Juliet balcony. Colour grey RAL 7016 ⑥ upvc fascias & soffits. Colour grey RAL 7016 ⑦ upvc rainwater goods. Colour black. ⑧ Meter cupboards to be brown Notes: a. All materials / colours to be approved by LA b. Obscure glazing to all bathroom / WC windows and gable windows where required for privacy	SCHEDULE OF ACCOMMODATION Type A 3 bedroom 5 person house @ 83m² 09 Type A1 (plot 1) 3 bedroom 5 person house @ 83.5m² 01 Type B 4 bedroom 7 person house @ 105m² 01 Total No. units 11 car parking: 200%
--	--

Application number 96332/16



Development & Regeneration Dept
Development Management Section

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

Bolton Council

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Date of Meeting: 28/07/2016

Application Reference: 96332/16

Type of Application: Full Planning Application
Registration Date: 03/05/2016
Decision Due By: 27/06/2016
Responsible Officer: Alex Allen

**Location: SAINSBURYS SUPERMARKETS LTD, CRICKETERS WAY,
WESTHOUGHTON, BOLTON, BL5 3ZS**

**Proposal: SITING OF A VETS 4 PETS CONCESSION POD ON PART OF CAR
PARK**

Ward: Westhoughton South

Applicant: Sainsburys
Agent : CHQ Partnership Ltd

Officers Report

Recommendation: Approve subject to conditions

Background

This application was deferred from the June Planning Committee meeting to enable an advanced site visit to take place to the site and also to clarify the following points:

- Clarify how original Sainsburys approval related to parking standards.
- Is this the best location for the proposed Pod?
- Is the end use of the building restricted?
- Clarity over the parking situation. How is pedestrian access gained?
- Site visit photographs should be taken at a more typical time.

These issues are clarified within the main body of this report.

Proposal

The applicant proposes the erection of a veterinary surgery which would comprise 3 consulting rooms, an operating theatre, reception and waiting area, pharmacy and staff facilities. The new building would take the form of a 'pod' which is a flat roofed building faced with Kingspan composite panels. The new building would be 15.7 metres in length and 10.5 metres wide/deep.

The pod would be located in the north west corner of the Sainsburys supermarket site. The development would require the reorganisation of the existing car park with the loss of 26 car parking spaces. The development would make provision for new road layout and 5 spaces, therefore a net loss of 21 spaces.

The proposed hours of use of the surgery would be between 0830 hrs to 1900 hrs Monday to Saturdays and 1000 hrs to 1600 on Sundays.

Site Characteristics

The application site is located within the north west corner of the Sainsburys supermarket site. The site is currently used for car parking and vehicular circulation in conjunction with the established retail use of the site. Cricketers Way is to the north some 12 metres away with the closest residential properties on the Welland (No's 82-92) occupying land some 33 metres away to the south west of the site.

Policy

National Planning Policy Framework

Core Strategy policies P5 Accessibility, S1 Safe, CG3 the Built Environment, CG4 Compatible Uses and OA3 Westhoughton.

Supplementary Planning Documents General Design Principles and Accessibility, Transport and Road Safety.

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * principle of development;
- * impact on the character and appearance of the area
- * impact on adjoining uses
- * impact on parking / highway safety

Principle of development

Guidance contained within NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development, economic, social and environmental. The economic role is to contribute to a strong, responsive and competitive economy by ensuring sufficient land of the right type is available in the right places to support growth and innovation.

The proposal would assist in creating a new business in the local area providing jobs for 4 full time employees and 5 part time and staff driving economic development. It is noted that a number of objectors are concerned about the impact of the proposal on existing veterinary practices in the Westhoughton area. However, the impact of a proposed new business on existing businesses is not a material planning consideration. The planning system does not operate to protect existing business interests.

The proposal would comply with guidance contained within NPPF which supports economic growth.

Impact on the character and appearance of the area

Core Strategy policies CG3 and OA3 seek to ensure that new development proposals conserve and enhance local distinctiveness/the local environment.

The proposed building would be constructed on an existing car park area which is indistinct in its character. The proposed building is modest in scale and whilst relatively utilitarian in its character / build (i.e. standard Kingspan construction) it would be viewed in the context of the large Sainsburys store to the south. The building would also be set back from Cricketers Way to the north and is screened by existing landscaping.

The applicant has also clarified that there will be a small external plant area located on the eastern side of the proposed pod. It is considered that this in itself would be acceptable subject to a condition requesting further details of the external appearance of the plant and also a condition to limit the noise emanating from this area. These two conditions have been included at the end of this report.

The applicant has confirmed the use of materials in the proposed development. They have confirmed that the acoustic properties of the building would meet building regulations for both thermal and sound insulation. This would be secured through other regimes (i.e. Building Control/Approved Inspectors).

The proposal would be in character with the surrounding area and complies with Core Strategy policies CG3 and OA3.

Impact on adjoining uses

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

The application would bring a new use to an existing large car park, providing additional pedestrian movement and in turn enhanced natural surveillance over the wider area.

It is considered that the building would be sufficiently insulated so as not to result in any harm to the living conditions of nearby residents. This would also be limited by the proposed opening hours of the practice and also the distance of approximately 33 metres between the proposed building and the closest residential properties on the Hoskers to the south west of the site.

In addition, the proposed surgery is some 33 metres away from the front elevation of the supermarket. It is not uncommon to have veterinary practices in relative close proximity to food outlets e.g. Pets at Home and Asda on the Middlebrook development. It is not considered that the relationship between the two uses is inappropriate or likely to result in food hygiene health and safety issues.

It is not envisaged that the proposal would result in an increase in anti-social behaviour in the area.

It is considered that the proposal complies with Core Strategy policy CG4.

Impact on parking / highway safety

Core Strategy policy P5.1 and P5.5 seeks to ensure that new development proposals make provision for adequate parking and accessibility by different types of transport including pedestrians, cyclists.

Core Strategy policy S1 seeks to ensure that new development proposals promote road safety within their design / layout.

The proposal raises two key issues: is adequate car parking provision provided and would pedestrians be able to access the new pod building safely?

Car parking provision

The current car park provides for a total of 240 spaces. Under the current proposal a total of 21 car parking spaces would be lost. The car parking layout as constructed was approved under the original planning permission for the site in 2008 (Ref: 78000/07). At that time the level of car parking was considered to exceed the minimum standards.

In terms of current car parking standards detailed within Appendix 3 of the Core Strategy would require a **maximum** of 269 spaces. The proposed surgery / pod use would require potentially a maximum of 9 car parking spaces within the overall car park.

To assist in the consideration of the application, the applicant was asked to provide a car park study which assessed the level of use of the existing car park.

As a result, the applicant provided a car parking accumulation study which was undertaken in January 2016 which showed a peak occupancy of 62% i.e. 149 out of 240 spaces were occupied at peak times i.e. Saturday afternoon. This would leave a total of 91 spaces free. Set in this context, the loss of 21 spaces is therefore not considered to be an issue. In addition, it is also noted that the pod has been located on the perimeter away from the main store entrance and is therefore away from those spaces which are most heavily used.

The Council's Highways Engineers agree with the above and raise no objections to the proposal.

Highway safety/pedestrian access

In terms of pedestrian access to the proposed pod, the main customer access to the site is from the southern elevation by way of a ramped access. There are a number of car parking spaces provided right outside the pod with a clearly marked out footpath providing safe pedestrian access to and from the car parking spaces.

It is considered that the proposed development combined with the use of the existing supermarket would provide sufficient car parking to meet the requirements of both businesses and complies with policy. In addition, the proposed development would also provide safe pedestrian access to the building, also in compliance with Core Strategy S1.

Other matters

Members raised a number of other issues:

- Additional photos taken at midday on a Friday (15/07/16) can be viewed on the screen at the meeting and also within the rear of this report.
- Use of the pod - the proposed use of the pod is as a veterinary surgery. This is a D1 use. The D1 use class covers a whole range of non residential uses including schools, day nurseries, clinics, places of worship and training centres. It is considered that some of these uses in this location would not be appropriate. Therefore, it is considered to be appropriate to restrict the use of the pod to a veterinary surgery only.

Conclusion

The proposal would result in a modest change to both the character and appearance of the area and

to the level of car parking within the existing supermarket car park without compromising local residential amenity. Issues of animal welfare or the impact of the proposals on existing veterinary practices are not material planning considerations. The proposal complies with policy and is recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- three objection letters have been received, one letter from the director of an existing veterinary practice in Westhoughton and two other letters. The letters raise the following concerns:

- There are two existing independent vets practices in Westhoughton. The provision of an additional practice will have an adverse impact on vet services in Westhoughton undermining viability. The applicant will use locum vets and graduate vets with less experience;
- The building type raises concerns over temperature control, storage of dead bodies need to be stored prior to disposal;
- Wrong to site a vets practice close to a food retailer;
- Loss of 32 spaces not 13;
- There is a shortage of car parking spaces at peak times;
- Vehicle movements make transporting sick animals unsafe.

Petitions:- no petitions received.

Town Council:- raise objection due to the proposal resulting in a loss of 13 car parking spaces, noise and disturbance to nearby flats (The Welland), proximity to food store, will attract youths to the car park resulting in anti social behaviour, potential health and safety issues in the portacabin.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees: Westhoughton Town Council, the Council's Highways Engineers and Pollution Control officers.

Planning History

Planning permission was granted in July 2008 (Ref: 78000/07) for the erection of a retail store, the provision of car parking with servicing and access.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

2. Prior to the commencement of development the details (samples if required) of the type and colour of materials to be used for the external walls, railings and roof shall be agreed in writing with the Local Planning Authority. The approved materials shall be implemented in full prior to first use of the building hereby approved and retained thereafter.

Reason

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

3. Prior to the commencement of development the following information shall be submitted to and approved in writing by the Local Authority:
- a noise assessment shall be carried out and a report submitted to, and approved in writing by, the Local Planning Authority. The report shall include all the information specified in Clause 12 of BS4142:2014 and details of any mitigation proposed to achieve the rating level. The rating level of the plant / machinery, as defined in BS4142:2014, shall not exceed the measured daytime and/or night time background sound level at the closest residential properties at any time;
 - siting and external appearance of the proposed plant/machinery;
 - potential screening of the proposed plant/machinery to be located within the area identified on Drawing No. CHQ.15.11720-PL04A.

The approved details shall be carried out in full prior to first use of the veterinary surgery / POD and retained thereafter.

Reason

To minimise the impact of noise on the general and residential amenity from the increase and alteration of commercial uses in the area and to ensure the approved development is in character and appearance with the surrounding area.

4. Before the approved/permitted development is first brought into use the approved car parking and layout plan as detailed on Drawing No. CHQ.15.11720-PL03A shall be implemented in full and retained thereafter.

Reason

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

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

**Drawing No. CHQ.15.11.720 - PL03 Rev A - Proposed Site Plan dated January 2016;
Drawing No. CHQ.15.11.720 - PL04 Rev A - Existing and Proposed Detail Plans dated January 2016;
Drawing No. CHQ.15.11.720 - PL05 Rev B - Proposed Elevations dated January 2016;
Drawing No. CHQ.15.11.720 - PL06 Rev B - Existing and Proposed Detail Site Plan dated January 2016;**

Reason

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

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

0830 to 1900 Mondays to Saturday;
1000 to 1600 hrs on Sundays.

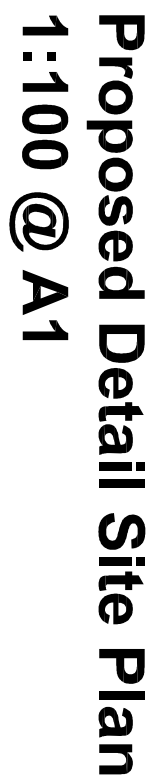
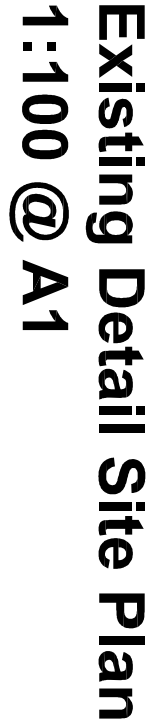
Reason

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

6. The premises shall be used for a veterinary surgery and for no other purpose (including any other purposes in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

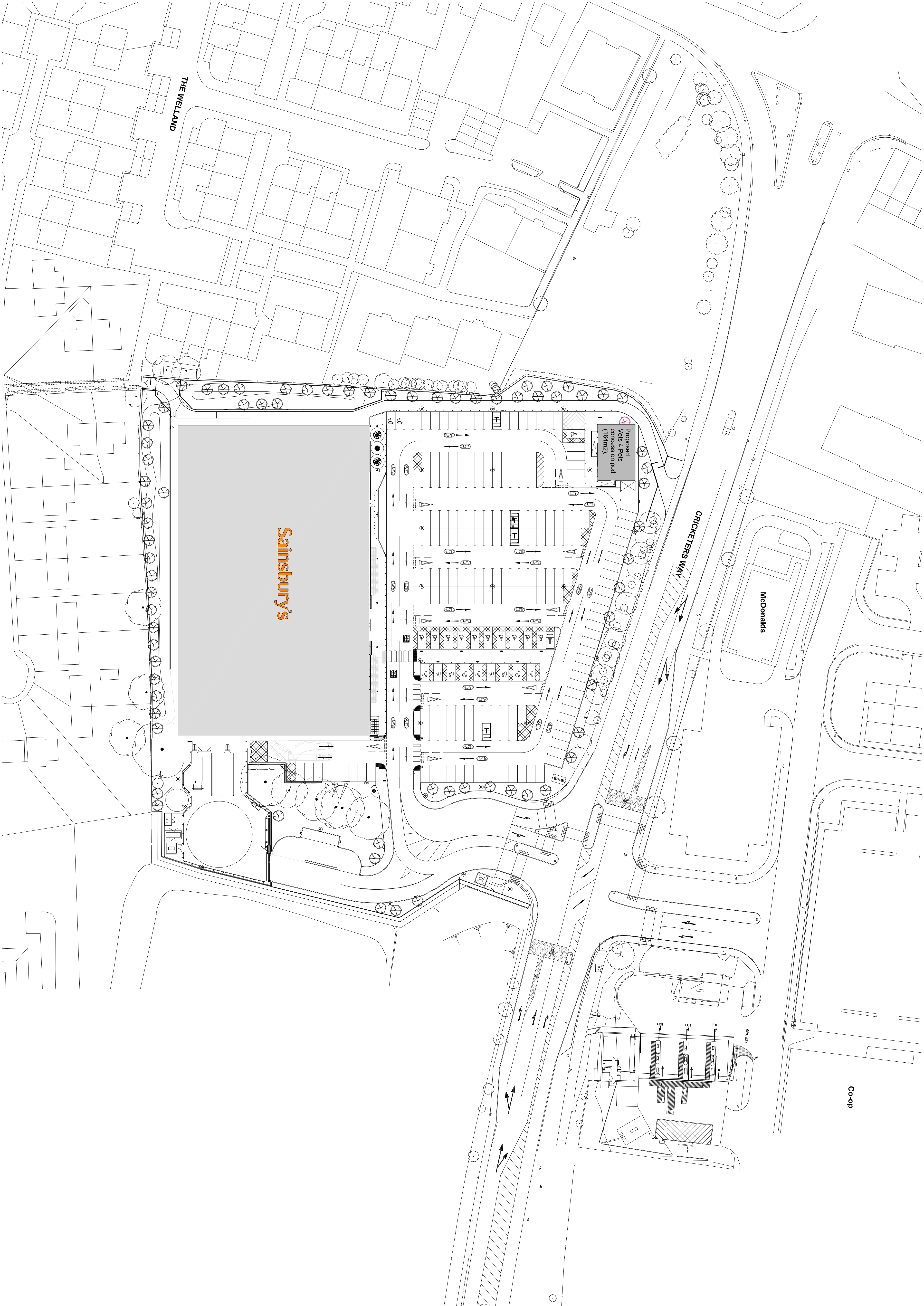
Reason

For the avoidance of doubt as to what is permitted.

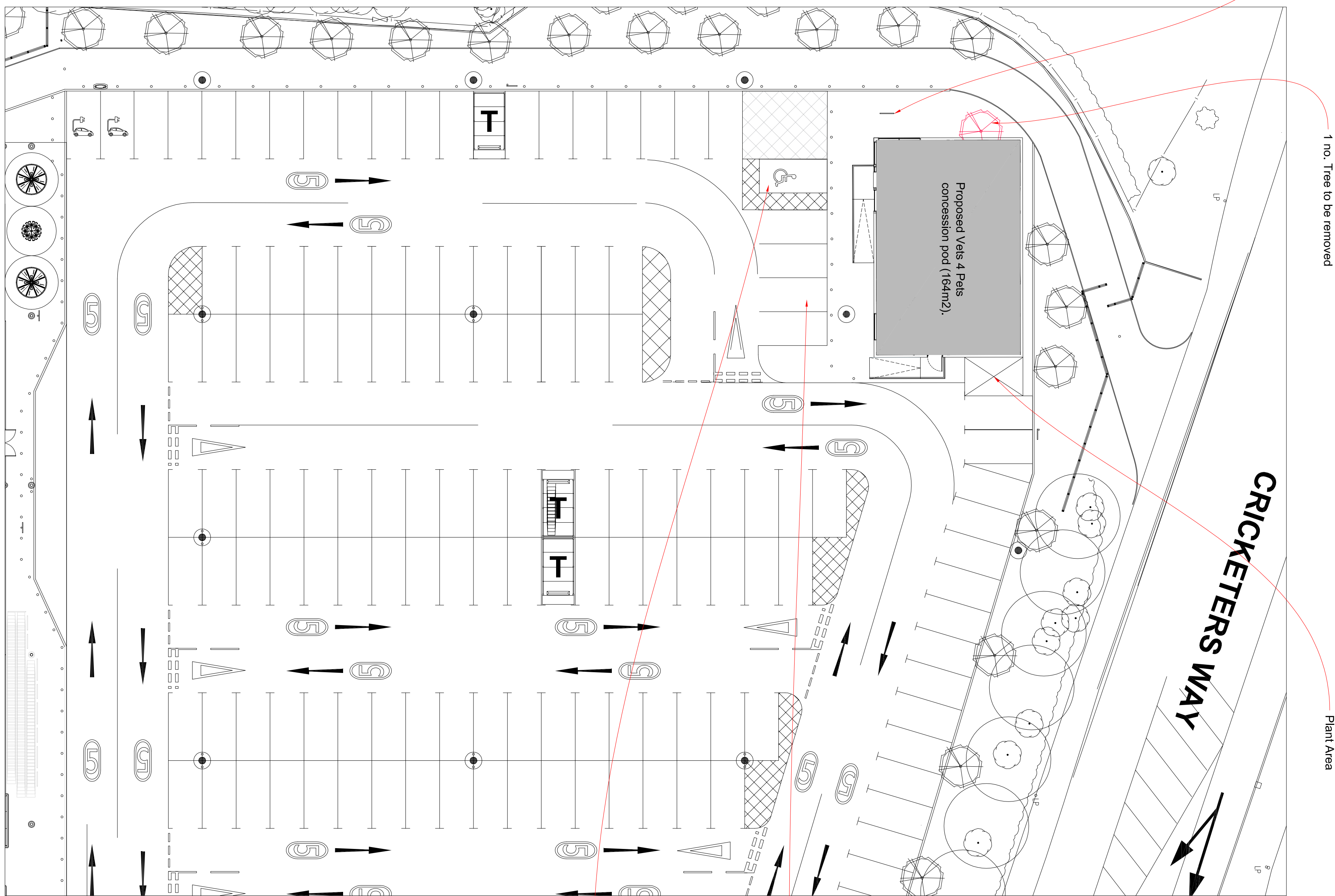
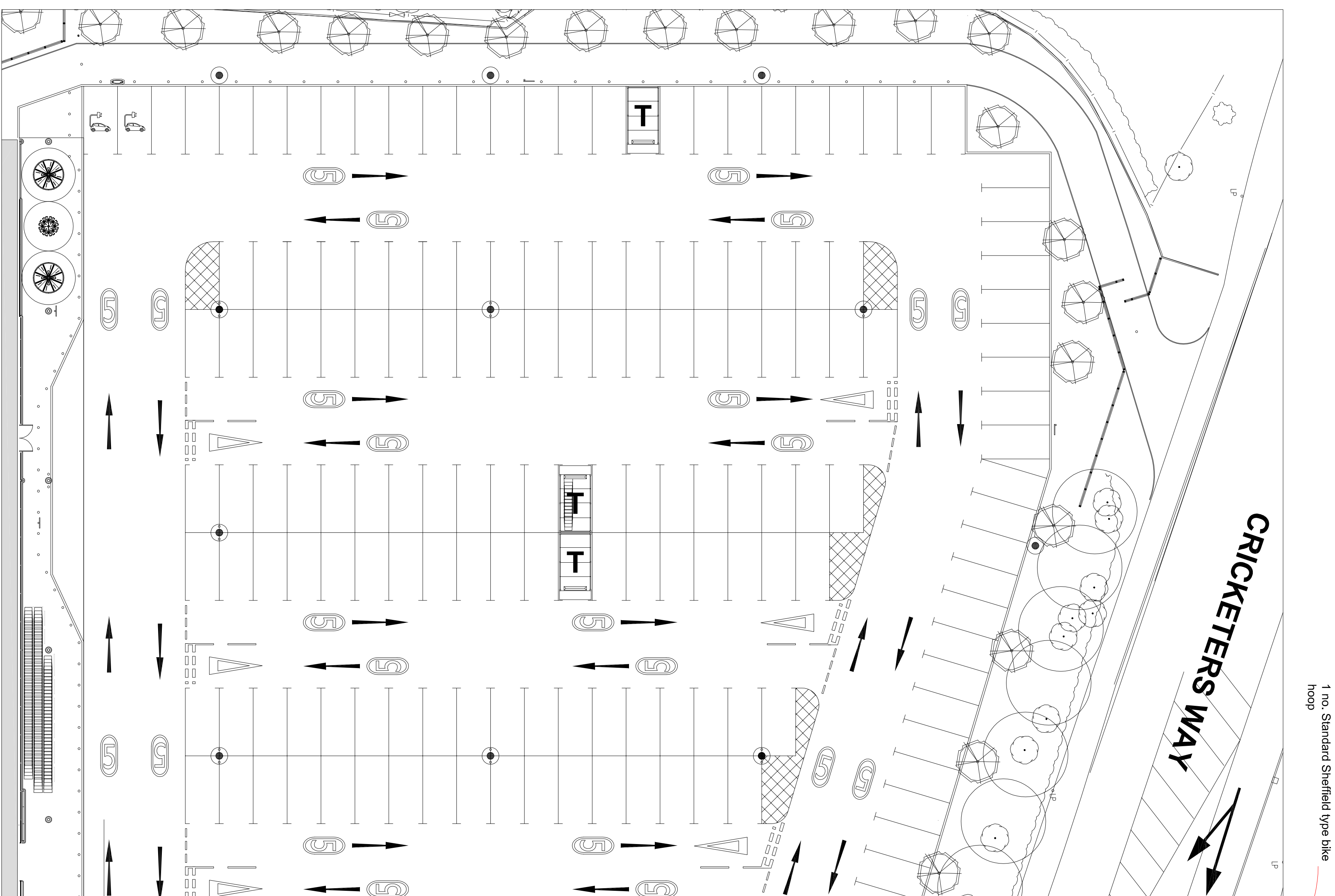


Sainsbury's
Supermarkets Ltd.

SAINSBURY'S EXISTING CAR PARKING	
Standard Car parking at 2.5 x 4.5m	221
Disabled Car parking Spaces	10
Tricycle Car parking Spaces	10
Total Car parking Spaces	240
Reservable Bays	Y
SAINSBURY'S PROPOSED CAR PARKING	
Standard Car parking at 2.5 x 4.5m	199
Disabled Car parking Spaces	10
Tricycle Car parking Spaces	10
Total Car parking Spaces	219
Reservable Bays	Y



CLIENT		REV / DESCRIPTION		DATE	INITIALS	REV / DESCRIPTION	DATE	INITIALS	PROJECT		DRAWING	
Sainsbury's Supermarkets Ltd.		A PROPOSED CAR PARK FINISHES AWAYED		22-09-2016	JLS				Cricketers Way, Westhoughton, Bolton BLS 3ZS		Proposed Site Plan	
© Crown copyright. All rights reserved. Licence number AB10007232		All drawings are subject to the Bill of Materials. All dimensions are to be checked on site.				ISSUE			CHQ ARCHITECTS 17a Milling, 44th Floor, 200 Broadway, New York, NY 10002 Tel: +1 212 693 1000 www.chqarchitects.co.uk		DATE	DRAWN
		PLANNING									SCALE	CHECKED
											1:500@A1	JLS
											CHQ.15.11720-PL03A	



1 no. Standard Sheffield type bike
hoop

1 no. Tree to be removed

Plant Area

Cricketers Way
WESTHOUGHTON

CRICKETERS WAY

CRICKETERS WAY

Proposed Vets 4 Pets
concession pod (164m2)

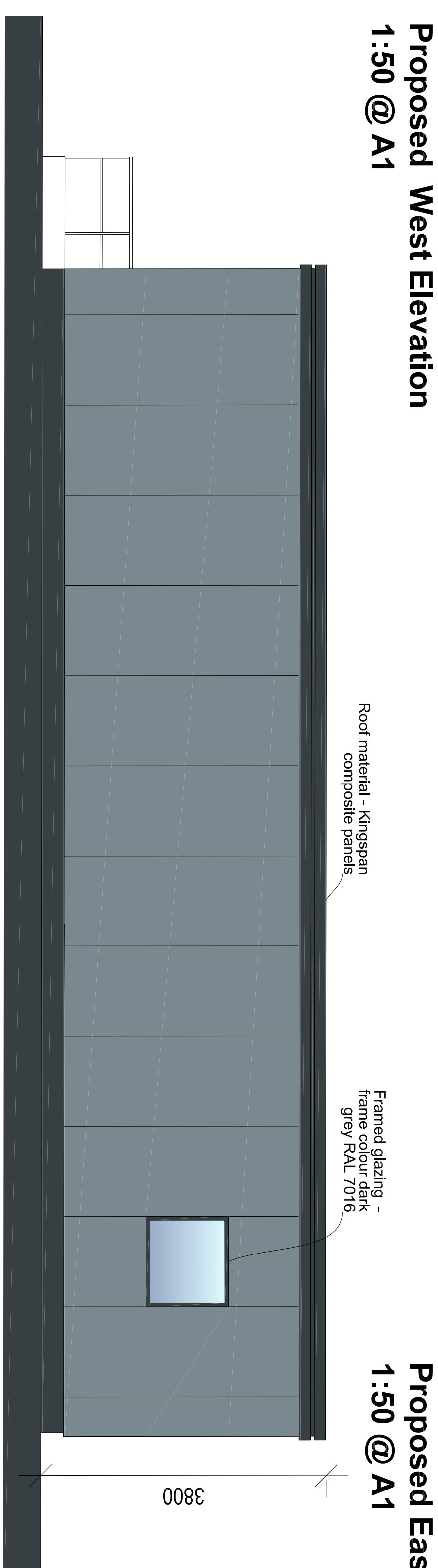
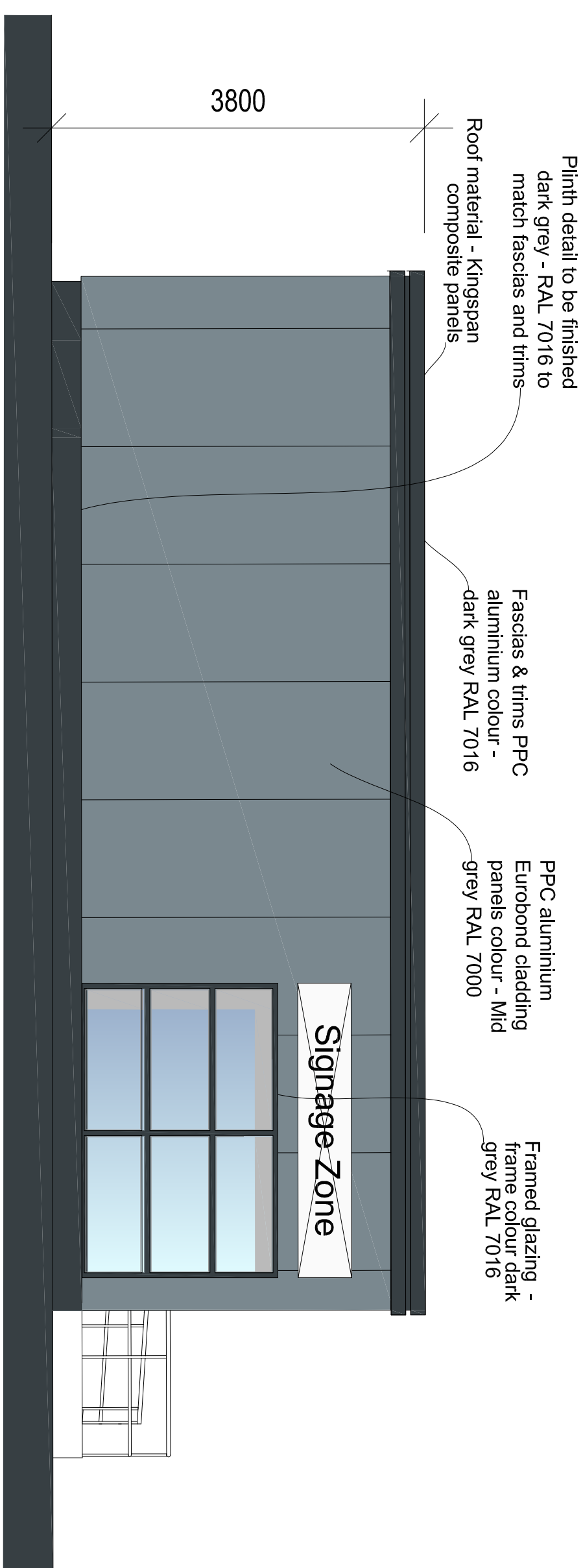
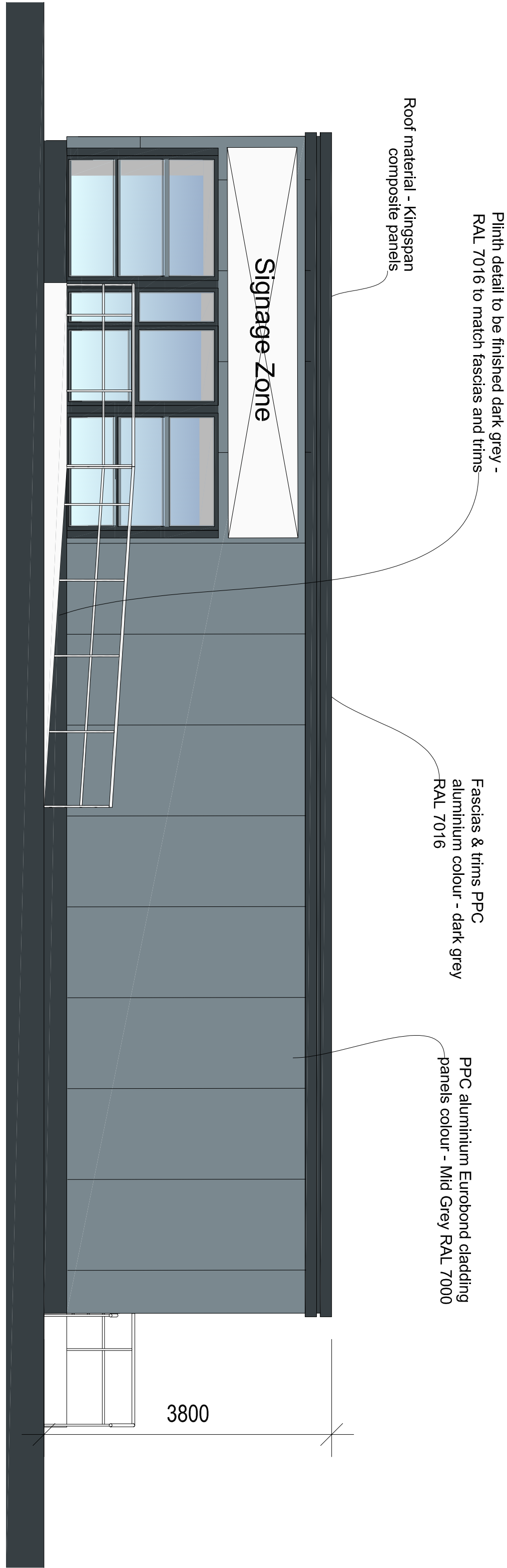
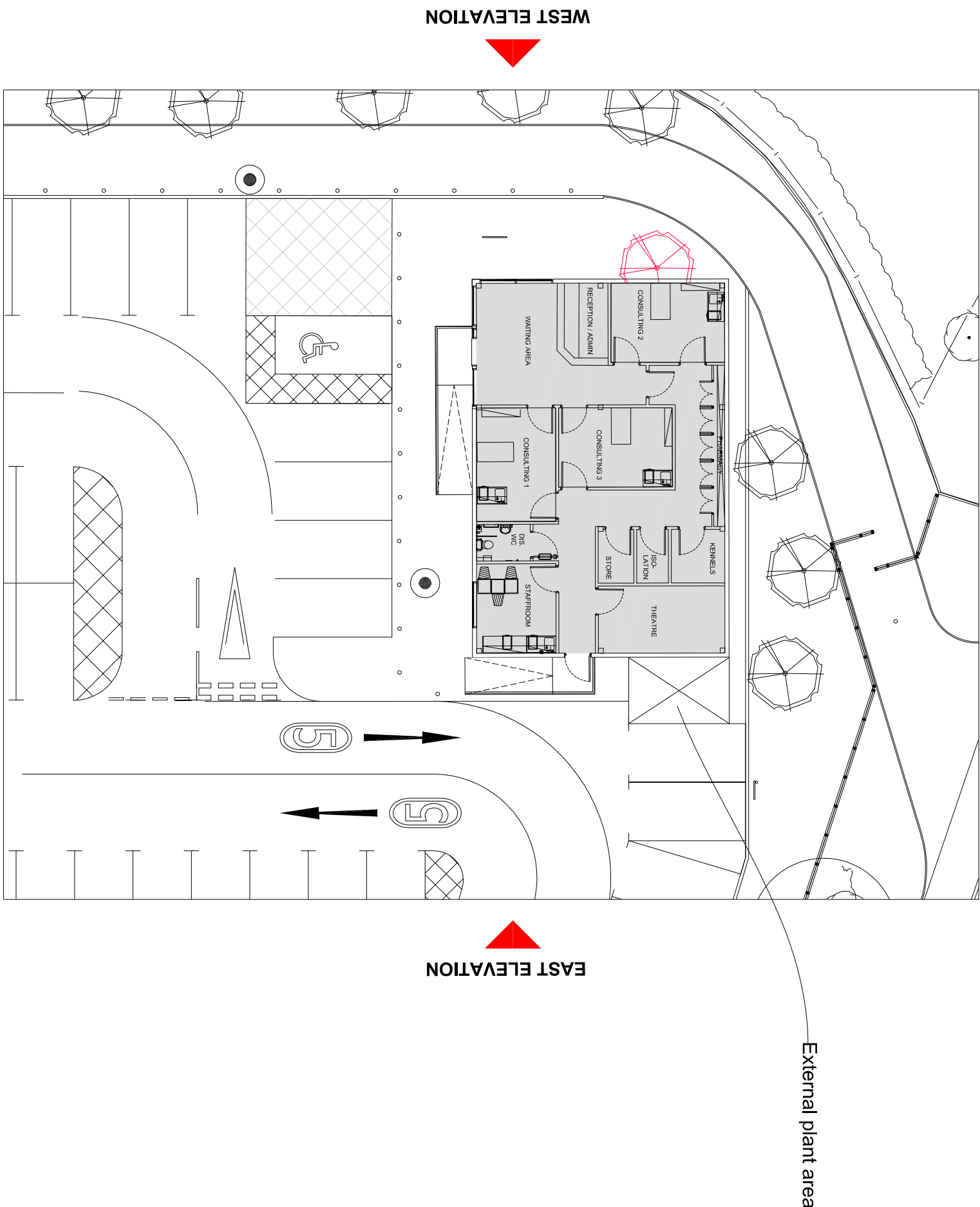
Reconfigured parking area, loss of 22 no. standard parking bays and gain of 1 no. disabled bay.
Total overall loss of 21 parking spaces

Designated disabled parking bay.

**Existing Detail Site Plan
1:200 @ A1**

**Proposed Detail Site Plan
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<div><div>Scale</div><div>0m 10m 20m 30m 40m 50m</div></div>				<div><div>DATE</div><div>January 2016</div><div>DRAWN</div><div>HS</div></div>			
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<div><div>Revision</div><div>Rev. Description</div><div>1. Initial design</div><div>2. Final design</div></div>				<div><div>PROJECT</div><div>CHQ.15.11720-PL05B</div></div>			
<div><div>Revision</div><div>Rev. Description</div><div>1. Initial design</div><div>2. Final design</div></div>				<div><div>PROJECT</div><div>CHQ.15.11720-PL05B</div></div>			

Application number 96385/16



Development & Regeneration Dept
Development Management Section

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

Bolton Council

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Date of Meeting: 28/07/2016

Application Reference: 96385/16

Type of Application: Full Planning Application
Registration Date: 20/04/2016
Decision Due By: 14/06/2016
Responsible Officer: Simon Coles

Location: 17 MADISON PARK, WESTHOUGHTON, BOLTON, BL5 3WA

Proposal: DEMOLITION OF EXISTING DETACHED GARAGE AND
ERECTION OF PART TWO STOREY PART SINGLE STOREY
FRONT AND SIDE EXTENSION INCLUDING ATTACHED GARAGE
AND DORMER TO REAR

Ward: Westhoughton North

Applicant: Mr K Patel

Agent : RA Design & Project Management Ltd

Officers Report

Recommendation: Refuse

Proposal

Permission is sought for the erection of a part two storey/part single storey extension at side, together with the installation of a flat roof rear dormer extension.

The two storey element is to provide a bedroom, lounge, W.C. and utility at ground floor and new bedroom, extended bedroom, bathroom and a walk-in wardrobe and en suite in the first floor.

The further single storey element is to provide a garage space.

A small front entrance is proposed to provide a double door entrance to the hallway.

Site Characteristics

The application property is sited on the Metal Box Estate, a fairly modern housing estate. Madison Park is accessed from Metal Box Way. Within this area there is a mix to the character of the dwellings, ranging from similar detached properties to mews and town houses.

The neighbouring property to the side is an three storey semi-detached townhouse. (Officers have been made aware that the applicant is the owner of this property also).

The opposite property at number 19 is a detached two storey dwelling.

To the rear, whilst there are no properties directly facing, there is a fairly short distance to each property in this location.

To the front the property looks over recreational land.

It was noted on site that there are some properties within the area that had been originally built with pitched and flat roof dormers to their fronts and rears, although none are of a scale proposed here.

Policy

National Planning Policy Framework (NPPF)

Core Strategies Policies: P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses and OA3 Westhoughton.

SPD House Extensions and SPD General Design Principles

Analysis

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

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

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

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

The main impacts of the proposal are:-

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

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

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA3 of the Core Strategy relates specifically to developments in Westhoughton and states that the Council will conserve and enhance the character of the existing physical environment.

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.

Side extensions

The part two storey/part first floor side extension extends approx. 7.4 metres in width. The single storey garage element extends a further approx. 4.1 metres. The element of the extension containing bedroom no.4 (specified on plans) incorporates a front gable design which is similar to the design of the existing dwelling. The first floor element above the proposed garage incorporates a side gable. The rear element of this extension is splayed along the corner. The single storey extension is also splayed as it follows the boundary of the site.

Side extensions in particular can have a prominent visual impact on the appearance of the dwelling and therefore should be appropriately scaled, designed and sited so as to ensure that they do not appear unacceptably prominent nor detract from a dwellings character.

It is considered that the current proposal is excessively wide and does not appear subordinate to the host dwelling. It is considered that the proposed extension would result in an overdevelopment of the plot. The proposal would run flush with both the front elevation and the ridge line of the host dwelling and would be more than half the width of the original dwelling. Having assessed the overall character of the immediate and wider surrounding area it is considered on balance, that the proposed dwelling would create a strident feature to the street scene that would have a negative impact on the overall built character of the area, contrary to policy CG3 of the Council's Core Strategy.

Rear dormer

The rear dormer extension extends across more or less the full width of the rear roof plane (including the new extension) and incorporates a flat roof design. The dormer therefore represents a large addition to the rear of the property which is considered to result in an incongruous feature to the property and the character and appearance of the surrounding area, which appears over dominant in this locality. Furthermore the windows do not match up to those windows at first floor level and thus the dormer is contrary to the design guidance contained within SPD House Extensions (2012).

Front extension

The front extension provides a new double entrance door accessing the hallway. The size and massing of this extension is considered to be fairly modest and thus is considered to be an acceptable addition to the dwelling.

Further to the above, it is considered that the proposed side extensions and rear dormer are of a size and massing that would result in a detrimental impact on the character and appearance of the dwelling and the surrounding area and thus the application is considered to be contrary to Policy CG3 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.

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

The neighbouring property closest to the side extensions is a three storey semi-detached town house (No. 15). This property is north facing and is slightly angled towards the rear garden of the application property. It is considered that, given the siting of the extension, there would be some impact on the rear garden area of this property in respect to the loss of light (early mornings) with a resultant overbearing presence. It is noted that the applicant also owns this property.

In respect of the dormer extension, although there are no properties directly facing, it is considered that given the large size of the structure proposed, there would be a overbearing presence to the rear amenity areas of the dwellings to the rear, particularly as the properties are fairly close to one another.

Further to the above, it is considered that the proposed side extensions and rear dormer are of a size

and massing that would result in a detrimental impact on the amenity of the neighbouring residents and thus the application is considered to be contrary to Policy CG4 of the Core Strategy and policy guidance contained within SPD House Extensions (2012).

Impact on Parking

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

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

The property would retain or gain adequate off road parking provisions for the size of the property, so there are no highway issues.

Other details

Officers requested amendments to bring the development in accordance with planning policy, however the applicant was not forthcoming with these changes.

Conclusion

The proposal is not consistent with the guidelines contained in SPD - House Extensions (2012) by reason of the impact that the side extension and rear dormer would have on the living conditions of the neighbouring residents. Similarly, the proposal is not consistent with Bolton's Core Strategy (2011) by reason of its scale and massing. Officers have requested amendments to gain a more suitable solution however, the applicant prefers to proceed with these plans.

Members are therefore recommended to refuse this application.

Representation and Consultation Annex

Representations

Letters:- None

Town Council:- Westhoughton Town Council raised no objections.

Elected Members:- Councillor Chadwick requested that this application be determined by the Planning Committee.

Consultations

Advice was sought from the following consultees:

Highways: - for a 5 bedroomed house, the Council's parking standards should be met in full ie 3 driveway parking spaces. These can be accommodated in front of the property and the site plan should be amended accordingly.

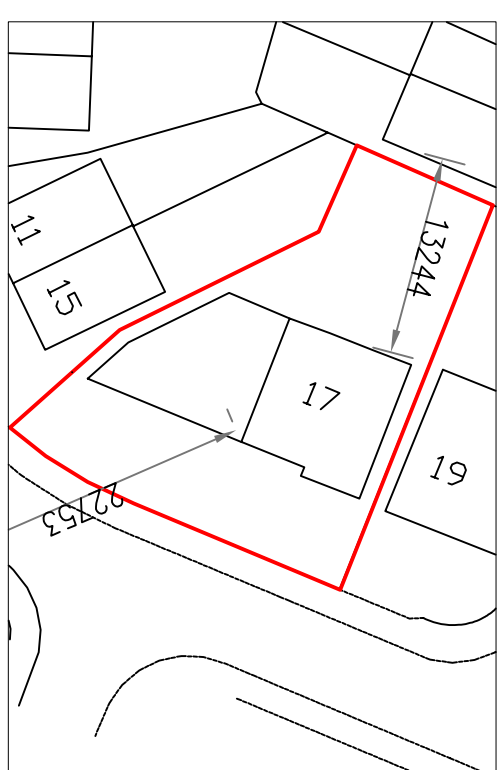
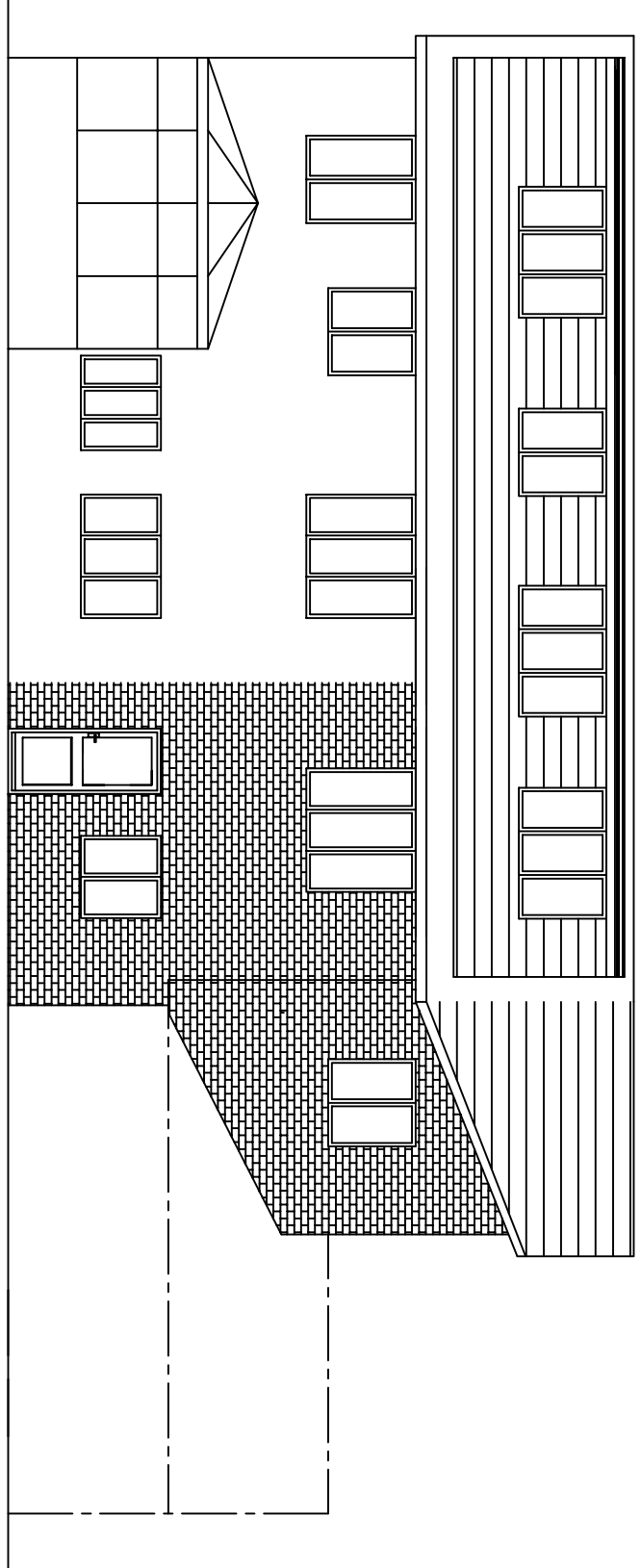
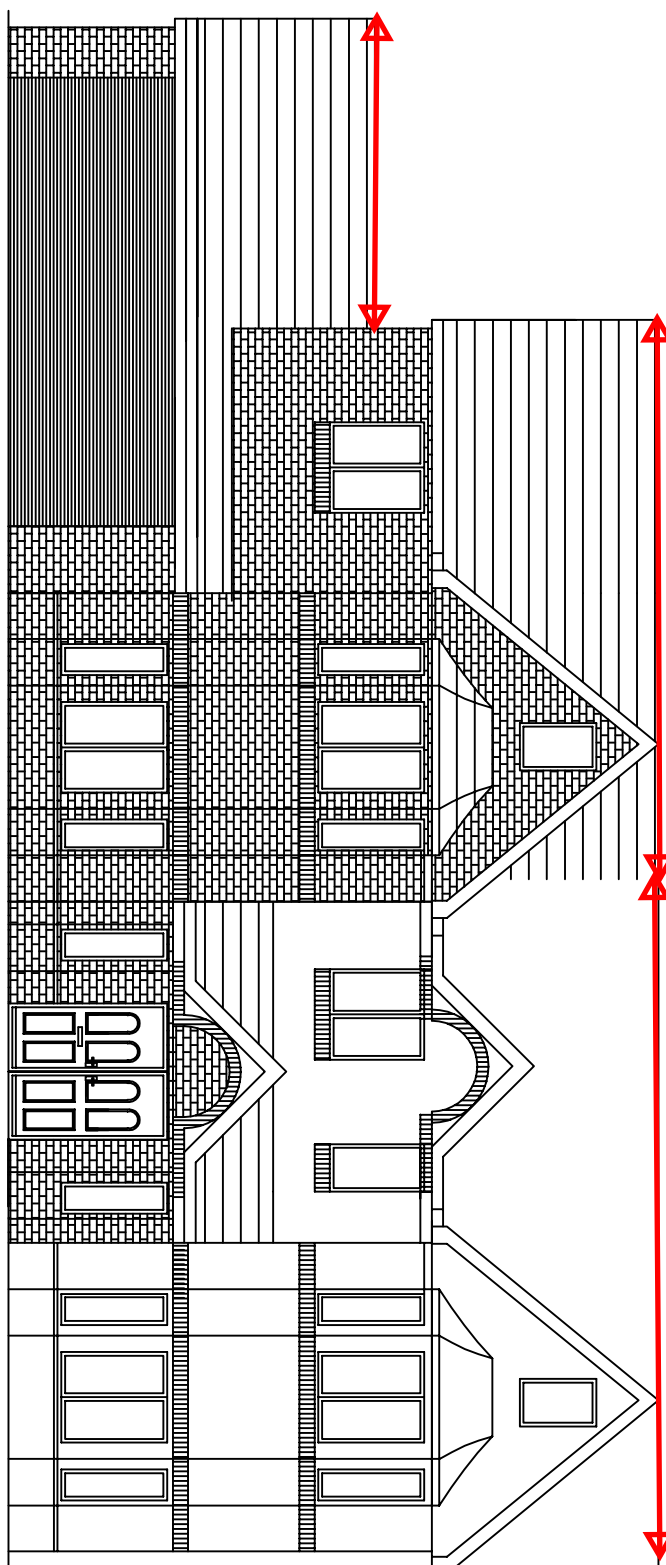
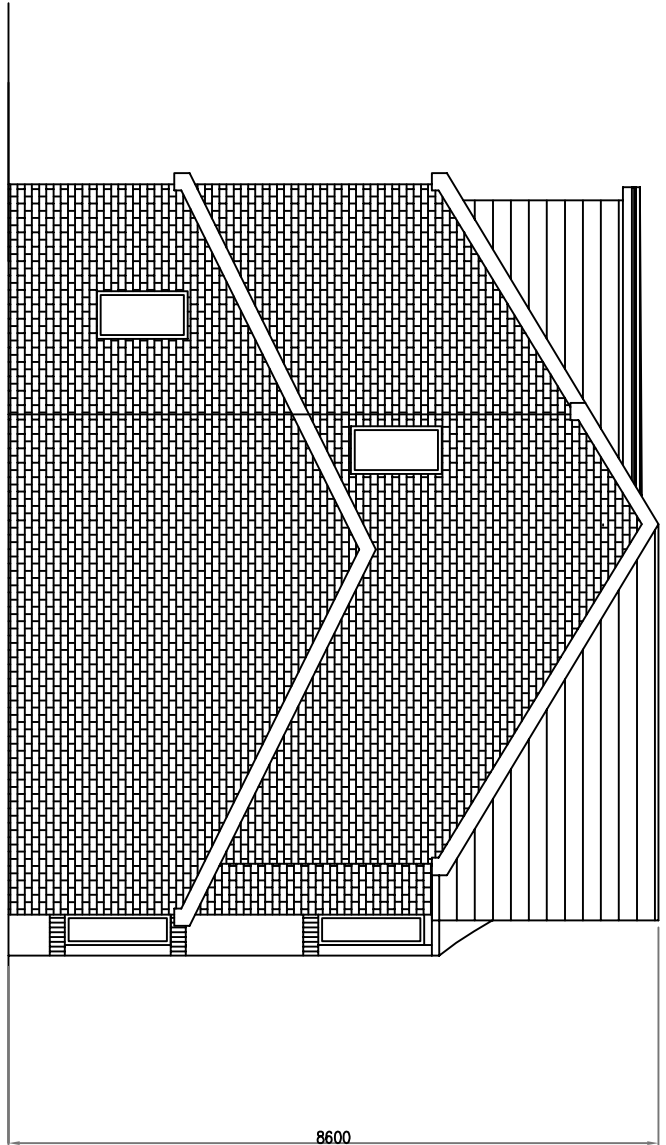
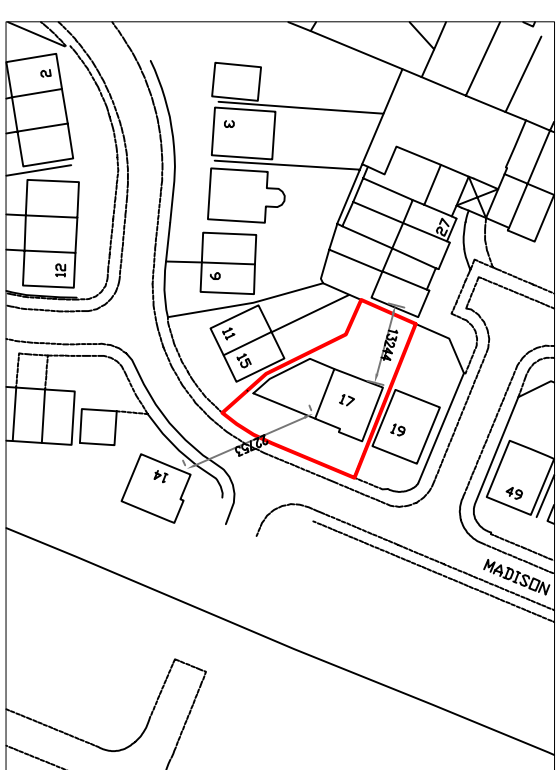
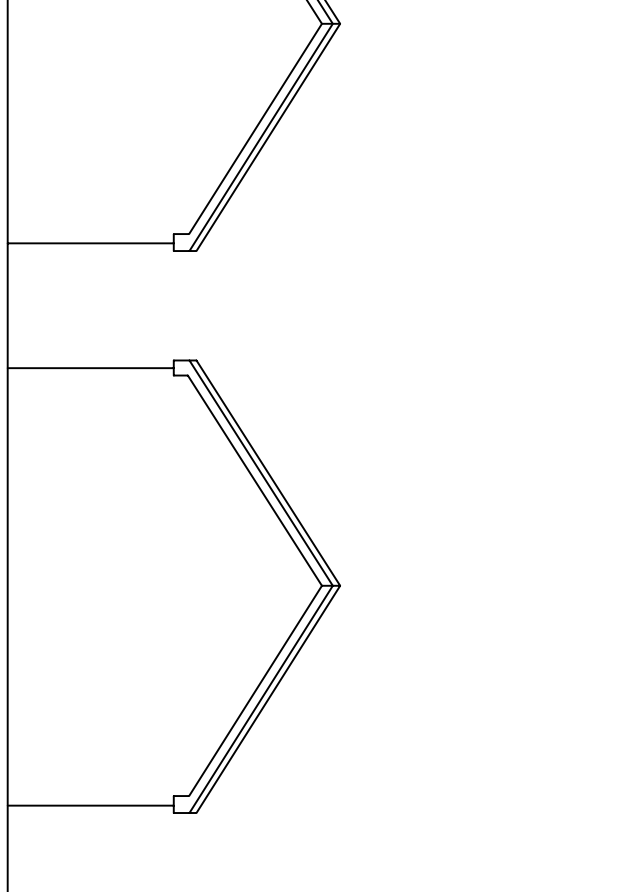
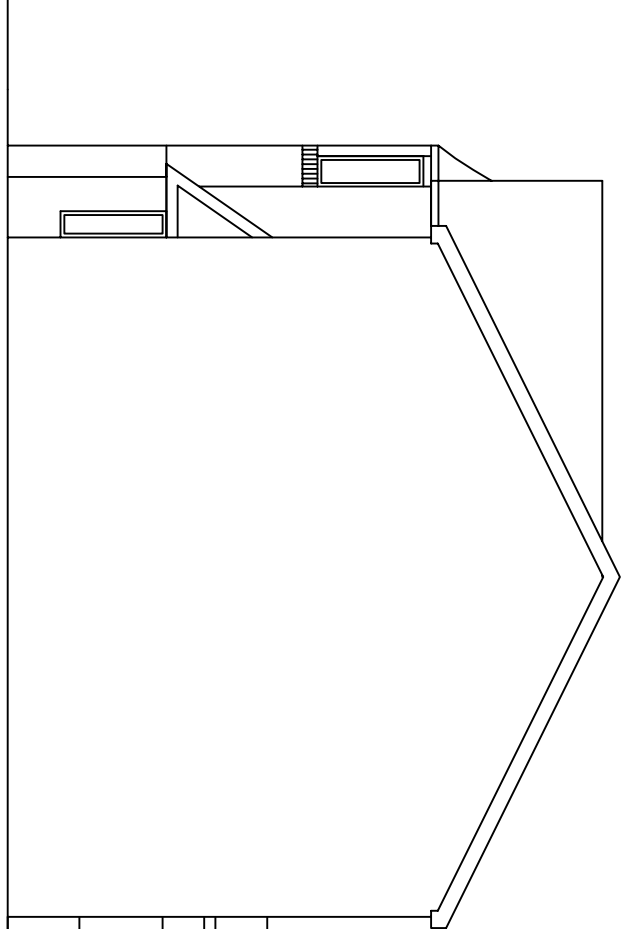
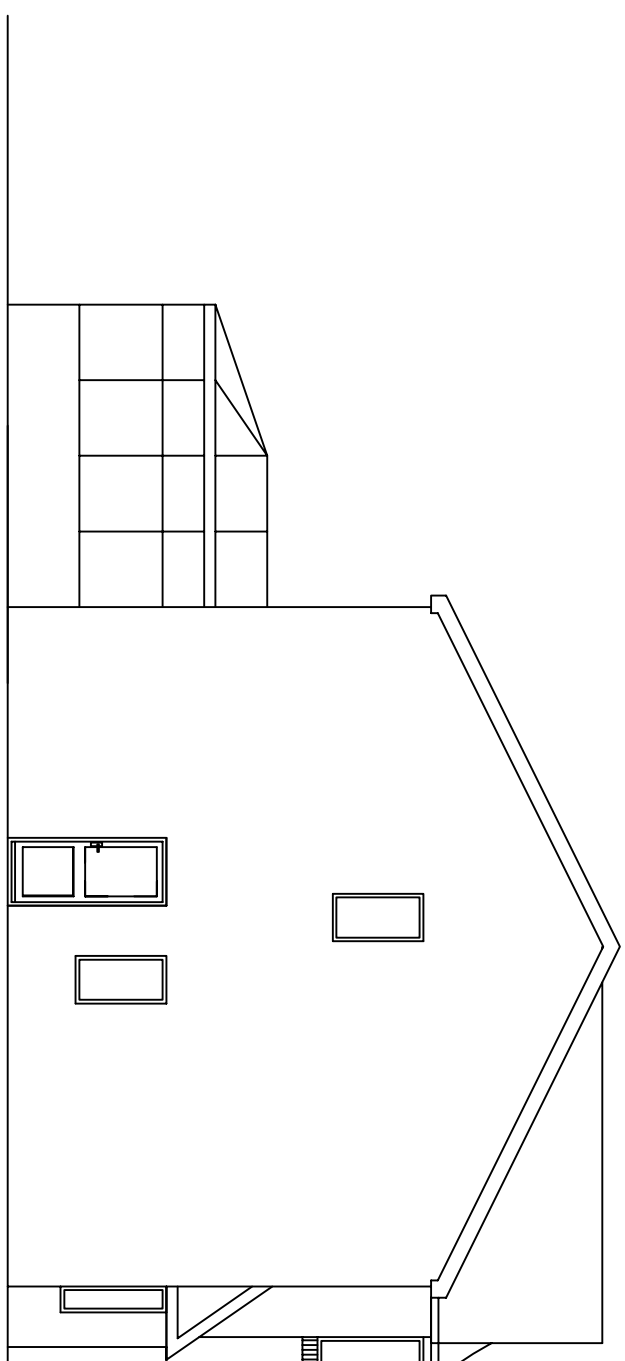
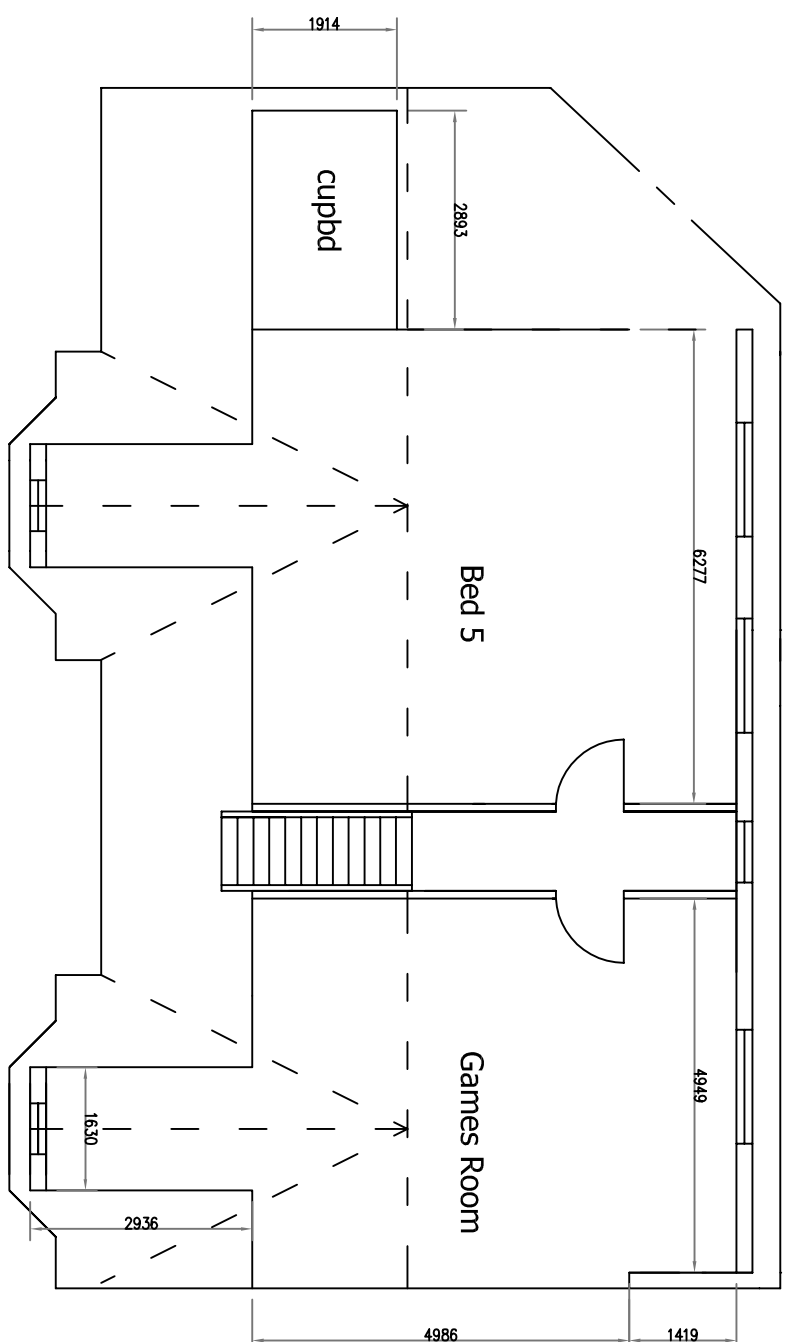
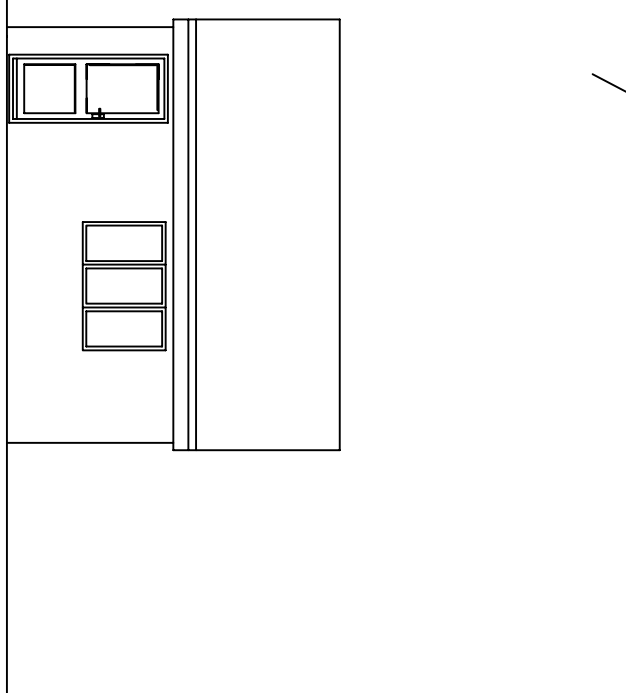
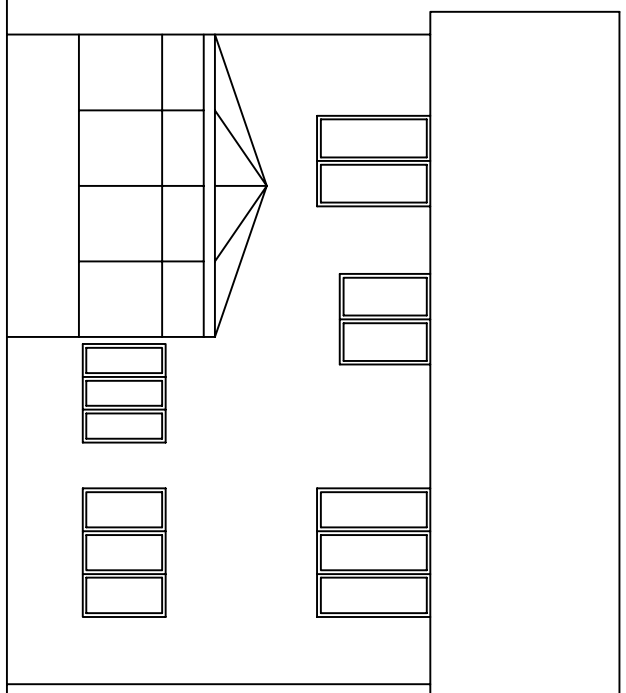
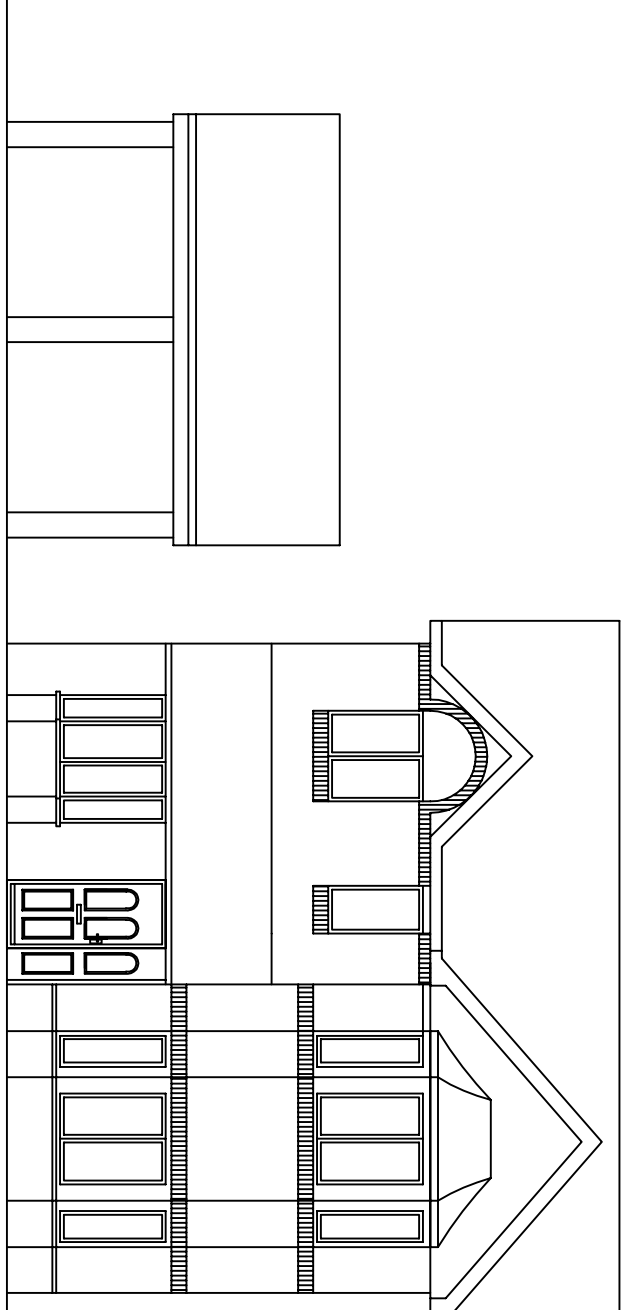
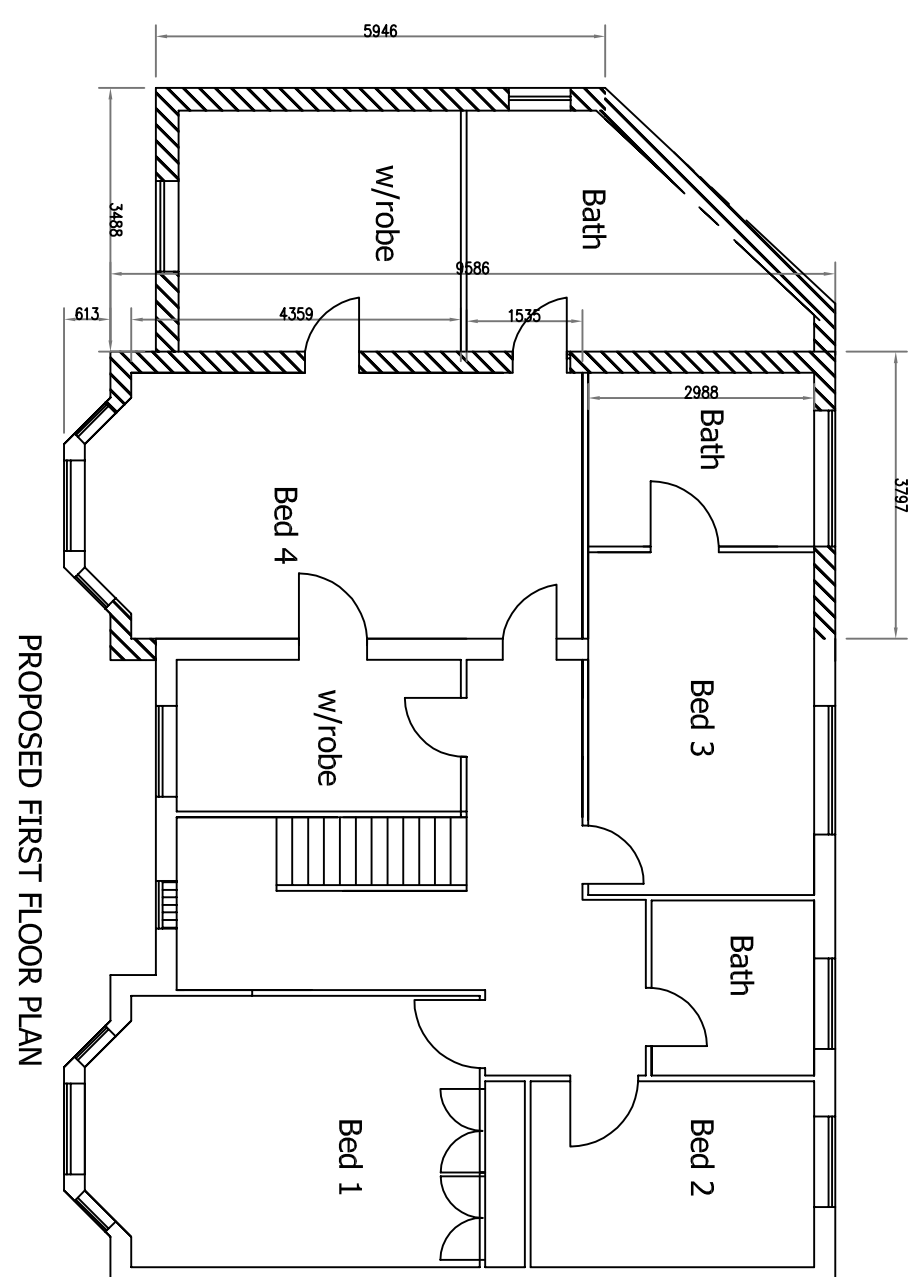
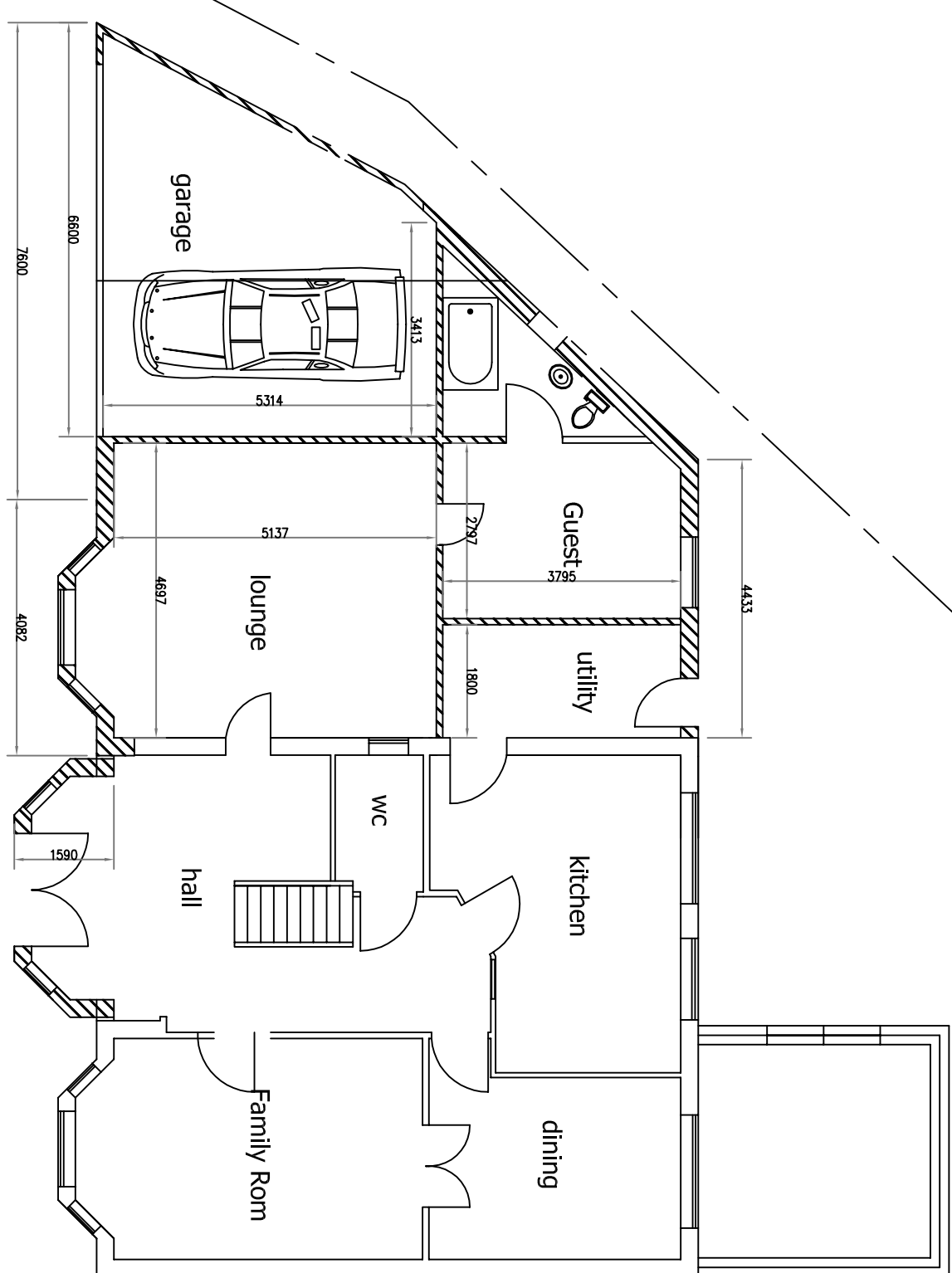
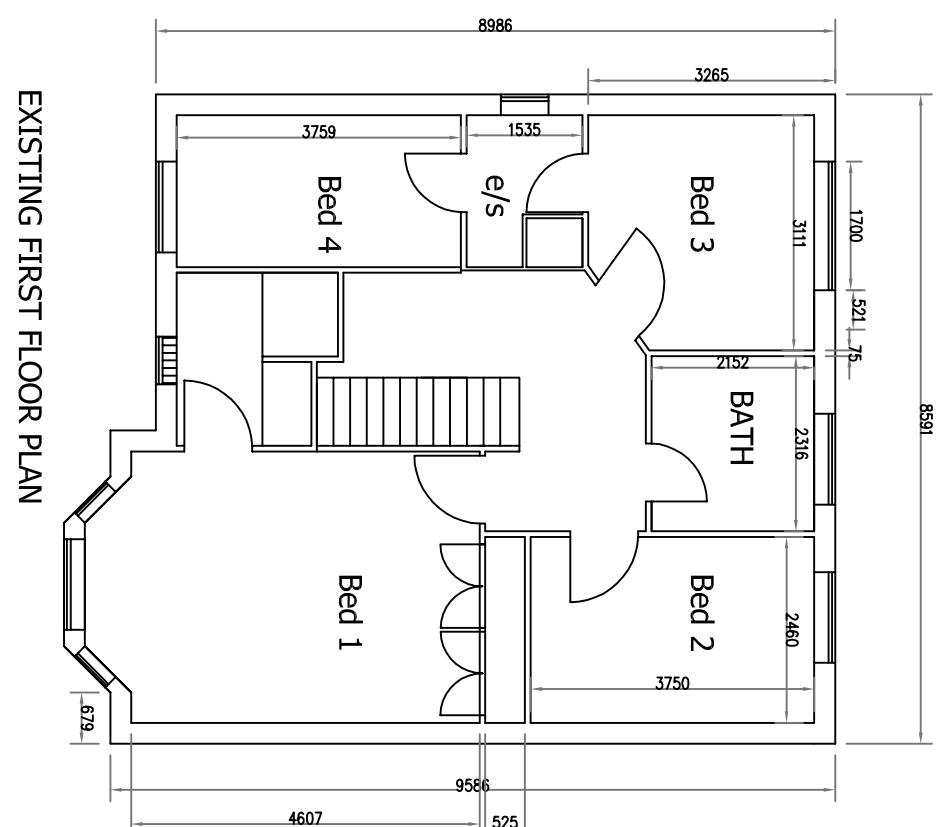
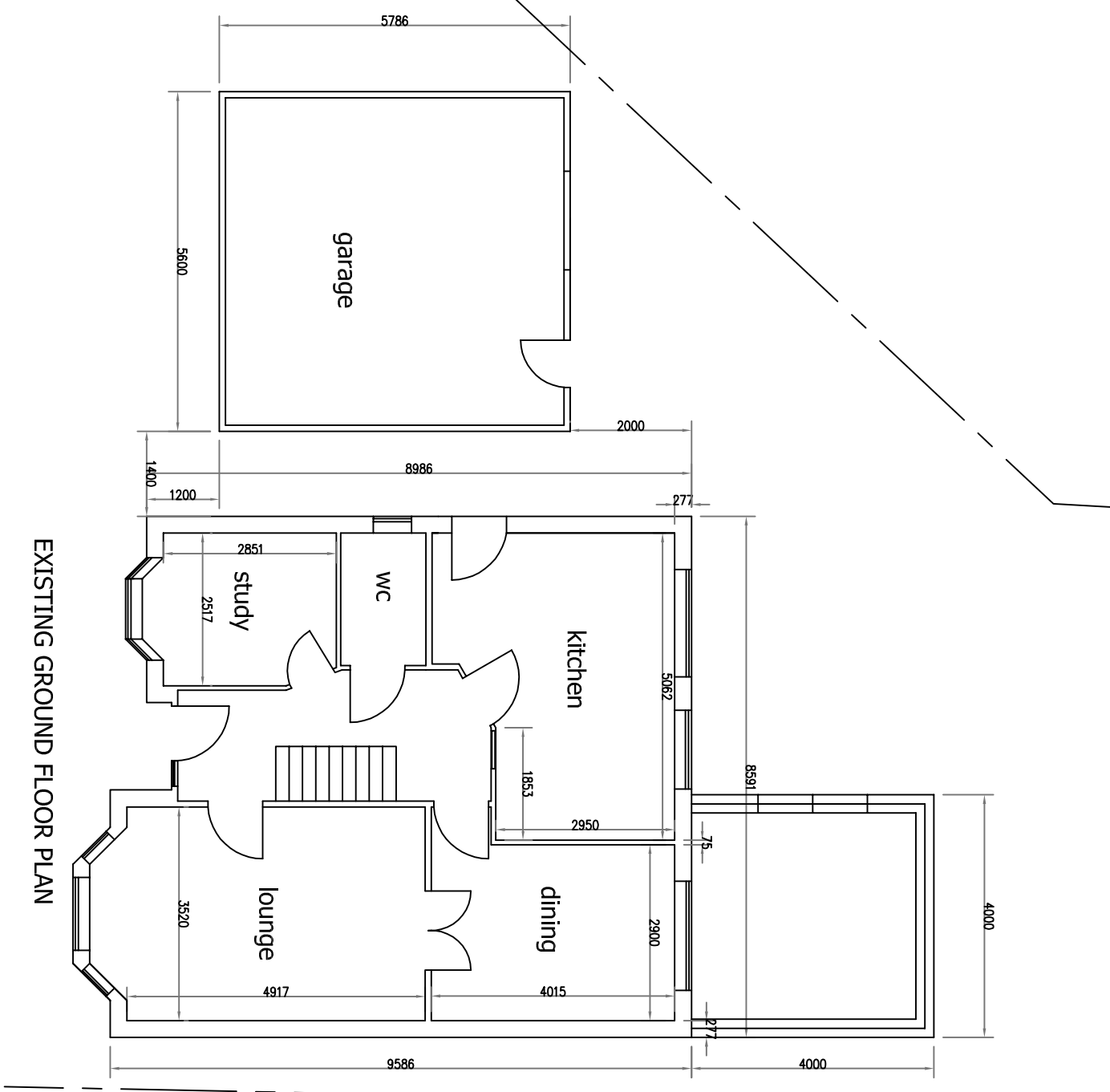
Planning History

None

Recommendation: **Refuse**

Recommended Conditions and/or Reasons

1. The proposal represents an over development of the site and would be out of character with the surrounding locality and is thus contrary to Policy CG4 of Bolton's Core Strategy and Supplementary Planning Documents 'General Design Principles' and 'House Extensions'.
2. The proposed side extension and rear dormer 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 living conditions with regard to the loss of privacy/over dominant impact on adjacent neighbouring residents, particularly 15 and 19 Madison Park and thus is contrary to Policies CG3 and CG4 of Bolton's Core Strategy and Supplementary Planning Document - "House Extensions".

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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.

Notes

RAD

The White House,
42-44 Clonery New Road,
Bottom
BL1 4AP

Tel : 01204 322196
Fax : 01204 214110
Mob: 07790 361104
Email: info@radesignprojects.co.uk

Project	Client
17 MADISON PARK BOLTON BL5 3WA	MR K PATEL
	Drawn RA
Title	Date
PROPOSED EXTENSION	April 2013
	Scale 1:100
	Drawing Number RAD/642/13/1

Application number 96428/16



Development & Regeneration Dept
Development Management Section

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

Bolton Council

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Date of Meeting: 28/07/2016

Application Reference: 96428/16

Type of Application: Full Planning Application
Registration Date: 28/04/2016
Decision Due By: 22/06/2016
Responsible Officer: Lauren Kaye

Location: 18 OLD VICARAGE ROAD, HORWICH, BOLTON, BL6 6QT

Proposal: ERECTION OF DETACHED GARDEN ROOM AT REAR

Ward: Horwich North East

Applicant: Mr Cooke

Agent : agfplans

Officers Report

Recommendation: Approve subject to conditions

Proposal

This proposal seeks permission for the erection of a detached garden room in the rear garden.

It would measure 4 metres long, and 7.5 metres wide. It would feature a dual pitched roof measuring 2.2 metres to the eaves and 3.2 metres to the ridge.

The proposal could be built under permitted development if the ridge height of the dual pitched roof was to be lowered by 0.7 metres as it is sited within two metres of the common boundary.

Site Characteristics

The application property is a two storey detached dwelling with gardens to the front and rear. There are a mixture of two storey detached properties and bungalows on Old Vicarage Road with similar sized plots with a consistent building line.

The common boundary to the rear is well screened with fencing along with mature trees and hedging on the neighbouring properties.

Policy

National Planning Policy Framework (NPPF)

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

SPD House Extensions
SPD General Design Principles

Analysis

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

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

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

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

The proposed detached garden room is sited within the rear garden of the application property and is not visible from the street. It would measure 4 metres long, and 7.5 metres wide. It would feature a dual pitched roof measuring 2.2 metres to the eaves and 3.2 metres to the ridge.

The garden room is to be constructed in brickwork with concrete interlocking roof tiles and windows and door to match the existing main property. It features the door and two windows in the south east elevation facing the application property along with a further window in the north east elevation sited 7.5 metres from the party boundary. It is sited 150mm within the boundary to allow for gutter overhang.

The proposal could be built under permitted development if the ridge height of the dual pitched roof was lowered by 0.7 metres.

It is considered that the proposed detached garden room does not harm the character and appearance of the existing property and surrounding street scene and that the applicant has taken into consideration the neighbouring properties with the location of the windows on the proposed garden room.

Further to the above, the proposal is considered to be acceptable with regards to 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.

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

Paragraphs 4.6 to 4.8 outline the interface distances (for privacy and general amenity) which are considered to be a useful rule of thumb when considering the potential impact of extensions, including outbuildings such as the proposed garden room. The fourth bullet point of Paragraph 4.7 explains that:

- between a neighbouring elevation which contains a main room window and a facing wall of a single storey extension which does not, a distance of 9 metres is the recommended interface distance.

The proposal is sited approximately 13.9 metres from the nearest main room window at the neighbouring property at No. 1 Moss Drive, approximately 16.5 metres from the main room windows of the neighbouring property at no. 3 Moss Drive and approximately 18 metres from the neighbouring property at no. 5 Moss Drive. Fencing of approximately 1.7 metres and mature trees and hedging of a higher height affords screening along the rear boundary with no. 1 and no. 3 Moss Drive.

The proposal is sited against the party boundary with no. 16 Old Vicarage Road and is approximately 14 metres to the ground floor main window of the neighbouring property which is on a lower ground level. The proposal is sited away from the party boundary with no. 20 Vicarage Road by 7.5 metres and is sited on a higher ground level. The interface distance between the proposal and main room window is approximately 16 metres. Fencing of approximately 1.7 metres provides screening along the party boundaries with the neighbouring properties.

It is therefore considered that the proposed garden room is not considered to unduly affect the outlook, light and privacy to the rear of the neighbouring properties.

Conclusion

For the reasons discussed above it is considered that the proposed detached garden room would not harm the character and appearance of existing dwelling or street scene and would not unduly harm the amenity of any neighbouring residents.

Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- Four letters of objections have been received on the following grounds:

- detrimental effect on the value of the neighbouring properties (*officer comment: not a material consideration*)
- cause damage to well-established tree roots to the neighbouring properties (*officer comment: the mature trees are not protected, however the applicant intends to use mini piles to displace the roots rather than cutting through should it be required.*)
- block light (*officer comments: the sun rises in the east and sets in the west following a southern arc. It is considered that the proposal will have little or no impact on the current daylight it receives as a east facing rear garden.*)
- noise nuisance (*officer comment: the applicants have advised that the room will be for hobbies including storing and cleaning motorcycle parts for future restoration projects*)
- overlooking neighbouring gardens (*officer comments: the windows have been sited specifically to prevent overlooking and provides privacy for applicants property and neighbouring residents*)
- too large and too tall (*officer comments: addressed in report*)
- concerned it will be used for residential purposes
- concerns about people visiting on motorbikes increasing traffic
- set precedent in the future for other large structures (*officer comment: structures similar sized can be built under permitted development without the need for planning permission*)
- contravenes the terms of the leasehold (*officer comment: not a material consideration*)

One letter with a general comment from a neighbouring property has been received stating the following:

- do not object to the garden room, but are concerned about the height of the proposal and feel that a flat roofed garden room would be much less obtrusive.

Petitions:- A petition of 20 signatures has been received on the following grounds:

- the interface distance between the proposed and the main room window of 1 Moss Drive would be 11.5 metres with the application site being on a higher ground level of 0.5 metres.
- that it should be conditioned that it can not be used to store and repair motorcycles.

Town Council:- Horwich Town Council met on 23.06.2016 and recommended refusal on grounds of being too large, too close to neighbours & concerns re use of building for motorbike storage & possible commercial use, also noise issues.

Elected Members:- the application appears at Planning Committee at the request of Councillor Silvester.

Consultations

Advice was sought from the following consultees: None.

Planning History

Not applicable.

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 elevations hereby permitted shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter.

Reason

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

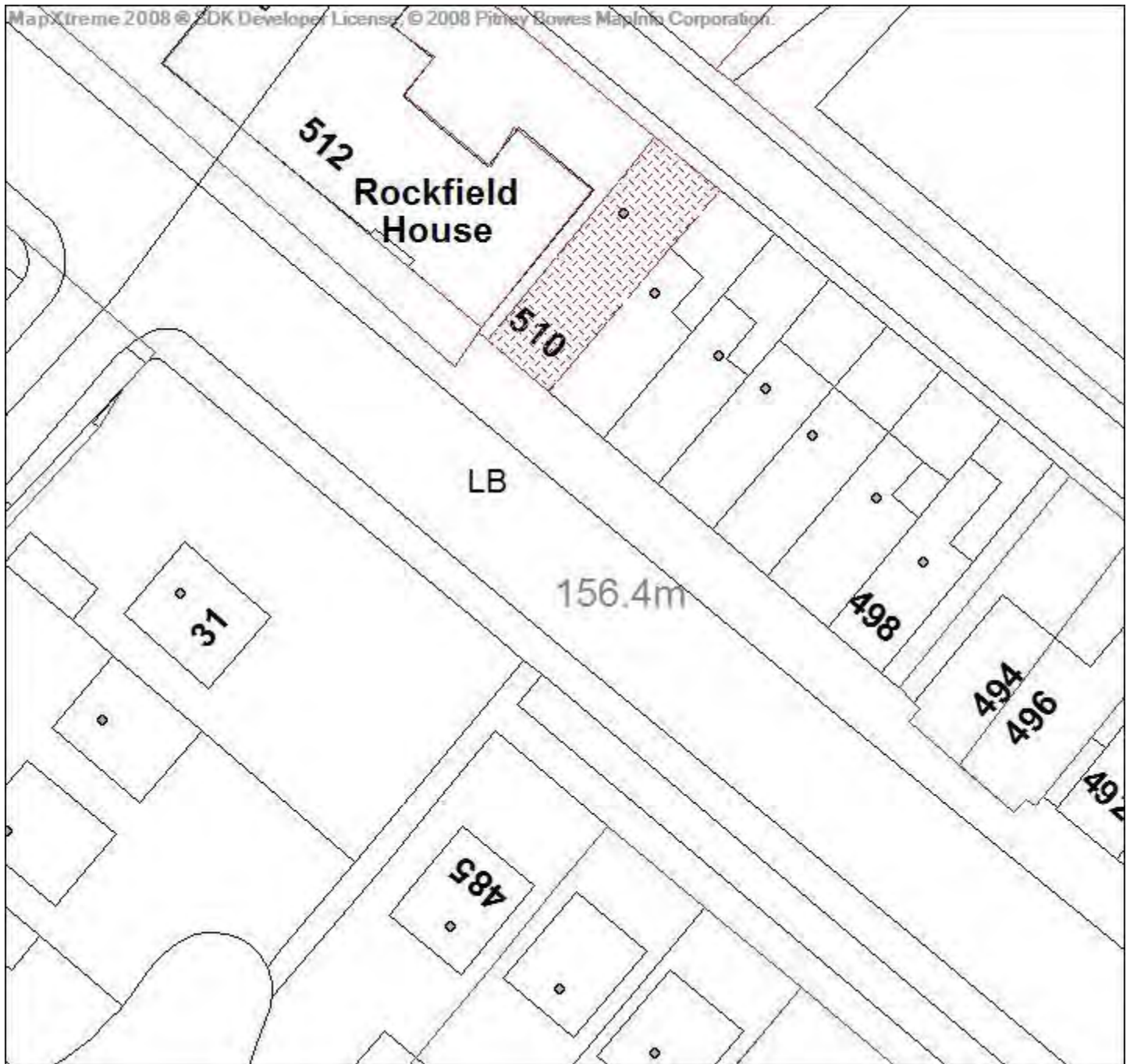
3. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Amended Layout and Elevations scanned on 17th June 2016

Reason

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

Application number
96440/16



Development & Regeneration Dept
Development Management Section

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

Bolton
Council

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Date of Meeting: 28/07/2016

Application Reference: 96440/16

Type of Application: Full Planning Application
Registration Date: 06/05/2016
Decision Due By: 30/06/2016
Responsible Officer: Paul Bridge

Location: 510 DARWEN ROAD, BROMLEY CROSS, BOLTON, BL7 9DX

Proposal: RETENTION OF NON REFLECTIVE EXTRACTION FLUE

Ward: Bromley Cross

Applicant: Mr Miah
Agent : PPY Design Ltd

Officers Report

Recommendation: Approve subject to conditions

Background

The application was deferred at the 30th June 2016 Planning Committee meeting to enable the applicant to evidence that the flue contains the four filter previously referred to as Councillors were still receiving complaints from neighbours regarding odours from the use of the property.

Proposal

Consent is sought for the retention of a non-reflective extraction flue.

The extraction flue has been erected so that it runs internally through the building and protrudes through the rear roof slope and above the ridge line by approximately 600mm. The flue would be painted matt brown.

The premises are currently operating as a restaurant by way of a two year temporary consent. The temporary consent was permitted development by virtue of the Town and Country Planning (General Permitted Development) Order, Class D. Class D permits (amongst other things) the change of use a building and any land within its curtilage from a use falling within Class A1 (shops) to a flexible use falling within Class A3 (restaurants and cafes) for a single continuous period of up to 2 years beginning on the date the building and any land within its curtilage can also be used for the flexible use or on the date given in the notice. In this case the temporary period commenced on the 1st March 2016 and expires on the 1st March 2018.

Site Characteristics

The application site is an attractive, stone building fronting Darwen Road, Bromley Cross currently used as a restaurant. This section of Darwen Road is predominantly residential in character with commercial uses interspersed. Directly adjoining the application site is a residential dwelling at No.508 Darwen Road whilst adjacent to the site at 512 Darwen Road is Rockfield House (offices). To the rear of the site is a Back Darwen Road, beyond which is a bowling green.

Policy

National Planning Policy Framework 2012

Core Strategy: CG3 - The Built Environment, CG4 - Compatible Uses, OA5 North Bolton.

Analysis

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

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

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

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

The main impacts of the proposal are:-

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

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 developments in Farnworth and states that the Council will conserve and enhance the distinctive character of the existing physical and natural environment, will respect and strengthen the traditional grid-iron pattern and the street-scaping of existing houses where it is compatible with good urban design, and will require development to provide adequate privacy and amenity space.

The application involves the retention of an extractor flue to roof of the property. Due to its siting the flue is only visible from limited number of vantage points along both Darwen Road and Back Darwen Road. The flue is not large in scale and it is considered that the flue does not sufficiently affect the appearance of the existing building to warrant a refusal of the application on amenity grounds. The flue would be colour treated matt brown to soften its appearance and a condition has been attached to ensure this is carried out and maintained. In addition, the flue does not appear as an incongruous or alien feature within the street scene and is considered to be in accordance with policy CG3 of the Core Strategy.

Impact on Residential Amenity

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 area is predominantly residential in nature with residential terraced dwellings immediately adjacent to the site and office at No.512 Darwen Road.

As stated earlier in this report the premise is currently operating lawfully as a restaurant and therefore the restaurant requires an adequate extraction systems to help with the dispersal of odours. Notwithstanding this fact, the applicant has been asked to provide proof regarding the use of filters within the existing flue in line with Members wishes. This information will be provided to Members by way of the Supplementary Information List.

Advances in technology have resulted in a situation where a modern fume extraction system (capable of eliminating almost all fumes associated with the cooking process) can be installed into almost any building. Whilst some information has been submitted in terms of the siting, this is limited in terms of technical detail and does not include the required level of details and specifications. The Councils Environmental Health Officers have been consulted and have no objections to the development subject to the attachment of a condition requiring full details of the fume extraction system to be submitted to and approved in writing by the Local Planning Authority. It is considered that the extraction unit would not result in neighbouring residents experiencing an unacceptable reduction in amenity by virtue of smells and odours.

As such, it is considered that the flue does not result in an unacceptable impact upon the living conditions of nearby residents. The proposal is therefore considered to be in accordance with Core Strategy Policy CG4.

Conclusion

The development does not result in an unacceptable impact on the visual amenity of the area, nor upon the living conditions of nearby residents in accordance with Core Strategy Policy CG4.

The application is recommended for approval.

Representation and Consultation Annex

Representations

Letters:- six letters of objection have been received, which raise the following concerns:

- Out of character with the area,
- Odours.
- The above issues have been addressed in the appraisal.
- The use of the premises as a restaurant in this location is unacceptable. *Response:- This application is for the retention of a extraction flue only and any issues in relation to the temporary lawful use of the premises as a restaurant cannot be considered in the determination of this application.*
- The premise is operating a takeaway service. *Response:- The alleged operation of a takeaway service is a matter for planning enforcement.*

Consultations

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

Planning History

92686/14 – Notification of Temporary Change of Use (Class D) from A1 retail to A3 Restaurant.

94183/15 - Notification of Temporary Change of Use (Class D) from A1 retail to A3 Restaurant.

96441/16 – Retention of externally illuminated fascia sign. (Decision Pending)

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

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

PM6-01 Existing plans and elevations, dated April 2016.

PM6-00 Location Plan, dated April 2016

PM6-02 Block Plan, dated April 2016

Reason

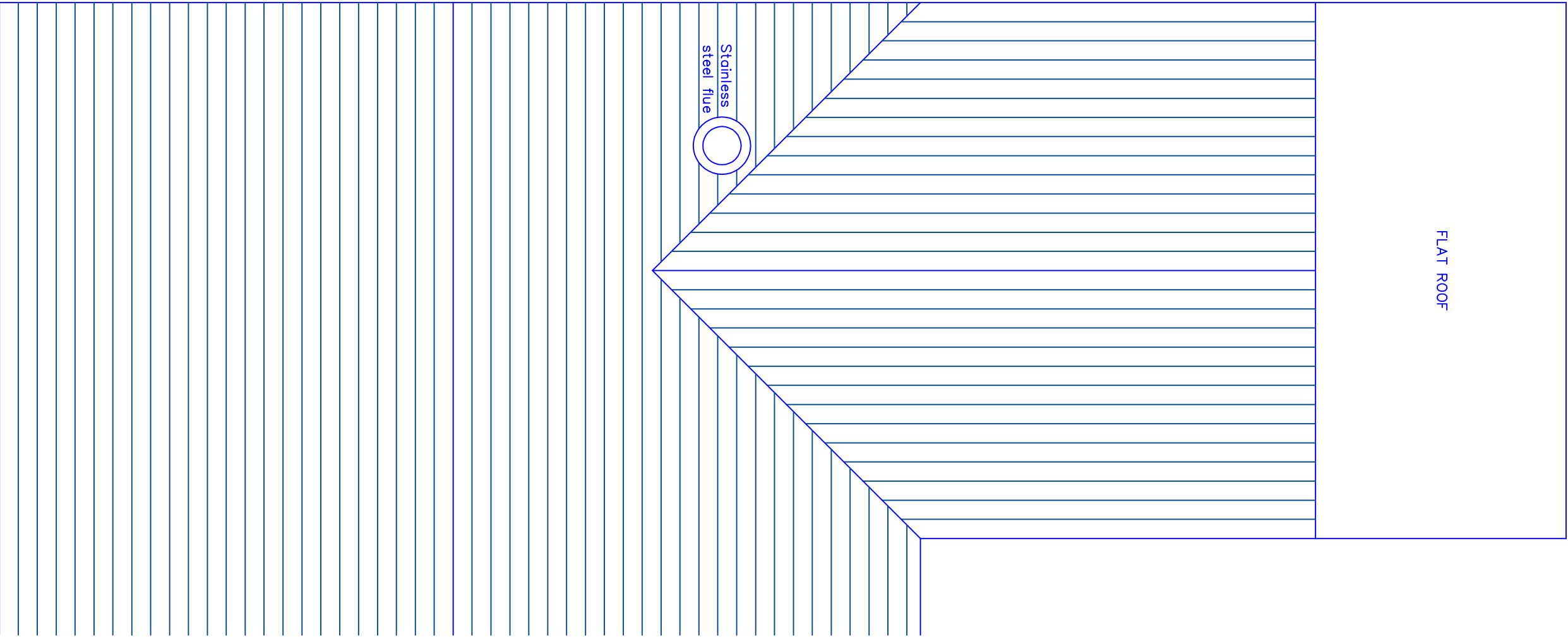
For the avoidance of doubt and in the interests of proper planning.

3. Within one month of the date of this permission full details of the air extraction equipment, including measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencers and anti-vibration mountings as necessary), shall be submitted to and approved in writing by the local planning authority. All equipment shall be then maintained/upgraded in accordance with these approved details and shall thereafter be operated, maintained and serviced in accordance with those approved details.

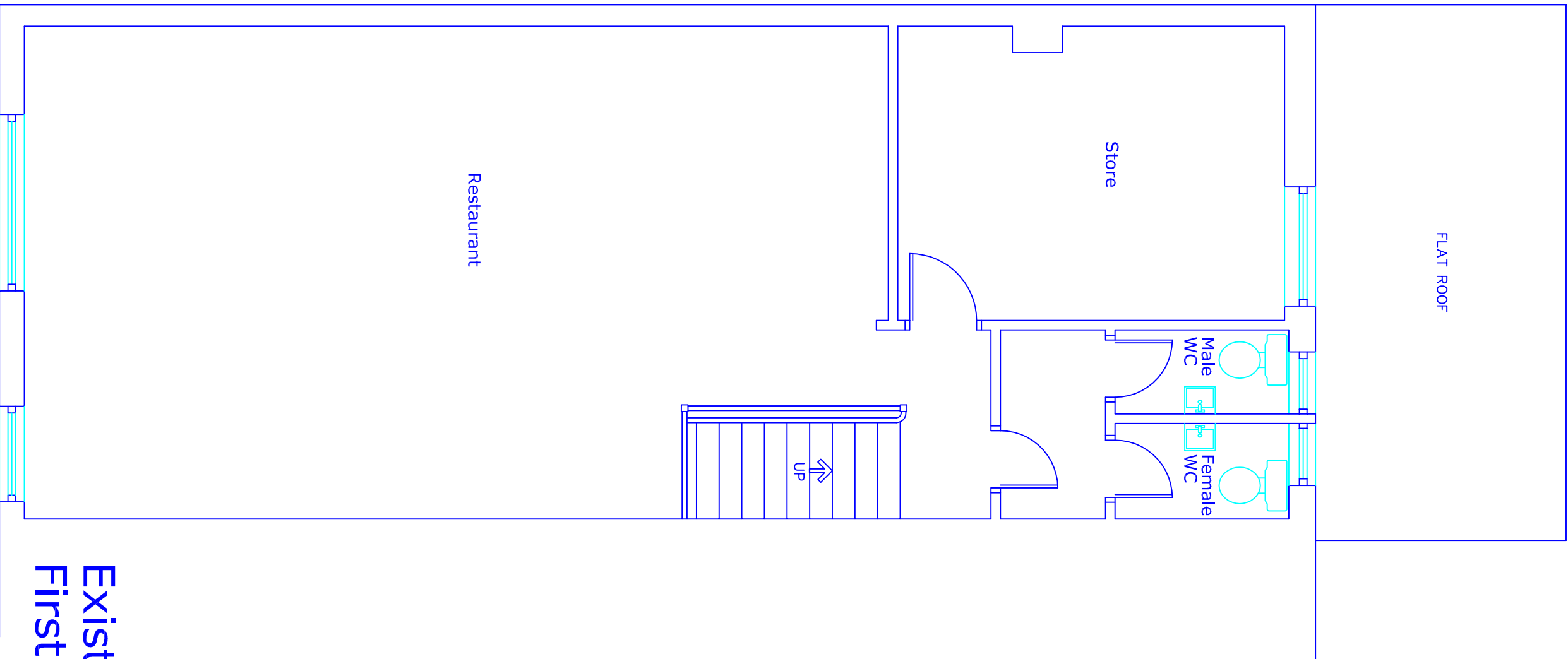
Reason:- In the interests of residential amenity.

4. Within one month of the date of this decision the approved flue shall be coloured treated matt brown and retain thereafter.

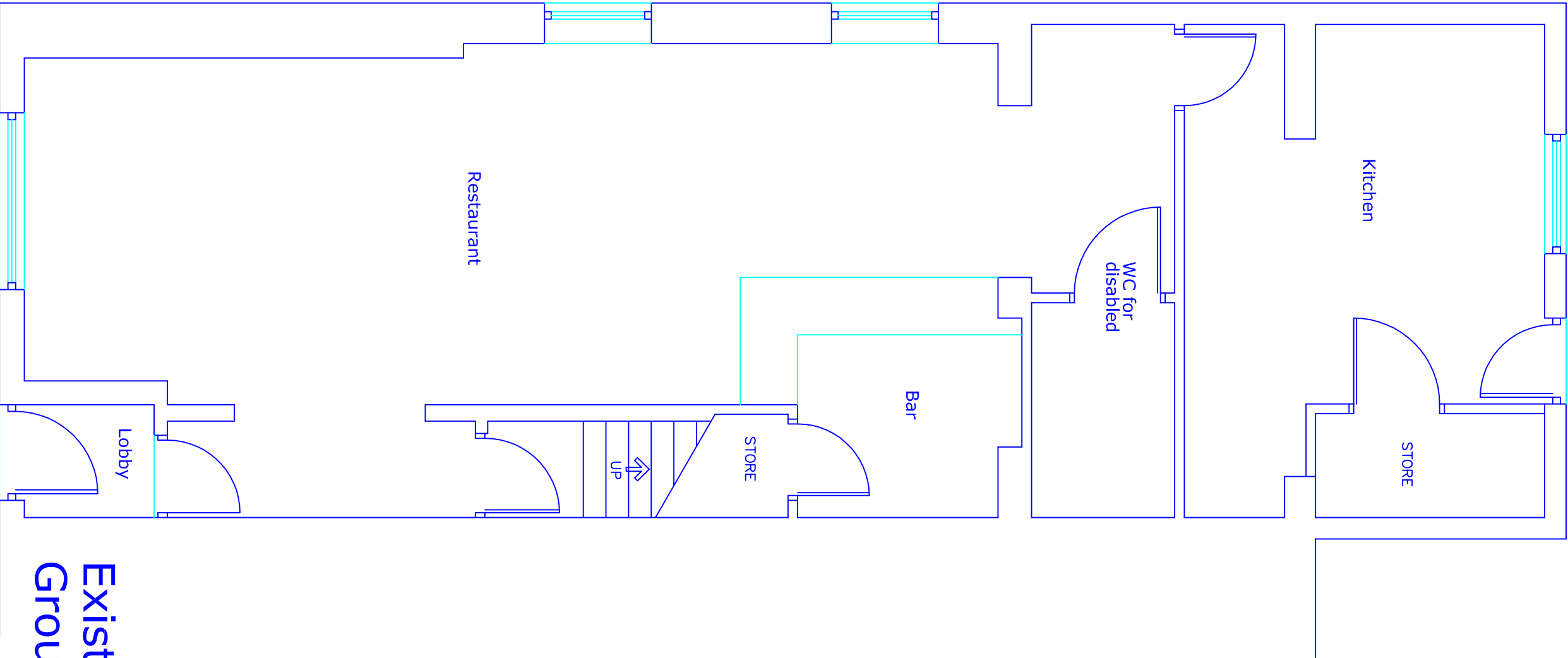
Reason:- In the interests of visual amenity.



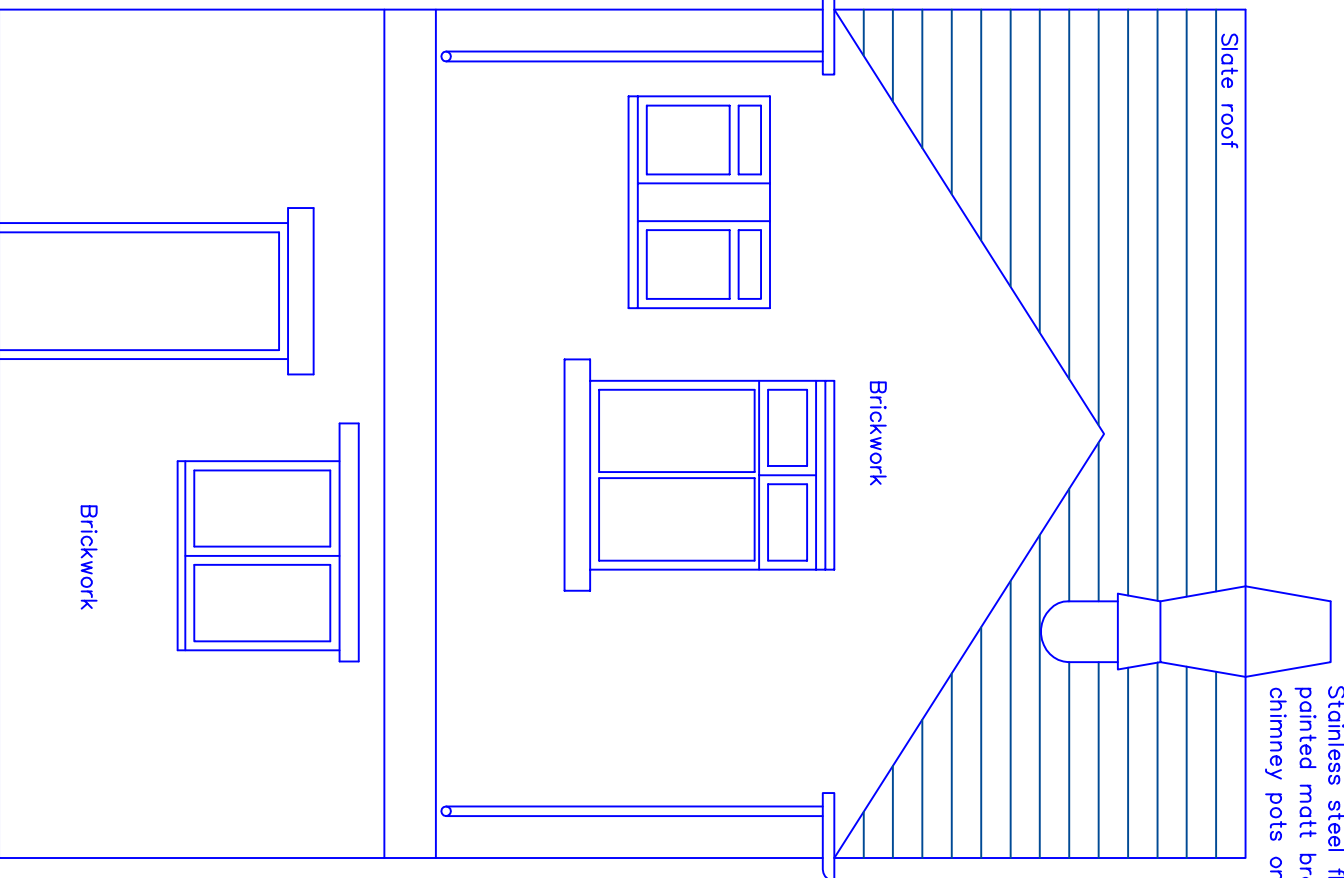
Existing Plan
Roof Level



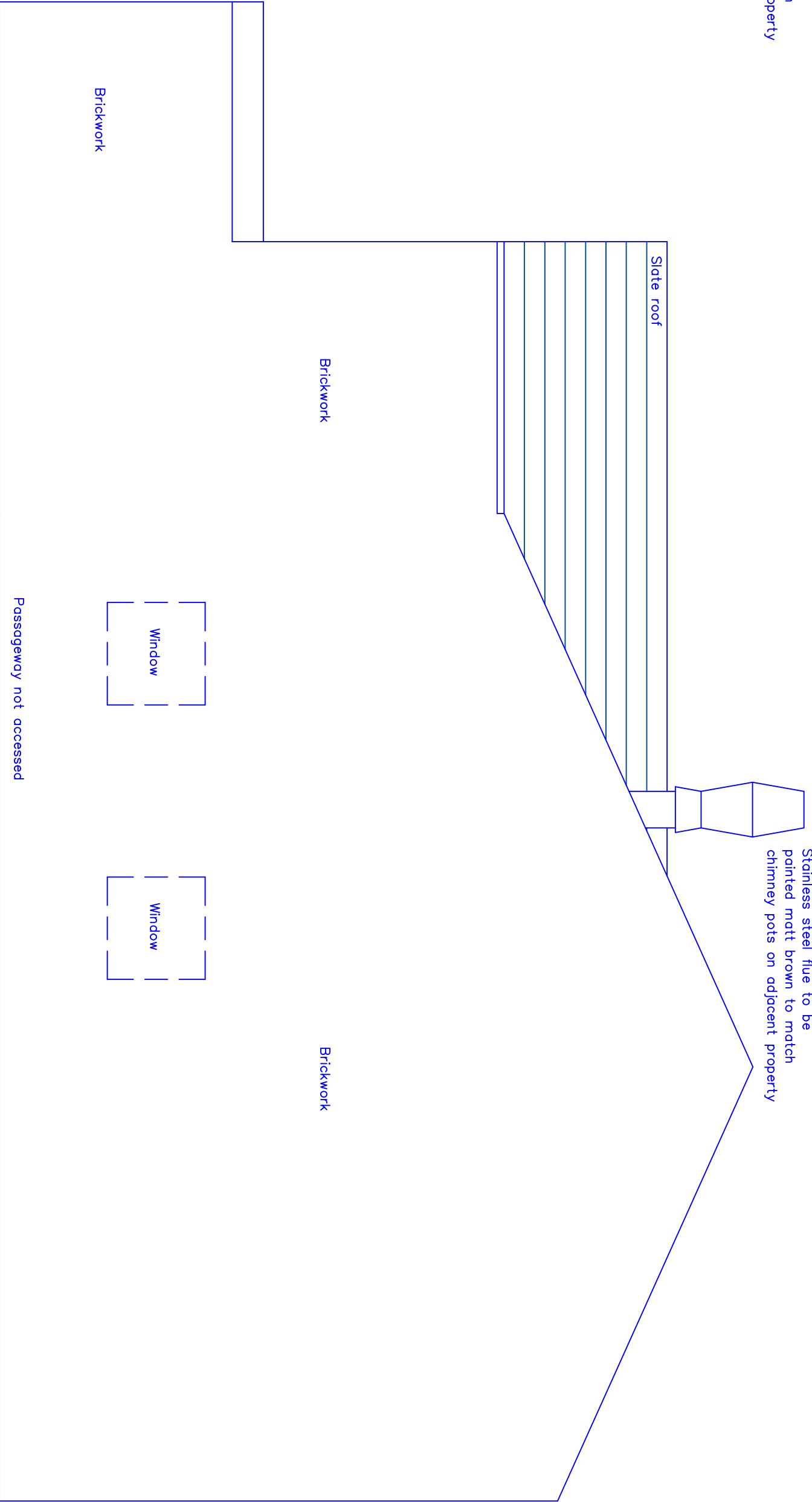
Existing Plan
First Floor



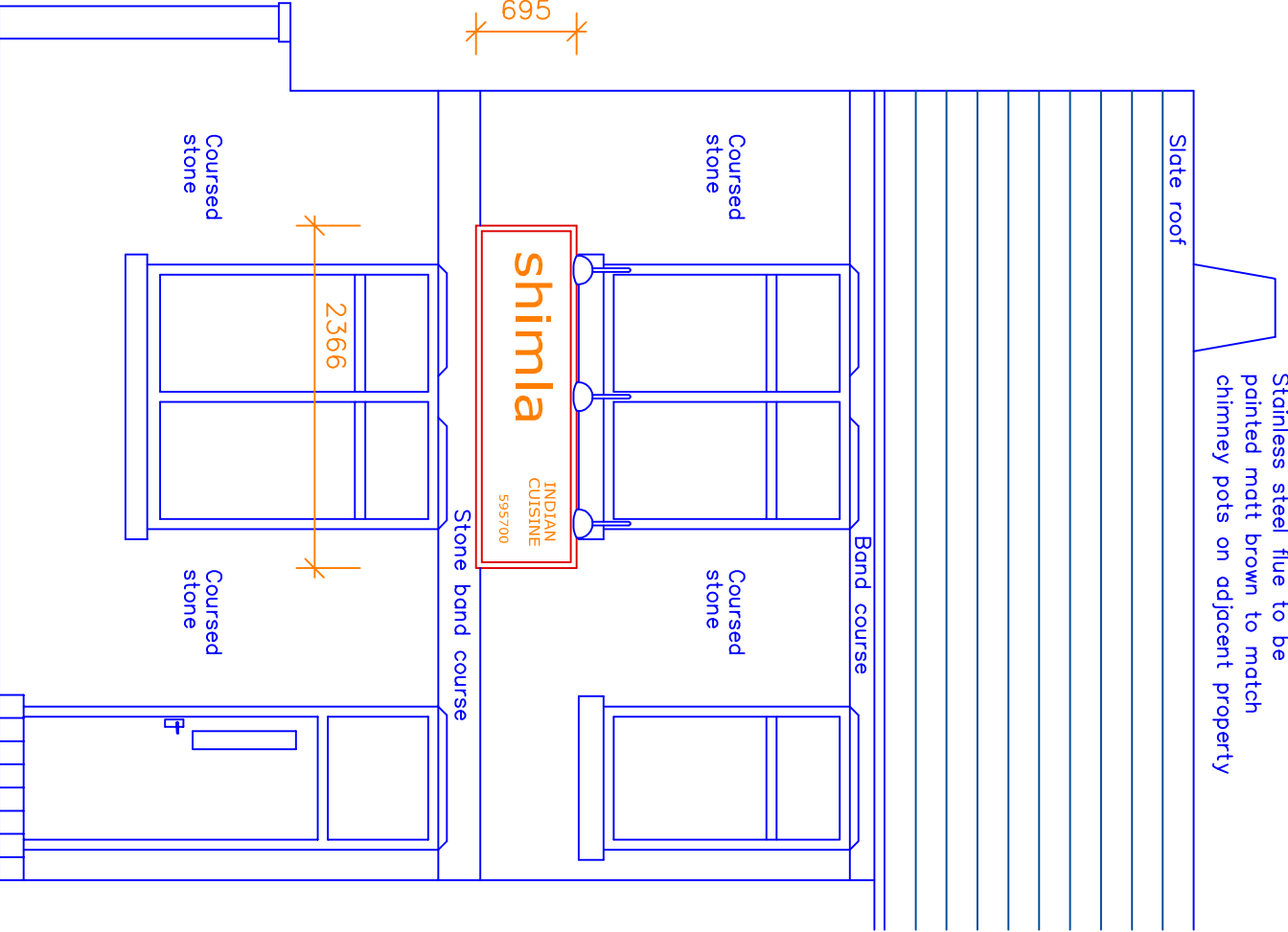
Existing Plan
Ground Floor



Extg Rear Elevation



Extg Side Elevation



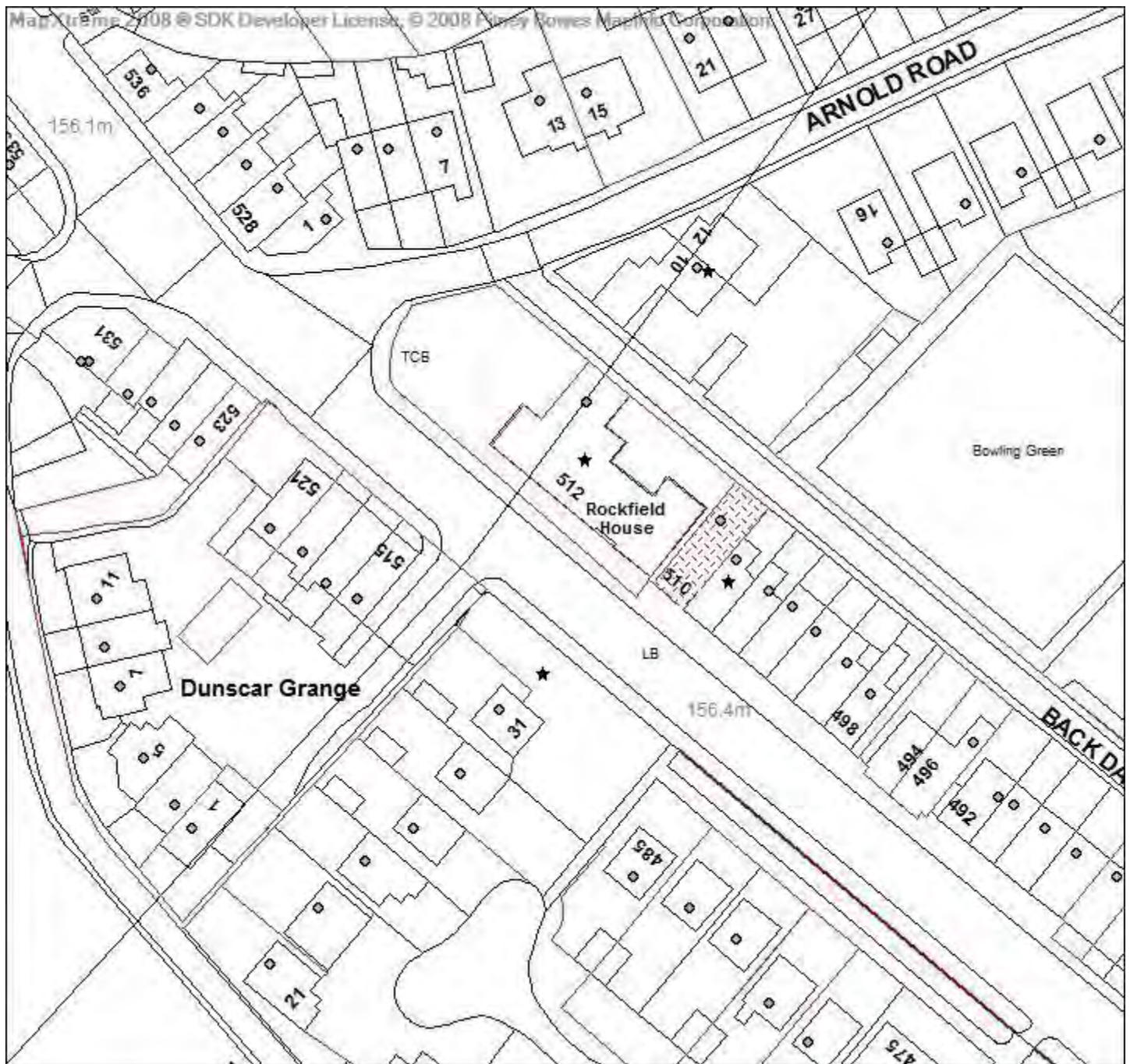
Extg Front Elevation

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0	1	2	3	m
<div>510 Darwen Road Bromley Cross Bolton BL7 9DX</div>				
<div>scale 1:50 @ A1 April 2016</div>				
<div>PM6-01 Existing Plans & Elevations</div>				
<div>PPV design Ltd</div>				

2 Helmshore Road, Helmcombe Village
Ramsbottom, Lancashire BL8 4PA
Gary Dearden (JK home) DpArch RIBA
gar@ppv-design.co.uk www.ppv-design.co.uk
T: 0706 622751 M: 07112 669482

Application number 96441/16



Development & Regeneration Dept
Development Management Section

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

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Date of Meeting: 30/06/2016

Application Reference: 96441/16

Type of Application: Advertisement Consent
Registration Date: 06/05/2016
Decision Due By: 30/06/2016
Responsible Officer: Paul Bridge

Location: 510 DARWEN ROAD, BROMLEY CROSS, BOLTON, BL7 9DX

Proposal: RETENTION OF EXTERNALLY ILLUMINATED FASCIA SIGN

Ward: Bromley Cross

Applicant: Mr Miah
Agent : PPY Design Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

This application seeks retrospective advertisement consent for the continued display of one externally illuminated fascia sign. The fascia sign is illuminated by three swan lights.

The fascia sign is located on the front elevation and is 0.7m in height x 2.37m and 3.3m above ground floor level. It advertises the Shimla Restaurant.

Site Characteristics

The application site is an attractive, stone building fronting Darwen Road, Bromley Cross currently used as a restaurant. This section of Darwen Road is predominantly residential in character with commercial uses interspersed.

Policy

National Planning Policy Framework (NPPF)

Core Strategy policies:

CG3 Cleaner Greener Bolton; CG4 Compatible Uses; OA5 North Bolton.

Planning Policy Guidance Notes:

PCPN21 Highway Considerations

PCPN6 The Display of Signs and Advertisements

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:-

- * Design and Impact on the Character and Appearance of the Building and Surrounding Area
- * Amenity of Existing Residents
- * Highways and Public Safety

The main issue for consideration with this application will be the impact of the advertisements on amenity and public safety. The main policies of relevance are paragraphs 67 and 68 of the National Planning Policy Framework (NPPF).

Specifically, paragraph 67 of the NPPF states that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

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 site and surrounding area comprises predominantly residential dwellings with small commercial premises interspersed. The proposed sign is sited on the front elevation. The existing sign is highly visible to both pedestrians who are visiting the premises and passing pedestrians. With reference to the location of the advertisement, it is considered that it is of a scale and type appropriate to its setting and function, and that it will not have an unacceptably detrimental impact upon local amenity. It is considered that the sign does not have an unacceptable impact on the street scene or character of the area. The advertisement is of a size and scale which is consistent with its surroundings and intended function, whilst at the same time being sufficiently visible to enable it to perform its intended purpose.

It is considered therefore, that the scale, siting and design of the advertisement is considered to be sympathetic with the surrounding built environment and individually would cause no overriding unacceptable harm to the visual amenity and character of the surrounding area. As a result, the sign is considered to comply with policies CG3 and CG4 of the Core Strategy and guidance contained within the NPPF.

Amenity of Existing Residents

PCPN2 provides guidance on the minimum distances required to not cause unacceptable impact on the amenity, outlook, daylight and the privacy experienced by neighbouring properties.

There are no residential dwellings that would directly face the proposal advertisement and the advertisements whilst the advertisement itself is not illuminated, it would be externally illuminated by way of three swan neck lights. A condition has been attached to ensure the illumination levels are at acceptable levels in respect of the adjoining residential dwelling.

Therefore, it is considered that the sign would not result in any significant over-riding harm to the amenity of the nearest residents of adjoining and adjacent properties and is considered to accord with policy CG4.

Highway and Public Safety

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.

Given its siting, limited height and location on this stretch of Darwen Road, it is considered that the existing advertisement would not have any significant implications on vehicular access, obscure visibility, or distract vehicle users and members of the public on the surrounding highway network. It is also noted that the Highways Authority have raised no objections to the advertisement. Having regard to the above, it is not considered that the advertisement individually or cumulatively would not have any detrimental impact on the safety of traffic and the public using the surrounding highway network. Therefore, the advertisement is considered to accord with policies S1 and P5 of the Core Strategy and the NPPF.

Conclusion

For the reasons discussed above, it is considered that the advertisement does not cause any significant harm to the character and appearance of the surrounding area, nor to the amenity of neighbouring residents and highway safety. The advertisement therefore complies with the aforementioned national and local planning policies and PCPN 6.

Representation and Consultation Annex

Representations

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

The advertisement illuminated (light pollution),

Out of character within a residential area;

The above issues have been addressed in the report.

The premises are operating as a takeaway and there is an additional banner advertisement at first floor level. *Response:- The alleged operation of a takeaway service is a matter for planning enforcement.*

The use of the premises as a restaurant in this location is unacceptable. *Response:- This application is for the retention of a advertisement only and any issues in relation to the lawful use of the premises as a restaurant cannot be considered in the determination of this application.*

A sign in close proximity to the application site was recently refused - *Response:- Each planning application is judged on its own merits. In respect to the advertisement consent application at 494-496 Darwen Road, these sign were sited on both the front and side elevation at first floor level.*

Petitions:- None received

Town Council:- None received

Elected Members:- None received

Consultations

Advice was sought from the following consultees: Highway Engineers.

Planning History

92686/14 – Notification of Temporary Change of Use (Class D) from A1 retail to A3 Restaurant

94183/15 - Notification of Temporary Change of Use (Class D) from A1 retail to A3 Restaurant

96440/16 - Retention of Non Reflective Extraction Flue (Decision Pending)

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

1. 1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to—
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation

by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason

Required to be imposed pursuant to Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The sign permitted by this consent shall only be illuminated during the opening hours of the premise to which it relates.

Reason

To safeguard the visual appearance of the area, given the nature of the advertisement proposed.

3. The illumination of the advertisement permitted by this consent shall be no greater than 5 LUX at the facades of the nearest residential property.

Reason

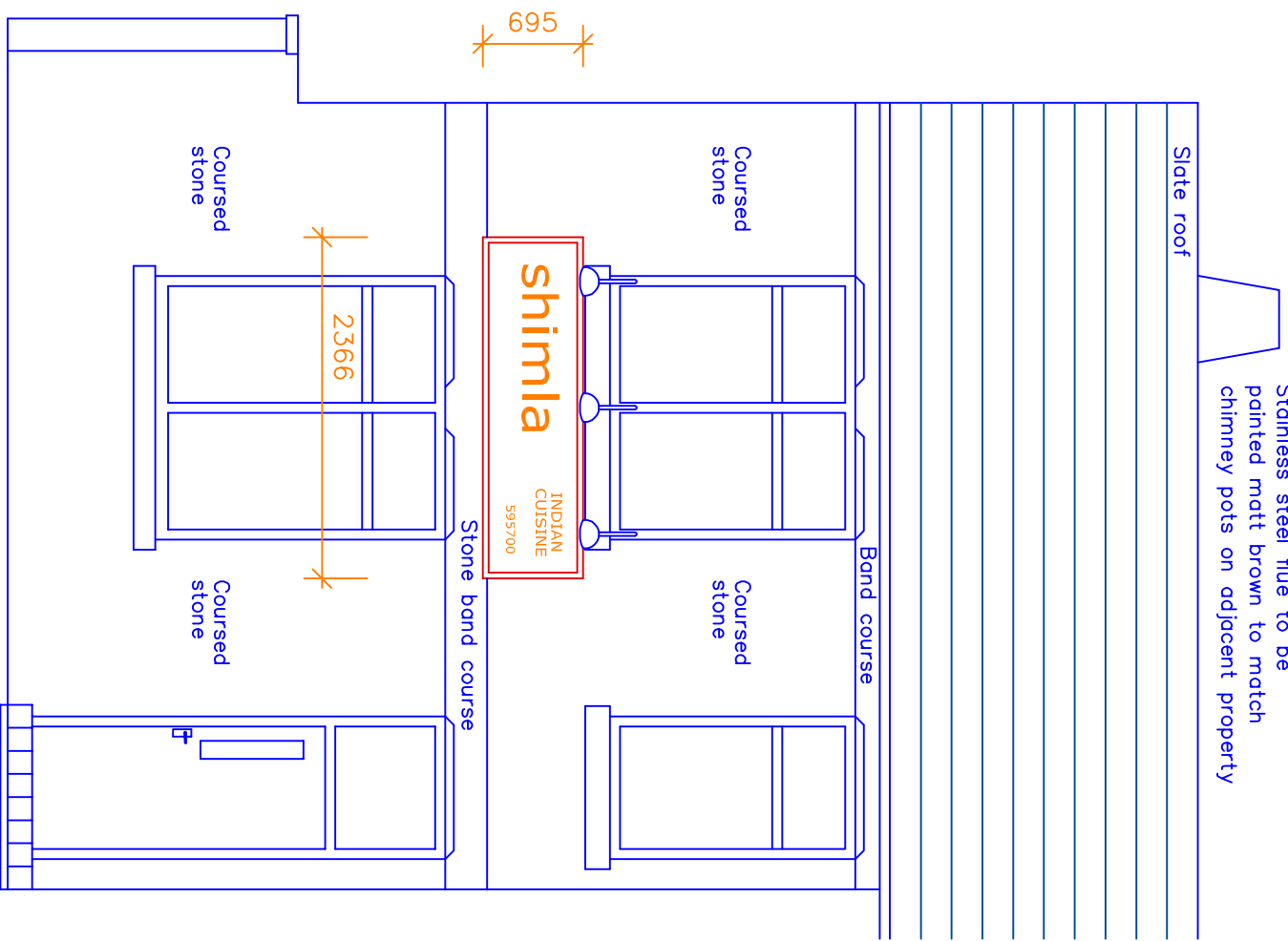
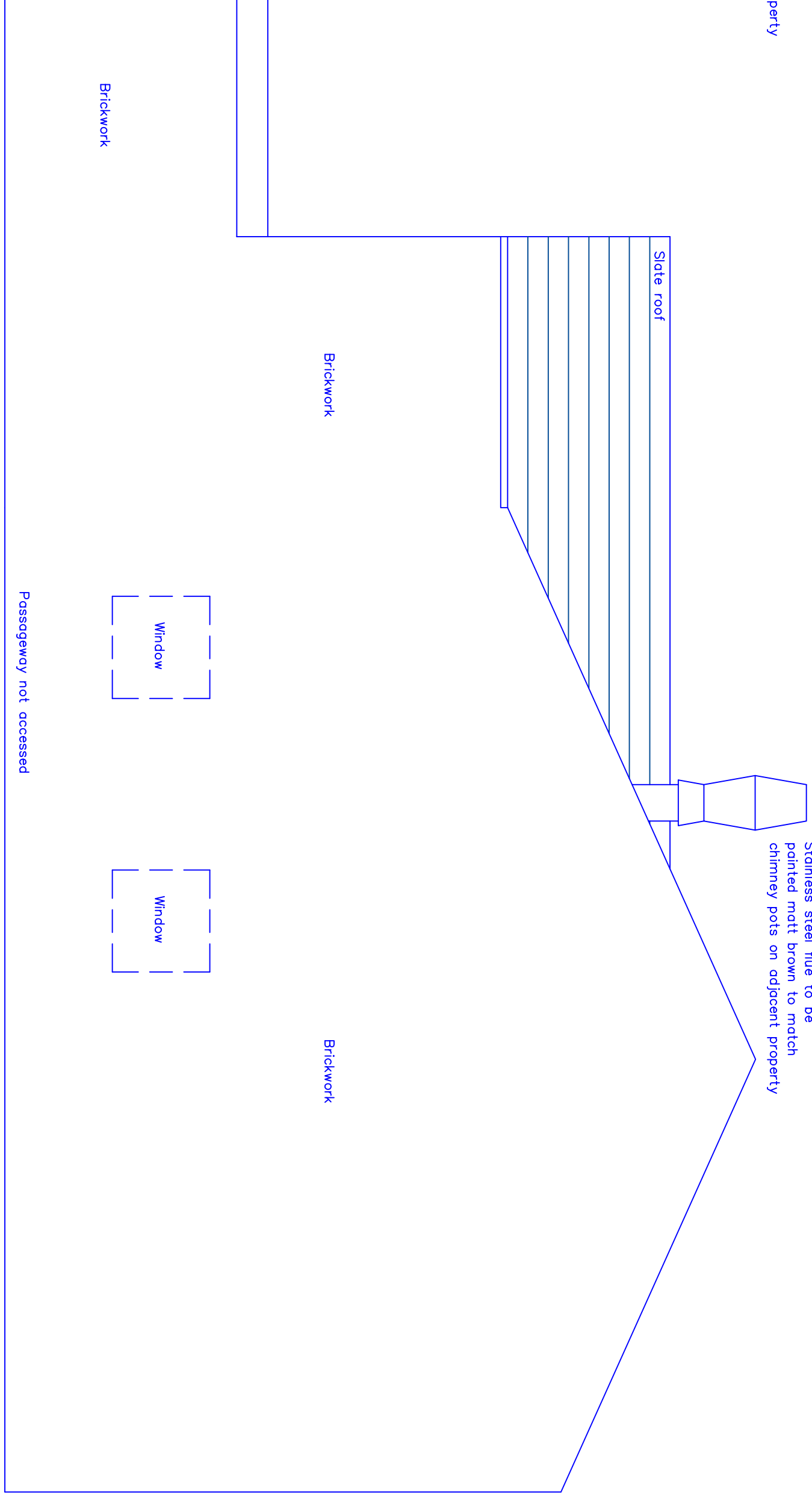
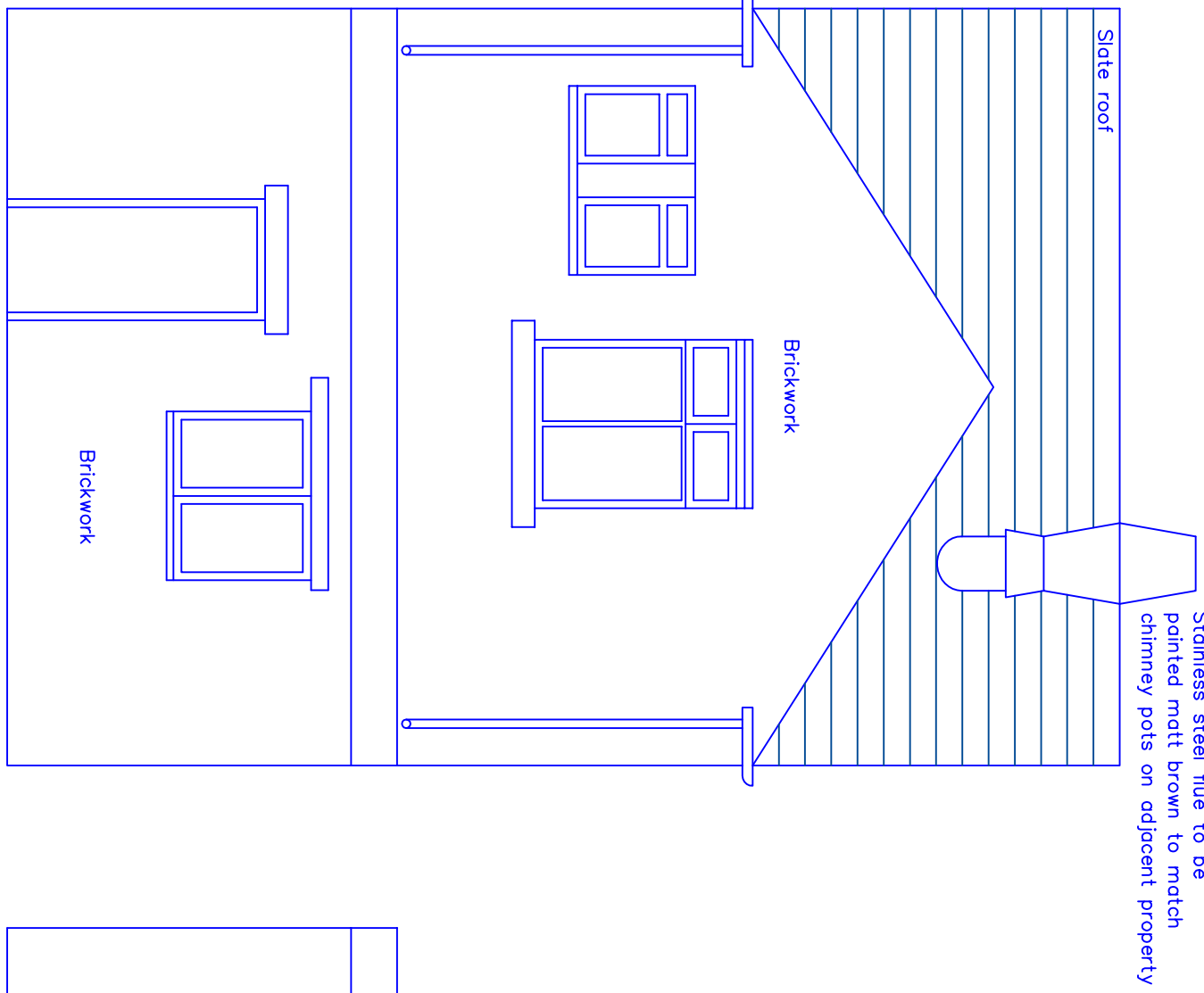
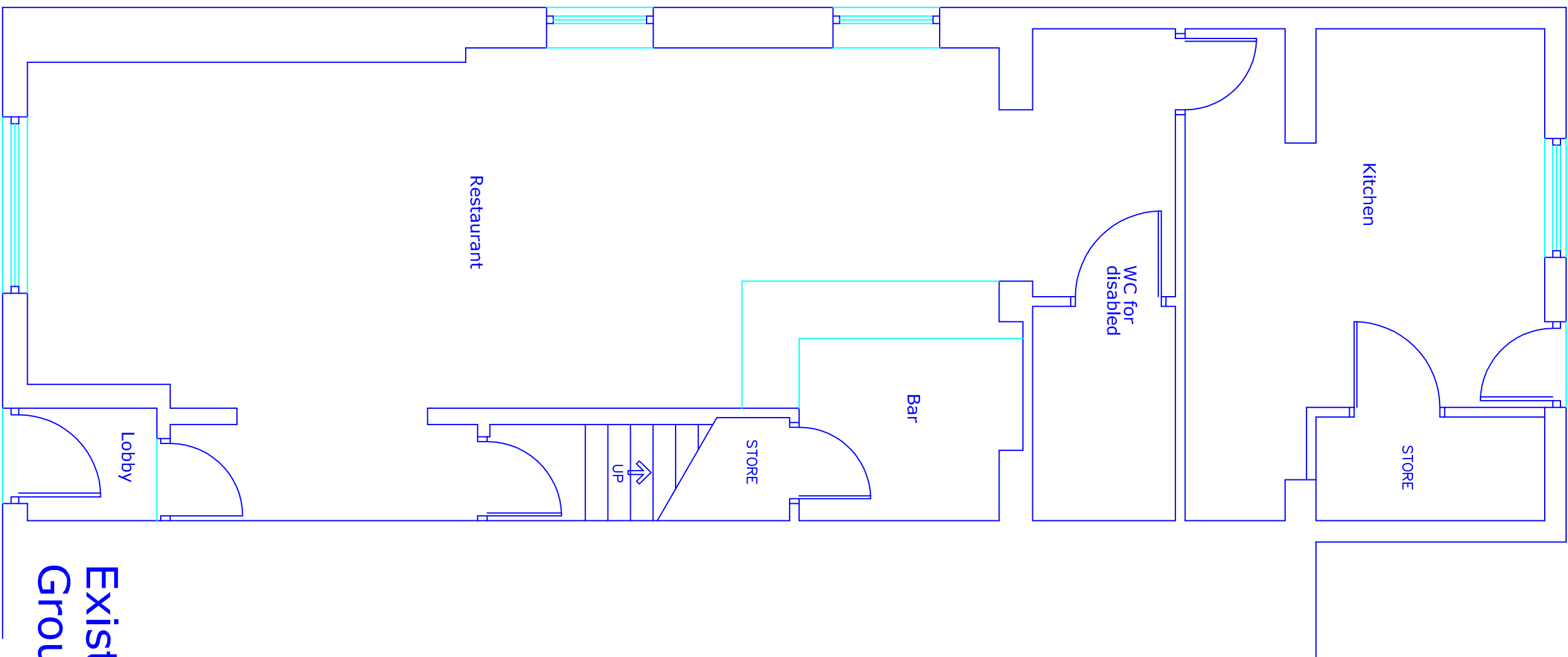
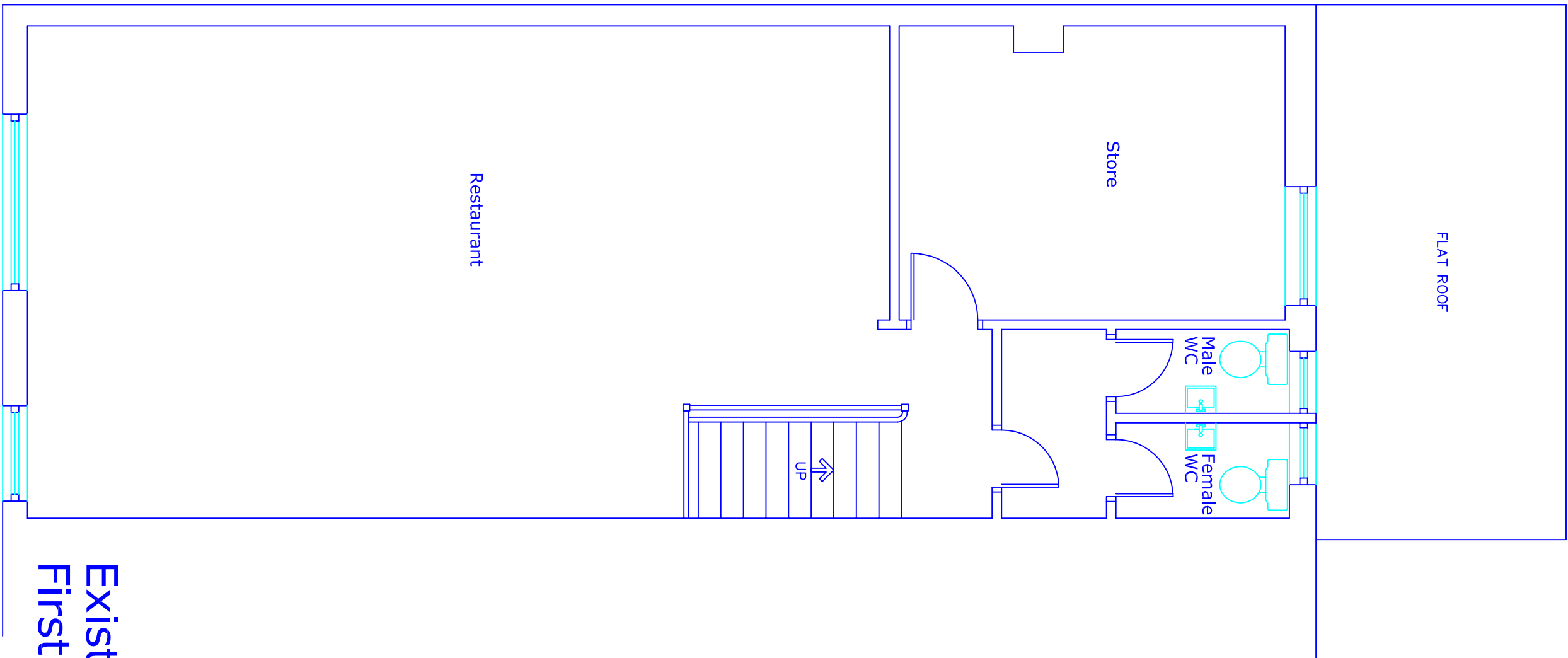
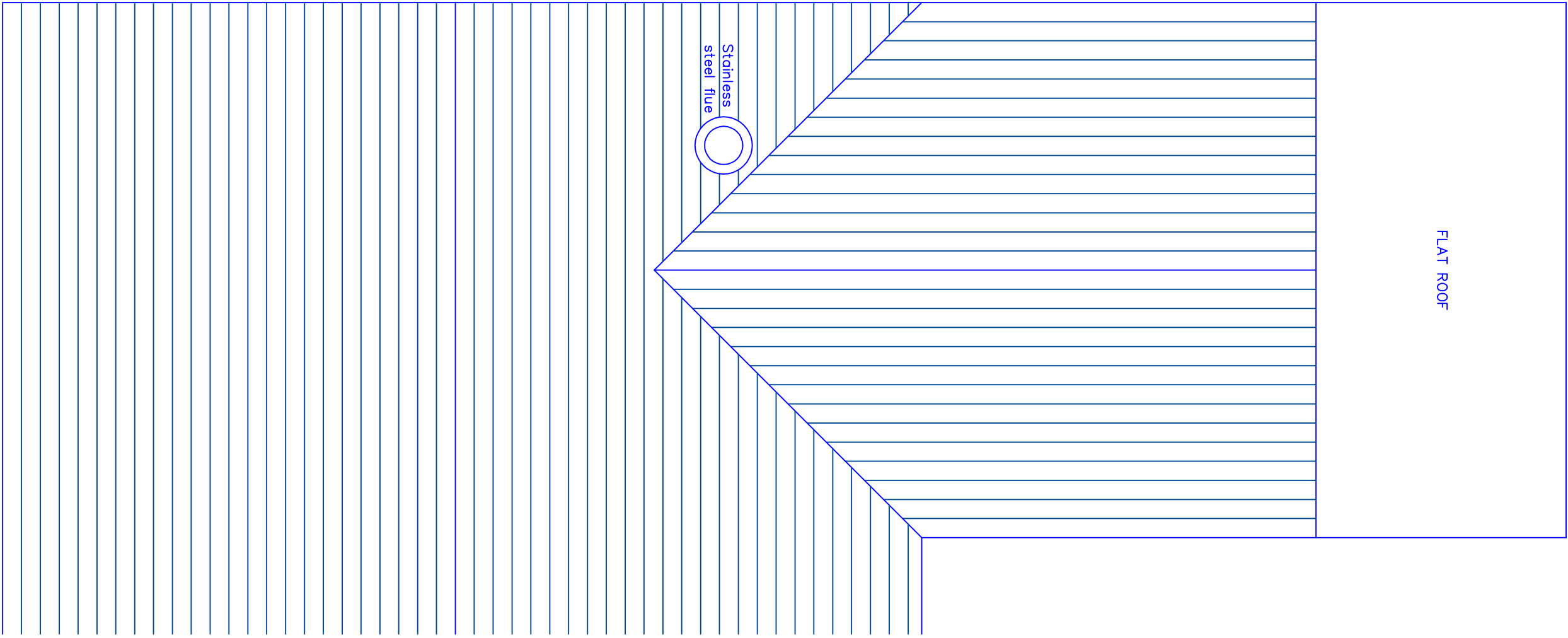
To safeguard the visual appearance of the area, given the nature of the advertisement proposed and in order to comply with policy CG4 of Bolton's Core Strategy.

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

Drawing No: PM6-01 - Existing plans and elevations dated April 2016

Reason

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



Existing Plan
Roof Level

Existing Plan
First Floor

Existing Plan
Ground Floor

Extg Rear Elevation

Extg Side Elevation

Extg Front Elevation

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0123m

510 Darwen Road
Bromley Cross
Bolton
BL7 9DX

scale 1:50 @ A1
April 2016

PM6-01

Existing Plans
& Elevations

PPV design Ltd

2 Helmshore Road, Helmshore Village
Ramsbottom, Lancashire BL8 4PA
Gary Dearden (JK hons) DipArch RIBA
gar@ppv-design.co.uk www.ppv-design.co.uk
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Application number 96451/16



Development & Regeneration Dept
Development Management Section

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Bolton Council

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Date of Meeting: 28/07/2016

Application Reference: 96451/16

Type of Application: Full Planning Application
Registration Date: 28/04/2016
Decision Due By: 22/06/2016
Responsible Officer: Paul Bridge

Location: 74 ALBERT ROAD WEST, BOLTON, BL1 5HW

Proposal: ERECTION OF TWO DWELLINGS WITH DETACHED GARAGES.

Ward: Heaton and Lostock

Applicant: Mrs J Mitchell and Mr B Leigh-Bramwell

Agent : Fish Associates Ltd.

Officers Report

Recommendation: Approve subject to conditions

Proposal

Planning permission is sought for the erection of a two six bedroomed detached properties together with associated detached garages and landscaping.

The two properties would be located relatively central within the plot and to the rear of the existing dwelling at 74 Albert Road West. The dwellings will incorporate a lounge, dining, kitchen and on utility on the ground floor with four bedrooms (one with en suite) and a bathroom on the first floor and a two further bedrooms (with en suite) located on the second floor. The materials used for the construction of the dwellings would be a mixture of brick, render and cedar cladding and slate.

Parking would be provided for each plot via single storey detached garages and driveways to the side of each dwelling. The existing vehicular access on Emolouen Avenue would be removed and a new access point would be created along Emolouen Avenue.

The front boundary treatment would consist of a new 2m high brick wall, whilst a new 2m high close board timber fence would be erected along the rear boundary. The existing side boundary treatment with No. 34 Darwen Road would remain. The boundary treatment along the Greenmount Lane boundary would remain as existing but with the addition of a 2m high closed boarded timber fence set behind the hedge line. The common boundary with the adjacent dwellings along Rydal Road would consist of the existing hedge and the existing fence being replaced with a new 2m high close boarded timber fence.

Site Characteristics

The application site comprises roughly half the former rear curtilage of 74 Albert Road West, and is currently a landscaped lawned area. The existing dwelling would still retain a large amount of private amenity space to the front and side.

The site is bounded by residential properties to the east. This section of Albert Road West is made up of large detached dwellings set in relatively large grounds, with the immediate surrounding area being made up of a mixture of smaller detached and semi-detached dwellings.

Along the western boundary along Greenmount Lane are a number of protected trees, with a further protected tree located in the north eastern corner of the site.

The existing dwelling at No.74 Darwen Road is set on a lower level than the application site by approximately 1m.

Policy

National Planning Policy Framework (NPPF).

Core Strategy Policies: P5 Transport and Accessibility; S1.2 Promote Road Safety; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA4 West Bolton.

SPD General Design Principles

SPD Accessibility, Transport and Road Safety

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * principle of proposed development
- * impact on the character and appearance of the area
- * impact on neighbouring properties/residential amenity
- * impact on land contamination
- * impact on parking and access/highway safety
- * impact on flood risk
- * impact on protected trees

Principle of Proposed Development

At the heart of national policy within the NPPF is a presumption in favour of sustainable development. The NPPF maintains the importance of supporting sustainable economic development and deliver homes (paragraph 17). It is noted with this application that the status of residential gardens as previously developed land has been removed within national planning policy. However, it is noted that the NPPF now sets out a presumption in favour of sustainable development. The proposed dwellings would be sited on an area within the residential curtilage which, currently houses a grassed landscaped garden area. Given the siting, scale, and design of the proposed dwellings, it would be appropriate in the surrounding residential context. In addition, the proposal is considered

to constitute a sustainable form of development within a sustainable location for the purposes of the NPPF and therefore the principle of the proposed development is considered acceptable.

Impact on the Character and Appearance of the Area

Policy CG3 of the Core Strategy states that the Council will expect development proposals to contribute to good urban design, conserve and enhance local distinctiveness and be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA5 states that, for development proposals in North Bolton, the Council will require special attention to be given to the massing and materials used in new development.

Paragraph 65 of the NPPF explains that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design. Paragraph 56 of the NPPF highlights that good design is a key aspect of sustainable development and is indivisible from good planning. Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

This section of Albert Road West is made up of large detached dwellings set in large grounds, with the wider surrounding area being made up of a mixture of smaller detached and semi-detached dwellings, which are suburban in scale. The dwellings would sit centrally within the site and would front on to Emolouen Avenue. The dwellings would be set in spacious plots and would be identical in design. They would be gable fronted and would be constructed out of a mixture of brick, timber cladding, render and slate. Whilst the timber cladding is different to the materials used in the wider surrounding area, it is not considered to be at odds with the areas overall character of the immediate and wider surrounding area. The area to the front of the proposed dwellings would accommodate a hardstanding and a garden area.

Having regard to the above, the proposed development is considered to be physically well related to the character, layout and scale of existing buildings within the surrounding area and would not cause any overriding unacceptable detriment to the surrounding area to warrant a refusal. Therefore, the proposed development is considered to be in accordance with policies CG3 and OA4 of the Core Strategy and guidance within the NPPF.

Residential Amenity

The thrust of policy CG4 of the Core Strategy which relates to new development is to provide potential users and neighbours with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. The Council's guidance on minimum interface distances between dwellings and private amenity space standards are contained within SPD General Design Principles.

Loss of Privacy/Overlooking

In respect of neighbouring dwellings adequate interface distances would be maintained to the existing dwelling at 74 Albert Road West, the adjacent residential dwellings along Rydal Road and also to 196 and 211 Greenmount Lane. Given the above it is considered that the proposal would not result in an unacceptable loss of privacy or overlooking on the occupiers of adjacent residential dwellings. Having regard to the above, it is considered that the proposed dwellings would not result in an unacceptable loss of privacy or overlooking on neighbouring properties.

Loss of Light/Overbearing

There are principle habitable room windows in the adjacent dwellings at 74 Albert Road West, Rydal Avenue and Greenmount Lane which would directly face the proposed dwellings and garages,

however adequate interface distances as required using the principles of the House Extensions SPD would be maintained. Given this and the orientation of the sun it is considered that the proposed development would not be oppressive and would not result in an unacceptable loss of light and overshadowing to the private rear garden areas of the residential dwellings.

With regards to the future occupants of the dwelling, all the habitable room are served by adequately sized windows which would ensure that the proposed development would provide adequate residential amenity for the future occupants of the dwellings in accordance with policy CG4 of the Core Strategy and the relevant paragraphs contained within SPD General Design Principles.

Land Contamination

The applicant has not submitted a desk top study in support of the application. Environmental Health has been consulted and no comments have been provided in respect of this application. Therefore when considering the sensitive end use, the Local Planning Authority has attached a condition requiring appropriate site investigations to be undertaken prior to the commencement of the development. It is considered therefore that subject to conditions the land would be suitable for the proposed use in accordance with policy CG4.3.

Parking and Impact on Highway Safety

The NPPF requires that development seeks to minimise travel. Where development will generate significant traffic it should be located within sustainable locations, maximising the use of sustainable transport modes.

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

Appendix 3 of the Core Strategy states that the maximum number of spaces for 4+ bed dwellings should be three car parking spaces. The proposal would utilise a new vehicular access from Emolouen Avenue. The proposed site plan for both plots indicates that sufficient car parking spaces would be provided by the large driveways and double garages.

The Council's Highway Engineer has been consulted and, subject to a number of conditions has no objections to the proposal. As a result, it is considered that the proposed development (subject to conditions) would not have an unacceptable impact on highway safety in accordance with policy P5 of the Core Strategy.

Flood Risk

The NPPF requires that development should ensure that flood risk is not increased elsewhere, and seeks to steer development towards areas with the lowest probability of flooding and Policy CG1 seeks to reduce the risk of flooding in Bolton.

The proposed development is not located within a Flood Zone or Critical Drainage Area, in addition a condition has been attached to minimise any surface water runoff. Having regard to the above, the proposed development is considered to be in accordance with policy CG1 of the Core Strategy and the NPPF.

Impact on Protected 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 are a number of protected trees on the site along the western boundary

of the site, with a further protected tree located in the north eastern corner of the site.

The applicants have submitted a tree survey, Arboricultural Impact Assessment and Arboricultural Method Statement in support of the application.

The TPO trees number T6, T7, T8, T9, T10 and T11 are outside of the foot print of the house.

In order to facilitate the development T14 and T15 along with H13 require removal. These trees are all category C trees and are therefore of relatively low value and it is considered that these trees should not be allowed to restrain the proposed development. In order to provide space for the construction of the western plot it is necessary to prune T10. This work is minor in nature and is considered acceptable.

A condition has been attached to ensure all the tree protection methods outlined in Urban Greens Arboricultural Impact Assessment and Arboricultural Method Statement are implemented to prevent damage to the remaining trees on site.

Given the above it is considered that the proposal would safeguard the biodiversity on site in respect of trees in accordance with policy CG1 of the Core Strategy.

Landscaping

The proposed dwellings would have a mixture of turf and hard standings. The front boundary treatment would consist of a new 2m high brick wall, whilst a new 2m high close board timber fence would be erected along the rear boundary. The existing side boundary treatment with No. 34 Darwen Road would remain. The boundary treatment along the Greenmount Lane boundary would remain as existing but with the addition of a 2m high closed boarded timber fence set behind the hedge line. The common boundary with the adjacent dwellings along Rydal Road would consist of the existing hedge and the existing fence being replaced with a new 2m high close boarded timber fence. Whilst the boundary treatments to the east, south and west are considered acceptable, a 2m high brick wall fronting on to Emolouen Avenue is considered unacceptable and would create an austere and fortress type elevation. Therefore a condition has been attached to ensure a landscaping scheme including boundary treatment is submitted to the Local Planning Authority.

Conclusion

For the reasons discussed above it is considered that the proposed development would accord with all relevant policies and is therefore recommended for approval.

Representation and Consultation Annex

Representations

Letters:- One letter has been received in response to the planning application publicity and who have raised the following concerns:-

Overdevelopment of the site.

The above issue has been addressed in the appraisal.

The disruption during construction would contribute towards the authors medical problems.

Response:- With any development there will be an element of noise and general disturbance during the construction phase. Whilst this is a material planning consideration it is not a reason to refuse planning permission as this would be for a temporary period. In determining this application regard has been given to the potential health implications, however, there is no evidence to suggest that the proposal is likely to have a significant adverse impact on the neighbours health and well being.

Loss of property value. *Response:- The loss of property value is not a material planning consideration.*

Consultations

Advice was sought from the following:- Tree Officer, Highways Engineers, Pollution Control Officers,

Planning History

None Relevant

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of development the details of the type and colour of materials to be used for the external walls and roof to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with policy CG3 of Bolton's Core Strategy.
3. No development shall commence unless or until a Phase 1 Report (Preliminary Risk Assessment) to assess the actual and/or potential contamination risks at the site has been submitted to, and approved in writing by, the Local Planning Authority. The Report shall include a desk top study, site walk over, conceptual model, basic hazard assessment and recommendation regarding the need or

otherwise for a Phase 2 Report.

Reason

To ensure the development is safe for use

4. No dwelling shall be occupied until the associated provision for off street parking has been completed and made available for the use of that dwelling. Such spaces shall be available at all times for the parking of a private motor vehicle.

Reason: In the interests of highway safety.

5. The site shall be treated in accordance with a landscape scheme, which shall be submitted to and approved in writing by the Local Planning Authority before development is started. Such scheme shall include full details of trees and shrubs to be planted, walls, fences, boundary and surface treatment and shall be carried out within 12 months of the commencement of development. Any trees or shrubs dying within five years of planting shall be replaced with the same species within twelve months.

Reason: To safeguard the amenity of the area.

6. No development shall take place until a strategy of surface water drainage for the site using sustainable drainage methods and which includes details of how water quality will be improved, and how existing surface water discharge rates reduced, has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented prior to first occupation or use of the development hereby approved unless alternative timescales have been agreed in writing as part of the strategy.

Reason: To ensure a satisfactory method of surface water disposal to reduce the risk of flooding elsewhere

7. 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.

8. Before the approved development is first brought into use no less than 3 car parking spaces with minimum dimensions of 2.5 metres by 5 metres shall be provided within the curtilage of the site, in accordance with drawing no, 847/PL/0. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

9. Prior to the development hereby approved being first occupied or brought into use the means of vehicular access to the site from Emlouen Avenue shall be constructed and retained thereafter in accordance with the drawing ref 847/PL/01.

Reason

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

10. Prior to the first use of the development hereby approved, the area of parking and driveways shall be constructed using permeable materials on a permeable base, the details of which shall be submitted for written approval prior to the commencement of the development and shall be retained thereafter in that condition, unless otherwise agreed in writing by the Local Planning Authority

Reason: To reduce the risk of flooding.

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

847/PL/01 - Site layout and Street Elevation dated 25.02.2016
847/PL/02 - Plans and Elevations dated 21.4.2016
SSL:16725:200:1:1 Rev A - Topographical Survey dated july 2015
Location Plan - Received 9th May 2016

Reason

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

12. No development shall be started until all the retained trees (as shown on Urban Green Tree Removal Plan 11134.T04 dated 13.06.2016) within (or overhanging) the site, have been surrounded by substantial ground coverings which shall extend to the extreme circumference of the spread of the branches of the trees (or such positions as may be agreed in writing by the Local Planning Authority). Such coverings shall be placed in accordance with the specification submitted in the Urban Green AIA and AMS and shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such covering

Reason:- To protect trees which are the subject of a Tree Preservation Order

13. The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment and Arboricultural Method Statement (AMS) contained within report prepared by Urban Green (11134) dated June 2016.

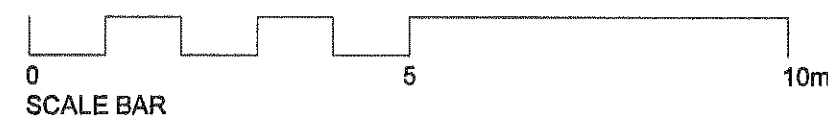
Reason:- To protect trees which are the subject of a Tree Preservation Order

14. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of commencement of the development hereby approved, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted in a location to be agreed by the Local Planning Authority within the next available planting season and that tree shall be of a size and species that is first agreed in writing with the local planning authority.

Reason: To ensure the protection and retention of important landscape features

15. Notwithstanding the provisions of the Town and Country (General Permitted Development Order) 2015 (or any order and re-enacting that Order with or without modification), no development of the types described in Part 1, Classes A, B, D and E of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority.

Reason: To safeguard the amenity of the area



20 APR 2016
964 51116

ALL SUBJECT TO LA APPROVAL AND ACCURATE SETTING OUT ON SITE PRIOR TO CONSTRUCTION

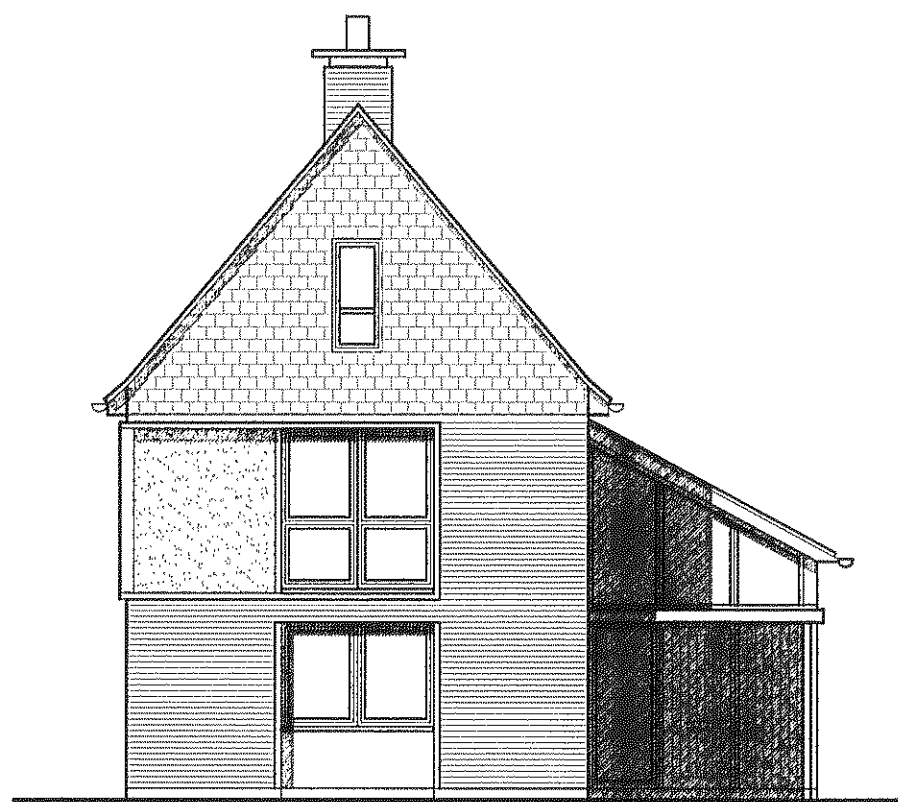
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CLIENT			
MRS J. MITCHELL + MR B. LEIGH-BRAMWELL			
PROJECT DESCRIPTION			
WHINFELL, 7A ALBERT ROAD WEST, BOLTON, BL1 5HW - 2no. NEW DWELLINGS TO THE REAR GARDEN			
TITLE			
SITE LAYOUT + STREET ELEVATION			
DRAWING NO.	REVISION	SCALE	DRAWN BY
847/PL/01		1:100	SAF
			DATE
			25.02.15

FISH ASSOCIATES

ARCHITECTS
DESIGNERS

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www.fish-associates.co.uk

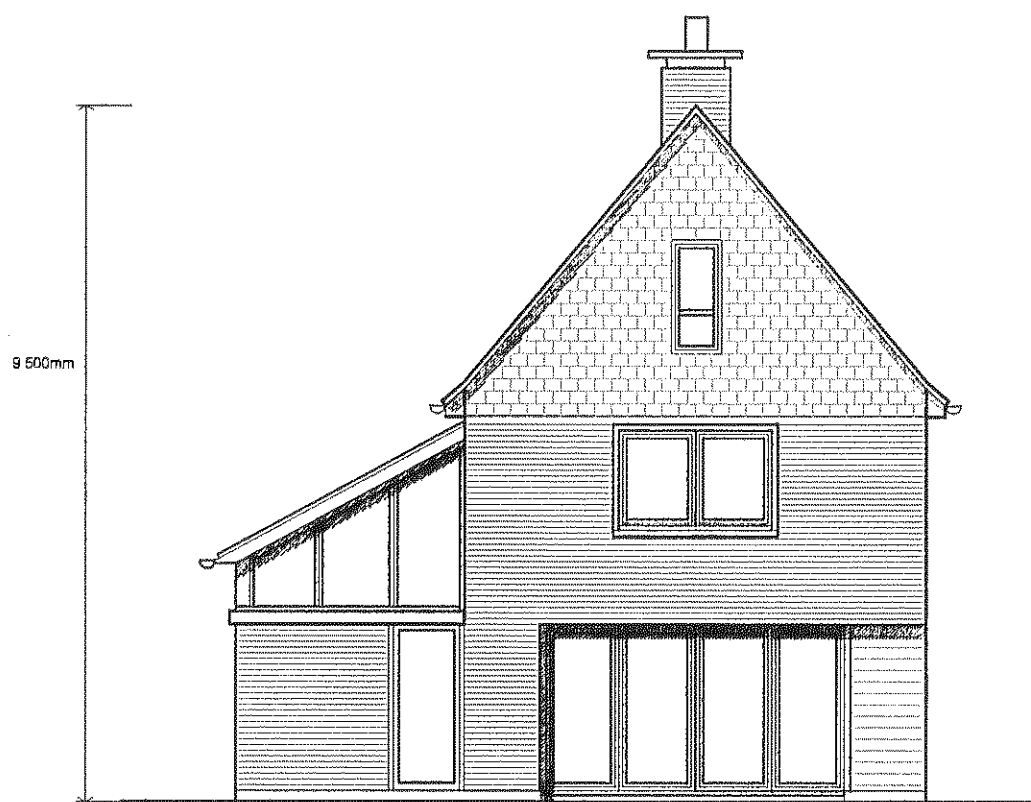
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PLOT A - FRONT ELEVATION TO ERNLE AVENUE
(PLOT B - ALL ELEVATIONS HANDED)



NORTH EAST SIDE ELEVATION



REAR ELEVATION



SOUTH WEST SIDE ELEVATION

Material Specification

Walls - Fairfaced red / orange brick

- Cedar cladding
- Through coloured render to feature front and side windows with stone edging
- Terracotta / clay vertical tiles to gables

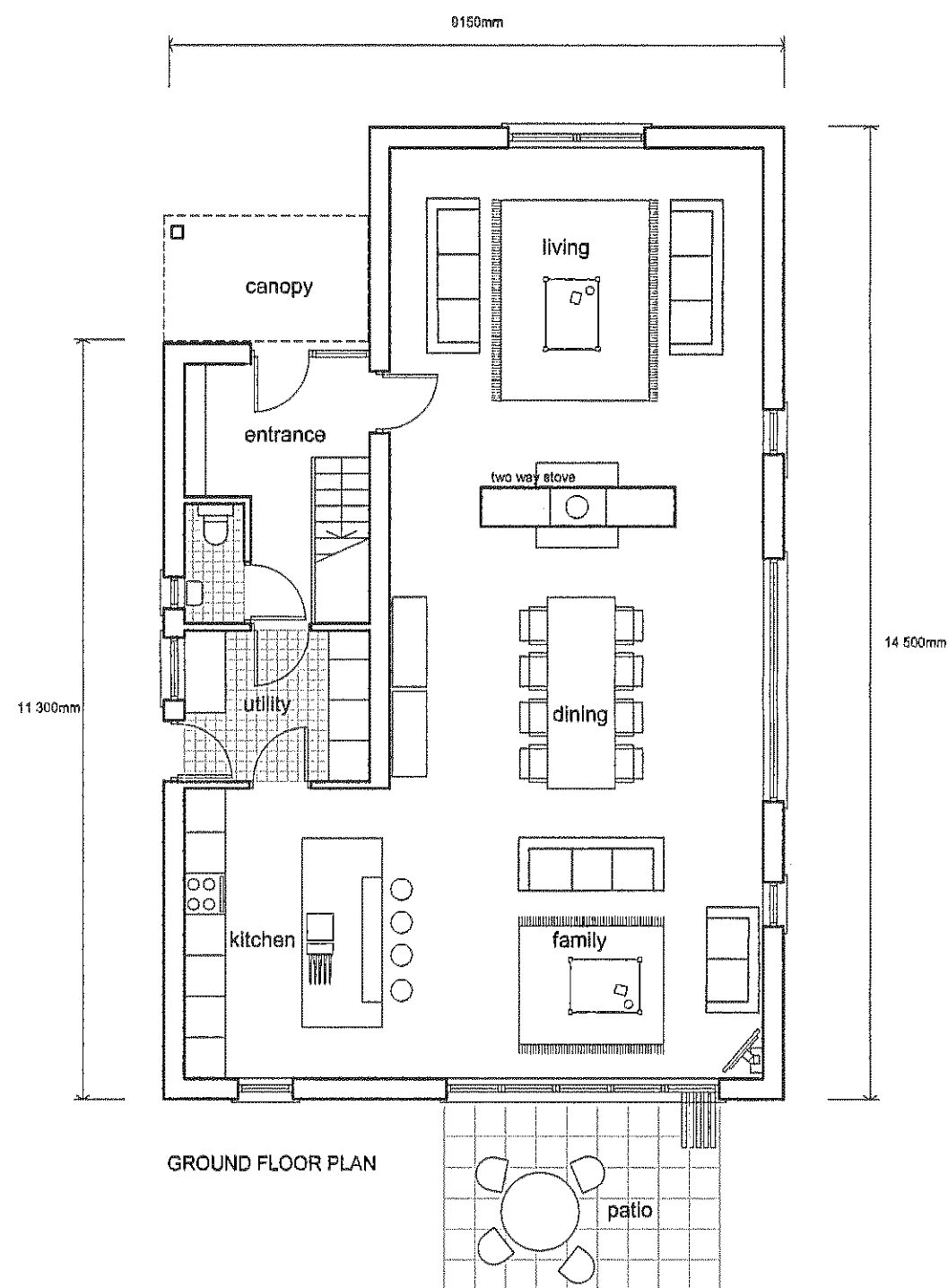
Windows and doors - pvc aluminium - colour grey

Roof - natural welsh grey/blue slate

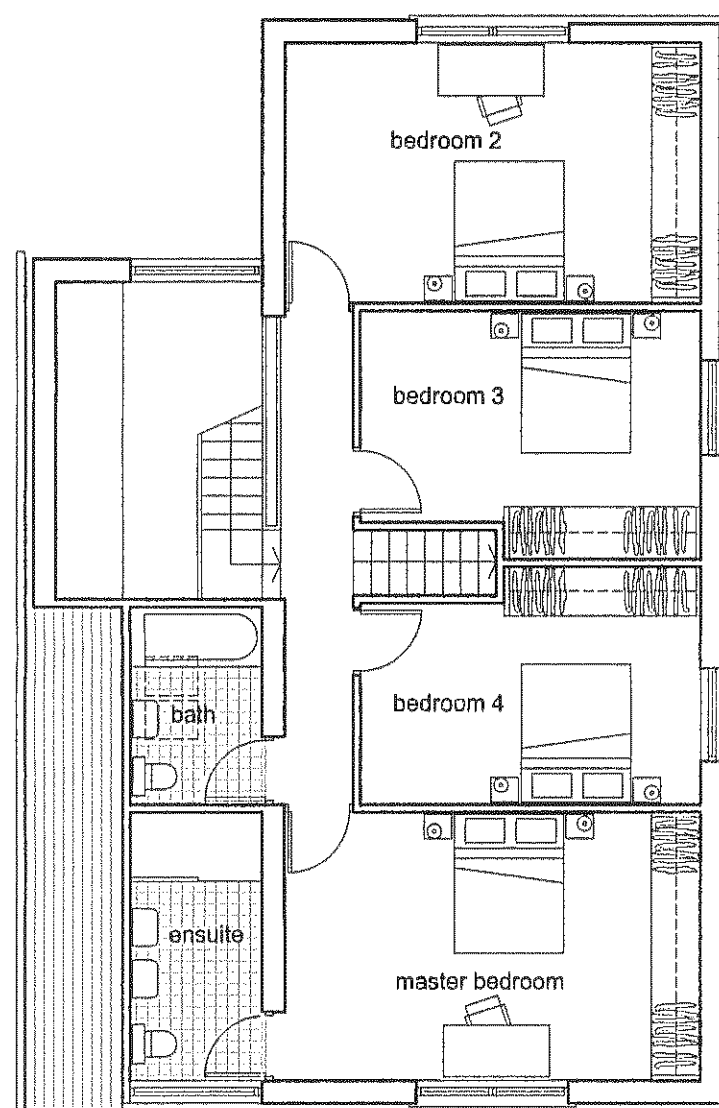
Roof to canopy - EPDM with zinc fascia

Rooflights - conservation specification

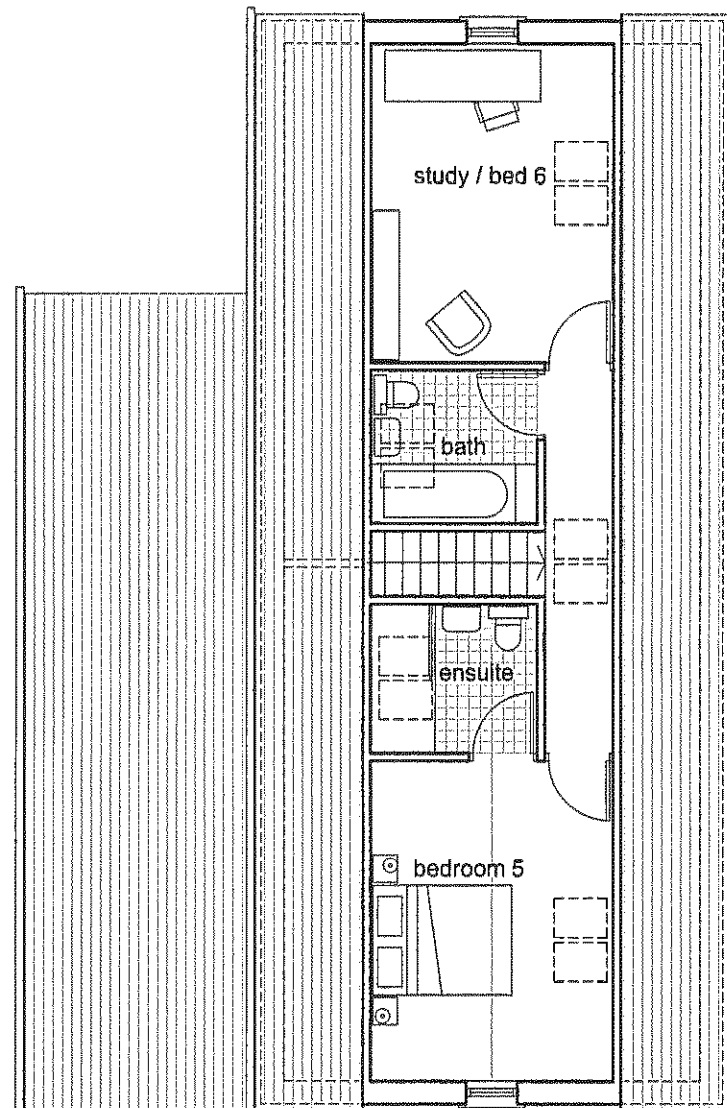
Garage doors - automatic sectional pvc aluminium



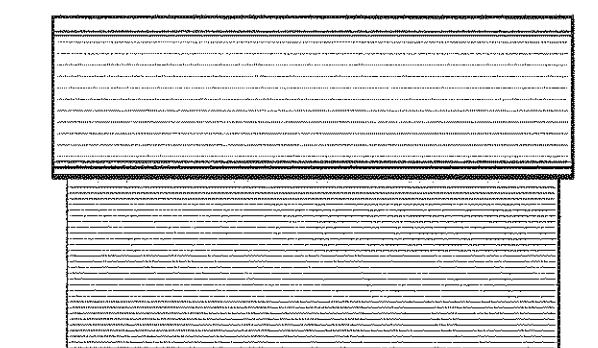
PLOT A - FLOOR PLANS
(PLOT B - ALL PLANS HANDED)



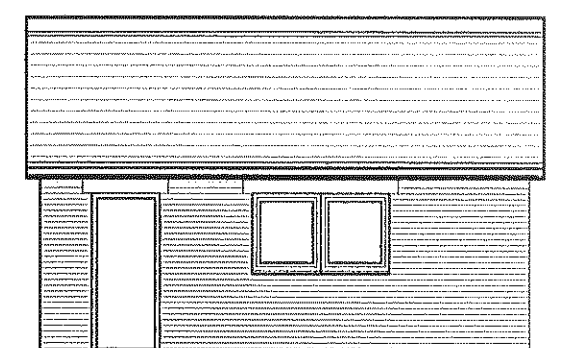
FIRST FLOOR PLAN



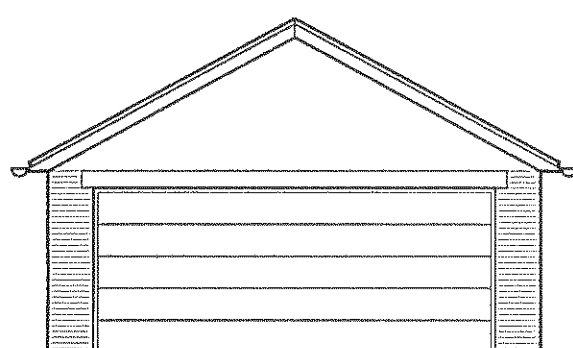
SECOND (ATTIC) FLOOR PLAN



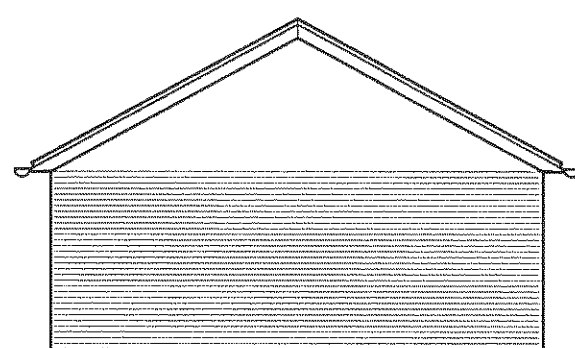
PLOT A - GARAGE SIDE ELEVATION
(PLOT B - ALL ELEVATIONS HANDED)



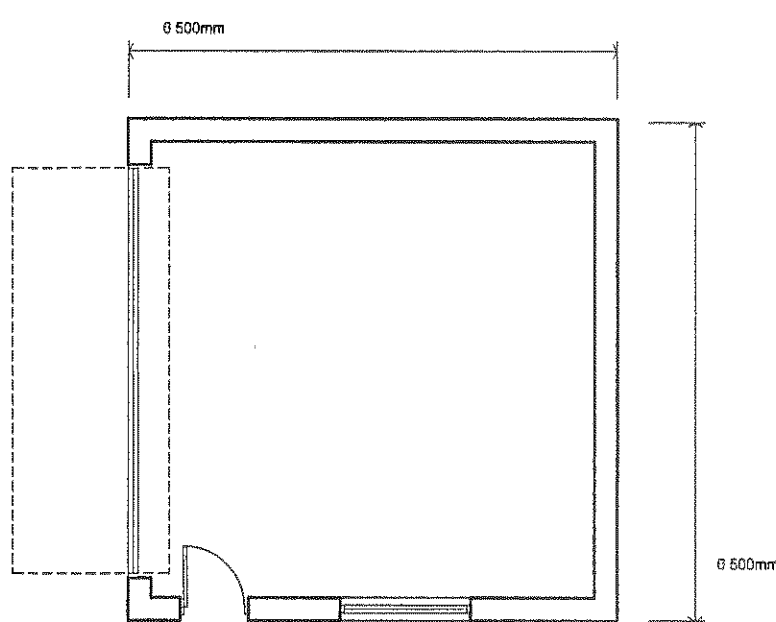
PLOT A - GARAGE SIDE ELEVATION



PLOT A - GARAGE FRONT ELEVATION



PLOT A - GARAGE REAR ELEVATION



PLOT A - GARAGE PLAN
(PLOT B - PLAN HANDED)

28 APR 2016
1645116

ALL SUBJECT TO LA APPROVAL AND ACCURATE SETTING OUT ON SITE PRIOR TO CONSTRUCTION

REVISION	DATE	INITIALS
CUSTOMER		
MRS J. MITCHELL + MR B. LEIGH-BRAMWELL		
PROJECT DESCRIPTION		
WHINFELL, 74 ALBERT ROAD WEST, BOLTON, BL1 5HW - 2no. NEW DWELLINGS TO THE REAR GARDEN		
TITLE		
PLANS AND ELEVATIONS		
DRAWING NO.	REVISION	SCALE
847 / PL / 02		1 : 100
DRAWN BY	DATE	
SAF	21.04.16	

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Application number 96532/16



Development & Regeneration Dept
Development Management Section

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

Bolton Council

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Date of Meeting: 28/07/2016

Application Reference: 96532/16

Type of Application: Full Planning Application

Registration Date: 12/05/2016

Decision Due By: 06/07/2016

Responsible Officer: Paul Williams

Location: 76 CROSBY ROAD, BOLTON, BL1 4EJ

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

Ward: Smithills

Applicant: Mr Q PERVAIZ

Agent : Y A ARCHITECTURAL SERVICES

Officers Report

Recommendation: Approve subject to conditions

Proposal

Consent is sought for a two storey side extension and part two storey / part single storey rear extension at 76 Crosby Road. It would result in a 4 bedroomed property.

This application is presented to Planning Committee because this proposal has been refused on two previous occasions, there have been several letters of neighbour objection, and there are some minor infringements of the Council's Core Strategy Policies and Supplementary Planning Document - House Extensions guidance. However, these are considered to be minor and not to be so significant as to justify a recommendation for refusal in this case.

Site Characteristics

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

Policy

National Planning Policy Framework (NPPF)

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

SPD House Extensions
SPD General Design Principles

Analysis

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be

determined in accordance with policies in the Development Plan unless material considerations indicate otherwise.

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

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

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

The main impacts of the proposal are:-

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

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

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

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.

The proposed large two storey side extension would extend approximately 4 metres from the side of the house and therefore retains a 1m gap to the side party boundary with 78 Crosby Road, to the west of this application site. This would therefore prevent a potential terracing effect from occurring if the adjoining neighbours at 78 Crosby Road also considered a similar two storey side extension in the future, thereby complying with the policy guidance on avoiding terracing. It would also be set back from the front of the existing dwelling by approximately 2m and this would also help to prevent the potential terracing impact. This set-back would also allow a 5m long driveway to be accommodated between the front of this extension and the back edge of the adjoining footpath to Crosby Road providing 2 off-road car parking spaces within the curtilage of this site. The two storey side extension then projects the full remaining depth of the existing house (5.6m). Eaves height would be same 5.7m eaves height of existing dwelling and it's pitched roof would meet an approximate maximum ridge height of 7.3m above ground level. Ground and first floor bedroom windows would be situated in the front south facing elevation of this extension and a small obscure glazed bathroom window in the side west facing elevation of this extension towards 78 Crosby Road.

The extension would then project a further 6m at ground floor level and 4m at first floor level where it wraps around the side and rear of this dwelling at it's north-west corner for a width of

approximately 6.5m. Once again, eaves height would 5.7m and it's gable roof would reach a maximum ridge of approximately 7.6m above ground level. There would be no ground floor or first floor windows in the side facing elevations of this proposed part two storey / part single storey rear extension. The main ground floor kitchen window and patio doors and two first floor bedroom windows would be situated in the rear north facing elevation of this extension.

The last remaining element of this application would provide for a further single storey extension infilling the gap between the side east elevation of the proposed two storey rear extension in this application and the side party boundary with 74 Crosby Road. This single storey extension would project approximately 2.9m from the rear of the property and would be 3.3m in width. Eaves height would be approximately 2.5m above ground level with maximum lean-to roof height of approximately 3.6m above ground level. The proposed extensions in this application are therefore estimated to account for a 110% volume increase on the size of the original dwelling house, thereby more than doubling its size, and would all be constructed in matching brickwork and roof tiles to the existing dwelling.

Following further consideration, the scale, massing and height of these proposed extensions are considered to be acceptable and are not now considered to be out-of-character with the surrounding residential neighbourhood. It is therefore considered that they would not have such a significantly detrimental or over-bearing visual impact on the character and appearance of the host dwelling and the surrounding street scene as to justify a reason for refusal in this case, which would comply with Core Strategy Policies CG3 and RA1 and the design guidance contained in the SPD on House Extensions.

Impact on the Amenity of Neighbouring Residents

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

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

It is considered that the proposed two storey side extension and the single storey rear extension would not raise any significant over-shadowing or over-looking/privacy implications for adjoining neighbours. There are only two first floor windows in the side facing elevation of 78 Crosby Road at a distance of approximately 5m from the party boundary and a ground floor side garage within the curtilage of this neighbours site. The windows are to a bathroom and the landing which are not main rooms - therefore, it is not considered that there will be any significant over-looking or overshadowing implications for the residents of 78 Crosby Road arising from the proposed side extension in this application. The additional 2.9m projecting single storey extension alongside the party boundary with 74 Crosby Road, being less than 3m deep from the rear wall of the property, would comply with policy guidance (paragraph 4.14 of the SPD) in terms of maximum rear extension projection allowances to semi-detached houses.

The main element in terms of impact on neighbour amenity is considered to be the proposed two storey rear extension. The existing separation distance between the current rear elevation of this dwelling and the facing rear elevations of 75 and 77 Lonsdale Road, situated to the north of this application site and containing main room windows is presently around 22.5m. Therefore, the distance would be reduced between the facing windows in 75 and 77 Lonsdale Road to the windows in this proposed extension to 16.5m (ground floor) and 18.5m (first floor) respectively. The Supplementary Planning Document on House Extensions (paragraph 4.7) prescribes a privacy

interface distance of 21m between facing walls on a neighbouring house and an extension (whether single or two storey) which both contain main room windows. However, it is considered in this case that the shortfall in this privacy distance would not lead to such a significant contravention of privacy as to justify a reason for refusal in this case.

The applicant's agent has also stated that the first floor bedroom windows will also be fitted in obscured glazing and one of the windows will also be non-opening (top opening only) up to 1.7m above internal first floor level. It is also considered that these measures will reasonably protect the privacy that the adjoining neighbours might still reasonably expect to retain and enjoy. It is also considered that the ground floor windows in this proposed rear extension will not create a significant over-looking or over-shadowing problem for adjoining neighbours, particularly as there is an existing boundary fence between these respective neighbouring dwellings which provides a reasonable level of screening. In addition, although the proposed rear extensions would result in a very minor infringement of the "45 degree rule" prescribed in the SPD - House Extensions from the centre of the nearest windows on the rear of 74 Crosby Road, this impact would be very minimal and would not create a significant over-shadowing impact (situated to north-west of the neighbours windows) or over-bearing visual impact.

On balance, and notwithstanding that several objections have been received from nearby neighbours regarding the size of the extension, its over-dominant visual impact and also the impact on privacy and loss of light, it is considered that the proposed extensions in this application would not have such a significantly detrimental impact on neighbour amenity and would overall comply broadly with the residential amenity provisions of Core Strategy Policy CG4 and the similar neighbour amenity provisions contained in the SPD on House Extensions.

Impact on Parking

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

The proposed side extension would develop the side of the plot currently available for off-road car parking. The submitted plan has indicated that 2 off road car parking spaces can still be accommodated between the front of the the proposed two storey side extension and the back edge of the adjoining footpath to Crosby Road. The proposed extensions in this application would create a 4-5 bedroom dwelling, and Council policy normally requires 3-off road parking spaces in order to support this size of development. However, in this case the Highways Authority have assessed the development proposal and conclude that a minimum of 2 spaces is required in this case as shown on the submitted ground floor plan. As such, it is therefore considered that the proposal, on balance, now complies with Core Strategy Policies S1, P5 and Appendix 3.

Conclusion

In conclusion, it is therefore considered that this proposal, on balance and following further consideration and amendments to the first floor bedroom windows in the proposed rear extension, would have a sympathetic impact on the character and appearance of the area and would not have such a detrimental impact on the outlook, living conditions and privacy of adjoining neighbours as to justify a refusal in this case. As such, this application is therefore recommended for approval, in broad compliance with Core Strategy Policies CG3, CG4 and RA1 and the Supplementary Planning Document on "House Extensions".

Representation and Consultation Annex

Representations

Letters:- 3 letters of neighbour objection have been received. The main concerns raised were as follows -

- The proposed extensions will impact detrimentally on neighbour amenity, including loss of privacy and loss of sunlight, and will dominate the area and be a nuisance to neighbouring homes -

(Officer Comment - It has been measured that the proposed two storey rear extension would bring the dwelling to within 18.5m of the facing houses to the rear at 75 and 77 Lonsdale Road. On balance, whilst this is shorter than the prescribed 21m privacy interface in the SPD - House Extensions between facing main room windows, this is not now considered to be such a significant shortfall as to justify a reason for refusal in this case. The plans have also been amended to indicate that the two first floor bedroom windows in the proposed rear extension will be fitted with obscured glazing and one of these windows will be non-opening upto 1.7m above internal floor level. The other window will be retained with a side opening window required for building regulations fire escape purposes. It is considered that these measures will reasonably protect the privacy of the neighbours facing this extension on Lonsdale Road. In addition, it is also considered that the retained distance between these properties will reasonably ensure that the proposed extensions will not create a significant over-shadowing problem for adjoining neighbours and would not have such a significantly over-dominant visual impact on neighbours as to justify a reason for refusal in this case).

- The planned extensions will result in the loss of off-road parking, including contractors vehicles -

(Officer Comment - Highways have commented that they would normally require 3 off-road parking spaces for a 4 bedroomed house, so the proposed extensions would be likely to increase on-street parking on Crosby Road. However, they have also advised that if the proposal is considered acceptable in planning terms, then in this particular case they would ask for condition HS05 to be imposed requiring 2 off-road parking spaces measuring 2.5m x 5m be provided within the site).

- The planned extensions will dwarf the existing properties which would create an over-development and be out of character with the area

(Officer Comment - It has been estimated that the cumulative volume increase of these extensions would double the size of the original dwelling house, but on balance it is considered that the extent of the surrounding garden curtilages are large enough to be able to accommodate these large extensions without having a harmful impact on the character and appearance of the street scene. The proposed extensions would also not extend above the height of the highest part of the existing dwelling and reasonable sized gardens and space for appropriate off-road parking would also still be retained. In addition, these extensions would also all be constructed in matching brickwork and roof tiles to the existing dwelling, which would be compatible with the host dwelling and neighbouring dwellings in the surrounding street scene).

- The development will effectively double the footprint of the existing house to create a 5 bedroomed property which occupies all the land and the gardens will be minimised at the front and rear of the property -

(Officer Comment - The overall size of the site including the footprint of the existing dwelling is calculated at approximately 255 square metres. The existing dwelling footprint alone is calculated at approximately 44 square metres, which is a 20% coverage of the whole site. The proposed extended

dwelling footprint is calculated at approximately 135 square metres, which would be a 53% coverage of the whole site. The dwelling would still retain a rear garden of approximately 66 square metres and front garden, including off-road parking, of approximately 43 square metres. On balance, whilst this proposal would result in a sizeable increase in the footprint of the dwelling, it is considered that it would still retain reasonable sized front and rear gardens, and would not constitute a significant over-development of the site).

Consultations

Highways - have commented that the Council's parking standards would normally require 3 spaces for a 4 bedroomed house, so the proposed extensions would be likely to increase on-street parking on Crosby Road. However, they have also advised that if the proposal is considered acceptable in planning terms then in this particular case they would ask for condition HS05 to be imposed requiring 2 off-road parking spaces measuring 2.5m x 5m be provided within the site. Conditions HS08 and HS13 should also be imposed too requiring submission of details of how parts of the site to be used by vehicles are to be laid out, constructed, surfaced, drained and lit and the proposed works on Crosby Road comprising extension of existing dropped kerb / vehicular crossing. Informative SN03 should also be attached.

Planning History

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

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

Recommendation: 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 Crosby Road comprising extension of existing dropped kerb/vehicular crossing shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

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

3. Before the first occupation of the extension hereby permitted the first floor bedroom windows in the rear north facing elevation towards 75 and 77 Lonsdale Road 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. and to comply with Policy CG4 of Bolton's Core Strategy.

4. 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 areas provided and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

5. Before the approved development is first brought into use no less than 2 car parking spaces with minimum dimensions of 5 metres by 2.5 metres shall be provided within the curtilage of the site in accordance with Drawing Ref: 1456-P03 - Site Plan. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

6. The 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 and to comply with policy CG3 of Bolton's Core Strategy.

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

Existing and Proposed Floor Plans and Elevations

Drawing 1456-P01A

Date - 27.06.16.

Proposed Ground and First Floor Plans

Drawing 1456-P02

Date - 10.05.16.

Proposed Site Plan

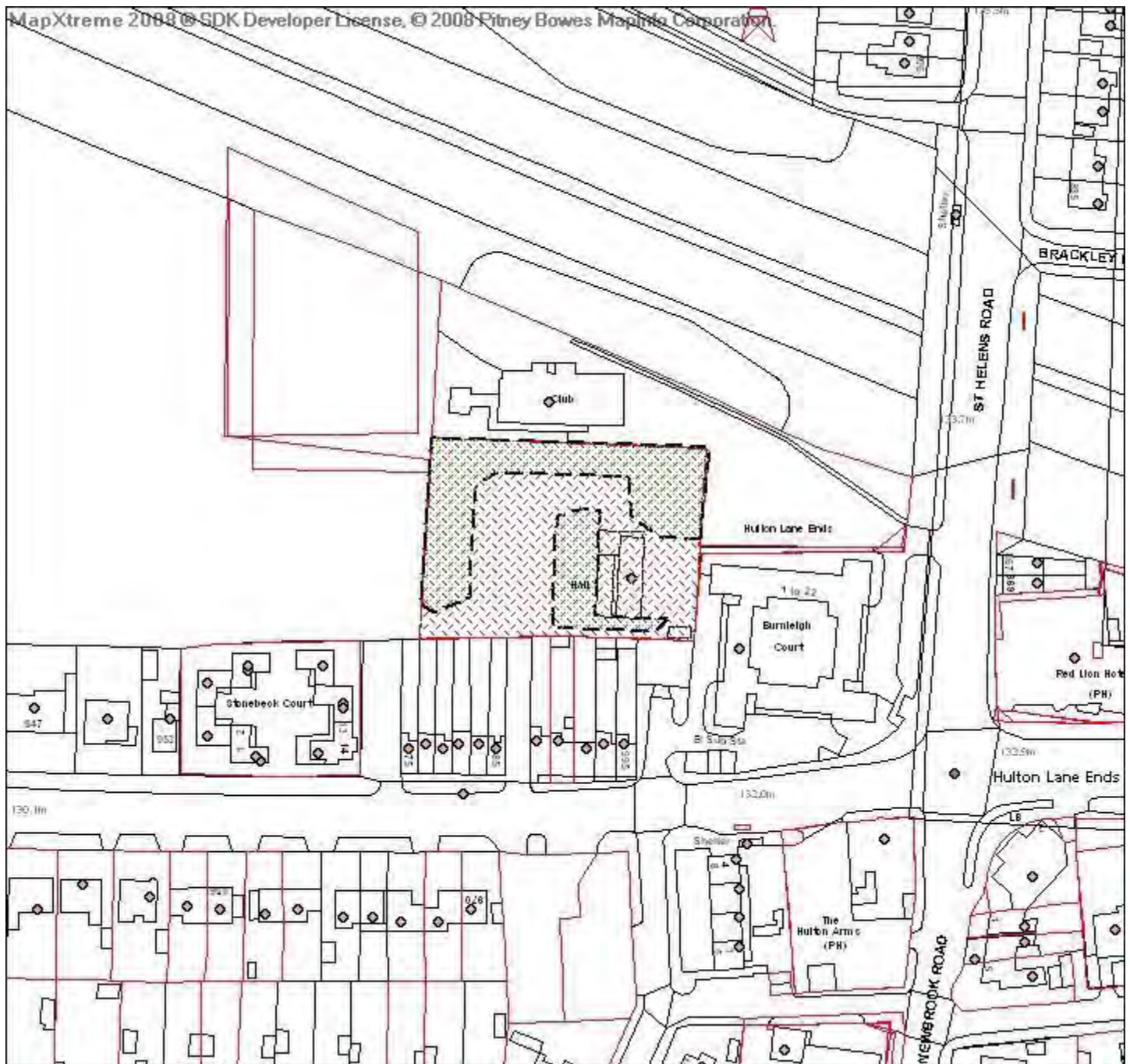
Drawing 1456-P03

Date - 10.05.16.

Reason

For the avoidance of doubt and in the interests of proper planning and to comply with Policies CG3, CG4 and RA1 of Bolton's Core Strategy.

Application number 96540/16



Development & Regeneration Dept
Development Management Section

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

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Date of Meeting: 28/07/2016

Application Reference: 96540/16

Type of Application: Full Planning Application
Registration Date: 09/06/2016
Decision Due By: 03/08/2016
Responsible Officer: Jeanette Isherwood

Location: DOG DIPLOMACY DAY CARE CENTRE THE OLD SCOUT HUT, ST HELENS ROAD, BOLTON, BL5 1AA

Proposal: CHANGE OF USE FROM DOG TRAINING AND PLAY FACILITY TO CHILDREN'S NURSERY.

Ward: Hulton

Applicant: Mucky Munchkins Childcare
Agent :

Officers Report

Recommendation: Approve subject to conditions

Proposal

The application proposes the change of use of the scout hut to a children's' day nursery. Details include the following:-

- The opening hours for the nursery will be 7:30am to 6:00pm, Monday to Friday.
- Internally the building accommodates a main hall, kitchen and toilet facilities and 5 smaller rooms used as an office, snack room/staff room, sleeping room and baby room (for under 2s)
- Current staffing levels are 6 full time and two part time staff.
- Currently there are 14 children but at full capacity would include 45 children with a maximum of 10 staff required.
- A secure, fenced area is existing to the west of the site that will be utilised for outdoor play with the existing fence being approximately 2.1 metres in height.
- The premises are accessed via the main road and has its own access road with an existing tarmac car park to the front.
- Provision of 12 parking spaces including 2 drop off/pick up spaces.

No external alterations are proposed.

Site Characteristics

The former uses of the site include a scout hut and more recently a dog training and play centre. Over Hulton Conservative Club lies to the north, with the M61 beyond. Residential dwellings on Manchester Road are to the south. Back gardens serving those residential dwellings back onto the site. Trees and shrubs can be found within the site. Residential flats in Burnleigh Court lie to the south east. The busy road junction of St Helens Road, Manchester Road, Newbrook Road and Salford Road is to the south east.

Policy

National Planning Policy Framework 2012

Core Strategy CG1.2 Urban Biodiversity; CG4.1 Compatible Uses; CG4.2 Pollution; S1 Safe; P5 Accessibility; OA4.4 Physical Environment of West Bolton and Appendix 3

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 Nearby Uses
- * impact on Trees
- * impact on Accessibility and Highway Safety

Impact on Nearby Uses

Policy CG4.1 requires new development to be compatible with surrounding land uses and ensure neighbouring occupiers have sufficient privacy and amenity. Policy CG4.2 considers that development should not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.

Residents have raised concerns about the level of noise this use has the potential to create.

The operation as set out above is constrained to daytime and early evening hours during weekdays. This represents a limited operation, which would take place against the backdrop of noise generated by the M61 motorway and other highway traffic using local roads. The previous use of the facility was for a dog training and play centre, which in itself would have generated noise with regards to barking dogs. Officers conclude that the scale of this use, in terms of numbers and the location of activities within the site, will not generate an unacceptable impact on neighbouring occupiers.

Impact on Trees

Policy CG1.2 safeguards and enhances biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development, and improving the quality and interconnectivity of wildlife corridors and habitats.

The applicant does not seek to erect structures within the land or any operations close to trees at the site and on this basis the Council's T&WO does not raise issue.

Impact on Accessibility and Highway Safety

Policy P5 of the Council's Core Strategy seeks to promote accessibility by different means of

transport.

Objections have been raised as to the available parking at the site and the potential increased traffic that could be generated.

The site is considered to be in an accessible location, offering excellent transport connections via public and private modes of transport. It is also within walking distance of a number of residential properties in the local area. An existing access point from St Helens Road will be used, which also serves the local Conservative Club, with an additional access leading from that to the site.

The applicants have engaged in correspondence with the Highways Officers and produced a parking plan that delivers the required number of parking spaces to accommodate the maximum amount of staff (based on full capacity) to include drop off and pick up spaces. The parking plan is compliant with the standards contained within Appendix 3 of the Core Strategy and Highways Officers have no objections to the amended proposal subject to conditions.

Conclusion

Officers conclude this application complies with national and local planning policies. The proposal will re-use an existing accessible site in a location suitable for the scale of activity proposed, and furthermore, Officers consider the proposal to have a limited impact on nearby residential property compared to the established background noise from the M61.

Accordingly Members are recommended to approve this application with conditions.

Representation and Consultation Annex

Representations

Letters:- two letters of objection have been received with the concerns detailed in the main body of this report.

Consultations

Advice was sought from the following consultees: Highways, Trees and Woodlands, GM Police, Early Years

Planning History

Permission for a change of use from scout hut to dog training and play facility was approved under reference 88253/12

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

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

Site layout - Dwg No. 01 Rev A - dated 01/06/2016

Reason

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

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

[07:30 - 18:00] Mondays – Fridays

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

Reason

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

4. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from St Helen's Road shall be constructed to a minimum width of 4.5 metres in accordance with the drawing ref 01 Rev A.

Reason

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

5. Before the approved/permitted development is first brought into use no less than 12 car parking spaces with minimum dimensions of 2.5 metres by 5 metres shall be provided within the curtilage of the site, in accordance with Drawing Ref: 01 Rev A approved by the Local Planning Authority. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

6. Prior to the development hereby approved 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.



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DO NOT SCALE FROM THIS DRAWING.
This drawing is to be read in conjunction with all related drawings. All dimensions must be checked and verified on site before commencing any work or material production. The originator should be notified immediately of any discrepancy.



Play Area

Nursery

12 no. Parking Spaces

4562

Site Access/Gate

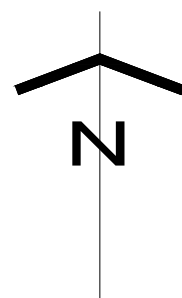
Site Plan 1:200

A 08-06-16 Highways Comments

Rev	Date	Description
Issued For : INFORMATION PURPOSES ONLY		
Client Mucky Munchkins Childcare		
Project St Helens Road Bolton, BL5 1AA		
Scheme - Drawing Title Site Plan		
-/	01	A
Project No.	Drawing No.	Revision
Scale		1:200@A3
		Date 01-06-2016



Site Access Plan 1:500



Rev	Date	Description
Issued For : INFORMATION PURPOSES ONLY		
Client		
Mucky Munchkins Childcare		
Project		
St Helens Road Bolton, BL5 1AA		
Scheme - Drawing Title		
Site Access Plan		
-/	02	Date 01-06-2016
Project No.	Drawing No.	Revision Scale 1:500@A3